

1 SENATE BILL 85

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO CAMPAIGN FINANCE; AMENDING THE CAMPAIGN REPORTING
12 ACT; REQUIRING DISCLOSURES RELATING TO ELECTRONIC
13 COMMUNICATIONS; REVISING THE REPORTING SCHEDULE FOR
14 EXPENDITURES AND CONTRIBUTIONS; STANDARDIZING THE SUPPLEMENTAL
15 REPORTING REQUIREMENTS FOR ALL ELECTIONS TO INCLUDE ANY
16 CONTRIBUTION OR PLEDGE OF ONE THOUSAND DOLLARS (\$1,000) OR
17 MORE; REQUIRING THE REPORTING OF MONETARY CONTRIBUTIONS
18 RECEIVED DURING THE LEGISLATIVE SESSION FUNDRAISING PROHIBITION
19 PERIOD; CLARIFYING AND CHANGING CERTAIN REQUIREMENTS RELATING
20 TO CONTRIBUTIONS AND DONATIONS; AMENDING CERTAIN REPORTING
21 REQUIREMENTS; PROHIBITING USING CAMPAIGN FUNDS TO REPAY LOANS
22 MADE BY THE CANDIDATE THAT ARE SUBJECT TO A RATE OF INTEREST;
23 AMENDING PROVISIONS RELATED TO FUNDRAISING DURING LEGISLATIVE
24 SESSIONS.

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1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

2 SECTION 1. Section 1-19-26 NMSA 1978 (being Laws 1979,
3 Chapter 360, Section 2, as amended) is amended to read:

4 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
5 Act:

6 A. "advertisement" means a communication referring
7 to a candidate or ballot question that is published,
8 disseminated, distributed or displayed to the public by print,
9 broadcast, satellite, cable or electronic media, including
10 recorded phone messages, or by printed materials, including
11 mailers, handbills, signs and billboards, but "advertisement"
12 does not include:

13 (1) a communication by a membership
14 organization or corporation to its current members,
15 stockholders or executive or administrative personnel;

16 (2) a communication appearing in a news story
17 or editorial distributed through a print, broadcast, satellite,
18 cable or electronic medium;

19 (3) a candidate debate or forum or a
20 communication announcing a candidate debate or forum paid for
21 on behalf of the debate or forum sponsor; provided that two or
22 more candidates for the same position have been invited to
23 participate or, in the case of an uncontested election, that
24 the single candidate for the position has been invited to
25 participate;

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1 (4) nonpartisan voter guides allowed by the
2 federal Internal Revenue Code of 1986, as amended, for Section
3 501(c)(3) organizations; or

4 (5) statements made to a court or
5 administrative board in the course of a formal judicial or
6 administrative proceeding;

7 B. "anonymous contribution" means a contribution
8 the contributor of which is unknown to the candidate or the
9 candidate's agent or the political committee or its agent who
10 accepts the contribution;

11 C. "artificial intelligence" means a machine-based
12 or computer-based system that through hardware or software uses
13 input data to emulate the structure and characteristics of
14 input data in order to generate synthetic content, including
15 images, video or audio;

16 D. "ballot question" means a constitutional
17 amendment or other question submitted to the voters in an
18 election;

19 E. "bank account" means an account in a financial
20 institution regulated by the United States or a state of the
21 United States;

22 F. "campaign committee" means an association of two
23 or more persons authorized by a candidate to act on the
24 candidate's behalf for the purpose of electing the candidate to
25 office; provided that a candidate shall not authorize more than

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1 one campaign committee;

2 G. "campaign expenditure" means an expenditure that
3 is made by a campaign committee or by a candidate in support of
4 the candidate's campaign in an election;

5 H. "candidate" means an individual who seeks or
6 considers an office in an election covered by the Campaign
7 Reporting Act, including a public official, who has filed a
8 declaration of candidacy and has not subsequently filed a
9 statement of withdrawal or:

10 (1) for a nonstatewide office, has received
11 contributions or made expenditures of more than one thousand
12 dollars (\$1,000) or authorized another person or campaign
13 committee to receive contributions or make expenditures of more
14 than one thousand dollars (\$1,000) for the purpose of seeking
15 election to the office; or

16 (2) for a statewide office, has received
17 contributions or made expenditures of more than three thousand
18 dollars (\$3,000) or authorized another person or campaign
19 committee to receive contributions or make expenditures of more
20 than three thousand dollars (\$3,000) for the purpose of seeking
21 election to the office or for candidacy exploration purposes in
22 the years prior to the year of the election;

23 I. "contribution":

24 (1) means a gift, subscription, loan, advance
25 or deposit of money or other thing of value, including the

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1 estimated value of an in-kind contribution, that is made or
2 received for a political purpose, including payment of a debt
3 incurred in an election campaign;

4 (2) includes a coordinated expenditure;

5 (3) does not include the value of services
6 provided without compensation or unreimbursed travel or other
7 personal expenses of individuals who volunteer a portion or all
8 of their time on behalf of a candidate or political committee
9 nor does it include the administrative or solicitation expenses
10 of a political committee that are paid by an organization that
11 sponsors the committee; and

12 (4) does not include the value of the
13 incidental use of the candidate's personal property, home or
14 business office for campaign purposes;

15 J. "coordinated expenditure" means an expenditure
16 that is made:

17 (1) by a person other than a candidate or
18 campaign committee;

19 (2) at the request or suggestion of, or in
20 cooperation, consultation or concert with, a candidate,
21 campaign committee or political party or any agent or
22 representative of a candidate, campaign committee or political
23 party; and

24 (3) for the purpose of:

25 (a) supporting or opposing the

1 nomination or election of a candidate; or

2 (b) paying for an advertisement that
3 refers to a clearly identified candidate and is published and
4 disseminated to the relevant electorate in New Mexico within
5 thirty days before the primary election or sixty days before
6 the general election in which the candidate is on the ballot;

7 K. "deliver" or "delivery" means to deliver by
8 certified or registered mail, telecopier, electronic
9 transmission or facsimile or by personal service;

10 L. "depicted individual" means an individual whose
11 image, photo, likeness or voice is represented in an
12 advertisement or other media in such a manner that results in
13 the individual being identifiable;

14 M. "distribution platform" means a website,
15 internet forum or message board, application or a published
16 newspaper, magazine or other periodical of general circulation,
17 including an internet or electronic publication, that carries
18 news and commentary;

19 N. "election" means any primary, general or
20 statewide special election in New Mexico and includes county
21 and judicial retention elections but excludes federal,
22 municipal, school board and special district elections;

23 O. "election year" means an even-numbered year in
24 which an election covered by the Campaign Reporting Act is
25 held;

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1 P. "expenditure" means a payment, transfer or
2 distribution or obligation or promise to pay, transfer or
3 distribute any money or other thing of value, [~~for a political~~
4 ~~purpose~~] including payment of a debt incurred in an election
5 campaign or pre-primary convention:

6 (1) by a campaign committee or a political
7 committee;

8 (2) by a public official or candidate in
9 support of the public official's or candidate's campaign for
10 office in an election covered by the Campaign Reporting Act; or

11 (3) to pay for an advertisement that refers to
12 a candidate or ballot question;

13 Q. "independent expenditure" means an expenditure
14 that is:

15 (1) made by a person other than a candidate or
16 campaign committee;

17 (2) not a coordinated expenditure as defined
18 in the Campaign Reporting Act; and

19 (3) made to pay for an advertisement that:

20 (a) expressly advocates the election or
21 defeat of a clearly identified candidate or the passage or
22 defeat of a clearly identified ballot question;

23 (b) is susceptible to no other
24 reasonable interpretation than as an appeal to vote for or
25 against a clearly identified candidate or ballot question; or

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1 (c) refers to a clearly identified
2 candidate or ballot question and is published and disseminated
3 to the relevant electorate in New Mexico within thirty days
4 before the primary election or sixty days before the general
5 election at which the candidate or ballot question is on the
6 ballot;

7 R. "legislative caucus committee" means a political
8 committee established by the members of a political party in a
9 chamber of the legislature;

10 S. "materially deceptive media" means an image,
11 video or audio that:

12 (1) depicts an individual engaged in conduct
13 or speech in which the depicted individual did not engage;

14 (2) was published, disseminated, distributed
15 or displayed to the public without the consent of the depicted
16 individual; and

17 (3) was produced in whole or in part by using
18 artificial intelligence;

19 T. "person" means an individual or entity;

20 U. "political committee" means:

21 (1) a political party;

22 (2) a legislative caucus committee;

23 (3) an association that consists of two or

24 more persons whose primary purpose is to make contributions to
25 candidates, campaign committees or political committees or make

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1 coordinated expenditures or any combination thereof; or

2 (4) an association that consists of two or
3 more persons whose primary purpose is to make independent
4 expenditures and that has received more than five thousand
5 dollars (\$5,000) in contributions or made independent
6 expenditures of more than five thousand dollars (\$5,000) in the
7 election cycle;

8 V. "political party" means an association that has
9 qualified as a political party pursuant to the provisions of
10 Section 1-7-2 NMSA 1978;

11 W. "political purpose" means for the purpose of
12 supporting or opposing a ballot question or the nomination or
13 election of a candidate;

14 X. "prescribed form" means a form or electronic
15 format prepared and prescribed by the secretary of state;

16 Y. "public official" means a person elected to an
17 office in an election covered by the Campaign Reporting Act or
18 a person appointed to an office that is subject to an election
19 covered by that act; and

20 Z. "reporting individual" means a public official,
21 candidate or treasurer of a campaign committee or a treasurer
22 of a political committee."

23 **SECTION 2.** Section 1-19-26.3 NMSA 1978 (being Laws 2002,
24 Chapter 89, Section 1) is amended to read:

25 "1-19-26.3. CAMPAIGN COMMITTEE AND POLITICAL COMMITTEE

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1 EXPENDITURES--DISCLOSURE--TELEPHONE CALLS OR ELECTRONIC
2 COMMUNICATIONS--RECORDS.--

3 A. A campaign committee or political committee that
4 is required to register pursuant to the Campaign Reporting Act
5 shall not expend campaign or political committee funds to,
6 directly or indirectly, pay for a telephone call or electronic
7 communication without disclosing to the recipient the name of
8 the organization that authorized or paid for the call or
9 electronic communication if the call or electronic
10 communication:

11 (1) is one of five hundred or more calls or
12 electronic communications that are similar in nature made
13 during an election cycle by an individual or individuals, or by
14 electronic means; and

15 (2) advocates support for, or opposition to, a
16 candidate for public office or ballot measure.

17 B. The campaign committee or political committee
18 that pays for a call or electronic communication referred to in
19 Subsection A of this section shall be disclosed in the call or
20 electronic communication unless the organization that
21 authorized the call or electronic communication and in whose
22 name it is placed has filing obligations pursuant to the
23 Campaign Reporting Act and the name announced in the call or
24 electronic communication is either:

25 (1) the full name by which the organization or

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1 individual is identified in any statement or report required to
2 be filed pursuant to the Campaign Reporting Act; or

3 (2) the name by which the organization or
4 individual is commonly known.

5 C. A campaign committee or political committee that
6 pays directly or indirectly for telephone calls or electronic
7 communications as described in Subsection A of this section
8 shall maintain a record of the script of the calls or
9 electronic communications for at least ninety days following
10 election day. If any of the calls or electronic communications
11 qualifying pursuant to Subsection A of this section are
12 recorded messages, a copy of the recording shall also be
13 maintained for that period.

14 D. A campaign committee or political committee may
15 not contract with a phone bank vendor or electronic
16 communication vendor that does not disclose the information
17 required to be disclosed by Subsection A or B of this section."

18 SECTION 3. Section 1-19-27.3 NMSA 1978 (being Laws 2019,
19 Chapter 262, Section 1) is amended to read:

20 "1-19-27.3. INDEPENDENT EXPENDITURES--REPORTING
21 REQUIREMENTS.--

22 A. A person who makes an independent expenditure
23 [~~not otherwise required to be reported under the Campaign~~
24 ~~Reporting Act]~~ shall file a report with the secretary of state
25 within:

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1 (1) three days of making the expenditure if
2 the expenditure, by itself or aggregated with all independent
3 expenditures made by the same person during the election cycle,
4 exceeds one thousand dollars (\$1,000) in a nonstatewide
5 election or three thousand dollars (\$3,000) in a statewide
6 election; or

7 (2) twenty-four hours of making the
8 expenditure if the expenditure is in an amount of three
9 thousand dollars (\$3,000) or more and is made within seven days
10 before a nonstatewide or statewide election.

11 B. The report required by Subsection A of this
12 section shall state:

13 (1) the name and address of the person who
14 made the independent expenditure;

15 (2) the name and address of the person to whom
16 the independent expenditure was made and the amount, date and
17 purpose of the independent expenditure. If no reasonable
18 estimate of the monetary value of a particular expenditure is
19 practicable, it is sufficient to report instead a description
20 of the services, property or rights furnished through the
21 expenditure; and

22 (3) the source of the contributions or
23 donations used to make the independent expenditure as provided
24 in Subsections C and D of this section.

25 C. A person who makes independent expenditures

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1 required to be reported under this section in an amount
2 totaling three thousand dollars (\$3,000) or less in a
3 nonstatewide election or nine thousand dollars (\$9,000) or less
4 in a statewide election shall report the name and address of
5 each person who has made contributions of more than a total of
6 two hundred dollars (\$200) in the election cycle that were
7 earmarked for or made in response to a solicitation to fund
8 independent expenditures and shall report the amount of each
9 such contribution made by that person.

10 D. A person who makes independent expenditures
11 required to be reported under this section in an amount
12 totaling more than three thousand dollars (\$3,000) in a
13 nonstatewide election or nine thousand dollars (\$9,000) in a
14 statewide election, in addition to reporting the information
15 specified in Subsection C of this section, shall either:

16 (1) if the expenditures were made exclusively
17 from a segregated bank account consisting only of funds
18 contributed to the account by individuals to be used for making
19 independent expenditures, report the name and address of, and
20 amount of each contribution made by, each contributor who
21 contributed more than two hundred dollars (\$200) to that
22 account in the election cycle; or

23 (2) if the expenditures were made in whole or
24 part from funds other than those described in Paragraph (1) of
25 this subsection, report the name and address of, and amount of

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1 each [~~contribution~~] donation made by, each [~~contributor~~] donor
2 who [~~contributed~~] donated more than a total of five thousand
3 dollars (\$5,000) during the election cycle to the person making
4 the expenditures; provided, however, that a [~~contribution~~]
5 donation is exempt from reporting pursuant to this paragraph
6 if:

7 (a) the [~~contributor~~] donor requested in
8 writing that the [~~contribution~~] donation not be used to fund
9 independent or coordinated expenditures or to make
10 contributions to a candidate, campaign committee or political
11 committee; and

12 (b) the donation is deposited in a
13 segregated bank account that is not used to fund independent or
14 coordinated expenditures or to make contributions to a
15 candidate, campaign committee or political committee.

16 E. If a person who has made a report required by
17 this section is required to make subsequent reports during the
18 election cycle, the information concerning contributions or
19 donations in the subsequent reports shall cover only
20 contributions or donations not previously reported.

21 F. For the purposes of this section, "donation"
22 means a payment or transfer, or promise of payment or transfer,
23 of money or other thing of value to a person who makes
24 independent expenditures, but "donation" does not include:

25 (1) a payment or transfer made in a commercial

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1 transaction in the ordinary course of a trade or business;

2 (2) compensation for services rendered,
3 capital invested or payment for a sale of property that is
4 reasonable in amount and commensurate with the value of the
5 services rendered, the magnitude of the risk undertaken on the
6 investment or the property sold;

7 (3) a commercially reasonable loan made in the
8 ordinary course of business by an institution authorized by the
9 laws of the state to engage in the business of making loans;

10 (4) a gift on a special occasion from a family
11 member or close personal friend; or

12 (5) a personal loan from a family member or a
13 repayment of such a loan."

14 SECTION 4. Section 1-19-29 NMSA 1978 (being Laws 1993,
15 Chapter 46, Section 5, as amended) is amended to read:

16 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

17 A. Except as otherwise provided in this section,
18 all reporting individuals shall file with the secretary of
19 state no later than the second [~~Monday in April and October~~]
20 Tuesday after the first Monday in June and on January 7 of the
21 following year a report of all expenditures made and
22 contributions received on or before the first [~~Monday in those~~
23 ~~months~~] Tuesday after the first Monday in June and December 31,
24 respectively, and not previously reported; provided that, if
25 the date falls on a state holiday, the report shall be filed no

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1 later than the next business day. The report shall be filed
2 biannually until the provisions specified in Subsection [F] G
3 or H of this section have been satisfied.

4 B. In an election year, instead of the biannual
5 reports provided for in Subsection A of this section, all
6 reporting individuals, except for public officials who are not
7 candidates in an election that year, shall file reports of all
8 expenditures made and contributions received or, if applicable,
9 statements of no activity, according to the following schedule:

10 (1) no later than the second Monday in April,
11 a report of all expenditures made and contributions received on
12 or before the first Monday in April and not previously
13 reported;

14 (2) no later than the second Monday in May, a
15 report of all expenditures made and contributions received on
16 or before the first Monday in May and not previously reported;

17 (3) no later than the second Monday in
18 September, a report of all expenditures made and contributions
19 received on or before the first Monday in September and not
20 previously reported;

21 (4) no later than the second Monday in
22 October, a report of all expenditures made and contributions
23 received on or before the first Monday in October and not
24 previously reported; provided that if the second Monday of
25 October is a state holiday, the report shall be made on the

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1 following day;

2 (5) no later than the Thursday before a
3 primary, general or statewide special election, a report of all
4 expenditures made and contributions received by 5:00 p.m. on
5 the Tuesday before the election and not previously reported.
6 Any expenditure that is made or contribution or pledge to
7 contribute that is received after 5:00 p.m. on the Tuesday
8 before the election and that is for [~~more than~~] one thousand
9 dollars (\$1,000) [~~in a nonstatewide election, or more than~~
10 ~~three thousand dollars (\$3,000) in a statewide election]~~ or
11 more shall be reported to the secretary of state either in a
12 supplemental report on a prescribed form within twenty-four
13 hours [~~of receipt~~] or in the report to be filed no later than
14 the Thursday before a primary, general or statewide special
15 election, except that any such expenditure that is made or
16 contribution or pledge to contribute that is received after
17 5:00 p.m. on the Friday before the election may be reported by
18 12:00 noon on the Monday before the election;

19 (6) no later than the [~~thirtieth~~] seventh day
20 after a primary election, a report by all reporting
21 individuals, except those individuals that become candidates
22 after the primary election, of all expenditures made and
23 contributions received on or before the [~~twenty-fifth day~~
24 ~~after~~] day of the primary election and not previously reported;

25 (7) no later than the thirtieth day after a

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1 statewide special election, a report of all expenditures made
2 and contributions received on or before the twenty-fifth day
3 after the statewide special election and not previously
4 reported; [~~and~~]

5 (8) no later than the seventh day after a
6 general election, a report of all expenditures made and
7 contributions received on or before the day of the general
8 election and not previously reported; and

9 [~~(8)~~] (9) no later than January 7 after a
10 general election, a report of all expenditures made and
11 contributions received on or before December 31 after the
12 general election and not previously reported.

13 C. If a reporting individual is subject to the
14 legislative session fundraising prohibition pursuant to Section
15 1-19-34.1 NMSA 1978 and receives monetary contributions during
16 a prohibited period, the reporting individual shall file a
17 report of all of the monetary contributions received but not
18 returned during the prohibited period no later than the seventh
19 day after the end of the prohibited period.

20 [~~(C)~~] D. If a candidate, political committee,
21 campaign committee or public official has not received any
22 contributions and has not made any expenditures since the
23 candidate's, committee's or official's last report was filed
24 with the proper filing officer, the candidate, committee or
25 official shall only be required to file a statement of no

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1 activity, which shall not be required to be notarized, in lieu
2 of a full report when that report would otherwise be due and
3 shall not be required to file a full report until the next
4 required filing date occurring after an expenditure is made or
5 a contribution is received.

6 ~~[D-]~~ E. In an election year, a public official who
7 is not a candidate shall file biannual reports of expenditures
8 made and contributions received or statements of no activity in
9 accordance with the schedule provided for in Subsection A of
10 this section.

11 ~~[E-]~~ F. A report of expenditures and contributions
12 filed after a deadline set forth in this section shall not be
13 deemed to have been timely filed.

14 ~~[F-]~~ G. Except for candidates, campaign committees
15 and public officials who file a statement of no activity, each
16 candidate, campaign committee or public official shall file a
17 report of expenditures and contributions pursuant to the filing
18 schedules set forth in this section, regardless of whether any
19 expenditures were made or contributions were received during
20 the reporting period. Reports shall be required until the
21 reporting individual delivers a report to the secretary of
22 state stating that:

- 23 (1) there are no outstanding campaign debts;
24 (2) all money has been expended in accordance
25 with the provisions of Section 1-19-29.1 NMSA 1978; and

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1 (3) the bank accounts have been closed.

2 [~~G. If, during a nonelection year, a political~~
3 ~~committee has not received any contributions or made any~~
4 ~~coordinated or independent expenditures since it filed its last~~
5 ~~report pursuant to this section, it need not file any report~~
6 ~~under this section until the next reporting period, if any, in~~
7 ~~which it receives contributions or makes expenditures. A~~
8 ~~political committee that has not received any contributions or~~
9 ~~made any coordinated or independent expenditures for a~~
10 ~~continuous period of at least one year may cancel its~~
11 ~~registration as a political committee by submitting an~~
12 ~~appropriate request in writing to the secretary of state. The~~
13 ~~committee shall retain the obligation to submit a new~~
14 ~~registration pursuant to Section 1-19-26.1 NMSA 1978 in the~~
15 ~~event that its future activities meet the requisites for~~
16 ~~registration under that section.~~]

17 H. A reporting individual who is a candidate within
18 the meaning of the Campaign Reporting Act because of the amount
19 of contributions the candidate receives or expenditures the
20 candidate makes and who does not ultimately file a declaration
21 of candidacy or a nominating petition with the secretary of
22 state and does not file a statement of no activity shall file
23 biannual reports in accordance with Subsection A of this
24 section.

25 I. Reports required by this section shall be

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1 subscribed and sworn to by the candidate or the treasurer of
2 the political committee or, in the case of candidates for
3 judicial office, by the treasurer of the candidate's campaign
4 committee. A report filed electronically shall be
5 electronically authenticated by the candidate or the treasurer
6 of the committee using an electronic signature in conformance
7 with the Electronic Authentication of Documents Act and the
8 Uniform Electronic Transactions Act. For the purposes of the
9 Campaign Reporting Act, a report that is electronically
10 authenticated in accordance with the provisions of this
11 subsection shall be deemed to have been subscribed and sworn to
12 by the candidate or the treasurer of the committee who was
13 required to file the report.

14 J. Reports required by this section shall be filed
15 electronically by all reporting individuals.

16 K. Reporting individuals may apply to the secretary
17 of state for exemption from electronic filing in case of
18 hardship, which shall be defined by the secretary of state."

19 SECTION 5. Section 1-19-29.1 NMSA 1978 (being Laws 1993,
20 Chapter 46, Section 6, as amended) is amended to read:

21 "1-19-29.1. CAMPAIGN FUNDS--LIMITATION ON USE.--

22 A. It is unlawful for a candidate or the
23 candidate's agent to make an expenditure of contributions
24 received, except for the following purposes or as otherwise
25 provided in this section:

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- 1 (1) expenditures of the campaign;
- 2 (2) expenditures of legislators that are
- 3 reasonably related to performing the duties of the office held,
- 4 including mail, telephone and travel expenditures to serve
- 5 constituents, but excluding personal and legislative session
- 6 living expenses;
- 7 (3) donations to the state general fund;
- 8 (4) donations to an organization to which a
- 9 federal income tax deduction would be permitted under
- 10 Subparagraph (A) of Paragraph (1) of Subsection (b) of Section
- 11 170 of the Internal Revenue Code of 1986, as amended;
- 12 (5) expenditures to eliminate the campaign
- 13 debt of the candidate for the office sought or expenditures
- 14 incurred by the candidate when seeking election to another
- 15 public office covered by the Campaign Reporting Act;
- 16 (6) donations to a political committee or to
- 17 another candidate seeking election to public office addressed
- 18 within the Campaign Reporting Act; or
- 19 (7) disbursements to return unused funds pro
- 20 rata to the contributors if no campaign debt exists.

21 B. It is unlawful for any person to make an

22 expenditure to repay a loan that is received from the candidate

23 that includes a rate of interest.

24 [~~B.~~] C. A judge subject to a nonpartisan retention

25 election or a candidate for judicial office shall solicit or

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1 accept campaign funds and return unused funds in accordance
2 with the provisions of the Code of Judicial Conduct.

3 [~~G.~~] D. No contributions solicited for or received
4 in a federal election campaign may be used in a state election
5 campaign."

6 SECTION 6. Section 1-19-31 NMSA 1978 (being Laws 1979,
7 Chapter 360, Section 7, as amended) is amended to read:

8 "1-19-31. CONTENTS OF REPORT.--Each required report of
9 expenditures and contributions shall be typed or printed
10 legibly, or on a computer disc or format approved by the
11 secretary of state, and shall include:

12 A. the name and address of the person or entity to
13 whom an expenditure was made or from whom a contribution was
14 received, except as provided for anonymous contributions or
15 contributions received from special events as provided in
16 Section 1-19-34 NMSA 1978; provided that for contributors, the
17 name of the entity or the first and last names of any
18 individual shall be the full name of the entity or individual,
19 and initials only shall not constitute a full name unless that
20 is the complete legal name;

21 B. the occupation, name and type of business, as
22 applicable, of any individual or entity making contributions of
23 two hundred dollars (\$200) or more in the aggregate per
24 election;

25 C. the amount of the expenditure or contribution or

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1 value thereof;

2 D. the purpose of the expenditure;

3 E. the date that the expenditure was made or the
4 contribution was received;

5 F. the opening and closing cash balance for the
6 bank accounts maintained by the reporting individual during the
7 reporting period and the name of the financial institution for
8 each account; and

9 G. the amount of each unpaid debt and the identity
10 of the person to whom the debt is owed, the terms of any loan
11 that a candidate makes to the candidate's campaign committee
12 and evidence of any loan that a candidate makes to the
13 candidate's campaign committee."

14 SECTION 7. Section 1-19-34.1 NMSA 1978 (being Laws 1993,
15 Chapter 46, Section 12, as amended) is amended to read:

16 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING

17 PROHIBITION.--

18 A. It is unlawful during the prohibited period for
19 ~~[a state legislator, the attorney general, the secretary of~~
20 ~~state, the state treasurer, the commissioner of public lands or~~
21 ~~the state auditor or a candidate for state legislator, attorney~~
22 ~~general, secretary of state, state treasurer, commissioner of~~
23 ~~public lands or state auditor, or any agent on behalf of the~~
24 ~~attorney general, the secretary of state, the state treasurer,~~
25 ~~the commissioner of public lands or the state auditor or a~~

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1 ~~candidate for attorney general, the secretary of state, state~~
2 ~~treasurer, commissioner of public lands or state auditor]~~ an
3 incumbent or candidate for a proscribed office, a campaign
4 committee or a legislative caucus committee to [~~knowingly~~]:

5 (1) solicit a contribution governed by the
6 Campaign Reporting Act; [~~For purposes of this subsection,~~
7 ~~"prohibited period" means that period beginning January 1 prior~~
8 ~~to any regular session of the legislature or, in the case of a~~
9 ~~special session, after the proclamation has been issued, and~~
10 ~~ending on adjournment of the regular or special session.~~

11 B. ~~It is unlawful during the prohibited period for~~
12 ~~the governor or the lieutenant governor, or any agent on the~~
13 ~~governor's or the lieutenant governor's behalf, to knowingly~~
14 ~~solicit a contribution governed by the Campaign Reporting Act.~~
15 ~~For purposes of this subsection, "prohibited period" means that~~
16 ~~period beginning January 1 prior to any regular session of the~~
17 ~~legislature or, in the case of a special session, after the~~
18 ~~proclamation has been issued, and ending on the twentieth day~~
19 ~~following the adjournment of the regular or special session.]~~
20 or

21 (2) accept a contribution from a lobbyist,
22 lobbyist's employer, incumbent or candidate, campaign committee
23 or political committee.

24 B. As used in this section:

25 (1) "incumbent or candidate" means:

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1 (a) a person currently holding an office
2 subject to election;

3 (b) a person who is a candidate for an
4 office subject to election;

5 (c) a campaign committee; or

6 (d) an agent on behalf of a person or a
7 committee described in Subparagraphs (a) through (c) of this
8 paragraph;

9 (2) "lobbyist" means a person who is required
10 to register as a lobbyist pursuant to the provisions of the
11 Lobbyist Regulation Act;

12 (3) "lobbyist's employer" means the person
13 whose interests are being represented and by whom a lobbyist is
14 directly or indirectly retained, compensated or employed;

15 (4) "prohibited period" means:

16 (a) for an incumbent or candidate for
17 any proscribed office other than governor or lieutenant
18 governor and for a campaign committee or a legislative caucus
19 committee, the period beginning January 1 prior to any regular
20 session of the legislature or, in the case of a special or
21 extraordinary session, the lesser of the period beginning after
22 the proclamation has been issued or seventy-two hours prior to
23 the start of the special or extraordinary session, and ending
24 on the first calendar day after adjournment of the regular,
25 special or extraordinary session; and

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(b) for an incumbent or candidate for governor or lieutenant governor, the period beginning January 1 prior to any regular session of the legislature or, in the case of a special or extraordinary session, the lesser of the period beginning after the proclamation has been issued or seventy-two hours prior to the start of the special or extraordinary session, and ending on the earlier of the twenty-first day following adjournment of the regular, special or extraordinary session or the first calendar day after all bills passed by the legislature have been signed or vetoed and deposited with the secretary of state; and

(5) "proscribed office" means:

- (a) governor;
- (b) lieutenant governor;
- (c) secretary of state;
- (d) attorney general;
- (e) state auditor;
- (f) state treasurer;
- (g) commissioner of public lands;
- (h) state senator; and
- (i) state representative."