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HOUSE BILL 396

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Susan K. Herrera and Raymundo Lara and Christine Trujillo

AN ACT

RELATING TO LOCAL SCHOOL BOARDS; INCREASING TERMS TO SIX YEARS.

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

SECTION 1. Section 22-4-14 NMSA 1978 (being Laws 1967, Chapter 16, Section 25, as amended) is amended to read:

"22-4-14. REGULAR SCHOOL DISTRICT ELECTION--TERM OF OFFICE.--If the interim local school board calls for the election of members to the local school board of a newly created or consolidated school district at a regular school district election, the terms of office of the members elected shall be as [follows:

A. ~~three members shall be elected for terms of two years; and~~

B. ~~two members shall be elected for terms of four years]~~ provided in Section 22-5-8 NMSA 1978."

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1 SECTION 2. Section 22-5-3.1 NMSA 1978 (being Laws 1981,
2 Chapter 302, Section 1, as amended) is amended to read:

3 "22-5-3.1. LOCAL SCHOOL BOARDS--REVERSION TO FIVE
4 MEMBERS.--

5 A. Any seven-member local school board of a school
6 district in the state may by resolution provide for the local
7 school board of that school district to be composed of five
8 qualified electors of the state who reside within the school
9 district.

10 B. If the resolution specified in Subsection A of
11 this section is adopted, the existing local school board at the
12 first election at which the terms of three members expire shall
13 by lot:

14 (1) eliminate two positions if the next
15 succeeding election is one at which the terms of two members
16 expire;

17 (2) eliminate two positions if the next
18 succeeding election is one at which the term of one member
19 expires, and at the next election at which the terms of three
20 members expire designate one position for a [~~two-year~~] four-
21 year term; provided that thereafter all terms shall be [~~four-~~
22 year] six-year terms; or

23 (3) eliminate two positions if the next
24 succeeding election is one at which the terms of three members
25 expire, and at the succeeding election designate one position

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1 for a [~~two-year~~] four-year term; provided that thereafter all
2 terms shall be [~~four-year~~] six-year terms.

3 C. Any resolution adopted pursuant to the
4 provisions of this section shall be effective thirty days after
5 its adoption unless a petition signed by the qualified electors
6 of the school district in a number equal to at least twenty
7 percent of all voters in the school district voting at the last
8 regular school board election is presented to the local school
9 board on or before the thirtieth day asking that an election be
10 held on the question of decreasing the membership of the local
11 school board to five members.

12 D. Upon receipt and verification of the petition,
13 the local school board shall within thirty days call a special
14 election to vote upon the question of decreasing the membership
15 of the local school board in that school district to five
16 members.

17 E. If the voters of the school district approve the
18 decrease in the local school board's membership to five
19 members, the resolution shall be in effect, and the elimination
20 of two members at subsequent elections as provided in
21 Subsection B of this section shall be valid."

22 SECTION 3. Section 22-5-8 NMSA 1978 (being Laws 1967,
23 Chapter 16, Section 31, as amended) is amended to read:

24 "22-5-8. TERM OF OFFICE.--

25 A. The full term of office of a member of a local

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1 school board shall be [~~four~~] six years [~~succeeding the member's~~
2 ~~election to office at a regular local election held pursuant to~~
3 ~~the Local Election Act~~]; provided that at least one hundred
4 days before the 2023 local election, the secretary of state
5 shall decide by lot the term of office of each local school
6 board position to be elected at the 2023 election so that:

7 (1) for five-member boards, the initial terms
8 of members shall be as follows:

9 (a) two positions shall be for two
10 years;

11 (b) two positions shall be for four
12 years; and

13 (c) one position shall be for six years;
14 and

15 (2) for seven-member boards, the initial terms
16 of members shall be as follows:

17 (a) three positions shall be for two
18 years;

19 (b) three positions shall be for four
20 years; and

21 (c) one position shall be for six years.

22 B. Any member of a local school board whose term of
23 office has expired shall continue in that office until a
24 successor is elected and qualified."