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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB466</u>	Sponsor	<u>Trujillo, L.</u>
Tracking Number	<u>.207056.3</u>	Committee Referrals	<u>HEC/HLELC</u>
Short Title	<u>Disclosure of Education Election Ad Sponsors</u>		
Analyst	<u>Force</u>	Original Date	<u>2/23/17</u>
		Last Updated	<u>3/10/17</u>

BILL SUMMARY

Synopsis of Bill

House Bill 466 (HB466) amends the School District Campaign Reporting Act. First, it adds a new section to the act, requiring disclosure of the candidate, committee, or person who spends more than \$500 on a school district election advertisement, either at once or in the aggregate over the preceding 12 months. This disclosure requirement would not apply to bumper stickers, pins, buttons, and similar small items; nor would it apply to skywriting, water towers, apparel, or other displays of a nature to make the inclusion of a disclaimer impracticable.

Next, the bill proposes new definitions for “advertisement” and “ballot measure.” “Advertisement” includes communications via print, broadcast, satellite, cable, or electronic media, including recorded phone messages, and printed materials such as handbills, mailers, and billboards. “Advertisements” do not include communications between organizations and their members or personnel, news stories, editorials, debates, or nonpartisan voter guides.

Finally, HB466 amends the definitions of “election cycle,” “political purpose, and “ballot measure.” An “election cycle” means the period from 30 days before an election for office to 30 days after the subsequent election for the same office; currently, an election cycle ends on the subsequent election day. “Political purpose” has been amended to include not just advocating for or against a candidate, but also for the passage or defeat of a ballot measure.

FISCAL IMPACT

HB466 does not contain an appropriation.

SUBSTANTIVE ISSUES

Current law includes no requirement for disclaimer notices to be included in campaign materials for school district elections. The Secretary of State (SOS) indicates that the proposed inclusion will increase transparency in school district elections.

Many jurisdictions require disclaimers in paid political advertisements, though the threshold amount triggering the disclosure requirement may vary from state to state. Colorado, for example, requires disclosure for any advertisement costing more than \$200. Minnesota, on the other hand, requires disclosure for any campaign literature or paid political advertisement, and prohibits news sources from accepting political advertisements without disclaimers.

ADMINISTRATIVE IMPLICATIONS

SOS will update educational materials related to the School District Campaign Reporting Act to comply with the proposed changes.

The Attorney General’s Office notes that it provides legal representation to SOS, and enforcement of the act may require additional staff.

RELATED BILLS

Relates to HB104, Local Election Act, which consolidates various local and municipal elections under a single “Local Election Act.”

Relates to HB174/HLELCS/aFl#1, Local Election Act, which consolidates various local and municipal elections under a single “Local Election Act.”

Relates to SB96/SJCS/aFl#1, Campaign Finance Fixes, which includes the same language related to the School District Campaign Reporting Act that is proposed by HB466.

SOURCES OF INFORMATION

- Legislative Education Study Committee Files
- Attorney General’s Office
- Secretary of State

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