

1 SENATE BILL 425

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Stuart Ingle

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10 AN ACT

11 RELATING TO MUNICIPALITIES; STREAMLINING PROVISIONS IN THE
12 MUNICIPAL CODE FOR EFFICIENCY AND COST REDUCTION.

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

15 SECTION 1. Section 3-8-9 NMSA 1978 (being Laws 1985,
16 Chapter 208, Section 17, as amended) is amended to read:

17 "3-8-9. ELECTION SCHEDULING--CONFLICTS--NOTICE.--

18 A. Except as otherwise provided by law, a municipal
19 election may be held concurrently with, but shall not be held
20 within forty-two days prior to or within thirty days after, any
21 statewide special, general or primary election or any regular
22 school district election. Whenever a municipal election would
23 be or has been scheduled within the prohibited time, the
24 governing body shall adopt an election resolution scheduling or
25 rescheduling the election on a date as soon as is practicable

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1 outside the prohibited period and in compliance with the
2 requirements of the Municipal Election Code and any other
3 statute specifically related to such election. If an election
4 resolution has already been adopted, the new election
5 resolution shall supersede the existing election resolution and
6 the new election resolution shall be published as required by
7 the Municipal Election Code.

8 B. Except as otherwise provided by law, one or more
9 municipal special elections, including but not limited to bond
10 elections, may be held in conjunction with a regular municipal
11 election or one or more special municipal elections.

12 C. When concurrent elections are called for,
13 publications, notices, selection of precinct boards, election
14 schools, ordering election supplies, conduct of the election,
15 canvassing, [~~record keeping~~] recordkeeping and all other
16 election matters shall be conducted to comply with all election
17 requirements for each such election as if it were held
18 separately. However, any requirement may be satisfied by a
19 combined action if such action would satisfy the requirements
20 set by law for each individual election. Allowable combined
21 actions include [~~but are not limited to~~] combined:

- 22 (1) publications;
23 (2) notices;
24 (3) appointment of precinct boards;
25 (4) ordering of election supplies;

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- 1 (5) conduct of election;
- 2 (6) canvassing; and
- 3 (7) recordkeeping.

4 D. If no more candidates qualify for office than
5 there are vacancies to be filled and no ballot questions are
6 submitted, the candidates shall be declared elected without a
7 vote upon certification by the municipal clerk. If there is no
8 candidate for any office, the office shall be declared vacant
9 and the vacancy shall be filled after the date scheduled for
10 the election in accordance with law."

11 SECTION 2. Section 3-10-1 NMSA 1978 (being Laws 1965,
12 Chapter 300, Section 14-9-1, as amended) is amended to read:

13 "3-10-1. OFFICERS--ELECTIVE--TERM OF OFFICE.--

14 A. The elective officers of a municipality having a
15 mayor-council form of government are:

- 16 (1) one mayor;
- 17 (2) the members of the governing body; and
- 18 (3) a municipal judge.

19 B. The elective officers of a municipality having a
20 commission-manager form of government are:

- 21 (1) five commissioners; and
- 22 (2) a municipal judge.

23 C. Notwithstanding the provisions of Subsection A
24 of this section, a municipality with a population of five
25 hundred persons or less in the last federal decennial census

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1 shall not have a municipal judge if it adopts an effective
2 ordinance in accordance with the provisions of Subsection B of
3 Section 35-14-1 NMSA 1978.

4 D. In every noncharter municipality, except those
5 noncharter municipalities having a commission-manager form of
6 government or electing members of the governing body from
7 districts, the terms of office for the mayor and members of the
8 governing body shall be four years. The term of office for
9 members of the governing body shall be staggered so that the
10 terms of office for one-half of the members of the governing
11 body will expire every two years.

12 E. Any elected municipal official whose term of
13 office has expired shall continue in that office until [~~his~~] a
14 successor is elected and has taken office pursuant to the
15 provisions of the Municipal Election Code.

16 F. If no more candidates qualify for office than
17 there are vacancies to be filled and no ballot questions are
18 submitted, the candidates shall be declared elected without a
19 vote upon certification by the municipal clerk. If there is no
20 candidate for any office, the office shall be declared vacant
21 and the vacancy shall be filled after the date scheduled for
22 the election in accordance with law."

23 SECTION 3. Section 3-14-7 NMSA 1978 (being Laws 1965,
24 Chapter 300, Section 14-13-7) is amended to read:

25 "3-14-7. COMMISSION-MANAGER--CANDIDATES FOR OFFICE

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1 ~~[WRITE-IN BALLOTS]~~.--If no more candidates qualify for office
2 than there are vacancies to be filled and no ballot questions
3 are submitted, ~~[they]~~ the candidates shall be declared elected
4 without a vote upon certification by the municipal clerk. If
5 there is no candidate for any office, the ~~[ballot shall be~~
6 ~~printed without names and a voter may write in the name of a~~
7 ~~qualified elector upon the ballot]~~ office shall be declared
8 vacant and the vacancy shall be filled after the date scheduled
9 for the election in accordance with law."

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