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## FISCAL IMPACT REPORT

**SPONSOR** Maestas **ORIGINAL DATE** 02/07/12  
**LAST UPDATED** 02/07/12 **HJR** 27

**SHORT TITLE** Albuquerque School Election Districts **SB** \_\_\_\_\_

**ANALYST** Chabot

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SJR 16

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Albuquerque Public Schools (APS)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 27 resolves the Legislature approves the new school board member districts for the Albuquerque Public School District.

### FISCAL IMPLICATIONS

The joint resolution has no fiscal impact.

### SIGNIFICANT ISSUES

Article 12, Section 15 of the New Mexico Constitution requires the Legislature approve the school board member district boundaries for school districts having seven board members and a population of more than 200,000. The section was adopted by the people in the general election of November 4, 1980 (see attached for complete text). Section 22-5-1.1 NMSA 1978 requires the school board to redistrict following the federal decennial census.

According to APS, the Legislature has not approved any redistricting done by APS since the adoption of the constitution amendment allowing the district to have seven separate and distinct districts.

## **House Joint Resolution 27 – Page 2**

In redistricting, the APS must comply with the Federal Voting Rights Act of 1982. According to the Brennan Center for Justice, districts should be drawn using some or all of the following criteria: equal population, minority representation, contiguity, compactness, political boundaries, communities of interest, and electoral outcomes. The U.S. Supreme Court ruled in 1964, districts must have equal population “as nearly as is practical.” This has been interpreted as not to exceed 10 percent deviation to allow use of the other criteria. In guidance to state redistricting, the Legislature established the criteria as not more than five percent deviation.

### **POSSIBLE QUESTIONS**

1. How does the APS redistricting plan meet each of the criteria mentioned by the Brennan Center for Justice?
2. What will be the impact if the Legislature approves or disapproves the plan?
3. What will be the impact if the Legislature takes no action?
4. When is the next APS election and by what date must redistricting action be completed so as to not interfere with the election process?

GAC/svb

Constitution of the State of New Mexico, Article 12, Section 15

Sec. 15. [Local school boards having seven single-member districts.]

Statute text

In those local school districts having a population of more than two hundred thousand, as shown by the most recent decennial census, the qualified electors of the districts may choose to have a local school board composed of seven members, residents of and elected from single member districts.

If a majority of the qualified electors voting in such a district election vote to have a seven-member board, the school district shall be divided into seven local school board member districts which shall be compact, contiguous and as nearly equal in population as possible. One school board member shall reside within, and be elected from each local school board member district. Change of residence to a place outside the district from which a school board member was elected shall automatically terminate the service of that school board member and the office shall be declared vacant.

The school board member districts shall be established by resolution of the local school board with the approval of the state legislature, and may be changed once after each federal decennial census by the local school board with the approval of the state legislature.

The elections required under this amendment shall be called and conducted as provided by law for other local school board elections. The state board of education shall, by resolution, establish the terms of the first board elected after the creation of such a seven-member board. (As added November 4, 1980.)

Annotations

Cross references. — As to school district elections, see 1-22-3 NMSA 1978 et seq.

As to local school boards generally, see 22-5-1 NMSA 1978 et seq.

As to local school board member recall, see 22-7-1 NMSA 1978 et seq.

Compiler's notes. — An amendment to this section proposed by S.J.R. No. 6 (Laws 2007), which would have increased the size of certain school boards from seven to nine members, was submitted to the people at the general election held on November 4, 2008. and adopted by a vote of 368,438 for and 323,553 against, but was struck by the New Mexico supreme court.

The 1980 amendment to Article XII, which was proposed by H.J.R. Nos. 5 and 7 (Laws 1979) and adopted at the general election held on November 4, 1980, by a vote of 147,035 for and 95,385 against, added this section.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 68 Am. Jur. 2d Schools §§ 10, 11, 53, 54.

78 C.J.S. Schools and School Districts § 93 et seq.