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FISCAL IMPACT REPORT

SPONSOR Egolf **ORIGINAL DATE** 02/23/11 **LAST UPDATED** _____ **HB** 450
SHORT TITLE School Elections by Mail **SB** _____
ANALYST Aledo

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	*See Fiscal Implications		

(Parenthesis () Indicate Expenditure Decreases)

Relates to - HJR 11, HJR 16, and SJR 16

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

County Clerk Affiliate (CCA)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 450 mandates that all school elections be conducted by mail and sets forth process details for ballot form, voter register, manner of voting, receipt of ballots, handling of ballots, and voting when no ballot was received.

The bill repeals Section 1-22-19 NMSA 1978 of current law which permits voters to vote in a school district election by absentee ballot. The bill also repeals Section 1-23-7 NMSA 1978 of current law which restricts the use of mail ballot elections.

FISCAL IMPLICATIONS

The Secretary of State states that the state's school districts' expenditures for school elections will likely be reduced if mail ballots are used in school elections. There would be no need to recruit, train or use poll workers. The cost for deployment of voting machines, moving truck

rental, and county voting machine technicians would be eliminated. County clerk staff overtime and other administrative costs associated with conventional election procedures would be reduced.

The Public Education Department concurs with the potential for cost savings. PED noted that there would be costs associated with mailing ballots to all registered voters for a school election, although this cost cannot be determined, it is likely to be far less than maintaining numerous voting stations for in-person voting. A recent APS school board election where only 12,800 people voted cost \$385,000.

SIGNIFICANT ISSUES

According to the SOS, school elections which are currently held in February are known for extremely low voter turnout. The SOS adds that with the possibility of bad weather weak participation is further depressed. School elections in February 2011 were hampered by bad weather and the state of emergency declared. However, the SOS has received complaints regarding all mail ballot elections, because, unlike absentee voting, actual ballots are mailed rather than requiring voters to request a ballot by filling out an application for a ballot. Some complainants have alleged that this increases the possibility of voter fraud, and have stated that ballots have been found in the trash and on the counters at local post offices. At this time, such allegations are being investigated.

The County Clerk Affiliate notes that approximately twenty-five percent of regular voters in New Mexico are registered to vote at an address where they do not receive mail. This generally happens because people move and fail to update their voter registration. Experience from other jurisdictions that have experience with all mail ballot elections suggests that it takes three to four elections for voters to realize they are not receiving their ballots and to update their voter registration to a more current address. In the meantime, however, there is a transition period during which a fourth of the regular voters will not be receiving their ballots.

ADMINISTRATIVE IMPLICATIONS

The CCA adds that the US Department of Justice has advised the Secretary of State that it would violate federal law to conduct a purge in 2010. The Secretary of State estimates a legal purge would have removed approximately 60,000 voters from the statewide voter rolls. Implementing this bill now will result in ballots being sent to these non-voters who still appear on the voter registry, at a cost to the school districts.

TECHNICAL ISSUES

The CCA raised the following issue:

Article XX, Section 7 of the state Constitution provides that each county will canvass the returns from the voters of its own county. Currently, school elections for multicounty school districts violate this provision when canvassing school elections, since they use a single canvassing board to canvass all the returns, regardless of the county in which the ballots were cast. This bill does not address or fix that problem, even though it amends the relevant sections of law for school elections.

This bill provides that a voter who does not receive a ballot should go to the County Clerk for the county in which the voter is registered. For multicounty school districts, that may not have been the County Clerk who sent out the ballots.

AMENDMENTS

CCA recommends the following three amendments:

- (1) Send ballots only to addresses from which mail has not previously been returned.
- (2) Fix the canvassing issue so multicounty school district elections comport with the state constitution.
- (3) Provide for County Clerks to send a supply of ballots to other County Clerks who share the same multicounty school district.

MCA/mew