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FISCAL IMPACT REPORT

SPONSOR: Stewart DATE TYPED: 2/4/03 HB 79

SHORT TITLE: School Board Campaign Finance Reporting SB _____

ANALYST: Chavez

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
NFI	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Secretary of State (SOS)
 New Mexico State Department of Education (SDE)
 LFC Files

SUMMARY

Synopsis of Bill

House Bill 79 creates the “School Board Campaign Finance Reporting Act.” House Bill 79 proposes to establish campaign finance reporting requirements for school board elections and provides for enforcement penalties.

Significant Issues

The Act applies to individuals who have filed declarations of candidacy for positions on local school boards and governing boards of technical and vocational institutes, area vocational institutes, community colleges and branch community colleges. The Act a) establishes campaign reporting requirements; b) excludes certain candidates from reporting; c) establishes requirements for the content of reports of contributions and expenditures; d) prescribes limitations on the use of campaign contributions; and e) sets forth provisions for enforcement and penalties.

FISCAL IMPLICATIONS

The bill contains no appropriation. The State Department of Education (SDE) indicates that this Act does not appear to cause any direct fiscal impact for local school districts.

ADMINISTRATIVE IMPLICATIONS

The Act provides that if a candidate violates the provisions of the Act and is elected to a school board, that person shall not serve on the board or participate in school board meetings until the person satisfies the reporting requirements and pays all penalties owed. The SDE indicates that this provision may negatively impact a local school board's ability to conduct its business.

TECHNICAL ISSUES

The SDE indicates the Act is unclear whether the provisions of the Act (which indicate that a person would not serve on the board or participate in school board meetings until the person satisfies the reporting requirements and all penalties owed are paid) would result in a vacancy in the membership of the local school board for purposes of the Public School Code and, if so, whether the filling of the vacancy in the manner prescribed by the Public School Code would result in the removal of the member.

FC/njw