

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 646a

49th Legislature, 1st Session, 2009

Short Title: School Board Candidate Contribution Info

Sponsor(s): Representatives Al Park, Mimi Stewart, and Others

Analyst: James Ball and David Harrell

Date: March 2, 2009

AS AMENDED

The House Education Committee amendment provides that reports of expenditures made and contributions received in school district elections must be filed on the 30th day before the election rather than the second Monday in December in the year before the election.

Original Bill Summary:

HB 646 adds a new section to the *School Election Law* to require candidates for local school boards to comply with provisions of the *Campaign Reporting Act*. In addition, the bill adds a new section to the *Campaign Reporting Act* and amends existing sections of the act to:

- require all reporting individuals, as well as school board members who are not candidates in an election, to file with the Secretary of State sworn reports of expenditures and contributions according to this schedule:
 - the second Monday in December in the year before the election;
 - the Thursday prior to an election (with a supplemental report of any contribution of \$500 or more);
 - on the 30th day following an election; and
 - on the second Monday in August;
- require reports until there are no outstanding campaign debts, all funds have been expended according to law, and the campaign bank account is closed;
- require the reports to be filed electronically unless the Secretary of State grants a hardship exemption;
- include school district election reports in the Secretary of State's annual selection, at random, of campaign reports to examine;
- exclude school board candidates from the provision allowing a statement of exception in lieu of reports for candidates expecting to receive or spend less than \$1,000 for a non-statewide office; and
- assess penalties for reports filed after a deadline: \$50 for each working day up to \$5,000, except for the Thursday report, which carries a penalty of \$500 for the first day that it is late and \$50 per day thereafter.

Fiscal Impact:

HB 646 makes no appropriation.

The analysis by the Secretary of State says that the bill will have a significant fiscal, as well as administrative, impact on that office.

Issues:

According to the analysis by the Public Education Department (PED), the provisions of HB 646 seem to bring more ethical accountability to school board elections. The positive effects of the bill would be to:

- create greater transparency in campaign financing;
- provide more people access to school board candidacy; and
- provide greater public confidence and public awareness in the financing of school board elections.

Likewise, the analysis by the Office of the Attorney General says that the bill “creates more transparency in government by closing a major loophole in New Mexico’s campaign disclosure laws . . . Given the enormous amounts of state funding for capital and operating expenses, there is no justification for excluding these elections from state disclosure requirements.”

The PED analysis also points out, however, that given the low voter turnout already typical of many school board elections, the detailed reporting requirements might have the unintended consequence of further reducing interest in school board elections.

Finally, the New Mexico School Boards Association “opposes any attempt to expand school board campaign reporting further than what exists under current law.”

Background:

While contribution and expenditure data from school elections in New Mexico are not as accessible as data from elections currently covered by the *Campaign Reporting Act*, a story in the *Albuquerque Journal* (October 15, 2008) provides some information. A long-time member of the Albuquerque Public Schools Board reported spending approximately \$250 of her own funds when she first ran for office in 1987. In 2005 she spent approximately \$10,000, most of it from contributions; and for the election in 2009 she anticipated spending approximately \$15,000.

At the national level, a 2002 survey by the National School Boards Association produced these figures:

- 75.6 percent of respondents spent less than \$1,000 on their most recent school board campaign;
- nearly 15 percent spent between \$1,000 and \$4,999;
- 4.6 percent spent between \$5,000 and \$9,999;
- 3.6 percent spent between \$10,000 and \$24,999; and
- 0.7 percent spent \$25,000 or more.

Finally, similar legislation was introduced during a previous session, but it did not pass.

Related Bills:

- HB 244 *Prohibit Contractor Contribution Solicitation*
- HB 253 *Quarterly Campaign Report Filing*
- HB 272 *Quarterly Campaign Report Filing*
- HB 550 *Local School Board Governmental Conduct*
- SB 116 *Limit Contributions to Candidates & PACs*
- SB 128a *Require Biannual Campaign Reports*
- SB 247 *Election Agent Registration Requirements*
- SB 258 *Contributions from State Contractors*
- SB 521 *Campaign Contributions in Certain Elections*
- SB 678 *School Board Candidate Contributions (identical)*