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SENATE BILL 157

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO ELECTIONS; AUTHORIZING AT-LARGE ELECTIONS OF
COUNTY COMMISSIONERS WHO RESIDE IN COUNTY COMMISSION DISTRICTS
IN H CLASS COUNTIES AND IN COUNTIES HAVING A POPULATION OF
FEWER THAN 13,000, WITH A THREE-MEMBER BOARD OF COUNTY
COMMISSIONERS; AMENDING SECTIONS OF THE NMSA 1978.

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

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

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

A. The board of county commissioners shall consist
of either three or five qualified electors [~~any two of whom~~
~~shall be competent to transact business~~] who shall be elected
according to law. For a three-member board, two members
constitute a quorum for the purpose of transacting business.

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

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

11 Section 2. Section 4-38-3 NMSA 1978 (being Laws 1876,
12 Chapter 1, Section 10, as amended) is amended to read:

13 "4-38-3. RESIDENCE IN DISTRICTS--PERIOD FOR
14 DISTRICTING--ELECTION AT LARGE. --

15 A. [~~Each~~] A county having a population greater than
16 thirteen thousand, according to the most recent federal
17 decennial census, shall be divided by the board of county
18 commissioners into as many compact single-member districts as
19 there are board members to be elected [~~and which~~]. The
20 districts shall be as equal in population as possible and
21 numbered respectively to correspond to the number of board
22 members. One commissioner shall be elected from each district
23 by the voters of the district and [~~he~~] shall be a resident of
24 the district from which he is elected. If [~~any~~] a
25 commissioner permanently removes his residence from or

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[bracketed material] = delete

1 maintains no residence in the district from which he was
2 elected, he shall be deemed to have resigned. The division of
3 the county into single-member districts shall be made once
4 ~~[after]~~ immediately following each federal decennial census.

5 B. [Any] An H class county [and any] or a county
6 having a population of thirteen thousand or [less] fewer
7 according to the most recent federal decennial census, may be
8 divided by the board of county commissioners into single-
9 member districts [as provided in this section]. If the county
10 is districted, the districts shall be as equal in population
11 as possible and numbered respectively to correspond to the
12 number of board members. A commissioner shall be a resident
13 of the district from which he is elected. If a commissioner
14 permanently removes his residence from or maintains no
15 residence in the district from which he was elected, he shall
16 be deemed to have resigned. The division of the county into
17 single-member districts shall be made once immediately
18 following each federal decennial census. The board of county
19 commissioners in a county with only three board members may
20 require either that:

21 (1) commissioners shall be elected from each
22 district by the voters of the whole county; or

23 (2) each commissioner shall be elected by the
24 voters of the district from which that commissioner is running
25 for office. "