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FISCAL IMPACT REPORT

SPONSOR: Stewart DATE TYPED: 3/20/03 HB 310/a HVEC/aSF#1/aSF#2

SHORT TITLE: School-related Constitutional Amendments SB _____

ANALYST: Chavez

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
\$900.0			\$300.0	Non-recurring	General Fund
			See Narrative	Non-recurring	County

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Secretary of State (SOS)
 State Department of Education (SDE)
 LFC Files

SUMMARY

Synopsis of SF1 Amendment

Senate Floor Amendment #1 strikes the House Voters and Elections Committee Amendment which provided that the special election be held on the first Tuesday of November. Thus the effect of this amendment is to provide that the special election be held on the fourth Tuesday of September 2003.

Synopsis of SF Amendment #2

Senate Floor Amendment #2 includes a provision allowing for concurrent elections. The Amendment amends Section 3-8-9 NMSA 1978, which pertains to election scheduling, to state that except as otherwise provided by law, a municipal election may be held concurrently with any statewide special, general or primary election or any regular school district election.

Section 3-8-9 NMSA 1978 additionally provides that when concurrent elections are called for, election matters shall be conducted to comply with all election requirements for each such election as if it were held separately. Section 3-8-9 NMSA 1978 further provides that the requirements may be satisfied by a combined action if such action would satisfy the requirements set by

law for each individual election. Allowable combined actions include but are not limited to, combined:

Synopsis of HVEC Amendment

The Voters and Elections Committee strikes the “fourth Tuesday of September” and replaces it with “first Tuesday of November”.

Synopsis of Original Bill

House Bill 310 calls for a special election to be held on the fourth Tuesday of September 2003 for the purpose of voting on constitutional amendments relating to the public school system proposed by the first session of the Forty-sixth Legislature.

Significant Issues

The bill appropriates \$900.0 from the general fund to the secretary of state for expenditure in fiscal years 2003 and 2004 to pay the costs of the special election. The bill states that any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund. It is difficult to fully determine the impact on the general fund because at the present time the number of constitutional amendments relating to the public school system is indeterminate. It is important to consider the cost effectiveness of the bill. The number of constitutional amendments from previous sessions relating to the public school system and their urgency to take effect may help in assessing the cost effectiveness of this bill. The bill contains an emergency clause.

FISCAL IMPLICATIONS

The appropriation of \$900.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 04 shall revert to the general fund. The SOS indicates the proposed appropriation is insufficient to conduct a statewide conventional election. It is determined that a conventional election costs approximately \$1.2 million and each constitutional amendment costs approximately \$32.0 for legal advertising, compliance with the Federal Voting Rights Act and the publication of the Voter Guide.

ADMINISTRATIVE IMPLICATIONS

The Secretary of State (SOS) indicates the administrative implications would be severe. The Bureau of Elections will be preparing candidate guides, nominating petitions, election calendars and other documents necessary for the beginning of the 2004 Presidential Election cycle from July through October 1. The SOS additionally stresses the impact of the implementation of the Help America Vote Act which is currently impacting available resources. The SOS feels the ability to properly serve the public, candidates and elected officials will be severely compromised. Moreover, there have been no new FTE increases in the Bureau of Elections. However, there have been incremental increases of duties assigned to the bureau, an increase in registered voters to nearly 1 million as well as new federal laws requiring compliance.

TECHNICAL ISSUES

On page 2, line 3, “provided for” should be deleted because these words are duplicated on page 2, line 2.

OTHER SUBSTANTIVE ISSUES

The SOS indicates that the county governments will be impacted by this special election since it is unlikely they have budgeted for it and may not have funds available.

The consequence of not passing this bill would be that the constitutional amendments relating to the public school system would appear on the November 2004 ballot.

FC/prr:yr