**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION
{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original __X__   **Amendment** _____
Correction _____   **Substitute** _____

Date 1/28/17
Bill No: HB104

Sponsor: Representative Paul C. Bandy

Short Title: LOCAL ELECTION ACT

Agency Code: 924
Person Writing Matt Pahl
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	**FY18**		
See below	See below	Recurring	

(Parenthesis ( ) Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: As it relates to the Public Education Department, HB104 amends the Election code to include recall elections of school board members; repeals and replaces 1-22-2 to include school district in the definition of "local government" place school elections under the same guidelines at local government elections; eliminates the permission of write-in candidates in school elections; and amends the date of school elections from February of each odd-numbered year to November of each odd-numbered year.

FISCAL IMPLICATIONS

Although the proposed amendments and repeals place school elections under the Election Code and define "local government" to include school districts, there does not seem to be any fiscal implications. Under this Election Code all costs of school district elections shall be paid by the school district, which is the consistent with 1-22-12 NMSA.

SIGNIFICANT ISSUES

HB104 includes the repeal and replace of 1-22-3 NMSA changes the date of the school elections from February of each odd-numbered year to November of each odd-numbered year. This will likely increase voter turnout for school board elections.

HB104 changes the Election Code for local governments and eliminates a write-in candidate in local elections. Currently 1-22-18 permits write-in candidates for the office board member in school district elections. The elimination of write-in candidates in school elections may restrict local control and could potentially impact voter turnout.

The repeal and replace of 1-22-2 NMSA defines "local government" to include school district. This places school board elections under local government elections; therefore, guidelines that are not specific to school elections. However, defining "local government" to include school district may add clarity surrounding the election process - many of which are similar in current statute.

The amended 1-1-19 NMSA states that the Election Code applies to local elections, which encompasses school district elections and that the current standing School Election Law is repealed. Additionally, this code will now apply to the recall elections of school board members; whereas, recall elections of school board members was previously seen as separate from school district elections.

The inclusion of school elections in the Election Code alters the proclamation of elections and provides guidelines that apply to all local government elections which includes a proclamation filed though the office of the secretary of state.