

AN ACT

FIXING THE TIME FOR A SPECIAL ELECTION FOR VOTING ON CONSTITUTIONAL AMENDMENTS RELATED TO THE PUBLIC SCHOOL SYSTEM PROPOSED BY THE FIRST SESSION OF THE FORTY-SIXTH LEGISLATURE; ALLOWING FOR CONCURRENT ELECTIONS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SPECIAL ELECTION.--Amendments to the constitution of New Mexico related to the public school system that are proposed by the first session of the forty-sixth legislature, unless otherwise specified in the amendments, shall be submitted to a vote of the qualified electors at a special election to be held on the fourth Tuesday of September 2003.

Section 2. Section 3-8-9 NMSA 1978 (being Laws 1985, Chapter 208, Section 17, as amended) is amended to read:

"3-8-9. ELECTION SCHEDULING--CONFLICTS--NOTICE.--

A. Except as otherwise provided by law, a municipal election may be held concurrently with, but shall not be held within forty-two days prior to or within thirty days after, any statewide special, general or primary election or any regular school district election. Whenever a municipal election would be or has been scheduled within the prohibited time, the governing body shall adopt an election resolution scheduling or rescheduling the election on a date as soon as is practicable outside the prohibited period and in compliance with the requirements of the Municipal Election Code and any other statute specifically related to such election. If an election resolution has already been adopted, the new election resolution shall supersede the existing election resolution and the new election resolution shall be published as required by the

Municipal Election Code.

B. Except as otherwise provided by law, one or more municipal special elections, including but not limited to bond elections, may be held in conjunction with a regular municipal election or one or more special municipal elections.

C. When concurrent elections are called for, publications, notices, selection of precinct boards, election schools, ordering election supplies, conduct of the election, canvassing, record keeping and all other election matters shall be conducted to comply with all election requirements for each such election as if it were held separately. However, any requirement may be satisfied by a combined action if such action would satisfy the requirements set by law for each individual election.

Allowable combined actions include but are not limited to, combined:

- (1) publications;
- (2) notices;
- (3) appointment of precinct boards;
- (4) ordering of election supplies;
- (5) conduct of election;
- (6) canvassing; and
- (7) record keeping."

Section 3. APPROPRIATION.--Nine hundred thousand dollars (\$900,000) is appropriated from the general fund to the secretary of state for expenditure in fiscal years 2003 and 2004 to pay the costs of the special election provided for provided for in Section 1 of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

