

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 249

48th Legislature, 2nd Session, 2008

Short Title: Community College & School District Elections

Sponsor(s): Representative Peter Wirth and Others

Analyst: David Harrell

Date: January 29, 2008

Bill Summary:

HB 249 amends the *Community College Act* to allow elections of members of community college boards to be held (1) in conjunction with regular school district elections on the first Tuesday of February in each odd-numbered year if the community college board and the local school board agree; or (2) on the date otherwise prescribed by the *Community College Act*.

Fiscal Impact:

HB 249 makes no appropriation.

According to the Elections Bureau of the Santa Fe County Clerk's office, separate elections for Santa Fe Public Schools and Santa Fe Community College typically cost \$40,000 each. By combining the elections, HB 249 should cut the cost approximately by half.

Issues:

According to the Elections Bureau of the Santa Fe County Clerk's office, HB 249 is a joint initiative of the Santa Fe County Clerk, Santa Fe Public Schools, and Santa Fe Community College. The bill is in response to voter concerns over having two separate elections within a month of each other when the two districts – the school district and the community college district – share the same external boundaries and the same electorate. Although the bill does not specify these details, the expectation of these three entities is that the combined election would use a single ballot and be canvassed according to procedures currently in place in the *School Election Law* for school district elections, procedures that are followed by community college elections. Combining the elections would reduce such costs as printing notices and ballots, hiring poll workers, and servicing voting machines. In addition, it would reduce the number of disruptions at those public schools used as polling places. The Santa Fe County Elections Bureau also explains that the language in the bill is permissive because combined elections may not be feasible or desirable in other parts of the state.

The analysis of HB 249 by the Secretary of State contends that the bill conflicts with Article 7, Section 1 of the state constitution, which requires that all school elections “be held at different times from other elections.” However, the Santa Fe County Bureau of Elections says that a legal review of this provision found no conflict because a community college is a school. (That article of the constitution, incidentally, is the subject of another measure introduced during the 2008 session, noted below, which would amend the constitution to allow school elections to be held at the same time as other elections.)

Finally, HB 249 is unlikely to affect voter turnout because, according to the Santa Fe County Bureau of Elections, turnout at each separate election is typically around 5.0 percent.

Related Bill:

SJR 4 *School Elections with Other Elections, CA*