

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HJR 11

50th Legislature, 1st Session, 2011

Tracking Number: .182595.1

Short Title: Hold School Elections with General, CA

Sponsor(s): Representative Brian Egolf

Analyst: David Harrell

Date: February 8, 2011

Bill Summary:

HJR 11 proposes to amend Article 7, Section 1 of the Constitution of New Mexico to require that all school elections be held at the same time as general elections “in a manner and on a ballot as provided by law.”

The joint resolution also changes the voting age from 21 to 18 to comply with the Constitution of the United States.

Finally, HJR 11 provides that the amendment be submitted to the people of New Mexico for their approval or rejection either at the next general election or at any special election that may be called for that purpose prior to the general election.

Fiscal Impact:

As a proposed amendment to the state constitution, HJR 11 does not contain an appropriation.

Fiscal Issue:

The fiscal impact report by the Legislative Finance Committee suggests that HJR 11 could save the costs of 89 separate elections in school districts throughout the state by consolidating such expenses as election personnel, ballot preparation, and advertising with those of each general election.

Substantive Issues:

Currently, school elections are held as required under the *School Election Law*, on the first Tuesday in February of each odd-numbered year. If HJR 11 passes and the amendment is adopted, this law must also be amended.

The analysis by the Public Education Department (PED) suggests that HJR 11 might increase voter turnout for school elections, which typically is lower than the turnout for general elections. A case in point, the PED analysis continues, was the recent election for school board members in Albuquerque Public Schools, in which only 3.7 percent of eligible voters cast ballots.

Making a similar point is a 2002 report by the National School Boards Association (NSBA), which found that holding school district elections in conjunction with national or state elections increased voter turnout for school elections by as much as 18 percent. According to this report, “it appears that turnout for board elections could be significantly increased if districts altered their timing.”

Finally, the analysis by the Attorney General’s Office notes that, regardless of the outcome of HJR 11, the federal constitution takes precedence over the state constitution in determining legal voting age.

Background:

The NSBA report explains that school elections, which are typically nonpartisan, were originally separated from general elections “in order to separate partisan politics from schooling.” Thus, it was by design that school board elections “are held at times when the body politic is more inactive,” rather than in conjunction with “more visible elections,” like the general elections.

A more recent survey by the NSBA (June 2009) found a wide variety of school election calendars throughout the states. Like New Mexico, Oklahoma holds its school elections in February. More common months, however, are April, May, September, and October. Still other states hold their school elections throughout the year, and a number of them hold school elections in conjunction with general elections in November.

Finally, legislation similar to HJR 11 has been introduced in past sessions – 2007, for example – but it has not passed.

Related Bills:

- HB 264 *School Board Election, Appointment Limits*
- HJR 16 *School Elections with Other Elections, CA*
- SJR 7 *Increase Size of Certain School Boards, CA*