

FIFTY-SECOND LEGISLATURE
FIRST SESSION, 2015

SB 617/a

March 13, 2015

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 617

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after "ELECTIONS;" insert "ASSIGNING PROSECUTORIAL DUTIES;".

2. On page 2, between lines 23 and 24, insert the following sections to read:

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

"1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--RULES [ENFORCEMENT POWERS].--

A. The secretary of state is the chief election officer of the state [~~and~~].

B. The secretary of the state shall:

(1) obtain and maintain uniformity in the application, operation and interpretation of the Election Code; and

(2) subject to the State Rules Act, make rules pursuant to the provisions of, and necessary to carry out the purposes of, the Election Code and shall furnish to the county clerks copies of such rules; provided that no rule is adopted or amended within the fifty-six days before a primary or a general election. [~~and~~

~~(3) through the attorney general or the district attorney having jurisdiction, bring such actions as deemed necessary~~

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~~and proper for the enforcement of the provisions of the Election Code.~~

~~B.]~~ C. No forms or procedures shall be used in any election held pursuant to the Election Code without prior approval of the secretary of state."

SECTION 4. Section 1-2-1.1 NMSA 1978 (being Laws 1979, Chapter 74, Section 3, as amended) is amended to read:

"1-2-1.1. ATTORNEY GENERAL [~~AND DISTRICT ATTORNEYS~~] REQUIRED TO ASSIST SECRETARY OF STATE--DISTRICT ATTORNEYS REQUIRED TO ASSIST SECRETARY OF STATE AND COUNTY CLERKS.--

A. The attorney general [~~and the several district attorneys of the state~~] shall, upon request of the secretary of state, [~~shall~~] provide [~~to the secretary of state~~] legal advice, assistance, services and representation as counsel in any action to enforce the provisions of the Election Code and the Municipal Election Code.

B. Upon the request of the secretary of state or a county clerk, the attorney general and the several district attorneys of the state shall assign investigators or lawyers to aid the secretary of state [~~on election day~~] and county clerks to ensure the proper conduct of [~~the~~] an election.

C. Each district attorney shall assign a lawyer to be the elections prosecutor for the judicial district or for each county in the judicial district. The district attorney shall communicate and maintain current the name and contact information of the assigned elections prosecutor to the secretary of state and to each county clerk in the judicial district. The assigned elections prosecutor shall receive from the county clerk in the prosecutor's county or judicial district referrals of suspected violations of the Election Code. The assigned elections prosecutor shall each month report in writing to the county clerk and the district attorney the status of

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each referral until the matter is concluded.".

3. Renumber the succeeding sections accordingly.

4. On page 66, lines 8 and 9, strike "the office of the county clerk or".

5. On page 66, line 10, before the period, insert ", which may include the county clerk's office if it is located within the school district".

6. On page 69, between lines 4 and 5, insert the following new section to read:

SECTION 50. Section 1-22-12 NMSA 1978 (being Laws 1985, Chapter 168, Section 14, as amended) is amended to read:

"1-22-12. CONDUCT OF ELECTIONS.--

A. Except as otherwise provided in the School Election Law, the county clerk shall administer and conduct school district elections pursuant to the provisions of the Election Code for the conduct of general elections.

B. Precinct board members for each polling place shall be appointed by the county clerk from among those persons who meet the qualifications set forth in Section 1-2-7 NMSA 1978 and who reside within the school district. The number of members on each precinct board shall be as provided in Section 1-2-12 NMSA 1978. Vacancies on election day shall be filled as provided in Section 1-2-15 NMSA 1978.

C. In the event that only one candidate has filed a declaration of candidacy for each position to be filled at the election, no declared write-ins have filed for any position and there are no questions or bond issues on the ballot, the county clerk [~~shall~~] may perform the duties of the precinct board [~~and no other precinct board shall be appointed~~] at the request of the

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school district.

D. All costs of school district elections shall be paid by the school district."".

7. Renumber the succeeding sections accordingly.

Respectfully submitted,

Richard C. Martinez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Lopez, Sanchez, M.

Absent: None

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