F I S C A L   I M P A C T   R E P O R T

	ORIGINAL DATE 1/29/09		
SPONSOR Park	**LAST UPDATED**	**HB**	253
SHORT TITLE Quarterly Filing of Certain Campaign Reports		**SB**	
		ANALYST	Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	**FY10**		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB272 and SB128

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	**FY10**	**FY11**	**3 Year Total Cost**	**Recurring or Non-Rec**	**Fund Affected**
Total		Unknown	Unknown	Unknown	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

SOURCES OF INFORMATION
LFC Files

Responses Received From
Attorney General's Office (AGO)
Administrative Office of the Courts (AOC)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 253 amends the Campaign Reporting Act, NMSA 1978, §§ 1-19-25 through 1-19-36, in several ways. First, House Bill 253 eliminates requirement that candidates and public officials who do not intend to raise or expend minimum amount file a statement of exception. Those candidates and public officials would be required to file statement of no activity only. Second, it makes clear that Secretary of State is proper filing officer for both candidates and public officials. Third, it provides that candidates and public officials, as well as treasurers of political committees, shall file reports of expenditures made and contributions received

quarterly, in March, June, September and December, instead of annually in May. In an election year, however, candidates and public officials who are candidates in an election that year are required to file monthly reports of expenditures made and contributions received or, if applicable, statements of no activity, January through October, in addition to filing reports immediately before and after the election, as is currently required by the Act. Public officials who are not candidates shall file reports of expenditures made and contributions received or statements of no activity in accordance with quarterly schedule. Fourth, candidates who do not ultimately file a declaration of candidacy or nominating petition and do not file a statement of no activity also must file monthly reports, instead of filing after the primary and/or general election.

FISCAL IMPLICATIONS

The Secretary of State points out that its ethics division would require no less than three full-time employees, equipment and training in order to accommodate the increase in workload.

RELATIONSHIP

House Bill 253 is related to Senate Bill 128, which seeks to amend Campaign Reporting Act by requiring biannual reporting. It also is related to House Bill 272, which seeks to amend Campaign Reporting Act by requiring quarterly reporting but, unlike HB 253, does not require monthly reporting in an election year.

OTHER SUBSTANTIVE ISSUES

The Attorney General's Office notes that the Campaign Reporting Act currently defines "proper filing officer" as "either the secretary of state or the county clerk as provided in Section 1-19-27 NMSA 1978," but it is not clear now under what circumstances, if any, a county clerk would be the proper filing officer. HB 253 amends Section 1-19-27 by providing that Secretary of State is the proper filing officer for all candidates and public officials. It also amends Section 1-19-32.1 of the Act by eliminating the requirement that county clerks deliver reports of expenditures made and contributions received to the Secretary of State within 48 hours of county clerks' receipt.

EO/svb