

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** February 4, 2016
Original **Amendment** **Bill No:** HB 310-305
Correction **Substitute**

Sponsor: Reps. N. Espinoza & C. Brown **Agency Code:** 305
Short Title: Acceptable Uses of Campaign Funds **Person Writing:** AAG Sally Malavé
Title: Funds **Phone:** 827-6031 **Email:** smalave@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to HB 313 and HB 208
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

Synopsis: House Bill 313 amends sections of the Campaign Reporting Act, NMSA 1978, Sections 1-19-25 to -36 (1979, as amended), to exclude personal expenses from permissible expenditures of a campaign. It defines the terms “expenditures of the campaign” and “personal expenses” by providing an extensive listing of the types of expenses that would fall under one or the other.

FISCAL IMPLICATIONS None to this office.

SIGNIFICANT ISSUES

HB 313 provides considerable specificity to the current law that provides for allowable campaign expenses but excludes personal expenses. The list appears to be extensive and may be welcomed by candidates interested in knowing with greater clarity which specific expenditures are authorized or not.

The bill specifically addresses inauguration expenses, which current law does not expressly address, and that clarification may be deemed helpful by elected officials.

PERFORMANCE IMPLICATIONS None to this office.

ADMINISTRATIVE IMPLICATIONS None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP Relates to HB 313 and HB 208, both of which prohibit the use of public campaign funds for personal living expenses. HB 124, which addresses Gubernatorial inauguration contributions and expenditures, relates to the portion of HB 313 that addresses inauguration expenses.

TECHNICAL ISSUES May be more appropriate to use the word “memorabilia” instead of “paraphernalia” to describe an item that “is customarily given or sold to supporters, including campaign buttons, stickers, pins, pencils, pens, matchbooks, balloons, pads, calendars, magnets, key chains, hats, tee shirts, sweatshirts, Frisbees, potholders, jar openers and similar items”.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo. Ambiguity remains about whether certain expenses that appear to be personal in nature may be properly characterized as “expenditures of the campaign”.

AMENDMENTS None.