

2023 Regular (Board Elections) and Special Elections



CUDDY & McCARTHY, LLP
Attorneys at Law

Patricia Salazar Ives, Esq.
Heather Travis Boone, Esq.
Carlos J. Padilla, Esq.

NEW MEXICO SCHOOL BOARDS ASSOCIATION SCHOOL BOARD MEMBERS

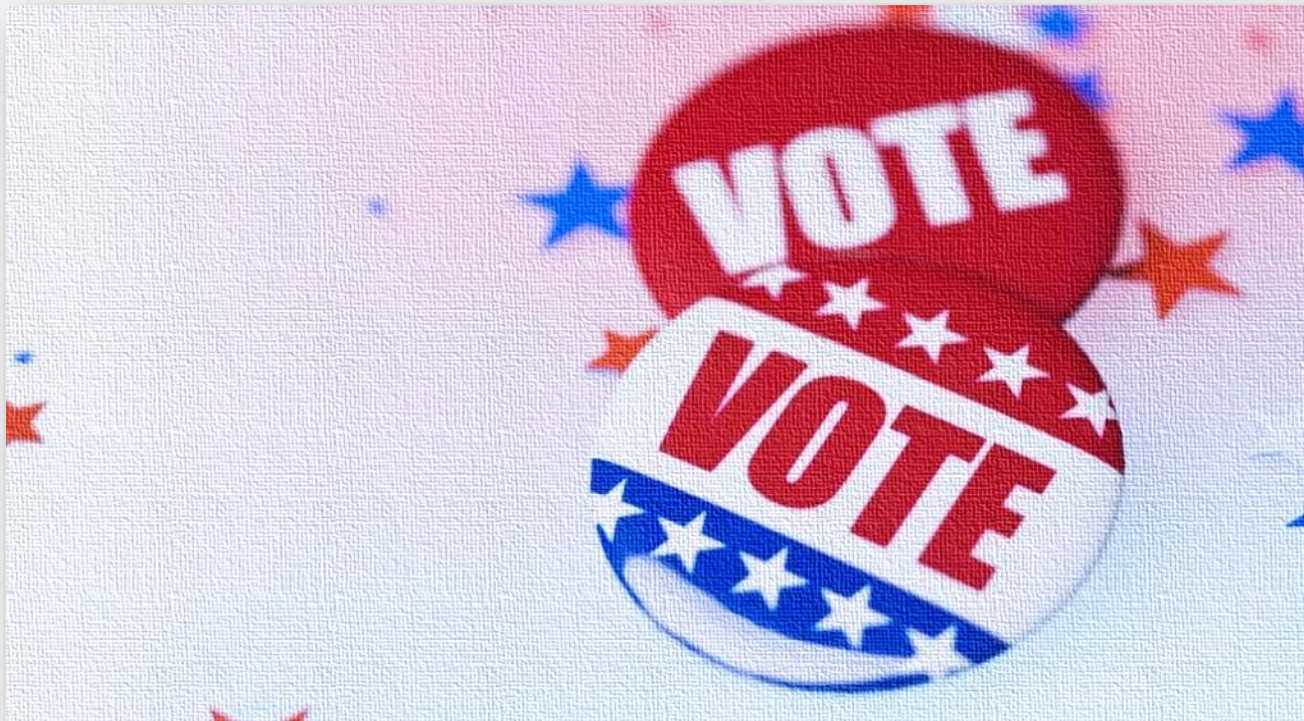
PLEASE SIGN-IN

- ✓ In order to receive training credit you must provide your full name and your district on the sign in sheet. No nicknames or abbreviations.
- ✓ You must sign in during each of the sessions (both general and breakout sessions) you are attending.

Thank you!



Regular and Special Elections



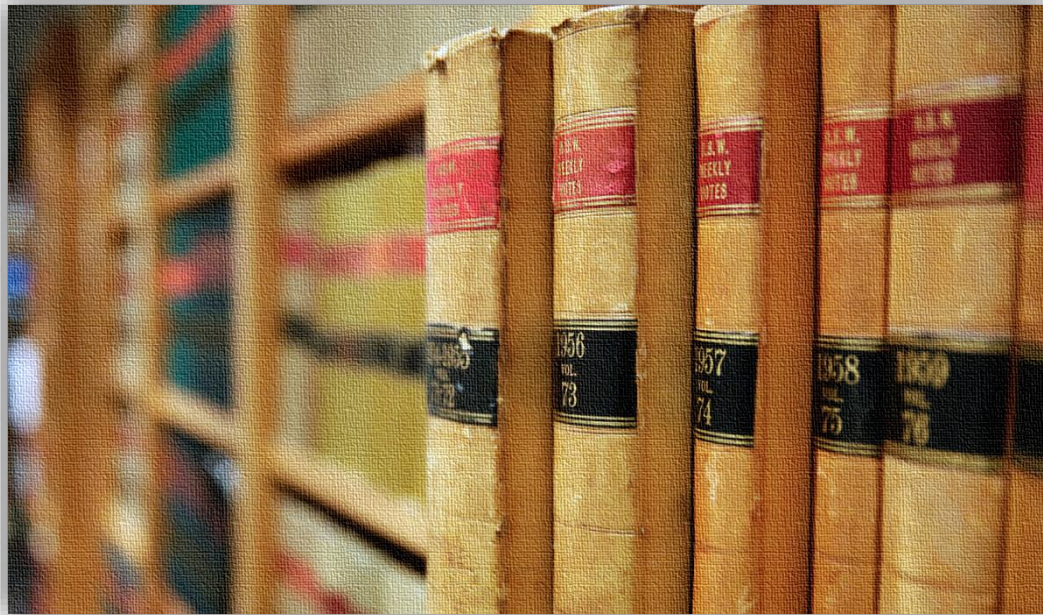
Regular Elections

- o Held on the first Tuesday after the first Monday in November of each odd-numbered year
- o Held to elect qualified persons to membership on a local governing body, such as a school board
- o Nonpartisan election (no party or slate)
- o May include a ballot question (bond or mill levy)
- o Called, conducted, and canvassed pursuant to the Election Code
 - o Early/Absentee voting
 - o Physical polling locations on election day

Special Elections

- o Held at any time other than a regular election
- o Called, conducted, and canvassed pursuant to the Special Election Act
 - o Mail ballot only
 - o District bears expense

Legislative Update



Legislative Update

o HB 6 2021

- o “Teacher housing” is added as a permissible use of funds -
 - o Added to the definition of “education technology equipment” in the Education Technology Equipment Act [NMSA 1978, §6-15A-3(C)(2)]
 - o Added to the definition of “capital improvements” in the Public School Capital Improvements Act [NMSA 1978, §22-25-2(B)(1) and (3)]
 - o Added to the definition of “capital improvements” in the Public School Buildings Act [NMSA 1978, §22-26-2(A)]
 - o Added as an authorized purpose for the issuance of general obligation (GO) bonds. [NMSA 1978, §22-18-1(A)(1)]
- o Effective – July 1, 2021

Legislative Update

o HB 6 2021

o Funding Formula Changes

- o Capital Outlay – amended state and local match calculation to consider unrestricted funds used for capital expenses.

- o State Equalization Guarantee Distribution – removes local and federal revenue reduction; modifies Charter school formula.

o Reporting on Federal and Local Revenue

- o Effective – July 1, 2021

Election Timeline

- o Notice to County Clerk(s)
- o Secretary of State Proclamations
- o Candidate Declarations, Write-Ins and Withdrawals
- o Voter Education
- o Early Voting (October 10) to Election Day (November 7, 2023)
- o Post Election
 - o Canvas
 - o Training for Board Members



Election Countdown-June

- o **Saturday, June 10, 2023**
 - o First day for District to notify County Clerk of all board positions and position numbers to be filled at November 2, 2021 Regular Local Election [NMSA 1978, § 1-22-4(A)]
 - o Notice may be submitted by Board or Superintendent.
 - o Include positions that were filled by appointment since 2021 election and all positions expiring December 31, 2022.
 - o Include HB 33 or SB 9 mill levy or bond questions now, if possible (even though deadline is not until Tuesday, August 29, 2023)

Election Countdown-July

- o **Monday, July 10, 2023**
 - o Last day for District to notify County Clerk of all board positions and position numbers to be filled at November 7, 2023 Regular Local Election.
[NMSA 1978, § 1-22-4(A)]
 - o If you have really been snoozing, email or walk it in to each County Clerk's office where your district has voting precincts.

Election Countdown-August County Clerk & Secretary of State Duties

- o **Tuesday, July 18, 2021**
- o Last day for County Clerk to notify Secretary of State of all positions to be filled at November 7, 2023 Regular Local Election [NMSA 1978, § 1-22-4(A)]

Election Countdown-August County Clerk & Secretary of State Duties

- o **Wednesday, August 9, 2023**
 - o Secretary of State shall issue and file a proclamation in English and Spanish calling 2021 Regular Local Election [NMSA 1978, § 1-22-4(B)]
 - o Upon receipt from Secretary of State, County Clerk shall post entire election proclamation in English and Spanish on County Clerk's website.
[NMSA 1978, § 1-22-4(D)]
 - o **Note:** Secretary of State now prepares regular election translations

Election Count Down-August County Clerk & Secretary of State Duties

- o **Thursday, August 24, 2023**
 - o Deadline for County Clerks to publish portions of election proclamation in English and Spanish in a newspaper of general circulation within County (or Counties for multi-county Districts)
[NMSA 1978, § 1-22-4(D)]

Election Countdown-August Mill Levy Ballot Questions

- o **Monday, August 28, 2023**
 - o Last day for Boards to adopt Resolution Proposing HB 33 or SB 9 mill levy ballot question for November 2nd regular election. [HB 407 § 209]
 - o **Note:** Begin planning voter education steps for mill and bond elections

Election Countdown -August Bond Ballot Questions

o **Wednesday, August 28, 2023**

- o Last day for School Board to adopt Resolution for regular election ballot questions (i. e., bond questions) other than mill levy questions. [NMSA 1978, § 1-16-3(B)]

o **Thursday, August 29, 2023**

- o Deadline for filing Board Resolution for regular election ballot bond questions with County Clerk of each county containing voting precincts [NMSA 1978, § 1-16-3(B)]

Election Countdown-August Mill Levy Ballot Questions

- o **Tuesday, August 29, 2023**
 - o Deadline for District to file resolution for mill levy elections with County Clerks of each county containing voting precincts and New Mexico Department of Finance Administration (DFA). [NMSA 1978, § 1-16-3(b)]
 - o **Note:** this is an additional deadline and replaces the August 26 ballot question deadline for mill elections only.

Election Countdown-August County Clerk Certification

- o **Friday, September 1, 2023**
 - o Deadline for County Clerk to certify all mill and bond local ballot question to Secretary of State
[NMSA 1978, § 1-16-3(B)]

Election Countdown-August Candidate Declarations

- o Tuesday, August 29, 2023
 - o Deadline of between to file Declarations of Candidacy with office of the County Clerk in each county with voting precincts [NMSA 1978, § 1-22-7(A)]
 - o **Note:** (1) the declarant **must** personally file or give written authorization for another person to file on behalf of the declarant; and (2) the declaration **must** be filed in all counties with voting precincts in your District.

Election Countdown-August Write Ins and Withdrawals

- o **Tuesday, September 5, 2023**
 - o Deadline to file Declaration of Candidacy for write-in candidate with office of the County Clerk
[NMSA 1978, § 1-22-8.1(C)]
 - o Deadline to withdraw as candidate
[NMSA 1978, § 1-10-6(C)]

Election Countdown-September Candidate Ballot Notification

- o **Friday, September 8, 2023, 5:00 p.m.**
 - o Deadline for County Clerk to place candidate's name for position candidate declared on ballot and to notify candidate that name will appear on ballot.
[NMSA 1978, § 1-22-10(A)]

Election Countdown-September Federally Qualified Ballots

- o **Saturday, September 23, 2023**
 - o Deadline for County Clerk to have access to ballots to send to federally qualified electors [NMSA 1978, § 1-10-5]

Election Countdown-September

All Other Ballots Printed

- o **Thursday, September 28, 2023**
 - o Deadline for County Clerk to have all other printed ballots in possession
[NMSA 1978, § 1-10-5]
 - o **Note:** Did you remember to start your voter education program?
 - ❖ Flyers
 - ❖ Community forums
 - ❖ Website
 - ❖ Eligible Student Voters

Election Countdown-October Voter Registration And Early Voting

- o **Tuesday, October 10, 2023**
 - o Deadline to register to vote in November 7, 2023
Regular School District Election [NMSA 1978, § 1-4-8(A)]
 - o Absentee voting begins [NMSA 1978, § 1-6-5(F)]
 - o Early voting begins [NMSA 1978, § 1-6-5.7(A)]
 - o **Note:** Put the ballot on your website with polling place information

Election Countdown-October County Clerk Publication

- o **Tuesday, October 17, 2023**
 - o First day for County Clerk's publication of first of two publications of election proclamation with candidate name, question(s) if any, and precinct board members in English and Spanish [NMSA 1978, § 1-3-(A)]
 - o **Note:** These are the two notices that used to be filed under the old law not more than 10 and not less than 2 days before the election.

Election Countdown-October County Clerk Last Publication

- o **Tuesday, October 31, 2023**
 - o Last day for County Clerk's publication of second of two publications of proclamation with candidate names, question(s) if any, and precinct board members in English and Spanish.
[NMSA 1978, § 1-11-3(A)]

Election Countdown-October Last Early Voting

- o Saturday, November 4, 2023**
 - o Last day to vote Early**
[NMSA 1978, § 1-6-5.7(A)]

Election Day

o **Tuesday, November 7, 2023**



Post Election

- o Canvassing Board and Deadlines
- o Publication of Results
- o Secretary of State Certificates
- o New Board Member Terms begin January 1, 2024
- o Training Requirements

Post Election Canvassing Board

o Monday, November 13, 2023

- o First day for county canvassing board (the County Commission) to: (1) meet to approve the report of the canvass of the returns; (2) declare the results of the election and of all ballot questions affecting only precincts within the county, and (3) issue a certificate of canvass of the results of the election and send one copy to: (a) the County Clerk, (b) each local government with a candidate or ballot question (including the School District), (c) the Secretary of State, (d) the State Records Center, and (e) the State Canvassing Board.

[NMSA 1978, §§ 1-13-13(A), (B), and (C)]

Post Election Canvass Deadlines

- o **Friday, November 17, 2023**
 - o Last day for county canvassing board (the County Commission) to complete canvassing duties (see prior deadline) [NMSA 1978, §§ 1-13-13(A), (B), and (C)]
 - o **Note:** For counties with more than 150,000 voters, the deadline is November 20, 2023.

Post Election November Superintendent Alert

- o **Friday, November 24, 2023**
 - o Suggested date for publication of results of election if ballot included a bond question [NMSA 1978, § 22-18-10]
 - o **Note:** The election results for bond elections must still be published. This starts the clock for the statute of limitations on election contests.

Post Election Secretary of State Certificates

- o **Friday, December 1, 2023**
 - o First day for Secretary of State to issue certificates of election to appropriate candidates .
[NMSA 1978, § 1-13-16(C)]

Congratulations You've Been Elected!

- o **Monday, January 1, 2024**
 - o Terms of office begin for elected candidates
[NMSA 1978, § 1-22-18]

Training Requirements and Resources for School Board Members

- o School Board Mandatory Training
 - o A minimum of 5 hours of training per year is required. [NMSA 1978, § 22-5-12]
- o New Mexico School Boards Association
www.nmba.org
- o New Mexico Public Education Department (PED) Workshops

NOVEMBER 7, 2023 REGULAR LOCAL (SCHOOL) ELECTION CALENDAR*

June 10, 2023	First day for School District to notify County Clerk of all School Board positions to be filled at November 7, 2023 Regular Local Election [NMSA 1978, § 1-22-4(A)]
July 10, 2023	Last day for School District to notify County Clerk of all School Board positions to be filled at November 7, 2023 Regular Local Election [NMSA 1978, § 1-22-4(A)]
July 18, 2023	Last day for County Clerk to notify Secretary of State of all positions to be filled at November 7, 2023 Regular Local Election [NMSA 1978, § 1-22-4(A)]
August 9, 2023	Secretary of State shall issue and file a proclamation in English and Spanish calling 2023 Regular Local Election [NMSA 1978, § 1-22-4(B)]
After receipt	County Clerk shall post Secretary of State's entire proclamation in English and Spanish on County Clerk's website [NMSA 1978, § 1-22-4(D)]
August 24, 2023	County Clerk shall publish portions of School Board's election proclamation in English and Spanish in a newspaper of general circulation within County (or Counties for multi-county school districts) [NMSA 1978, § 1-22-4(D)]
August 28, 2023	Last day for School Board to adopt Resolution proposing mill levy or bond question for regular election ballot [NMSA 1978, § 1-16-3(B)]
August 29, 2023	Deadline of between 9:00 a.m. and 5:00 p.m. for candidates to file Declarations of Candidacy with County Clerk [NMSA 1978, § 1-22-7(A)]
August 29, 2023	Deadline for School District to file School Board's Resolution proposing mill levy or bond question for regular local election ballot with County Clerk of each county containing voting precincts within School District [NMSA 1978, § 1-16-3(B)]
September 1, 2023	Deadline for County Clerk to certify School District ballot question(s) to Secretary of State [NMSA 1978, § 1-16-3(B)]
September 5, 2023	Deadline of between 9:00 a.m. and 5:00 p.m. for persons to file Declarations of Candidacy to be a write-in candidate with County Clerk [NMSA 1978, § 1-22-8.1(C)]
September 5, 2023	Deadline to withdraw as candidate [NMSA 1978, § 1-10-6(C)(1)]
September 8, 2023	Deadline of 5:00 p.m. for County Clerk to place candidate's name on ballot for position declared and to notify candidate in writing that name will appear on ballot [NMSA 1978, § 1-22-10(A)]
September 11, 2023	Deadline for School District to post resolution on website [1.10.16.8(E) NMAC]

September 23, 2023	Deadline for County Clerk to have access to ballots to send to federal qualified electors [NMSA 1978, § 1-10-5]
September 28, 2023	Deadline for County Clerk to have all other printed ballots in possession [NMSA 1978, § 1-10-5]
October 10, 2023	Deadline to register to vote in November 7, 2023 Regular Local Election [NMSA 1978, § 1-4-8(A)]
October 10, 2023	Absentee voting begins [NMSA 1978, § 1-6-5(F)]
October 10, 2023	Early voting begins [NMSA 1978, § 1-6-5.7(A)]
October 17, 2023	First day for County Clerk's publication of notice of election [NMSA 1978, § 1-11-3(A)]
October 31, 2023	Last day for County Clerk's publication of notice of election [NMSA 1978, § 1-11-3(A)]
November 4, 2023	Last day to vote early [NMSA 1978, § 1-6-5.7(A)]
November 7, 2023	Election Day
November 13, 2023	First day for county canvassing board (the County Commission) to: (1) meet to approve the report of the canvass of the returns; (2) declare the results of the election and of all ballot questions affecting only precincts within the county, and (3) issue a certificate of canvass of the results of the election and send one copy to: (a) the County Clerk, (b) each local government with a candidate or ballot question (including the School District), (c) the Secretary of State, (d) the State Records Center, and (e) the State Canvassing Board [NMSA 1978, §§ 1-13-13(A), (B), and (C)]
November 17, 2023	Last day for county canvassing board (the County Commission) to complete canvassing duties (see prior deadline) [NMSA 1978, §§ 1-13-13(A), (B), and (C)] (Note: For counties with more than 150,000 voters, the deadline is November 20, 2023)
November 24, 2023	Suggested date for publication of results of election if ballot included a bond question [NMSA 1978, § 22-18-10]
December 1, 2023	First day for Secretary of State to issue certificates of election to appropriate candidates [NMSA 1978, § 1-13-16(C)(1)]
January 1, 2024	Term of office begins for elected candidates [NMSA 1978, § 1-22-18]

Questions?



CUDDY & McCARTHY, LLP
Attorneys at Law

Patricia Salazar Ives

pives@cuddymccarthy.com

Heather Travis Boone

hboone@cuddymccarthy.com

Carlos J. Padilla

cjpadilla@cuddymccarthy.com