



New Mexico
Office of the Secretary of State
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New Mexico Public Financing Guide for the 2022 Election Cycle



Revision History

| Revision Number | Date | Updates |
|-----------------|------------|--|
| 1.0 | 09/01/2021 | <ul style="list-style-type: none">• Version 1.0 |
| 1.1 | 09/08/2021 | <ul style="list-style-type: none">• Revision to qualifying contribution numbers. |
| 1.2 | 09/14/2021 | <ul style="list-style-type: none">• Revision to fund distribution amounts and added Judicial District vacancies. |
| 1.3 | 10/21/2021 | <ul style="list-style-type: none">• Electronic Fund Transfer (EFT) Guidance |
| 1.4 | 12/08/2021 | <ul style="list-style-type: none">• Revision to fund distribution amounts |
| 1.5 | 02/9/2022 | <ul style="list-style-type: none">• Revision to 2022 Elections to comply with Proclamation |
| 1.6 | 06/23/2022 | <ul style="list-style-type: none">• Added calculations for judgeships introduced in crime bill |

Introduction

The information contained in the New Mexico Public Financing Guide for the 2022 Election Cycle (Guide) is intended for use as a reference for candidates interested in applying for public financing for the 2022 election cycle. We encourage you to always refer to the Voter Action Act, Sections 1-19A-1 to 1-19A-17 NMSA 1978 (VAA), as the ultimate legal authority.

Our office is happy to assist candidates and their campaign committees with the VAA application and certification process. If you are pursuing public financing, we strongly suggest reviewing both the VAA and this Guide before beginning the process.

For further information, please contact the ethics staff of the Bureau of Elections. The ethics staff can provide you with the required forms and assist with any questions regarding application procedures.

New Mexico Bureau of Elections – Ethics Staff

Telephone: (505) 827-3600 / (800) 477-3632

Email: sos.elections@state.nm.us

For your convenience, the Guide and all VAA forms and information are available on our website: [2022 New Mexico Public Financing Information](#).

Key Terms

Applicant candidate: A candidate running for a covered office and seeking to be a certified candidate in a primary or general election.

Certified candidate: A candidate running for a covered office who chooses to obtain financing pursuant to the Voter Action Act and is certified as a Voter Action Act candidate. An applicant candidate becomes a certified candidate upon submittal and the secretary of state determination under Sections 1-19-A-4 to 1-19A6 NMSA 1978.

Contested: There are more candidates for a position than the number to be elected to that position.

Contribution: A gift of money or thing of value made for the purpose of supporting or opposing a candidate for public office, not including qualifying contributions, the value of donated services or volunteer time, or the incidental use of the candidate's personal property, home, or business office. See Section 1-19A-2 (D) NMSA for a detailed description of contributions.

Coordinated expenditure: An expenditure that is made by a person other than the candidate or campaign committee, in concert with a candidate, campaign committee, or political party, or representative of the same, for the purpose of supporting or opposing the candidate, including paying for advertisements that refers to a clearly identified candidate. See Section 1-19A-2 (E) NMSA for a detailed description of coordinated expenditures.

Covered office: Any office of the judicial department subject to statewide selection and the office of district judge.

Expenditure – A payment, transfer, or distribution of, or a promise to pay, transfer, or distribute, any money or other thing of value for the purpose of supporting or opposing the nomination or election of a candidate.

Independent candidate: A candidate that is not associated with a political party or is a member of a non-qualified minor party. This is also described as a declined to state (DTS) candidate.

Major party candidate: A candidate registered with a political party that has been qualified as a major party according to Section 1-7-2 NMSA 1978. As of July 22, 2021, the following parties are qualified major parties in New Mexico:

- Democratic Party of New Mexico
- Republican Party of New Mexico
- Libertarian Party of New Mexico

Minor party candidate: A candidate registered with a political party that has been qualified as a minor party according to Section 1-7-2 NMSA 1978. As of July 22, 2021, the following parties are qualified minor parties in New Mexico:

- New Mexico Working Families Party

Qualifying contribution: A contribution to the Public Election Fund in the amount of five dollars (\$5) in support of an applicant candidate. There are specific restrictions and requirements for making and accepting a qualifying contribution that are outlined further in the Guide.

Qualifying period: The designated time period in which an applicant candidate may collect contributions.

Voter Action Act: The statutory authority that outlines and governs public financing in New Mexico. Sections 1-19A-1 to 1-19A-17 NMSA 1978.

For a complete list of key terms (definitions) used in the VAA, please see Section 1-19A-2 NMSA 1978.

Who is eligible to apply for public financing?

Candidates for the statewide judicial offices (New Mexico Supreme Court Justice and Court of Appeals Judge) and the office of district judge are eligible to apply for public financing under the VAA. The VAA specifically excludes judicial retention elections from public financing.

The following covered offices are eligible to apply for public financing in the 2022 election cycle:

1. *Supreme Court Justice - Position 1*
2. *Supreme Court Justice – Position 2*
3. *Judge of the Court of Appeals - Position 1*
4. *Judge of the Court of Appeals - Position 2*
5. *District Judge - Second Judicial District*
6. *District Judge - Third Judicial District*
7. *District Judge - Fourth Judicial District*
8. *District Judge - Fifth Judicial District*
9. *District Judge - Seventh Judicial District*
10. *District Judge - Ninth Judicial District*
11. *District Judge - Twelfth Judicial District*
12. *District Judge – Thirteenth Judicial District*

The Guide will be updated if there are additional vacancies on the ballot for covered offices.

What is public financing?

The VAA provides individuals seeking candidacy for eligible offices with an opportunity to apply for public funds to finance the candidate's campaign. The funds are held by the state treasury in the public election fund (Fund) and disbursed to candidates once they are certified by the Office of the Secretary of State (SOS).

Participation in public financing is optional. However, candidates that participate are required to follow the application process prescribed by the SOS to be certified. The application process is outlined further in a later section of the Guide.

Candidates who qualify to receive public financing are subject to all requirements under the VAA, as well as all other applicable statutes and administrative rules, including, but not limited to, the New Mexico Campaign Reporting Act. Additionally, judicial candidates have specific

requirements prescribed by the Judicial Code of Conduct (Code). Although the SOS is not responsible for the administration of the Code, the SOS has developed the application process in alignment with the Code in an effort to reduce any conflicts for participating judicial candidates.

It is important to note the restrictions on collecting campaign contributions under the VAA. Candidates who are applying for public financing may not collect contributions that are not explicitly authorized by the VAA. Certified candidates are eligible to receive two distributions from the Fund; one for the primary election and one for the general election. The funds for the general election will only be provided to certified candidates who are successful in the primary election.

The VAA provides a formula to determine the number of contributions required for certification as well as the amount to be disbursed from the Fund. The SOS has determined the amounts using the formulas based on the number of registered voters as of August 31, 2021. The number of qualifying contributions and the amount of fund distributions for both the primary and general elections are finalized at the beginning of the election cycle and **will not** be readjusted based upon voter registration growth or decline throughout the election cycle. The specific number of qualifying contributions and fund distribution amounts are outlined further in a later section of this Guide.

What should interested candidates do first?

Once a candidate has decided to apply for public financing, he or she must file a Declaration of Intent with the SOS prior to accepting contributions for office. A candidate who would like to file a Declaration of Intent may do so by completing and submitting the form prescribed by the SOS, which is available on the SOS's website: Declaration of Intent Form. The completed form may be mailed or delivered in person at the SOS during regular business hours. A time-stamped copy of the received form may be provided to the candidate upon request.

- A candidate may submit the form as early as August 1, 2021, and not later than March 12, 2022, by 5:00pm for candidates seeking funding for the primary election only or both the primary and general elections.
- The deadline to apply is June 23, 2022, by 5:00pm for candidates seeking funding for the general election.
- Upon filing the Declaration of Intent to pursue public financing, a candidate becomes an **applicant candidate** and is subject to all of the provisions and requirements of the VAA.
- A candidate is prohibited from collecting **qualifying contributions** before filing a Declaration of Intent with the SOS.

A person is not eligible to become an applicant candidate if the person has accepted contributions totaling more than one hundred dollars (\$100) from any one contributor, unless:

- The contributions were for an office other than a covered office, and no money was raised or spent for a covered office during the time those contributions were made;
- The person does not solicit or accept contributions after the person declares candidacy for a covered office or becomes an applicant candidate;
- The person places all campaign account money that was collected before the person became an applicant candidate in a segregated bank account and does not transfer any money into or out of that account for the duration of the person’s campaign for a covered office; and

The person agrees that, if elected to the covered office, the person will transfer all money in the campaign account to the **Public Election Fund**.

When is the qualifying period?

The qualifying period is the timeframe in which applicant candidates may collect the required amount of qualifying contributions. The qualifying period depends on which election candidates would like to seek public financing for.

Primary election only or both primary and general elections

Candidates seeking financing for the primary election only or for both the primary and general elections may collect qualifying contributions from October 1, 2021, through March 15, 2022.

General election only

Candidates seeking financing for the general election only may collect qualifying contributions from January 1, 2022, through June 23, 2022.

What is a qualifying contribution?

A qualifying contribution is a donation of exactly five dollars (\$5.00) in the form of cash, check, money order, or an electronic form of payment paid to the **Public Election Fund**.

Qualifying contributions are collected by either the candidate and/or their representative. The individual that collects the contribution is responsible for ensuring that the contributor completes and signs the: Qualifying Contribution Receipt. Upon signing the receipt, the collector is confirming the following VAA requirements.

- The qualifying contribution was made by a registered voter who is eligible to vote for the covered office that the applicant candidate is seeking. Registered voters making a qualifying contribution are not required to be members of the candidate’s political party.
- The qualifying contribution was made during the designated qualifying period and obtained through efforts made with the knowledge and approval of the applicant candidate; and

- The qualifying contribution receipt identifies the contributor’s name and residential address¹ and is **signed** by the contributor.

No payment, gift, or anything of value shall be given in exchange for receiving a qualifying contribution.

Electronic Fund Transfer (EFT) Guidance

Pursuant to Section 1-19A-2(I) NMSA 1978, qualifying contributions may be accepted by the candidate via an electronic form of payment. The following kinds of electronic transactions may be accepted by the candidate:

- Debit and credit cards
- Direct bank to bank transfers
- Online or mobile payment services such as PayPal, Apple Pay, Google Pay, or Venmo

The qualifying candidate may only accept a contribution made by a credit card or a debit card via the internet or where the card is not physically present if , at the time the contribution is made, the contributor provides the card security code assigned to and printed or imprinted on the card and the billing address associated with the card.

The candidate or their representative may accept an EFT but the qualifying contribution must be kept separate from the candidate’s bank account established pursuant to the Campaign Reporting Act. A dedicated bank account must be created by the campaign committee to accept the electronic transfer of funds for purposes of collecting qualifying contributions. Qualifying contributions should be maintained separately and not commingled with campaign funds.

The candidate is still required to collect a qualifying contribution receipt as is used for other forms of payment.

If the EFT service provider collects a transaction fee, the qualifying candidate will need to provide an accounting of the transaction fee on the qualifying contribution receipt. For example, if a \$5.00 qualifying contribution is collected from a voter via PayPal, and PayPal in turn deposits \$4.95 in the candidate’s account (retaining a 1% transaction fee of .05) then the collector will notate the actual amount received in the bank account and the transaction fee collected by the EFT service provider.

At the time of the qualifying appointment with the SOS, the candidate shall submit a check that includes all electronic payments received, payable to the Public Election Fund. Based upon the information on the qualifying receipts and the total amount of the check, the SOS will verify that the qualifying contributions minus any transaction fees have been accounted for.

Additionally, the qualifying candidate shall submit a separate check, payable to the Public Election Fund, to reimburse the fund for any transactions fees deducted from the qualifying contribution by the EFT service provider. This is considered a campaign expense. As such, the qualifying

¹ As part of the certification process, the SOS will utilize the information provided by the voter to confirm the voter is registered and is eligible to vote for the applicant candidate. Upon verification of voter eligibility the SOS will assign credit to the applicant candidate towards the total required number of qualifying contributions that must be collected.

candidate is required to report this expense as an expenditure of the campaign on the report required pursuant to the Campaign Reporting Act.

What is the minimum number of qualifying contributions needed?

The number of qualifying contributions that an applicant candidate must obtain is based on a percentage of registered voters within the applicable districts².

For all statewide judicial elective offices, the number of qualifying contributions is equal to one-tenth of one percent of the number of voters in the state.

It is strongly recommended that applicant candidates gather more qualifying contributions than are required to account for any contributions that are inadvertently collected from an ineligible voter. Once submitted to the SOS, qualifying contributions are nonrefundable to candidates or to contributors.

MINIMUM NUMBER OF QUALIFYING CONTRIBUTIONS NEEDED FOR PUBLIC FINANCING IN THE 2022 ELECTION CYCLE:

| <u>Covered Office</u> | <u>Number of Registered Voters</u> | <u>Minimum Number of Qualifying Contributions</u> | <u>Total Minimum Amount of Qualifying Contributions</u> |
|--------------------------------|---|--|--|
| All Statewide Judicial Offices | 1,338,054 | 1,338 | \$6,691 |
| Second Judicial District | 444,235 | 400 | \$2,000 |
| Third Judicial District | 128,531 | 200 | \$1,000 |
| Fourth Judicial District | 26,072 | 100 | \$500 |
| Fifth Judicial District | 105,010 | 200 | \$1,000 |
| Ninth Judicial District | 35,013 | 100 | \$500 |
| Seventh Judicial District | 32,410 | 100 | \$500 |
| Twelfth Judicial District | 50,498 | 100 | \$500 |
| Thirteenth Judicial District | 165,175 | 200 | \$1,000 |

How do I submit my qualifying contributions to the SOS?

Throughout the qualifying period, the SOS will accept qualifying contributions from applicant candidates by **appointment**. Appointments should be scheduled directly with SOS Ethics Staff

² Calculations are based upon registration data maintained by the SOS as of August 31, 2021.

by phone at (505) 827-3600 or by email at sos.elections@state.nm.us. Multiple appointments will be allowed and may be scheduled at the discretion of the applicant candidate's committee. The SOS recommends that appointments be scheduled when a reasonable amount of qualifying contributions have been collected. SOS staff are available to assist with making this determination if needed. At each appointment, the SOS will validate that the monies submitted match the amount of receipts received.

Applicant candidates and/or their representatives shall submit their qualifying contributions during their scheduled appointment using the forms prescribed by the SOS, which are available on the SOS's website. They must submit the qualifying contribution receipts, monetary contributions, the list of contributors, and the candidate acknowledgment. All forms must be complete and organized in a manner that will allow SOS staff to easily verify the amount of funds and corresponding receipts. *(NOTE: Please do not staple cash, checks, or money orders to the qualifying contribution receipt).*

Monetary contributions will be accepted in the form of cash, check, or money order payable to the Public Election Fund or an electronic form of payment. The list of contributors must include the name and address of the contributor and must be typed or printed legibly. Additionally, prior to submitting qualifying contributions and their corresponding receipt, a candidate and/or their representative should ensure that the contributor and individual that collected the contribution have signed the receipt. Incomplete forms will not be accepted.

Periodic submission of qualifying contributions is not required, but it may be beneficial to do so. The SOS will begin the verification process of the qualifying contributions as soon as they are received and will provide an update as to the candidate's progress in meeting the required number of qualifying contributions. Once an applicant candidate has raised a sufficient number of qualifying contributions, they should schedule a final application appointment with the SOS. The deadline to schedule a final appointment and apply for public funds is the last day of the qualifying period, which is March 15, 2022, for candidates seeking funding for the primary election only, or both the primary and general elections, and June 23, 2022 for candidates seeking funding for the general election only.

What special instructions should statewide judicial candidates consider when collecting contributions?

The Judicial Code of Conduct was amended on November 1, 2015. Among the amendments, it made clear that judicial applicant candidates may not personally solicit or accept qualifying contributions collected for the purpose of obtaining public financing.

Accordingly, the SOS has aligned its administrative process with the judicial requirements. The qualifying contribution receipt requires the "qualifying contribution collector" instead of "candidate" at the bottom of the form. Instead of having the candidate sign the receipt, placing them at risk of violating the Code, the individual collecting the qualifying contribution will sign the receipt.

At the time of application, and in order to be certified under the VAA, the candidate will turn in the required qualifying contributions list of contributors, along with the candidate

acknowledgment signed by the candidate. In completing the acknowledgment form, the applicant candidate is confirming that contributions were collected with their knowledge and in a manner compliant with the VAA.

Although the VAA does not expressly prohibit a candidate from withdrawing their declaration of intent and substituting a different position for which they seek candidacy, the SOS strongly discourages this practice because it may negatively affect a candidate's bid for public financing. The position number a candidate seeks may influence whether or to what extent a contributor may contribute to that candidate's campaign or whether a contributor will donate five dollars to assist a candidate to qualify for public financing. The SOS will only accept qualifying contributions made while you are an applicant candidate for the position you are seeking.

How is an applicant candidate certified?

Upon receipt of an application and final submission of qualifying contributions by the applicant candidate, the SOS shall determine whether the applicant candidate has met all the requirements for certification pursuant to the VAA; *please see* Section 1-19A-6 NMSA 1978.

To be certified, candidates must be a qualified candidate to run in an election as specified by the Election Code. Additional information related to candidacy requirements and qualification is available on the SOS's website: [Candidacy Frequently Asked Questions](#).

In accordance with the VAA, the SOS must make a qualification determination within ten (10) days of an applicant candidate's final appointment. The applicant candidate will receive a written notification confirming whether he or she has qualified for public campaign funds. Upon certification, the SOS will provide the fund disbursement within seven (7) days.

Please Note: A certified candidate who accepts public campaign funds for the primary election is required to comply with all the requirements of the VAA for the remainder of the election cycle, even if he or she ultimately decides not to accept public funds for the general election.

What if an applicant candidate is not certified by the Secretary of State?

The procedure for challenging a certification decision by the SOS is outlined in Section 1-19A-16 NMSA 1978 as follows.

If a person disagrees with the certification decision made by the SOS, they may file an appeal to the SOS within three (3) days of the decision. The appeal shall be in writing and shall set forth the reasons for the appeal.

Within five (5) days after an appeal is properly made, and after due notice is given to both parties, the SOS shall hold a hearing whereby:

- The appellant has the burden of providing evidence to demonstrate that the decision of the SOS was improper; and,
- The SOS shall rule on the appeal within three (3) days after the completion of the hearing.

At this point, the parties in dispute may appeal the decision of the SOS by commencing an action in district court. Certified candidates whose certification is revoked on appeal shall return to the SOS any unspent money distributed from the Fund.

If the SOS or a court finds that an appeal was made frivolously or to result in delay or hardship, the SOS or court may sanction the moving party by requiring the party to pay costs of the administrative hearing, the court hearing, and the opposing parties.

How much money will a certified candidate receive if they qualify for public financing of their campaign?

The amount that is distributed to a certified candidate is based upon the number of registered voters that are eligible to vote for the candidate. More specifically, primary election calculations are based on the number of registered voters in the candidate's respective party and district³. Additionally, the VAA provides that candidates who are unopposed will receive a reduced distribution.

If the Fund does not have a sufficient balance to accommodate the disbursements for a given elections cycle, the amounts that should be disbursed to individual candidates will be reduced by an equal percentage.

Statewide judicial offices: The primary election distribution amount is equal to fifteen cents (\$.15) for each voter of the candidate's party in the state.

Office of district judge: The primary election distribution amount is based on each voter of the candidate's party in the district of the office for which the candidate is running.

- fifteen cents (\$.15) in a district with four hundred thousand or more voters;
- twenty-five cents (\$.25) in a district with two hundred thousand or more but fewer than four hundred thousand voters;
- forty cents (\$.40) in a district with one hundred thousand or more but fewer than two hundred thousand voters; and
- fifty-five cents (\$.55) in a district with fewer than one hundred thousand voters;

When determining the fund distribution for the general election, a candidate's party is not a factor, and all voters in the applicable district are counted.

³ Calculations are based upon registration data maintained by the SOS as of August 31, 2021.

2022 Primary Election – Fund Distribution

Contested Election:

Democratic Party

| <u>Office</u> | <u>Voters</u> | <u>Fund Distribution</u> |
|---------------------------|---------------|------------------------------|
| Statewide Judicial Office | 601,016 | \$90,152.40 |
| Second Judicial District | 209,010 | \$52,252.50 |
| Third Judicial District | 58,409 | \$23,363.60 |
| Fourth Judicial District | 18,192 | \$10,005.60 |
| Fifth Judicial District | 26,353 | \$14,494.15 |
| Seventh Judicial District | 11,601 | \$6,380.55 |
| Ninth Judicial District | 8,961 | \$4,298.55 |
| Twelfth Judicial District | 13,138 | \$7,225.90 |

Republican Party

| <u>Office</u> | <u>Voters</u> | <u>Fund Distribution</u> |
|---------------------------|---------------|------------------------------|
| Statewide Judicial Office | 413,746 | \$62,061.90 |
| Second Judicial District | 122,571 | \$49,028.40 |
| Third Judicial District | 33,740 | \$13,496.00 |
| Fourth Judicial Office | 4,167 | \$2,291.85 |
| Fifth Judicial District | 54,153 | \$29,784.15 |
| Seventh Judicial District | 13,851 | \$7,618.05 |
| Ninth Judicial District | 17,183 | \$9,450.65 |
| Twelfth Judicial District | 24,220 | \$13,321.00 |

Libertarian Party

| <u>Office</u> | <u>Voters</u> | <u>Fund Distribution</u> |
|---------------------------|---------------|------------------------------|
| Statewide Judicial Office | 13,134 | \$1,970.10 |
| Second Judicial District | 4,851 | \$2,668.05 |
| Third Judicial District | 1,357 | \$542.80 |
| Fourth Judicial District | 117 | \$64.35 |
| Fifth Judicial District | 908 | \$499.40 |
| Seventh Judicial District | 314 | \$172.70 |
| Ninth Judicial District | 415 | \$228.25 |
| Twelfth Judicial District | 596 | \$327.80 |

Uncontested Election⁴:

Democratic Party

| <u>Office</u> | <u>Voters</u> | <u>Fund Distribution</u> |
|---------------------------|---------------|------------------------------|
| Statewide Judicial Office | 601,016 | \$18,030.48 |
| Second Judicial District | 209,010 | \$10,450.50 |
| Third Judicial District | 58,409 | \$4,672.72 |
| Fourth Judicial District | 18,192 | \$2,001.12 |
| Fifth Judicial District | 26,353 | \$2,898.83 |
| Seventh Judicial District | 11,601 | \$1,276.11 |
| Ninth Judicial District | 8,961 | \$859.71 |
| Twelfth Judicial District | 13,138 | \$1,445.18 |

Republican Party

| <u>Office</u> | <u>Voters</u> | <u>Fund Distribution</u> |
|---------------------------|---------------|------------------------------|
| Statewide Judicial Office | 413,746 | \$12,412.38 |
| Second Judicial District | 122,571 | \$9,805.68 |
| Third Judicial District | 33,740 | \$2,699.20 |
| Fourth Judicial District | 4,167 | \$458.37 |
| Fifth Judicial District | 54,153 | \$5,956.83 |
| Seventh Judicial District | 13,851 | \$1,523.61 |
| Ninth Judicial District | 17,183 | \$1,890.13 |
| Twelfth Judicial District | 24,220 | \$2,664.20 |

Libertarian Party

| <u>Office</u> | <u>Voters</u> | <u>Fund Distribution</u> |
|---------------------------|---------------|------------------------------|
| Statewide Judicial Office | 13,134 | \$394.02 |
| Second Judicial District | 4,851 | \$533.61 |
| Third Judicial District | 1,357 | \$108.56 |
| Fourth Judicial District | 117 | \$12.87 |
| Fifth Judicial District | 908 | \$99.88 |
| Seventh Judicial District | 314 | \$34.54 |
| Ninth Judicial District | 415 | \$45.65 |

⁴ The distribution for an uncontested primary election is equal to twenty (20) percent of the amount that is calculated for a contested election.

| | | |
|------------------------------|-----|----------------|
| Twelfth Judicial District | 596 | \$65.56 |
|------------------------------|-----|----------------|

2022 General Election – Fund Distribution

Contested General Election:

| <u>Office</u> | <u>Voters</u> | <u>Fund Distribution</u> |
|---------------------------------|---------------|------------------------------|
| Statewide Judicial Office | 1,338,054 | \$200,708.10 |
| Second Judicial District | 444,235 | \$66,635.25 |
| Third Judicial District | 128,531 | \$51,412.40 |
| Fourth Judicial District | 26,072 | \$14,339.60 |
| Fifth Judicial District | 105,010 | \$42,004.00 |
| Seventh Judicial District | 32,410 | \$17,825.50 |
| Ninth Judicial District | 35,013 | \$19,257.15 |
| Twelfth Judicial District | 50,498 | \$27,773.90 |
| Thirteenth Judicial District | 165,175 | \$66,070.00 |

Please Note: If a general election race that is initially uncontested later becomes contested because of the qualification of a candidate for that race, an amount of money shall be distributed to the certified candidate to make that candidate’s distribution amount equal to the amount distributed in a contested election as set forth above.

Can a candidate’s political party contribute to their campaign?

Certified candidates may accept limited contributions from a political party. The VAA indicates that the aggregate amount of contributions from all political party committees combined cannot exceed the equivalent of ten (10) percent of the candidate’s public fund disbursement per election cycle. Please see the maximum party contribution limit in the following charts.

Political Party Contribution Limits –Primary Election

Contested election:

| Democratic Party | | | Republican Party | | |
|---------------------------|--------------------------|--|---------------------------|--------------------------|--|
| <u>Office</u> | <u>Fund Distribution</u> | <u>Maximum Contribution from Party</u> | <u>Office</u> | <u>Fund Distribution</u> | <u>Maximum Contribution from Party</u> |
| Statewide Judicial Office | \$90,152 | \$9,015 | Statewide Judicial Office | \$62,062 | \$6,206 |
| Second Judicial District | \$52,253 | \$5,225 | Second Judicial District | \$49,028 | \$4,903 |
| Third Judicial District | \$23,363 | \$2,336 | Third Judicial District | \$13,496 | \$1,350 |
| Fourth Judicial District | \$10,006 | \$1,001 | Fourth Judicial District | \$2,292 | \$229 |
| Fifth Judicial District | \$14,494 | \$1,449 | Fifth Judicial District | \$29,7841 | \$2,978 |
| Seventh Judicial District | \$6,381 | \$638 | Seventh Judicial District | \$7,618 | \$762 |
| Ninth Judicial District | \$4,299 | \$430 | Ninth Judicial District | \$9,451 | \$945 |
| Twelfth Judicial District | \$7,226 | \$723 | Twelfth Judicial District | \$13,321 | \$1,332 |

Libertarian Party

| <u>Office</u> | <u>Fund Distribution</u> | <u>Maximum Contribution from Party</u> |
|---------------------------|--------------------------|--|
| Statewide Judicial Office | \$1,970 | \$197 |
| Second Judicial District | \$2,668 | \$267 |
| Third Judicial District | \$542 | \$54 |
| Fourth Judicial District | \$64 | \$6 |
| Fifth Judicial District | \$499 | \$50 |
| Seventh Judicial District | \$173 | \$17 |
| Ninth Judicial District | \$228 | \$23 |

| | | |
|---------------------------|-------|------|
| Twelfth Judicial District | \$328 | \$33 |
|---------------------------|-------|------|

Uncontested election:

Democratic Party

Republican Party

| <u>Office</u> | <u>Fund Distribution</u> | <u>Maximum Contribution from Party</u> | <u>Office</u> | <u>Fund Distribution</u> | <u>Maximum Contribution from Party</u> |
|---------------------------|--------------------------|--|---------------------------|--------------------------|--|
| Statewide Judicial Office | \$18,030 | \$1,803 | Statewide Judicial Office | \$12,412 | \$1,241 |
| Second Judicial District | \$10,451 | \$1,045 | Second Judicial District | \$9,806 | \$981 |
| Third Judicial District | \$4,672 | \$467 | Third Judicial District | \$2,699 | \$270 |
| Fourth Judicial District | \$2,001 | \$200 | Fourth Judicial District | \$458 | \$46 |
| Fifth Judicial District | \$2,899 | \$290 | Fifth Judicial District | \$5,957 | \$596 |
| Seventh Judicial District | \$1,276 | \$128 | Seventh Judicial District | \$1,524 | \$152 |
| Ninth Judicial District | \$860 | \$86 | Ninth Judicial District | \$1,890 | \$189 |
| Twelfth Judicial District | \$1,445 | \$145 | Twelfth Judicial District | \$2,664 | \$266 |

Libertarian Party

| <u>Office</u> | <u>Fund Distribution</u> | <u>Maximum Contribution from Party</u> |
|---------------------------|--------------------------|--|
| Statewide Judicial Office | \$394 | \$36 |
| Second Judicial District | \$534 | \$53 |
| Third Judicial District | \$108 | \$10 |
| Fourth Judicial District | \$13 | \$1 |
| Fifth Judicial District | \$100 | \$10 |

| | | |
|---------------------------|------|------------|
| Seventh Judicial District | \$35 | \$4 |
| Ninth Judicial District | \$46 | \$5 |
| Twelfth Judicial District | \$66 | \$7 |

Political Party Contribution Limits – General Election

Contested election:

All Parties

| <u>Office</u> | <u>Fund Distribution</u> | <u>Maximum Contribution from Party</u> |
|---------------------------------|------------------------------|--|
| Statewide Judicial Office | \$200,708 | \$20,071 |
| Second Judicial District | \$66,635 | \$6,664 |
| Third Judicial District | \$51,412 | \$5,141 |
| Fourth Judicial District | \$14,340 | \$1,434 |
| Fifth Judicial District | \$42,004 | \$4,200 |
| Seventh Judicial District | \$17,826 | \$1,783 |
| Ninth Judicial District | \$19,257 | \$1,926 |
| Twelfth Judicial District | \$27,774 | \$2,777 |
| Thirteenth Judicial District | \$66,070 | \$6,607 |

Can a candidate's supporters contribute to their campaign?

A candidate may accept contributions of no more than one hundred dollars (\$100) per election cycle from any registered voter in the state during the 60 days immediately preceding the qualifying period and throughout the qualifying period. Contributions are not allowed from any other source except as allowed by a candidate's political party pursuant to Section 1-19A-8 NMSA 1978 (See page 13 of this guide for details regarding allowable contributions by a political party).

What are allowable expenditures under the VAA?

All money distributed to a certified candidate from either the Fund or a political party shall be used for purposes related to that candidate's campaign in the election in which the money was distributed. A certified candidate shall limit the total campaign expenditures to the amount of money distributed from the Fund, money received from a political party, and qualified elector contributions made pursuant to Section 1-19A-8 NMSA 1978.

Pursuant to 1-19A-7(B) NMSA 1978 funds **cannot** be spent on:

- personal living expenses or compensation to the candidate or their spouse, children, or stepchildren;
- contributions to, or payment of debts for, another of the candidate's campaigns;
- contributions to another candidate's campaign, a political party, or a political committee, or to a campaign supporting or opposing a ballot proposition;
- an expenditure supporting the election of another candidate, the passage or defeat of a ballot proposition, or the defeat of any candidate other than an opponent of the certified candidate (the purchase of joint advertisements or services with another certified candidate is allowed);
- payment of a fine levied by a court or the SOS; and
- a gift or transfer for which compensating value is not received.

Certified candidates must comply with the requirements and restrictions outlined in the Campaign Reporting Act; *please see* Section 1-19-29.1 NMSA 1978.

What if a candidate withdraws their candidacy for election?

If a candidate is certified under the VAA and ceases to be a candidate for any reason, they or their campaign committee must return any unspent or unencumbered public funds, funds received from a political party, and qualified elector contributions. The funds must be submitted to the SOS as soon as possible and no later than thirty (30) days after the candidate ceases to be a certified candidate.

What if a candidate has leftover funds?

A certified candidate shall return any unspent or unencumbered public funds within thirty (30) days of the election to the SOS for deposit into the Fund.

Therefore, any funds distributed for the Primary Election and not spent by June 7, 2022, must be returned to the SOS on or before July 7, 2022. Additionally, for certified candidates participating

in the General Election, any funds not spent by November 8, 2022, must be returned to the SOS by December 8, 2022.

What reports are required?

Certified candidates shall comply with all reporting requirements specified in the Campaign Reporting Act. Candidates must register in the Candidate Campaign Information System (CFIS) to obtain a user name and password to access CFIS. They will file all required reports electronically within CFIS. A 2022 campaign finance reporting schedule has been included as Appendix B to this Guide for reference. CFIS System Resources can be found online at: <https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/cfis-system-resources-for-candidates-campaigns-and-pacs/>.

What are the penalties for a violation of the VAA?

In addition to other penalties that may be applicable, a person who violates a provision of the VAA is subject to a civil penalty of up to ten thousand dollars (\$10,000) per violation. In addition to a fine, a certified candidate found in violation of that act may be required to return to the Fund all amounts distributed to the candidate from the Fund. If the State Ethics Commission (SEC) makes a determination that a violation of that act has occurred, the SEC shall impose a fine and transmit the finding to the attorney general for criminal prosecution. In determining whether a certified candidate is in violation of the expenditure limits of the VAA, the SEC may consider as a mitigating factor any circumstances out of the candidate's control.

A person who willfully or knowingly violates the provisions of the VAA, the rules of the SEC, or knowingly makes a false statement in a report required by that act is guilty of a fourth-degree felony and, if he is a certified candidate, shall return to the Fund all money distributed to that candidate. Section 1-19A-17. NMSA 1978

Appendix A

2022 Voter Action Act – Important Deadlines

| | |
|----------------------------------|---|
| Wednesday, August 1, 2021 | <ul style="list-style-type: none"> • First day for candidates who are seeking public financing for General Election may file a Declaration of Intent and begin circulation nominating petitions. • First day candidates may begin accepting contributions. |
| Friday, October 1, 2021 | <ul style="list-style-type: none"> • First day of the VAA qualifying period for a candidate for the primary election or both a primary and general election, when they may begin collecting qualifying contributions after submission of a Declaration of Intent to the SOS. |
| Saturday, January 1, 2022 | <ul style="list-style-type: none"> • First day of the VAA qualifying period for a candidate for the general election, when they may begin collecting qualifying contributions after submission of a Declaration of Intent to the SOS. |
| Tuesday, March 8, 2022 | <ul style="list-style-type: none"> • Filing day for major party statewide judicial offices. |
| Monday, March 15, 2022 | <ul style="list-style-type: none"> • First day for independent and minor party candidates to circulate nominating petitions. |
| March 15, 2022 | <ul style="list-style-type: none"> • Deadline for candidates to submit a VAA application. |
| Tuesday, June 7, 2022 | <ul style="list-style-type: none"> • Primary Election Day |
| Thursday, June 23, 2022 | <ul style="list-style-type: none"> • Deadline for independent and minor party candidates to submit a VAA application. |
| Thursday, June 30, 2022 | <ul style="list-style-type: none"> • Filing day for independent and minor party candidates. |
| Thursday, July 7, 2022 | <ul style="list-style-type: none"> • Deadline to return any unspent Primary Election VAA funds to the SOS. |
| Tuesday, November 8, 2022 | <ul style="list-style-type: none"> • General Election Day |
| Thursday, December 8, 2022 | <ul style="list-style-type: none"> • Deadline to return any unspent General Election VAA funds to the SOS |

2022 CAMPAIGN FINANCE REPORTING SCHEDULE

For Candidates, Campaign Committees & Political Action Committees

Primary Election Date: June 7, 2022

PRIMARY ELECTION REPORTS

FIRST PRIMARY
REPORT

Due date:
April 11, 2022

Reporting Period
October 5, 2021-
April 4, 2022

SECOND PRIMARY
REPORT

Due date:
May 9, 2022

Reporting Period
April 5, 2022-
May 2, 2022

THIRD PRIMARY
REPORT

Due date:
June 2, 2022

Reporting Period
May 3, 2022-
May 31, 2022

FOURTH PRIMARY
REPORT

Due date:
July 7, 2022

Reporting Period
June 1, 2022-
July 2, 2022

General Election Date: November 8, 2022

GENERAL ELECTION REPORTS

FIRST GENERAL
REPORT

Due date:
September 12, 2022

Reporting Period
July 3, 2022-
September 5, 2022

SECOND GENERAL
REPORT

Due date:
October 11, 2022

Reporting Period
September 6, 2022-
October 3, 2022

THIRD GENERAL
REPORT

Due date:
November 3, 2022

Reporting Period
October 4, 2022-
November 1, 2022

FOURTH GENERAL
REPORT

Due date:
January 9, 2023

Reporting Period
November 2, 2022-
December 31, 2022