

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HJR 16a

50th Legislature, 1st Session, 2011

Tracking Number: .183602.3

Short Title: School Elections with Other Elections, CA

Sponsor(s): Representatives James P. White and William “Bill” R. Rehm and Others

Analyst: Kevin Force

Date: March 8, 2011

AS AMENDED

The House Voters and Elections Committee amendments require school elections be held at different time from partisan elections.

Original Bill Summary:

- HJR 16, at the next general election or any special election prior to that date, would submit to the public a proposed amendment to Article 7, Section 1 of the New Mexico constitution.
- If approved, the amendment would eliminate the language that requires school elections to be held at different times from other elections.
- The Legislature would then be free to pass laws requiring school board elections to be held at the same time as other elections.

Fiscal Impact:

As a proposed amendment to the state constitution, HJR 16 does not contain an appropriation.

Fiscal Issues:

According to the Legislative Finance Committee Fiscal Impact Report (FIR) for HJR 11 (which also proposes to amend the constitution to allow school elections to be held with general elections), that amendment might save costs of separate elections in all 89 school districts, including costs for personnel, ballot preparation, and advertising.

Substantive Issues:

Currently, the *School Election Law* requires school board elections to be held on the first February of odd-numbered years. If HJR 16 passes and is approved by the voters, the *School Election Law* must be amended as well.

According to the Public Education Department’s analysis:

- As a joint resolution proposing an amendment to the New Mexico constitution, the proposed change will only take effect if the public approves it.
- If the proposed amendment is approved, HJR 16 may be seen as the state availing itself of the greater voter turnout of general elections:
 - according to the US Census Bureau statistics for 2006, New Mexico had a population of 1,954,599;
 - 84 percent of that number were over the age of 18;
 - in 2007, there were 1,077,318 registered voters in New Mexico; and
 - holding school board elections at the same time as general elections would enhance voter participation in school board elections.
- For example, in 2007, according to the Secretary of State's Voter Registration Statistics Report, there were 96,929 registered voters in Doña Ana County, but only 1,317 voters participated in the 2007 Doña Ana County school board elections.¹
- Also, according to the voter registration statistical report on the Secretary of State website, the Albuquerque Public Schools district had 350,547 registered voters as of November 7, 2006², but according to *The Albuquerque Journal* only about 12,295 voters participated in that election, approximately 3.7 percent of potential voters.³

Background:

According to a report from the National School Boards Association (NSBA), school elections:

- were originally separated from general elections in order to “remove politics from education;”
- are often isolated from more “high-profile” campaigns in an effort to maintain that separation; and
- suffer from low-voter turnout when separated from general elections (for example, districts that hold their elections on the same day as national or state elections report turnouts of up to 18 percent higher).

According to a recent survey by NSBA, the various states schedule their school board elections at different times of the year, with little conformity as to whether the elections are held on, or near, general election day, or at some other time of year entirely. For instance:

- Arizona holds their school board elections on general election day; while
- Colorado's elections are scheduled for the first Tuesday after the first Monday in November of odd-numbered years; and
- Delaware holds their school board elections on the second Tuesday of May.

In recent years, legislation similar to HJR 16 has been proposed, for example in the 2007 and 2008 regular legislative sessions, but has not passed.

¹ nmpolitics.net

² <http://www.sos.state.nm.us/pdf/COUNTY117.PDF>

³ <http://www.abqjournal.com/abqnews/abqnewsseeker-mainmenu-39/10567-updated-apsnm-election-results-.html>

Related Bills:

HB 264 *School Board Election, Appointment Limits*

HB 277 *School Board Campaign Reporting Act*

HJR 11 *Hold School Elections with General, CA*

SJR 7 *Increase Size of Certain School Boards, CA*