

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HJR 7

**52nd Legislature, 1st Session, 2016**

**Tracking Number:** .202740.1

**Short Title:** School Elections with Other Elections, CA

**Sponsor(s):** Representative Paul C. Bandy

**Analyst:** Kevin Force

**Date:** January 28, 2016

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**Bill Summary:**

HJR 7 proposes to amend Article 7, Section 1 of the Constitution of the State of New Mexico to eliminate language that requires school elections to be held at different times from other elections. If passed, and then approved by the voters at the next general election or special election prior to that date that may be called for that purpose, the Legislature would be permitted to pass legislation requiring school board elections to be held at the same time as other elections.

**At a Glance:**

- This joint resolution would amend the New Mexico cto allow school elections to be held at the same time as other elections in the state, hopefully taking advantage of greater voter turnout usually associated with higher-profile elections.
- Before any actual changes might be effected for school election scheduling, the *School Election Law* also would have to be amended.

**Fiscal Impact:**

As a proposed amendment to the state constitution, HJR 7 does not contain an appropriation, but it may save costs of separate elections in all 89 school districts.

Under Section 1-16-13 NMSA 1978 and the New Mexico constitution, the Secretary of State (SOS) is required to print samples of the text of each constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state. SOS is also required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. If the ballot size is greater than one page, front and back, it would increase the cost of conducting the general election. In addition to the cost of the ballot, there will be added time for processing voters to vote, and additional ballot printing systems would be required to avoid having lines at voting convenience centers. SOS estimates the cost per constitutional amendment to be \$104,000 based on 2010 actual expenditures.

**Substantive Issues:**

Currently, the *School Election Law* requires school board elections to be held only on the first Tuesday in February of odd-numbered years. If HJR 7 passes and is approved by the voters, the *School Election Law* must be amended as well.

If the proposed amendment is approved, HJR 7 would allow the state to take advantage of greater voter turnout of general elections:

- according to the US Census Bureau statistics for 2014, New Mexico had a population of 2,085,572; approximately 1,582,949, or 75.9 percent, were over the age of 18;
- in 2015, there were 1,291,272 registered voters in New Mexico;
- according to KRQE News, only 7,700 voters participated in the Albuquerque Public Schools election in 2015, approximately 2.9 percent of the 438,819 registered voters in Bernalillo County;
- by comparison, in the 2014 midterm elections in New Mexico, 40.4 percent of registered voters participated, and 39.1 percent of registered voters participated in Bernalillo County.

### **Background:**

According to the National School Boards Association (NSBA), school elections:

- were originally separated from general elections in order to “remove politics from education”;
- suffer from low-voter turnout when separated from general elections (for example, districts that hold their elections on the same day as national or state elections report turnouts of up to 18 percent higher); and
- are scheduled by states at different times of the year, with little conformity nationally. For instance:
  - Arizona holds their school board elections on general election day;
  - Colorado’s elections are scheduled for the first Tuesday after the first Monday in November of odd-numbered years; and
  - Delaware holds their school elections on the second Tuesday of May.

The Legislature has addressed this issue before, most recently in 2013, when HJR 2, *School Election Timing, CA*, was passed by the Legislature. HJR 2 proposed to amend the New Mexico constitution to bar school elections from being held at the same time as “partisan” elections, rather than all other elections. The proposed amendment went before the voters in the general election of 2014, but failed to be approved.

Since then, however, some parties dispute that the change failed to be approved by the people. Most amendments to the state constitution require only a simple majority, but amendments proposing to affect voting rights require a 75 percent supermajority. Some parties have claimed that the “75 percent rule” was misapplied because the amendment addressed only the scheduling of elections, not voting rights per se, and filed a writ with the New Mexico Supreme Court requesting a review of the issue, which was denied. Plaintiffs have requested rehearing, but the Supreme Court has not yet addressed the issue.

### **Related Bills:**

- \*HB 138 *Voting for Some 17 Year-Olds*
- HB 143 *Change Dates for Certain Elections* (conflicts)