

<b>LFC Requester:</b>	<b>Ruby Ann Esquibel</b>
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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: Date 2/5/17  
**Original**     **Amendment**        **Bill No:** HB174  
**Correction**     **Substitute**   

**Sponsor:** Representative James E. Smith    **Agency Code:** 924  
Senator Daniel A. Ivey-Soto  
**Short**    **Person Writing** Matt Pahl  
**Title:**    LOCAL ELECTION ACT    **Phone:** 470-9909    **Email** Matt.pahl@state.nm.u

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
	See fiscal analysis below	Recurring	

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

**BILL SUMMARY**

**Synopsis:** As it relates to the Public Education Department, HB174 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. Moreover, HB174 changes the date of school elections from February of each odd-numbered year to October of each odd-numbered year.

## **FISCAL IMPLICATIONS**

Although the proposed changes place school elections under the Local Election Act, repeal the School Election Law, 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 CONDUCT OF ELECTIONS.

## **SIGNIFICANT ISSUES**

HB174 includes the repeal and replace of 1-22-3 changes the date of the school elections from February of each odd-numbered year to October of each odd-numbered year. Although the proposed HB104 and HB174 have similar implications of school elections the change in date differs.

The repeal and replace of 1-22-2 defines "local government" to include school district. This places school 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 surround the election process - many of which are similar in current statute.

The amended 1-1-19 ELECTIONS COVERED BY CODE 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.