

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR	Payne	ORIGINAL DATE	02/28/09	HB	
		LAST UPDATED	03/13/09	SB	652/aSRC/aSFI#1/SFI#
SHORT TITLE	Campaign Reporting Private Cause of Action				2/aSFI#3
		ANALYST	Wilson		

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	Indeterminate See Below	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Indeterminate See Below	Indeterminate See Below		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 99, HB 151, HB 244, HB 252, HB 253, HB 272, HB 495, HB 535, HB 550, HB 553, HB 614, HB 646, HB 686, HB 808, HB 850, HB 878, HB 883, HB 891, SB 49, SB 94, SB 116, SB 128, SB 139, SB 140, SB 163, SB 258, SB 262, SB 263, SB 269, SB 296, SB 346, SB 451, SB 521, SB 535, SB 555, SB 557, SB 606, SB 611, SB 613, SB 646, SB 676, SB 678 & SB 693

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of SFI Amendment #3

The Senate Floor amendment #3 to SB 652 as amended, enacts a new section of the Voter Action Act for civil penalties. The new section allows the Attorney General, a candidate or a district may institute a civil action in district court if a violation has occurred or to prevent a violation of the Voter Action Act.

Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty for each violation not to exceed \$10,000

Synopsis of SFI#2 Amendment

The Senate Floor amendment #2 to SB 652 as amended, adds that in any suit brought by a candidate, the prevailing party is entitled to reasonable costs and attorney fees.

Synopsis of SFI#1 Amendment

The Senate Floor Amendment #1 to SB 652 as amended, adds language stating the filing of a complaint with the SOS pursuant to this Act is not a prerequisite to instituting an action in district court.

Synopsis of SRC Amendment

The Senate Rules Committee amendment to SB 652 clarifies that the Attorney General, a candidate, committee or district attorney are permitted to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Campaign Reporting Act.

Synopsis of Original Bill

Senate Bill 652 provides for a private cause of action for civil enforcement of certain violations of the Campaign Reporting Act.

The bill amends Section 1-19-34.6(C) NMSA 1978 to add that that for violations of the Campaign Reporting Act that do not involve an unlawful solicitation or the making or acceptance of an unlawful contribution, a candidate, campaign committee, or political committee, in addition to the prior parties of attorney general or district attorney, may institute a civil action in district court if a violation has occurred or to prevent a violation. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of \$50 for each violation not to exceed \$5,000.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary will be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

This bill expands the ability to file actions alleging campaign irregularities without the prior screening function of the AGO or a district attorney's office.

The AGO states this bill strengthens the Campaign Reporting Act by adding an additional tool for enforcement. Private causes of action are often included in statutes to encourage enforcement.

ADMINISTRATIVE IMPLICATIONS

The affected agencies should be able to handle the enforcement of the provisions in this bill as part of ongoing responsibilities.

RELATIONSHIP

SB 652 relates to the following ethics bills:

- HB 99, Prohibit Former Legislators as Lobbyists
- HB 151, State Ethics Commission Act
- HB 244, Prohibit Contractor Contribution Solicitation
- HB 252, Political Contributions to Candidates
- HB 253, Quarterly Filing of Certain Campaign Reports
- HB 272, Quarterly Campaign Report Filing
- HB 495, Political Candidate & Committee Donations
- HB 535, Lobbyist Identification Badges
- HB 550, Local School Board Governmental Conduct
- HB 553, Disclosure of Lobbyist Expenses
- HB 614, State Ethics Commission Act
- HB 646, School Board Candidate Contribution Info
- HB 686, AG Prosecution of State Officer Crimes
- HB 808, Tax-Exempt Election Contributions & Reporting
- HB 891, Election Communication Contribution Reporting
- HB 850, Governmental Conduct Act for All Employees
- HB 878, State Contractor Registration & Info
- HB 883, Clean Government Contracting Act
- SB 49, Governmental Conduct Act For Public Officers
- SB 94, Prohibit Former Legislators as Lobbyists
- SB 116, Limit Contributions to Candidates & PACs
- SB 128, Require Biannual Campaign Reports
- SB 139, State Ethics Commission Act
- SB 140, State Ethics Commission Act
- SB 163, Prohibit Former Legislators as Lobbyists
- SB 258, Contribution from State Contractors
- SB 262, Political Contributions to Candidates
- SB 263, Contractor Disclosure of Contributions
- SB 269, State Bipartisan Ethics Commission Act
- SB 296, State Contractor Contribution Disclosure
- SB 346, Political Contributions to Candidates
- SB 451, Contributions to PERA Board Candidates
- SB 521, Campaign Contributions in Certain Elections
- SB 535, Election Definition of Political Committee
- SB 555, Public Employee & Officer Conduct
- SB 557, State Ethics Commissions Act
- SB 606, Expand Definition of Lobbyist
- SB 611, Investment Contractor Contributions
- SB 613, Campaign Finance Changes
- SB 646, Judicial Candidate Campaign Contributions
- SB 676, School Board Candidate Contributions

SB 678, School Board Candidate Contributions

SB 693, Prohibit Certain Contributions to Candidates

DW/svb:mt