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FISCAL IMPACT REPORT

SPONSOR <u>Ortiz y Pino/Duhigg</u>	LAST UPDATED _____
	ORIGINAL DATE <u>2/10/23</u>
SHORT TITLE <u>Delay Part of Local Election Act</u>	BILL NUMBER <u>Senate Bill 335/ec</u>
	ANALYST <u>Daly</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No Fiscal Impact	(Indeterminate but Substantial)	No Fiscal Impact	(Indeterminate but Substantial)	Nonrecurring	Local Election Fund
Total						

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From
New Mexico Attorney General (NMAG)
Secretary of State (SOS)

SUMMARY

Synopsis of Senate Bill 335

Senate Bill 335 delays the implementation of the Local Election Act as it applies to districts created pursuant to the Conservancy Act of New Mexico and provides requirements for the conduct of district elections in 2023.

This bill contains an emergency clause and would become effective immediately on signature by the governor.

FISCAL IMPLICATIONS

SOS reports that if this bill does not pass, there will be a significant increase in costs to administer conservancy district elections pursuant to the Local Election Act, which would result essentially in SOS and the county clerks conducting two elections simultaneously. If the bill passes, there will be indeterminate but substantial decreases in expenses charged against the local election fund, which is funded by the general fund.

SIGNIFICANT ISSUES

According to SOS, SB335 addresses an administrative reality regarding the inclusion of special districts that were created pursuant to the Conservancy Act in the 2023 Regular Local Election. SOS advises that including these districts in that election is not workable at this time and warns that if this bill does not pass, the Secretary of State and county clerks would have to essentially administer two elections simultaneously, instead of one streamlined election. This would likely lead to confusion among voters and double the requirement for ballot on demand systems at polling locations within these districts, resulting in much higher costs.

SOS reports that the systemic demands of running elections during a global pandemic absorbed resources and time that would have otherwise been dedicated to the development of needed processes and systemic upgrades for the inclusion of these districts in a statewide election. It believes the delay is now necessary to ensure the secure and efficient administration of these elections.

TECHNICAL ISSUES

Subsection B requires a district's board to contract with an election director. It is unclear whether this directive is solely for the 2023 election, or is a continuing obligation. Additionally, this subsection provides that that contract "may be approved" by SOS. It is unclear if that approval is necessary, or if seeking approval is up to the district's board.

MD/al/ne