

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 535

50th Legislature, 1st Session, 2011

Tracking Number: .186019.1

Short Title: Change Bond Election Day

Sponsor(s): Representatives Jane E. Powdrell-Culbert and Timothy D. Lewis and Others

Analyst: Kevin Force and David Harrell

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**HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 535**

Bill Summary:

In brief, CS/HB 535 amends multiple sections of state law to:

- create Bond Election Day; and
- require certain elections to be held on Bond Election Day (mill levy, property tax, and any nonschool special election at which a tax increase is being voted upon).

More specific provisions are delineated below:

Section 1 establishes “bond election day,” as the second Tuesday of each September, and stipulates that elections considering the following issues be held on that day:

- the imposition of mill levies;
- the imposition of a property tax, or a property tax increase, for a specific purpose;
- bond elections that are not school bond or statewide elections; and
- nonschool special elections that include tax increases.

Section 2 establishes the notice requirements pertaining to the elections listed in Section 1. Specifically, at least once a week for the four weeks preceding the election, notice of those elections is required to be:

- published in a newspaper of general circulation in the geographic area covered by the election; and
- broadcast by radio or television in the geographic area covered by the election.

Section 3 through Section 67 amend multiple sections of current law pertaining to elections to make them conform to the scheduling and notice requirements of Sections 1 and 2 of CS/HB 535, including provisions relating to:

- special hospital district elections;
- special mill levy elections;
- improvement district property tax election;
- elections under the *Flood Control District Act*; and

- elections under the *Las Cruces Arroyo Flood Control Act*;

Fiscal Impact:

HB 535 does not contain an appropriation.

Fiscal Issues:

According to the analysis of the original HB 535 submitted by the New Mexico Municipal League (NMML), if enacted, HB 535 may:

- impair the ability of municipalities and counties to impose gross receipts tax increments;
- only allow for one imposition date: January 1 of a given year; and
- negatively impact fiscal planning and project commencement.

Currently, this analysis continues, municipalities and counties have the ability to impose gross receipt tax increments in cases where:

- a positive referendum is required; or
- a negative referendum is triggered by holding an election within a certain number of days before either January 1 or July 1 of a given year.

Substantive Issues:

According to the NMML:

- current law provides for limitations regarding when certain elections may occur, as they relate to conflicts with other elections; and
- the advent of advanced voting technology has enhanced the ability to hold elections for various political subdivisions and within close date proximity.

Related Bills:

HB 170 *Land Grant Trustee Election Changes*
HB 260 *Conservancy District Mail-in Ballot Elections*
HB 300 *Info. Specified for Obligation Bond Election*
HB 358a *Conservancy District Elections Requirements*
SB 121 *Sandoval Flood Control Director Elections*
SB 403 *Election Code Language Standardization*
SB 547 *Election Code Definitions*
SB 572 *Election Calendar Changes*