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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>HB104</u>	<b>Sponsor</b>	<u>Representative Bandy</u>
<b>Tracking Number</b>	<u>.205227.2</u>	<b>Committee Referrals</b>	<u>HLELC/HJC/HAFC</u>
<b>Short Title</b>	<u>Local Election Act</u>		
<b>Analyst</b>	<u>Force</u>	<b>Original Date</b>	<u>1/30/17</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

\*This LESC analysis focuses only on the portion of the bill affecting elections related to education.

House Bill 104 (HB104) proposes to combine statutory provisions for various local elections under a single "Local Election Act," repealing and replacing the current School Election Law. The bill amends the Election Code to consolidate procedures for all the local elections enumerated in the bill, including: community college boards, technical and vocational institution boards, and both regular and recall elections for school boards; elections for the imposition of taxes for learning centers and general obligation bonds; and elections for the imposition of taxes under the Public School Buildings Act, the Public School Capital Improvements Act, and the Public School Lease Purchase Act. Under the Local Election Act, all of the named local government elections would be consolidated into one election conducted on the same date, the first Tuesday after the first Monday in November of odd-numbered years.

The bill would shift reporting deadlines in the School District Campaign Reporting Act from the second Monday in April to 21 days before and 30 days after a school district election, and includes a temporary provision setting forth the expiration of terms for currently serving officials, so that terms in office for these officials conform to the requirements of the Local Election Act.

HB104 proposes to repeal several additional statutes neither amended nor replaced under other sections of the bill, including: Section 1-22-5 NMSA 1978 regarding special school district election proclamations and publications; Section 21-13-18.1 NMSA 1978 on regular community college elections, resolutions and publications; Section 21-13-18.2 NMSA 1978 on declarations of community college board candidacy, write-in candidates, filing dates, and penalties; and Section 21-16-21 NMSA 1978 regarding technical and vocational institution special election submissions, conduct, and voting hours.

The bill contains a delayed effective date of July 1, 2018.

It should be noted that charter school governing body elections are not included in the Local Election Act; while legislation has been proposed in recent sessions to bring charter school governing body elections under the Election Code, these elections are not covered under the current School Election Law, or any other part of the Election Code.

## **FISCAL IMPACT**

HB104 does not contain an appropriation.

The bill creates the Local Election Fund in the state treasury to reimburse counties for the cost of conducting and administering regular local elections under the Local Election Act, to pay for the Secretary of State's (SOS) administration of local elections, and to carry out all other provisions of the act. The fund includes money appropriated by the Legislature, as well as money annually assessed against local governments, the greater of \$250 or .025 percent of a local government's operating expenses, to be paid to SOS for deposit in the fund. Money from the fund is then appropriated to SOS to pay administrative costs associated with the act, and for reimbursement to the counties for their administrative costs. If the fund lacks sufficient funds to cover the local elections, SOS may apply for a grant from the State Board of Finance to cover the remaining costs.

According to SOS, costs arising from the administration of the act are similar to those resulting from statewide elections, including publication costs, labor costs for poll workers, printing of ballots, check-in stations, election programming, and voter system support. While noting that consolidated local elections may require fewer polling places than a statewide primary, thus incurring lower costs, SOS indicates a statewide primary is the best comparison for the purposes of determining fiscal impact under this bill. (SOS does not maintain data on the cost of conducting any of the individual special elections named in the act.) The cost of the 2014 gubernatorial primary was approximately \$3 million.

## **SUBSTANTIVE ISSUES**

The bill would streamline the local elections included in the bill by consolidating their procedures; the elections named in the act would be conducted on the same date, with the same dates and processes for filings, campaign finance reports, submission, declarations of candidacy, etc, thus potentially reducing costs and administrative burdens associated with conducting several different elections with related procedures and timelines.

Currently, the School Election Law requires school board elections to be held on the first Tuesday in February of odd-numbered years, yet holding these and other small municipal and special elections at different times throughout the year, as is the current practice, results in little notice to voters, and evokes low voter turnout. The consolidation of many specialized elections to be held at the same time may result in increased voter participation, the rate of which has been an issue of some concern to government officials at all levels for some time. Voting in school elections is particularly low, with participation in Albuquerque Public Schools elections as low as 2.6 percent in 2015. In 2014, a special election was held in Hobbs on the question of requiring voter identification during elections; out of the approximately 16 thousand registered voters in Hobbs, only 1,310 voted in the election, or less than 8 percent, with the measure passing with 78 percent approval. In 2015, voter turnout in Albuquerque's municipal elections

was a historically low 8.24 percent, down from 12 percent in 2011, and 20 percent in the 2013 mayoral race.

### **ADMINISTRATIVE IMPLICATIONS**

Administrative requirements may be substantial at first, as SOS and county clerks work to consolidate paperwork and procedures for the several elections to be held simultaneously under HB104. The bill, however, contains a delayed effective date of July 1, 2018, which should provide time for the necessary changes to local election procedures to be completed. After this initial work of combining these elections is complete, the consolidated election procedures should free administrative time and resources for election officials, especially at the county and municipal levels, where most of the bill's provisions are focused.

### **TECHNICAL ISSUES**

The bill's title indicates there is an appropriation included; yet while it does establish that appropriations are to be made to the Local Election Fund by the Legislature, no actual appropriation is made in the bill.

### **OTHER SIGNIFICANT ISSUES**

According to the National School Boards Association, school elections were originally separated from general elections during the early 20th century in order to remove politics from education, yet they suffer from low-voter turnout when separated from the more politically oriented general and primary elections. Low-turnout elections typically aren't representative of the electorate as a whole, but are dominated by white, more-affluent, and older voters. Research from the University of California, San Diego found such elections contribute to poorer outcomes for minorities, including uneven prioritization of public spending (*America's Uneven Democracy: Race, Turnout, and Representation in City Politics*, Hajnal, Cambridge University Press, 2010). According to *Political Research Quarterly*, school districts that hold their elections on the same day as presidential elections report voter turnouts of up to 18 percent higher than those that do not, while a move to the same time as midterm elections yields an increase in turnout of 8.7 percent.

### **RELATED BILLS**

Relates to HB28, Driver's License Automatic Voter Registration

Relates to HB40, Municipality Officer Recall Elections

Relates to HB98, Paper Ballot Access for Blind Voters

Relates to HB99, 16-Year-Olds Voting in School Elections

Relates to HB119, Prohibition Period for Candidate Contribution

Relates to HB174, Local Election Act, which accomplishes many of the same things as HB104, but includes more elections in its consolidated procedures.

Relates to HB206, Unaffiliated Voters in Primary Elections

Relates to HB226, Minor Party Candidate Nominating Signatures

Relates to HJR3, Independent Redistricting Commission, CA

Relates to HJR4, Register All Qualified Electors to Vote, CA

Relates to HJR6, Top Two Candidates Open Primary Elections

Relates to SB96, Campaign Finance Fixes

Relates to SB97, Public Financing of Campaign Fixes

Relates to SB163, Voter Registration Agent Registration

Relates to SB205, Unaffiliated Voters in Primary Elections

Relates to SB224, Register Voters 3 Days Before Elections

**SOURCES OF INFORMATION**

- LESC Files
- Office of the Attorney General
- Secretary of State

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