

LFC Requester:	Cerny, Charlene
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**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

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:

Original X **Amendment**
Correction **Substitute**

Date January 30, 2014

Bill No: HB153-305 Jan 30

Sponsor: Rep. Terry H. McMillan

Reviewing Attorney General's Office

Short Concurrent Municipal and

Person Writing Tania Maestas

Title: General Elections

Phone: 505-827-6024 **Email** tmaestas@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s, committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

House Bill 153 amends the Municipal Election Code, Chapter 3, Article 8, NMSA 1978 to specify that a regular municipal election may be held concurrently with the general election.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

N/A

SIGNIFICANT LEGAL ISSUES

In Opinion 12-05, the Attorney General’s office concluded that unless otherwise provided by law, Section 3-8-9 of the Municipal Election Code authorizes a municipality to hold an election concurrently with a general election. Section 3-8-9(C) states that when a concurrent election is held, election actions may be combined “if such action would satisfy the requirements set by law for each individual election.”

Section 3-8-9(C) further states in relevant part that when concurrent elections are held, all election matters shall be conducted to comply with all election requirements for each such election as if it were held separately. In other words, although a municipal election may be held concurrently with a general election, the two elections must remain separate and separate ballots must be used. Moreover, any incompatible provisions, such as voter identification must be independently complied with.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

N/A

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

N/A

TECHNICAL ISSUES OR DRAFTING ERROR

N/A

OTHER SUBSTANTIVE LEGAL ISSUES

N/A

ALTERNATIVES TO ENACTING THIS BILL

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS NEEDED TO IMPROVE THIS BILL

N/A