

NEW MEXICO SCHOOL DISTRICT ELECTION CALENDAR FOR *SPECIAL* SCHOOL DISTRICT ELECTIONS IN 2012

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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 school district’s central administrative offices are located**.

Note on Two Mill, Ten Mill Levy and Bond Issue Elections

School district elections may include general obligation bond questions and two mill and ten mill levy questions. In preparing this calendar, we include deadlines and required action for bond and mill or levy questions. Districts having 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 election” even if it is held on the same date (first Tuesday in February) that a regular school election is held in odd-numbered years. Proposed dates in this calendar are for a Special School District Election on February 7, 2012; however, Section I. “Mill Levy Special Elections” contains the statutory deadlines for mill levy elections.

**A. SPECIAL ELECTION GENERAL OBLIGATION BOND
AND TWO MILL AND TEN MILL LEVY
RESOLUTIONS AND PROCLAMATIONS**

1. General

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
No later than November 30, 2011	Deadline for board to adopt resolution and proclamation calling for a special school district election to authorize issuance of general obligation bonds to be paid from ad valorem (“property”) taxes on capital improvements on taxable property within the school district, and/or to impose a two mill or ten mill property tax levy for public school capital improvements.	<p>§§ 22-18-1 <i>et seq.</i>, 22-25-5, 22-26-5</p> <p>§§ 22-25-4, 22-25-5, 22-6-4, 22-6-5</p> <p>§§ 22-25-5, 22-6-5</p> <p>§ 1-22-5</p>	<p>For general obligation bond, two mill and/or ten mill levy elections to be held in conjunction with special board elections, the special board election resolution must also include the general obligation bond, and/or the two mill or ten mill levy question.</p> <p>Note 1: Both a two mill levy election and a ten mill levy election must be held in the year in which the tax is first imposed.</p> <p>Note 2: The resolutions for a two mill and ten mill levy election must be adopted no later than May 15, 2012, and the election must be held prior to July 1, 2012, so the tax may be imposed in that property tax year.</p> <p>Note 3: The proclamation must be adopted by the School Board and filed by the Superintendent with the county clerk of record sufficiently in advance to permit the clerk to publish the proclamation in newspaper of general circulation in the district twice not less than fifty days before the election. See Section C, “Publication Requirements”, below. Thus, the November 30 deadline is suggested to assure sufficient time for completion of those filing and publication requirements.</p>

**A. SPECIAL ELECTION GENERAL OBLIGATION BOND
AND TWO MILL AND TEN MILL LEVY
RESOLUTIONS AND PROCLAMATIONS, Cont.**

2. Two Mill Levy

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
		§ 22-25-3	<p>A School Board resolution for a two mill levy election must:</p> <ol 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) for 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 (6) 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.

**A. SPECIAL ELECTION GENERAL OBLIGATION BOND
AND TWO MILL AND TEN MILL LEVY
RESOLUTIONS AND PROCLAMATIONS, Cont.**

3. Ten Mill Levy

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
		§ 22-26-3	<p>A School Board resolution for a mill levy not to exceed ten (10) mills shall:</p> <ol style="list-style-type: none"> 1) identify the capital improvements for which the proposed revenues will be used; 2) specify the rate of the proposed tax, which shall not exceed ten dollars (\$10.00) for 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 (6) property tax years; and 5) the resolution shall include capital improvements funding for a locally chartered or state-chartered charter school located with the school district if <ol style="list-style-type: none"> (1) the charter school timely provides necessary information to the school district for the 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 school; or (b) of the charter school, if the charter school is a state-chartered charter school.

**A. SPECIAL ELECTION GENERAL OBLIGATION BOND
AND TWO MILL AND TEN MILL LEVY
RESOLUTIONS AND PROCLAMATIONS, Cont.**

4. Bond

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
		§ 22-18-1	<p>A School Board resolution for a general obligation bond election shall state the purpose or purposes for which the bonds are to be issued:</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 Capital Outlay Act; or 5) any combination of these purposes; <p>and the total amount of the bonds authorized to be issued.</p>

B. FILING REQUIREMENTS

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
<p>Between date of adoption of Resolution and Proclamation calling for Special Election but no later than November 30, 2011</p>	<p>Superintendent must file proclamation calling for the special board election, with the county clerk of record “forthwith”.</p> <p>NOTE: The proclamation must be adopted by the School Board and filed by the Superintendent with the county clerk of record sufficiently in advance to permit the 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 D, “Publication Requirements”, below. Thus, the November 30 deadline is suggested to assure sufficient time for completion of those filing and publication requirements.</p>	<p>§ 1-22-5 (A)</p>	<p>The “county clerk of record” 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, a two mill levy election 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>

C. PUBLICATION REQUIREMENTS

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
<p>On or before December 19, 2011</p>	<p>Last date for legal publication* of the proclamation calling for February 7, 2012 special 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 two times between the filing of the proclamation by the Superintendent and fifty days before the election; THAT IS, THE PUBLICATION MUST BE MADE TWO TIMES BEFORE DECEMBER 19, 2011, WHICH IS THE 50TH DAY BEFORE A FEBRUARY 7, 2012 SPECIAL ELECTION DATE.</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 all 33 counties, and in the following seven counties, notice of the election must be given orally (typically by radio broadcast) in the Native American languages used within the school district as identified by the Census Bureau in the last census (2010): Cibola, McKinley, Rio Arriba, Sandoval, San Juan, Socorro, and Taos.</p>

C. PUBLICATION REQUIREMENTS, Cont.

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
Tuesday, January 24, 2012	Earliest date for second of two publications of short form election proclamation.	§ 1-22-11	See January 17 comment re: this publication. The last of the short form publications must be not more than 7 nor less than 2 days prior to the date of the special school district election.
Monday, January 31, 2012	Deadline for second of two publications of short form election proclamation.	§ 1-22-11	See January 17 comment re: publication.
Tuesday, January 3, 2012	Deadline for printing of absentee ballots.		Absentee ballots must be printed at least 35 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 at his/her regular polling place on election day.

D. PREPARATION OF ELECTION MATERIALS

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
Saturday, January 8, 2012	Deadline for printing of ballots; form of ballots.	§ 1-22-10 (B) § 22-18-5 (general obligation bonds) § 22-25-5 (two mill elections) § 22-26-5 (ten mill elections)	County clerk who is the proper filing officer must have the ballots prepared and printed by the 30 th day preceding the election. The 30 th day falls on a Saturday, 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 §§ 2-18-5, 22-25-5, 22-26-5, respectively.
	Use of paper ballots authorized where only one candidate and no write-ins, and no bond or mill levy questions.	§ 1-22-10 (G)	The county clerk may use paper ballots in lieu of voting machines, which saves election expense: <ol style="list-style-type: none"> 1) in school districts with less than 500 ADM; or 2) In special board elections where only one candidate has filed for each position, there are no declared write-ins, and no bond or tax questions are to appear on ballot;

E. VOTER REGISTRATION

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
Tuesday, January 10, 2012	Deadline for registration of voters.	§ 1-4-8 (A)(3)	Voter registration is closed at 5:00 p.m. on the 28 th day immediately preceding the election.
Friday, January 13, 2012	First day for absentee voting in person (“early voting” under School Election Law).	§ 1-22-19 (B) § 1-6-5 (G) § 1-6-4.1 (D)	Absentee ballots may be marked in person at the county clerk’s office (including each county clerk's office in a multi-county school district) beginning at 8:00 a.m. on the 25 th day preceding the election (January 13, 2012) and ending at 5:00 p.m. on the Friday preceding the election (February 3, 2012). The county clerk may permit absentee voting in person on an electronic voting machine or an alternate location. A federally qualified elector or overseas voter may vote absentee by electronic transmission under certain conditions set forth in § 1-6-4.1D. The transmission and required affidavit must be received by the county clerk no later than 7:00 p.m. on election day.
Friday, February 3, 2012 (5:00 p.m.)	Deadline for absentee/early voting.	§ 1-22-19 (B)	See January 13 comment on period of absentee voting in person at county clerk’s office.
Monday, February 6, 2012 (5:00 p.m.)	Destruction of unused absentee ballots.	§ 1-6-10 (C)	County clerk is responsible.
Tuesday, February 7, 2012 (7:00 p.m.)	Deadline for county clerk receipt of mailed or hand-delivered absentee ballots.	§ 1-6-10 (B)	County clerk is responsible.

F. ELECTION DAY

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
Tuesday, February 7, 2012		§ 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; school district pays all costs.
Tuesday, February 7, 2012	County clerk delivers complete list of absentee and early voters.	§ 1-6-6 (D)	<p>County clerk shall deliver to the absent voter precinct board on election day a complete list of all absentee ballot applicants and early voters with applicable information shown in the absent ballot register for each applicant and early voter up to 6:00 p.m. on the Saturday preceding the election.</p> <p>County clerk shall deliver a signature roster containing the same information as the lists to the absent voter precinct board.</p>

G. POST ELECTION REQUIREMENTS

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
Wednesday, February 8, 2012	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 situated.
Friday, February 10, 2012	Last date for canvass of election by canvassing board; canvassing board issues certificate of election.	§ 1-22-15 (C)	<p>Within three days after the date of the special 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"> a) to the School Board; b) to the Secretary of State; and c) to the proper filing officer for filing
		§ 1-22-15 (D)	The canvassing board shall issue a certificate of election to each candidate it determines to be elected.
Monday, February 13, 2012 (or as soon as possible after canvass)	County clerk of record publishes results of election.	§ 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.

G. POST ELECTION REQUIREMENTS, Cont.

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
As soon as possible after canvass (next publication date of newspaper)	Publication of bond election canvass.	§ 22-18-10	Superintendent is responsible for publication of certificate of results of the bond election.
Friday, February 17, 2012	Deadline for mailing certified records of two mill levy election and ten mill levy election to School Budget & Finance Analysis Bureau of Public Education Department.	§ 22-25-6 § 22-26-6	

H. ELECTION CONTESTS

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
Monday, February 14, 2012, or ten (10) days after publication of election results	Deadline for filing actions concerning any question placed on the ballot at a bond election.	§ 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 (10) days after the publication of the certificate results of the bond election by the Superintendent.

I. MILL LEVY SPECIAL ELECTIONS

DATE	REQUIRED ACTION	STATUTORY REFERENCE	COMMENTS
Tuesday, May 15, 2012	Deadline for board adoption of election proclamation for special capital improvements tax election (two mill) and/or public school buildings tax election (ten mill).	§ 22-25-4 § 22-26-4	Two mill and/or ten mill special election resolutions and proclamation must be adopted no later than May 15 in the property tax year in which the tax is to be imposed.
Friday, June 29, 2012	Deadline for special election authorizing imposition of two mill or ten mill tax levy.	§ 22-25-5 § 22-26-5	Two mill and/or ten mill special elections must be held prior to July 1 of the property tax year in which the property tax is to be imposed.