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## FISCAL IMPACT REPORT

**SPONSOR** Park **ORIGINAL DATE** 01/27/10 **LAST UPDATED** \_\_\_\_\_ **HB** 92  
**SHORT TITLE** Use of Public Money for Ads by Candidates **SB** \_\_\_\_\_  
**ANALYST** Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	No Appropriation		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB49, HB125, SB43, SB108,SB154, SB49, SB110, SB28 and SB48

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

Department of Finance and Administration (DFA)

### SUMMARY

#### Synopsis of Bill

House Bill 92 amends the Governmental Conduct Act to prohibit state, local, and federal candidates from using state or federal public money for public service announcements that include that candidate's "name, picture, likeness or voice". It makes exceptions for a state or national emergency. It also allows elected officials to run ads the day after the general election.

### SIGNIFICANT ISSUES

The AGO points out that whether, depending on the specific federal statutes and regulations involved, this bill may conflict with federal pre-emption by regulating the use of federal money and thus an officer can still use federal Help America Vote Act (HAVA) funds for this activity.

### PERFORMANCE IMPLICATIONS

The AG, as well as all other elected officials who declare candidacy, would have to use a staff member to do its announcements and advertisement thus, increase the lifespan that ads and announcements can be used by an agency.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to ethics bills HB49, HB125, SB43, SB108 and SB154. Also, relates to election contribution bills SB49, SB110, SB28 and SB48.

**TECHNICAL ISSUES**

The Secretary of State indicates that there is no agency specified to supervise this legislation.

EO/svb