

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 17

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

DIANNA J. DURAN

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO ELECTIONS; REQUIRING A CANDIDATE FOR A LOCAL SCHOOL BOARD TO FILE A NOMINATING PETITION; AMENDING AND ENACTING SECTIONS OF THE SCHOOL ELECTION LAW.

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

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

"1-22-2. DEFINITIONS. -- As used in the School Election Law:

- A. "board" means the governing authority of the local school district;
- B. "county clerk" means the clerk of each county in which the school district is situate;
- C. "proper filing officer" means the county clerk or, in the case of a multicounty school district, the clerk of the county in which the administrative office of the school

Underscored material = new  
[bracketed material] = delete

1 district is situate;

2 D. "magistrate" means the magistrate whose office is  
3 situated in the municipality where the administrative office of  
4 the school district is located or in close proximity to the  
5 municipality;

6 E. "nominating petition" means the authorized form  
7 used for obtaining the required number of signatures of voters,  
8 which is signed on behalf of the person wishing to become a  
9 candidate for the board;

10 [~~E.~~] E. "school district election" means any regular  
11 or special school district election except a recall election;  
12 and

13 [~~F.~~] G. "superintendent" means the superintendent of  
14 schools of the local school district. "

15 Section 2. Section 1-22-3 NMSA 1978 (being Laws 1985,  
16 Chapter 168, Section 5) is amended to read:

17 "1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF  
18 CANDIDATES. --

19 A. A school district election shall be held in each  
20 school district to elect qualified persons to membership on a  
21 local school board. No person shall become a candidate for  
22 membership on a board unless his record of voter registration  
23 shows that he is a qualified elector of the state and a resident  
24 of the school district in which he is a candidate and he files a  
25 declaration of candidacy and a nominating petition.

Underscored material = new  
[bracketed material] = delete

1           B. A regular school district election shall be held  
2 in each school district on the first Tuesday in February of each  
3 odd-numbered year.

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

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

10           Section 3. Section 1-22-4 NMSA 1978 (being Laws 1985,  
11 Chapter 168, Section 6, as amended) is amended to read:

12           "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

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

20           B. The proclamation shall specify:

- 21                   (1) the date when the election will be held;
- 22                   (2) the positions on the board to be filled;
- 23                   (3) the date on which declarations of candidacy  
24 and nominating petitions are to be filed;
- 25                   (4) the date on which declarations of intent to

Underscored material = new  
[bracketed material] = delete

1 be a write-in candidate are to be filed;

2 (5) the questions to be submitted to the  
3 voters;

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

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

8 (8) the date and time of the closing of the  
9 registration books by the county clerk of record as required by  
10 law.

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

18 Section 4. Section 1-22-5 NMSA 1978 (being Laws 1985,  
19 Chapter 168, Section 7, as amended) is amended to read:

20 "1-22-5. SPECIAL ELECTION--PROCLAMATION--PUBLICATION.--

21 A. Whenever a special school district election is to  
22 be called or is required by law, the board shall by resolution  
23 issue a public proclamation in Spanish and English calling the  
24 election. The proclamation shall forthwith be filed by the  
25 superintendent with the county clerk of record.

. 109065. 2

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

B. The proclamation shall specify:

(1) the date on which the special election will be held;

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

(3) the date on which declarations of candidacy and nominating petitions 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 hours each polling place will be open; and

(8) 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 is filed 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 twice in a newspaper of general circulation in the school district. The publication of the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended. "

Section 5. Section 1-22-7 NMSA 1978 (being Laws 1985,

Underscored material = new  
[bracketed material] = delete

1 Chapter 168, Section 9) is amended to read:

2 "1-22-7. DECLARATION OF CANDIDACY--NOMINATING PETITION--  
3 FILING DATE--PENALTY. --

4 A. A declaration of candidacy for membership on the  
5 board to be filled at a regular school district election shall  
6 be filed with the proper filing officer during the period  
7 commencing at 9:00 a.m. on the third Tuesday in December of the  
8 even-numbered year immediately preceding the date of the regular  
9 school district election and ending at 5:00 p.m. on the same  
10 day. A declaration of candidacy shall be accompanied by a  
11 nominating petition.

12 B. A declaration of candidacy for membership on the  
13 board to be filled at a special school district election shall  
14 be filed with the proper filing officer during the period  
15 commencing at 9:00 a.m. on the forty-eighth day before the  
16 election and ending at 5:00 p.m. on the same day. A declaration  
17 of candidacy shall be accompanied by a nominating petition.

18 C. Any person knowingly making a false statement in  
19 his declaration of candidacy or nominating petition is guilty of  
20 a fourth degree felony. "

21 Section 6. Section 1-22-8 NMSA 1978 (being Laws 1985,  
22 Chapter 168, Section 10, as amended by Laws 1993, Chapter 314,  
23 Section 63 and also by Laws 1993, Chapter 316, Section 61) is  
24 amended to read:

25 "1-22-8. DECLARATION OF CANDIDACY--SWORN STATEMENT OF

. 109065. 2

Underscored material = new  
[bracketed material] = delete

1 INTENT--FORM -- In making a declaration of candidacy, the  
2 candidate shall submit a sworn statement of intent in  
3 substantially the following form:

4 "DECLARATION OF CANDIDACY--STATEMENT OF INTENT

5 I, \_\_\_\_\_, (candidate's name on certificate of  
6 registration) being first duly sworn, say that I am a voter of  
7 Precinct No. \_\_\_\_\_ of the county of  
8 \_\_\_\_\_, State of New Mexico. I reside  
9 at \_\_\_\_\_;

10 I am a qualified elector of the State of New Mexico  
11 residing within \_\_\_\_\_ school district;

12 I desire to become a candidate for the office of  
13 \_\_\_\_\_, Position No. \_\_\_\_\_ at  
14 the school district election to be held on the date set by law;

15 I am submitting with this statement a nominating petition  
16 in the form and manner prescribed in the School Election Law;

17 I will be eligible and legally qualified to hold this  
18 office at the beginning of its term; and

19 I make the foregoing affidavit under oath, knowing that any  
20 false statement herein constitutes a felony punishable under the  
21 criminal laws of New Mexico.

22 \_\_\_\_\_

23 (Declarant)

24 \_\_\_\_\_

25 (Mailing Address)

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

\_\_\_\_\_  
(Residence Address)

Subscribed and sworn to before me this \_\_\_\_ day of  
\_\_\_\_\_, 19 \_\_\_\_.  
\_\_\_\_\_.

(Notary Public)

My commission expires:  
\_\_\_\_\_". "

Section 7. A new section of the School Election Law,  
Section 1-22-8.1 NMSA 1978, is enacted to read:

"1-22-8.1. [NEW MATERIAL] SCHOOL ELECTION LAW - NOMINATING  
PETITION. --

A. Nominating petitions for candidates for the board  
shall be signed by a number of voters equal to at least three  
percent of the total number of registered voters who voted in  
the district or a single-member election district at the last  
board election. Nominating petitions for candidates in  
districts that are changing from at-large school board elections  
to single-member district elections shall be waived for the  
first election only.

B. Each signer of a nominating petition shall sign  
only one petition for each board position to be elected.

C. A signature shall be counted on a nominating  
petition unless there is evidence presented that the person  
signing:



Underscored material = new  
[bracketed material] = delete

1 (1) is not a voter of the state and school  
2 district to be represented by the office for which the person  
3 seeking the nomination is a candidate;

4 (2) has signed more than one petition for the  
5 same office or has signed one petition more than once; or

6 (3) is not the person whose name and address  
7 appear next to the signature line on the nominating petition.

8 D. The procedures set forth in this section shall be  
9 used to validate signatures on any petition required by the  
10 School Election Law. "

11 Section 8. A new section of the School Election Law,  
12 Section 1-22-8.2 NMSA 1978, is enacted to read:

13 "1-22-8.2. [NEW MATERIAL] SCHOOL ELECTION LAW - NOMINATING  
14 PETITION-- FILING AND FORM --

15 A. In making a declaration of candidacy, the  
16 candidate at the same time shall file a nominating petition,  
17 which shall be on forms prescribed by law.

18 B. The nominating petition shall be on paper  
19 approximately eight and one-half inches wide and fourteen inches  
20 long with numbered lines for signatures spaced approximately  
21 three-eighths of an inch apart and shall be in the following  
22 form:

23 "NOMINATING PETITION

24 I, the undersigned, a registered voter of the county of

25 \_\_\_\_\_, New Mexico, hereby nominate \_\_\_\_\_,

Underscored material = new  
[bracketed material] = delete

1 who resides at \_\_\_\_\_ in the county of \_\_\_\_\_,  
2 New Mexico, for the office of \_\_\_\_\_, to be voted  
3 for at the school district election to be held on \_\_\_\_\_,  
4 and I declare that I am a resident of the state and district to  
5 be represented by the office for which the person being  
6 nominated is a candidate. I also declare that I have not  
7 signed, and will not sign, any nominating petition for more  
8 persons than the number of candidates necessary to fill such  
9 office at the next school district election.

- 10 1. \_\_\_\_\_  
11 (usual (name printed (address as (city or  
12 signature) as registered) registered) rt. no.)  
13 2. \_\_\_\_\_  
14 (usual (name printed (address as (city or  
15 signature) as registered) registered) rt. no.)".

16 C. In July of odd-numbered years, the secretary of  
17 state shall furnish to each county clerk a sample of a  
18 nominating petition form, a copy of which shall be made  
19 available by the county clerk upon request of any candidate.

20 D. The signature of the voter shall not be counted  
21 unless the entire line indicates the voter's usual signature,  
22 his name printed as registered and his address as registered and  
23 his city or route number and is upon the form furnished by the  
24 secretary of state to the county clerks or a duplicate thereof.

25 E. When more than one sheet is required for a

Underscored material = new  
[bracketed material] = delete

1 petition, each of the sheets shall be in the form prescribed by  
2 this section and all sheets shall be firmly secured by a staple  
3 or other suitable fastening."

4 Section 9. A new section of the School Election Law,  
5 Section 1-22-8.3 NMSA 1978, is enacted to read:

6 "1-22-8.3. [NEW MATERIAL] SCHOOL ELECTION LAW - NOMINATING  
7 PETITION - - WITHDRAWALS AND ADDITIONS - - COPIES MADE AVAILABLE. - -

8 A. A nominating petition when filed shall not be  
9 withdrawn or added to, nor shall any person be permitted to  
10 revoke his signature. A nominating petition shall be complete  
11 when filed. The proper filing officer shall not permit  
12 additions to or withdrawals from a nominating petition after it  
13 is filed, nor shall any person be permitted to revoke his  
14 signature on a petition after it has been filed.

15 B. The original nominating petition shall remain in  
16 the filing officer's office and copies shall be made available  
17 by the filing officer for a nominal cost."

18 Section 10. A new section of the School Election Law,  
19 Section 1-22-8.4 NMSA 1978, is enacted to read:

20 "1-22-8.4. [NEW MATERIAL] SCHOOL ELECTION LAW - FALSIFYING  
21 A NOMINATING PETITION - - PENALTY. - -

22 A. Any person who knowingly falsifies any  
23 information on a nominating petition is guilty of falsifying an  
24 election document.

25 B. It is unlawful for any person to knowingly

1 circulate, present or offer to present for the signature of  
2 another person a nominating petition that does not clearly show  
3 on the face of the petition the name of the candidate, the  
4 address at which the candidate resides, the candidate's county  
5 of residence and the office for which the candidate seeks  
6 nomination. Any person violating the provisions of this  
7 subsection is guilty of a misdemeanor and upon conviction shall  
8 be sentenced to imprisonment in the county jail for a definite  
9 term of less than one year or to the payment of a fine of not  
10 more than one thousand dollars (\$1,000) or to both the  
11 imprisonment and fine at the discretion of the judge."

12 Section 11. Section 1-22-10 NMSA 1978 (being Laws 1985,  
13 Chapter 168, Section 12, as amended) is amended to read:

14 "1-22-10. BALLOTS. --

15 A. The proper filing officer shall determine whether  
16 a candidate filing a declaration of candidacy is a registered  
17 qualified elector of the state residing within the school  
18 district and whether he has filed a proper nominating petition.

19 If the candidate is so qualified and no withdrawal of candidacy  
20 has been filed as provided in the School Election Law, the  
21 proper filing officer shall place the candidate's name on the  
22 ballot for the position specified in the declaration of  
23 candidacy. A declaration of candidacy shall not be amended  
24 after it has been filed with the proper filing officer.

25 B. Ballots for the school district election shall be

1 prepared by the proper filing officer and printed by the  
2 thirtieth day preceding the election. The cost of printing the  
3 ballots shall be paid by the school district. The proper filing  
4 officer shall furnish printed ballots to the county clerk of  
5 each county in which the school district is situate. The  
6 printed ballot shall contain the name of each candidate and the  
7 position on the board for which he is a candidate. The ballot  
8 shall also contain all questions to be submitted to the voters  
9 of the district as certified to the proper filing officer by the  
10 board.

11 C. Paper ballots and ballot labels shall be printed  
12 in a form in substantial compliance with the provisions of  
13 Section 1-12-44 NMSA 1978 and in compliance with the provisions  
14 of the federal Voting Rights Act of 1965, as amended.

15 D. A school district election shall be a nonpartisan  
16 election, and the names of all candidates shall be listed on the  
17 ballot without party or slate designation. The order in which  
18 the names of candidates are listed on the ballot shall be  
19 determined by lot.

20 E. Whenever two or more members of the board are to  
21 be elected for terms of the same length of time, the positions  
22 shall be numerically designated on the ballot as "position one",  
23 "position two" and such additional consecutively numbered  
24 positions as are necessary, but only one member shall be elected  
25 for each position.

Underscored material = new  
[bracketed material] = delete

1 F. Space shall be provided on each ballot for a  
2 voter to write in the name of one candidate for each position to  
3 be filled when a declaration of intent to be a write-in  
4 candidate has been filed.

5 G. Voting machines shall be used for the recording  
6 of votes cast in a school district election; provided that paper  
7 ballots may be used in lieu of a voting machine for:

8 (1) school districts of less than five hundred  
9 average daily membership;

10 (2) school district elections in which only one  
11 candidate has filed a declaration of candidacy for each position  
12 to be filled at the election, no declared write-ins have filed  
13 for any position and there are no questions or bond issues on  
14 the ballot and notwithstanding any other provision in [~~this~~  
15 ~~chapter~~] the Election Code; or

16 (3) [~~for~~] emergency ballots in case of a  
17 malfunction of the voting machine. "

1 FORTY- SECOND LEGI SLATURE  
2 SECOND SESSI ON, 1996

3  
4  
5 JNUARY 18, 1996

6  
7 Mr. Presi dent:

8  
9 Your COMMI TTEES' COMMI TTEE, to whom has been referred

10  
11 SENATE BILL 17

12  
13 has had it under consideration and finds same to be GERMANE, PURSUANT  
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the SENATE  
15 RULES COMMI TTEE.

16  
17 Respectfully submi tted,

18  
19  
20  
21  
22 \_\_\_\_\_  
23 SENATOR MANNY M. ARAGON, Chai rman  
24  
25

Underscored material = new  
[bracketed material] = delete

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Date \_\_\_\_\_

The roll call vote was \_\_ For \_\_ Against

Yes:

No:

Excused:

Absent:

S00017CC1

Underscored material = new  
~~[bracketed material] = delete~~



1 FORTY-SECOND LEGISLATURE  
2 SECOND SESSION, 1996  
3  
4

5 February 8, 1996  
6

7 Mr. President:  
8

9 Your RULES COMMITTEE, to whom has been referred  
10

11 SENATE BILL 17  
12

13 has had it under consideration and reports same with recommendation that  
14 it DO PASS, and thence referred to the EDUCATION COMMITTEE.  
15

16 Respectfully submitted,  
17

18  
19  
20 \_\_\_\_\_  
21 Gloria Howes, Chairman  
22  
23  
24

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

Date \_\_\_\_\_

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Altamirano, Aragon, EJennings, Romero

Absent: 0

S0017RU1

Underscored material = new  
~~[bracketed material] = delete~~

1 FORTY- SECOND LEGI SLATURE  
2 SECOND SESSI ON, 1996  
3  
4

5 February 10, 1996  
6

7 Mr. President:  
8

9 Your EDUCATION COMMI TTEE, to whom has been referred  
10

11 SENATE BILL 17  
12

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

16 Respectfully submit ted,  
17

18 \_\_\_\_\_  
19  
20  
21 Carlos R. Cisneros, Chair man  
22  
23  
24

25 Adopted \_\_\_\_\_

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

(Chi ef Clerk)

(Chi ef Clerk)

Underscored material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Carraro, Duran, Lyons, Scott

Absent: None

S0017ED1