

1 HOUSE BILL 248

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 James E. Smith and Daniel A. Ivey-Soto and Tim D. Lewis

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10 AN ACT

11 RELATING TO SCHOOL ELECTIONS; PROVIDING PROCEDURES FOR
12 ESTABLISHMENT OF SUFFICIENT ALTERNATE VOTING SITES; PROVIDING
13 FOR NOTICE OF THE LOCATION OF ALTERNATE VOTING SITES.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

19 A. The board shall by resolution issue a public
20 proclamation in Spanish and English calling a regular school
21 district election within the school district on the date
22 prescribed by the School Election Law. The proclamation shall
23 be filed by the superintendent with the county clerk of record
24 on the last Tuesday in November of the even-numbered year
25 immediately preceding the date of the election.

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B. The proclamation shall specify:

- (1) the date when the election will be held;
- (2) the positions on the board to be filled;
- (3) the date on which declarations of candidacy are to be filed;
- (4) the date on which declarations of intent to be a write-in candidate are to be filed;
- (5) the questions to be submitted to the voters;
- (6) the precincts in each county in which the election is to be held and the location of each polling place;
- (7) the location of each alternate voting location for early voting;
- ~~(7)~~ (8) the hours each polling place and alternate voting location will be open; and
- ~~(8)~~ (9) the date and time of the closing of the registration books by the county clerk of record as required by law.

C. After filing the proclamation with the county clerk of record and not less than fifty days before the date of the election, the county clerk of record shall publish the proclamation at least once in a newspaper of general circulation within the school district. The publication of the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended."

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1 SECTION 2. Section 1-22-5 NMSA 1978 (being Laws 1985,
2 Chapter 168, Section 7, as amended) is amended to read:

3 "1-22-5. SPECIAL ELECTION--PROCLAMATION--PUBLICATION.--

4 A. Whenever a special school district election is
5 to be called or is required by law, the board shall by
6 resolution issue a public proclamation in Spanish and English
7 calling the election. The proclamation shall forthwith be
8 filed by the superintendent with the 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 questions to be submitted to the
13 voters;

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

16 (4) the location of each alternate voting
17 location for early voting;

18 ~~(4)~~ (5) the hours each polling place and each
19 alternate voting location will be open; and

20 ~~(5)~~ (6) the date and time of the closing of
21 the registration books by the proper filing officer as required
22 by law.

23 C. After filing the proclamation with the proper
24 filing officer and not less than fifty days before the date of
25 the election, the proper filing officer shall publish the

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1 proclamation at least twice in a newspaper of general
2 circulation in the school district. The publication of the
3 proclamation shall conform to the requirements of the federal
4 Voting Rights Act of 1965, as amended."

5 SECTION 3. Section 1-22-6 NMSA 1978 (being Laws 1985,
6 Chapter 168, Section 8, as amended) is amended to read:

7 "1-22-6. PRECINCTS--CONSOLIDATION--POLLING PLACES.--

8 A. The same precincts that are used in a general
9 election shall be used in a school district election, provided
10 that:

11 (1) if a precinct lies partly within and
12 partly outside of a school district, the part of the precinct
13 lying within the school district constitutes a precinct for a
14 school district election; and

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

18 B. In the event that only one candidate has filed a
19 declaration of candidacy for each position to be filled at an
20 election and no declared write-in candidates have filed for any
21 position and there are no questions or bond issues on the
22 ballot, only one polling place for the election shall be
23 designated and it shall be in a designated polling place in the
24 school district of the county in which the school district is
25 located, which may include the county clerk's office if it is

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1 located within the school district.

2 C. Except as otherwise provided in the School
3 Election Law, the county clerk shall consolidate precincts for
4 a school district election, [~~as provided in the proclamation~~
5 ~~for that election~~] in consultation with the board, to ensure
6 that voters have adequate access to alternate voting locations
7 for early voting in the district, taking into consideration
8 population density and travel time to the voting location in
9 the district, and shall provide for a polling place within each
10 precinct or consolidated precinct. A consolidated precinct in
11 a school district election shall be composed of no more than
12 twenty precincts."

13 SECTION 4. Section 1-22-19 NMSA 1978 (being Laws 1985,
14 Chapter 168, Section 21, as amended) is amended to read:

15 "1-22-19. ABSENTEE VOTING.--

16 A. A voter may vote in a school district election
17 by absentee ballot for all candidates and on all questions
18 appearing on the ballot in the voter's precinct as if the voter
19 were casting the ballot in person at the polling place on
20 election day.

21 B. The provisions of the Absent Voter Act apply to
22 absentee voting in school district elections, provided that
23 absentee ballots may be marked in person during the regular
24 hours and days of business at the county clerk's office from
25 8:00 a.m. on the twenty-fifth day preceding the election until

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1 5:00 p.m. on the Friday immediately prior to the date of the
2 election. Absentee ballots shall be printed at least thirty
3 days prior to the date of the election. In addition,
4 provisions may be made by the board in the proclamation, after
5 consultation with the county clerk, for absentee voting by
6 electronic voting machine at alternate voting locations at any
7 time beginning on the twentieth day preceding an election
8 through the Saturday immediately prior to the date of the
9 election.

10 C. A regular precinct board may be designated to
11 serve as the absent voter precinct board. A member of the
12 absent voter precinct board shall receive the same compensation
13 as a regular precinct board member. A regular precinct board
14 member who also serves as a member of the absent voter precinct
15 board shall not be entitled to extra compensation for serving
16 on the absent voter precinct board."

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