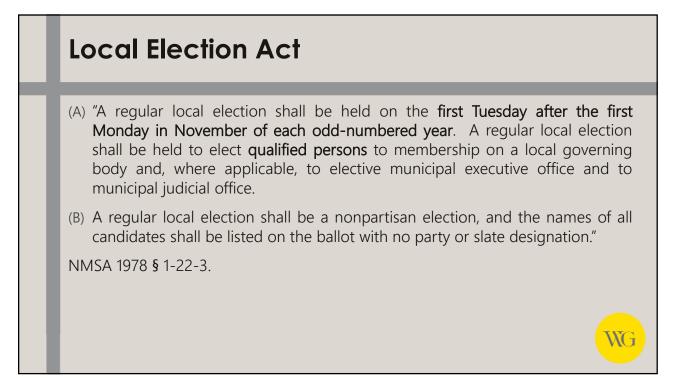
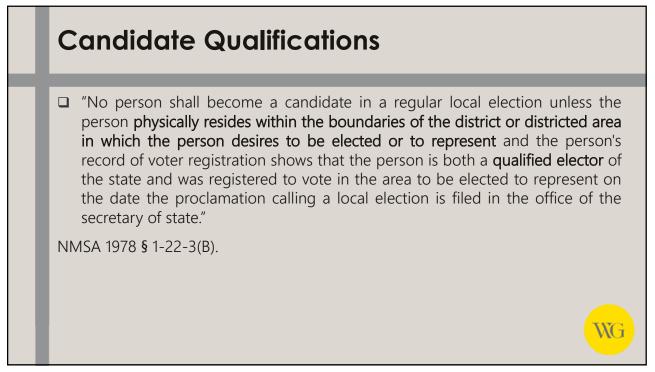
# Local School Board Elections and District Bond Elections

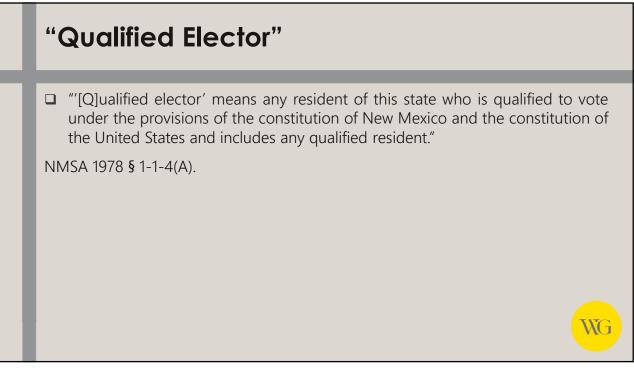
Presented By: Stephanie Mendívil



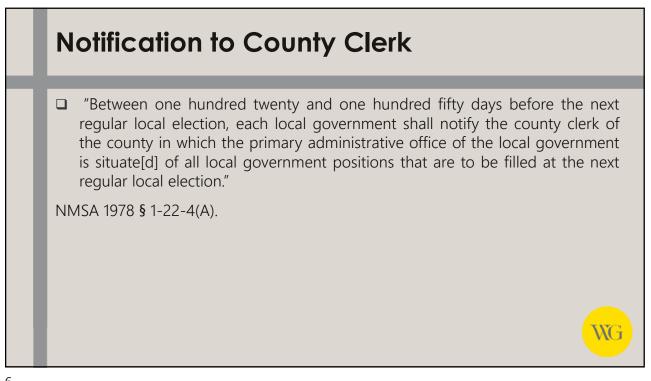
Local School Board Elections

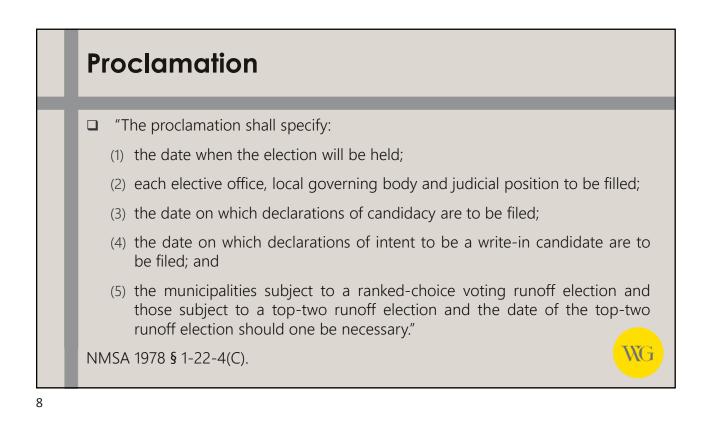


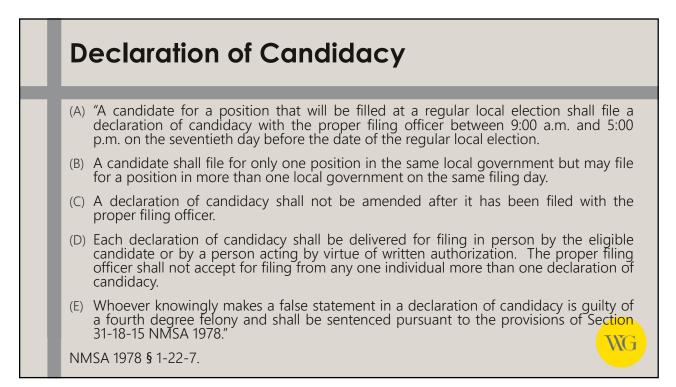




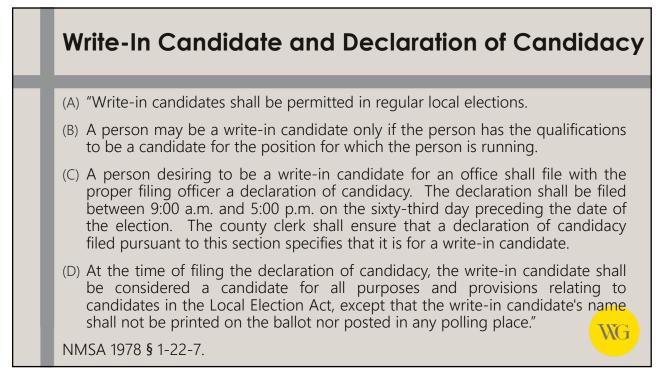


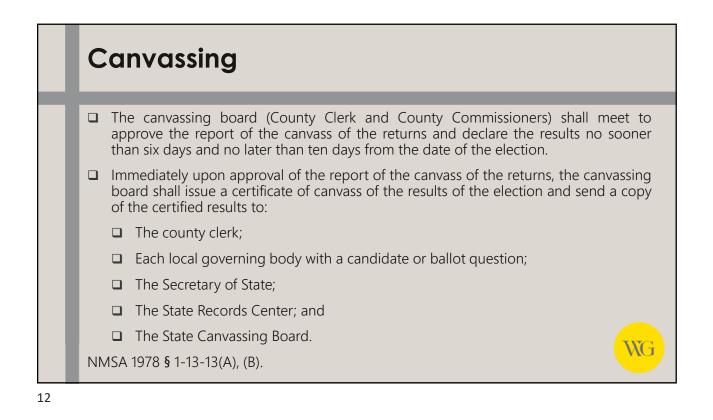


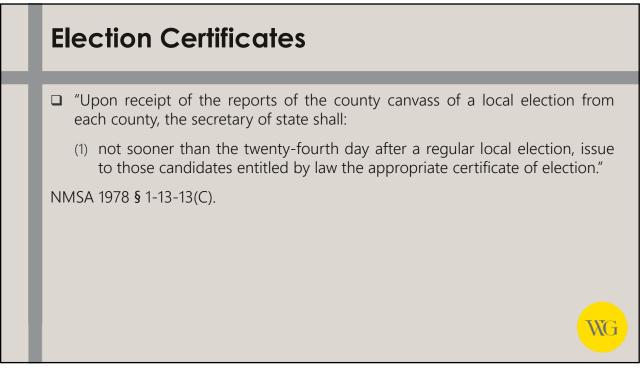


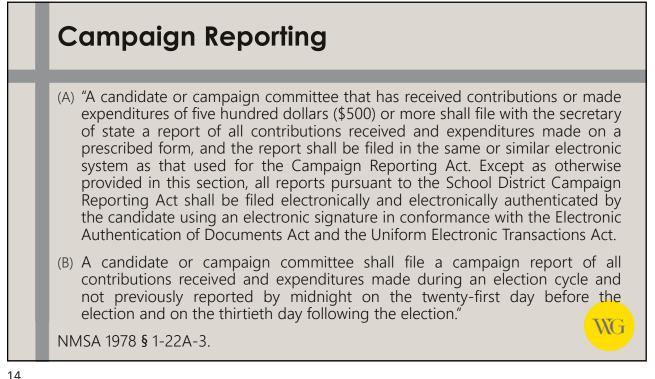


Declaration of Candidacy		
	DECLARATION OF CANDIDACY – STATEMENT OF INTENT   I	WG









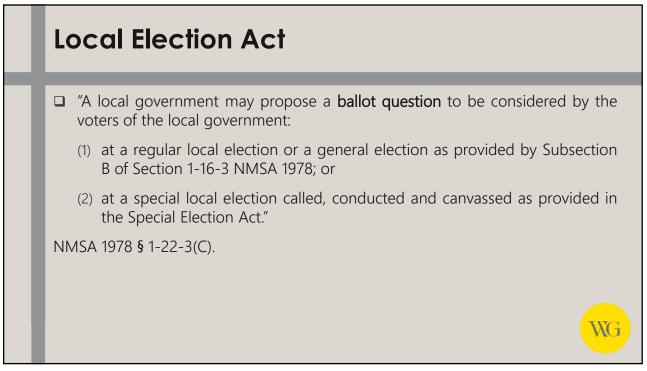
## District Bond Elections and General Obligation (G.O.) Bonds

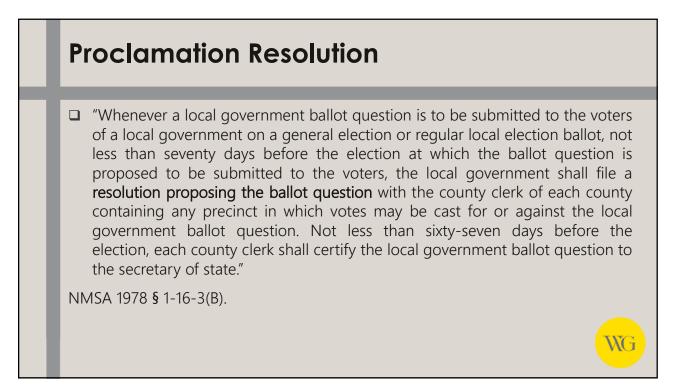
#### **Bond Elections**

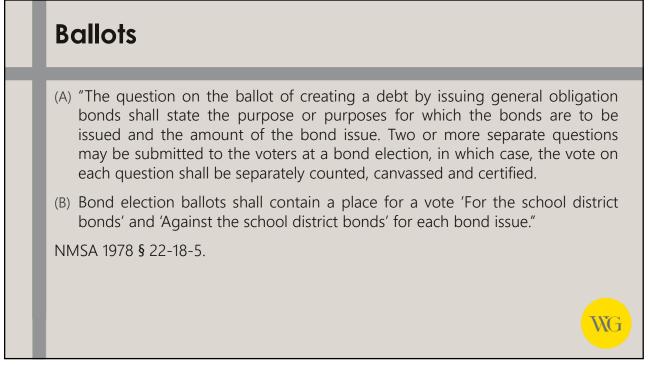
- (A) "Before any general obligation bonds are issued, a local school board of a school district shall submit to a vote of the qualified electors of the school district the question of creating a debt by issuing the bonds, and a majority of those persons voting on the question shall vote for issuing the general obligation bonds.
- (B) The election on the question of creating a debt by issuing general obligation bonds shall be held pursuant to the provisions of the Local Election Act. The question shall be submitted to a vote at a district election upon the initiative of a local school board or upon a petition being filed with a local school board signed by qualified electors of the school district."

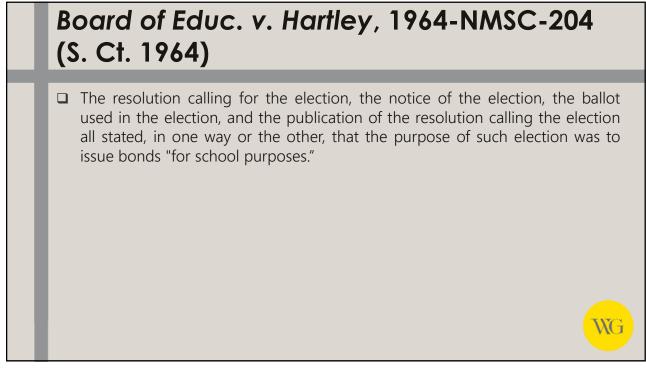
NMSA 1978 § 22-18-2.

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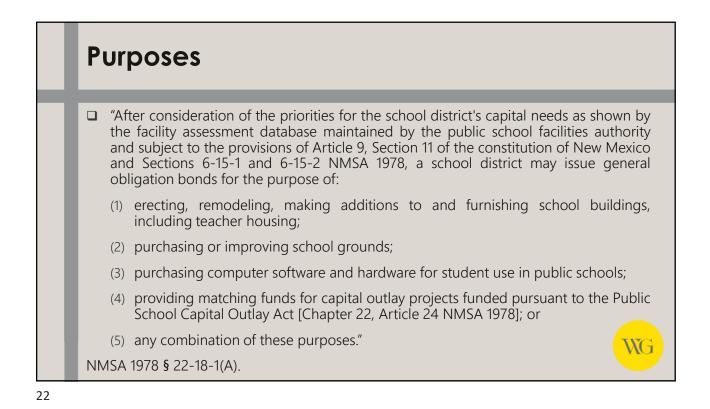






#### Board of Educ. v. Hartley, 1964-NMSC-204 (S. Ct. 1964)

- "There is no indication in any of the proceedings other than that the funds obtained from the sale of the bonds will be used for something having to do with schools. 'School purposes' could mean the purchase of school buses, increase of teachers' salaries, or any one of many other purposes, which would clearly contravene the provisions of the constitution."
- "There is no way to determine what was in the minds of the various electors who voted on the issuance of the bonds as to what they thought 'school purposes' meant. The phrase used is simply too all-inclusive and includes purposes prohibited by the constitution. Thus the election proceedings were rendered invalid. We do not mean to say that the resolution, notice and ballot must include the exact words as stated in the constitution, but certainly the words used cannot be so broad that, in effect, the electorate is not advised of the actual purpose of the attempt to secure funds."

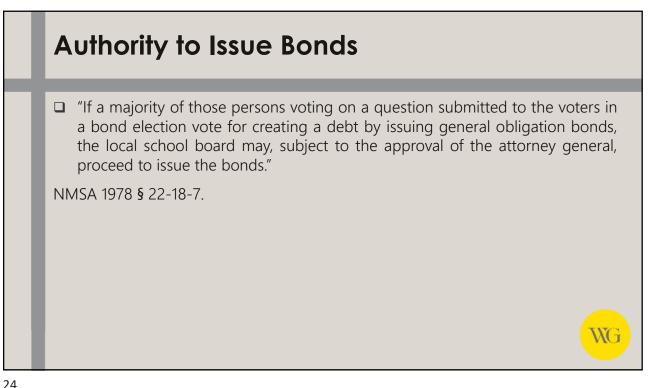


#### Purposes – Teacher Housing

"[A] school district contemplating issuing general obligation bonds under Section 22-18-1 for the purpose of 'erecting, remodeling, making additions to and furnishing school buildings' may use the proceeds of said bonds for the construction, maintenance and repair of teacher housing, among other things."

Use of General Obligation Bond Proceeds and Public School Capital Improvements Act Revenue for Construction of Teacher Housing (12/1/2022), Att'y Gen. Adv. Ltr. 2022-13.

23



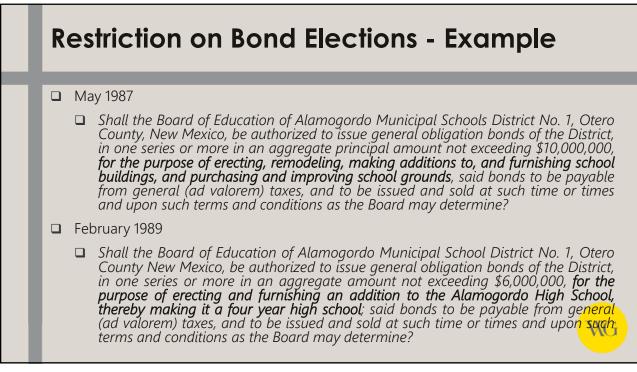
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### **Restriction on Bond Elections**

"In the event a majority of those persons voting on a question submitted to the voters in a bond election votes against creating a debt by issuing general obligation bonds, no bond election shall be held on the same question for a period of two years from the date of the bond election."

NMSA 1978 § 22-18-8.

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#### **Restriction on Bond Elections - Example**

- "The proposed 'purpose' for the 1989 bond issue, building an addition to the high school, is more limited than the earlier defeated issue. The earlier election contemplated a broader purpose: erecting, remodeling, making additions to, and furnishing school buildings, and purchasing and improving school grounds. Also, the 1989 bond issue would create only \$6,000,000 in debt, while the 1987 question proposed \$10,000,000 in bonds. Thus, the obligation that the voters' property taxes must satisfy is less than the earlier proposal."
- "Because the Alamogordo school district's proposed February, 1989 bond question differs materially in amount of bonded indebtedness and in purpose, it is not the "same question" that the voters defeated in May, 1987. The proposed bond election, therefore, does not violate Section 22-18-8."

1988 Op. Att'y Gen. No. 88-53.

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The information in this presentation was prepared by Walsh Gallegos Treviño Kyle & Robinson P.C. It is intended to be used as general information only and is not to be considered specific legal advice. If specific legal advice is sought, consult an attorney.

