

LFC Requester:	Charlene Cerny
-----------------------	-----------------------

**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 18, 2013

Bill No: HB 232(CS)--305

Sponsors Reps. Smith/Candelaria

Reviewing Attorney General's Office

Short School District Campaign

Person Writing Tania Maestas

Title: Reporting Act

Phone: 505-827-6024 **Email** tmaestas@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis: House Bill 232 creates a new section of the Election Code to provide for a School District Campaign Reporting Act.

The Voters and Election Committee substitute to House Bill 232 attempts to resolve issues raised by the Secretary of State’s Office. Specifically, the committee substitute:

- Amends the amount that would subject an individual to the reporting requirements from \$200 to \$500;
- Proposes the definition of “reporting individual” as a candidate or treasurer of a campaign committee;
- Reduces the filing requirements from four reports to one; and
- Proposes two new sections, reflecting the language from the Election Code’s Campaign Reporting Act, addressing anonymous contributions, special event fundraisers and compliance.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

N/A

SIGNIFICANT LEGAL ISSUES

The newly proposed Section 5, Page 7-8 mirrors NMSA 1978, §§ 1-19-34.4(B)-(D) of the Campaign Reporting Act. However, the new language amends the cost of fundraising tickets from \$15 or less, as stated in the election code, to \$25 or less.

The newly proposed Section 6, Page 7-11 mirrors NMSA 1978, § 1-19-34.4. However, this Section states on Page 11, Lines 2-4 that the attorney general or district attorney may seek civil or criminal enforcement of a violation of the School District Campaign Reporting Act. As such, civil and criminal penalties must be set forth within this statute. The Campaign Reporting Act provides for civil and criminal penalties in Sections 1-19-34.6 and 1-19-36. The attorney general or district attorney would have insufficient authoritative guidance to seek enforcement without such language. Therefore, in light of the new Section 6, similar language must be added to House Bill 232.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

The Secretary of State's office has stated that "[s]ignificant modifications to the software program would be required to accommodate multiple election cycles." While the Committee Substitute amends the reporting requirements, there is still a conflict with the reporting cycles as mandated by NMSA 1978, § 1-19-29(A)&(B).

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

N/A

TECHNICAL ISSUES OR DRAFTING ERROR

N/A

OTHER SUBSTANTIVE LEGAL ISSUES

N/A

ALTERNATIVES TO ENACTING THIS BILL

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS NEEDED TO IMPROVE THIS BILL

N/A