HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
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--<u>QUALIFICATION OF STUDENT MEMBERS</u>.--

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] <u>the person</u> is a voter is located;

(2) be able to read and write;

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

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eligible to vote;

(2) have the approval of the educational institution in which the student is enrolled, unless the student has already graduated from high school, obtained a general educational development certificate or is enrolled in a post-secondary educational institution;

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

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

(5) have the approval of the student's parent or legal guardian;

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

(7) be appointed to the board of the precinct in which the student's parent or legal guardian resides, unless the county clerk determines there is a shortage or absence of precinct board members in certain precincts in accordance with the provisions of Section 1-2-11 NMSA 1978.

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

(1) serve as the presiding judge;

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1   (2) be involved in any decision affecting the

2 legitimacy of a ballot; or

3   (3) operate or repair a voting machine.

4   F. The county clerk shall compile a list of

5 students who apply and are qualified to be precinct board

6 members."

7   Section 2. Section 1-2-10 NMSA 1978 (being Laws 1975,

8 Chapter 255, Section 16) is amended to read:

9   "1-2-10. PRECINCT BOARD--APPOINTMENT BY COUNTY CLERK.--

10 The county clerk shall appoint the precinct board for each

11 precinct in the following order:

12   A. from the list submitted by the major party

13 county [chairmen] chairs in the order stated thereon;

14   B. from the list of students who qualify to be

15 precinct board members;

16   [B.] C. from the standby list; and

17   [C.] D. from any other list of voters who have the

18 same qualifications and comply with the same requirements as

19 provided for precinct board members."

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