

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**ORIGINAL DATE** 02/17/11  
**LAST UPDATED** 03/18/11    **HB** \_\_\_\_\_

**SPONSOR**    Sanchez, M.

**SHORT TITLE**    Public Retirees as Precinct Board Members    **SB** 242/aHLC

**ANALYST**    Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relate to HB 57 & SB 142

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico County Clerks Affiliate (County Clerks)

Public Employees Retirement Association (PERA)

Secretary of State (SOS)

### SUMMARY

#### Synopsis of HLC Amendment

The House Labor and Human Resources Committee Amendment of Senate Bill 242 amends the title of the bill and inserts language on page 3, between lines 15 and 16 to allow for employment as an undersheriff in addition to serving as a precinct board member for a municipal election or an election covered by the Election Code.

#### Synopsis of Original Bill

Senate Bill 242 amends the Public Employees Retirement Act (Act) 10-11-8 NMSA 1978 to allow individuals who have retired through the PERA to serve as a precinct board member for a municipal election or an election covered by the Election Code.

The bill specifies that this employment shall be temporary and not result in the suspension of a member's retirement benefits.

## **FISCAL IMPLICATIONS**

There are no fiscal implications

## **SIGNIFICANT ISSUES**

During the course of the 2010 election cycle, several county clerks throughout the state sought advice from the SOS regarding the difficulties they were facing when attempting to hire precinct board members. This was due to the enactment 2009 legislation prohibiting PERA members from being employed by an affiliated public employer.

According to a release from the precinct officials who signed an oath of office prior to July 1, 2009 to work during the primary election fell within the grandfathering provision of the Act. However, that did not cover a large portion of retirees who would have been willing to serve.

The SOS believes that enactment of this legislation will ease the struggle that county clerks encountered to find high-quality precinct board members and create a more transparent and efficient election process.

The County Clerks provided the following:

- Under current statute, poll workers are paid up to \$150 for their service on election day. These are not the “double-dippers” last year’s reforms were aiming for.
- This service will not impact the fiscal soundness of the PERA fund, nor is anyone retiring so that they may become a poll worker.
- It is difficult to find people who are capable of working the polls in an efficient, competent manner. Removing PERA Retirees from the pool just exacerbates the problem.
- There is a disparity in treatment, in that ERB retirees may serve their community as poll workers, but PERA retirees may not.

## **ADMINISTRATIVE IMPLICATIONS**

In the short term, PERA anticipates employer reporting confusion regarding post-retirement employment. PERA's public relations staff will also have to provide specific training to municipal and county clerks as well as human resources and payroll department employees on reporting reemployed retirees.

## **RELATIONSHIP**

SB 242 relates to HB 57 reinstating \$15,000 earnings limit for retired PERA members who return to work with PERA affiliated public employers and HB 142 providing an exemption to the Act’s return to work provisions for undersheriffs, executive secretaries for sheriffs, school crossing guards and precinct board members for elections.