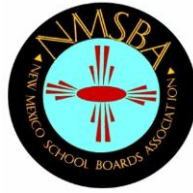


NEW MEXICO SCHOOL BOARDS ASSOCIATION



LAWS OF 2018 LOCAL ELECTION ACT HOUSE BILL 98

Presented to
LEGISLATIVE FINANCE COMMITTEE
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Santa Fe, New Mexico

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About NMSBA...

Vision

The New Mexico School Boards Association aspires to be recognized as the premier source of development and support for local boards of education in New Mexico. The NMSBA will be known as the leading advocate for local boards in their role of insuring that all students will graduate from New Mexico high schools prepared for a quality life and committed to improving society.

Mission

The New Mexico School Boards Association is the member organization for all of New Mexico's school boards to support their efforts in providing a quality education for all students of New Mexico. The NMSBA serves its members through:

- *Commitment to local decision making
- *Advocacy at the state and federal level for commonly held needs
- *Leadership development services and training for local school boards
- *Collaboration with community, elected officials and other educational organizations



Celebrating 60 years of service to New Mexico's School Boards



NEW MEXICO SCHOOL BOARDS ASSOCIATION

HOUSE BILL 98- LOCAL ELECTION ACT SCHOOL BOARD BRIEFING SHEET

Bill Title: Local Election Act – Chapter 79

Signed into Law: March 7, 2018

Effective Date: July 1, 2018

Major Provisions:

1. Provides for a single election day and uniform process for non-partisan elections including:
 - +school districts
 - +special hospital districts
 - +community college districts
 - +technical vocational districts
 - +learning center districts
 - +arroyo flood control districts
 - +special zoning districts
 - +soil and water conservation districts
 - +water and sanitation districts
 - +conservancy districts

The legislation allows municipalities to opt in the single election.

The legislation allows counties to include bond/levy elections in the single election

2. The single election will be held on the first Tuesday in November (November 5, 2019) of odd numbered years to elect qualified persons to the local school board. The election ballot may also contain ballot questions proposed by the local school board such as bond/mill levy questions.
3. School board members whose terms expire in February of 2019 will continue to serve until a successor is elected. Therefore, school board member terms ending in February of 2019 are extended to December 2019. Similarly, school board member terms ending in February of 2021 are extended to December 2021. This results in a 10-month extension for all board members.
4. The term of office for the school board members elected in November of 2019 begins January 1, 2020. Similarly, the term of office for school board members elected in November 2021 begins January 1, 2022.
5. School board elections will appear second (following any municipalities that opt in) on the ballot. All ballot questions must be sent to the County Commission for inclusion on the ballot if there is sufficient space on the ballot. Election officials do not anticipate sufficient ballot space being an issue, however this is a requirement of the statute.
6. All entities including school districts will be assessed an annual fee to cover the costs of the single election at rate of \$250 per \$1 million of operating budget exempting federal funds and capital/bond funds. The fee will be collected twice a year, half in January and half in August. The fees will be deposited into an account maintained by the Secretary of State and used specifically for the implementation of the Local Election Act.
7. All special elections held separate from the single election, will be conducted by mailed ballot only. School districts will be required to reimburse the county for all costs associated with the conduct of the special election.
8. The Secretary of State will now be responsible for issuing the election resolution, the County Commission will determine number and location of polling places and will serve as the election canvassing board.
9. A new provision in the Act adds a definition to “vacancy in office” as when a board member moves out of area they were elected or appointed to represent.

NEW MEXICO SCHOOL BOARDS ASSOCIATION NEW MEXICO SUPERINTENDENTS ASSOCIATION

HOUSE BILL 98- LOCAL ELECTION ACT CONCERNS

1. Municipalities, the largest of all non-partisan entities, were allowed to retain their separate elections and all other entities that sought exemption from the bill were denied. However, if municipalities choose to participate in the single election they automatically appear first on the ballot and move school boards down to the second position.
2. The County Commission is now responsible for inclusion of bond/levy questions on the ballot. The Act references the possibility of there not being sufficient space on the ballot due to the number of requests. If this occurs, the question is either left off the election ballot or the requesting entity must pay for all costs associated with development of a second ballot page. School districts and other affected entities have been directed to submit their requests as early as possible as they will be handled on a first-come first-served basis.
3. Previously school districts and other affected entities paid the actual costs of the election to the county clerk after the election. Now affected entities will be billed in advance twice a year for an election that is held every two years with the funds going to the secretary of state not the county clerk.
4. A listing of assessment fees for all covered entities has not yet been made available to affected entities for budgeting purposes. Further, there are no assurances the amount of money collected by the Secretary of State from all affected entities does not exceed the amount needed to conduct this election.
5. As stated during legislative hearings, pitting the long list of bond and levy questions from all entities against each other on a single ballot will undoubtedly affect the number of questions passed and approved by the voters which may hurt students, teachers and school districts.
6. In-person special elections previously held by school districts and affected entities are no longer allowed. All special elections are mandated to be conducted by mail-in ballot only removing the in-person option previously utilized by school districts and affected entities very successfully.
7. The legislation failed to take into consideration SB9 and HB33 bond/levy questions which are expiring and were scheduled for school board elections in February of 2019. As a result, school districts and other affected entities must bear the unbudgeted and substantial costs of special mailed ballot elections that must be conducted prior to the next single election in November 2019.

Closing Comments

In order to assist school board members and superintendents, we recently took the initiative of inviting the bill sponsor, Senator Daniel Ivey-Soto and Secretary of State Maggie Toulouse Oliver to our School Law Conference in early June to provide a detailed update on the Act's implementation process.

We are pleased they attended the Conference as there were many questions and concerns expressed. We are waiting on requested information including the financial impact to each of our school districts and an official election calendar that provides deadline dates for all election requirements.

As we progress further into implementation of the Local Election Act there will likely be more issues and concerns that arise. We are committed to share these concerns and possible amendments with the Secretary of State and State Legislature.