

1 HOUSE FLOOR SUBSTITUTE FOR HOUSE STATE GOVERNMENT, ELECTIONS
2 AND INDIAN AFFAIRS COMMITTEE SUBSTITUTE FOR HOUSE BILL 9

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10 **55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2021**

11 AN ACT

12 RELATING TO REDISTRICTING OF THE PUBLIC EDUCATION COMMISSION;
13 ESTABLISHING PUBLIC EDUCATION COMMISSION DISTRICTS; PROVIDING
14 FOR STAGGERED TERMS AND THE FILLING OF VACANCIES; SETTING
15 PRECINCTS; SETTING RESIDENCY REQUIREMENTS; REPEALING AND
16 ENACTING SECTIONS OF THE NMSA 1978.

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

18 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
19 cited as the "2021 Educational Redistricting Act".

20 SECTION 2. [NEW MATERIAL] COMMISSION MEMBERS.--The public
21 education commission is composed of ten members to be elected
22 from districts established by law.

23 SECTION 3. [NEW MATERIAL] ELECTION FOR STAGGERED TERMS.--

24 A. Members of the public education commission shall
25 be elected for staggered terms of four years.

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underscored material = new
[bracketed material] = delete

1 B. Members shall be elected at the general election
2 for terms commencing on January 1 next succeeding their
3 election.

4 C. Members from districts two, three, five, six and
5 seven shall be elected from the districts described in Sections
6 7, 8, 10, 11 and 12 of the 2021 Educational Redistricting Act
7 at the 2022 and subsequent general elections.

8 D. Members from districts one, four, eight, nine
9 and ten shall be elected from the districts described in
10 Sections 6, 9, 13, 14 and 15 of the 2021 Educational
11 Redistricting Act at the 2024 and subsequent general elections.

12 **SECTION 4. [NEW MATERIAL] RESIDENCE.--**A candidate for the
13 office of public education commissioner shall reside in the
14 district for which the candidate files a declaration of
15 candidacy at the time of such filing. A public education
16 commissioner shall reside in the district from which the
17 commissioner was elected or appointed and shall be deemed to
18 have resigned if the commissioner changes residence to a place
19 outside the district. Vacancies shall be filled as provided in
20 Section 16 of the 2021 Educational Redistricting Act.

21 **SECTION 5. [NEW MATERIAL] PRECINCTS.--**

22 A. Precinct designations and boundaries used in the
23 2021 Educational Redistricting Act are those precinct
24 designations and boundaries established pursuant to the
25 Precinct Boundary Adjustment Act as revised and approved

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1 pursuant to that act by the secretary of state as of November
2 30, 2021.

3 B. A board of county commissioners shall not create
4 any precinct that lies in more than one public education
5 commission district and shall not divide any precinct so that
6 the divided parts of the precinct are situated in two or more
7 public education commission districts. Votes cast in a public
8 education commission election from precincts created or divided
9 in violation of this subsection shall be invalid and shall not
10 be counted or canvassed.

11 SECTION 6. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
12 DISTRICT ONE.--Public education commission district one is
13 composed of Bernalillo county precincts 20 through 30, 32
14 through 57, 59 through 67, 70 through 77, 80 through 83, 90,
15 91, 94, 95, 98, 100, 109 through 115, 117 through 120, 127,
16 128, 130, 134, 136 through 149, 156 through 160, 167 through
17 169, 178, 189, 190, 198, 199, 202 through 210, 227 through 231,
18 233, 234, 236, 237, 239, 240, 247, 249, 258, 260, 262 through
19 265, 267 through 269, 340, 363, 367, 394, 399, 599, 600, 604
20 through 607, 609, 611, 612, 614 through 622, 625, 626, 629, 631
21 through 633, 635 through 639, 647 through 650, 652 through 655
22 and 687.

23 SECTION 7. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
24 DISTRICT TWO.--Public education commission district two is
25 composed of Bernalillo county precincts 289 through 302, 304

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1 through 310, 316 through 325, 328 through 336, 339, 348 through
2 350, 360 through 362, 364 through 366, 368, 376, 380, 388
3 through 393, 395 through 398, 407, 413 through 419, 421 through
4 430, 447 through 454, 456 through 550, 560 through 569, 574,
5 583 through 590, 592 through 594, 598, 601 through 603, 608,
6 656 through 660, 662 through 665, 667 and 669 through 685.

7 **SECTION 8. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION**

8 DISTRICT THREE.--Public education commission district three is
9 composed of Bernalillo county precincts 2 through 19, 68, 69,
10 78, 79, 84 through 86, 89, 101 through 108, 116, 121 through
11 126, 131 through 133, 135, 150 through 155, 161 through 166,
12 171 through 175, 177, 179 through 188, 191 through 197, 200,
13 201, 211, 212, 214 through 216, 218 through 226, 232, 235, 238,
14 241 through 246, 248, 251 through 257, 259, 266, 271 through
15 287, 311 through 315, 326, 327, 337, 338, 341 through 347, 351
16 through 359, 369 through 375, 377 through 379, 381 through 387,
17 400 through 406, 408 through 412, 420, 431 through 446, 455,
18 581, 591, 610, 613, 623, 624, 627, 628, 634, 640, 642, 644
19 through 646, 651, 661, 666, 668 and 686.

20 **SECTION 9. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION**

21 DISTRICT FOUR.--Public education commission district four is
22 composed of Bernalillo county precincts 1, 87, 129, 170, 176,
23 217, 261, 303, 553 through 559, 570 through 573, 575 through
24 580, 595 through 597, 641 and 643; Los Alamos county; Sandoval
25 county precincts 1 through 23 and 27 through 157; and Santa Fe

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1 county precincts 11, 12, 15 through 19, 63, 72, 73, 80, 82, 84,
 2 85, 90, 92, 93, 114, 115, 125, 145, 146, 148, 152, 153, 155
 3 through 157, 165 and 177.

4 **SECTION 10.** [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
 5 DISTRICT FIVE.--Public education commission district five is
 6 composed of Bernalillo county precinct 31; Cibola county
 7 precincts 2 through 6, 8 through 14 and 16 through 30; McKinley
 8 county; Sandoval county precincts 24 through 26; San Juan
 9 county precincts 1 through 59, 70, 71, 75, 77 through 83, 99
 10 through 110, 120, 121 and 130 through 134; and Socorro county
 11 precinct 15.

12 **SECTION 11.** [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
 13 DISTRICT SIX.--Public education commission district six is
 14 composed of Bernalillo county precincts 58, 88, 92, 93, 96, 97,
 15 99, 213, 250, 270, 288, 551, 552, 582 and 630; Catron county;
 16 Cibola county precincts 1, 7 and 15; Dona Ana county precincts
 17 1 through 4, 21, 60, 63, 64, 95, 100, 105, 107, 111, 115, 121,
 18 123, 171, 172, 182 and 185; Grant county; Hidalgo county; Luna
 19 county; Sierra county; Socorro county precincts 1 through 14
 20 and 16 through 27; Torrance county; and Valencia county.

21 **SECTION 12.** [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
 22 DISTRICT SEVEN.--Public education commission district seven is
 23 composed of Dona Ana county precincts 5 through 20, 22 through
 24 59, 61, 62, 65 through 94, 96 through 99, 101 through 104, 106,
 25 108 through 110, 112 through 114, 116 through 120, 122, 124

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1 through 170, 173 through 181, 183, 184 and 186 through 190; and
2 Otero county precincts 1, 41 through 46 and 66.

3 SECTION 13. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
4 DISTRICT EIGHT.--Public education commission district eight is
5 composed of Chaves county precincts 1 through 18, 20 through
6 25, 31 through 36, 40 through 46, 51, 52, 61 through 64, 71
7 through 73, 81 through 85, 90 through 93 and 95; Colfax county;
8 Curry county; De Baca county; Guadalupe county; Harding county;
9 Lincoln county; Mora county; Quay county; Roosevelt county; San
10 Miguel county; Taos county precincts 2 through 4, 7, 18, 21 and
11 26; and Union county.

12 SECTION 14. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
13 DISTRICT NINE.--Public education commission district nine is
14 composed of Chaves county precincts 47, 74, 94 and 101 through
15 106; Eddy county; Lea county; and Otero county precincts 2
16 through 40 and 47 through 65.

17 SECTION 15. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION
18 DISTRICT TEN.--Public education commission district ten is
19 composed of Rio Arriba county; San Juan county precincts 60
20 through 69, 72 through 74, 76 and 90; Santa Fe county precincts
21 1 through 10, 13, 14, 20 through 62, 64 through 71, 74 through
22 79, 81, 83, 86 through 89, 91, 94 through 113, 116 through 124,
23 126 through 144, 147, 149 through 151, 154, 158 through 164,
24 166 through 176, 178 and 179; and Taos county precincts 1, 5,
25 6, 8 through 17, 19, 20, 22 through 25 and 27 through 47.

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1 SECTION 16. [NEW MATERIAL] CONTINUING TERMS--VACANCIES.--

2 A. A public education commissioner who is serving
3 on the public education commission as of the effective date of
4 this section shall serve the remainder of the term for which
5 the commissioner was elected or appointed.

6 B. The governor shall by appointment fill a vacancy
7 on the public education commission. An appointment to fill a
8 vacancy on the public education commission shall be for a term
9 ending on December 31 after the next general election, at which
10 election a person shall be elected to fill any remainder of the
11 unexpired term.

12 C. Before the general election of 2022, an
13 appointment to fill a vacancy on the public education
14 commission shall be made from the district as it existed when
15 the person creating the vacancy in office was elected or
16 appointed.

17 D. After the general election of 2022, an
18 appointment to fill a vacancy in district two, three, five, six
19 or seven shall be made from the district as set out in Sections
20 7, 8, 10, 11 and 12 of the 2021 Educational Redistricting Act.

21 E. After the general election of 2022 and before
22 the general election of 2024, an appointment to fill a vacancy
23 in district one, four, eight, nine or ten shall be made from
24 the district as it existed when the person creating the vacancy
25 in office was elected or appointed. After the general election

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1 of 2024, an appointment to fill a vacancy in district one,
2 four, eight, nine or ten shall be made from the district as set
3 out in Sections 6, 9, 13, 14 and 15 of the 2021 Educational
4 Redistricting Act.

5 SECTION 17. REPEAL.--Sections 22-3A-1 through 22-3A-16
6 NMSA 1978 (being Laws 2011 (1st S.S.), Chapter 4, Sections 1
7 through 16) are repealed.