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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/08

SPONSOR Lopez LAST UPDATED _____ HB _____

SHORT TITLE Conservancy District and General Elections SB 396

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Association of County Clerks (ACC)
 Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 396 amends several sections of the "Conservancy District Act", NMSA Sections 73-14-1 to 73-14-31.1 to generally require that the Middle Rio Grande Conservancy District hold elections for its Board of Directors at the same time as the general election, or the first Tuesday after the first Monday in November of each even numbered year. The bill would require that the same polling places be used for both elections. Current law requires that elections for MRGCD board members be held on the first Tuesday after the first Monday of June in each odd-numbered year. See NMSA Section 73-14-24B (1978).

It amends provisions applicable to that conservancy district to remove authorization currently granted the board to hire a person to provide election services under contract approved by the Secretary of State, and designates the county clerk as the district's "election director".

The bill changes the time for issuing the election proclamation for that district from the first Monday in January, to the first Monday in June. It also would require that elections for board members of that district be conducted in accordance with the Election Code (Article 1 Chapter 1 NMSA) along with applicable provisions of the Conservancy District Act.

Finally, it enacts temporary provisions designating election and term expiration dates for current board members, based upon the year of their prior election and repeals NMSA Section 73-14-31.1 which currently regulates absentee ballot applications, but retains and modifies other provisions governing that subject.

SIGNIFICANT ISSUES

The Attorney General's Office states that the sections of law amended by this bill relate to conservancy districts established prior to 1930, embracing land in four or more counties, and encompassing more than one hundred thousand acres. Presumably this only includes the Middle Rio Grande Conservancy District (MRGCD). See NMSA Section 73-14-18, NMAC 21.7.2 referring to that section and providing for MRGCD elections. Other state law provisions governing elections for the boards of other districts are not amended by this bill. See NMSA 73-14-56 (1978). Inconsistent provisions in NMAC 21.7.2 governing election of board members for the MRGCD will have to be amended to conform to this bill.

The Association of County Clerks raise concerns that combining a non-partisan election with the General Election will make an already long and complicated ballot more so and will create more ballots styles in larger counties, leading to confusion. Currently, districts do not align with General Election Precincts.

The Secretary of State echo similar concern to ACC and highlights Bernalillo County where it explains that the General Election Ballot is already long, especially in years when Judges stand for retention. Adding additional races on the general election ballot will force the county to use a two-page ballot. The approximate additional cost of a two-page ballot in Bernalillo County is at least \$1 million.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The Attorney General's Office points out that the rule governing MRGCD elections appears to conflict with current law (NMSA 73-14-24B 1978) in that the rule provides for board member elections on the first Tuesday in November of each even-numbered year. See NMAC 21.7.2.16. This bill will apparently conform state law to that rule.

ALTERNATIVES

The Association of County Clerks suggests that all non-partisan elections be held together in odd numbered years because greater voter turnout is possible and less costs are associated with the elections.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The law will continue to require that elections for the board of directors of the MRGCD be conducted in June of each odd-numbered year.

EO/nt