



NEW MEXICO SCHOOL BOARDS ASSOCIATION

HOUSE BILL 98- LOCAL ELECTION ACT BRIEFING SHEET

Bill Title: Local Election Act – Chapter 79

Signed into Law: March 7, 2018

Effective Date: July 1, 2018

Major Provisions:

- Provides for a single election day and uniform process for non-partisan elections including school districts, special hospital districts, community college districts, technical and vocational institute districts, learning center districts, arroyo flood control districts, special zoning districts, soil and water conservation districts, water and sanitation districts, and conservancy districts. The legislation also allows municipalities to opt in the single election.
- The single election will be held on the first Tuesday in November of odd numbered years to elect qualified persons to the local school board. The election ballot may also contain ballot questions proposed by the local school board such as bond questions.
- School board members whose terms expire in February of 2019 will continue to serve until a successor is elected. Therefore, school board member terms ending in February of 2019 are extended to December 2019. Similarly, school board member terms ending in February of 2021 are extended to December 2021.
- The term of office for the school board members elected in November of 2019 begins January 1, 2020. Similarly, the term of office for school board members elected in November 2021 begins January 1, 2022.
- School board elections will appear second (following any municipalities that opt in) on the ballot. All ballot questions must be sent to the County Commission for inclusion on the ballot if there is sufficient space on the ballot. Election officials do not anticipate sufficient ballot space being an issue, however this is a requirement of the statute.
- All entities including school districts will be assessed an annual fee to cover the costs of the single election at rate of \$250 per \$1 million of operating budget exempting federal funds and capital/bond funds. The fee will be collected twice a year, half in January and half in August. The fees will be deposited into an account maintained by the Secretary of State and used specifically for the implementation of the Local Election Act.
- All special elections held separate from the single election, will be conducted by mailed ballot only. School districts will be required to reimburse the county for all costs associated with the conduct of the special election.
- The Secretary of State will now be responsible for issuing the election resolution, the County Commission will determine number and location of polling places and will serve as the election canvassing board.
- A new provision in the Act adds a definition to “vacancy in office” as when a board member moves out of area they were elected or appointed to represent.

A detailed election calendar with all applicable dates and responsibilities will be developed and provided to NMSBA members as the legislation moves further into implementation.