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SENATE BILL 415

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

INTRODUCED BY

RICHARD M ROMERO

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 second Tuesday in November of each odd-numbered year.

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

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

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

13 "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

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

22 B. The proclamation shall specify:

- 23 (1) the date when the election will be held;
24 (2) the positions on the board to be filled;
25 (3) the date on which declarations of candidacy

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1 are to be filed;

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

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

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

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

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

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

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

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

23 A. [~~A declaration of candidacy for membership on the~~
24 ~~board~~] A person seeking a school board position to be filled at
25 a regular school district election shall [~~be filed~~] file a

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1 declaration of candidacy with the proper filing officer during
2 the period commencing at 9:00 a. m. on the [~~third Tuesday in~~
3 ~~December~~] fourth Tuesday in September of the even-numbered year
4 immediately preceding the date of the regular school district
5 election and ending at 5:00 p. m. on the same day.

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

12 C. Any person knowingly making a false statement in
13 his declaration of candidacy is guilty of a fourth degree
14 felony. "

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

17 "3-8-9. ELECTION SCHEDULING--CONFLICTS--NOTICE. --

18 A. Except as otherwise provided by law, no municipal
19 election shall be held within [~~forty-two~~] thirty days prior to
20 or within [~~thirty~~] twenty-five days after any statewide special,
21 general or primary election or any regular school district
22 election. Whenever a municipal election would be or has been
23 scheduled within the prohibited time, the governing body shall
24 adopt an election resolution scheduling or rescheduling the
25 election on a date as soon as is practicable outside the

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1 prohibited period and in compliance with the requirements of the
2 Municipal Election Code and any other statute specifically
3 related to [~~such~~] that election. If an election resolution has
4 already been adopted, the new election resolution shall
5 supersede the existing election resolution and the new election
6 resolution shall be published as required by the Municipal
7 Election Code.

8 B. Except as otherwise provided by law, one or more
9 municipal special elections, including but not limited to bond
10 elections, may be held in conjunction with a regular municipal
11 election or one or more special municipal elections.

12 C. When concurrent elections are called for,
13 publications, notices, selection of precinct boards, election
14 schools, ordering election supplies, conduct of the election,
15 canvassing, record keeping and all other election matters shall
16 be conducted to comply with all election requirements for each
17 such election as if it were held separately. However, any
18 requirement may be satisfied by a combined action if such action
19 would satisfy the requirements set by law for each individual
20 election. Allowable combined actions include but are not
21 limited to, combined:

- 22 (1) publications;
- 23 (2) notices;
- 24 (3) appointment of precinct boards;
- 25 (4) ordering of election supplies;

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- 1 (5) conduct of election;
- 2 (6) canvassing; and
- 3 (7) record keeping. "

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

6 "21-14-2.1. BRANCH COMMUNITY COLLEGE BOARD--LOCAL OPTION. --

7 A. A majority of the local board of education or the
8 combined boards of education acting as a single board may cease
9 to operate as the branch community college board and provide for
10 an elected branch community college board. In that event, the
11 majority of the local board of education or the combined boards
12 of education acting as a single board shall elect five persons
13 as members of the branch community college board. The persons
14 elected shall be assigned position numbers one through five.
15 Board members shall be over twenty-one years of age, qualified
16 electors and residents of the branch community college district.
17 The members of the board shall continue to serve until the next
18 regular branch community college election, to be held on the
19 [~~first Tuesday of February~~] second Tuesday of November of each
20 odd-numbered year, at which time five board members shall be
21 elected by the registered voters of the branch community college
22 district. The candidates shall file for and be elected to a
23 particular position number. The candidate receiving the highest
24 number of votes for a particular position shall be elected. At
25 the first board meeting after the election, the five members

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1 shall draw lots for the following terms: two for terms of two
2 years and three for terms of four years. Thereafter, board
3 members shall be elected for terms of four years from [~~March 1~~]
4 December 1 succeeding their election. All vacancies caused in
5 any other manner than by the expiration of the term of office
6 shall be filled by appointment by the remaining members.

7 B. Immediately after the election of the five members
8 by the assembled board of education members, the board shall
9 select from its members a chairman and secretary who shall serve
10 in these offices until the next regular branch community college
11 board election. After each branch community college board
12 election, the members shall proceed to reorganize.

13 C. The duties of the board shall continue as set out
14 in Chapter 21, Article 14 NMSA 1978. "

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

17 "21-16-5. BOARD. --

18 A. The initial board of [~~the~~] a technical and
19 vocational institute district shall be composed of:

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

22 (2) if more than one school district is involved
23 in the initiation of the technical and vocational institute
24 district, one member delegated from each participating school
25 board. If there are an even number of participating school

1 districts, the boards of all participating school districts
2 shall jointly appoint an additional member to the governing
3 board of the technical and vocational institute district, who
4 shall serve as a member at large.

5 B. At the second school board election held pursuant
6 to Section 1-22-3 NMSA 1978 following the creation of the
7 technical and vocational institute district, an election shall
8 be held to elect seven members to the institute board to replace
9 the members holding office under the provisions of Subsection A
10 of this section.

11 (1) Except where specific provision is otherwise
12 provided by law, all election proceedings for institute district
13 elections shall be conducted pursuant to the provisions of the
14 School Election Law with the president of the technical and
15 vocational institute serving in the place of the superintendent
16 of schools in every case.

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

21 (3) At the second school board election to be
22 held following the creation of the technical and vocational
23 institute district, members of the board elected to positions 1,
24 3, 5 and 7 shall be elected for two-year terms and members
25 elected to positions 2, 4 and 6 shall be elected for four-year

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1 terms. Thereafter, each board member shall be elected for a
2 term of four years. The elections shall be held in the same
3 manner and at the same time as regular school district elections
4 on the [~~first Tuesday in February~~] second Tuesday in November of
5 each odd-numbered year.

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

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

11 "21-17-4. DESIGNATION AS AN AREA VOCATIONAL SCHOOL BY THE
12 STATE BOARD. --

13 A. Upon receipt and examination of the plan and
14 supporting evidence, the state board shall conduct hearings,
15 investigate records and procure such other information relating
16 to vocational training as it deems necessary and appropriate.

17 B. If the state board finds that the plan provides an
18 adequate, broad vocational and technical educational program,
19 serves sufficient students for an economical operation, provides
20 for adequate financing and sensibly relates to a statewide
21 pattern for development of vocational and technical education,
22 the state board may approve the plan.

23 C. Upon approval by the state board, the board of each
24 school district concerned shall present the proposal for the
25 creation of an area vocational school district on a separate

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1 ballot at the time of the next school board election or at any
2 separate election called for that purpose. If a majority of
3 those qualified ad valorem tax paying electors who are not
4 delinquent in the payment of their ad valorem tax, voting in the
5 election in each school district concerned, [~~vote~~] votes in
6 favor of establishing an area vocational school district, the
7 board of each school district concerned shall declare the
8 organization of the area vocational school district.

9 D. After approval by the state board of the plan, the
10 school shall be officially designated by the state board as an
11 area vocational school, shall be operated in accordance with
12 provisions in the state plan for vocational education and shall
13 meet all other requirements of an accredited school.

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

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

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

5 (3) ~~[At the next regular school board election,~~
6 ~~members of the board elected to positions 1, 3 and 5 shall be~~
7 ~~elected for terms ending February 28, 1989, and members elected~~
8 ~~to positions 2 and 4 shall be elected for terms ending February~~
9 ~~28, 1991. Thereafter, each]~~ A board member shall be elected for
10 a term of four years. The elections shall be held in the same
11 manner and at the same time as regular school district elections
12 on the [first Tuesday in February] second Tuesday in November of
13 each odd-numbered year [beginning with the election to be held
14 in February of 1987].

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

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

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

25 "22-5-8. TERM OF OFFICE. --

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1 A. The full term of office of a member of a local
2 school board shall be four years from [~~March 1~~] December 1
3 succeeding his election to office at a regular school district
4 election.

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

8 Section 9. TEMPORARY PROVISION--TERM OF OFFICE.--The term
9 of office for a local school board member, a branch community
10 college board member, a member of a board of a technical and
11 vocational institute or an area vocational school board member
12 that would have expired on March 1, 1997 shall be extended until
13 December 1, 1997. On that date, the term of office of his
14 successor elected on the new election day of the second Tuesday
15 in November shall begin.

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5 FEBRUARY 7, 1996
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7 Mr. President:
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9 Your COMMI TTEES' COMMI TTEE, to whom has been referred
10

11 SENATE BILL 415
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13 has had it under consideration and finds same to be GERMANE, PURSUANT
14 TO SENATE EXECUTIVE MESSAGE NUMBER THIRTEEN, and thence referred to the
15 RULES COMMI TTEE.
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17 Respectfully submit ted,
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23 SENATOR MANNY M. ARAGON, Chai rman
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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

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5 February 10, 1996
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7 Mr. President:
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9 Your RULES COMMI TTEE, to whom has been referred
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11 SENATE BILL 415
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13 has had it under consideration and reports same with recommendation that
14 it DO PASS.
15

16 Respectfully submit ted,
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21 Gl oria Howes, Chair man
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Not Adopted _____

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The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Doni sthorpe, EJennings, Wray

Absent: 0

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5 February 13, 1996
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7 Mr. President:
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9 Your EDUCATION COMMI TTEE, to whom has been referred
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11 SENATE BILL 415
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13 has had it under consideration and reports same with recommendation that
14 it DO PASS.
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16 Respectfully submit ted,
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21 Carlos R. Cisneros, Chair man
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Not Adopted _____

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Carraro, Duran, Lyons, Scott

Absent: None

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