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HOUSE BILL 572

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JERRY LEE ALWIN

AN ACT

RELATING TO ELECTIONS; MOVING THE TIME THAT LOCAL SCHOOL BOARD,  
BRANCH COMMUNITY COLLEGE BOARD, TECHNICAL AND VOCATIONAL  
INSTITUTE BOARD AND AREA VOCATIONAL SCHOOL BOARD ELECTIONS ARE  
HELD; AMENDING SECTIONS OF THE ELECTION CODE AND THE NMSA 1978.

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

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

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

A. A school district election shall be held in each  
school district to elect qualified persons to membership on a  
local school board. No person shall become a candidate for  
membership on a board unless his record of voter registration  
shows that he is a qualified elector of the state and a resident

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1 of the school district in which he is a candidate.

2 B. A regular school district election shall be held  
3 in each school district on [~~the first Tuesday in February~~]  
4 Tuesday after the first Monday in November of each odd-numbered  
5 year.

6 C. A school district election held at any time other  
7 than the date for the regular school district election shall be  
8 a special school district election.

9 D. Except as otherwise provided in the School  
10 Election Law, school district elections shall be called,  
11 conducted and canvassed as provided in the Election Code."

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

14 "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

15 A. The board shall by resolution issue a public  
16 proclamation in Spanish and English calling a regular school  
17 district election within the school district on the date  
18 prescribed by the School Election Law. The proclamation shall  
19 be filed by the superintendent with the county clerk of record  
20 on the last [~~Friday in November~~] Friday in August of the [~~even-~~  
21 ~~numbered~~] odd-numbered year immediately preceding the date of  
22 the election.

23 B. The proclamation shall specify:

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

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

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1 (3) the date on which declarations of candidacy  
2 are to be filed;

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

5 (5) the questions to be submitted to the  
6 voters;

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

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

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

14 C. After ~~[filing]~~ the proclamation is filed by the  
15 superintendent with the county clerk of record and not less than  
16 fifty days before the date of the election, the county clerk of  
17 record shall publish the proclamation at least once in a  
18 newspaper of general circulation within the school district.  
19 The publication of the proclamation shall conform to the  
20 requirements of the federal Voting Rights Act of 1965, as  
21 amended. "

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

24 "1-22-7. DECLARATION OF CANDIDACY-- FILING DATE-- PENALTY. --

25 [~~A. A declaration of candidacy for membership on the~~

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

7 ~~B. A declaration of candidacy for membership on the~~  
8 ~~board to be filled at a special school district election shall~~  
9 ~~be filed with the proper filing officer during the period~~  
10 ~~commencing at 9:00 a.m. on the forty-eighth day before the~~  
11 ~~election and ending at 5:00 p.m. on the same day.]~~

12 A. A person seeking a school board position that  
13 will be filled at a regular school district election shall file  
14 a declaration of candidacy with the proper filing officer  
15 between the hours of 9:00 a.m. and 5:00 p.m. on the third  
16 Tuesday in September of the odd-numbered year immediately  
17 preceding the date of that election.

18 B. A person seeking a school board position that  
19 will be filled at a special school district election shall file  
20 a declaration of candidacy with the proper filing officer  
21 between the hours of 9:00 a.m. and 5:00 p.m. on the forty-eighth  
22 day before the election.

23 C. Any person who knowingly [~~making~~] makes a false  
24 statement in his declaration of candidacy is guilty of a fourth  
25 degree felony. "

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1           Section 4. Section 3-8-9 NMSA 1978 (being Laws 1985,  
2 Chapter 208, Section 17, as amended) is amended to read:

3           "3-8-9. ELECTION SCHEDULING--CONFLICTS--NOTICE. --

4           A. Except as otherwise provided by law, no municipal  
5 election shall be held within [~~forty-two~~] twenty-five days prior  
6 to or [~~within thirty days~~] after any statewide special, general  
7 or primary election or any regular school district election.

8 Whenever a municipal election would be or has been scheduled  
9 within the prohibited time, the governing body shall adopt an  
10 election resolution scheduling or rescheduling the election on a  
11 date as soon as is practicable outside the prohibited period and  
12 in compliance with the requirements of the Municipal Election  
13 Code and any other statute specifically related to such  
14 election. If an election resolution has already been adopted,  
15 the new election resolution shall supersede the existing  
16 election resolution and the new election resolution shall be  
17 published as required by the Municipal Election Code.

18           B. Except as otherwise provided by law, one or more  
19 municipal special elections, including but not limited to bond  
20 elections, may be held in conjunction with a regular municipal  
21 election or one or more special municipal elections.

22           C. When concurrent elections are called for,  
23 publications, notices, selection of precinct boards, election  
24 schools, ordering election supplies, conduct of the election,  
25 canvassing, record keeping and all other election matters shall

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1 be conducted to comply with all election requirements for each  
2 such election as if it were held separately. However, any  
3 requirement may be satisfied by a combined action if such action  
4 would satisfy the requirements set by law for each individual  
5 election. Allowable combined actions include but are not  
6 limited to, combined:

- 7 (1) publications;
- 8 (2) notices;
- 9 (3) appointment of precinct boards;
- 10 (4) ordering of election supplies;
- 11 (5) conduct of election;
- 12 (6) canvassing; and
- 13 (7) record keeping. "

14 Section 5. Section 21-14-2.1 NMSA 1978 (being Laws 1985,  
15 Chapter 238, Section 29) is amended to read:

16 "21-14-2.1. BRANCH COMMUNITY COLLEGE BOARD--LOCAL  
17 OPTION. --

18 A. A majority of the local board of education or the  
19 combined boards of education acting as a single board may cease  
20 to operate as the branch community college board and provide for  
21 an elected branch community college board. In that event, the  
22 majority of the local board of education or the combined boards  
23 of education acting as a single board shall elect five persons  
24 as members of the branch community college board. The persons  
25 elected shall be assigned position numbers one through five.

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1 Board members shall be over twenty-one years of age, qualified  
2 electors and residents of the branch community college district.  
3 The members of the board shall continue to serve until the next  
4 regular branch community college election, to be held on [~~the~~  
5 ~~first Tuesday of February~~] Tuesday after the first Monday in  
6 November of each odd-numbered year, at which time five board  
7 members shall be elected by the registered voters of the branch  
8 community college district. The candidates shall file for and  
9 be elected to a particular position number. The candidate  
10 receiving the highest number of votes for a particular position  
11 shall be elected. At the first board meeting after the elec-  
12 tion, the five members shall draw lots for the following terms:  
13 two for terms of two years and three for terms of four years.  
14 Thereafter, board members shall be elected for terms of four  
15 years from [~~March 1~~] December 1 succeeding their election. All  
16 vacancies caused in any other manner than by the expiration of  
17 the term of office shall be filled by appointment by the  
18 remaining members.

19 B. Immediately after the election of the five  
20 members by the assembled board of education members, the board  
21 shall select from its members a chairman and secretary who shall  
22 serve in these offices until the next regular branch community  
23 college board election. After each branch community college  
24 board election, the members shall proceed to reorganize.

25 C. The duties of the board shall continue as set out

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1 in Chapter 21, Article 14 NMSA 1978. "

2 Section 6. Section 21-16-5 NMSA 1978 (being Laws 1963,  
3 Chapter 108, Section 5, as amended) is amended to read:

4 "21-16-5. BOARD. --

5 A. The initial board of [the] a technical and  
6 vocational institute district shall be composed of:

7 (1) the board of the initiating school  
8 district, if only one school district is involved; or

9 (2) if more than one school district is  
10 involved in the initiation of the technical and vocational  
11 institute district, one member delegated from each participating  
12 school board. If there are an even number of participating  
13 school districts, the boards of all participating school  
14 districts shall jointly appoint an additional member to the  
15 governing board of the technical and vocational institute  
16 district, who shall serve as a member at large.

17 B. At the second school board election held pursuant  
18 to Section 1-22-3 NMSA 1978 following the creation of the  
19 technical and vocational institute district, an election shall  
20 be held to elect seven members to the institute board to replace  
21 the members holding office under the provisions of Subsection A  
22 of this section.

23 (1) Except where specific provision is  
24 otherwise provided by law, all election proceedings for  
25 institute district elections shall be conducted pursuant to the

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1 provisions of the School Election Law with the president of the  
2 technical and vocational institute serving in the place of the  
3 superintendent of schools in every case.

4 (2) The board shall consist of seven separate  
5 positions, and each position shall be designated by number.  
6 Qualified electors seeking election to the board shall file and  
7 run for only one of the numbered positions.

8 (3) At the second school board election to be  
9 held following the creation of the technical and vocational  
10 institute district, members of the board elected to positions 1,  
11 3, 5 and 7 shall be elected for two-year terms and members  
12 elected to positions 2, 4 and 6 shall be elected for four-year  
13 terms. Thereafter, each board member shall be elected for a  
14 term of four years. The elections shall be held in the same  
15 manner and at the same time as regular school district elections  
16 on [~~the first Tuesday in February~~] Tuesday after the first  
17 Monday in November of each odd-numbered year.

18 C. A vacancy occurring on the board shall be filled  
19 in the same manner as provided for school board vacancies in  
20 Section 22-5-9 NMSA 1978. "

21 Section 7. Section 21-17-4 NMSA 1978 (being Laws 1967,  
22 Chapter 177, Section 4, as amended) is amended to read:

23 "21-17-4. DESIGNATION AS AN AREA VOCATIONAL SCHOOL BY THE  
24 STATE BOARD. --

25 A. Upon receipt and examination of the plan and

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1 supporting evidence, the state board shall conduct hearings,  
2 investigate records and procure such other information relating  
3 to vocational training as it deems necessary and appropriate.

4 B. If the state board finds that the plan provides  
5 an adequate, broad vocational and technical educational program,  
6 serves sufficient students for an economical operation, provides  
7 for adequate financing and sensibly relates to a statewide  
8 pattern for development of vocational and technical education,  
9 the state board may approve the plan.

10 C. Upon approval by the state board the board of  
11 each school district concerned shall present the proposal for  
12 the creation of an area vocational school district on a separate  
13 ballot at the time of the next school board election or at any  
14 separate election called for that purpose. If a majority of  
15 those qualified ad valorem tax paying electors who are not  
16 delinquent in the payment of their ad valorem tax, voting in the  
17 election in each school district concerned, [~~vote~~] votes in  
18 favor of establishing an area vocational school district, the  
19 board of each school district concerned shall declare the  
20 organization of the area vocational school district.

21 D. After approval by the state board of the plan,  
22 the school shall be officially designated by the state board as  
23 an area vocational school, shall be operated in accordance with  
24 provisions in the state plan for vocational education and shall  
25 meet all other requirements of an accredited school.

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1           E. At the next school board election held pursuant  
2 to ~~[Section 22-6-1 NMSA 1978]~~ Section 1-22-3 NMSA 1978, an  
3 election may be held to elect five members to the area  
4 vocational school board to replace the local school board as the  
5 governing board of the area vocational school.

6           (1) Except where specific provision is  
7 otherwise provided by law, all election proceedings for area  
8 vocational school elections shall be conducted pursuant to the  
9 ~~[provisions of Sections 22-6-1 through 22-6-34 NMSA 1978]~~ School  
10 Election Law with the president of the area vocational school  
11 serving in the place of the superintendent of schools in every  
12 case.

13           (2) The board shall consist of five separate  
14 positions, and each position shall be designated by number.  
15 Qualified electors seeking election to the board shall file and  
16 run for only one of the numbered positions.

17           (3) ~~[At the next regular school board election,~~  
18 ~~members of the board elected to positions 1, 3 and 5 shall be~~  
19 ~~elected for terms ending February 28, 1989, and members elected~~  
20 ~~to positions 2 and 4 shall be elected for terms ending February~~  
21 ~~28, 1991. Thereafter, each]~~ A board member shall be elected for  
22 a term of four years. The elections shall be held in the same  
23 manner and at the same time as regular school district elections  
24 on ~~[the first Tuesday in February]~~ Tuesday after the first  
25 Monday in November of each odd-numbered year ~~[beginning with the~~

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1 ~~election to be held in February of 1987].~~

2 F. A vacancy occurring on the board shall be filled  
3 in the same manner as provided for school board vacancies in  
4 Section 22-5-9 NMSA 1978.

5 G. A member of the board may be recalled pursuant to  
6 the provisions of [~~Sections 22-7-1 through 22-7-16 NMSA 1978~~  
7 ~~except that a recall election may be held only at the same time~~  
8 ~~as a regular school district election]~~ Article 12, Section 14 of  
9 the constitution of New Mexico. "

10 Section 8. Section 22-5-8 NMSA 1978 (being Laws 1967,  
11 Chapter 16, Section 31, as amended) is amended to read:

12 "22-5-8. TERM OF OFFICE. --

13 A. The full term of office [~~of~~] for a member of a  
14 local school board shall be four years from [~~March 1~~]  
15 December 1 succeeding his election to office at a regular school  
16 district election.

17 B. Any member of a local school board whose term of  
18 office has expired shall continue in that office until his  
19 successor is elected and qualified. "

20 Section 9. TEMPORARY PROVISION--TERM OF OFFICE.--The term  
21 of office for a local school board member, a branch community  
22 college board member, a member of a board of a technical and  
23 vocational institute or an area vocational school board member  
24 that would have expired on March 1, 1999, shall be extended  
25 until December 1, 1999. On that date, the term of office of his

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1 successor elected on the new election day of Tuesday after the  
2 first Monday in November shall begin. All subsequent terms of  
3 office shall be for the regular term of four years.

4 Section 10. EFFECTIVE DATE. -- The effective date of the  
5 provisions of this act is July 1, 1997.

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

February 11, 1997

Mr. Speaker:

Your VOTERS AND ELECTIONS COMMITTEE, to whom has  
been referred

HOUSE BILL 572

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

---

Edward C. Sandoval, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HVEC/HB 572

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Coll, Nicely

Absent: None

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 3, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred

HOUSE BILL 572

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 11, line 21, strike "A" and insert in lieu  
thereof:

"At the school board election following the designation of a  
school as an area vocational school by the state board, members of  
the board elected to odd positions shall be elected for two-year  
terms and members elected to even positions shall be elected for  
four-year terms. Thereafter, each".

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**HAF C/HB 572**

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Respectfully submitted,

\_\_\_\_\_  
Max Coll, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Abeyta, Garcia, M H., Knowles, Picraux, Salazar,  
Townsend, Wallace

Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

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March 4, 1997

HOUSE FLOOR AMENDMENT number 1 to HOUSE BILL 572, as amended

Amendment sponsored by Representative Jerry Lee Alwin

1. On page 12, line 24, strike the comma and insert in lieu thereof  
, or March 1, 2001, ".

2. On page 12, line 25, strike the period, strike "On that date,"  
and insert in lieu thereof "and until December 1, 2001, respectively.  
On those dates, ".

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Jerry Lee Alwin

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FORTY-THIRD LEGISLATURE  
FIRST SESSION

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HB 572, aa

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

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FORTY-THIRD LEGISLATURE  
FIRST SESSION

1 HB 572, aa

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4 FORTY-THIRD LEGISLATURE  
5 FIRST SESSION, 1997

6

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March 15, 1997

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Mr. President:

10

Your RULES COMMITTEE, to whom has been referred

11

12 HOUSE BILL 572, as amended

13

14

15 has had it under consideration and reports same with recommendation that  
16 it DO PASS.

17

18 Respectfully submitted,

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21 \_\_\_\_\_  
Gloria Howes, Chairman

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Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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FORTY-THIRD LEGISLATURE  
FIRST SESSION

1 HB 572, aa

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3 Date \_\_\_\_\_

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The roll call vote was 6 For 0 Against

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Yes: 6

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No: 0

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Excused: Aragon, Rodarte

9

Absent: None

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