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HOUSE BILL 9

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2021**

INTRODUCED BY

D. Wonda Johnson

AN ACT

RELATING TO REDISTRICTING OF THE PUBLIC EDUCATION COMMISSION;  
ESTABLISHING PUBLIC EDUCATION COMMISSION DISTRICTS; PROVIDING  
FOR STAGGERED TERMS AND THE FILLING OF VACANCIES; SETTING  
PRECINCTS; SETTING RESIDENCY REQUIREMENTS; REPEALING AND  
ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "2021 Educational Redistricting Act".

SECTION 2. [NEW MATERIAL] COMMISSION MEMBERS.--The public  
education commission is composed of ten members to be elected  
from districts established by law.

SECTION 3. [NEW MATERIAL] ELECTION FOR STAGGERED TERMS.--  
A. Members of the public education commission shall  
be elected for staggered terms of four years.

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1           B. Members shall be elected at the general election  
2 for terms commencing on January 1 next succeeding their  
3 election.

4           C. Members from districts two, three, five, six and  
5 seven shall be elected from the districts described in Sections  
6 7, 8, 10, 11 and 12 of the 2021 Educational Redistricting Act  
7 at the 2022 and subsequent general elections.

8           D. Members from districts one, four, eight, nine  
9 and ten shall be elected from the districts described in  
10 Sections 6, 9, 13, 14 and 15 of the 2021 Educational  
11 Redistricting Act at the 2024 and subsequent general elections.

12           SECTION 4. [NEW MATERIAL] RESIDENCE.--A candidate for the  
13 office of public education commissioner shall reside in the  
14 district for which the candidate files a declaration of  
15 candidacy at the time of such filing. A public education  
16 commissioner shall reside in the district from which the  
17 commissioner was elected or appointed and shall be deemed to  
18 have resigned if the commissioner changes residence to a place  
19 outside the district. Vacancies shall be filled as provided in  
20 Section 16 of the 2021 Educational Redistricting Act.

21           SECTION 5. [NEW MATERIAL] PRECINCTS.--

22           A. Precinct designations and boundaries used in the  
23 2021 Educational Redistricting Act are those precinct  
24 designations and boundaries established pursuant to the  
25 Precinct Boundary Adjustment Act as revised and approved

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1 pursuant to that act by the secretary of state as of November  
2 30, 2021.

3 B. A board of county commissioners shall not create  
4 any precinct that lies in more than one public education  
5 commission district and shall not divide any precinct so that  
6 the divided parts of the precinct are situated in two or more  
7 public education commission districts. Votes cast in a public  
8 education commission election from precincts created or divided  
9 in violation of this subsection shall be invalid and shall not  
10 be counted or canvassed.

11 SECTION 6. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
12 DISTRICT ONE.--Public education commission district one is  
13 composed of Bernalillo county precincts 20 through 30, 32  
14 through 57, 59 through 67, 70 through 77, 80 through 83, 90,  
15 91, 94, 95, 98, 100, 109 through 115, 117 through 120, 127,  
16 128, 130, 134, 136 through 149, 156 through 160, 167 through  
17 169, 178, 189, 190, 198, 199, 202 through 210, 227 through 231,  
18 233, 234, 236, 237, 239, 240, 247, 249, 258, 260, 262 through  
19 265, 267 through 269, 340, 363, 367, 394, 399, 599, 600, 604  
20 through 607, 609, 611, 612, 614 through 622, 625, 626, 629, 631  
21 through 633, 635 through 639, 647 through 650, 652 through 655  
22 and 687.

23 SECTION 7. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
24 DISTRICT TWO.--Public education commission district two is  
25 composed of Bernalillo county precincts 289 through 302, 304

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1 through 310, 316 through 325, 328 through 336, 339, 348 through  
2 350, 360 through 362, 364 through 366, 368, 376, 380, 388  
3 through 393, 395 through 398, 407, 413 through 419, 421 through  
4 430, 447 through 454, 456 through 550, 560 through 569, 574,  
5 583 through 590, 592 through 594, 598, 601 through 603, 608,  
6 656 through 660, 662 through 665, 667 and 669 through 685.

7 SECTION 8. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION

8 DISTRICT THREE.--Public education commission district three is  
9 composed of Bernalillo county precincts 2 through 19, 68, 69,  
10 78, 79, 84 through 86, 89, 101 through 108, 116, 121 through  
11 126, 131 through 133, 135, 150 through 155, 161 through 166,  
12 171 through 175, 177, 179 through 188, 191 through 197, 200,  
13 201, 211, 212, 214 through 216, 218 through 226, 232, 235, 238,  
14 241 through 246, 248, 251 through 257, 259, 266, 271 through  
15 287, 311 through 315, 326, 327, 337, 338, 341 through 347, 351  
16 through 359, 369 through 375, 377 through 379, 381 through 387,  
17 400 through 406, 408 through 412, 420, 431 through 446, 455,  
18 581, 591, 610, 613, 623, 624, 627, 628, 634, 640, 642, 644  
19 through 646, 651, 661, 666, 668 and 686.

20 SECTION 9. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION

21 DISTRICT FOUR.--Public education commission district four is  
22 composed of Bernalillo county precincts 1, 87, 129, 170, 176,  
23 217, 261, 303, 553 through 559, 570 through 573, 575 through  
24 580, 595 through 597, 641 and 643; Los Alamos county; Sandoval  
25 county precincts 1 through 23 and 27 through 157; and Santa Fe

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1 county precincts 11, 12, 15 through 19, 63, 72, 73, 80, 82, 84,  
2 85, 90, 92, 93, 114, 115, 125, 145, 146, 148, 152, 153, 155  
3 through 157, 165 and 177.

4 SECTION 10. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
5 DISTRICT FIVE.--Public education commission district five is  
6 composed of Bernalillo county precinct 31; Cibola county  
7 precincts 2 through 6, 8 through 14 and 16 through 30; McKinley  
8 county; Sandoval county precincts 24 through 26; San Juan  
9 county precincts 1 through 59, 68 through 71, 74, 75, 77  
10 through 83, 90, 99 through 110, 120, 121 and 130 through 134;  
11 and Socorro county precinct 15.

12 SECTION 11. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
13 DISTRICT SIX.--Public education commission district six is  
14 composed of Bernalillo county precincts 58, 88, 92, 93, 96, 97,  
15 99, 213, 250, 270, 288, 551, 552, 582 and 630; Catron county;  
16 Cibola county precincts 1, 7 and 15; Dona Ana county precincts  
17 1 through 4, 21, 60, 63, 64, 95, 100, 105, 107, 111, 115, 121,  
18 123, 171, 172, 182 and 185; Grant county; Hidalgo county; Luna  
19 county; Sierra county; Socorro county precincts 1 through 14  
20 and 16 through 27; Torrance county; and Valencia county.

21 SECTION 12. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
22 DISTRICT SEVEN.--Public education commission district seven is  
23 composed of Dona Ana county precincts 5 through 20, 22 through  
24 59, 61, 62, 65 through 94, 96 through 99, 101 through 104, 106,  
25 108 through 110, 112 through 114, 116 through 120, 122, 124

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1 through 170, 173 through 181, 183, 184 and 186 through 190; and  
2 Otero county precincts 1, 41 through 46 and 66.

3 SECTION 13. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
4 DISTRICT EIGHT.--Public education commission district eight is  
5 composed of Chaves county precincts 40, 41, 45, 47, 72 through  
6 74, 94, 95 and 101 through 106; Eddy county; Lea county; and  
7 Otero county precincts 2 through 40 and 47 through 65.

8 SECTION 14. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
9 DISTRICT NINE.--Public education commission district nine is  
10 composed of Chaves county precincts 1 through 18, 20 through  
11 25, 31 through 36, 42 through 44, 46, 51, 52, 61 through 64,  
12 71, 81 through 85 and 90 through 93; Colfax county; Curry  
13 county; De Baca county; Guadalupe county; Harding county;  
14 Lincoln county; Mora county; Quay county; Roosevelt county; San  
15 Miguel county; Taos county precincts 2 through 4, 7, 18, 21 and  
16 26; and Union county.

17 SECTION 15. [NEW MATERIAL] PUBLIC EDUCATION COMMISSION  
18 DISTRICT TEN.--Public education commission district ten is  
19 composed of Rio Arriba county; San Juan county precincts 60  
20 through 67, 72, 73 and 76; Santa Fe county precincts 1 through  
21 10, 13, 14, 20 through 62, 64 through 71, 74 through 79, 81,  
22 83, 86 through 89, 91, 94 through 113, 116 through 124, 126  
23 through 144, 147, 149 through 151, 154, 158 through 164, 166  
24 through 176, 178 and 179; and Taos county precincts 1, 5, 6, 8  
25 through 17, 19, 20, 22 through 25 and 27 through 47.

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1           SECTION 16.   [NEW MATERIAL] CONTINUING TERMS--VACANCIES.--

2           A.   A public education commissioner who is serving  
3           on the public education commission as of the effective date of  
4           this section shall serve the remainder of the term for which  
5           the commissioner was elected or appointed.

6           B.   The governor shall by appointment fill a vacancy  
7           on the public education commission.  An appointment to fill a  
8           vacancy on the public education commission shall be for a term  
9           ending on December 31 after the next general election, at which  
10          election a person shall be elected to fill any remainder of the  
11          unexpired term.

12          C.   Before the general election of 2022, an  
13          appointment to fill a vacancy on the public education  
14          commission shall be made from the district as it existed when  
15          the person creating the vacancy in office was elected or  
16          appointed.

17          D.   After the general election of 2022, an  
18          appointment to fill a vacancy in district two, three, five, six  
19          or seven shall be made from the district as set out in Sections  
20          7, 8, 10, 11 and 12 of the 2021 Educational Redistricting Act.

21          E.   After the general election of 2022 and before  
22          the general election of 2024, an appointment to fill a vacancy  
23          in district one, four, eight, nine or ten shall be made from  
24          the district as it existed when the person creating the vacancy  
25          in office was elected or appointed.  After the general election

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1 of 2024, an appointment to fill a vacancy in district one,  
2 four, eight, nine or ten shall be made from the district as set  
3 out in Sections 6, 9, 13, 14 and 15 of the 2021 Educational  
4 Redistricting Act.

5 SECTION 17. REPEAL.--Sections 22-3A-1 through 22-3A-16  
6 NMSA 1978 (being Laws 2011 (1st S.S.), Chapter 4, Sections 1  
7 through 16) are repealed.