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FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/11

SPONSOR White LAST UPDATED _____ HJR 16

SHORT TITLE School Elections with Other Elections, CA SB _____

ANALYST Aledo

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total			\$104.0	\$104.0	Nonrecurring	Election

(Parenthesis () Indicate Expenditure Decreases)

Relates to HJR 11

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Attorney General's Office (AGO)

Association of County Clerks (ACC)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Joint Resolution 16 proposes to amend Article 7, Section 1 of the New Mexico Constitution by deleting the requirement that all school elections be held at a different time from elections. The amendment proposed shall be submitted to public for approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

FISCAL IMPLICATIONS

According to the Secretary of State's office, with the passage of any House Joint Resolution, in accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the Secretary of State, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed Constitutional amendment or other question in accordance with the constitution of New Mexico.

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Although the county clerk includes the proposed amendments in his/her proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-11 NMSA 1978. The approximate cost per constitutional amendment is \$104,000.

SIGNIFICANT ISSUES

According to the Public Education Department, holding school board elections at the same time as general elections inherently enhances voter participation in school elections. Historically, voter turnout for school board elections has been extremely low. Consolidating these elections with other voting opportunities may provide greater citizen participation in the selection of local school board members and school public policy issues. PED provided the following example:

One example of low voter turnout for school board elections might be helpful. As of September 20, 2007, according to the Secretary of State's Voter Registration Statistics Report, there were 96,929 registered voters in Doña Ana County. The 2007 school board election for the school districts in Doña Ana County was decided by only 1,317 voters.

Although, the Association of County Clerks opposes having school elections with general elections, the ACC supports removing the language in order for the legislature to have the ability to decide if school elections should be left as they are or combined with other elections.

Historical note from the ACC:

Universal Women's Suffrage happened in New Mexico in 1920 only as a result of the passage of the 19th Amendment to the United States constitution. At the time the state constitution was originally drafted in 1910, the members of the constitutional convention were unwilling to consider granting the voting franchise to women for all elections. They were, however, willing to compromise and allow women to vote on educational matters only. It is for that historical reason that Article VII, Section 1 contains the phrase "School elections shall be held at different times from other elections."

OTHER SUBSTANTIVE ISSUES

Under this proposed amendment if passed, the legislature could but would not be required to enact a law requiring school board elections to be held at the same time as other elections. HJR 11 does propose an amendment that would require school board elections to be held at the same time as other elections.

The Secretary of State's office notes that the constitutional amendment in this bill does not define which election the school board election shall be held with. This creates issues regarding partisan elections, what agency will incur costs related to the elections, districts and/or precinct which do not have the same boundaries. If added to the General election ballot, there would be a minimal cost except in Bernalillo County, due to the typically considerable-sized ballot. It is estimated that there could be a possible 10% addition to the cost of ballots. Ballots in Bernalillo County typically cost \$1.00 per ballot. However, if not added to the General Election ballot, these costs would continue to be incurred by the individual school districts.

MCA/bym:svb