

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 302

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO SCHOOL BOARD ELECTIONS; REQUIRING A SPECIAL
ELECTION TO FILL A VACANCY ON A SCHOOL BOARD; PROVIDING FOR
ELECTION PROCEDURES; REQUIRING CANDIDATES TO FILE PROOF OF
PRIMARY RESIDENCY WITH THEIR DECLARATIONS OF CANDIDACY.

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

SECTION 1. A new section of the School Election Law is
enacted to read:

"[NEW MATERIAL] SPECIAL ELECTIONS TO FILL VACANCIES.--

A. The board shall by resolution issue a public
proclamation in Spanish and English calling a special school
district election to fill a vacancy on the board within the
school district within ten days of the occurrence of the
vacancy. The election shall be held within thirty days of
issuance of the proclamation. The proclamation shall be filed

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 by the superintendent with the proper filing officer.

2 B. The proclamation shall specify:

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

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

5 (3) the date on which declarations of
6 candidacy are to be filed;

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

9 (5) the hours each polling place will be open;
10 and

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

13 C. After filing the proclamation with the proper
14 filing officer, the county clerk shall publish the proclamation
15 at least once in a newspaper of general circulation within the
16 school district. The publication of the proclamation shall
17 conform to the requirements of the federal Voting Rights Act of
18 1965, as amended."

19 SECTION 2. Section 1-22-7 NMSA 1978 (being Laws 1985,
20 Chapter 168, Section 9, as amended) is amended to read:

21 "1-22-7. DECLARATION OF CANDIDACY--REGULAR OR SPECIAL
22 ELECTION TO FILL VACANCY--PROOF OF RESIDENCY--FILING DATE--
23 PENALTY.--

24 A. A candidate for a board position that will be
25 filled at a regular school district election shall file a

.206229.1

underscored material = new
[bracketed material] = delete

1 declaration of candidacy with the proper filing officer during
2 the period commencing at 9:00 a.m. on the third Tuesday in
3 December of the even-numbered year immediately preceding the
4 date of the regular school district election and ending at 5:00
5 p.m. on the same day.

6 B. A candidate for a board position that will be
7 filled at a special school district election to fill a vacancy
8 shall file a declaration of candidacy with the proper filing
9 officer during the period commencing at 9:00 a.m. seven days
10 following publication of the proclamation and ending at 5:00
11 p.m. on the same day.

12 C. A candidate for a board position shall submit
13 proof to the county clerk that the candidate's primary
14 residence is located within the school district when the
15 candidate files a declaration of candidacy.

16 [~~B-~~] D. A candidate shall file for only one board
17 position during a filing period.

18 [~~G-~~] E. Whoever knowingly makes a false statement
19 in a declaration of candidacy is guilty of a fourth degree
20 felony and shall be sentenced pursuant to the provisions of
21 Section 31-18-15 NMSA 1978."

22 **SECTION 3.** Section 22-5-9 NMSA 1978 (being Laws 1967,
23 Chapter 16, Section 32, as amended) is amended to read:

24 "22-5-9. [~~LOCAL~~] SCHOOL BOARD VACANCIES.--

25 A. A vacancy occurring in the membership of a

.206229.1

