

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: CS/HB 335

48th Legislature, 2nd Session, 2008

Short Title: Allow Student Appointments to Precinct Boards

Sponsor(s): Representative Jeff Steinborn

Analyst: David Harrell

Date: February 4, 2008

**HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 335**

Bill Summary:

CS/HB 335 amends the *Election Code* to allow a county clerk to appoint up to two students to serve on a precinct board under the direct supervision of the presiding judge of a precinct designated by the county clerk. The bill also prescribes the criteria that a student as a precinct board member must meet and identifies certain roles and activities that a student precinct board member cannot perform.

To begin, a student appointed by the county clerk must meet most of the qualifications required of other precinct board members: that is, being able to read and write and perform the functions of the office, taking the oath of office, and being unrelated to a candidate for office. The qualifications not applicable to a student member are those related to being a registered voter because they would not apply to a student who meets the age requirement: either 16 or 17 years old. In addition, a student must:

- be a citizen at the time of the election for which the student will be serving as a member of a precinct board;
- be attending a public or private secondary school or home school;
- have the approval of the school in which the student is enrolled and the student's parent or legal guardian;
- be appointed to the board of the precinct in which the student's parent or legal guardian resides; and
- attend at least one school of instruction in accordance with the provisions of Section 1-2-17 NMSA 1978.

CS/HB 335 prohibits a student precinct board member from serving as the presiding judge of the precinct board, being involved in any decision affecting the legitimacy of a ballot, or operating or repairing a voting machine.

Finally, the bill amends other sections of the *Election Code* to align them with the new provisions described above.

Fiscal Impact:

CS/HB 335 makes no appropriation.

Issues:

According to testimony on behalf of the original HB 335, the bill is intended to increase the pool of precinct workers that county clerks may draw from to operate polling places during elections. County clerks across the state report difficulty finding sufficient numbers of willing and qualified voters; and the clerks of two counties in particular – Doña Ana and Santa Fe – testified that allowing students to serve as precinct board members may help alleviate that problem.

There is also the possibility, as indicated by the analysis of the original HB 335 by the Public Education Department and the Secretary of State, that allowing students to serve as precinct board members will help engage them in the political process and heighten their awareness of civic procedures and responsibilities in general.

Finally, while allowing students to serve as precinct workers would be a new approach for New Mexico, it is a well-established practice in other states.

- Kansas, for example, enacted such a law in 2000 partly to help election officials fill positions at polling places on election day and partly to encourage students to become active voters once they reach 18 years of age.
- In California, the Student Pollworker Program has been in effect at least since 1997. One county election office identifies a number of specific benefits for all parties involved: students can earn not only salaries but also community service points; teachers find their classroom lessons enhanced by the students' experience; veteran pollworkers can rely on younger workers to carry and set up election supplies; and election officials have found that students, because they are in "learning mode," easily grasp "complex election procedures covered in training."
- According to the Director of Elections for Santa Fe County, 40 other states altogether have laws allowing students to serve on precinct boards.

Related Bills:

None.