

NEW MEXICO SCHOOL DISTRICT ELECTION CALENDAR
FOR REGULAR SCHOOL DISTRICT ELECTIONS IN FEBRUARY 2017



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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, these 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-Mill Levy, Ten-Mill Levy and Bond Elections

School district elections may include general obligation bond questions and two-mill and ten-mill levy questions, as well as election of board members. In preparing this calendar, we include deadlines and required action for bond and two-mill and ten-mill levy questions. Districts holding bond elections should consult their financial advisor and bond counsel for more complete advice as to bond election deadlines and procedures. Please see note in Section I regarding mill levy elections to be held in 2017.

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 on February 7, 2017; however, “Section I. “Mill Levy Elections” contains deadlines for mill levy elections held in 2017 other than on February 7.

A. Regular Election Resolutions and Proclamations

Date	Required Action	Statutory Reference	Comments
<p>Prior to Tuesday, November 22, 2016</p>	<p>Board adopts resolution and proclamation in Spanish and English calling for regular school district election to elect board members.</p>	<p>§1-22-3 §1-22-4</p>	<p>The regular election proclamation shall specify:</p> <ol style="list-style-type: none"> (1) the date when the election will be held (February 7, 2017); (2) the positions on the board to be filled; (3) the date on which declarations of candidacy are to be filed (December 20, 2016); (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; (8) the date and time of the closing of the registration books by the county clerk of record as required by law; (9) the precincts to be consolidated for the election, if any, and the designation of the polling place for each consolidated precinct (determined by the county clerk); (10) for districts with under 500 average daily membership, the proclamation should specify if the board determines that it will utilize paper ballots in lieu of voting machines; and (11) the proclamation should specify that there will be an absentee voter precinct, which shall be located in the office of the county clerk. <p>The proclamation <i>shall</i> be filed by the superintendent with the county clerk on the last Tuesday in November of the even numbered year immediately preceding the date of the election. (November 22, 2016)</p>
		§1-22-6(C)	
		§1-22-10(G)	
		§1-22-19	
		§1-22-4(A)	

A. Resolutions and Proclamations

1. General

Date	Required Action	Statutory Reference	Comments
For Regular Election: <u>Prior to Tuesday, November 22, 2016</u> For Special Election: <u>Prior to Monday, May 15, 2017</u>	Deadline for board to adopt resolution and proclamation calling for a school district election to authorize issuance of general obligation bonds and/or to impose a two-or ten-mill property tax levy, to be paid from ad valorem (property) taxes on taxable property within the school district, for public school improvements in the school district.	§1-22-3(C) §1-22-5 §22-25-4 §22-25-5 §1-22-5(C)	<p>The election proclamation shall specify:</p> <ol style="list-style-type: none"> (1) the date when the election will be held (February 7, 2017); (2) the questions to be submitted to the voters; (3) the precincts in each county in which the election is to be held and the location of each polling place; (4) the hours each polling place will be open; and (5) the date and time of the closing of the registration books by the county clerk of record as required by law. <p>Note 1: Two-mill and ten-mill levy elections must be held in the year in which the tax is imposed.</p> <p>Note 2: A resolution for a two-mill or ten-mill levy election must be adopted no later than May 15, 2017, and the election must be held prior to July 1, 2017, so that the tax may be imposed in that property tax year.</p> <p>Note 3: The proclamation <i>must be</i> adopted by the board and filed by the superintendent with the county clerk of record sufficiently in advance to permit the county clerk to publish the proclamation in a newspaper of general circulation in the district once prior to fifty days before the election. See Section C, "Publication Requirements", below. The November 22, 2016 deadline is suggested to ensure sufficient time to comply with filing and publication requirements.</p>
Prior to July 1, 2017	Mill levy election held		

A. Resolutions and Proclamations, Cont.
2. General Obligation Bonds

Date	Required Action	Statutory Reference	Comments
<p>For Regular Election: Prior to Tuesday, November 22, 2016</p> <p>For Special Election: election not within 90 days after regular school election (May 8, 2017)</p>	<p>Board adopts G.O. Bond election resolution</p>	<p>§22-18-1</p> <p>§22-18-2(B)</p>	<p>A board resolution for a general obligation bonds election shall state the purpose(s) for which the bonds are to be issued, which may include:</p> <ul 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.

A. Resolutions and Proclamations, Cont.

3. Two-Mill Levy

Date	Required Action	Statutory Reference	Comments
<p>Prior to Monday, May 15, 2017</p>	<p>Resolution authorizing two-mill levy election adopted by the Board</p>	<p>§22-25-3 §22-25-4 §22-25-2</p>	<p>A board resolution for a two-mill levy election must:</p> <ul style="list-style-type: none"> (1) identify the capital improvements for which revenues produced by taxes will be used; (2) 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; (3) specify the date an election will be held to submit the question of imposition of the tax to the qualified electors of the school district; (4) limit the imposition of the proposed tax to no more than six property tax years; and (5) include capital improvements funding for a locally chartered or state-chartered charter school located within the school district if the charter school timely provides the necessary information to the school district 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. <p>Note 1: Capital improvements means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Act or the Public School Lease Purchase Act but excluding any other debt service expenses, for (1) erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings; (2) purchasing or improving public school grounds; (3) maintenance of public school buildings or public school grounds, including the purchasing or repairing of maintenance equipment, participating in the facility information system as required by the Public School Capital Outlay Act and including payments under contracts with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees; (4) purchasing activity vehicles for transporting students to extracurricular school activities; or (5) purchasing computer software and hardware for student use in public school classrooms.</p>

A. Resolutions and Proclamations, Cont.
4. Ten-Mill Levy

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
<p><u>Prior to</u> Monday, May 15, 2017</p>	<p>Resolution authorizing two-mill levy adopted by the Board</p>	<p>§22-26-3 §22-26-4</p>	<p>A board resolution for a mill levy not to exceed ten mills must:</p> <ol style="list-style-type: none"> (1) identify the capital improvements for which the revenue produced will be used; (2) specify the rate of the proposed tax, which shall not exceed ten dollars (\$10.00) on each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district under the Property Tax Code; (3) specify the date an election will be held to submit the question of imposition of the tax to the qualified electors of the district; (4) limit the imposition of the proposed tax to no more than six property tax years; and (5) include capital improvements funding for a locally chartered or state-chartered charter school located within the school district if (1) the charter school timely provides the necessary information to the school district for inclusion on the resolution that identifies the capital improvements of the charter school for which the revenue proposed to be produced will be used; and (2) the capital improvements are included in the five-year facilities plan: (a) of the school district, if the charter school is a locally-chartered charter school; or (b) of the charter school, if the charter school is a state-chartered charter school.

B. Filing Requirements

Date	Required Action	Statutory Reference	Comments
November 22, 2016	Superintendent must file proclamation calling the special election with the county clerk of record "forthwith".	<p>§1-22-5(A)</p> <p>§1-22-5(B)</p> <p>§1-22-5(C)</p>	<p>The "proper filing officer" is the county clerk of the county where the school district's administrative offices are located in multi-county school districts.</p> <p>If a bond election, two-mill levy, and/or ten-mill levy election is being called in conjunction with a special board election, the proclamation to be filed will include the bond question and/or the two-mill levy or ten-mill levy question.</p> <p>NOTE: The proclamation <i>must be</i> adopted by the board and filed by the superintendent with the county clerk of record sufficiently in advance to permit the county clerk to publish the proclamation in a newspaper of general circulation in the school district twice not less than fifty days before the election. See Section C, "Publication Requirements", below. For bond or mill-levy elections, the November 22 deadline is suggested to assure sufficient time for completion of those filing and publication requirements.</p>

C. Publication Requirements

Date	Required Action	Statutory Reference	Comments
<p>On or before December 19, 2016</p>	<p>Last date for legal publication* of the proclamation calling for February 7, 2017 regular school district election in a newspaper of general circulation within the school district. Publication is handled by county clerk of record. This publication must be made twice between the filing of the proclamation by the superintendent and fifty days before the election; THAT IS, THE PUBLICATION MUST BE MADE TWICE BEFORE DECEMBER 19, 2016, WHICH IS THE 50TH DAY BEFORE THE ELECTION.</p> <p>*Proclamations must be filed with the county clerk before they may be published.</p>	<p>§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 29 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 school district as identified by the Census Bureau in the last census (2010): Bernalillo, Catron, Cibola, McKinley, Rio Arriba, Sandoval, San Juan, Santa Fe, Socorro, Taos, and Valencia.</p> <p>Note: Colfax, Curry, Los Alamos, Quay, Roosevelt and Union Counties are not listed on the 2010 Census as being subject to minority language publication requirements. Any district which is solely in one of these Counties may, but is not required to, publish in a minority language such as Spanish or American Indian.</p>

C. Publication Requirements, Cont.

Date	Required Action	Statutory Reference	Comments
Tuesday, January 24, 2017 to Monday, January 30, 2017	Period for first publication of short form election proclamation listing each question to be submitted to the voters and the names of the precinct board members.	§1-22-11	The proper filing officer for the district shall issue and publish the short form proclamation listing the name of each candidate, 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 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.
Tuesday, January 31, 2017	Earliest date for the second of two publications of short form election proclamation.	§1-22-11	See January 24 comment above regarding this publication. The last of the short form publications must be made not more than 7 or less than 2 days prior to the date of the election.
Saturday, February 4, 2017	Deadline for second of two publications of short form election proclamation.	§1-22-11	See January 24 comment above regarding this publication.

D. Preparation of Election Materials

Date	Required Action	Statutory Reference	Comments
Sunday, January 8, 2017	Deadline for printing of ballots.	§1-22-10(B) §22-18-5 §22-25-5 §22-26-5(C)	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, two-mill elections and ten-mill elections are specified in §§ 22-18-5, 22-25-5, and 22-26-5(C), respectively.
Sunday January 8, 2017	Deadline for printing of absentee ballots.	§1-22-19(A) and (B)	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. Absentee ballots must be printed at least 30 days prior to the election.

F. Voter Registration

Date	Required Action	Statutory Reference	Comments
Tuesday, January 10, 2017 (5:00 p.m.)	Deadline for registration of voters.	§1-4-8(C)	Voter registration for school district elections is closed at 5:00 p.m. on the 28th day immediately preceding the election.
Friday, January 13, 2017	First day for absentee voting in person ("early voting" under School Election Law).	§1-22-19(B)	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 13, 2017) and ending at 5:00 p.m. on the Friday preceding the election (February 3, 2017).
		§1-6-5.7	The county clerk may permit absentee voting in person on an electronic voting machine at an alternate location.
		§1-6B-3	Federal qualified electors or overseas voters may request a military-overseas ballot. §1-6B-6(A). Military-overseas ballot is timely if received no later than close of polls on election day. §1-6B-8(A). Military-overseas voters may vote absentee by fax, email or other electronic transmission under certain conditions set forth in §1-6B-8(B). The ballot and required affidavit must be received by the county clerk no later than 7:00 p.m. on election day.
Friday, February 3, 2017 (5:00 p.m.)	Deadline for absentee/early voting in person.	§1-22-19(B)	See January 13 comment on period for absentee voting in person at county clerk's office.
Monday, February 6, 2017 (5:00 p.m.)	Destruction of unused absentee ballots.	§1-6-10(C)	County Clerk is responsible.
Tuesday, February 7, 2017 (7:00 p.m.)	Deadline for receipt of mailed absentee ballots by county clerk.	§1-6-10(B)	County Clerk is responsible.
Tuesday, February 7, 2017	Deadline for delivery of marked absentee ballots to absentee voter precinct board.	§1-6-11	County Clerk is responsible.

F. Election Day

Date	Required Action	Statutory Reference	Comments
Tuesday, February 7, 2017	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 absentee voter precinct board.
Tuesday, February 7, 2017	Voting at polls.	§1-12-1 §1-22-12(A) §1-22-12(D)	Polls open at 7:00 a.m. and close at 7:00 p.m. The county clerk administers and conducts the election. The district pays the costs of the election.

G. Post Election Requirements

Date	Required Action	Statutory Reference	Comments
Wednesday, February 8, 2017	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 10, 2017	Last date for canvass of election by Canvassing Board.	§1-22-15(C)	<p>Within three days after the date of the school district election, 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/her office.
As soon as possible after the canvass, i.e., next publication date of the local newspaper	Publication of certificate of election results.	§1-22-15(E) §22-18-10	The county clerk of record shall cause the results of the election to be published in a newspaper of general circulation in the school district. However, the superintendent is responsible for publication of the certificate of results of the bond election.
Mailed immediately	School District must mail certified records of two mill levy election and ten mill levy election to School Finance Division of Public Education Department.	§22-25-6 §22-26-6	

H. Election Contests

Date	Required Action	Statutory Reference	Comments
Thursday, February 23, 2017 or ten (10) days after publication of election results.	Filing deadline for actions concerning any bond question placed on the ballot.	§22-18-10	No action concerning any question on the ballot at a bond election 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 23, 2017, if the certificate of results is published on February 13, 2017.
Monday, March 13, 2017 or thirty (30) days after issuance of certificate of election, whichever is later.	Filing deadline for complaint contesting Mill 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. Earliest deadline would be March 13, 2017 if canvass is conducted and certificate issued on February 10, 2017.

I. Annual Deadline on Special Mill Levy Election Resolutions

Date	Required Action	Statutory Reference	Comments
<u>Prior to</u> Monday, May 15, 2017	Deadline for Board adoption of election proclamation for capital improvements tax election (two-mill), public school buildings tax election (ten-mill), and/or lease-purchase tax election.	§22-25-4 §22-26-4	Two-mill and/or ten-mill election resolutions and proclamations must be adopted no later than May 15 in the year in which the tax is to be imposed. However, in federal and statewide primary election years, Section 1-12-71 of the General Election Code supersedes the timing of all mill levy elections.
Friday, June 30, 2017	Deadline for election authorizing imposition of two-mill or ten-mill tax levy.	§22-25-5(A) §22-26-5(A)	Two-mill and/or ten-mill elections must be held prior to 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:
