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FISCAL IMPACT REPORT

ORIGINAL DATE 1/22/08

SPONSOR Carraro LAST UPDATED _____ HB _____

SHORT TITLE Prohibit Certain Political Party Fees SB 198

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Secretary of State (SOS)

Responses Received From
Association of County Clerks (ACC)
Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 198 prohibits major political parties from charging any type of fee, admission or contribution to a member of the party as a precondition for the member to be eligible to vote for or be a delegate to a party convention or vote for selection of the party's candidates for a primary or general election. A general party membership fee that applies equally to all members of the party is not considered such a precondition. The bill also changes the definition of "major political party" to include "whose rules are otherwise in accordance with the requirements of Chapter 1, Article 7 NMSA 1978."

SIGNIFICANT ISSUES

The Secretary of State notes that the Election Code gives political parties the authority to hold pre-primary conventions, allowing a political party to charge a fee at these conventions, thus it is analogous to a poll tax, which is contrary to the federal constitution.

It also adds that the state should be cautious in attempting to regulate the activities of the political parties. Such legislation should be written as narrowly as possible. The only political party meeting at which there is a significant enough state interest for such regulation is at a pre-primary convention.

TECHNICAL ISSUES

The Secretary of State suggests the following changes:

- (1) On page 1, line 21, the words “The rules of” should be deleted so that the sentence begins “A major political party ...”
- (2) Beginning on page 1, line 23, the words “for or be a delegate to a party convention or to vote for selection of the party’s candidates for a primary or general election” should be deleted and the following words inserted: “at or be a delegate to a pre-primary convention.”

EO/bb