

This is an amendment to 1.10.27 NMAC, Section 7 and adding a new Section 12, effective 7/1/2023.

**1.10.27.7 DEFINITIONS:**

**A. “Applicant candidate”** means a candidate who is running for a covered office and who is seeking to be a certified candidate in a primary or general election.

**B. “Certified candidate”** means 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 1-19A-4 to 1-19A-6 NMSA 1978.

**C. “Election cycle”** means ~~[the primary and general elections for the same term for the covered office. The first day of the primary election is the first day of the election cycle and ends on the primary election date. The first day of the general election is first day after the primary election and ends on the general election date.]~~ the period beginning on January 1 after the last general election and ending on December 31 after the general election.

[1.10.27.7 NMAC - N, 9/30/2005; A, 10/15/2007; A, 7/1/2023]

**1.10.27.12 ELECTRONIC FUND TRANSFER:**

**A.** Pursuant to Subsection I of Section 1-19A-2 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 card, direct bank to bank transfers or online or mobile payment services such as PayPal, Apple Pay, Google Pay, or Venmo.

**B.** The qualifying candidate may only accept a qualifying 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 qualifying 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.

**C.** The candidate or their representative may accept an electronic fund transfer (“EFT”) but the qualifying contribution shall be kept separate from the candidate’s bank account established pursuant to the Campaign Reporting Act. A dedicated bank account shall be created by the candidate’s campaign committee to accept the electronic transfer of funds for purposes of collecting qualifying contributions.

**D.** The candidate shall collect a qualifying contribution receipt as is used for other forms of payment.

**E.** If the EFT service provider collects a transaction fee, the qualifying candidate shall provide an accounting of the transaction fee on the qualifying contribution receipt.

**F.** At the time of the qualifying appointment with the secretary of state, the qualifying 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 secretary of state shall verify that the qualifying contributions minus any transaction fees have been accounted for.

**G.** Additionally, the qualifying candidate shall submit a separate check, payable to the public election fund, to reimburse the fund for any transaction fees deducted from the qualifying contribution by the EFT service provider. The qualifying candidate shall also report this expense as an expenditure of the campaign on the report required pursuant to the Campaign Reporting Act.

[1.10.27.12 NMAC - N, 7/1/2023]