

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Sanchez, M **ORIGINAL DATE** 2/25/15
LAST UPDATED 3/13/15 **HB** _____

SHORT TITLE Municipal & General Elections at Same Time **SB** 364/aSRC

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Unknown	Unknown	Unknown	Recurring	SOS and Municipal Operating budgets

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

New Mexico Municipal League (NMML)

Attorney General's Office (AGO)

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment to Senate Bill 364 provides that, if there is a conflict between the provisions governing the general election and those governing the municipal election, the provisions of the general election shall be used.

The amendment includes changes to the municipal election code which extend candidate filing dates and the dates by which municipal clerks must certify candidacy.

Synopsis of Bill

Senate Bill 364 amends the municipal election code to require regular municipal elections to be held on the same day as the general election. It also contains a temporary provision extending the term of any elected municipal official elected prior to the effective date of the act until the general election that occurs after the expiration of the officer's term.

FISCAL IMPLICATIONS

Currently, the state pays the cost of the entire general election ballot, including the county

candidates and questions and municipalities pay the costs of municipal elections.

Enactment of the provisions of SB 364 would likely lead to two possible outcomes: municipal candidates and questions would be added to the general election ballot, or municipal elections would be held separately from, but concurrent with the general election.

In the case that municipal ballot content is added to the general election ballot, the SOS will likely incur additional cost as there will be a significant increase in the number of different ballot styles; because municipal boundaries do not necessarily align with county precinct boundaries, if a precinct straddles the municipal/county boundary, then two separate ballot styles must be created. Creating the additional ballot styles would lead to additional setup charges from the ballot programmer as well as increased printing costs as there would be a greater need for printers which could print on both sides of the ballot. While the municipality would continue to be liable for the costs of the municipal election, it is not known how these costs would be determined in a combined election.

Both the SOS and NMML report that enactment of this legislation may result in running municipal and general elections as separate, but concurrent. In the case of a separate but concurrent election, the SOS and municipalities would not realize any additional savings from the election as both would continue to have the same needs for equipment and personnel.

The fiscal impact of this legislation is unknown at this time.

SIGNIFICANT ISSUES

Due to precincts being split between county and municipality, it may be difficult for poll workers to determine which ballot to issue to a particular voter within a precinct. Ballot printing systems could be used to reduce this confusion since they could be programmed to print the correct ballot based upon the precinct part associated with a particular voter. These systems are cost effective in certain, larger jurisdictions but are cost prohibitive in smaller jurisdictions in comparison to using pre-printed ballots.

TECHNICAL ISSUES

Sections 3-8-10 and 3-8-11 NMSA 1978 direct the municipal governing body and municipal clerk to designate polling places municipal elections while Section 1-3-2 NMSA 1978 requires the board of county commissioners designate polling places for the general election. Clarification as to which entity decides polling places may be needed to avoid voter confusion and designate a single polling location per precinct.

The General election is a partisan election and ballots are statutorily required to be marked with emblems to designate party affiliation while municipal elections are non-partisan.

The SOS writes:

SB 364 conflicts with many sections of the Election Code, including 1-12-71, requiring such elections to be held at least 42 days apart. Additionally, the municipal election code contains provisions for the conduct of the municipal election that conflict with the provisions for conduct of a statewide election such as the absentee procedures, date for filing declarations of candidacy, issuance of provisional ballots, and authority of the SOS. The municipal election code provides that the ballot order is set at 5:00 p.m. on the 54th day before the election. The general election ballots must be finalized no later than 56 days before an election. Military and overseas ballots

must be mailed no later than the 45th day before the election. If the SOS were required to add the municipal candidates to the general election ballots statewide three days after the current deadline, it reduces the time for proofing and corrections of the ballots to only six days, statewide. It is unlikely that would provide adequate time and could put the state at risk of violating federal law. The bill creates ambiguities as to which sections of conflicting law would govern if the elections were placed on the same ballot.

CJ/je/aml