

HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILL 496

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

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 1-22-3 NMSA 1978 (being Laws 1985,
Chapter 168, Section 5, as amended) is amended to read:

"1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF
CANDIDATES.--

A. A school district election shall be held in each

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1 school district to elect qualified persons to membership on a
 2 [~~local school~~] board. No person shall become a candidate for
 3 membership on a board unless [~~his~~] the person's record of voter
 4 registration shows that [~~he~~] the person is a qualified elector
 5 of the state, physically resides in the school district in
 6 which [~~he~~] the person is a candidate and physically resided in
 7 the district on the date [~~of~~] that the [~~school~~] board's
 8 proclamation calling a regular school district election is
 9 filed with the county clerk.

10 B. A regular school district election shall be held
 11 in each school district on the first Tuesday in February of
 12 each odd-numbered year.

13 C. A school district election held at any time
 14 other than the date for the regular school district election
 15 shall be a special school district election.

16 D. Except as otherwise provided in the School
 17 Election Law, school district elections shall be called,
 18 conducted and canvassed as provided in the Election Code."

19 SECTION 3. Section 1-22-4 NMSA 1978 (being Laws 1985,
 20 Chapter 168, Section 6, as amended) is amended to read:

21 "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

22 A. The board shall by resolution issue a public
 23 proclamation in Spanish and English calling a regular school
 24 district election within the school district on the date
 25 prescribed by the School Election Law. The proclamation shall

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1 be filed by the superintendent with the [~~county clerk of~~
 2 ~~record~~] proper filing officer on the last Tuesday in November
 3 of the even-numbered year immediately preceding the date of the
 4 election.

5 B. The proclamation shall specify:

6 (1) the date when the election will be held;
 7 (2) the positions on the board to be filled;
 8 (3) the date on which declarations of
 9 candidacy are to be filed;

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

12 (5) the questions to be submitted to the
 13 voters;

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

16 ~~(7)]~~ (6) the hours each polling place will be
 17 open; and

18 [~~(8)]~~ (7) the date and time of the closing of
 19 the registration books by the county clerk of record as
 20 required by law.

21 C. After filing the proclamation with the [~~county~~
 22 ~~clerk of record~~] proper filing officer and not less than fifty
 23 days before the date of the election [~~the~~], that county clerk
 24 [~~of record~~] shall publish the proclamation at least once in a
 25 newspaper of general circulation within the school district,

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1 along with a list of the precincts in each county in which the
2 election is to be held and the location of each polling place.
3 The publication of the proclamation shall conform to the
4 requirements of the federal Voting Rights Act of 1965, as
5 amended."

6 SECTION 4. Section 1-22-5 NMSA 1978 (being Laws 1985,
7 Chapter 168, Section 7, as amended) is amended to read:

8 "1-22-5. SPECIAL ELECTION--PROCLAMATION--PUBLICATION.--

9 A. Whenever a special school district election is
10 to be called or is required by law, the board shall by
11 resolution issue a public proclamation in Spanish and English
12 calling the election. The proclamation shall forthwith be
13 filed by the superintendent with the ~~[county clerk of record]~~
14 proper filing officer.

15 B. The proclamation shall specify:

16 (1) the date on which the special election
17 will be held;

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

19 (3) the date on which declarations of
20 candidacy are to be filed;

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

23 (5) the questions to be submitted to the
24 voters;

25 ~~[(6) the precincts in each county in which the~~

1 ~~election is to be held and the location of each polling place;~~

2 ~~(7)]~~ (6) the hours each polling place will be
 3 open; and

4 ~~[(8)]~~ (7) the date and time of the closing of
 5 the registration books by the county clerk of record as
 6 required by law.

7 C. After filing the proclamation with the ~~[county~~
 8 ~~clerk of record]~~ proper filing officer and not less than fifty
 9 days before the date of the election, ~~[the]~~ that county clerk
 10 ~~[of record]~~ shall publish the proclamation at least twice in a
 11 newspaper of general circulation in the school district, along
 12 with a list of the precincts in each county in which the
 13 election is to be held and the location of each polling place.

14 The publication of the proclamation shall conform to the
 15 requirements of the federal Voting Rights Act of 1965, as
 16 amended."

17 SECTION 5. Section 1-22-6 NMSA 1978 (being Laws 1985,
 18 Chapter 168, Section 8, as amended) is amended to read:

19 "1-22-6. PRECINCTS--CONSOLIDATION--POLLING PLACES.--

20 A. The same precincts that are used in a general
 21 election shall be used in a school district election, provided
 22 that:

23 (1) if a precinct lies partly within and
 24 partly outside of a school district, the part of the precinct
 25 lying within the school district constitutes a precinct for a

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1 school district election; and

2 (2) all of the area within the exterior
3 boundaries of a school district may constitute one precinct for
4 a school district election.

5 B. In the event that only one candidate has filed a
6 declaration of candidacy for each position to be filled at an
7 election and no declared write-in candidates have filed for any
8 position and there are no questions or bond issues on the
9 ballot, only one polling place for the election shall be
10 designated and it shall be in the office of the county clerk or
11 a designated polling place in the school district of the county
12 in which the school district is located.

13 C. Except as otherwise provided in the School
14 Election Law, the county clerk shall consolidate precincts for
15 a school district election as provided [~~in the proclamation~~] by
16 the board for that election and shall provide for a polling
17 place within each precinct or consolidated precinct. Upon
18 written agreement by the school board and the county clerk, the
19 county clerk may set the consolidation of precincts and assign
20 the polling locations for a school district election."

21 SECTION 6. Section 1-22-11 NMSA 1978 (being Laws 1985,
22 Chapter 168, Section 13, as amended) is amended to read:

23 "1-22-11. PUBLICATION.--The proper filing officer for the
24 school district shall issue and publish the proclamation
25 listing the name of each candidate for membership on the board,

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1 each question to be submitted to the voters of the school
2 district, the precincts in each county in which the election is
3 to be held and the location of each polling place and the names
4 of the precinct board members of the school district. The
5 publication shall be made once each week for two successive
6 weeks, with the last publication being made within seven days
7 but not later than two days before the date of the school
8 district election. The names of the candidates shall be
9 published in the same order and for the same positions as will
10 appear on the ballot. The publication shall be in a newspaper
11 of general circulation in the school district and shall conform
12 to the provisions of the federal Voting Rights Act of 1965, as
13 amended. The cost of the publication shall be paid by the
14 school district."

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