

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 335

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

AN ACT

RELATING TO ELECTIONS; ALLOWING THE APPOINTMENT OF QUALIFIED
STUDENTS TO PRECINCT BOARDS.

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

Section 1. Section 1-2-7 NMSA 1978 (being Laws 1969,
Chapter 270, Section 29, as amended) is amended to read:

"1-2-7. PRECINCT BOARD--QUALIFICATION OF MEMBERS--
QUALIFICATION OF PRESIDING JUDGES--QUALIFICATION OF STUDENT
MEMBERS.--

A. In order to qualify as a member of the precinct
board, a person shall:

(1) be a resident of the representative
district and county in which the precinct where ~~he~~ the person
is a voter is located;

(2) be able to read and write;

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1 (3) have the necessary capacity to carry out
2 [~~his~~] a precinct board member's functions with acceptable skill
3 and dispatch; and

4 (4) execute the precinct board member's oath
5 of office.

6 B. Before serving as a presiding judge of a
7 precinct board, a person shall receive training in the duties
8 of that position and be certified for the position by the
9 county clerk.

10 C. No person shall be qualified for appointment or
11 service on a precinct board:

12 (1) who is a candidate for any federal, state,
13 district or county office;

14 (2) who is a spouse, parent, child, brother or
15 sister of any candidate to be voted for at the election; or

16 (3) who is a sheriff, deputy sheriff, marshal,
17 deputy marshal or state or municipal [~~policeman~~] police
18 officer.

19 D. A county clerk may appoint not more than two
20 students to serve on a precinct board under the direct
21 supervision of the presiding judge of a precinct designated by
22 the county clerk. A student appointed by the county clerk
23 shall:

24 (1) meet the qualifications set forth in
25 Subsection A of this section, except the student need not be

1 eligible to vote;

2 (2) have the approval of the educational
3 institution in which the student is enrolled and the student's
4 parent or legal guardian;

5 (3) be sixteen or seventeen years of age at
6 the time of the election in which the student is serving as a
7 member of a precinct board;

8 (4) be a citizen at the time of the election
9 for which the student will be serving as a member of a precinct
10 board;

11 (5) be a student attending a public or private
12 secondary educational institution or home school;

13 (6) attend at least one school of instruction
14 in accordance with the provisions of Section 1-2-17 NMSA 1978;
15 and

16 (7) be appointed to the board of the precinct
17 in which the student's parent or legal guardian resides.

18 E. A student appointed to a precinct board shall
19 not:

20 (1) serve as the presiding judge;

21 (2) be involved in any decision affecting the
22 legitimacy of a ballot; or

23 (3) operate or repair a voting machine.

24 F. The county clerk shall compile a list of
25 students who apply and are qualified to be precinct board

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1 members."

2 Section 2. Section 1-2-10 NMSA 1978 (being Laws 1975,
3 Chapter 255, Section 16) is amended to read:

4 "1-2-10. PRECINCT BOARD--APPOINTMENT BY COUNTY CLERK.--
5 The county clerk shall appoint the precinct board for each
6 precinct in the following order:

7 A. from the list submitted by the major party
8 county [~~chairmen~~] chairs in the order stated thereon;

9 B. from the list of students who qualify to be
10 precinct board members;

11 [~~B.~~] C. from the standby list; and

12 [~~C.~~] D. from any other list of voters who have the
13 same qualifications and comply with the same requirements as
14 provided for precinct board members."

15 Section 3. Section 1-2-11 NMSA 1978 (being Laws 1977,
16 Chapter 222, Section 5) is amended to read:

17 "1-2-11. PRECINCT BOARD--ASSIGNMENT--STUDENT MEMBER
18 ASSIGNMENT.--

19 A. Wherever possible, the county clerk shall assign
20 persons appointed as precinct board members to serve in
21 precincts wherein they reside or in precincts located in the
22 representative district wherein they reside. In the event of a
23 shortage or absence of precinct board members in certain
24 precincts, the county clerk may, in the best interest of the
25 election process, assign appointed precinct board members to

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1 serve in any precinct in the county, provided that such
2 appointed board members shall not change the proportionate
3 representation of each party on the board.

4 B. Notwithstanding the provisions of Subsection A
5 of this section, a student member may only be appointed to the
6 board of a precinct in which the student's parent or legal
7 guardian resides."

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