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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	Sen.s Trujillo and Gallegos/Rep. <u>Armstrong</u>	<b>LAST UPDATED</b>	<u>2/16/25</u>
		<b>ORIGINAL DATE</b>	<u>2/16/25</u>
		<b>BILL</b>	Senate Joint
<b>SHORT TITLE</b>	<u>School Elections Timing, CA</u>	<b>NUMBER</b>	<u>Resolution 11</u>
		<b>ANALYST</b>	<u>Liu</u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Election Costs			\$35.0 - \$50.0	\$35.0 - \$50.0	Nonrecurring	General Fund

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From  
 Secretary of State (SOS)  
 Public School Facilities Authority (PSFA)  
 Regional Education Cooperatives (REC)

Agency Analysis was Solicited but Not Received From  
 Public Education Department (PED)

## SUMMARY

### Synopsis of Senate Joint Resolution 11

Senate Joint Resolution 11 (SJR11) amends the New Mexico Constitution, striking the phrase “All school elections shall be held at different times from partisan elections.”

The joint resolution provides the amendment be put before the voters at the next general election (November 2026) or a special election called for the purpose of considering the amendment. The amendment would only be effective if approved by voters.

## FISCAL IMPLICATIONS

Under Section 1-16-4 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 required to publish the samples once a week for four weeks preceding the election in newspapers in every county in the state. Further, the number of constitutional amendments on the ballot may impact

the ballot page size or cause the ballot to be more than one page, also increasing costs. The estimated cost per constitutional amendment is \$35 thousand to \$50 thousand, depending on the size and number of ballots and if additional ballot stations are needed.

Should this proposed constitutional amendment be approved by voters, the Public School Facilities Authority (PSFA) notes more districts could place bond or mill levy questions on partisan elections, which could increase local capital outlay revenue and provide matching funds to apply for state capital outlay dollars for school facilities. The timing of bond questions and mill levies affects school district planning for facility replacements and renovations. Allowing districts to place these questions on the ballot alongside partisan elections would likely result in cost savings for schools because they must otherwise pay for the costs of special elections.

## SIGNIFICANT ISSUES

According to SOS, the history of the limiting language in Article 7, Section 1, begins during the state’s Constitutional Convention in 1910. Around that time, women were only granted the right to vote in school elections. New Mexico approved the 19<sup>th</sup> Amendment to the U.S. Constitution in 1920, granting women the right to vote in all elections, but the limitation on school district ballot questions in Article 7, Section 1, of New Mexico Constitution remained.

When school districts are unable to place ballot questions on a general election ballot, they often must hold special elections. In 2024, SOS notes there were six special elections for school districts, and as of January 2025, there are currently five special elections for school districts. These are all mail elections paid for by the district. This resolution would bring school districts into alignment with all other local governments, which already place ballot questions on statewide election ballots. Additionally, the change would likely increase voter participation in school elections.

## ADMINISTRATIVE IMPLICATIONS

SOS notes county clerks administer special elections. This resolution would likely reduce the number of special elections, reducing administrative burdens for these entities.

## OTHER SUBSTANTIVE ISSUES

The introduced version of Senate Joint Resolution 4 in the 2008 legislative session attempted to accomplish what this resolution proposes—eliminating a clause in the constitution to set school elections separately from other elections. However, the Senate Rules Committee amended the resolution in 2008 to only change the term “other” to “partisan” rather than strike the entire sentence. Failure on the part of the New Mexico Compilation Commission to update the constitution resulted in a mistake on subsequent ballots, which resulted in an attempt to re-amend the section and eventually the 2017 New Mexico Supreme Court case, *State of New Mexico, ex rel., League of Women Voters v. Advisory Committee to the New Mexico Compilation Commission*.

In 2008, voters approved the following amendment to this clause in Article 7, Section 1 of the New Mexico Constitution (513 thousand in favor, or 74.5 percent): “All school elections shall be held at different times from [~~other~~] partisan elections.”

In 2010, voters approved an amendment within the same article and section of the constitution (209.6 thousand in favor, or 57 percent); however, because the New Mexico Compilation Commission had not updated the language from the 2008 amendment, the clause reverted to: “All school elections shall be held at different times from other elections.”

In 2014, voters approved the same amendment from 2008 to the same clause in Article 7, Section 1, of the New Mexico Constitution (258.7 thousand in favor, or 57.7 percent): “All school elections shall be held at different times from [~~other~~] partisan elections.”

In 2015, more than 10 months after the election, plaintiffs sued the commission in *State v. Compilation Commission*, for failing to compile the amendment in the constitution, which remained: “All school elections shall be held at different times from other elections.”

In 2017, the Supreme Court ordered the compilation of amendments to Article 7, Section 1, of the constitution to be: “All school elections shall be held at different times from partisan elections.”

SL/hg/sgs