

**NEW MEXICO SCHOOL DISTRICT ELECTION CALENDAR
FOR *REGULAR* SCHOOL DISTRICT ELECTIONS IN *FEBRUARY 2011***

Prepared for the New Mexico School Boards Association

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Note on Statutory Terminology for Multi-County Districts

Multi-county school districts need to pay special attention to the terms "county clerk," "county clerk of record" and "proper filing officer" as used in the election statutes and the comments below. For districts that lie entirely within one county, the terms simply mean the clerk of that county. For multi-county districts, the term "county clerk" means the clerk of each county that includes any part of the district, and the terms "county clerk of record" and "proper filing officer" mean the clerk of the county where the district's central administrative offices are located.

Note on Two-Mil Levy, Ten-Mil Levy and Bond Elections

School district elections may include general obligation bond questions and two-mil and ten-mil levy questions, as well as election of Board members. In preparing this calendar, we include deadlines and required action for bond and two-mil and ten-mil levy questions. Districts holding bond elections should rely on their financial advisor and bond counsel for more complete advice as to bond election deadlines and procedures.

Note on Regular and Special Elections

A school district election held at any time other than the first Tuesday in February of an odd-numbered year is considered a special school district election. Proposed dates in this Calendar are for a Regular School District Election in 2011, *i.e.*, February 1, 2011; however, "K. Mil Levy Special Elections" contains deadlines for mil levy elections held in 2011 other than on February 1.

Note on Attachment

Attachment A is the statutory form for declaration of candidacy for school board elections.

**B. General Obligation Bond and Two Mil and Ten Mil Levy
Election Resolutions and Proclamations**

Date	Required Action	Statutory Reference	Comments
<p>Prior to November 30, 2010</p> <p>NOTE: May 15, 2011 is deadline to call Mil Levy Special Elections Meeting (§§ 22-25-4; 22-26-4). <u>See</u> K. Mil Levy Special Elections, below.</p>	<p>Deadline for Board to adopt resolution calling for regular school district election to authorize issuance of general obligation bonds to be paid from ad valorem ("property") taxes on taxable property within the district, and/or to impose a two-mil or ten-mil property tax levy for public school capital improvements.</p> <p>This resolution may be combined with the resolution for Board member election.</p>	<p>§§22-18-1 <i>et seq</i>; §22-25-3; §22-25-4; §22-25-5; §22-26-3; §22-26-4; and §22-26-5;</p>	<p>For general obligation bond, two-mil and/or ten-mil levy elections to be held in conjunction with regular Board elections, the Board election resolution must also include the general obligation bond, two-mil and/or ten-mil levy question. The publications required for a regular Board election, which also contain notice of the two-mil and/or ten-mil levy election, give the notice required under the Public School Capital Improvements Act. Additional publications, discussed in section D below, are required for a general obligation bond election.</p> <p>Note 1: Both a two-mil and a ten-mil levy election must be held in the year in which the tax is first imposed.</p> <p>Note 2: The resolutions for a two-mil and a ten-mil levy election must be adopted no later than May 15, 2011, and the election must be held prior to July 1, 2011, so the tax may be imposed in that property tax year.</p>

**B. General Obligation Bond and Two-Mil and Ten-Mil Levy
Election Resolutions and Proclamations, Cont.**

1. Two-Mil Levy

Date	Required Action	Statutory Reference	Comments
		§22-25-2; §22-25-3	<p>A Board resolution for a two-mil levy election must:</p> <ul style="list-style-type: none"> a. identify the capital improvements for which the revenue proposed to be produced will be used, as defined in §22-25-2, and may include the payment of principal and interest on lease purchase arrangements to purchase educational technology equipment; b. specify the rate of the proposed tax, which shall not exceed two dollars (\$2.00) on each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district under the Property Tax Code; c. specify the date an election will be held to submit the question of imposition of the tax to the qualified electors of the district; d. limit the imposition of the proposed tax to no more than six (6) property tax years; and e. include capital improvements funding for a locally chartered or state-chartered school located within the school district if the charter school timely provides the necessary information for inclusion in the resolution that identifies the capital improvements of the charter school for which the revenue proposed to be produced will be used.

**B. General Obligation Bond and Two-Mil and Ten-Mil Levy
Election Resolutions and Proclamations, Cont.**

3. Bond Issue

Date	Required Action	Statutory Reference	Comments
		§22-18-1	<p>A local Board resolution for a general obligation bond election shall state the purpose(s) for which the bonds are to be issued, which may include:</p> <ol style="list-style-type: none"> (1) erecting, remodeling, making additions to and furnishing school buildings; (2) purchasing or improving school grounds; (3) purchasing computer software and hardware for student use in public schools; (4) providing matching funds for capital outlay projects funded pursuant to the Public School Capital Outlay Act; or; (5) any combination of these purposes; <p>and the total amount of the bonds authorized to be issued.</p>

C. Filing Requirements

Date	Required Action	Statutory Reference	Comments
<p>On or before Tuesday, November 30, 2010</p>	<p>Superintendent must file proclamation calling for regular school district election with the county clerk of record on last Tuesday in November of the even-numbered year immediately preceding the date of the election.</p>	<p>§1-22-4(A) §22-18-2(B) §22-25-3(A) §22-26-3(A)</p>	<p>The county clerk “of record” is the county clerk of the county where the district’s administrative offices are located in multi-county districts.</p> <p>If a bond election and/or a two-mil or ten-mil levy election are being called in conjunction with a regular School Board election, the proclamation to be filed will include the bond question and/or the two-mil or ten-mil levy question.</p>

D. Publication Requirements

Date	Required Action	Statutory Reference	Comments
<p>On or before December 13, 2010</p>	<p>Last date for legal publication of the proclamation calling for February 1, 2011 regular school district election. Publication is handled by the county clerk of record. (Note: Proclamation must be filed with the county clerk before it may be published.) Publication must be made at least one time between the filing of the proclamation and not less than fifty days (December 13, 2010) before the election.</p>	<p>§1-22-4(C) §1-22-5(C)</p>	<p>The publication of the proclamation must conform to the requirements of the federal Voting Rights Act of 1965, as amended. Therefore, publication of the proclamation must be in English and Spanish in all 33 counties, and in the following seven counties, notice of the election must be given orally (by radio usually) in the Indian languages used within the district as identified by the Census Bureau in the last census (2000): Cibola, McKinley, Rio Arriba, Sandoval, San Juan, Socorro, and Taos.</p>
<p>Tuesday, January 18, 2011</p>	<p>Earliest date for first publication of short form election proclamation listing each candidate for membership on the Board, each question to be submitted to voters and the names of the precinct board members.</p>	<p>§1-22-11</p>	<p>The proper filing officer for the district shall issue and publish the short form proclamation listing the name of each candidate for membership on the Board, each question to be submitted to the voters of the school district and the names of precinct board members of the school district. The publication shall be made once each week for two successive weeks, with the last publication being made within seven days but not later than two days before the date of the school district election. The names of the candidates shall be published in the same order and for the same positions as will appear on the ballot. The publication shall be in a newspaper of general circulation in the school district and shall conform to the provisions of the federal Voting Rights Act of 1965, as amended. The cost of the publication shall be paid by the school district.</p>
<p>Tuesday, January 25, 2011</p>	<p>Earliest date for last of two publications of short form election proclamation.</p>	<p>§1-22-11</p>	<p>See January 18 comment above re: this publication. The last of the short form publications must be not more than 7 or less than 2 days prior to the date of the election.</p>
<p>Sunday, January 30, 2011</p>	<p>Deadline for second of two publications of short form election proclamation.</p>	<p>§1-22-11</p>	<p>See January 25 comment above re: this publication.</p>

E. Declarations of Candidacy

Date	Required Action	Statutory Reference	Comments
Tuesday, December 21, 2010	Deadline for filing of declaration of candidacy for membership on the Board.	§1-22-7(A)	Declaration of candidacy must be filed with the "proper filing officer" (<i>i.e.</i> , the county clerk or if multi-county school district, the clerk of the county in which the school district's administrative office is located) between 9:00 a.m. and 5:00 p.m. on the third Tuesday in December of the even-numbered year immediately preceding the date of the election. See Attachment A for form of declaration of candidacy.
Tuesday, December 28, 2010 (by 5:00 p.m.)	Deadline for withdrawal of candidacy.	§1-22-9	Affidavits of withdrawal of candidacy must be filed with the "proper filing officer" before 5:00 p.m. on the 35th day before the election.
Tuesday, December 28, 2010 (by 5:00 p.m.)	Deadline for filing declaration of intent to be a write-in candidate.	§1-22-18(C)	Declarations of intent to run as a write-in candidate must be filed with the "proper filing officer" before 5:00 p.m. on the 35th day before the election.

F. Preparation of Election Materials

Date	Required Action	Statutory Reference	Comments
Sunday, January 2, 2011	Deadline for printing of ballots.	§1-22-10(B); §22-18-5 [bonds] §22-25-5 [two-mil] §22-26-5 [ten-mil]	County clerk of record/proper filing officer must have the ballots prepared and printed by the 30th day preceding the election. The 30th day falls on a Sunday, but the printing need only be done by that date. The form and content of the ballot is generally specified in §1-22-10. The form and content of ballots for general obligation bond elections and two-mil elections are specified in §22-18-5 and §22-25-5, respectively, and in §22-26-5 for ten-mil elections.
	Paper ballots.	§1-22-10(G)	In districts with less than 500 average daily membership and in Board elections where only one candidate has filed for each position, there are no declared write-in candidates and no questions or bonds issues on the ballot, the county clerk may use paper ballots in lieu of voting machines, which saves election expense.
Sunday, January 2, 2011	Deadline for printing of absentee ballots.	§1-22-19(A) and (B)	Absentee ballots must be printed at least 30 days prior to the election. Any voter may vote by absentee ballot for all candidates and on all questions appearing on the ballot as if he/she were able to cast his/her ballot in person at his/her regular polling place on election day.

F. Voter Registration

Date	Required Action	Statutory Reference	Comments
Tuesday, January 4, 2011 (by 5:00 p.m.)	Deadline for registration of voters.	§1-4-8(A)(1)	Voter registration for school district elections is closed at 5:00 p.m. on the 28th day immediately preceding the election.
Friday, January 7, 2011	First day for absentee voting in person (“early voting” under School Election Law).	§1-22-19(B) §1-6-5.7 §1-6-4.1(D)	Absentee ballots may be marked in person at the county clerk's office (each county clerk's office in a multi-county district) beginning at 8:00 a.m. on the 25th day preceding the election (January 7, 2011) and ending at 5:00 p.m. on the Friday preceding the election (January 28, 2011). The county clerk may permit absentee voting in person on an electronic voting machine or an alternate location. A federal qualified elector or overseas voter may vote absentee by electronic transmission under certain conditions set forth in §1-6-4.1(D). The ballot and required affidavit must be received by the county clerk no later than 7:00 p.m. on election day.
Friday, January 28, 2011 (by 5:00 p.m.)	Deadline for absentee/early voting in person.	§1-22-19(B)	See January 7 comment on period for absentee voting in person at county clerk's office.
Saturday, January 31, 2011	Destruction of unused absentee ballots.	§1-6-10(C)	County Clerk is responsible.
Tuesday, February 1, 2011 (7:00 p.m.)	Deadline for receipt of mailed absentee ballots by county clerk.	§1-6-10(B)	County Clerk is responsible.
Tuesday, February 1, 2011	Deadline for delivery of marked absentee ballots to absentee voter precinct board.	§1-6-11	County Clerk is responsible.

H. Election Day

Date	Required Action	Statutory Reference	Comments
Saturday, January 29, 2011	County clerk delivers complete list of absentee and early voters.	§1-6-6(D)	The county clerk shall deliver to the absent voter precinct on election day a complete list of all absentee ballot applicants and early voters with applicable information shown in the absentee ballot register for each applicant and early voter up to 6:00 p.m. on the Saturday preceding the election. The county clerk shall deliver a signature roster containing the same information as the lists to the absent voter precinct board.
Tuesday, February 1, 2011 NOTE: Thursday, June 30, 2011 is last day for Mil Levy Special Election (§§ 22-25-5, 22-26-5). <u>See</u> K. Mil Levy Special Elections, below.	Voting at polls.	§1-22-3(B) §1-12-1 §1-22-12	Polls open at 7:00 a.m. and close at 7:00 p.m.; county clerk administers and conducts the election; district pays costs.

I. Post Election Requirements

Date	Required Action	Statutory Reference	Comments
Wednesday, February 2, 2011	Earliest date for canvass of election results by Canvassing Board.	§1-22-15(A)	The Canvassing Board for the canvass of the results of a school district election shall be composed of the superintendent, the county clerk of record who is the proper filing officer and the designated magistrate or the presiding judge of the metropolitan court, as the case may be, of the county in which the administrative office of the school district is located.
Friday, February 4, 2011	Last date for canvass of election by Canvassing Board.	§1-22-15(C)	<p><u>Within three days after the date of the school district election</u>, the Canvassing Board shall meet in the office of the proper filing officer and shall:</p> <ol style="list-style-type: none"> (1) canvass the returns in the same manner as county election returns are canvassed; (2) determine the total number of persons in the school district voting in the election; and (3) issue a certificate of canvass of the results of the election and send one copy of the certified results: <ol style="list-style-type: none"> (i) to the Board; (ii) to the secretary of state; and (iii) to the proper filing officer to be filed in his office.
		§1-22-15(D)	The Canvassing Board shall issue a certificate of election to each candidate whom it determines to be elected.
As soon as possible after the canvass (next publication date of the local newspaper)	Publication of certificate of results of bond election.	§22-18-10	Superintendent is responsible for publication of certificate of results of the bond election.

I. Post Election Requirements, Cont.

Date	Required Action	Statutory Reference	Comments
Monday, February 7, 2011 (or as soon as possible after canvass is completed)	County clerk of record publishes election results.	§1-22-15(E)	The county clerk of record shall cause the results of the election to be published once in a newspaper of general circulation in the school district.

J. Election Contests

Date	Required Action	Statutory Reference	Comments
Monday, February 17, 2011 or ten (10) days after publication of election results.	Filing deadline for actions concerning any question placed on the ballot including bond election contests.	§22-18-10	No action concerning any question on the ballot shall be maintained in district court unless the action is filed within ten days after publication of the certificate of results of the bond election by the superintendent. Earliest deadline would be February 17, 2011 if the certificate of results is published on February 17, 2011.
Tuesday, March 1, 2011	Earliest date of swearing in of Board members elected at February 1, 2011 election.	§22-5-8	The full term of office of a member of a local School Board shall be four years from March 1 succeeding his election to office at a regular school district election. Any member of a local School Board whose term of office has expired shall continue in that office until his successor is elected and qualified.
Sunday, March 6, 2011 or thirty (30) days after issuance of certificate of election, whichever is later.	Filing deadline for complaint contesting Board and Mil Levy Elections.	§1-14-3	Verified complaint contesting election shall be filed no later than thirty (30) days after issuance of certificate of nomination or certificate of election to successful candidate. Earliest deadline would be March 6, 2011 if canvass is conducted and certificate issued on February 4, 2011.

K. Mil Levy Special Elections

Date	Required Action	Statutory Reference	Comments
Sunday, May 15, 2011	Deadline for Board adoption of election proclamation for capital improvements tax election (two-mil) and/or public school buildings tax election (ten-mil).	§22-25-4; §22-26-4	Two-mil and/or ten-mil election resolutions and proclamations must be adopted no later than May 15 in the year in which the tax is to be imposed.
Thursday, June 30, 2011	Deadline for election authorizing imposition of two-mil or ten-mil tax levy.	§22-25-5; §22-26-5	Two-mil and/or ten-mil elections must be held <u>prior to</u> July 1 of the property tax year in which the tax is proposed to be imposed.

REGULAR ELECTION CALENDAR

ATTACHMENT A

DECLARATION OF CANDIDACY STATEMENT OF INTENT FORM

(§1-22-8)

DECLARATION OF CANDIDACY -- STATEMENT OF INTENT

I, _____, (candidate's name on certificate of registration) being first duly sworn, say that I am a voter of Precinct No. _____ of the County of _____, State of New Mexico. I reside at _____ and was a resident at that place on the date of the school board=s proclamation calling the election for which I am a candidate;

I am a qualified elector of the State of New Mexico residing within _____ school district;

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

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

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

(Declarant)

(Mailing Address)

(Residence Address)

Subscribed and sworn to before me this ____ day of _____, 20__.

NOTARY PUBLIC

My commission expires:
