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HOUSE BILL 104

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO ELECTIONS; ENACTING THE LOCAL ELECTION ACT;
PROVIDING FOR A SINGLE ELECTION DAY AND UNIFORM PROCESSES FOR
CERTAIN LOCAL GOVERNMENT ELECTIONS; PROVIDING THAT CERTAIN
BALLOT MEASURE ELECTIONS THAT ARE HELD AT TIMES OTHER THAN WITH
REGULAR LOCAL ELECTIONS ONLY BE CONDUCTED BY MAILED BALLOT;
REQUIRING SPECIAL STATEWIDE BALLOT QUESTION ELECTIONS TO BE
CONDUCTED BY MAILED BALLOT; PROHIBITING ADVISORY QUESTIONS ON
THE BALLOT; ELIMINATING WRITE-IN CANDIDATES IN LOCAL ELECTIONS;
MAKING AN APPROPRIATION; REPEALING THE SCHOOL ELECTION LAW, THE
MAIL BALLOT ELECTION ACT AND OTHER PROVISIONS OF LAW IN
CONFLICT WITH THE LOCAL ELECTION ACT; MAKING CONFORMING
AMENDMENTS TO OTHER SECTIONS OF LAW.

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

SECTION 1. Section 1-1-19 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 19, as amended) is amended to read:

2 "1-1-19. ELECTIONS COVERED BY CODE.--

3 A. The Election Code applies to the following:

- 4 (1) general elections;
- 5 (2) primary elections;
- 6 (3) ~~[statewide]~~ special elections;
- 7 (4) elections to fill vacancies in the office
8 of representative in congress; ~~[and]~~

9 (5) ~~[school district]~~ local elections included
10 in the Local Election Act; and

11 (6) recall elections of school board members.

12 B. To the extent procedures are incorporated or
13 adopted by reference by separate laws governing such elections
14 or to the extent procedures are not specified by such laws,
15 certain provisions of the Election Code shall also apply to:

16 (1) municipal officer or municipal bond
17 elections; or

18 (2) ~~[special district officer or special~~
19 ~~district bond or other]~~ special district elections not covered
20 by the Local Election Act."

21 SECTION 2. Section 1-3-2 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 51, as amended) is amended to read:

23 "1-3-2. PRECINCTS--DUTIES OF COUNTY COMMISSIONERS.--

24 A. ~~[Not later than the first Monday in November]~~ In
25 June or July of each odd-numbered year, the board of county

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1 commissioners shall by resolution:

2 (1) designate the polling place of each
3 precinct that shall provide individuals with physical mobility
4 limitations an unobstructed access to at least one voting
5 machine;

6 (2) create additional precincts to meet the
7 requirements of Section 1-3-1 NMSA 1978 or upon petition
8 pursuant to Section 4-38-21 NMSA 1978;

9 (3) create additional polling places in
10 existing precincts as necessary pursuant to Section 1-3-7.1
11 NMSA 1978;

12 (4) consolidate [~~any~~] precincts for primary
13 and general elections pursuant to Section 1-3-4 NMSA 1978;

14 (5) consolidate precincts for local elections
15 as provided in Section 1-3-4 NMSA 1978;

16 [~~(5)~~] (6) divide any precincts as necessary to
17 meet legal and constitutional requirements for redistricting;
18 and

19 [~~(6)~~] (7) designate any mail ballot election
20 precincts.

21 B. The county clerk shall notify the secretary of
22 state in writing of any proposed changes in precincts or the
23 designation of polling places made by the board of county
24 commissioners and shall furnish a copy of the map showing the
25 current geographical boundaries, designation and word

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1 description of each new polling place and each new or changed
2 precinct.

3 C. The secretary of state shall review all new or
4 changed precinct maps submitted pursuant to this section for
5 compliance under the Precinct Boundary Adjustment Act. Any
6 necessary precinct boundary adjustments shall be made and
7 submitted to the secretary of state no later than the first
8 Monday in December of each odd-numbered year. Upon approval of
9 the new or changed precincts by the secretary of state, the
10 precincts and polling places as changed by the resolution of
11 the boards of county commissioners and approved by the
12 secretary of state shall be the official precincts and polling
13 places for the next succeeding local, primary and general
14 elections."

15 SECTION 3. Section 1-3-4 NMSA 1978 (being Laws 1975,
16 Chapter 255, Section 30, as amended) is amended to read:

17 "1-3-4. CONSOLIDATION OF PRECINCTS.--

18 A. Precincts may be consolidated by the board of
19 county commissioners for the following elections:

- 20 (1) primary and general elections;
- 21 (2) [~~statewide special~~] local elections; and
- 22 [~~(3) countywide special elections; and~~
- 23 ~~(4)] (3) special elections to fill vacancies~~
- 24 in the office of United States representative.

25 [~~B. Precincts may be consolidated by the governing~~

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1 ~~body of a municipality for municipal candidate and bond~~
2 ~~elections, unless otherwise prohibited.~~

3 ~~C. Precincts may be consolidated by the local~~
4 ~~school board for school district candidate and bond elections,~~
5 ~~unless otherwise prohibited.~~

6 ~~D.]~~ B. When precincts are consolidated for a local,
7 primary [~~and~~] or general election, the resolution required by
8 Section 1-3-2 NMSA 1978, in addition to the other matters
9 required by law, shall state therein which precincts have been
10 consolidated and the designation of the polling place. In
11 addition, when consolidating precincts [~~for primary and general~~
12 ~~elections~~]:

13 (1) any voter of the county shall be allowed
14 to vote in any consolidated precinct polling location in the
15 county;

16 (2) each consolidated precinct in a primary
17 [~~or~~] election, general election or special election to fill a
18 vacancy in the office of United States representative shall be
19 composed of no more than ten precincts;

20 (3) each consolidated precinct in a local
21 election shall be composed of no more than twenty precincts;

22 [~~3~~] (4) each consolidated precinct shall
23 comply with the provisions of Section 1-3-7 NMSA 1978;

24 [~~4~~] (5) each consolidated precinct polling
25 location shall have a broadband internet connection and real-

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1 time access to the statewide voter registration electronic
2 management system;

3 [(5)] (6) the county clerk may maintain any
4 alternative voting locations previously used in the same
5 election open for voting on election day for any voter in the
6 county, in addition to the polling location established in each
7 consolidated precinct; and

8 [(6)] (7) the board of county commissioners
9 may permit rural precincts to be exempted from operating as or
10 being a part of a consolidated precinct; provided that if the
11 precinct is not designated as a mail ballot election precinct
12 pursuant to Section 1-6-22.1 NMSA 1978 and the polling place
13 for the rural precinct does not have real-time access to the
14 statewide voter registration electronic management system,
15 voters registered in a rural precinct as described in this
16 paragraph are permitted to vote in any consolidated precinct
17 polling location on election day only by use of a provisional
18 paper ballot, which shall be counted after the county clerk
19 confirms that the voter did not also vote in the rural
20 precinct.

21 [~~E. When precincts are consolidated for a municipal~~
22 ~~election, school election or special county election, the~~
23 ~~proclamation, in addition to the other matters required by law,~~
24 ~~shall state which precincts have been consolidated and the~~
25 ~~designation of the polling place. Precincts consolidated for a~~

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1 ~~municipal election, school election or special county election~~
2 ~~may allow any voter to vote in any consolidated precinct in the~~
3 ~~county, which shall be stated in the proclamation.~~

4 F.] C. When precincts are consolidated for a
5 [~~statewide special election or for a~~] special election to fill
6 a vacancy in the office of United States representative, within
7 twenty-one days after the proclamation of election is issued by
8 the governor, the board of county commissioners shall pass a
9 resolution that, in addition to other matters required by law,
10 shall state which precincts have been consolidated and the
11 designation of the polling place. Precincts consolidated for a
12 [~~statewide special election or for a~~] special election to fill
13 a vacancy in the office of United States representative may
14 allow any voter to vote in any consolidated precinct in the
15 county, which shall be stated in the resolution.

16 [G.] D. Unless the county clerk receives a written
17 waiver from the secretary of state specifying the location and
18 specific provision being waived, each consolidated precinct
19 polling location shall:

20 (1) have ballots available for voters from
21 every precinct that is [~~able to vote~~] in the consolidated
22 precinct;

23 (2) have at least one optical scan tabulator
24 programmed to read every ballot style able to be cast in the
25 consolidated precinct;

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1 (3) have at least one voting system available
2 to assist disabled voters to cast and record their votes;

3 (4) have sufficient spaces for at least five
4 voters to simultaneously and privately mark their ballots, with
5 at least one of those spaces wheelchair-accessible;

6 (5) have sufficient check-in stations to
7 accommodate voters throughout the day as provided in Section
8 1-9-5 NMSA 1978;

9 (6) have a secure area for storage of
10 preprinted ballots or for storage of paper ballot stock and a
11 system designed to print ballots at a polling location;

12 (7) issue a ballot to voters who have provided
13 the required voter identification after the voter has signed a
14 signature roster or an electronic equivalent approved by the
15 voting system certification committee or after the voter has
16 subscribed an application to vote on a form approved by the
17 secretary of state; and

18 (8) be in a location that is accessible and
19 compliant with the requirements of the federal Americans with
20 Disabilities Act of 1990.

21 [~~H.~~] E. As a prerequisite to consolidation, the
22 authorizing resolution must find that consolidation will make
23 voting more convenient and accessible to voters of the
24 consolidated precinct and [~~does~~] will not result in delays for
25 voters in the voting process and that the consolidated precinct

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1 voting location will be centrally located within the
2 consolidated precinct."

3 SECTION 4. Section 1-3-7 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 57, as amended) is amended to read:

5 "1-3-7. POLLING PLACES.--

6 A. No less than one polling place shall be provided
7 for each precinct that is not a mail ballot election precinct;
8 provided that in a local election, a precinct that lies partly
9 within and partly without a district may be consolidated in a
10 polling place for that election.

11 B. The board of county commissioners shall
12 designate as the polling place or places, as the case may be,
13 in each precinct, other than a mail ballot election precinct,
14 the most convenient and suitable public building or public
15 school building in the precinct that can be obtained.

16 C. If no public building or public school building
17 is available, the board of county commissioners shall provide
18 some other suitable place, which shall be the most convenient
19 and appropriate place obtainable in the precinct, considering
20 the purpose for which it is to be used pursuant to the Election
21 Code.

22 D. If, in a precinct that is not a mail ballot
23 election precinct or a consolidated precinct, there is no
24 public building or public school building available in the
25 precinct, and there is no other suitable place obtainable in

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1 the precinct, the board of county commissioners may designate
2 as a polling place for the precinct the most convenient and
3 suitable building or public school building nearest to that
4 precinct that can be obtained. No polling place shall be
5 designated outside the boundary of the precinct as provided in
6 this subsection until such designated polling place is approved
7 by written order of the district court of the county in which
8 the precinct is located.

9 E. Upon application of the board of county
10 commissioners, the governing board of any school district shall
11 permit the use of any school building or a part thereof for
12 registration purposes and the conduct of any election; provided
13 that the building or the part used for the election complies
14 with the standards set out in the federal Voting Accessibility
15 for the Elderly and Handicapped Act.

16 F. Public schools may be closed for elections at
17 the discretion of local school boards."

18 SECTION 5. Section 1-12-71 NMSA 1978 (being Laws 1977,
19 Chapter 222, Section 7, as amended) is amended to read:

20 "1-12-71. RESTRICTION ON SPECIAL LOCAL GOVERNMENT
21 ELECTIONS.--No municipal [~~school~~] or county [~~or~~] election,
22 special district election or special local election shall be
23 held within fifty days prior to or following any statewide
24 election. This section does not prohibit a local government
25 ballot question authorized by the board of county commissioners

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1 from appearing on the general election ballot or regular local
2 election ballot. As used in this section, "statewide election"
3 means a primary, general or special statewide election or a
4 regular local election as provided in the Local Election Act."

5 SECTION 6. Section 1-14-14 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 343, as amended) is amended to read:

7 "1-14-14. RECOUNTS--RECHECKS--APPLICATION.--

8 A. Whenever any candidate [~~for any office for which~~
9 ~~the state canvassing board or county canvassing board issues a~~
10 ~~certificate of nomination or election]~~ believes that any error
11 or fraud has been committed by any precinct board in counting
12 or tallying the ballots, in the verification of the votes cast
13 on the voting machines or in the certifying of the results of
14 any election whereby the results of the election in the
15 precinct have not been correctly determined, declared or
16 certified, the candidate, within six days after completion of
17 the canvass by the proper canvassing board, may have a recount
18 of the ballots, or a recheck of the votes shown on the voting
19 machines, that were cast in the precinct.

20 B. In the case of any office for which the state
21 canvassing board issues a certificate of nomination or
22 election, application for recount or recheck shall be filed
23 with the secretary of state.

24 C. In the case of any office for which the county
25 canvassing board or secretary of state issues a certificate of

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1 nomination or election, application for recount or recheck
2 shall be filed with the district judge for the county in which
3 the applicant resides."

4 SECTION 7. Section 1-16-8 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 380, as amended) is amended to read:

6 "1-16-8. OTHER QUESTIONS.--

7 A. The form for ballots on questions other than
8 proposed constitutional amendments to be submitted to the
9 voters of the entire state shall be prescribed by the secretary
10 of state. The form for ballots on those questions not
11 statewide in application to be submitted to the voters of [~~the~~]
12 a county or local government shall be furnished by the county
13 clerk, and a copy of the resolution proposing [~~such~~] the
14 question shall be sent by the county clerk to the secretary of
15 state not less than [~~thirty~~] sixty-three days prior to the
16 election. In each case, the ballots shall conform as nearly as
17 practicable to the form required for ballots on proposed
18 constitutional amendments.

19 B. The form for ballots shall include the full
20 title of the question to be submitted to the voters, and the
21 county clerk or local government may provide an analysis of the
22 question on the ballot.

23 C. In no case shall a nonbinding or merely advisory
24 question be placed on the ballot for any election held pursuant
25 to the Election Code."

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1 **SECTION 8.** Section 1-22-1 NMSA 1978 (being Laws 1985,
2 Chapter 168, Section 3) is repealed and a new Section 1-22-1
3 NMSA 1978 is enacted to read:

4 "1-22-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article
5 22 NMSA 1978 may be cited as the "Local Election Act"."

6 **SECTION 9.** Section 1-22-2 NMSA 1978 (being Laws 1985,
7 Chapter 168, Section 4, as amended) is repealed and a new
8 Section 1-22-2 NMSA 1978 is enacted to read:

9 "1-22-2. [NEW MATERIAL] DEFINITIONS.--As used in the
10 Local Election Act:

- 11 A. "local election" means a local government
12 election;
- 13 B. "local governing body" means a board, council or
14 commission, as appropriate for a given local government;
- 15 C. "local government" means a school district, a
16 special hospital district, a community college district, a
17 technical and vocational institute district, a learning center
18 district, a conservancy district with ad valorem taxing
19 authority governed pursuant to Chapter 73, Article 14 or 18
20 NMSA 1978, a special zoning district, a soil and water
21 conservation district and a water and sanitation district; and
- 22 D. "proper filing officer" means the clerk of the
23 county in which the candidate resides."

24 **SECTION 10.** Section 1-22-3 NMSA 1978 (being Laws 1985,
25 Chapter 168, Section 5, as amended) is repealed and a new

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1 Section 1-22-3 NMSA 1978 is enacted to read:

2 "1-22-3. [NEW MATERIAL] REGULAR LOCAL ELECTIONS--SPECIAL
3 LOCAL ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF
4 CANDIDATES.--

5 A. A regular local election shall be held on the
6 first Tuesday after the first Monday in November of each odd-
7 numbered year.

8 B. A local election shall be held to elect
9 qualified persons to membership on a local governing body. No
10 person shall become a candidate in a local election unless the
11 person's record of voter registration shows that the person is
12 a qualified elector of the state, physically resides in the
13 district in which the person is a candidate and was registered
14 to vote in the district on the date the proclamation calling a
15 local election is filed in the office of the secretary of
16 state.

17 C. In addition to candidates in the election, a
18 regular local election ballot may contain ballot questions
19 proposed by the state, county or local government. An election
20 on a ballot question held at any time other than the date for a
21 regular local election shall be held with the general election
22 or shall be a special local election called, conducted and
23 canvassed as provided in Chapter 1, Article 24 NMSA 1978.

24 D. Except as otherwise provided in the Local
25 Election Act, local elections shall be called, conducted and

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1 canvassed as provided in the Election Code."

2 SECTION 11. Section 1-22-4 NMSA 1978 (being Laws 1985,
3 Chapter 168, Section 6, as amended) is repealed and a new
4 Section 1-22-4 NMSA 1978 is enacted to read:

5 "1-22-4. [NEW MATERIAL] REGULAR LOCAL ELECTION--
6 PROCLAMATION--PUBLICATION.--

7 A. The secretary of state shall by resolution issue
8 a public proclamation in Spanish and English calling a regular
9 local election on the date prescribed by the Local Election
10 Act. The proclamation shall be filed by the secretary of state
11 in the office of the secretary of state ninety days preceding
12 the date of the election.

13 B. Between one hundred twenty and one hundred fifty
14 days before the next local election, each local government
15 shall notify the secretary of state of all local government
16 positions that are to be filled at that election.

17 C. The proclamation shall specify the:
18 (1) date when the election will be held;
19 (2) positions on each local governing body to
20 be filled;
21 (3) executive positions to be filled; and
22 (4) date on which declarations of candidacy
23 are to be filed.

24 D. After receipt of the proclamation from the
25 secretary of state, the county clerk shall post the entire

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1 proclamation on the county clerk's website and, not less than
2 seventy days before the date of the election, shall publish
3 portions of the proclamation relevant to the county at least
4 once in a newspaper of general circulation within the county.
5 The publication of the proclamation shall conform to the
6 requirements of the federal Voting Rights Act of 1965, as
7 amended, and shall specify the:

- 8 (1) date when the election will be held;
- 9 (2) positions on each local governing body of
10 a district situated in whole or in part in the county;
- 11 (3) elective executive positions of each local
12 government situated in whole or in part in the county;
- 13 (4) date on which declarations of candidacy
14 are to be filed;
- 15 (5) precincts in each county in which the
16 election is to be held and the location of each polling place;
- 17 (6) location of each alternate voting location
18 for early voting;
- 19 (7) hours each polling place and alternate
20 voting location will be open; and
- 21 (8) date and time of the closing of the
22 registration books by the county as required by law."

23 **SECTION 12.** Section 1-22-6 NMSA 1978 (being Laws 1985,
24 Chapter 168, Section 8, as amended) is repealed and a new
25 Section 1-22-6 NMSA 1978 is enacted to read:

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1 "1-22-6. [NEW MATERIAL] PRECINCTS.--The same precincts
2 that were used in the immediately preceding general election
3 shall be used in a local election; provided that if a precinct
4 lies partly within and partly without a district, the part of
5 the precinct lying within the district constitutes a precinct
6 part in the local election."

7 SECTION 13. Section 1-22-7 NMSA 1978 (being Laws 1985,
8 Chapter 168, Section 9, as amended) is repealed and a new
9 Section 1-22-7 NMSA 1978 is enacted to read:

10 "1-22-7. [NEW MATERIAL] DECLARATION OF CANDIDACY--FILING
11 DATE--PENALTY.--

12 A. A candidate for a position that will be filled
13 at a local election shall file a declaration of candidacy with
14 the proper filing officer during the period commencing at 9:00
15 a.m. on the sixty-third day before the date of the local
16 election and ending at 5:00 p.m. on the same day.

17 B. A candidate shall file for only one position in
18 the same local government but may file for a position in more
19 than one local government during a filing period.

20 C. Whoever knowingly makes a false statement in a
21 declaration of candidacy is guilty of a fourth degree felony
22 and shall be sentenced pursuant to the provisions of Section
23 31-18-15 NMSA 1978."

24 SECTION 14. Section 1-22-8 NMSA 1978 (being Laws 1985,
25 Chapter 168, Section 10, as amended) is repealed and a new

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1 Section 1-22-8 NMSA 1978 is enacted to read:

2 "1-22-8. [NEW MATERIAL] DECLARATION OF CANDIDACY--SWORN
3 STATEMENT OF INTENT--FORM.--In making a declaration of
4 candidacy, the candidate shall submit a sworn statement of
5 intent in substantially the following form:

6 "DECLARATION OF CANDIDACY--STATEMENT OF INTENT

7 I, _____, (candidate's name on certificate
8 of registration) being first duly sworn, say that I am a voter
9 of the county of _____, State of New Mexico. I
10 reside at

11 _____
12 and was registered to vote at that place on the date of the
13 proclamation calling this election;

14 I reside within and am registered to vote in the area to
15 be represented;

16 I desire to become a candidate for the office of
17 _____ at the local election to be held on the date
18 set by law;

19 I will be eligible and legally qualified to hold this
20 office at the beginning of its term; and

21 I make the foregoing affidavit under oath, knowing that
22 any false statement herein constitutes a felony punishable
23 under the criminal laws of New Mexico.

24 _____
25 (Declarant)

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(Mailing Address)

(Residence Address)

Subscribed and sworn to before me this _____ day of
_____, 20 _____.
_____.

(Notary Public)

My commission expires:
_____".

SECTION 15. Section 1-22-9 NMSA 1978 (being Laws 1985, Chapter 168, Section 11) is repealed and a new Section 1-22-9 NMSA 1978 is enacted to read:

"1-22-9. [NEW MATERIAL] WITHDRAWAL OF CANDIDATES.--A candidate seeking to withdraw from a local election shall withdraw no later than the fifty-sixth day before that election by filing a signed and notarized statement of withdrawal with the proper filing officer."

SECTION 16. Section 1-22-10 NMSA 1978 (being Laws 1985, Chapter 168, Section 12, as amended) is repealed and a new Section 1-22-10 NMSA 1978 is enacted to read:

"1-22-10. [NEW MATERIAL] BALLOTS.--

A. The proper filing officer shall determine whether a candidate filing a declaration of candidacy is registered to vote within the local election district and, if

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1 required for the office being sought, whether the candidate's
2 nominating petition for that office has been filed. If the
3 candidate is so qualified and no withdrawal of candidacy has
4 been filed as provided in the Local Election Act, the proper
5 filing officer shall place the candidate's name on the ballot
6 for the position specified in the declaration of candidacy and
7 notify each candidate in writing no later than 5:00 p.m. on the
8 fifty-sixth day before the local election. A declaration of
9 candidacy shall not be amended after it has been filed with the
10 proper filing officer.

11 B. Ballots for the local election shall be prepared
12 by the proper filing officer and printed in accordance with the
13 provisions of Section 1-10-5 NMSA 1978. The printed ballot
14 shall contain the name of each person who is a candidate and
15 the position for which the person is a candidate. The ballot
16 shall also contain all questions to be submitted to the voters
17 as certified to the county clerk in each county in which the
18 local government is situate by the local governing body and
19 shall conform to the requirements of Section 1-16-8 NMSA 1978.

20 C. Paper ballots shall be printed in a form in
21 substantial compliance with the provisions of Section 1-10-12
22 NMSA 1978 and in compliance with the provisions of the federal
23 Voting Rights Act of 1965, as amended.

24 D. A local election shall be a nonpartisan
25 election, and the names of all candidates shall be listed on

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1 the ballot without party or slate designation. The order in
2 which the names of candidates are listed on the ballot shall be
3 determined by the secretary of state either by lot or by
4 randomization as provided by rule.

5 E. Whenever two or more members of a local
6 governing body are to be elected at large for terms of the same
7 length of time, the secretary of state shall numerically
8 designate the positions on the ballot as "position one",
9 "position two" and such additional consecutively numbered
10 positions as are necessary, but only one member shall be
11 elected for each position."

12 SECTION 17. A new Section 1-22-10.1 NMSA 1978 is enacted
13 to read:

14 "1-22-10.1. [NEW MATERIAL] BALLOT ORDER.--

15 A. The Local Election Act ballot shall list offices
16 in the following order, when applicable:

- 17 (1) school board elections;
- 18 (2) community college elections;
- 19 (3) special district elections listed in order
20 by voting population of each special district, with the most
21 populous listed first and the least populous listed last; and
- 22 (4) in the order prescribed by the secretary
23 of state:
 - 24 (a) county questions;
 - 25 (b) local government questions; and

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1 (c) other ballot questions authorized by
2 law.

3 B. A board of county commissioners shall permit
4 local government questions on the local election ballot;
5 provided that there is sufficient space on a single page ballot
6 to accommodate the questions using both sides of the page. If
7 there is not sufficient room, then questions shall be included
8 in the order received by the county clerk until space on the
9 ballot is exhausted. For multicounty districts, exclusion from
10 one county's ballot excludes that question from the local
11 election ballot in all counties comprising the special
12 district."

13 SECTION 18. Section 1-22-11 NMSA 1978 (being Laws 1985,
14 Chapter 168, Section 13, as amended) is repealed and a new
15 Section 1-22-11 NMSA 1978 is enacted to read:

16 "1-22-11. [NEW MATERIAL] PUBLICATION.--Each county clerk
17 shall issue and publish the proclamation listing the name of
18 each local government that has a candidate or question
19 appearing on the ballot in that county; the name of each
20 candidate for membership on each local governing body; the name
21 of each candidate for executive office; each question to be
22 submitted to the voters; and the names of the precinct board
23 members for the election. The publication shall be made once
24 each week for two successive weeks, with the last publication
25 being made within twelve days but not later than five days

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1 before the date of the local election. The names of the
2 candidates shall be published in the same order and for the
3 same positions as will appear on the ballot. The publication
4 shall be in a newspaper of general circulation in the county
5 and shall conform to the provisions of the federal Voting
6 Rights Act of 1965, as amended."

7 SECTION 19. Section 1-22-12 NMSA 1978 (being Laws 1985,
8 Chapter 168, Section 14, as amended) is repealed and a new
9 Section 1-22-12 NMSA 1978 is enacted to read:

10 "1-22-12. [NEW MATERIAL] CONDUCT OF ELECTIONS.--Except
11 as otherwise provided in the Local Election Act, the county
12 clerk shall administer and conduct local elections pursuant to
13 the provisions of the Election Code for the conduct of general
14 elections."

15 SECTION 20. Section 1-22-13 NMSA 1978 (being Laws 1985,
16 Chapter 168, Section 15) is repealed and a new Section 1-22-13
17 NMSA 1978 is enacted to read:

18 "1-22-13. [NEW MATERIAL] CHALLENGERS.--Upon written
19 notice filed with the county clerk no later than seven days
20 before the election, any candidate in a local election may
21 appoint one person as challenger for each precinct in the local
22 election who shall have the powers and be subject to the
23 restrictions provided for challengers in the Election Code."

24 SECTION 21. Section 1-22-15 NMSA 1978 (being Laws 1985,
25 Chapter 168, Section 17, as amended by Laws 1987, Chapter 249,

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1 Section 49 and also by Laws 1987, Chapter 338, Section 3) is
2 repealed and a new Section 1-22-15 NMSA 1978 is enacted to
3 read:

4 "1-22-15. [NEW MATERIAL] CANVASSING BOARD--DUTIES.--

5 A. The canvassing board for the canvass of the
6 results of a local election shall be composed of the board of
7 county commissioners of the county in which the votes were cast
8 in that election.

9 B. Within ten days after the date of the election,
10 the canvassing board shall meet and shall:

11 (1) canvass the returns in the same manner as
12 county election returns are canvassed; and

13 (2) issue a certificate of canvass of the
14 results of the election and send one copy of the certified
15 results to:

16 (a) each local governing body receiving
17 votes in the county;

18 (b) the secretary of state; and

19 (c) the county clerk.

20 C. In the event of a tie vote between any
21 candidates in the election for the same office, the
22 determination as to which of the candidates shall be declared
23 to have been elected shall be decided by lot. The method of
24 determining by lot shall be agreed upon by a majority of a
25 committee consisting of the tied candidates and the county

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1 clerk and district judge of the county in which the
2 administrative office of the local government is situate. The
3 secretary of state shall issue the certificate of election to
4 the candidate chosen by lot.

5 D. On the twenty-first day following the election,
6 the secretary of state shall issue a certificate of election to
7 each candidate who received the most votes for each position on
8 the ballot and shall certify the passage or defeat of each
9 ballot question."

10 SECTION 22. Section 1-22-17 NMSA 1978 (being Laws 1985,
11 Chapter 168, Section 19, as amended) is repealed and a new
12 Section 1-22-17 NMSA 1978 is enacted to read:

13 "1-22-17. [NEW MATERIAL] RECORDS.--The returns and
14 certificates of the result of the canvass are public documents,
15 subject to inspection and retention as provided by Section
16 1-12-69 NMSA 1978. The certificate of results of the canvass
17 of the election shall, thirty days after the election or
18 recount or immediately after any contest has been settled by
19 the court, be preserved as a permanent record in the state
20 records center. A copy of the certificate of results of the
21 canvass of the election shall be preserved as a permanent
22 record in the office of the county clerk."

23 SECTION 23. Section 1-22-18 NMSA 1978 (being Laws 1985,
24 Chapter 168, Section 20, as amended) is repealed and a new
25 Section 1-22-18 NMSA 1978 is enacted to read:

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1 "1-22-18. [NEW MATERIAL] LOCAL ELECTION--DATE TERM OF
2 OFFICE BEGINS.--

3 A. The term of office of a candidate elected in a
4 local election shall begin on January 1 following the
5 candidate's election, and the candidate shall take the oath of
6 office on or after January 1 following election.

7 B. Every officer, unless removed, shall hold office
8 until the officer's successor has duly qualified."

9 SECTION 24. Section 1-22-19 NMSA 1978 (being Laws 1985,
10 Chapter 168, Section 21, as amended) is repealed and a new
11 Section 1-22-19 NMSA 1978 is enacted to read:

12 "1-22-19. [NEW MATERIAL] ABSENTEE VOTING--ALTERNATE
13 VOTING LOCATIONS.--

14 A. The provisions of the Absent Voter Act and
15 Uniform Military and Overseas Voter Act apply to absentee
16 voting in local elections.

17 B. Early voting shall be conducted in each office
18 of the county clerk and at such alternate voting locations as
19 may be established by the county clerk pursuant to the
20 provisions of Section 1-6-5.7 NMSA 1978."

21 SECTION 25. A new section of the Local Election Act is
22 enacted to read:

23 "[NEW MATERIAL] COSTS OF ELECTIONS--LOCAL ELECTION
24 ASSESSMENT--LOCAL ELECTION FUND ESTABLISHED.--

25 A. There is created in the state treasury the
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1 "local election fund" solely for the purposes of:

2 (1) reimbursing the counties for the costs of
3 conducting and administering regular local elections required
4 by the Local Election Act;

5 (2) paying the administrative costs of the
6 office of the secretary of state of administering elections
7 required by the Local Election Act; and

8 (3) carrying out all other specified
9 provisions of the Local Election Act.

10 B. The state treasurer shall invest the local
11 election fund as other state funds are invested, and all income
12 derived from the fund shall be credited directly to the fund.
13 Remaining balances at the end of a fiscal year shall remain in
14 the fund and not revert to the general fund.

15 C. Money received from the following sources shall
16 be deposited directly into the local election fund:

17 (1) annual assessments imposed on local
18 governments pursuant to Subsection F of this section; and

19 (2) money appropriated to the fund by the
20 legislature.

21 D. Money in the local election fund is appropriated
22 to the secretary of state for the purposes authorized in
23 Subsection A of this section and for distribution to the
24 counties for reimbursement of all costs associated with
25 conducting and administering regular local elections required

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1 by the Local Election Act. Money in the fund shall only be
2 expended on warrants of the department of finance and
3 administration pursuant to vouchers signed by the secretary of
4 state or the secretary's designee.

5 E. In the event that current year balances in the
6 local election fund do not cover the costs of local elections,
7 the secretary of state may apply to the state board of finance
8 for an emergency grant to cover those costs pursuant to Section
9 6-1-2 NMSA 1978.

10 F. Each local government subject to the Local
11 Election Act shall be assessed by the secretary of state
12 annually the greater of two hundred fifty dollars (\$250) or an
13 amount equal to twenty-five thousandths percent of the local
14 government's general operating expenses to be paid to the
15 secretary of state for deposit into the local election fund for
16 the purpose of paying the costs of regular local elections."

17 **SECTION 26.** Section 1-22A-2 NMSA 1978 (being Laws 2013,
18 Chapter 180, Section 2) is amended to read:

19 "1-22A-2. DEFINITIONS.--As used in the School District
20 Campaign Reporting Act:

21 A. "campaign committee" means one or more persons
22 authorized by a candidate to raise, collect or expend
23 contributions on the candidate's behalf for the purpose of
24 electing the candidate to office;

25 B. "candidate" means a person who seeks or

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1 considers an office in an election covered by the School
2 District Campaign Reporting Act and who either has filed a
3 declaration of candidacy or has received contributions or made
4 expenditures of five hundred dollars (\$500) or more or
5 authorized another person or campaign committee to receive
6 contributions or make expenditures of five hundred dollars
7 (\$500) or more for the purpose of seeking election to a covered
8 office;

9 C. "contribution" means a gift, subscription, loan,
10 advance or deposit of money or other thing of value, including
11 the estimated value of an in-kind contribution, that is made or
12 received for a political purpose, including payment of a debt
13 incurred in an election campaign; but "contribution" does not
14 include the value of services provided without compensation or
15 unreimbursed travel or other personal expenses of individuals
16 who volunteer a portion or all of their time on behalf of a
17 candidate or campaign committee;

18 D. "covered office" means the position of board of
19 education member of a school district that has an enrollment of
20 twelve thousand students or more or the position of board
21 member of a community college organized or operating pursuant
22 to the provisions of Chapter 21, Article 13 or Article 16 NMSA
23 1978;

24 E. "election cycle" means the period beginning
25 thirty days after an election for an office and ending ~~[on]~~

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1 thirty days following the subsequent election day for that
2 office;

3 F. "expenditure" means a payment, transfer or
4 distribution or obligation or promise to pay, transfer or
5 distribute any money or other thing of value for a political
6 purpose, including payment of a debt incurred in an election
7 campaign;

8 G. "political purpose" means advocating the
9 election or defeat of a candidate in an election;

10 H. "prescribed form" means a form or electronic
11 format prepared and prescribed by the secretary of state; and

12 I. "reporting individual" means a candidate or
13 treasurer of a campaign committee."

14 SECTION 27. Section 1-22A-3 NMSA 1978 (being Laws 2013,
15 Chapter 180, Section 3) is amended to read:

16 "1-22A-3. REPORTS REQUIRED--TIME AND PLACE OF FILING.--

17 A. A candidate or campaign committee that has
18 received contributions or made expenditures of five hundred
19 dollars (\$500) or more shall file with the secretary of state a
20 report of all contributions received and expenditures made on a
21 prescribed form, and the report shall be filed in the same or
22 similar electronic system as that used for the Campaign
23 Reporting Act. Except as otherwise provided in this section,
24 all reports pursuant to the School District Campaign Reporting
25 Act shall be filed electronically and electronically

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1 authenticated by the candidate using an electronic signature in
2 conformance with the Electronic Authentication of Documents Act
3 and the Uniform Electronic Transactions Act.

4 B. A candidate or campaign committee shall file a
5 campaign report of all contributions received and expenditures
6 made during an election cycle and not previously reported by
7 midnight on the [~~second Monday in April~~] twenty-first day
8 before the election and thirty days following the election.

9 C. If a reporting date set by Subsection B of this
10 section falls on a [~~weekend or~~] holiday, the report shall be
11 filed on the next business day.

12 D. If a candidate or campaign committee has not
13 received any contributions and has not made any expenditures
14 since the last report filed with the secretary of state, the
15 candidate or campaign committee shall only be required to file
16 a statement of no activity, which shall not be required to be
17 notarized, in lieu of a full report when that report would
18 otherwise be due.

19 E. A report of expenditures and contributions filed
20 after a deadline set forth in this section shall not be deemed
21 to have been timely filed.

22 F. Except for candidates and campaign committees
23 that file a statement of no activity, each candidate or
24 campaign committee shall file a report of expenditures and
25 contributions pursuant to the filing schedules set forth in

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1 this section, regardless of whether any expenditures were made
2 or contributions were received during the reporting period.
3 Reports shall be required until the candidate or campaign
4 committee delivers a report to the secretary of state stating
5 that:

- 6 (1) there are no outstanding campaign debts;
7 (2) all money has been expended in accordance
8 with the provisions of Section [~~6 of the School District~~
9 ~~Campaign Reporting Act~~] 1-22A-6 NMSA 1978; and
10 (3) the bank account for campaign funds
11 maintained by the candidate or campaign committee has been
12 closed.

13 G. A candidate who does not ultimately file a
14 declaration of candidacy and does not file a statement of no
15 activity shall file reports in accordance with Subsection B of
16 this section.

17 H. A candidate may apply to the secretary of state
18 for exemption from electronic filing in case of hardship, which
19 shall be defined by the secretary of state."

20 SECTION 28. Section 1-24-2 NMSA 1978 (being Laws 1989,
21 Chapter 295, Section 2, as amended) is amended to read:

22 "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--
23 PUBLICATION.--

24 A. Whenever a local government or special district
25 special election is to be called or is required by law, the

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1 governing body shall by resolution issue a public proclamation
2 calling the election. The proclamation shall forthwith be
3 filed with the county clerk. The proclamation shall specify:

4 (1) the date on which the special election
5 will be held;

6 (2) the purpose for which the special election
7 is called;

8 ~~[(3) if officers are to be elected or
9 positions on the governing body are to be filled, the date on
10 which declarations of candidacy are to be filed;~~

11 ~~(4)]~~ (3) if a question is to be voted upon,
12 the text of that question;

13 (4) the date and time of closing the
14 registration books by the county clerk as required by law; and

15 (5) in elections not subject to the Local
16 Election Act:

17 (a) the precincts in each county in
18 which the election is to be held and the location of each
19 polling place in the precinct; and

20 ~~[(6)]~~ (b) the hours that each polling
21 place will be open [~~and~~

22 ~~(7) the date and time of closing the~~
23 ~~registration books by the county clerk as required by law].~~

24 B. After filing with the county clerk the
25 proclamation issued pursuant to Subsection A of this section,

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1 and not less than fifty-six days before the date of the
2 election, the governing body shall publish the proclamation
3 once each week for two consecutive weeks in a newspaper of
4 general circulation within the boundaries of the local
5 government or special district. The proclamation shall conform
6 to the requirements of the federal Voting Rights Act of 1965,
7 as amended.

8 C. Whenever a statewide special election is to be
9 called or is required by law, the governor shall by resolution
10 issue a public proclamation calling the election. Whenever an
11 election to fill a vacancy in the office of United States
12 representative is to be called or is required by law, the
13 governor shall by resolution issue a public proclamation
14 calling the election pursuant to the requirements of Section
15 1-15-18.1 NMSA 1978. The proclamation shall forthwith be filed
16 with the secretary of state. The proclamation shall specify:

17 (1) the date on which the special election
18 will be held;

19 (2) the purpose for which the special election
20 is called;

21 (3) if a vacancy in the office of United
22 States representative is to be filled, the date on which
23 declarations of candidacy are to be filed;

24 (4) if a question is to be voted upon, the
25 text of that question; and

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1 (5) the date and time of closing the
2 registration books by the county clerk as required by law.

3 D. After the proclamation issued pursuant to
4 Subsection C of this section is filed with the secretary of
5 state, the secretary of state shall within five days certify
6 the proclamation to each county clerk in the state. Not less
7 than fifty-six days before the date of the election, the county
8 clerk shall publish the proclamation once each week for two
9 consecutive weeks in a newspaper of general circulation [~~which~~
10 ~~shall include the precincts in the county in which the election~~
11 ~~is to be held and the location of each polling place in the~~
12 ~~precinct and the hours that each polling place will be open~~].

13 E. For an election called pursuant to Subsection F
14 of Section 1-15-18.1 NMSA 1978, the proclamation shall be
15 published consistent with this subsection not less than
16 thirty-six days before the date of the election and shall
17 include the precincts in the county in which the election is to
18 be held and the location of each polling place in the precinct
19 and the hours that each polling place will be open. The
20 proclamation shall conform to the requirements of the federal
21 Voting Rights Act of 1965, as amended."

22 SECTION 29. Section 1-24-3 NMSA 1978 (being Laws 1989,
23 Chapter 295, Section 3) is amended to read:

24 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--~~[Special~~
25 ~~elections shall be conducted and canvassed in the same manner~~

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1 ~~that regular elections are conducted in the local government or~~
2 ~~special district; provided, the governing body may, as set~~
3 ~~forth in the proclamation, consolidate precincts. A polling~~
4 ~~place shall be provided within each of the consolidated~~
5 ~~precincts.]~~

6 A. The state shall conduct by mailed ballot any
7 statewide special election as provided by law.

8 B. Unless the election is held concurrently with a
9 general election or regular local election, a county or a local
10 government subject to the Local Election Act, by resolution of
11 its governing body, shall conduct any special election by
12 mailed ballot.

13 C. Upon the calling of an election by a mailed
14 ballot, each voter of the relevant jurisdiction shall be mailed
15 an absentee ballot along with a statement that there will be no
16 polling place for the election. The voter shall not be
17 required to file an application for the absentee ballot. The
18 ballot shall be mailed to each voter no earlier than the
19 twenty-first day prior to the election, and the mailing shall
20 be completed by the fourteenth day before the election. The
21 return envelope for the ballot shall be postage-paid.

22 D. Mailed ballot elections shall be used
23 exclusively for voting in special elections on a ballot
24 question, including a recall election, and shall not be used in
25 connection with elections at which candidates are to be

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1 nominated for or elected to office.

2 E. The state shall pay all costs of a statewide
3 special election. A local government shall reimburse the
4 county for all costs associated with the conduct of the local
5 government's special election."

6 SECTION 30. A new section of Chapter 1, Article 24 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] SPECIAL ELECTION PROCEDURES--COSTS OF
9 ELECTION--PROHIBITION ON NONGOVERNMENTAL ENTITIES.--

10 A. The costs of conducting a special election shall
11 be paid for by the state, local government or special district
12 calling for the election.

13 B. No individual, corporation, person, political
14 action committee or other nongovernmental entity shall pay for
15 or reimburse the state, a local government or a special
16 district for the costs associated with conducting a special
17 election.

18 C. Upon a finding of a violation of this section,
19 the district court shall nullify the votes cast in the special
20 election and shall void the result of the special election."

21 SECTION 31. Section 4-48A-16 NMSA 1978 (being Laws 1978,
22 Chapter 29, Section 16, as amended) is amended to read:

23 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL
24 DISTRICT.--

25 A. In each special hospital district, the board of
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1 trustees may adopt a resolution calling for an election for the
2 purpose of authorizing the imposition of an ad valorem tax on
3 all taxable property within the special hospital district. The
4 election shall be held pursuant to the Local Election Act. The
5 revenue from such tax shall be used to pay for current
6 operations and maintenance of hospitals, including hospital
7 facilities owned and operated by the special hospital district
8 or ~~for~~ hospitals operated and maintained by the special
9 hospital district pursuant to an agreement with a political
10 subdivision as provided in Subsection B of Section 4-48A-11
11 NMSA 1978, and to pay the operational costs of the special
12 hospital district.

13 B. In the case of a special hospital district
14 located wholly within one county, if authorized by a majority
15 of the qualified electors of the special hospital district
16 voting on the question, the board of county commissioners of
17 the county in which the special hospital district is located
18 shall levy such tax at the same time and in the same manner as
19 levies for ad valorem taxes for school districts are made and
20 in the amount certified by the board of trustees as necessary
21 to meet its approved annual budget, but in no event shall the
22 tax levied exceed the rate limitation approved by the voters or
23 the rate limitations provided in Subsection D of this section.

24 C. In the case of a special hospital district
25 ~~which~~ that is composed of all or a portion of two or more

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1 counties, if a majority of the qualified electors in the
2 special hospital district of each [~~subdistrict~~] county voting
3 on the question [~~authorize~~] authorizes a tax levy, the boards
4 of county commissioners of the counties [~~which~~] that agreed to
5 form the special hospital district shall levy such tax in the
6 manner provided in Subsection B of this section.

7 D. The tax authorized in this section shall not
8 exceed four dollars twenty-five cents (\$4.25), or any lower
9 maximum amount required by operation of the rate limitation
10 provisions of Section 7-37-7.1 NMSA 1978 upon any tax imposed
11 under this section, on each one thousand dollars (\$1,000) of
12 net taxable value as that term is defined in the Property Tax
13 Code, of all taxable property of the county within the hospital
14 district for a period of time greater than four years. An
15 election upon the question of continuing the levy may be called
16 by the board of trustees [~~immediately prior to the expiration~~
17 ~~of the period of assessment previously approved by the~~
18 ~~qualified electors~~] pursuant to the Local Election Act."

19 SECTION 32. Section 4-48A-17 NMSA 1978 (being Laws 1978,
20 Chapter 29, Section 17, as amended) is amended to read:

21 "4-48A-17. ELECTION PROCEDURES.--

22 [~~A. In all elections held pursuant to the~~
23 ~~provisions of the Special Hospital District Act, except as~~
24 ~~otherwise provided in that act, the board of trustees shall~~
25 ~~give notice of the election in a newspaper of general~~

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1 ~~circulation in the special hospital district and, in the case~~
2 ~~of a special hospital district composed of all or portions of~~
3 ~~two or more counties, in the subdistrict, at least once a week~~
4 ~~for three consecutive weeks, the last insertion to be not less~~
5 ~~than two weeks prior to the proposed election.~~

6 B.] All elections of the special hospital district,
7 unless otherwise provided in the Special Hospital District Act,
8 shall be called, conducted and canvassed [~~in substantially the~~
9 ~~same manner as school district elections are called, conducted~~
10 ~~and canvassed. The board of trustees shall be the canvassing~~
11 ~~board for such elections.~~

12 G. ~~The expenses of elections conducted by the~~
13 ~~special hospital district shall be budgeted for and paid from~~
14 ~~the operating funds of the special hospital district] pursuant
15 to the Local Election Act."~~

16 SECTION 33. Section 21-13-8 NMSA 1978 (being Laws 1963,
17 Chapter 17, Section 7, as amended) is amended to read:

18 "21-13-8. COMMUNITY COLLEGE BOARD.--

19 A. Community college board members shall be [~~over~~
20 ~~twenty-one years of age~~] qualified electors and residents of
21 the community college district.

22 B. Community college board members shall be elected
23 for staggered terms of six years [~~beginning on April 1~~
24 ~~succeeding their elections~~]. Elections shall be held

25 [~~(1) in conjunction with regular school~~

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1 ~~district elections on the first Tuesday of February in each~~
2 ~~odd-numbered year if the community college board and school~~
3 ~~board agree to hold their elections at the same time; or~~

4 ~~(2) on the date otherwise prescribed by the~~
5 ~~Community College]~~ pursuant to the Local Election Act.

6 C. All vacancies caused in any other manner than by
7 the expiration of the term of office shall be filled by
8 appointment by the remaining members. An individual appointed
9 by the remaining members of the board to fill a vacancy in
10 office shall serve until the next community college board
11 election, at which time candidates shall file for and be
12 elected to fill the vacant position to serve the remainder of
13 the unexpired term.

14 D. A community college board shall select from its
15 members a chair and secretary who shall serve in these offices
16 until the next regular community college board election. After
17 each community college board election, the members shall
18 proceed to reorganize."

19 **SECTION 34.** Section 21-16-5.1 NMSA 1978 (being Laws
20 1994, Chapter 83, Section 3, as amended) is amended to read:

21 "21-16-5.1. BOARD MEMBERS--ELECTED FROM DISTRICTS--
22 ELECTIONS.--

23 A. A district board shall be composed of five or
24 seven members elected for four-year terms who shall reside in
25 and be elected from single-member districts as provided in this

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1 section. [~~Any board, the members of which have not been~~
2 ~~elected from single-member districts, shall district and hold a~~
3 ~~special election to coincide with the school district elections~~
4 ~~of 2001.~~] If the board is a seven-member board, board members
5 shall be elected for all seven positions on the board, with the
6 board members elected to positions 1, 3, 5 and 7 to be elected
7 for initial terms of two years and the board members elected to
8 positions 2, 4 and 6 to be elected for initial terms of four
9 years. If the board is a five-member board, board members
10 elected to positions 1, 3 and 5 shall be elected for initial
11 terms of two years and board members elected to positions 2 and
12 4 shall be elected for initial terms of four years. After the
13 initial election for a district board, each board member shall
14 be elected for a term of four years.

15 B. [~~Except where specific provision is otherwise~~
16 ~~provided by law~~] All election proceedings for technical and
17 vocational institute district elections shall be conducted
18 pursuant to the provisions of the [~~School Election Law with the~~
19 ~~president of the institute serving in the place of the~~
20 ~~superintendent of schools in every case~~] Local Election Act.

21 C. Once following each federal decennial census,
22 the board shall redistrict the technical and vocational
23 institute district into election districts to ensure that the
24 districts remain as equal in population as is practicable and
25 shall notify the county clerk of the new boundaries upon

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1 completion of the redistricting process. The new districts
2 shall go into effect at the first regular board election
3 thereafter. Candidates for the new single-member districts
4 that are scheduled to be voted on at the election shall reside
5 in and be elected from the appropriate new single-member
6 district. Incumbent board members whose districts before
7 redistricting were not scheduled to be voted on at the election
8 need not reside in the new single-member districts
9 corresponding to their position numbers and may serve out their
10 terms. At the second regular board election held after the
11 redistricting, all candidates for the new single-member
12 districts that are scheduled to be voted on shall reside in and
13 be elected from the appropriate single-member district.

14 D. All election districts covered by this section
15 shall be contiguous, compact and as equal in population as is
16 practicable.

17 E. A vacancy occurring on the board shall be filled
18 in the same manner as provided for school board vacancies in
19 Section 22-5-9 NMSA 1978; provided, however, that a vacancy
20 that occurs in an election district where a nonresident board
21 member had been serving shall be filled [~~with~~] by a resident of
22 that district."

23 SECTION 35. Section 21-16-14 NMSA 1978 (being Laws 1963,
24 Chapter 108, Section 11, as amended) is amended to read:

25 "21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF

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1 SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL INSTITUTE
2 DISTRICTS.--

3 A. A technical and vocational institute district
4 may be expanded by either the procedure in Subsections B, C and
5 D of this section or the procedure in Subsections E and F of
6 this section.

7 B. The qualified voters of a school district,
8 portion of a school district, group of school districts within
9 a county containing a technical and vocational institute
10 district or in an adjoining county, not included in the
11 technical and vocational institute district as originally
12 formed, may petition the public education department to be
13 added to the technical and vocational institute district. The
14 department shall examine the petition, and if it finds that the
15 petition is signed by a number of qualified voters residing
16 within the pertinent school district or portion of a school
17 district equal to ten percent of the votes cast for governor in
18 such school district or portion of such school district in the
19 last preceding general election, the department shall cause a
20 survey to be made of the petitioning district or districts to
21 determine the desirability of the proposed expansion of the
22 technical and vocational institute district.

23 C. In conducting the survey, the public education
24 department, in conjunction with the [~~commission on~~] higher
25 education department, shall ascertain the attitude of the

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1 technical and vocational institute board and collect other
2 information it deems necessary. If, on the basis of the
3 survey, the public education department finds that the proposed
4 addition of the petitioning area will promote an improved
5 education service in the area, it shall approve the petition.
6 The secretary of public education shall proceed to issue a
7 proclamation and call an election pursuant to the provisions of
8 the Local Election Act within the petitioning area and in the
9 established technical and vocational institute district on the
10 question of the inclusion of the petitioning area in the
11 institute district.

12 D. If a majority of the votes cast in the
13 petitioning area and a majority of the votes cast within the
14 established institute district are in favor of the addition of
15 the area, the public education department shall notify the
16 local school board of each affected school district and the
17 technical and vocational institute board of the results of the
18 election and shall declare the extension of the boundaries of
19 the institute district to include the petitioning area in which
20 the proposed addition referendum carried by a majority vote.

21 E. If a technical and vocational institute district
22 includes less than all of a school district, the institute
23 board, by resolution of a majority of the members of the board,
24 may call an election within the institute district and in the
25 portion of the school district that is not included in the

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1 institute district on the question of the addition of the
2 excluded portion of the school district to the established
3 institute district. [~~Except where specific provision is~~
4 ~~otherwise provided by law~~] Such election shall be conducted
5 pursuant to the provisions of the [~~School Election Law with the~~
6 ~~president of the institute district serving in the place of the~~
7 ~~superintendent of schools in every case; provided that:~~

8 (1) ~~the election may be held in conjunction~~
9 ~~with a regular election or as a special election;~~

10 (2) ~~if a precinct lies partly within and~~
11 ~~partly outside the institute district, the parts of the~~
12 ~~precinct within and outside the institute district shall~~
13 ~~constitute separate precincts for purposes of the election; and~~

14 (3) ~~precincts may be consolidated for purposes~~
15 ~~of administrative convenience] Local Election Act.~~

16 F. If a majority of the votes cast in the institute
17 district and the portion of the school district that is outside
18 the institute district are in favor of the addition of the
19 excluded portion of the school district to the institute
20 district, the board of the institute district shall declare the
21 institute district to be expanded to include all of such school
22 district.

23 G. Each area added to an existing technical and
24 vocational institute district shall automatically be subject to
25 any special levy on taxable property approved for the institute

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1 district for the maintenance of facilities and services and for
2 support of bond issues."

3 SECTION 36. Section 21-16-20 NMSA 1978 (being Laws 1964
4 (1st S.S.), Chapter 12, Section 5) is amended to read:

5 "21-16-20. SUBMISSION AT ELECTION--NOTICE--
6 CERTIFICATION.--If [the] a question is submitted pursuant to
7 Section 21-16-16 NMSA 1978 at [~~a general~~] an election, the
8 submitting board shall [~~publish notice thereof in the manner~~
9 ~~required for general elections, except that such notice need~~
10 ~~not include the names of any election officials or the places~~
11 ~~where such election is to be held in each precinct and voting~~
12 ~~division and no posting shall be required~~] notify the county
13 clerk pursuant to the Local Election Act. The submitting board
14 shall [~~not less than thirty days before the election~~] furnish
15 to the county clerk of each county in which [each] an affected
16 school district is situate a certificate specifying the
17 question to be submitted [~~and the precincts and voting~~
18 ~~divisions included in the school district or districts or in~~
19 ~~the technical and vocational institute district.~~ The county
20 clerk of each such county shall include such question on the
21 ballots and voting machines in the proper voting divisions.
22 The election officials in such voting divisions shall execute
23 separate certificates certifying the results of the voting on
24 such question, and, upon receipt thereof, each county clerk
25 shall deliver the same to the president of the board or his

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1 ~~designated representative]."~~

2 SECTION 37. Section 21-16A-6 NMSA 1978 (being Laws 2000,
3 Chapter 105, Section 6) is amended to read:

4 "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--
5 ELECTION.--

6 A. A board may adopt a resolution authorizing, for
7 learning center operational purposes, the imposition of a
8 property tax upon the taxable value of property in the
9 district. The total tax imposition that may be authorized
10 under the Learning Center Act shall not exceed a rate of five
11 dollars (\$5.00) on each one thousand dollars (\$1,000) of
12 taxable value of property in each district. [A] The tax
13 authorized pursuant to this section may not be imposed for a
14 period of more than six years.

15 B. The tax authorized in Subsection A of this
16 section shall not be imposed in a district unless the question
17 of authorizing the imposition of the tax is submitted to the
18 voters of the district at [~~a regular school district~~] an
19 election [~~or a special election called for that purpose~~] held
20 pursuant to the Local Election Act.

21 C. A resolution adopted pursuant to Subsection A of
22 this section shall specify:

- 23 (1) the rate of the proposed tax;
24 (2) the date of the election at which the
25 question of imposition of the tax will be submitted to the

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1 voters of the district;

2 (3) the period of time the tax is authorized
3 to be imposed; and

4 (4) the proposed use of the revenues from the
5 proposed tax.

6 D. The election required by this section shall be
7 called, conducted and canvassed as provided in the [~~School~~
8 ~~Election Law~~] Local Election Act.

9 E. If a majority of the voters voting on the
10 question votes for a learning center tax levy pursuant to a
11 resolution adopted under the Learning Center Act, the tax shall
12 be imposed. The tax rate shall be certified by the department
13 of finance and administration and imposed, administered and
14 collected in accordance with the provisions of the Oil and Gas
15 Ad Valorem Production Tax Act, the Oil and Gas Production
16 Equipment Ad Valorem Tax Act, the Copper Production Ad Valorem
17 Tax Act and the Property Tax Code.

18 F. If a majority of the voters voting on the
19 question votes against a learning center tax levy pursuant to a
20 resolution adopted under the Learning Center Act, the tax shall
21 not be imposed. The board shall not again adopt a resolution
22 authorizing the imposition of a tax levy pursuant to the
23 Learning Center Act for at least two years after the date of
24 the resolution that the voters rejected.

25 G. The board may discontinue by resolution the

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1 imposition of any tax authorized pursuant to the Learning
2 Center Act. The discontinuance resolution shall be mailed to
3 the department of finance and administration no later than June
4 15 of the year in which a tax rate pursuant to that act is not
5 to be certified."

6 SECTION 38. Section 22-7-1 NMSA 1978 (being Laws 1977,
7 Chapter 308, Section 1) is amended to read:

8 "22-7-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 7
9 NMSA 1978 may be cited as the "Local School Board Member Recall
10 Act"."

11 SECTION 39. Section 22-7-13 NMSA 1978 (being Laws 1977,
12 Chapter 308, Section 13, as amended) is amended to read:

13 "22-7-13. SPECIAL RECALL ELECTION.--

14 A. The date of the special recall election shall be
15 set no later than one hundred twenty days after the date of the
16 determination by the county clerk, but in no event shall the
17 election be held within the period of time prohibited for local
18 government elections pursuant to Section 1-12-71 NMSA 1978.

19 B. The question to be submitted to the voters at
20 the special recall election shall be whether the named member
21 shall be recalled.

22 C. A special recall election may be held in
23 conjunction with a regular or [~~a~~] local special [~~school~~
24 ~~district~~] election.

25 D. ~~[Whenever a special recall election is called,~~

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1 ~~the county clerk shall give public notice of the special recall~~
2 ~~election by publishing information regarding the election once~~
3 ~~each week for four consecutive weeks. The first publication of~~
4 ~~the information shall be made between forty-five and sixty days~~
5 ~~before the date of the special recall election. Information~~
6 ~~regarding the election shall be in compliance with the federal~~
7 ~~Voting Rights Act of 1965, as amended, and shall include the~~
8 ~~date when the special recall election will be held, the~~
9 ~~question to be submitted to the voters, a brief description of~~
10 ~~the boundaries of each precinct, the location of each polling~~
11 ~~place, the hours each polling place will be open and the date~~
12 ~~and time of the closing of the registration books by the county~~
13 ~~clerk as required by law.] Except as otherwise provided in the~~
14 ~~Local School Board Member Recall Act, special recall elections~~
15 ~~in a school district shall be conducted pursuant to the~~
16 ~~provisions of the Local Election Act.~~

17 E. The ballot shall be in compliance with the
18 federal Voting Rights Act of 1965, as amended, and shall
19 present the voter the choice of voting "for the removal of the
20 named member" or "against the removal of the named member".

21 ~~[F. All special recall elections shall be held in~~
22 ~~compliance with the federal Voting Rights Act of 1965, as~~
23 ~~amended.~~

24 ~~G. Except as otherwise provided in the Local School~~
25 ~~Board Member Recall Act, special recall elections in a school~~

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1 ~~district shall be conducted as provided in the Election Code.]"~~

2 SECTION 40. Section 22-18-2 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 229, as amended) is amended to read:

4 "22-18-2. BOND ELECTIONS--QUALIFICATION OF VOTERS--
5 CALLING FOR BOND ELECTIONS.--

6 A. Before any general obligation bonds are issued,
7 a local school board of a school district shall submit to a
8 vote of the qualified electors of the school district [~~owning~~
9 ~~real estate in the school district]~~ the question of creating a
10 debt by issuing the bonds, and a majority of those persons
11 voting on the question shall vote for issuing the general
12 obligation bonds.

13 B. The election on the question of creating a debt
14 by issuing general obligation bonds shall be held [~~at the same~~
15 ~~time as a regular school district election or at any special~~
16 ~~school district election which is not within ninety days after~~
17 ~~a regular school district election]~~ pursuant to the provisions
18 of the Local Election Act. The question shall be submitted to
19 a vote at a [~~general or special school]~~ district election upon
20 the initiative of a local school board or upon a petition being
21 filed with a local school board signed by qualified electors of
22 the school district [~~having paid a property tax on property in~~
23 ~~the school district for the preceding year, according to the~~
24 ~~latest completed tax rolls]~~. The number of signatures required
25 on the petition shall be at least ten percent of the number of

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1 votes cast for governor in the school district in the last
2 preceding general election. For the purpose of determining the
3 number of votes cast for governor in the school district at the
4 last preceding general election, any portion of a voting
5 division within the school district shall be construed to be
6 wholly within the school district. A local school board shall
7 call for a bond election at [a] the next regular local or
8 special [~~school district~~] election within ninety days [~~from~~]
9 following the date a properly signed petition is filed with it;
10 provided that the timing of the election does not conflict with
11 the provisions of Section 1-12-71 NMSA 1978."

12 SECTION 41. Section 22-18-4 NMSA 1978 (being Laws 1967,
13 Chapter 16, Section 231, as amended) is amended to read:

14 "22-18-4. BOND ELECTIONS--CONDUCT.--

15 A. A person is required to be a registered [~~voter~~]
16 qualified elector to vote in a bond election in a school
17 district.

18 B. Bond elections in a school district shall be
19 conducted pursuant to the [~~Election Code, except as otherwise~~
20 ~~provided in Sections 22-18-1 through 22-18-12 NMSA 1978, the~~
21 ~~School Election Law and the Bond~~] Local Election Act."

22 SECTION 42. Section 22-18-8 NMSA 1978 (being Laws 1967,
23 Chapter 16, Section 235) is amended to read:

24 "22-18-8. RESTRICTION ON BOND ELECTIONS.--In the event a
25 majority of those persons voting on a question submitted to the

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1 voters in a bond election [~~vote~~] votes against creating a debt
2 by issuing general obligation bonds, no bond election shall be
3 held on the same question for a period of two years from the
4 date of the bond election [~~except upon the presentation of a~~
5 ~~petition pursuant to Section 77-15-2 New Mexico Statutes~~
6 ~~Annotated, 1953 Compilation and after the expiration of at~~
7 ~~least six months from the date of the previous bond election on~~
8 ~~the question. If a majority of those persons voting on a~~
9 ~~question submitted to the voters in a bond election for a~~
10 ~~second time within two years vote against creating a debt by~~
11 ~~issuing general obligation bonds, no bond election shall then~~
12 ~~be held on the same question for a period of two years from the~~
13 ~~date of first bond election on the question]."~~

14 SECTION 43. Section 22-25-5 NMSA 1978 (being Laws 1975
15 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

16 "22-25-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

17 A. An election on the question of imposing a tax
18 under the Public School Capital Improvements Act [~~may~~] shall be
19 held [~~in conjunction with a regular school district election or~~
20 ~~may be conducted as or held in conjunction with a special~~
21 ~~school district election, but the election shall be held prior~~
22 ~~to July 1 of the property tax year in which the tax is proposed~~
23 ~~to be imposed. Conduct of the election shall be]~~ as prescribed
24 in the [~~School Election Law for regular and special school~~
25 ~~district elections]~~ Local Election Act.

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1 B. The proclamation required to be published as
2 notice of the election under Section [~~1-22-4 or 1-22-5~~] 1-22-11
3 NMSA 1978 shall include as the question to be submitted to the
4 voters whether a property tax at a rate not to exceed the rate
5 specified in the authorizing resolution should be imposed for
6 the specified number of property tax years not exceeding six
7 years upon the net taxable value of all property allocated to
8 the school district for the capital improvements specified in
9 the authorizing resolution.

10 C. The ballot shall include the information
11 specified in Subsection B of this section and shall present the
12 voter the choice of voting "for the public school capital
13 improvements tax" or "against the public school capital
14 improvements tax".

15 **SECTION 44.** Section 22-26-5 NMSA 1978 (being Laws 1983,
16 Chapter 163, Section 5, as amended) is amended to read:

17 "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

18 A. An election on the question of imposing a tax
19 under the Public School Buildings Act [~~may~~] shall be held [~~in~~
20 ~~conjunction with a regular school district election or may be~~
21 ~~conducted as or held in conjunction with a special school~~
22 ~~district election, but the election shall be held prior to July~~
23 ~~1 of the property tax year in which the tax is proposed to be~~
24 ~~imposed. Conduct of the election shall be] as prescribed in
25 the [~~School Election Law for regular and special school~~~~

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1 ~~district elections]~~ Local Election Act.

2 B. The resolution required to be published as
3 notice of the election under Section [~~1-22-4 or 1-22-5~~] 1-22-11
4 NMSA 1978 shall include as the question to be submitted to the
5 voters whether a property tax at a rate not to exceed the rate
6 specified in the authorizing resolution should be imposed for
7 the specified number of property tax years not exceeding six
8 years upon the net taxable value of all property allocated to
9 the school district for capital improvements.

10 C. The ballot shall include the information
11 specified in Subsection B of this section and shall present the
12 voter the choice of voting "for the public school buildings
13 tax" or "against the public school buildings tax".

14 **SECTION 45.** Section 22-26A-10 NMSA 1978 (being Laws
15 2007, Chapter 173, Section 10, as amended) is amended to read:

16 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

17 A. An election on the question of imposing a tax
18 under Sections 22-26A-8 through 22-26A-12 NMSA 1978 [~~may~~] shall
19 be held [~~in conjunction with a regular school district election~~
20 ~~or may be conducted as or held in conjunction with a special~~
21 ~~school district election, but the election shall be held prior~~
22 ~~to July 1 of the property tax year in which the tax is proposed~~
23 ~~to be imposed. Conduct of the election shall be]~~ as prescribed
24 in the [~~School Election Law for regular and special school~~
25 ~~district elections]~~ Local Election Act.

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1 B. The resolution required to be published as
2 notice of the election under Section [~~1-22-4 or 1-22-5~~] 1-22-11
3 NMSA 1978 shall include as the question to be submitted to the
4 voters whether a property tax at a rate not to exceed the rate
5 specified in the authorizing resolution should be imposed for
6 the specified number of property tax years not exceeding thirty
7 years upon the net taxable value of all property allocated to
8 the school district for payments due under lease purchase
9 arrangements.

10 C. The ballot shall include the information
11 specified in Subsection B of this section and shall present the
12 voter the choice of voting "for the lease purchase tax" or
13 "against the lease purchase tax".

14 **SECTION 46.** Section 22-26A-11 NMSA 1978 (being Laws
15 2007, Chapter 173, Section 11) is amended to read:

16 "22-26A-11. ELECTION RESULTS--CERTIFICATION.--The
17 certification of the results of an election held on the
18 question of imposition of a lease purchase tax shall be made in
19 accordance with the [~~School Election Law~~] Local Election Act,
20 and a copy of the certificate of results shall be mailed
21 immediately to the secretary."

22 **SECTION 47.** Section 73-14-20 NMSA 1978 (being Laws 1975,
23 Chapter 262, Section 3, as amended) is amended to read:

24 "73-14-20. DEFINITIONS.--As used in Sections 73-14-18
25 through [~~73-14-32~~] 73-14-30 NMSA 1978:

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1 ~~[A. "absent voter" means a qualified elector who~~
2 ~~has requested an absentee ballot forty days prior to an~~
3 ~~election;~~

4 ~~B. "absentee-early voter" means a qualified elector~~
5 ~~who has voted early, prior to election day, on an electronic~~
6 ~~voting machine at a designated absentee-early voter precinct;~~

7 ~~G.]~~ A. "benefited area" means that area described
8 by a property appraisal that receives a benefit as a result of
9 the creation of a district for any of the purposes specified in
10 Section 73-14-4 NMSA 1978;

11 ~~[D. "election director" means the person whom the~~
12 ~~board of directors may request to provide election services by~~
13 ~~a contract approved by the secretary of state;~~

14 ~~E. "election officer" means a person appointed by~~
15 ~~the board of directors to conduct the election in the absence~~
16 ~~of an election director and who performs all election services~~
17 ~~required by statute;~~

18 ~~F.]~~ B. "list compiler" means a contractor approved
19 by the board of directors to compile and produce a qualified
20 elector list for a conservancy district;

21 ~~[G.]~~ C. "qualified elector" means an individual who
22 owns real property within the benefited area of the conservancy
23 district and who has provided proof of an ownership interest to
24 one of the sources specified in Subsection B of Section
25 73-14-20.1 NMSA 1978 within the required time period, or who

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1 resides on and owns legal or equitable title in tribal lands
2 and who is over the age of majority;

3 ~~[H.]~~ D. "qualified elector's list" means the list
4 compiled before each election that contains the individual
5 names of all qualified electors; and

6 ~~[F.]~~ E. "residence" means a dwelling that lies
7 partially or completely within the benefited area."

8 **SECTION 48.** Section 73-14-20.1 NMSA 1978 (being Laws
9 1990, Chapter 48, Section 1, as amended) is amended to read:

10 "73-14-20.1. QUALIFIED ELECTOR LIST.--

11 A. The board of directors of the conservancy
12 district may contract for a list compiler before each election
13 to compile and produce a qualified elector's list for the
14 district. The list compiler shall deliver the completed list
15 to the ~~[election director]~~ appropriate county clerk no later
16 than forty-five days prior to a district election. An
17 individual who purchases property ninety days prior to an
18 election and whose name does not appear on the qualified
19 elector's list shall not vote in that election. The individual
20 may become certified to vote in a future election by filing
21 ~~[his]~~ a deed of title with the appropriate county clerk at
22 least ninety days before the next conservancy district
23 election.

24 B. Names of qualified electors shall be obtained
25 from the records of the county clerk of the appropriate county,

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1 the appropriate county assessor of the appropriate county,
2 records of the conservancy district or from the census bureau
3 and enrollment records provided by the pueblos. The county
4 assessor of the appropriate county, the county clerk of the
5 appropriate county and the tribal representatives of the
6 appropriate pueblos shall deliver to the election director all
7 records regarding qualified electors of the benefited area no
8 later than the last day of each [~~March~~] July before a district
9 election.

10 C. Updating the qualified elector's list shall
11 consist of adding, for any new qualified elector who has
12 purchased property in the district, the name, address and
13 description of all property owned by the qualified elector in
14 the benefited area and removing the name of any elector who is
15 deceased or [~~is no longer a qualified elector because he~~] who
16 no longer owns property within the benefited area.

17 D. Proof of ownership of land within the benefited
18 area requires one of the following:

19 (1) a recorded deed or real estate contract
20 indicating current ownership of land within the benefited area;

21 (2) an individual's name on county clerk
22 records indicating a description of property the individual
23 owns within the benefited area;

24 (3) an individual's name on a list compiled by
25 the governing body of a pueblo within the benefited area

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1 indicating that the individual named is residing on and has
2 legal or equitable title in the pueblo; or

3 (4) a current property tax bill indicating
4 ownership of land within the benefited area.

5 E. The ~~[election officer or the election director]~~
6 appropriate county clerk shall distribute to each polling place
7 a current qualified elector's list for the appropriate county.
8 The ~~[election officer or the election director]~~ appropriate
9 county clerk shall distribute the qualified elector's list to
10 each polling place within a pueblo located within the benefited
11 area. A qualified elector may vote at any one polling place in
12 the pueblo or county where ~~[he]~~ the elector owns land. An
13 individual who seeks to cast ~~[his]~~ a vote but ~~[finds his]~~ whose
14 name is not on the qualified elector's list shall not be
15 allowed to vote in that election."

16 SECTION 49. Section 73-14-24 NMSA 1978 (being Laws 1975,
17 Chapter 262, Section 7, as amended) is amended to read:

18 "73-14-24. TIME AND PROCEDURE FOR ELECTION.--

19 ~~[A. On the first Tuesday after the first Monday in~~
20 ~~January prior to the middle Rio Grande conservancy district~~
21 ~~election, an election proclamation shall be published that~~
22 ~~includes a list of the offices for which a candidate may file,~~
23 ~~the date and place at which declarations of candidacy shall be~~
24 ~~filed and the date of the election. The election proclamation~~
25 ~~shall be published once in a newspaper of general circulation~~

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1 ~~in the counties in which the election shall be held.~~

2 ~~B.]~~ A. The members of the boards of directors
3 created pursuant to the provisions of Sections 73-14-18 through
4 ~~[73-14-32]~~ 73-14-30 NMSA 1978 shall be elected ~~[at an election~~
5 ~~held on the first Tuesday after the first Monday in June in~~
6 ~~2001 and in each odd-numbered year thereafter]~~ pursuant to the
7 Local Election Act.

8 ~~[G.]~~ B. The elections for the members of the board
9 of directors of the conservancy district shall be conducted,
10 counted and canvassed as provided in ~~[Sections 73-14-18 through~~
11 ~~73-14-32 and 73-14-84 through 73-14-86 NMSA 1978. The polls~~
12 ~~may be opened and closed in the same manner as provided for the~~
13 ~~general election under the Election Code.~~

14 ~~D.~~ If only one candidate has filed a declaration of
15 candidacy for a position to be filled at an election, no
16 declared write-in candidate has filed for a position and there
17 are no questions or bond issues on the ballot, only one polling
18 place for the election may be designated. The one polling
19 place may be located in the office of the election director or
20 in the office of the middle Rio Grande conservancy district]
21 the Local Election Act."

22 **SECTION 50.** Section 73-14-25 NMSA 1978 (being Laws 1975,
23 Chapter 262, Section 8, as amended) is amended to read:

24 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF
25 ELECTORS.--

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1 A. ~~[Any]~~ A person who desires to become a candidate
2 for election as a member of the conservancy district board of
3 directors shall file ~~[his]~~ a written declaration of candidacy
4 with the ~~[election director or with the election officer at~~
5 ~~least sixty days before the election. The election officer or~~
6 ~~the election director shall certify the candidates to the board~~
7 ~~of directors]~~ proper filing officer in accordance with the
8 provisions of the Local Election Act.

9 B. The declaration of candidacy shall ~~[contain:~~

10 ~~(1) a statement that the candidate is a~~
11 ~~qualified elector of the district and meets the qualifications~~
12 ~~of a director as required by law;~~

13 ~~(2) the candidate's name, address, county of~~
14 ~~residence and date of declaration of candidacy;~~

15 ~~(3) the numerical designation of the position~~
16 ~~on the board of directors for which he desires to be a~~
17 ~~candidate;~~

18 ~~(4)]~~ be accompanied by:

19 (1) if a candidate for a position representing
20 a county in the conservancy district, a petition signed by at
21 least seventy-five qualified electors of the district who
22 reside in that county; or

23 ~~(5)]~~ (2) if a candidate for the position at
24 large in the conservancy district, a petition signed by at
25 least one hundred twenty-five qualified electors ~~[and~~

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1 ~~(6) a statement that the candidate resides~~
2 ~~within the conservancy district and in the county for which he~~
3 ~~desires to be a candidate on the board of directors]."~~

4 SECTION 51. Section 73-14-28.1 NMSA 1978 (being Laws
5 1996, Chapter 42, Section 12) is amended to read:

6 "73-14-28.1. ELECTION.--~~[The board of directors of the~~
7 ~~conservancy district shall conduct the election]~~ Elections
8 shall be conducted pursuant to ~~[Chapter 73, Article 14]~~
9 Sections 73-14-18 through 73-14-30 NMSA 1978 and ~~[other~~
10 ~~applicable election laws or shall select an election director~~
11 ~~as defined in Section 73-14-20 NMSA 1978 to provide election~~
12 ~~services. The election director shall operate pursuant to a~~
13 ~~contract approved by the secretary of state. The election may~~
14 ~~be conducted by emergency paper ballot, electronic voting~~
15 ~~machine or any other state-certified tabulating voting machine]~~
16 the Local Election Act."

17 SECTION 52. Section 73-14-55 NMSA 1978 (being Laws 1943,
18 Chapter 126, Section 2) is amended to read:

19 "73-14-55. BOARDS OF DIRECTORS--MEMBERSHIP--
20 QUALIFICATIONS.--The boards of directors [~~hereby~~] created in
21 Sections 73-14-54 through 73-14-69 NMSA 1978 shall consist of
22 five [~~5~~] directors, each of whom must own real property
23 within the conservancy district [~~which~~] that is subject to
24 conservancy district appraisals, assessments, levies and taxes,
25 and each of whom must actually reside within the conservancy

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1 district and also within the county from which ~~[he shall be]~~
2 the director is elected ~~[as hereinafter provided]."~~

3 SECTION 53. Section 73-14-57 NMSA 1978 (being Laws 1943,
4 Chapter 126, Section 4, as amended) is amended to read:

5 "73-14-57. DEFINITION OF "QUALIFIED ELECTORS".--The term
6 "qualified electors", as used in Sections ~~[75-28-33 through~~
7 ~~75-28-48 NMSA 1953]~~ 73-14-56 through 73-14-67 NMSA 1978, means
8 only those persons who have reached the age of majority and,
9 for at least six months prior to the election, have owned,
10 during the entire six-month period, real property situated
11 within the district ~~[which]~~ that is subject to conservancy
12 district appraisals, assessments, levies and taxes."

13 SECTION 54. Section 73-14-58 NMSA 1978 (being Laws 1943,
14 Chapter 126, Section 5) is amended to read:

15 "73-14-58. TERMS--VACANCIES.--Each director shall be
16 elected for a term of six years from and after the date of
17 ~~[his]~~ election and, unless removed from office as ~~[hereinafter]~~
18 provided in Sections 73-14-54 through 73-14-69 NMSA 1978, shall
19 serve until ~~[his]~~ a successor is duly elected and has
20 qualified; provided that at the first election, one director
21 shall be elected for a term of two years, two for a term of
22 four years and two for a term of six years, to be determined
23 according to counties if there ~~[be]~~ is land in any district in
24 more than one county, by the board calling the election.
25 Appointments to fill vacancies shall be for the unexpired term

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1 of the director whose office becomes vacant. [~~Within ten days~~
2 ~~after the first and each succeeding election to be held under~~
3 ~~the provisions of this act, the directors so elected shall meet~~
4 ~~and qualify as directors and shall organize the board of~~
5 ~~directors hereby created in the same manner now by law required~~
6 ~~of members of the board of directors hereby abolished. When~~
7 ~~the elected directors shall have qualified and the boards of~~
8 ~~directors hereby created shall have been organized as~~
9 ~~aforsaid, then the present boards of directors as now~~
10 ~~constituted shall immediately cease to exist and to function,~~
11 ~~and all conservancy district records and property of what kind~~
12 ~~or character soever shall be, by the outgoing board and its~~
13 ~~outgoing directors, officers and employees, transferred and~~
14 ~~delivered unto the newly organized board of directors of said~~
15 ~~conservancy district.]"~~

16 SECTION 55. Section 73-14-61 NMSA 1978 (being Laws 1943,
17 Chapter 126, Section 8, as amended) is amended to read:

18 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF
19 ELECTORS.--Any qualified elector [~~as herein defined~~] who
20 desires to become a candidate for election as a director shall
21 [~~at least forty days prior to the election~~] file with the
22 [~~secretary of the board of directors then in office his~~] proper
23 filing officer in accordance with the provisions of the Local
24 Election Act a written notice of candidacy, which shall state
25 [~~his~~] the candidate's name and residence [~~and the term for~~

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1 ~~which he is a candidate for election]~~ within the conservancy
2 district. If [~~he~~] the candidate is a candidate at large, [~~his~~]
3 the candidate's notice of candidacy [~~must~~] shall be signed by
4 twenty qualified electors resident within the district. If
5 [~~he~~] the candidate is a candidate only from that portion of the
6 district [~~which~~] that lies within one county, [~~his~~] the
7 candidate's notice of candidacy [~~must~~] shall be signed by ten
8 qualified electors who reside within that particular portion of
9 the district and county from which the candidate seeks to be
10 elected. [~~No person who has not filed his notice of candidacy~~
11 ~~as and within the time required in this section shall be placed~~
12 ~~on the ballot.]"~~

13 SECTION 56. Section 73-14-62 NMSA 1978 (being Laws 1943,
14 Chapter 126, Section 9, as amended) is amended to read:

15 "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--[A.]
16 The five director-members of the board of directors [~~by this~~
17 ~~act~~] created by Sections 73-14-54 through 73-14-69 NMSA 1978
18 shall be elected [~~on the first Tuesday of October of the year~~
19 ~~1943 and of each succeeding sixth year thereafter at general~~
20 ~~election for districts having less than one hundred thousand~~
21 ~~acres. The five director-members of the boards of directors of~~
22 ~~conservancy districts formed after July 1, 1952 shall be~~
23 ~~elected on the first Tuesday of October, 1959 and of each~~
24 ~~succeeding sixth year thereafter at general election.~~

25 B. ~~Not less than thirty days prior to said~~

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1 ~~election, the board of directors then in office shall meet and~~
2 ~~by written resolution, which shall be preserved among the~~
3 ~~permanent records of the board, shall select a voting place~~
4 ~~within each voting precinct or voting division thereof within~~
5 ~~the conservancy district and shall select three judges of~~
6 ~~election to conduct the election at the place so selected.~~
7 ~~Said judges shall be qualified electors, as herein defined, and~~
8 ~~residents of the precinct within which they are appointed to~~
9 ~~act and shall serve without pay. The resolution shall appoint~~
10 ~~one of said judges to receive the ballots and post its notice~~
11 ~~of election. Not less than five days thereafter, the secretary~~
12 ~~of said board shall notify each judge so selected of his~~
13 ~~appointment as such and send to the judge selected to receive~~
14 ~~the ballots four copies of a notice of election which shall~~
15 ~~state the time and purpose thereof, the place where held within~~
16 ~~the precinct and the names of the judges selected for such~~
17 ~~precinct and said notices shall be posted at the four most~~
18 ~~prominent places within the precinct as soon as received] in~~
19 ~~accordance with the provisions of the Local Election Act."~~

20 SECTION 57. Section 73-14-71 NMSA 1978 (being Laws 1961,
21 Chapter 67, Section 3, as amended) is amended to read:

22 "73-14-71. DEFINITION OF "QUALIFIED ELECTOR".--As used
23 in the provisions of Sections ~~[75-28-49 through 75-28-67 NMSA~~
24 ~~1953] 73-14-70 through 73-14-88 NMSA 1978, "qualified elector"~~
25 means a natural person who has reached the age of majority and

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1 who, for at least six months prior to the election, has owned,
2 either in community or separately, real property located within
3 the district and subject to conservancy district appraisals,
4 assessments, levies and taxes."

5 SECTION 58. Section 73-14-73 NMSA 1978 (being Laws 1961,
6 Chapter 67, Section 5) is amended to read:

7 "73-14-73. ELECTIONS [~~WHEN HELD~~].--~~[A. The first~~
8 ~~election for conservancy districts existing on July 1, 1961 and~~
9 ~~eligible under the provisions of Section 75-28-53 New Mexico~~
10 ~~Statutes Annotated, 1953 Compilation to have an elected board~~
11 ~~of directors shall be held on the first Tuesday in October~~
12 ~~1961.~~

13 B. ~~Subsequent~~] Elections shall be held [~~every two~~
14 ~~years following the year 1961 and shall be held on the first~~
15 ~~Tuesday of October;~~

16 G.] pursuant to the Local Election Act. Conservancy
17 districts formed after July 1, 1961 shall hold their first
18 election as provided in Section [~~75-28-53 New Mexico Statutes~~
19 ~~Annotated, 1953 Compilation] 73-14-74 NMSA 1978."~~

20 SECTION 59. Section 73-14-74 NMSA 1978 (being Laws 1961,
21 Chapter 67, Section 6, as amended) is amended to read:

22 "73-14-74. ELIGIBILITY OF DISTRICT TO HOLD ELECTION.--

23 A. No election shall be held in [~~any~~] an existing
24 conservancy district until the main canals in that district are
25 in such a condition that water can be delivered from them for

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1 irrigation on the lands within the district.

2 B. The first election in any district formed after
3 July 1, 1961 [~~or in a district existing on July 1, 1961, and~~
4 ~~having an appointed board of directors~~] shall be held [~~on the~~
5 ~~first Tuesday of October occurring in an odd-numbered year~~
6 ~~during or~~] with the first regular local election occurring
7 after [~~which~~] the requirements of Subsection A of this section
8 are fulfilled."

9 SECTION 60. Section 73-14-78 NMSA 1978 (being Laws 1961,
10 Chapter 67, Section 10) is amended to read:

11 "73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF
12 ELECTORS.--~~[A.]~~ Any qualified elector who desires to become a
13 candidate for election as a member of a conservancy district
14 board of directors shall file [~~his~~] a written notice of
15 candidacy with the [~~secretary of the existing appointed or~~
16 ~~elected board at least twenty days before the election.~~

17 ~~B. A notice for candidacy shall state:~~

18 ~~(1) the candidate's name and address; and~~

19 ~~(2) the numerical designation of the office~~
20 ~~position on the board for which he desires to be a candidate.~~

21 ~~G.]~~ proper filing officer in accordance with the
22 provisions of the Local Election Act. In addition, [~~to the~~
23 ~~requirements of Subsection B~~] a notice for candidacy shall be
24 signed by at least ten qualified electors within the
25 conservancy district."

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1 SECTION 61. Section 73-18-27 NMSA 1978 (being Laws 1955,
2 Chapter 281, Section 3, as amended) is amended to read:

3 "73-18-27. [~~CALLING OF FIRST ELECTION~~] ELECTIONS.--[The
4 ~~board of directors of the conservancy district shall meet at~~
5 ~~the office of the conservancy district at 10:00 a.m. on the~~
6 ~~second Tuesday of August 1955 and shall call an election in the~~
7 ~~election precincts outside the municipality to be held on the~~
8 ~~second Tuesday in October 1955. The election shall be called~~
9 ~~by the board of directors by resolution that shall fix a voting~~
10 ~~place for each election precinct within the district outside~~
11 ~~the municipality and designate the necessary qualified electors~~
12 ~~of each election precinct to act as judges of the election in~~
13 ~~each precinct. In the discretion of the board of directors of~~
14 ~~the conservancy district, the election may be held at any place~~
15 ~~within the district. Judges of the elections shall be paid an~~
16 ~~amount to be determined by the board of directors for service.~~
17 ~~Expenses of the elections shall be paid by the district.] In~~
18 each odd-numbered year after 1955, elections shall be called
19 [~~in the same manner and at the same times as provided in~~
20 ~~Sections 73-18-25 through 73-18-43 NMSA 1978]~~ and conducted
21 pursuant to the Local Election Act for the election of
22 directors to succeed any directors whose terms expire in that
23 year."

24 SECTION 62. Section 73-18-28 NMSA 1978 (being Laws 1955,
25 Chapter 281, Section 4) is amended to read:

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1 "73-18-28. DIRECTOR-AT-LARGE AND MUNICIPAL DIRECTOR.--

2 A. The director to represent the municipality [~~or~~
3 ~~municipalities~~] and the director-at-large for the period from
4 October 1955 to October 1957 shall be selected at the September
5 1955 meeting by the board of directors of [~~such~~] the
6 conservancy district as [~~the same~~] it exists prior to [~~such~~]
7 the election. [~~Such~~] The members shall be elected from the
8 membership of the previously existing board if there [~~be~~] are
9 qualified members of [~~such~~] the board willing to serve for
10 [~~such~~] the additional two years. If there [~~be~~] are no members
11 of the existing board willing to serve for [~~such~~] the
12 additional period of two years or if there [~~be~~] is only one,
13 [~~then said~~] the existing board may select one or both of [~~such~~]
14 the directors from qualified electors of the district for
15 [~~such~~] the position or positions [~~as a director as no member of~~
16 ~~the existing board shall be willing to accept~~].

17 B. In the election to be held in October 1957, a
18 director to represent the municipal voting precinct shall be
19 elected from the qualified electors of the municipality, and a
20 director-at-large shall be elected from the qualified electors
21 of the district.

22 C. Every resident, otherwise qualified, owning real
23 estate of any character within the district shall have one vote
24 for director-at-large. Each elector resident of the municipal
25 voting precinct shall have one vote for municipal director.

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1 The right of a voter to vote for municipal director shall not
2 be affected by ~~[such]~~ the elector voting in any other election
3 precinct in which ~~[such]~~ the elector may own class "A" land."

4 SECTION 63. Section 73-18-33 NMSA 1978 (being Laws 1955,
5 Chapter 281, Section 9, as amended) is amended to read:

6 "73-18-33. QUALIFICATIONS OF DIRECTORS.--The director-
7 at-large shall be the owner of class "A" land within the
8 district and shall be a resident of the district. The director
9 for the municipal election precinct shall be a resident and
10 shall be the owner of real estate within the district
11 boundaries of the municipality. A director representing a
12 district election precinct outside the municipality shall be a
13 resident of the district and the owner of irrigable land within
14 the voting precinct for which ~~[he]~~ the director is a director."

15 SECTION 64. Section 73-18-34 NMSA 1978 (being Laws 1955,
16 Chapter 281, Section 10, as amended) is amended to read:

17 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any
18 person wishing to become a candidate for the office of director
19 in any district shall ~~[by the last Friday of July before the~~
20 ~~election]~~ file ~~[in the office of the secretary of the district]~~
21 a declaration of candidacy pursuant to the provisions of the
22 Local Election Act, stating the election precinct for which the
23 person is a candidate, accompanied by a petition signed by not
24 less than ten qualified electors of the election precinct for
25 which the person is a candidate to represent. No declaration

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1 of candidacy shall be accepted [~~by the secretary~~] unless
2 accompanied by such petition, signed by electors."

3 SECTION 65. Section 73-18-35 NMSA 1978 (being Laws 1955,
4 Chapter 281, Section 11) is amended to read:

5 "73-18-35. TERM OF OFFICE FOR DIRECTOR.--The regular
6 term of office for a director [~~shall be~~] is four [~~(4)~~] years,
7 and the director shall serve until [his] a successor [shall
8 have] has been chosen and [shall have] has qualified. A
9 director shall qualify by taking an oath of office. Newly
10 elected directors shall take office [~~at the next regular~~
11 ~~meeting of the board of directors]~~ on the date that their terms
12 of office begin following the election of [~~such~~] the
13 director."

14 SECTION 66. Section 73-18-41 NMSA 1978 (being Laws 1955,
15 Chapter 281, Section 17) is amended to read:

16 "73-18-41. APPLICATION OF [~~GENERAL ELECTION LAWS~~] LOCAL
17 ELECTION ACT.--In any election held under [~~this act~~] Sections
18 73-18-25 through 73-18-43 NMSA 1978, the [~~general election~~
19 ~~laws]~~ Local Election Act shall be applicable [~~except as~~
20 ~~otherwise provided in this act and except as to the requirement~~
21 ~~for registration and residence in state, county or precinct as~~
22 ~~a qualification of an elector in offering to vote]."~~

23 SECTION 67. Section 73-20-1 NMSA 1978 (being Laws 1957,
24 Chapter 210, Section 1) is amended to read:

25 "73-20-1. SHORT TITLE.--[~~This act~~] Sections 73-20-1

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1 through 73-20-24 NMSA 1978 may be cited as the "Watershed
2 District Act".

3 SECTION 68. Section 73-20-37 NMSA 1978 (being Laws 1965,
4 Chapter 137, Section 11, as amended) is amended to read:

5 "73-20-37. DISTRICT SUPERVISORS--ELECTION AND
6 APPOINTMENT--NEW DISTRICTS.--

7 A. The governing body of a district shall be
8 composed of five supervisors who shall be residents of the
9 district and shall be elected pursuant to the provisions of the
10 Local Election Act; provided, however, that two additional
11 supervisors may be appointed to the governing body of each
12 district by the commission in accordance with the provisions of
13 the Soil and Water Conservation District Act. Four elected
14 supervisor positions of each district shall be filled by
15 landowners within the defined geographical area of their
16 district. One elected supervisor position shall be designated
17 supervisor-at-large, and the supervisor filling that position
18 may serve the district without landowner qualification.

19 ~~[B. Unless a different time is prescribed by the~~
20 ~~commission, within thirty days following the issuance of a~~
21 ~~certificate of organization to the two interim supervisors of a~~
22 ~~district, declarations of candidacy for supervisors of the~~
23 ~~district may be filed with the commission. The commission~~
24 ~~shall give due notice of election for the offices of five~~
25 ~~district supervisors. All registered voters residing within~~

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1 ~~the district shall be eligible to vote. The commission shall~~
2 ~~adopt and prescribe regulations governing the conduct of the~~
3 ~~election, shall determine voter eligibility and shall supervise~~
4 ~~the election and publish its results. The districts shall bear~~
5 ~~the expenses of elections; however, the commission shall bear~~
6 ~~the expenses of the first election of a newly organized~~
7 ~~district.~~

8 ~~G.]~~ B. In the first election of supervisors to
9 serve a newly organized district, two supervisors shall be
10 elected for terms of four years and three supervisors shall be
11 elected for terms of two years. Thereafter, each elected
12 supervisor shall serve a term of four years and shall continue
13 in office until [~~his~~] a successor has been elected or appointed
14 and has completed an oath of office. [~~Oaths of office may not~~
15 ~~be completed prior to July 1 after an election.~~] A vacant
16 unexpired term of the office of an elected supervisor shall be
17 filled by appointment by the remaining supervisors of the
18 district. Two or more vacant unexpired terms occurring
19 simultaneously in the same district shall be filled by
20 appointment by the commission.

21 ~~D.]~~ C. Appointed interim supervisors may continue
22 to serve as appointed supervisors [~~at the pleasure of the~~
23 ~~commission or~~] until their successors are [~~otherwise appointed~~]
24 elected at the next local election pursuant to the Local
25 Election Act."

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1 SECTION 69. Section 73-20-38 NMSA 1978 (being Laws 1965,
2 Chapter 137, Section 12, as amended) is amended to read:

3 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND
4 APPOINTMENT--ORGANIZED DISTRICTS.--

5 A. Successors to supervisors whose terms end in a
6 calendar year shall be elected [~~on the first Tuesday in May of~~
7 ~~that year~~] pursuant to the Local Election Act. Elections shall
8 be called, conducted and [~~returned~~] canvassed in accordance
9 with [~~rules adopted and prescribed by the commission.~~

10 ~~B. A canvassing board appointed by the commission~~
11 ~~shall determine the results of a district election, shall~~
12 ~~certify and publish the results and shall give the commission~~
13 ~~notice of its canvass within seven days of its completion. A~~
14 ~~canvass is considered complete when all challenges have been~~
15 ~~resolved to the satisfaction of the canvassing board.~~

16 ~~G. Rules adopted and published by the commission~~
17 ~~and the election provisions of the Soil and Water Conservation~~
18 ~~District Act shall be exclusive in the conduct of district~~
19 ~~elections. The commission may adopt and publish rules to carry~~
20 ~~out the provisions of the Soil and Water Conservation District~~
21 ~~Act.~~

22 ~~D.]~~ the Local Election Act.

23 B. By June 15 of each year, the district
24 supervisors may submit to the commission a list of persons
25 interested in the district and who by experience or training

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1 are qualified to serve as supervisors. The commission may
2 appoint from the list submitted [~~or at will~~] two persons to
3 serve as supervisors if it is the determination of the
4 commission that the appointments are necessary or desirable and
5 would benefit or facilitate the work and functions of the
6 district. In the event a list is not submitted to the
7 commission by the supervisors by June 15, the commission may
8 appoint [~~at will~~] two supervisors qualified to serve by
9 training or experience. Appointed supervisors shall serve [~~at~~
10 ~~the pleasure of the commission~~] a term of two years and shall
11 have the same powers and perform the same duties as elected
12 supervisors. Successors to appointed supervisors, or
13 replacement-appointed supervisors in the event of vacancy,
14 shall be appointed by the commission from a list of candidates
15 [~~or at will~~] in accordance with the provisions of this
16 subsection."

17 SECTION 70. Section 73-20-46 NMSA 1978 (being Laws 1965,
18 Chapter 137, Section 20, as amended) is amended to read:

19 "73-20-46. DISTRICT ASSESSMENTS.--

20 A. In the event a district is unable to meet or
21 bear the expense of the duties imposed upon it by the Soil and
22 Water Conservation District Act, the supervisors may adopt a
23 resolution that, to be effective, shall be approved by
24 referendum in the district and that shall provide for an annual
25 levy for a stated period of up to ten years in a stated amount

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1 not exceeding one dollar (\$1.00) on each one thousand dollars
2 (\$1,000) of net taxable value, as that term is defined in the
3 Property Tax Code, of real property within the district, except
4 that real property within incorporated cities and towns in the
5 district may be excluded. The referendum held to approve or
6 reject the resolution of the supervisors shall be conducted
7 ~~[with appropriate ballot and in substantially the same manner~~
8 ~~as a referendum adopting and approving the creation of a~~
9 ~~proposed district]~~ pursuant to the Local Election Act. After
10 the initial authorization is approved by referendum, the
11 supervisors shall adopt a resolution in each following year
12 authorizing the levy. To extend an assessment beyond the
13 period of time originally authorized and approved by
14 referendum, the supervisors shall adopt a new resolution and
15 the district voters shall approve it in a referendum. The
16 extension shall be for the same period of time as originally
17 approved, but the rate of the tax may be different as long as
18 it does not exceed one dollar (\$1.00) on each one thousand
19 dollars (\$1,000) of net taxable value of real property within
20 the district, except that real property within incorporated
21 municipalities in the district may be excluded. If the
22 district is indebted to the United States or the state or any
23 of their respective agencies or instrumentalities, including
24 the New Mexico finance authority, at the time of the expiration
25 of the original authorization, the supervisors may renew the

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1 assessment by resolution for a period not to exceed the
2 maturity date of the indebtedness, and no referendum for that
3 renewal is necessary.

4 B. A resolution authorized under Subsection A of
5 this section shall not be effective, and neither a referendum
6 nor a levy is authorized, unless the resolution is submitted to
7 and approved in writing by the commission.

8 C. In the event a resolution of the supervisors is
9 adopted and approved in accordance with the provisions of
10 Subsection A of this section, the supervisors of the district
11 shall certify by the fifteenth of July of each year to the
12 county assessor of each county in which there is situate land
13 subject to the district assessment:

14 (1) a copy of the resolution of the
15 supervisors;

16 (2) the results of any referendum held in the
17 year the certification is made; and

18 (3) a list of landowners of the district and a
19 description of the land owned by each that is subject to
20 assessment.

21 D. A county assessor shall indicate the information
22 on the tax schedules, compute the assessment and present the
23 district assessment by regular tax bill.

24 E. The district assessment shall be collected by
25 the county treasurer of each county in which taxable district

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1 land is situate in the same manner and at the same time that
2 county ad valorem taxes are levied. The conditions, penalties
3 and rates of interest applicable to county ad valorem taxation
4 apply to the levy and collection of district assessments. A
5 county treasurer shall be entitled to a collection fee equal to
6 the actual costs of collection or four percent of the money
7 collected from the levy of the district assessment, whichever
8 is the lesser.

9 F. District funds, regardless of origin, shall be
10 transferred to and held by the supervisors and shall be
11 expended for district obligations and functions. The
12 supervisors shall prepare an annual budget and submit it for
13 approval to the commission and to the local government division
14 of the department of finance and administration. All district
15 funds shall be expended in accordance with the approved
16 budgets.

17 G. In the event the supervisors of a district
18 determine that there are or will be sufficient funds available
19 for the operation of the district for any year for which an
20 assessment is to be levied, they shall, by resolution, direct
21 the assessor of each county in which taxable district land is
22 situate, by July 15 of each year, to decrease the district
23 assessment or to delete the district assessment reflected on
24 the tax schedules.

25 H. Any levy authorized by the Soil and Water

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1 Conservation District Act and any loan or other indebtedness
2 authorized by that act that will require that a levy shall be
3 based exclusively on or levied exclusively on the real property
4 in the district, except that real property within incorporated
5 cities and towns may be excluded."

6 SECTION 71. Section 73-21-14 NMSA 1978 (being Laws 1943,
7 Chapter 80, Section 13, as amended) is amended to read:

8 "73-21-14. ELECTIONS.--

9 A. In any district, except a district created
10 pursuant to a petition signed by the chair of the board of
11 county commissioners of a county, [~~on the second Tuesday of~~
12 ~~January in the second calendar year after the organization of~~
13 ~~the district and on the second Tuesday of January every second~~
14 ~~year thereafter] in accordance with the Local Election Act,
15 there shall be elected by the [~~taxpaying~~] qualified electors of
16 the district one member of the board to serve for a term of six
17 years, except that if the district elects to adopt four-year
18 terms, the member shall serve for a term of four years.~~

19 B. In any district created pursuant to a petition
20 signed by the chair of the board of county commissioners of a
21 county, [~~one~~] in the odd-numbered year after the organization
22 of the district and every second year thereafter, there shall
23 be elected by the [~~taxpaying~~] qualified electors of the
24 district at least two, but no more than three, members of the
25 board to serve for a term of two years. The election shall be

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1 held in accordance with the provisions of the Local Election
2 Act.

3 C. ~~[Not later than thirty days before any election~~
4 ~~pursuant to Subsection A or B of this section]~~ Nominations may
5 be filed with the ~~[secretary of the board, and, if a nominee~~
6 ~~does not withdraw the nominee's name before the first~~
7 ~~publication of the notice of election, the name shall be placed~~
8 ~~on the ballot. The board shall provide for holding such~~
9 ~~election and shall appoint judges to conduct it. The secretary~~
10 ~~of the district shall give notice of election by publication~~
11 ~~and shall arrange such other details in connection with the~~
12 ~~election as the board may direct]~~ proper filing officer in
13 accordance with the provisions of the Local Election Act. If
14 within ninety days prior to a board election, the district
15 publishes materials that describe the qualifications,
16 experience and accomplishments of incumbents, equal space shall
17 be made available without charge for similar information
18 provided by opponents seeking a position on the board. ~~[The~~
19 ~~returns of the election shall be certified to and shall be~~
20 ~~canvassed and declared by the board. The candidate receiving~~
21 ~~the most votes shall be elected. Any new member of the board~~
22 ~~shall qualify in the same manner as members of the first board~~
23 ~~qualify.]"~~

24 SECTION 72. Section 73-21-28 NMSA 1978 (being Laws 1943,
25 Chapter 80, Section 25, as amended) is amended to read:

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1 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--

2 Whenever the board shall, by resolution, determine that the
3 interest of the district and the public interest or necessity
4 demand the acquisition, construction, installation or
5 completion of any works or other improvements or facilities, or
6 the making of any contract with the United States or other
7 persons or corporations, to carry out the objects or purposes
8 of the district, requiring the creation of a general obligation
9 indebtedness of five thousand dollars (\$5,000) or more, secured
10 by property tax revenue from within the district, the board
11 shall order the submission of the proposition of issuing the
12 obligations or bonds or creating other indebtedness to the
13 qualified [~~taxpaying~~] electors of the district at [~~an~~] a
14 district election held [~~for that purpose. Any such election~~
15 ~~may be held separately or may be consolidated or held~~
16 ~~concurrently with any other election authorized by the Water~~
17 ~~and Sanitation District] in accordance with the provisions of
18 the Local Election Act. The declaration of public interest or
19 necessity required in this section and the provision for the
20 holding of the election may be included within one and the same
21 resolution. The resolution, in addition to the declaration of
22 public interest or necessity, shall recite the objects and
23 purposes for which the indebtedness is proposed to be incurred,
24 the estimated cost of the works or improvements, as the case
25 may be, the amount of principal of the indebtedness to be~~

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[bracketed material] = delete

1 incurred and the maximum rate of interest to be paid on the
2 indebtedness. The resolution shall also [~~fix~~] announce the
3 date upon which the election shall be held [~~and the manner of~~
4 ~~holding it and the method of voting for or against the~~
5 ~~incurring of the proposed indebtedness. The resolution shall~~
6 ~~also fix the compensation to be paid the officers of the~~
7 ~~election and shall designate the polling place and shall~~
8 ~~appoint, for each polling place, from the electors of the~~
9 ~~district, the officers of the election consisting of three~~
10 ~~judges, one of whom shall act as clerk]; provided that the date
11 is not in conflict with the provisions of Section 1-12-71 NMSA
12 1978."~~

13 SECTION 73. TEMPORARY PROVISION.--

14 A. The term of an elected local government officer
15 that was set to expire on or before June 30, 2020 pursuant to
16 the governing statutes of that local government in effect
17 before the effective date of this act shall expire on November
18 30, 2019, and that officer's successor shall be elected in the
19 local election held on the first Tuesday after the first Monday
20 of October 2019 for a term beginning on December 1, 2019.

21 B. The term of an elected local government officer
22 that was set to expire on or after July 1, 2020 but on or
23 before June 30, 2022 pursuant to the governing statutes of that
24 local government in effect before the effective date of this
25 act shall expire on November 30, 2021, and that officer's

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1 successor shall be elected in the local election held on the
2 first Tuesday after the first Monday of October 2021 for a term
3 beginning on December 1, 2021.

4 C. The term of an elected local government officer
5 that was set to expire on or after July 1, 2022 pursuant to the
6 governing statutes of that local government in effect before
7 the effective date of this act shall expire on November 30,
8 2023, and that officer's successor shall be elected in the
9 local election held on the first Tuesday after the first Monday
10 of October 2023 for a term beginning on December 1, 2023.

11 D. The provisions of this section only apply to
12 local government officers whose elections are subject to the
13 provisions of the Local Election Act.

14 **SECTION 74. TEMPORARY PROVISION.--**References in law to
15 the School Election Law shall be deemed to be references to the
16 Local Election Act.

17 **SECTION 75. REPEAL.--**

18 A. Sections 1-6-19, 1-22-5, 1-23-1 through 1-23-7,
19 21-13-18.1, 21-13-18.2, 21-16-21, 21-16-22, 73-14-27, 73-14-28,
20 73-14-29, 73-14-31 through 73-14-31.3, 73-14-63 through
21 73-14-65, 73-14-80 through 73-14-86, 73-21-29 and 73-21-30 NMSA
22 1978 (being Laws 1969, Chapter 54, Section 1, Laws 1985,
23 Chapter 168, Section 7, Laws 1987, Chapter 160, Sections 1
24 through 6, Laws 1991, Chapter 105, Section 43, Laws 1987,
25 Chapter 160, Section 7, Laws 1993, Chapter 75, Sections 3 and
.205227.2

underscoring material = new
~~[bracketed material] = delete~~

1 4, Laws 1964 (1st S.S.), Chapter 12, Sections 6 and 7, Laws
2 1975, Chapter 262, Sections 10 through 12 and 14, Laws 1996,
3 Chapter 42, Sections 15 and 16, Laws 1999, Chapter 168, Section
4 8, Laws 1943, Chapter 126, Sections 10 through 12, Laws 1961,
5 Chapter 67, Sections 12 through 17, Laws 1996, Chapter 42,
6 Section 17, Laws 1961, Chapter 67, Section 18 and Laws 1943,
7 Chapter 80, Sections 26 and 27, as amended) are repealed.

8 B. Sections 73-18-37 through 73-18-40 NMSA 1978
9 (being Laws 1955, Chapter 281, Sections 13 through 16) are
10 repealed.

11 SECTION 76. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2018.