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HOUSE BILL 496

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO ELECTIONS; CHANGING PROCLAMATION AND PUBLICATION
PROCEDURES FOR SCHOOL DISTRICT ELECTIONS; CHANGING NOTIFICATION
REQUIREMENTS FOR SCHOOL ELECTIONS.

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

SECTION 1. Section 1-22-1 NMSA 1978 (being Laws 1985,
Chapter 168, Section 3) is amended to read:

"1-22-1. SHORT TITLE.--~~[Sections 1-22-1 through 1-22-19]~~
Chapter 1, Article 22 NMSA 1978 may be cited as the "School
Election Law"."

SECTION 2. Section 1-22-4 NMSA 1978 (being Laws 1985,
Chapter 168, Section 6, as amended) is amended to read:

"1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

A. The board shall by resolution issue a public
proclamation in Spanish and English calling a regular school

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1 district election within the school district on the date
2 prescribed by the School Election Law. The proclamation shall
3 be filed by the superintendent with the ~~[county clerk of~~
4 ~~record]~~ proper filing officer on or within one week prior to
5 the last Tuesday in November of the even-numbered year
6 immediately preceding the date of the election.

7 B. The proclamation shall specify:

8 (1) the date when the election will be held;

9 (2) the positions on the board to be filled;

10 and

11 ~~[(3) the date on which declarations of~~
12 ~~candidacy are to be filed;~~

13 ~~(4) the date on which declarations of intent~~
14 ~~to be a write-in candidate are to be filed;~~

15 ~~(5)]~~ (3) the questions to be submitted to the
16 voters.

17 ~~[(6) the precincts in each county in which the~~
18 ~~election is to be held and the location of each polling place;~~

19 ~~(7) the hours each polling place will be open;~~
20 and

21 ~~(8) the date and time of the closing of the~~
22 ~~registration books by the county clerk of record as required by~~
23 ~~law.]~~

24 C. After ~~[filing]~~ the proclamation has been filed
25 with the ~~[county clerk of record and not less than fifty days~~

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1 ~~before the date of the election, the~~ proper filing officer,
2 that county clerk [of record] shall establish and include in
3 the proclamation:

4 (1) the date on which declarations of
5 candidacy are to be filed;

6 (2) the date on which declarations of intent
7 to be a write-in candidate are to be filed;

8 (3) the precincts in each county in which the
9 election is to be held and the location of each polling place;

10 (4) the hours each polling place will be open;

11 and

12 (5) the date and time of the closing of the
13 registration books by the county clerk as required by law.

14 D. Not less than fifty days before the date of the
15 election, the proper filing officer shall publish the
16 proclamation as completed in accordance with Subsections B and
17 C of this section at least once in a newspaper of general
18 circulation within the school district. The publication of the
19 proclamation shall conform to the requirements of the federal
20 Voting Rights Act of 1965, as amended.

21 E. The proper filing officer shall inform the
22 superintendent of all regular election information in
23 Subsection C of this section at least five days prior to
24 publication of the proclamation."

25 **SECTION 3.** Section 1-22-5 NMSA 1978 (being Laws 1985,

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1 Chapter 168, Section 7, as amended) is amended to read:

2 "1-22-5. SPECIAL ELECTION--PROCLAMATION--PUBLICATION.--

3 A. Whenever a special school district election is
4 to be called or is required by law, the board shall by
5 resolution issue a public proclamation in Spanish and English
6 calling the election. The proclamation shall forthwith be
7 filed by the superintendent with the ~~[county clerk of record]~~
8 proper filing officer.

9 B. The proclamation shall specify:

10 (1) the date on which the special election
11 will be held;

12 (2) the positions on the board to be filled;
13 and

14 ~~[(3) the date on which declarations of
15 candidacy are to be filed;~~

16 ~~(4) the date on which declarations of intent
17 to be a write-in candidate are to be filed;~~

18 ~~(5)]~~ (3) the questions to be submitted to the
19 voters.

20 ~~[(6) the precincts in each county in which the
21 election is to be held and the location of each polling place;~~

22 ~~(7) the hours each polling place will be open;~~
23 and

24 ~~(8) the date and time of the closing of the
25 registration books by the county clerk of record as required by~~

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1 ~~law.]~~

2 C. After [~~filing~~] the proclamation has been filed
3 with the [~~county clerk of record and not less than fifty days~~
4 ~~before the date of the election, the~~] proper filing officer,
5 that county clerk [of record] shall establish and include in
6 the proclamation:

7 (1) the date on which declarations of
8 candidacy are to be filed;

9 (2) the date on which declarations of intent
10 to be a write-in candidate are to be filed;

11 (3) the precincts in each county in which the
12 election is to be held and the location of each polling place;

13 (4) the hours each polling place will be open;

14 and

15 (5) the date and time of the closing of the
16 registration books by the county clerk as required by law.

17 D. Not less than fifty days before the date of the
18 election, the proper filing officer shall publish the
19 proclamation as completed in accordance with Subsections B and
20 C of this section at least twice in a newspaper of general
21 circulation in the school district. The publication of the
22 proclamation shall conform to the requirements of the federal
23 Voting Rights Act of 1965, as amended.

24 E. The proper filing officer shall inform the
25 superintendent of all special election information in

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1 Subsection C of this section at least five days prior to
2 publication of the proclamation."

3 SECTION 4. Section 1-22-7 NMSA 1978 (being Laws 1985,
4 Chapter 168, Section 9, as amended) is amended to read:

5 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--
6 PENALTY.--

7 A. A candidate for a [~~school~~] board position that
8 will be filled at a regular school district election shall file
9 a declaration of candidacy with the proper filing officer
10 during the period commencing at 9:00 a.m. on the third Tuesday
11 in December of the even-numbered year immediately preceding the
12 date of the regular school district election and ending at 5:00
13 p.m. on the same day.

14 B. A candidate for a [~~school~~] board position that
15 will be filled at a special school district election shall file
16 a declaration of candidacy with the proper filing officer
17 during the period commencing at 9:00 a.m. on the forty-eighth
18 day before the election and ending at 5:00 p.m. on the same
19 day.

20 C. A candidate shall file for only one [~~school~~]
21 board position during a filing period.

22 D. The proper filing officer shall notify the
23 superintendent of all declared candidates no more than twenty-
24 four hours after the end of the filing period.

25 [~~D.~~] E. Whoever knowingly makes a false statement

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1 in [~~his~~] a declaration of candidacy is guilty of a fourth
2 degree felony and shall be sentenced pursuant to the provisions
3 of Section 31-18-15 NMSA 1978."

4 SECTION 5. Section 1-22-9 NMSA 1978 (being Laws 1985,
5 Chapter 168, Section 11) is amended to read:

6 "1-22-9. WITHDRAWAL OF CANDIDATES.--

7 A. A person who is a candidate for membership on
8 the board may file an affidavit with the proper filing officer
9 for the district in which [~~he~~] the person is a candidate
10 withdrawing [~~his~~] the person's candidacy in the election. The
11 affidavit shall be filed before 5:00 p.m. on the thirty-fifth
12 day before the date of the school district election. The
13 county clerk shall not place on the ballot the name of any
14 person properly filing the affidavit of withdrawal.

15 B. The proper filing officer shall notify the
16 superintendent of all individuals who have withdrawn their
17 candidacy in the election and the official candidate list for
18 the school district election no later than 5:00 p.m. on the
19 thirty-fourth day before the date of the election."