

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2018 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 Jan. 20, 2018  
**Original**     **Amendment**        **Bill No:** HB98  
**Correction**     **Substitute**   

**Sponsor:** Bandy, Ivey-Soto, Smith    **Agency Code:** 264  
**Short**    **Person Writing** Gail MacQuesten  
**Title:** Local Election Act    **Phone:** 505 466-0532    **Email** gailmacquesten@gmail.com

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
0	0	recurring	Local Election Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		
0	unknown	unknown	recurring	Local Election Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	0	0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

House Bill 98 (HB98) enacts the Local Election Act which would amend the election code to consolidate the conduct of local elections to be held on a single day and create uniform processes for these elections. The consolidated local elections would be held on the first Tuesday after the first Monday in each odd-numbered November. HB98 also makes substantive amendments to the election code.

HB98 repeals the School Election Law, the Mail Ballot Election Act, the Municipal Election Code and other provisions of law in conflict with the new Local Election Act, and makes conforming amendment to other sections of law.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

There are no fiscal implications for the district attorneys.

The bill creates the “local election fund” to be administered by the Secretary of State to fund state and county costs of elections held pursuant to the proposed Local Election Act. The fund is to include money from annual assessments imposed on local governments, and money appropriated to the fund by the legislature.

**SIGNIFICANT ISSUES**

There are no significant issues for the district attorneys.

**PERFORMANCE IMPLICATIONS**

The district attorneys are charged under the current Election Code is assigning an “elections prosecutor” for the judicial district or each county in the judicial district. The Attorney General and the district attorneys may be requested to provide investigators or lawyers to aid in ensuring the proper conduct of elections. See NMSA 1978, Section 1-2-1.1. Therefore, the district

attorneys may have a role in ensuring that the Local Election Act is carried out. In addition, existing election laws and the new Local Election Act include some criminal provisions. See, for example, the new Section 1-22-7(D), which sets out the fourth degree felony of knowingly making a false statement in a declaration of candidacy.

#### **ADMINISTRATIVE IMPLICATIONS**

See Performance Implications, above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None noted.

#### **TECHNICAL ISSUES**

None noted.

#### **OTHER SUBSTANTIVE ISSUES**

None noted.

#### **ALTERNATIVES**

None proposed.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Local elections in New Mexico will be governed under existing election law.

#### **AMENDMENTS**

None proposed.