

1 HOUSE BILL 399

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Susan K. Herrera and Leo Jaramillo and Willie D. Madrid

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10 AN ACT

11 RELATING TO COUNTIES; PROVIDING THAT THE BOARD OF COUNTY
12 COMMISSIONERS OF A COUNTY WITH A POPULATION GREATER THAN
13 THIRTY-FIVE THOUSAND AS SHOWN BY THE 2020 FEDERAL DECENNIAL
14 CENSUS SHALL CONSIST OF FIVE QUALIFIED ELECTORS; ESTABLISHING A
15 ONE-TIME PROCEDURE TO REDISTRIBUTE AND ELECT COUNTY COMMISSIONERS
16 TO THE NEWLY ESTABLISHED FIVE-MEMBER BOARDS OF COUNTY
17 COMMISSIONERS FOR A TERM BEGINNING JANUARY 1, 2025.

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

20 SECTION 1. Section 4-38-2 NMSA 1978 (being Laws 1876,
21 Chapter 1, Section 8, as amended) is amended to read:

22 "4-38-2. MEMBERS--QUORUM.--

23 A. The board of county commissioners shall consist
24 of either three or five qualified electors who shall be elected
25 according to law. For a three-member board, two members

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1 constitute a quorum for the purpose of transacting business.
2 For a five-member board, three members constitute a quorum for
3 the purpose of transacting business.

4 B. The board of county commissioners of any county
5 having a population of more than one hundred thousand, as shown
6 by the most recent federal decennial census, and having a
7 final, full assessed valuation in excess of seventy-five
8 million dollars (\$75,000,000) shall consist of five qualified
9 electors who shall be elected according to law.

10 C. The board of county commissioners of a county
11 that has a population of more than thirty-five thousand, as
12 shown by the 2020 federal decennial census, shall consist of
13 five qualified electors who shall be elected according to law."

14 SECTION 2. TEMPORARY PROVISION--LEGISLATIVE FINDINGS--
15 DIVISION INTO NEW DISTRICTS--ELECTION--STAGGERED AND SHORTENED
16 TERMS.--

17 A. The legislature finds that the following
18 adjustment to terms of office for certain boards of county
19 commissioners is necessary to provide for consistency in the
20 timing of elections in light of the county redistricting for
21 the county boards of county commissioners that change to a
22 five-member board due to the provisions of Subsection C of
23 Section 4-38-2 NMSA 1978.

24 B. For each county with a population of more than
25 thirty-five thousand, as shown by the most recent federal

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1 decennial census, that is required to change to a five-member
2 board of county commissioners due to the provisions of
3 Subsection C of Section 4-38-2 NMSA 1978:

4 (1) the board of county commissioners shall,
5 by January 1, 2024, divide the county into five compact single-
6 member districts in accordance with the provisions of Section
7 1-3-13 NMSA 1978 and shall notify the county clerk, who shall
8 notify the secretary of state;

9 (2) at the 2024 general election and for a
10 term beginning January 1, 2025, one commissioner shall be
11 elected pursuant to the provisions of the Election Code from
12 each of the five districts by the voters of the district. The
13 secretary of state shall provide a process to renumber the
14 board of county commissioners district numbers so that
15 subsequent elections for the offices are aligned with the
16 offices listed for election in Section 1-10-8 NMSA 1978 and,
17 when necessary, shall provide for an extended term to the
18 general election in 2030 only as required to align offices and
19 positions to the offices listed for election in Section 1-10-8
20 NMSA 1978; and

21 (3) a county commissioner elected prior to the
22 effective date of this act shall serve for a term of office
23 ending December 31, 2024.