

HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS AND  
CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 98

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

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; UPDATING CIRCUMSTANCES CAUSING A VACANCY IN LOCAL  
OFFICE; NAMING CHAPTER 1, ARTICLE 24 NMSA 1978 THE "SPECIAL  
ELECTION ACT"; CHANGING THE LIMITS ON SOIL AND WATER  
CONSERVATION LEVIES; REPEALING THE SCHOOL ELECTION LAW, THE  
MAIL BALLOT ELECTION ACT, THE MUNICIPAL ELECTION CODE AND OTHER  
PROVISIONS OF LAW IN CONFLICT WITH THE LOCAL ELECTION ACT;  
MAKING CONFORMING AMENDMENTS TO OTHER SECTIONS OF LAW; MAKING  
AN APPROPRIATION.

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

SECTION 1. Section 1-1-19 NMSA 1978 (being Laws 1969, Chapter 240, Section 19, as amended) is amended to read:

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

A. The Election Code applies to the following:

- (1) general elections;
- (2) primary elections;
- (3) ~~[statewide]~~ special elections;
- (4) elections to fill vacancies in the office of United States representative ~~[in congress; and];~~
- (5) ~~[school district]~~ local elections included in the Local Election Act; and
- (6) recall elections of county officers, school board members or applicable municipal officers.

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

- ~~[(1) municipal officer or municipal bond elections; or~~
- ~~(2) special district officer or special district bond or other]~~ special district elections not covered by the Local Election Act."

SECTION 2. Section 1-2-1.1 NMSA 1978 (being Laws 1979,

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1 Chapter 74, Section 3, as amended) is amended to read:

2 "1-2-1.1. ATTORNEY GENERAL REQUIRED TO ASSIST SECRETARY  
3 OF STATE--DISTRICT ATTORNEYS REQUIRED TO ASSIST SECRETARY OF  
4 STATE AND COUNTY CLERKS.--

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

10 B. Upon the request of the secretary of state or a  
11 county clerk, the attorney general and the several district  
12 attorneys of the state shall assign investigators or lawyers to  
13 aid the secretary of state and county clerks to ensure the  
14 proper conduct of an election.

15 C. Each district attorney shall assign a lawyer to  
16 be the elections prosecutor for the judicial district or for  
17 each county in the judicial district. The district attorney  
18 shall communicate and maintain current the name and contact  
19 information of the assigned elections prosecutor to the  
20 secretary of state and to each county clerk in the judicial  
21 district. The assigned elections prosecutor shall receive from  
22 the county clerk in the prosecutor's county or judicial  
23 district referrals of suspected violations of the Election  
24 Code. The assigned elections prosecutor shall each month  
25 report in writing to the county clerk and the district attorney

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1 the status of each referral until the matter is concluded."

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

4 "1-3-2. PRECINCTS--DUTIES OF COUNTY COMMISSIONERS.--

5 A. [~~Not later than the first Monday in November~~] In  
6 June or July of each odd-numbered year, the board of county  
7 commissioners shall by resolution:

8 (1) designate the polling place of each  
9 precinct that shall provide individuals with physical mobility  
10 limitations an unobstructed access to at least one voting  
11 machine;

12 (2) consolidate any precincts for the next  
13 succeeding primary and general elections pursuant to Section  
14 1-3-4 NMSA 1978;

15 (3) designate any mail ballot election  
16 precincts for the next succeeding primary and general  
17 elections;

18 (4) consolidate precincts for the regular  
19 local elections following the next succeeding general election  
20 as provided in Section 1-3-4 NMSA 1978;

21 (5) designate any mail ballot election  
22 precincts for the regular local election following the next  
23 succeeding general election;

24 [~~(2)~~] (6) create additional precincts to meet  
25 the requirements of Section 1-3-1 NMSA 1978 or upon petition

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1 pursuant to Section 4-38-21 NMSA 1978;

2           ~~[(3)]~~ (7) create additional polling places in  
3 existing precincts as necessary pursuant to Section 1-3-7.1  
4 NMSA 1978; and

5           ~~[(4)]~~ consolidate any precincts pursuant to  
6 ~~Section 1-3-4 NMSA 1978;~~

7           ~~(5)]~~ (8) divide any precincts as necessary to  
8 meet legal and constitutional requirements for redistricting  
9 [~~and~~

10           ~~(6)]~~ designate any mail ballot election  
11 precincts].

12           B. Polling places, consolidated precincts and mail  
13 ballot election precinct designations established in the  
14 resolution adopted pursuant to Subsection A of this section for  
15 primary and general elections shall be the same used for any  
16 special election for the office of United States representative  
17 held in the two succeeding calendar years following adoption of  
18 the resolution.

19           ~~[B.]~~ C. The county clerk shall notify the secretary  
20 of state in writing of any proposed changes in precincts or the  
21 designation of polling places made by the board of county  
22 commissioners and shall furnish a copy of the map showing the  
23 current geographical boundaries, designation and word  
24 description of each new polling place and each new or changed  
25 precinct.

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

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

16           "1-3-4. CONSOLIDATION OF PRECINCTS.--

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

19                   (1) primary and general elections; and

20                   (2) ~~[statewide special]~~ local elections.

21                   ~~[(3) countywide special elections; and~~

22                   ~~(4) elections to fill vacancies in the office~~  
23 ~~of United States representative.~~

24           ~~B. Precincts may be consolidated by the governing~~  
25 ~~body of a municipality for municipal candidate and bond~~

1 ~~elections, unless otherwise prohibited.~~

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

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

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

15 (2) each consolidated precinct in a primary or  
 16 general election shall be composed of no more than ten  
 17 precincts;

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

20 [~~(3)~~] (4) each consolidated precinct shall  
 21 comply with the provisions of Section 1-3-7 NMSA 1978;

22 [~~(4)~~] (5) each consolidated precinct polling  
 23 location shall have a broadband internet connection and real-  
 24 time access to the statewide voter registration electronic  
 25 management system;

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1                    [~~(5)~~] (6) the county clerk may maintain any  
2 alternative voting locations previously used in the same  
3 election open for voting on election day for any voter in the  
4 county, in addition to the polling location established in each  
5 consolidated precinct; and

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

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



1 ~~county, which shall be stated in the proclamation.~~

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

14 ~~G.]~~ C. Unless the county clerk receives a written  
15 waiver from the secretary of state specifying the location and  
16 specific provision being waived, each consolidated precinct  
17 polling location shall:

18 (1) have ballots available for voters from  
19 every precinct that is able to vote in the consolidated  
20 precinct;

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

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

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

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

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

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

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

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

1           SECTION 5. Section 1-3-7 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 57, as amended) is amended to read:

3           "1-3-7. POLLING PLACES.--

4           A. No less than one polling place shall be provided  
5 for each precinct that is not a mail ballot election precinct;  
6 provided that in a local election, a precinct that lies partly  
7 within and partly without a district may be located in a single  
8 polling place and use a single precinct board.

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

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

20           D. If, in a precinct that is not a mail ballot  
21 election precinct or a consolidated precinct, there is no  
22 public building or public school building available in the  
23 precinct, and there is no other suitable place obtainable in  
24 the precinct, the board of county commissioners may designate  
25 as a polling place for the precinct the most convenient and

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1 suitable building or public school building nearest to that  
2 precinct that can be obtained. No polling place shall be  
3 designated outside the boundary of the precinct as provided in  
4 this subsection until such designated polling place is approved  
5 by written order of the district court of the county in which  
6 the precinct is located.

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

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

16 SECTION 6. Section 1-6-1 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 127) is amended to read:

18 "1-6-1. ABSENT VOTER ACT--SHORT TITLE.--~~[Sections 3-6-1~~  
19 ~~through 3-6-17 NMSA 1953]~~ Chapter 1, Article 6 NMSA 1978 may be  
20 cited as the "Absent Voter Act"."

21 SECTION 7. Section 1-6B-1 NMSA 1978 (being Laws 2015,  
22 Chapter 145, Section 25) is amended to read:

23 "1-6B-1. SHORT TITLE.--~~[Sections 25 through 41 of this~~  
24 ~~act]~~ Chapter 1, Article 6B NMSA 1978 may be cited as the  
25 "Uniform Military and Overseas Voters Act"."

1           SECTION 8. Section 1-6B-2 NMSA 1978 (being Laws 2015,  
2 Chapter 145, Section 26) is amended to read:

3           "1-6B-2. DEFINITIONS.--As used in the Uniform Military  
4 and Overseas Voters Act:

5           A. "appropriate clerk" means [~~a~~] the county clerk  
6 ~~[for elections conducted pursuant to the Election Code and a~~  
7 ~~municipal clerk for elections conducted pursuant to the~~  
8 ~~Municipal Election Code] of the county in which the federal  
9 qualified elector is eligible to vote;~~

10           B. "federal postcard application" means the  
11 application prescribed under the federal Uniformed and Overseas  
12 Citizens Absentee Voting Act;

13           C. "federal write-in absentee ballot" means the  
14 ballot approved pursuant to the federal Uniformed and Overseas  
15 Citizens Absentee Voting Act;

16           D. "military-overseas ballot" means:  
17           (1) a federal write-in absentee ballot; or  
18           (2) a ballot sent to a federal qualified  
19 elector by the appropriate clerk and cast in accordance with  
20 the provisions of the Uniform Military and Overseas Voters Act;

21           E. "state" means a state of the United States, the  
22 District of Columbia, Puerto Rico, the United States Virgin  
23 Islands or any territory or insular possession subject to the  
24 jurisdiction of the United States; and

25           F. "United States", used in the territorial sense,

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1 means the several states, the District of Columbia, Puerto  
2 Rico, the United States Virgin Islands and any territory or  
3 insular possession subject to the jurisdiction of the United  
4 States."

5 SECTION 9. Section 1-6B-3 NMSA 1978 (being Laws 2015,  
6 Chapter 145, Section 27) is amended to read:

7 "1-6B-3. ELECTIONS COVERED--FORM OF BALLOT AND BALLOT  
8 MATERIALS--BENEFITS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS  
9 ACT.--

10 A. The procedures in the Uniform Military and  
11 Overseas Voters Act apply to elections conducted pursuant to  
12 the Election Code [~~and the Municipal Election Code~~].

13 B. A federal qualified elector may vote for all  
14 candidates and on all questions as if the voter were able to  
15 cast a ballot in person.

16 C. The form of the military-overseas ballot shall  
17 be the same as the ballot provided to all other voters. The  
18 form of the military-overseas ballot materials shall be the  
19 same as the ballot materials provided to all other voters,  
20 except as required by the Uniform Military and Overseas Voters  
21 Act.

22 D. To receive the benefits of the Uniform Military  
23 and Overseas Voters Act, a federal qualified elector shall  
24 inform the appropriate clerk that the individual is a federal  
25 qualified elector. Methods of informing the appropriate clerk

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1 include:

2 (1) the use of a federal postcard application  
3 or federal write-in absentee ballot;

4 (2) the use of an army post office, fleet post  
5 office or diplomatic post office address in the correct format  
6 as a mailing address on a certificate of registration or as a  
7 delivery address on an absentee ballot application;

8 (3) the use of an overseas address as a  
9 mailing address on a certificate of registration or as a  
10 delivery address on an absentee ballot application; or

11 (4) the inclusion on a certificate of  
12 registration or an absentee ballot application or other  
13 information sufficient to identify the voter as a federal  
14 qualified elector."

15 SECTION 10. Section 1-6B-4 NMSA 1978 (being Laws 2015,  
16 Chapter 145, Section 28) is amended to read:

17 "1-6B-4. ROLE OF SECRETARY OF STATE--FEDERAL UNIFORMED  
18 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.--

19 A. The secretary of state shall make available to  
20 federal qualified electors information regarding voter  
21 registration procedures for federal qualified electors and  
22 procedures for casting military-overseas ballots.

23 B. The secretary of state shall establish an  
24 electronic transmission system through which a federal  
25 qualified elector may apply for and receive voter registration

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1 materials, military-overseas ballots and other information  
2 pursuant to the Uniform Military and Overseas Voters Act. The  
3 secretary of state shall ensure that the electronic  
4 transmission system is capable of accepting a federal postcard  
5 application, any other approved electronic registration  
6 application and any other approved electronic military-overseas  
7 ballot application sent to a county clerk [~~or municipal clerk~~].

8 C. Official transmittal envelopes and official  
9 mailing envelopes for transmission of absentee ballot materials  
10 to and from federal qualified electors shall be in the same  
11 form as those used in the jurisdiction where the voter is  
12 registered except as modified to comply with the Uniform  
13 Military and Overseas Voters Act or federal law. The secretary  
14 of state may, to the extent reasonably possible, coordinate  
15 with other states to develop standardized absentee-voting  
16 materials, including privacy and transmission envelopes and  
17 their electronic equivalents, authentication materials and  
18 voting instructions, to be used with the military-overseas  
19 ballot of a voter authorized to vote in any jurisdiction in  
20 this state.

21 D. The secretary of state shall prescribe the form  
22 and content of a declaration for use by a federal qualified  
23 elector to swear or affirm specific representations pertaining  
24 to the voter's identity, eligibility to vote, status as a  
25 federal qualified elector and timely and proper completion of a

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~~[bracketed material] = delete~~



1 military-overseas ballot. The declaration shall be based on  
2 the declaration prescribed to accompany a federal write-in  
3 absentee ballot, as modified to be consistent with the Uniform  
4 Military and Overseas Voters Act. The secretary of state shall  
5 ensure that a form for the execution of the declaration,  
6 including an indication of the date of execution of the  
7 declaration, is a prominent part of all balloting materials for  
8 which the declaration is required.

9 E. The secretary of state shall prescribe to the  
10 appropriate clerk the form of and distribute to each county  
11 clerk a supply of:

12 (1) official inner envelopes for use in  
13 sealing the completed absentee ballot;

14 (2) official mailing envelopes for use in  
15 returning the official inner envelope to the appropriate clerk;  
16 provided that only the official mailing envelope for absentee  
17 ballots in a primary election shall contain a designation of  
18 party affiliation;

19 (3) absentee ballot instructions describing  
20 the proper methods for completion and return of the ballot,  
21 including instructions for those federal qualified electors  
22 returning a ballot electronically;

23 (4) official transmittal envelopes for use by  
24 the appropriate clerk in mailing absentee ballot materials; and

25 (5) official holding envelopes for ballots

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1 returned electronically by federal qualified electors."

2 SECTION 11. Section 1-6B-6 NMSA 1978 (being Laws 2015,  
3 Chapter 145, Section 30) is amended to read:

4 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS  
5 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS  
6 BALLOT.--

7 A. A federal qualified elector who is currently  
8 registered to vote in this state may, by the deadline specified  
9 in the Absent Voter Act [~~or Municipal Election Code~~] for  
10 receipt of absentee ballot applications, apply for a  
11 military-overseas ballot by:

12 (1) using an absentee ballot application  
13 pursuant to the Absent Voter Act [~~or Municipal Election Code~~];

14 (2) using the federal postcard application or  
15 the application's electronic equivalent; or

16 (3) using the declaration accompanying a  
17 federal write-in absentee ballot as an application for a  
18 military-overseas ballot simultaneously with the submission of  
19 the federal write-in absentee ballot.

20 B. A federal qualified elector who is not currently  
21 registered to vote in this state may, by the deadline in the  
22 Election Code for registering to vote, simultaneously register  
23 to vote and apply for a military-overseas ballot by using a  
24 federal postcard application or the application's electronic  
25 equivalent.

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1           C. An application for a military-overseas ballot  
2 for a primary election, whether or not timely, is effective as  
3 an automatic application for a military-overseas ballot for the  
4 general election.

5           D. An application for a military-overseas ballot is  
6 effective as an automatic application for a military-overseas  
7 ballot for a top-two runoff election necessary to conclude the  
8 election for which the application was submitted."

9           **SECTION 12.** Section 1-6B-7 NMSA 1978 (being Laws 2015,  
10 Chapter 145, Section 31) is amended to read:

11           "1-6B-7. TRANSMISSION OF UNVOTED MILITARY-OVERSEAS  
12 BALLOTS TO FEDERAL QUALIFIED ELECTORS.--

13           A. Not later than forty-five days before an  
14 election, even if the forty-fifth day before an election falls  
15 on a weekend or a holiday, the appropriate clerk shall transmit  
16 a ballot and balloting materials to all federal qualified  
17 electors who by that date submit a valid military-overseas  
18 ballot application.

19           B. The appropriate clerk shall transmit a ballot  
20 and balloting materials as soon as practicable when the ballot  
21 application from a federal qualified elector arrives after the  
22 forty-fifth day before the election and before absentee ballots  
23 are transmitted to other voters pursuant to the Absent Voter  
24 Act [~~or the provisions of the Municipal Election Code~~].

25           C. The appropriate clerk shall transmit a ballot

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1 and balloting materials in accordance with the procedures for  
2 processing of all other absentee ballot applications for that  
3 jurisdiction when the ballot application from a federal  
4 qualified elector arrives after the appropriate clerk has begun  
5 transmitting ballots and balloting materials to other voters.

6 D. A federal qualified elector may request that the  
7 ballot and balloting materials be sent by facsimile  
8 transmission, electronic mail delivery or other equivalent  
9 electronic transmission available to the appropriate clerk  
10 where the ballot and balloting materials are sent directly by  
11 the clerk to the federal qualified elector. The clerk shall  
12 transmit the ballot and balloting materials using the means of  
13 transmission requested by the federal qualified elector. The  
14 clerk shall determine the most reasonable expedited means of  
15 delivery for a ballot and balloting materials for a federal  
16 qualified elector who does not request a particular means of  
17 transmission."

18 SECTION 13. 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 LOCAL GOVERNMENT ELECTIONS.--No  
21 municipal, [~~school~~] county or special district election or  
22 special local election shall be held within [~~fifty~~] seventy  
23 days prior to or following any statewide election. This  
24 section does not prohibit a local government ballot question  
25 authorized by the board of county commissioners from appearing

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

5 SECTION 14. 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 15. 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~~] seventy 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. In no case shall a nonbinding or merely advisory  
20 question be placed on the ballot for any election held pursuant  
21 to the Election Code."

22 SECTION 16. Section 1-22-1 NMSA 1978 (being Laws 1985,  
23 Chapter 168, Section 3) is repealed and a new Section 1-22-1  
24 NMSA 1978 is enacted to read:

25 "1-22-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article

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1 22 NMSA 1978 may be cited as the "Local Election Act".

2 SECTION 17. Section 1-22-2 NMSA 1978 (being Laws 1985,  
3 Chapter 168, Section 4, as amended) is repealed and a new  
4 Section 1-22-2 NMSA 1978 is enacted to read:

5 "1-22-2. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the  
6 Local Election Act:

7 A. "local election" means a local government  
8 election;

9 B. "local governing body" means a board, council or  
10 commission, as appropriate for a given local government;

11 C. "local government" means a school district, a  
12 special hospital district, a community college district, a  
13 technical and vocational institute district, a learning center  
14 district, an arroyo flood control district, a special zoning  
15 district, a soil and water conservation district, a water and  
16 sanitation district and a municipality, including a home rule  
17 municipality governed pursuant to Article 10, Section 6 of the  
18 constitution of New Mexico, a municipality operating pursuant  
19 to a territorial charter or special charter and, beginning July  
20 1, 2022, a conservancy district governed pursuant to Chapter  
21 73, Article 14 or 18 NMSA 1978 and a watershed district  
22 governed pursuant to the Watershed District Act;

23 D. "municipal officers" means the local governing  
24 body and any executive and judicial officers of a municipality;  
25 and

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1           E. "proper filing officer" means the clerk of the  
2 county in which the candidate resides."

3           SECTION 18. Section 1-22-3 NMSA 1978 (being Laws 1985,  
4 Chapter 168, Section 5, as amended) is repealed and a new  
5 Section 1-22-3 NMSA 1978 is enacted to read:

6           "1-22-3. [NEW MATERIAL] REGULAR LOCAL ELECTIONS--SPECIAL  
7 LOCAL ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF  
8 CANDIDATES.--

9           A. A regular local election shall be held on the  
10 first Tuesday after the first Monday in November of each odd-  
11 numbered year.

12           B. A local election shall be held to elect  
13 qualified persons to membership on a local governing body and,  
14 where applicable, to municipal executive office and to  
15 municipal judicial office. No person shall become a candidate  
16 in a local election unless the person's record of voter  
17 registration shows that the person is a qualified elector of  
18 the state, physically resides in the district in which the  
19 person is a candidate and was registered to vote in the  
20 district on the date the proclamation calling a local election  
21 is filed in the office of the secretary of state.

22           C. In addition to candidates in the election, a  
23 regular local election ballot may contain ballot questions  
24 proposed by the state, county or local government or as  
25 otherwise provided by law. An election on a ballot question



1 held at any time other than the date for a regular local  
 2 election shall be held with the general election or shall be a  
 3 special local election called, conducted and canvassed as  
 4 provided in Chapter 1, Article 24 NMSA 1978.

5 D. Provisions in a territorial charter supplemental  
 6 to the Local Election Act may be implemented pursuant to  
 7 authorization by the secretary of state in the proclamation for  
 8 the regular local election.

9 E. Except as otherwise provided in the Local  
 10 Election Act, local elections shall be called, conducted and  
 11 canvassed as provided in the Election Code."

12 SECTION 19. Section 1-22-4 NMSA 1978 (being Laws 1985,  
 13 Chapter 168, Section 6, as amended) is repealed and a new  
 14 Section 1-22-4 NMSA 1978 is enacted to read:

15 "1-22-4. [NEW MATERIAL] REGULAR LOCAL ELECTION--  
 16 MUNICIPAL OFFICER ELECTION--PROCLAMATION--PUBLICATION.--

17 A. The secretary of state shall by resolution issue  
 18 a public proclamation in Spanish and English calling a regular  
 19 local election on the date prescribed by the Local Election  
 20 Act. The proclamation shall be filed by the secretary of state  
 21 in the office of the secretary of state ninety days preceding  
 22 the date of the regular local election.

23 B. Between one hundred twenty and one hundred fifty  
 24 days before the next local election, each local government  
 25 shall notify the secretary of state of all local government

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1 positions that are to be filled at the next election for that  
2 local government.

3 C. The proclamation shall specify the:

- 4 (1) date when the election will be held;  
5 (2) positions on each local governing body to  
6 be filled;  
7 (3) executive and judicial positions to be  
8 filled;  
9 (4) date on which declarations of candidacy  
10 are to be filed;  
11 (5) date on which declarations of intent to be  
12 a write-in candidate are to be filed; and  
13 (6) municipalities subject to a ranked-choice  
14 voting runoff election and those subject to a top-two runoff  
15 election, and the date of the top-two runoff election should  
16 one be necessary.

17 D. After receipt of the proclamation from the  
18 secretary of state, the county clerk shall post the entire  
19 proclamation on the county clerk's website and, not less than  
20 seventy-five days before the date of the election, shall  
21 publish portions of the proclamation relevant to the county at  
22 least once in a newspaper of general circulation within the  
23 county. The publication of the proclamation shall conform to  
24 the requirements of the federal Voting Rights Act of 1965, as  
25 amended, and shall specify the:

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

16 E. Whenever two or more members of a local  
17 governing body are to be elected at large for terms of the same  
18 length of time, the secretary of state shall numerically  
19 designate the positions on the ballot as "position one",  
20 "position two" and such additional consecutively numbered  
21 positions as are necessary, but only one member shall be  
22 elected for each position. Whenever two or more members of a  
23 local governing body are to be elected to represent the same  
24 area with terms of different lengths of time, the secretary of  
25 state shall list the office with the shorter length of time

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1 first and shall designate each position with "for a term  
2 expiring \_\_\_\_"."

3 SECTION 20. Section 1-22-7 NMSA 1978 (being Laws 1985,  
4 Chapter 168, Section 9, as amended) is repealed and a new  
5 Section 1-22-7 NMSA 1978 is enacted to read:

6 "1-22-7. [NEW MATERIAL] DECLARATION OF CANDIDACY--FILING  
7 DATE--PENALTY.--

8 A. A candidate for a position that will be filled  
9 at a local election shall file a declaration of candidacy with  
10 the proper filing officer during the period commencing at 9:00  
11 a.m. on the seventieth day before the date of the local  
12 election and ending at 5:00 p.m. on the same day.

13 B. A candidate shall file for only one position in  
14 the same local government but may file for a position in more  
15 than one local government during a filing period.

16 C. A declaration of candidacy shall not be amended  
17 after it has been filed with the proper filing officer.

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

22 SECTION 21. Section 1-22-8 NMSA 1978 (being Laws 1985,  
23 Chapter 168, Section 10, as amended) is repealed and a new  
24 Section 1-22-8 NMSA 1978 is enacted to read:

25 "1-22-8. [NEW MATERIAL] DECLARATION OF CANDIDACY--SWORN

1 STATEMENT OF INTENT--FORM.--In making a declaration of  
2 candidacy, the candidate shall submit a sworn statement of  
3 intent in substantially the following form:

4 "DECLARATION OF CANDIDACY--STATEMENT OF INTENT

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

9 \_\_\_\_\_

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

12 I reside within and am registered to vote in the area to  
13 be represented;

14 I desire to become a candidate for the office of  
15 \_\_\_\_\_ at the local election to be held on the date  
16 set by law;

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

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

22 \_\_\_\_\_  
23 (Signature of Declarant)

24 \_\_\_\_\_  
25 (Mailing Address)

underscoring material = new  
[bracketed material] = delete

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\_\_\_\_\_  
(Residence Address)

Subscribed and sworn to before me by \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_.

(Notary Public)

My commission expires:

\_\_\_\_\_".

**SECTION 22.** A new section of the Local Election Act,  
Section 1-22-8.1 NMSA 1978, is enacted to read:

"1-22-8.1. [NEW MATERIAL] WRITE-IN CANDIDATES.--

A. Write-in candidates shall be permitted in local  
elections.

B. A person may be a write-in candidate only if the  
person has the qualifications to be a candidate for the  
position for which the person is running.

C. A person desiring to be a write-in candidate for  
an office shall file with the proper filing officer a  
declaration of candidacy. The declaration shall be filed  
between 9:00 a.m. and 5:00 p.m. on the sixty-third day  
preceding the date of the election. The county clerk shall  
ensure that a declaration of candidacy filed pursuant to this  
section specifies that it is for a write-in candidate.

D. A write-in vote shall be counted and canvassed  
only if:

underscored material = new  
[bracketed material] = delete

1                   (1) the name written in is the name of a  
2 declared write-in candidate and shows two initials and last  
3 name; first name, middle initial or name and last name; first  
4 and last name; or the full name as it appears on the  
5 declaration of candidacy and if misspellings of those  
6 combinations can be reasonably determined by a majority of the  
7 members of the precinct board to identify a declared write-in  
8 candidate; and

9                   (2) the name is written on the proper line  
10 provided on the ballot for write-in votes for the office and  
11 position for which the candidate has declared intent and the  
12 voter has followed the directions for voting for the write-in  
13 candidate.

14                 E. At the time of filing the declaration of  
15 candidacy, the write-in candidate shall be considered a  
16 candidate for all purposes and provisions relating to  
17 candidates in the Local Election Act except that the write-in  
18 candidate's name shall not be printed on the ballot nor posted  
19 in any polling place.

20                 F. A write-in vote shall be cast by writing in the  
21 name. As used in this section, "write-in" does not include the  
22 imprinting of any name by rubber stamp or similar device or the  
23 use of a preprinted sticker or label.

24                 G. No unopposed write-in candidate shall have an  
25 election certified unless the candidate receives at least the

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1 number of write-in votes equal to ten percent of the total  
2 number of ballots on which the office appears on the ballot  
3 that are cast in the local election, or one hundred."

4 SECTION 23. Section 1-22-9 NMSA 1978 (being Laws 1985,  
5 Chapter 168, Section 11) is repealed and a new Section 1-22-9  
6 NMSA 1978 is enacted to read:

7 "1-22-9. [NEW MATERIAL] WITHDRAWAL OF CANDIDATES.--A  
8 candidate seeking to withdraw from a local election shall  
9 withdraw no later than the sixty-third day before that election  
10 by filing a signed and notarized statement of withdrawal with  
11 the proper filing officer."

12 SECTION 24. Section 1-22-10 NMSA 1978 (being Laws 1985,  
13 Chapter 168, Section 12, as amended) is repealed and a new  
14 Section 1-22-10 NMSA 1978 is enacted to read:

15 "1-22-10. [NEW MATERIAL] BALLOTS.--

16 A. The proper filing officer shall determine  
17 whether a candidate filing a declaration of candidacy is  
18 registered to vote within the local election district and, if  
19 required for the office being sought, whether the candidate's  
20 nominating petition for that office has been filed with a  
21 number of signatures that is equal to or greater than the  
22 number required for that office. If the candidate is so  
23 qualified and no withdrawal of candidacy has been filed as  
24 provided in the Local Election Act, the proper filing officer  
25 shall place the candidate's name on the ballot for the position

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1 specified in the declaration of candidacy and notify each  
2 candidate in writing no later than 5:00 p.m. on the sixtieth  
3 day before the local election.

4 B. Ballots for the local election shall be prepared  
5 by the proper filing officer and printed in accordance with the  
6 provisions of Section 1-10-5 NMSA 1978. The printed ballot  
7 shall contain the name of each person who is a candidate and  
8 the position for which the person is a candidate. The ballot  
9 shall also contain all questions permitted by the board of  
10 county commissioners pursuant to Section 1-22-10.1 NMSA 1978  
11 that are to be submitted to the voters as certified to the  
12 county clerk in each county in which the local government is  
13 situate by the local governing body and shall conform to the  
14 requirements of Section 1-16-8 NMSA 1978.

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

19 D. A local election shall be a nonpartisan  
20 election, and the names of all candidates shall be listed on  
21 the ballot without party or slate designation. The order in  
22 which the names of candidates are listed on the ballot shall be  
23 determined by the secretary of state either by lot or by  
24 randomization as provided by rule.

25 E. Space shall be provided on each ballot for a

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1 voter to write in the name of one candidate for each position  
2 to be filled when a declaration of candidacy by a write-in  
3 candidate has been filed."

4 SECTION 25. A new Section 1-22-10.1 NMSA 1978 is enacted  
5 to read:

6 "1-22-10.1. [NEW MATERIAL] BALLOT ORDER.--

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

9 (1) municipal elections, with executive  
10 officers listed first, governing board members listed second  
11 and judicial officers listed third;

12 (2) school board elections;

13 (3) community college elections;

14 (4) special district elections listed in order  
15 by voting population of each special district, with the most  
16 populous listed first and the least populous listed last; and

17 (5) in the order prescribed by the secretary  
18 of state:

19 (a) county questions;

20 (b) local government questions; and

21 (c) other ballot questions authorized by  
22 law.

23 B. A board of county commissioners shall permit  
24 local government questions on the local election ballot;  
25 provided that there is sufficient space on a single page ballot

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1 to accommodate the questions using both sides of the page. If  
 2 there is not sufficient room, then questions shall be included  
 3 in the order received by the county clerk until space on the  
 4 ballot is exhausted. For multicounty districts, exclusion from  
 5 one county's ballot excludes that question from the local  
 6 election ballot in all counties comprising the special  
 7 district.

8 C. A local government question that would require a  
 9 second ballot page shall be permitted if the local government  
 10 requesting the inclusion of the question pays the additional  
 11 costs of the second ballot page; provided that if more than one  
 12 local government has a question included on the second ballot  
 13 page, the local governments with questions on the second ballot  
 14 page shall share the costs of providing the second ballot  
 15 page."

16 SECTION 26. Section 1-22-11 NMSA 1978 (being Laws 1985,  
 17 Chapter 168, Section 13, as amended) is repealed and a new  
 18 Section 1-22-11 NMSA 1978 is enacted to read:

19 "1-22-11. [NEW MATERIAL] PUBLICATION.--Each county clerk  
 20 shall issue and publish the proclamation listing the name of  
 21 each local government that has a candidate or question  
 22 appearing on the ballot in that county; the name of each  
 23 candidate for membership on each local governing body; the name  
 24 of each candidate for executive or judicial office; each  
 25 question to be submitted to the voters; and the names of the

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1 precinct board members for the election. The publication shall  
2 be made once each week for two successive weeks, with the last  
3 publication being made within twelve days but not later than  
4 five days before the date of the local election. The names of  
5 the candidates shall be published in the same order and for the  
6 same positions as will appear on the ballot. The publication  
7 shall be in a newspaper of general circulation in the county  
8 and shall conform to the provisions of the federal Voting  
9 Rights Act of 1965, as amended."

10 SECTION 27. Section 1-22-13 NMSA 1978 (being Laws 1985,  
11 Chapter 168, Section 15) is repealed and a new Section 1-22-13  
12 NMSA 1978 is enacted to read:

13 "1-22-13. [NEW MATERIAL] WATCHERS--OBSERVERS--  
14 CHALLENGERS.--

15 A. Upon written notice filed with the county clerk  
16 no later than seven days before the election, any group of  
17 three candidates in a local election may appoint watchers in a  
18 county who shall have the powers and be subject to the  
19 restrictions provided for watchers in the Election Code.

20 B. Election observers shall be allowed as otherwise  
21 provided by the Election Code.

22 C. Election challengers appointed by political  
23 parties shall not be permitted for elections held pursuant to  
24 the Local Election Act."

25 SECTION 28. Section 1-22-15 NMSA 1978 (being Laws 1985,

1 Chapter 168, Section 17, as amended by Laws 1987, Chapter 249,  
 2 Section 49 and also by Laws 1987, Chapter 338, Section 3) is  
 3 repealed and a new Section 1-22-15 NMSA 1978 is enacted to  
 4 read:

5 "1-22-15. [NEW MATERIAL] CANVASSING BOARD--DUTIES.--

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

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

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

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

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

19 (b) the secretary of state;

20 (c) the county clerk; and

21 (d) the state canvassing board, if the  
 22 results are for candidates or ballot questions voted on by the  
 23 voters of more than one county.

24 C. The state canvassing board shall meet in the  
 25 state capitol on the second Tuesday after each local election

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1 and proceed to canvass and declare the results of the election  
2 or nomination of each candidate or ballot question voted upon  
3 by the voters of more than one county. Upon the completion of  
4 the state canvass, the secretary of state shall notify each  
5 county clerk of the results of the state canvass.

6 D. In the event of a tie vote between any  
7 candidates in the election for the same office, the  
8 determination as to which of the candidates shall be declared  
9 to have been elected shall be decided by lot. The method of  
10 determining by lot shall be agreed upon by a majority of a  
11 committee consisting of the tied candidates and the county  
12 clerk and district judge of the county in which the  
13 administrative office of the local government is situate. The  
14 secretary of state shall issue the certificate of election to  
15 the candidate chosen by lot.

16 E. If a top-two runoff election is required in a  
17 municipal election, the canvassing board shall notify the  
18 relevant municipality within ten days following the local  
19 election.

20 F. Except in the case of a top-two runoff election,  
21 on the twenty-first day following the election, the secretary  
22 of state shall issue a certificate of election or nomination to  
23 each candidate who received the most votes for each position on  
24 the ballot and shall certify the passage or defeat of each  
25 ballot question."

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1           SECTION 29. Section 1-22-16 NMSA 1978 (being Laws 1985,  
2 Chapter 168, Section 18) is repealed and a new Section 1-22-16  
3 NMSA 1978 is enacted to read:

4           "1-22-16. [NEW MATERIAL] MUNICIPAL RUNOFF ELECTIONS.--

5           A. All runoff elections authorized by Article 7,  
6 Section 5 of the constitution of New Mexico shall be conducted  
7 pursuant to this section as a top-two runoff election or as a  
8 ranked-choice runoff election as follows:

9                       (1) a top-two runoff election shall be  
10 conducted on a separate ballot when the candidate receiving the  
11 most votes for an office did not receive the percentage of  
12 votes required by the laws of the municipality to be elected in  
13 the first round of voting. When ordered, the top-two runoff  
14 election shall be held following the regular local election or  
15 municipal officer election and allow the voter to select  
16 between the two candidates who in the first round of voting  
17 received the highest number of votes for an office; and

18                       (2) a ranked-choice runoff election shall be  
19 conducted on the same ballot as the regular local election or  
20 municipal officer election and allow the voter to rank the  
21 candidates for an office in the order of preference for the  
22 voter.

23           B. If a municipality whose laws provide for top-two  
24 runoff elections is notified by the canvassing board that a  
25 runoff election is required following the regular local

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1 election or municipal officer election, the top-two runoff  
2 election shall be conducted in accordance with the provisions  
3 of the municipality's ordinance or charter that supplement the  
4 Local Election Act, provided that:

5 (1) in the case of a municipality in which the  
6 first round of voting is conducted at the regular local  
7 election, the county clerk shall perform the duties of  
8 administering the top-two runoff election; and

9 (2) in the case of a municipality in which the  
10 first round of voting is conducted at the municipal officer  
11 election, the municipal clerk shall perform the duties of  
12 administering the top-two runoff election.

13 C. A municipality whose laws provide for a runoff  
14 election shall conduct the election in the manner provided by  
15 the municipality's ordinance or charter, provided that a  
16 municipality may by ordinance choose between conducting a  
17 top-two runoff election and a ranked-choice runoff election.  
18 The ordinance shall be filed with the secretary of state no  
19 later than January 30 of the year the next regular local  
20 election or municipal officer election is scheduled.

21 D. The secretary of state shall issue rules to  
22 implement top-two and ranked-choice runoff elections."

23 **SECTION 30.** Section 1-22-17 NMSA 1978 (being Laws 1985,  
24 Chapter 168, Section 19, as amended) is repealed and a new  
25 Section 1-22-17 NMSA 1978 is enacted to read:

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1           "1-22-17. [NEW MATERIAL] RECORDS.--The returns and  
 2 certificates of the result of the canvass of a regular or  
 3 special local election are public documents, subject to  
 4 inspection and retention as provided by Section 1-12-69 NMSA  
 5 1978. The certificate of results of the canvass of the  
 6 election shall, forty-five days after the election or recount  
 7 after any contest has been settled by the court, be preserved  
 8 as a permanent record in the state records center. A copy of  
 9 the certificate of results of the canvass of the election shall  
 10 be preserved as a permanent record in the office of the county  
 11 clerk in a separate book maintained for recording the results  
 12 of elections."

13           **SECTION 31.** Section 1-22-18 NMSA 1978 (being Laws 1985,  
 14 Chapter 168, Section 20, as amended) is repealed and a new  
 15 Section 1-22-18 NMSA 1978 is enacted to read:

16           "1-22-18. [NEW MATERIAL] LOCAL ELECTION--DATE TERM OF  
 17 OFFICE BEGINS.--The term of office of a candidate elected in a  
 18 regular local election or ensuing top-two runoff election shall  
 19 begin on January 1 following the candidate's election, and the  
 20 candidate to whom a certificate of election has been issued  
 21 shall take the oath of office before entering upon the duties  
 22 of office."

23           **SECTION 32.** Section 1-22-19 NMSA 1978 (being Laws 1985,  
 24 Chapter 168, Section 21, as amended) is repealed and a new  
 25 Section 1-22-19 NMSA 1978 is enacted to read:

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

3 A. The provisions of the Absent Voter Act and  
4 Uniform Military and Overseas Voter Act apply to absentee  
5 voting in local elections.

6 B. Early voting shall be conducted in each office  
7 of the county clerk pursuant to Section 1-6-5 NMSA 1978 and at  
8 such alternate voting locations as may be established by the  
9 county clerk pursuant to the provisions of Section 1-6-5.7 NMSA  
10 1978.

11 C. A county clerk shall provide at least one  
12 alternate early voting or mobile alternate voting location in a  
13 municipality when requested by a municipality in the county;  
14 provided that the:

15 (1) municipality submits a written request to  
16 the county clerk no later than January 30 of the year of the  
17 local election;

18 (2) alternate early voting or mobile alternate  
19 voting location may operate for less than the full early voting  
20 period, to be decided upon between the municipality and the  
21 county clerk;

22 (3) location of the alternate early voting or  
23 mobile alternate voting location in the municipality conforms  
24 to the requirements for alternate early voting locations; and

25 (4) municipality provides the facility and

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1 services for the alternate early voting or mobile alternate  
2 voting location."

3 SECTION 33. A new section of the Local Election Act is  
4 enacted to read:

5 "[NEW MATERIAL] COSTS OF ELECTIONS--LOCAL ELECTION  
6 ASSESSMENT--LOCAL ELECTION FUND ESTABLISHED.--

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

9 (1) reimbursing the counties for the costs of  
10 conducting and administering regular local elections required  
11 by the Local Election Act;

12 (2) paying the administrative costs of the  
13 office of the secretary of state for administering elections  
14 required by the Local Election Act and for administering the  
15 local election fund; and

16 (3) carrying out all other specified  
17 provisions of the Local Election Act.

18 B. The state treasurer shall invest the local  
19 election fund as other state funds are invested, and all income  
20 derived from the fund shall be credited directly to the fund.  
21 Remaining balances at the end of a fiscal year shall remain in  
22 the fund and not revert to the general fund.

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

25 (1) annual assessments imposed on local

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1 governments pursuant to Subsection F of this section; and

2 (2) money appropriated to the fund by the  
3 legislature.

4 D. Money in the local election fund is appropriated  
5 to the secretary of state for the purposes authorized in  
6 Subsection A of this section and for distribution to the  
7 counties for reimbursement of reasonable costs associated with  
8 conducting and administering regular local elections required  
9 by the Local Election Act. Money in the fund shall only be  
10 expended on warrants of the department of finance and  
11 administration pursuant to vouchers signed by the secretary of  
12 state or the secretary's designee.

13 E. In the event that current year balances in the  
14 local election fund do not cover the costs of local elections,  
15 the secretary of state may apply to the state board of finance  
16 for an emergency grant to cover those costs pursuant to Section  
17 6-1-2 NMSA 1978.

18 F. Each local government whose local governing body  
19 is elected in the regular local election shall pay an annual  
20 assessment to the secretary of state for deposit into the local  
21 election fund. The first one-half of the annual assessment  
22 shall be paid no later than thirty days following the close of  
23 the sixth month of each fiscal year, and the second one-half of  
24 the annual assessment shall be paid no later than thirty days  
25 following the close of each fiscal year. Assessments are based

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1 on a local government's general fund expenditures for each  
 2 fiscal year; provided that no assessment shall be made on  
 3 federal funds received by a local government nor on capital  
 4 expenditures. The annual assessment shall be equal to two  
 5 hundred fifty dollars (\$250) per one million dollars  
 6 (\$1,000,000) or minor fraction thereof of the local  
 7 government's general fund expenditures; provided that:

8 (1) for a municipality that adopts an  
 9 ordinance pursuant to Section 1-22-16 NMSA 1978 to have a top-  
 10 two runoff election, the annual assessment shall be equal to  
 11 five hundred dollars (\$500) per one million dollars  
 12 (\$1,000,000) or minor fraction thereof of the municipality's  
 13 general fund expenditures; and

14 (2) no assessment shall be paid by a local  
 15 government with general fund expenditures less than one hundred  
 16 thousand dollars (\$100,000)."

17 **SECTION 34.** A new section of the Local Election Act is  
 18 enacted to read:

19 "[NEW MATERIAL] MUNICIPAL OFFICER ELECTION DAY--  
 20 PROCEDURES--EXCEPTIONS.--

21 A. Except as provided in Subsection B of this  
 22 section, a municipality may by ordinance opt out of an election  
 23 of its municipal officers in the regular local election if the  
 24 municipality passes the ordinance and files the ordinance with  
 25 the secretary of state no later than January 30 of the year in

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1 which the next regular local election is scheduled. A  
2 municipality that has passed an ordinance pursuant to this  
3 subsection may at any time rescind the ordinance opting out of  
4 the election of its municipal officers in the regular local  
5 election upon filing the rescission with the secretary of state  
6 no later than January 30 of the year in which the next regular  
7 local election is scheduled.

8 B. A home rule municipality that pursuant to its  
9 charter is implementing a form of required voter identification  
10 that supersedes the provisions of Section 1-1-24 NMSA 1978  
11 shall not elect its municipal officers at the regular local  
12 election.

13 C. For municipalities that have opted out pursuant  
14 to Subsection A of this section or that are subject to  
15 Subsection B of this section, all provisions of the Local  
16 Election Act as supplemented by the Election Code apply, except  
17 as provided in this section and except for those election  
18 procedures contained in the charter of a home rule municipality  
19 that operate in lieu of or in addition to the provisions of the  
20 Election Code.

21 D. Elections held pursuant to this section shall be  
22 held on the municipal officer election day, which shall be the  
23 first Tuesday in March of each even-numbered year.

24 E. Declarations of candidacy for municipal officer  
25 elections shall be filed between 9:00 a.m. and 5:00 p.m. on the

1 fifty-sixth day before the election. Write-in candidates for  
2 municipal officer elections shall file declarations of  
3 candidacy between 9:00 a.m. and 5:00 p.m. on the forty-ninth  
4 day before the election. The last day to file a statement of  
5 withdrawal for a municipal officer election is forty-nine days  
6 before the election.

7 F. Except for municipalities that, pursuant to  
8 Section 1-22-16 NMSA 1978, have chosen to have a top-two runoff  
9 election, the term of office for municipalities holding  
10 elections pursuant to this section shall begin the first day of  
11 the month following the election. For home rule municipalities  
12 that hold a top-two runoff election, the term of office for  
13 municipalities holding elections pursuant to this section shall  
14 begin the first day of the month following the runoff election.

15 G. A municipality holding municipal officer  
16 elections pursuant to this section may place ballot questions  
17 on the ballot of an election held pursuant to this section and  
18 as otherwise provided in the Local Election Act.

19 H. The municipal clerk shall fulfill the duties of  
20 the county clerk in the conduct of elections held pursuant to  
21 this section and, except for recall elections, special local  
22 elections held pursuant to Section 1-24-3 NMSA 1978. The  
23 county clerk shall maintain accurate voter registration  
24 information for each municipality located in the county. The  
25 county clerk shall provide to the municipal clerk, in advance

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1 of an election held pursuant to this section, the names of only  
2 those voters entitled to vote in the municipal election. The  
3 municipality shall bear the reasonable cost of preparation of  
4 the voter lists, signature rosters and voter registration in  
5 electronic format.

6 I. The secretary of state shall issue the  
7 proclamation calling for an election pursuant to this section  
8 in accordance with the provisions of Section 1-22-4 NMSA 1978.  
9 The municipal clerk shall publish the proclamation in  
10 accordance with the schedule and procedures provided in  
11 Subsection D of Section 1-22-4 NMSA 1978. Each county clerk  
12 shall post the entire proclamation on the county clerk's  
13 website along with a notice of which municipalities in the  
14 county are conducting elections pursuant to this section.

15 J. The governing body of the municipality may act  
16 in relation to the duties of the board of county commissioners  
17 set forth in Section 1-3-2 NMSA 1978 that are applicable to the  
18 conduct of an election held pursuant to this section."

19 **SECTION 35.** A new section of the Local Election Act is  
20 enacted to read:

21 "[NEW MATERIAL] MUNICIPALITIES--ADJUSTMENT OF DATES FOR  
22 PROCEDURES AFFECTED BY THE LOCAL ELECTION ACT.--The municipal  
23 clerk of a municipality that has enacted provisions or  
24 procedures in an ordinance or its charter that are supplemental  
25 to provisions in the Election Code shall adjust the calendar

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1 dates that implement those provisions and procedures to accord  
2 with the schedules imposed by the Local Election Act for the  
3 conduct of elections. The municipal clerk shall post the  
4 conforming dates on the municipality's website no later than  
5 January 30 of each odd-numbered year."

6 **SECTION 36.** Section 1-22A-2 NMSA 1978 (being Laws 2013,  
7 Chapter 180, Section 2) is amended to read:

8 "1-22A-2. DEFINITIONS.--As used in the School District  
9 Campaign Reporting Act:

10 A. "campaign committee" means one or more persons  
11 authorized by a candidate to raise, collect or expend  
12 contributions on the candidate's behalf for the purpose of  
13 electing the candidate to office;

14 B. "candidate" means a person who seeks or  
15 considers an office in an election covered by the School  
16 District Campaign Reporting Act and who either has filed a  
17 declaration of candidacy or has received contributions or made  
18 expenditures of five hundred dollars (\$500) or more or  
19 authorized another person or campaign committee to receive  
20 contributions or make expenditures of five hundred dollars  
21 (\$500) or more for the purpose of seeking election to a covered  
22 office;

23 C. "contribution" means a gift, subscription, loan,  
24 advance or deposit of money or other thing of value, including  
25 the estimated value of an in-kind contribution, that is made or

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1 received for a political purpose, including payment of a debt  
2 incurred in an election campaign; but "contribution" does not  
3 include the value of services provided without compensation or  
4 unreimbursed travel or other personal expenses of individuals  
5 who volunteer a portion or all of their time on behalf of a  
6 candidate or campaign committee;

7 D. "covered office" means the position of board of  
8 education member of a school district that has an enrollment of  
9 twelve thousand students or more or the position of board  
10 member of a community college organized or operating pursuant  
11 to the provisions of Chapter 21, Article 13 or Article 16 NMSA  
12 1978;

13 E. "election cycle" means the period beginning  
14 thirty days after an election for an office and ending ~~on~~  
15 thirty days following the subsequent election day for that  
16 office;

17 F. "expenditure" means a payment, transfer or  
18 distribution or obligation or promise to pay, transfer or  
19 distribute any money or other thing of value for a political  
20 purpose, including payment of a debt incurred in an election  
21 campaign;

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

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

1 I. "reporting individual" means a candidate or  
2 treasurer of a campaign committee."

3 SECTION 37. Section 1-22A-3 NMSA 1978 (being Laws 2013,  
4 Chapter 180, Section 3) is amended to read:

5 "1-22A-3. REPORTS REQUIRED--TIME AND PLACE OF FILING.--

6 A. A candidate or campaign committee that has  
7 received contributions or made expenditures of five hundred  
8 dollars (\$500) or more shall file with the secretary of state a  
9 report of all contributions received and expenditures made on a  
10 prescribed form, and the report shall be filed in the same or  
11 similar electronic system as that used for the Campaign  
12 Reporting Act. Except as otherwise provided in this section,  
13 all reports pursuant to the School District Campaign Reporting  
14 Act shall be filed electronically and electronically  
15 authenticated by the candidate using an electronic signature in  
16 conformance with the Electronic Authentication of Documents Act  
17 and the Uniform Electronic Transactions Act.

18 B. A candidate or campaign committee shall file a  
19 campaign report of all contributions received and expenditures  
20 made during an election cycle and not previously reported by  
21 midnight on the [~~second Monday in April~~] twenty-first day  
22 before the election and on the thirtieth day following the  
23 election.

24 C. If a reporting date set by Subsection B of this  
25 section falls on a [~~weekend or~~] holiday, the report shall be

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1 filed on the next business day.

2 D. If a candidate or campaign committee has not  
3 received any contributions and has not made any expenditures  
4 since the last report filed with the secretary of state, the  
5 candidate or campaign committee shall only be required to file  
6 a statement of no activity, which shall not be required to be  
7 notarized, in lieu of a full report when that report would  
8 otherwise be due.

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

12 F. Except for candidates and campaign committees  
13 that file a statement of no activity, each candidate or  
14 campaign committee shall file a report of expenditures and  
15 contributions pursuant to the filing schedules set forth in  
16 this section, regardless of whether any expenditures were made  
17 or contributions were received during the reporting period.  
18 Reports shall be required until the candidate or campaign  
19 committee delivers a report to the secretary of state stating  
20 that:

- 21 (1) there are no outstanding campaign debts;  
22 (2) all money has been expended in accordance  
23 with the provisions of Section [~~6 of the School District~~  
24 ~~Campaign Reporting Act~~] 1-22A-10 NMSA 1978; and  
25 (3) the bank account for campaign funds

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1 maintained by the candidate or campaign committee has been  
2 closed.

3 G. A candidate who does not ultimately file a  
4 declaration of candidacy and does not file a statement of no  
5 activity shall file reports in accordance with Subsection B of  
6 this section.

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

10 SECTION 38. Section 1-24-1 NMSA 1978 (being Laws 1989,  
11 Chapter 295, Section 1) is amended to read:

12 "1-24-1. SHORT TITLE--SPECIAL ELECTION [PROCEDURES]  
13 ACT--APPLICATION--EXCEPTION.--~~[To the extent separate laws~~  
14 ~~pertaining to the conduct of special elections by local~~  
15 ~~governments or special districts or to the extent procedures~~  
16 ~~are not specified under such separate laws for the conduct of~~  
17 ~~special elections, the provisions of Sections 1 through 4 of~~  
18 ~~this act shall apply]~~

19 A. Chapter 1, Article 24 NMSA 1978 may be cited as  
20 the "Special Election Act".

21 B. Notwithstanding any state or local laws to the  
22 contrary, the provisions of the Special Election Act govern the  
23 conduct of all special elections conducted by the state or a  
24 local government, except for ballot questions printed on a  
25 general election ballot or a ballot on which local governing

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1 body members are elected pursuant to the Local Election Act."

2 SECTION 39. A new section of the Special Election Act is  
3 enacted to read:

4 "[NEW MATERIAL] DEFINITION.--As used in the Special  
5 Election Act, "local government" means:

- 6 A. a county;
- 7 B. a local government subject to the Local Election  
8 Act; or
- 9 C. a special district not subject to the Local  
10 Election Act."

11 SECTION 40. Section 1-24-2 NMSA 1978 (being Laws 1989,  
12 Chapter 295, Section 2, as amended) is amended to read:

13 "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--  
14 PUBLICATION.--

15 A. Whenever a local government special election is  
16 to be called or is required by law, the governing body shall by  
17 resolution issue a public proclamation calling the election.  
18 The proclamation shall forthwith be filed with the county  
19 clerk. The proclamation shall specify:

- 20 (1) the date on which the special election  
21 will be held;
- 22 (2) the purpose for which the special election  
23 is called;

24 [~~(3) if officers are to be elected or~~  
25 ~~positions on the governing body are to be filled, the date on~~

1 ~~which declarations of candidacy are to be filed;~~

2 ~~(4) if a question is to be voted upon]~~

3 (3) the text of [that question] any questions  
4 to be voted on; and

5 ~~[(5) the precincts in each county in which the~~  
6 ~~election is to be held and the location of each polling place~~  
7 ~~in the precinct;~~

8 ~~(6) the hours that each polling place will be~~  
9 ~~open; and~~

10 ~~(7)]~~ (4) the date and time of closing the  
11 registration books by the county clerk as required by law.

12 B. After filing with the county clerk the  
13 proclamation issued pursuant to Subsection A of this section,  
14 and beginning not less than sixty-three days before the date of  
15 the election, the ~~[governing body]~~ county clerk shall publish  
16 the proclamation once each week for two consecutive weeks in a  
17 newspaper of general circulation within the boundaries of the  
18 local government or special district. The proclamation shall  
19 conform to the requirements of the federal Voting Rights Act of  
20 1965, as amended.

21 C. Whenever a statewide special election is to be  
22 called or is required by law, the governor shall by resolution  
23 issue a public proclamation calling the election. Whenever an  
24 election to fill a vacancy in the office of United States  
25 representative is to be called or is required by law, the

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1 governor shall by resolution issue a public proclamation  
2 calling the election pursuant to the requirements of Section  
3 1-15-18.1 NMSA 1978. The proclamation shall forthwith be filed  
4 with the secretary of state. The proclamation shall specify:

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

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

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

12 (4) ~~[if a question is]~~ the text of any  
13 questions to be voted upon ~~[the text of that question]~~; and

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

16 D. After the proclamation issued pursuant to  
17 Subsection C of this section is filed with the secretary of  
18 state, the secretary of state shall within five days certify  
19 the proclamation to each county clerk in the state.

20 Beginning not less than sixty-three days before the date of  
21 the election, the county clerk shall publish the proclamation  
22 once each week for two consecutive weeks in a newspaper of  
23 general circulation ~~[which shall include the precincts in the~~  
24 ~~county in which the election is to be held and the location~~  
25 ~~of each polling place in the precinct and the hours that each~~



1 ~~polling place will be open].~~

2           E. For an election called pursuant to Subsection  
3 F of Section 1-15-18.1 NMSA 1978, the proclamation shall be  
4 published consistent with this subsection not less than  
5 thirty-six days before the date of the election. The  
6 proclamation shall conform to the requirements of the federal  
7 Voting Rights Act of 1965, as amended."

8           SECTION 41. Section 1-24-3 NMSA 1978 (being Laws 1989,  
9 Chapter 295, Section 3) is amended to read:

10           "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

11 ~~[Special elections shall be conducted and canvassed in the~~  
12 ~~same manner that regular elections are conducted in the local~~  
13 ~~government or special district; provided, the governing body~~  
14 ~~may, as set forth in the proclamation, consolidate precincts.~~  
15 ~~A polling place shall be provided within each of the~~  
16 ~~consolidated precincts.]~~

17           A. The county clerk shall conduct by mailed  
18 ballot any special election called by the state or a local  
19 government except for a special election for the office of  
20 United States representative.

21           B. Upon the calling of an election by a mailed  
22 ballot, the county clerk shall send each voter of the  
23 relevant jurisdiction an absentee ballot along with a  
24 statement that there will be no polling place for the  
25 election. The voter shall not be required to file an

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1 application for the absentee ballot. The ballot shall be  
2 mailed to each voter on the twenty-eighth day before the  
3 election or as soon as practicable thereafter. The return  
4 envelope for the ballot shall be postage-paid.

5 C. Mailed ballot elections shall be used  
6 exclusively for voting in special elections on a ballot  
7 question, including a recall election.

8 D. The state shall pay all costs of a statewide  
9 special election and a special election for the office of  
10 United States representative. A local government shall  
11 reimburse the county for all costs associated with the  
12 conduct of the local government's special election."

13 SECTION 42. A new section of Chapter 1, Article 24  
14 NMSA 1978 is enacted to read:

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

17 A. The costs of conducting a special election  
18 shall be paid for by the state or local government calling  
19 for the election.

20 B. No individual, corporation, person, political  
21 action committee or other nongovernmental entity shall pay  
22 for or reimburse the state or a local government for the  
23 costs associated with conducting a special election.

24 C. Upon a finding of a violation of this section,  
25 the district court shall nullify the votes cast in the

1 special election and shall void the result of the special  
2 election."

3 SECTION 43. Section 3-1-5 NMSA 1978 (being Laws 1985,  
4 Chapter 208, Section 2, as amended) is amended to read:

5 "3-1-5. PETITIONS--EXAMINATIONS OF SIGNATURES--  
6 PURGING--JUDICIAL REVIEW.--

7 A. All petitions, filing of petitions,  
8 verification of petitions and all other acts to be performed  
9 by petitioners, public officers or employees, regarding only  
10 those petitions that trigger a municipal special or regular  
11 election as authorized in the Municipal Code or otherwise  
12 authorized by law, shall comply with the terms of this  
13 section, except as otherwise expressly provided by law.

14 B. Each page or group of pages of a petition  
15 shall be accepted for filing by a municipal clerk, a county  
16 clerk, a governing body or a board of county commissioners  
17 only if:

18 (1) the municipal clerk has approved the  
19 form of petitions to be filed with the municipality prior to  
20 circulation of the petition; or

21 (2) the county clerk has approved the form  
22 of petitions to be filed with the county prior to circulation  
23 of the petition; and

24 (3) each page of the petition to be filed  
25 contains the approval or facsimile approval of the municipal

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1 or county clerk and the petition heading and penalty  
2 statement are legible when submitted for filing.

3 C. The municipal or county clerk shall approve a  
4 petition as to form if the proposed petition form contains:

5 (1) a heading that complies with a  
6 particular form of heading required by law; or

7 (2) a heading that clearly conveys the  
8 purpose for signing the petition if no particular form of  
9 heading is required by law;

10 (3) a place for the person signing the  
11 petition to write the date and the person's name (printed),  
12 address and signature, unless other requirements are mandated  
13 by law, and then the petition shall comply with those  
14 requirements; and

15 (4) a statement that any person knowingly  
16 providing or causing to be provided any false information on  
17 a petition, forging a signature or signing a petition when  
18 that person knows that person is not a qualified elector in  
19 the municipality is guilty of a fourth degree felony.

20 D. The requirements of Subsection B of this  
21 section shall be deemed complied with if an original form of  
22 petition is submitted to a municipal or county clerk for  
23 approval prior to circulation and after approval by the clerk  
24 that the original form is reproduced by photocopying or other  
25 similar means so that the form and clerk's approval are

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1 unchanged from the original and are legible on each page of  
2 the petition to be filed.

3 E. A petition filed with a municipal clerk, a  
4 county clerk, a governing body or a board of county  
5 commissioners shall include all individual pages of a  
6 petition complying with the provisions of this section,  
7 regardless of whether the pages are filed singly or in a  
8 group. Pages complying with the provisions of this section  
9 may be filed at different times so long as filing is within  
10 the time period allowed by law for the filing of the  
11 particular petition to be filed. If no time period is  
12 established by law, petition signatures may not span a period  
13 of time greater than sixty days from the date of the earliest  
14 signature on the petition, and the petition shall be filed  
15 within sixty-five days from the date of the earliest  
16 signature on the petition.

17 F. Upon approval of a proposed petition as to  
18 form, the municipal clerk shall notify the county clerk of  
19 the approval, and the county clerk shall furnish a current  
20 voter registration list of qualified electors entitled to  
21 vote in municipal elections to the municipal clerk within  
22 fourteen days of the notification.

23 G. When a petition is filed with a municipal  
24 clerk, a county clerk, a governing body or a board of county  
25 commissioners, the governing body or board of county

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1 commissioners shall either certify the petition as valid or  
2 order an examination of the petition and the names, addresses  
3 and signatures on the petition.

4 H. When an examination of the petition and the  
5 names, addresses and signatures on the petition is ordered,  
6 the municipal clerk, county clerk, governing body or board of  
7 county commissioners shall:

8 (1) resolve issues of residency and major  
9 infractions in accordance with the ~~[rules set forth in the~~  
10 ~~Municipal]~~ Election Code;

11 (2) determine the minimum number of valid  
12 names, addresses and signatures, as mandated by law, that  
13 must be contained in the particular petition filed in order  
14 for it to be declared a valid petition;

15 (3) examine the petition and the names,  
16 addresses and signatures on the petition, purge from the  
17 petition the signature of any person who is not shown as a  
18 qualified elector of the municipality on the list of  
19 registered voters provided by the county clerk, purge any  
20 signature that is a forgery or that is illegible, purge any  
21 signature that appears more than once or that cannot be  
22 matched to the name, address and signature as shown on the  
23 voter registration lists and the original affidavit of  
24 registration, purge the signature of any person who has not  
25 signed within the time limits set by law and purge the

1 signature of any person who does not meet the qualifications  
2 for signing the petition as prescribed by law; and

3 (4) certify, no later than ten days after  
4 the petition is filed or after the expiration of the period  
5 within which the petition can be filed as prescribed by law,  
6 whichever occurs last, whether the petition contains the  
7 minimum number of valid names, addresses and signatures as  
8 mandated by law.

9 I. Nothing in this section shall preclude a  
10 person with a disability or an illiterate person from causing  
11 another person to sign a petition on a person with a  
12 disability's or an illiterate person's behalf, so long as the  
13 person signing for the person with a disability or illiterate  
14 person executes an affidavit acknowledged before a notary  
15 public that the person is authorized to sign the petition for  
16 the person with a disability or illiterate person. In order  
17 for the signature on behalf of the person with a disability  
18 or illiterate person to be counted and not purged, the  
19 original affidavit shall be submitted along with the petition  
20 containing the signature on behalf of the illiterate person  
21 or person with a disability.

22 J. If the petition is certified as valid pursuant  
23 to Subsection G of this section or is certified as containing  
24 in excess of the minimum number of valid names, addresses and  
25 signatures mandated by law, then such certification shall be

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1 recorded as part of the minutes at the next meeting of the  
2 governing body or the board of county commissioners.

3 K. If the petition is certified as containing  
4 less than the minimum number of valid names, addresses and  
5 signatures mandated by law, then the municipal clerk, county  
6 clerk, governing body or board of county commissioners shall:

7 (1) cause the names, addresses and  
8 signatures that were purged from the petition to be posted in  
9 the municipal or county clerk's office no later than on the  
10 day the petition is certified;

11 (2) determine the total number of people  
12 signing the petition, the number purged, the number that were  
13 not purged and the minimum number of valid names, addresses  
14 and signatures required by law for such a petition and post  
15 this information along with and at the same time as the  
16 posting required in Paragraph (1) of this subsection;

17 (3) publish once, pursuant to the provisions  
18 of Subsection J of Section 3-1-2 NMSA 1978, within one week  
19 of the certification, the information compiled pursuant to  
20 Paragraphs (1) and (2) of this subsection; and

21 (4) cause the information compiled pursuant  
22 to Paragraphs (1) and (2) of this subsection and the date and  
23 place of publication pursuant to Paragraph (3) of this  
24 subsection to be recorded as part of the minutes at the next  
25 meeting of the governing body or the board of county

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1 commissioners after publication has occurred.

2 L. The following rules shall govern reinstatement  
3 of purged signatures:

4 (1) within ten days after the petition is  
5 certified as containing less than the minimum number of valid  
6 names, addresses and signatures mandated by law, any person  
7 whose signature has been purged from a petition may present  
8 evidence to the clerk to show that the person's signature has  
9 been wrongfully purged;

10 (2) if the clerk fails to reinstate that  
11 person's signature within three days of demand, then that  
12 person may, within ten days of the clerk's refusal to  
13 reinstate, petition the district court for an order to  
14 reinstate the person's signature on the petition. Upon a  
15 prima facie showing by the petitioner of the right to have  
16 that person's signature included upon the petition, the  
17 district court shall issue an order to the municipal clerk,  
18 county clerk, governing body or board of county commissioners  
19 to require reinstatement of the signature of the petitioner;

20 (3) within ten days after receiving the  
21 order of the district court, the municipal clerk, county  
22 clerk, governing body or board of county commissioners shall  
23 reinstate the signature of the petitioner on the petition or  
24 show cause why the signature of the petitioner has not been  
25 reinstated. Upon hearing, if the district court finds that

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1 the person whose signature has been purged meets the  
2 qualifications for signing the petition, the district court  
3 shall make final its order of reinstatement to the municipal  
4 clerk, county clerk, governing body or board of county  
5 commissioners; and

6 (4) if a sufficient number of signatures are  
7 reinstated by the clerk, the district court or both to make  
8 the petition valid, then the reinstatement by the clerk or  
9 the district court, whichever occurs last, shall be deemed  
10 the date of certification of the validity of the petition for  
11 the purposes of adopting election resolutions, calling  
12 elections or for other matters as provided in the Municipal  
13 Code or otherwise provided by law.

14 M. Any petition that contains an insufficient  
15 number of signatures after all signatures have been  
16 reinstated pursuant to Subsection L of this section is  
17 invalid.

18 N. When a petition governed by this section is  
19 filed with the municipal clerk or the governing body of a  
20 municipality, the governing body or municipal clerk shall  
21 perform or cause to be performed the duties required under  
22 this section, except as otherwise prohibited by law. When a  
23 petition governed by this section is required to be filed  
24 with the county clerk or board of county commissioners, the  
25 board of county commissioners or county clerk shall perform

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1 or cause to be performed the duties required under this  
2 section, except as otherwise prohibited by law.

3 O. Any person or any municipal or county official  
4 knowingly violating the provisions of this section, knowingly  
5 providing or causing to be provided any false information on  
6 a petition or forging a signature or otherwise signing a  
7 petition when that person knows the person is not a qualified  
8 elector in the municipality is guilty of a fourth degree  
9 felony.

10 P. The provisions of this section shall not be  
11 binding upon a municipality to the extent such provisions are  
12 inconsistent with or superseded by the terms and provisions  
13 of:

14 (1) the charter of a municipality  
15 incorporated by a special act;

16 (2) the charter of a municipality adopted  
17 pursuant to Article 10, Section 6 of the constitution of New  
18 Mexico;

19 (3) the charter of a municipality adopted  
20 pursuant to the Municipal Charter Act; or

21 (4) the charter of a combined municipal  
22 organization.

23 Q. Once a petition has been filed with a  
24 municipal clerk, a county clerk, a governing body or a board  
25 of county commissioners, no name on the petition may be

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1 withdrawn except those names purged pursuant to Subsection H  
2 of this section."

3 SECTION 44. Section 3-2-5 NMSA 1978 (being Laws 1965,  
4 Chapter 300, Section 14-2-4, as amended) is amended to read:

5 "3-2-5. INCORPORATION--DUTIES OF COUNTY COMMISSIONERS  
6 AFTER FILING OF PETITION TO ACT--CENSUS REQUIRED--ELECTION--  
7 RIGHT OF APPEAL TO DISTRICT COURT.--

8 A. After the petition for incorporation, together  
9 with the accompanying map or plat, the municipal services and  
10 revenue plan and the amount of money sufficient to pay the  
11 cost of a census have been filed with the board of county  
12 commissioners, the board of county commissioners, in lieu of  
13 complying with the requirements of Section 3-1-5 NMSA 1978,  
14 shall determine within thirty days after the filing of the  
15 petition:

16 (1) from the voter registration list in the  
17 office of the county clerk if the signers of the petition are  
18 qualified electors residing in the territory proposed to be  
19 incorporated; or

20 (2) from the tax schedules of the county if  
21 any of the owners of the real estate who signed the petition  
22 are delinquent in the payment of property taxes; and

23 (3) if the territory proposed to be  
24 incorporated is within an existing municipality or within the  
25 urbanized area of a municipality.

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1           B. If the board of county commissioners  
2 determines that the territory proposed to be incorporated is:

3                   (1) not within the boundary of an existing  
4 municipality and not within the urbanized area of a  
5 municipality; or

6                   (2) within the urbanized area of another  
7 municipality and in compliance with Section 3-2-3 NMSA 1978,  
8 the board of county commissioners shall cause a census to be  
9 taken of the persons residing within the territory proposed  
10 to be incorporated.

11           C. The census shall be completed and filed with  
12 the board of county commissioners within thirty days after  
13 the board of county commissioners authorizes the taking of  
14 the census.

15           D. Within fifteen days after the date the results  
16 of the census and the municipal incorporation review team's  
17 report have been filed with the board of county  
18 commissioners, the board of county commissioners shall  
19 determine if the conditions for incorporation of the  
20 territory as a municipality have been met as required in  
21 Sections 3-2-1 through 3-2-3 NMSA 1978 and shall have its  
22 determination recorded in the minutes of its meeting.

23           E. Based on the census results and the municipal  
24 incorporation review team's report, if the board of county  
25 commissioners determines that the conditions for

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1 incorporation have not been met, the board of county  
2 commissioners shall notify the petitioners of its  
3 determination by publishing in a newspaper of general  
4 circulation in the territory proposed to be incorporated,  
5 once, not more than ten days after its determination, a  
6 notice of its determination that the conditions for  
7 incorporation have not been met. If there is no newspaper of  
8 general circulation in the territory proposed to be  
9 incorporated, notice of the determination shall be posted in  
10 eight public places within the territory proposed to be  
11 incorporated.

12 F. After the board of county commissioners has  
13 determined that all of the conditions for incorporation of  
14 the territory as a municipality have been met, the board of  
15 county commissioners shall hold an election on the question  
16 of incorporating the territory as a municipality. Special  
17 elections for the incorporation of municipalities shall only  
18 be held in June or July in odd-numbered years [~~on the first~~  
19 ~~Tuesday in July or in any year on the first Tuesday in~~  
20 ~~January, unless that Tuesday is a holiday, in which case the~~  
21 ~~election shall be held on the second Tuesday in July or the~~  
22 ~~second Tuesday in January]~~ or July or August in even-numbered  
23 years and shall be held pursuant to the provisions of the  
24 Local Election Act. The county clerk shall notify the  
25 secretary of finance and administration and the secretary of

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1 taxation and revenue of the date of the incorporation  
 2 election within ten days after the adoption of the resolution  
 3 calling the election.

4 G. The signers of the petition or a municipality  
 5 within whose urbanized area the territory proposed to be  
 6 incorporated is located may appeal any determination of the  
 7 board of county commissioners to the district court pursuant  
 8 to the provisions of Section 39-3-1.1 NMSA 1978."

9 SECTION 45. Section 3-2-8 NMSA 1978 (being Laws 1965,  
 10 Chapter 300, Section 14-2-7, as amended) is amended to read:

11 "3-2-8. INCORPORATION--ELECTION OF FIRST OFFICERS--  
 12 DUTIES OF BOARD OF COUNTY COMMISSIONERS AND COUNTY CLERK--  
 13 SELECTION OF TERMS OF FIRST OFFICERS.--

14 A. If a majority of the votes cast [~~favor~~] favours  
 15 the incorporation of the territory as a municipality, the  
 16 board of county commissioners shall [~~within fifteen days~~  
 17 ~~after declaring the results of the election~~] call an election  
 18 for the purpose of electing municipal officers [~~Except for~~  
 19 ~~the fact that the election need not be held on the date~~  
 20 ~~specified in the Municipal Election Code for the regular~~  
 21 ~~municipal election, the election shall be called and~~  
 22 ~~conducted in the manner provided in the Municipal Election~~  
 23 ~~Code for regular municipal elections. The board of county~~  
 24 ~~commissioners shall perform the duties imposed by the~~  
 25 ~~Municipal Election Code upon the governing body of the~~

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1 ~~municipality and the county clerk shall perform the duties~~  
2 ~~imposed by the Municipal Election Code upon the municipal~~  
3 ~~clerk] at the first regular local or general election~~  
4 following approval. The election shall be conducted pursuant  
5 to the provisions of the Local Election Act. The county  
6 clerk ~~[also]~~ shall notify the secretary of finance and  
7 administration and the secretary of taxation and revenue of  
8 the date of the first election of municipal officers within  
9 ten days after the county commissioners have called the  
10 election.

11 B. At the first election for municipal officers  
12 following a vote in favor of incorporating territory as a  
13 municipality, the ~~[term]~~ terms of office for the mayor and  
14 the municipal judge shall be until the next regular  
15 ~~[municipal]~~ local election. The terms of office for one-half  
16 of the members of the governing body shall be until the next  
17 regular ~~[municipal]~~ local election and for the remaining one-  
18 half of the members of the governing body until the second  
19 regular ~~[municipal]~~ local election is held. The elected  
20 municipal officers shall continue in office until their  
21 successors are elected and qualified. The length of the  
22 terms of the first members shall be determined by lot."

23 SECTION 46. Section 3-3-2 NMSA 1978 (being Laws 1965,  
24 Chapter 300, Section 14-3-2, as amended) is amended to read:

25 "3-3-2. MUNICIPALITIES INCORPORATED UNDER SPECIAL



1 ACT--PETITION FOR REORGANIZATION--ELECTION.--Any municipality  
 2 incorporated under a special act may abandon its organization  
 3 and organize itself under the provisions of the general law  
 4 relating to municipalities.

5 A. If a petition signed by qualified electors of  
 6 the municipality equal in number to not less than one-eighth  
 7 of the total number of votes at the last preceding regular  
 8 municipal election requests the governing body to submit to  
 9 the qualified [~~municipal~~] electors the question of  
 10 reorganizing the municipality under the provisions of the  
 11 Municipal Code, the governing body shall, within fourteen  
 12 days after the petition is certified as valid, adopt an  
 13 election resolution calling for a special election in the  
 14 manner provided in the [~~Municipal Election Code~~] Local  
 15 Election Act on the question of reorganizing the municipality  
 16 under the provisions of general law. The special election  
 17 shall only be held [~~within sixty days after the date the~~  
 18 ~~election resolution is adopted~~] in June or July in odd-  
 19 numbered years or July or August in even-numbered years in  
 20 accordance with the provisions of the Local Election Act.

21 B. The petition may further propose that the  
 22 boundary of the municipality incorporated by special act be  
 23 extended by including any or all territory [~~which~~] that is:

- 24 (1) laid off or platted;
- 25 (2) adjoining or contiguous to the

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1 municipality or any addition or subdivision of the  
2 municipality; and

3 (3) not within the boundary of another  
4 municipality.

5 C. The petition shall describe the boundary of  
6 the municipality as it would exist if the municipality  
7 incorporated by special act is reorganized under general law.  
8 The registered voters residing within the boundary of the  
9 municipality as it would exist if the municipality  
10 incorporated by special act is reorganized may vote in the  
11 election authorized in this section."

12 SECTION 47. Section 3-3-4 NMSA 1978 (being Laws 1965,  
13 Chapter 300, Section 14-3-4, as amended) is amended to read:

14 "3-3-4. MUNICIPALITIES INCORPORATED UNDER SPECIAL  
15 ACT--REORGANIZATION APPROVED--ELECTION FOR NEW OFFICERS--TERM  
16 OF OFFICE.--

17 A. If a majority of the votes cast on the  
18 question of reorganizing a municipality incorporated by a  
19 special act [~~favor~~] favours reorganizing the municipality  
20 under general law, the governing body shall [~~within fourteen~~  
21 ~~days after the results of the election reorganizing the~~  
22 ~~municipality under general law have been canvassed and~~  
23 ~~certified~~] adopt an election resolution calling for an  
24 election of officers, which shall be held at the first  
25 regular local or general election following approval of

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1 reorganization. The election shall be called, conducted and  
 2 canvassed in the manner provided in the [~~Municipal Election~~  
 3 ~~Code for the election of officers at a regular municipal~~  
 4 ~~election, except that the provisions of Section 3-8-25 NMSA~~  
 5 ~~1978 shall not apply and the election shall be held not later~~  
 6 ~~than one hundred and twelve days from the adoption of the~~  
 7 ~~election resolution] Local Election Act.~~

8 B. The terms of office for the mayor, municipal  
 9 judge and one-half of the members of the governing body shall  
 10 be until the next regular [~~municipal~~] local election. The  
 11 terms of office for the remaining one-half of the governing  
 12 body shall be until the second regular [~~municipal~~] local  
 13 election is held. The elected municipal officers shall  
 14 continue in office until their successors are elected and  
 15 qualified. The length of terms of the first members shall be  
 16 determined by lot."

17 **SECTION 48.** Section 3-4-1 NMSA 1978 (being Laws 1965,  
 18 Chapter 300, Section 14-4-1, as amended) is amended to read:

19 "3-4-1. DISINCORPORATION--PETITION--NOTICE OF  
 20 ELECTION.--

21 A. If one-fourth of the registered voters of a  
 22 municipality petition the board of county commissioners of  
 23 the county [~~wherein~~] in which the municipality is situated to  
 24 disincorporate the municipality, the board of county  
 25 commissioners shall, within fourteen days after the petition

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1 has been certified as valid, adopt an election resolution  
2 calling for a special election to be held within the  
3 municipality on the question of disincorporating the  
4 municipality. At the top of each page of a disincorporation  
5 petition, the following heading shall be printed in  
6 substantially the following form:

7 "PETITION TO DISINCORPORATE THE MUNICIPALITY OF. . . . .

8 We, the undersigned registered voters of the  
9 municipality of ....., pursuant to Section 3-4-1 NMSA 1978,  
10 petition the board of county commissioners of.....county to  
11 conduct a special election on the question of  
12 disincorporating the municipality of.....

13 Date Name--Printed Address Usual  
14 As Registered As Registered Signature."

15 The day for holding the election shall not be less than  
16 fifty days [~~nor~~] or more than sixty days after the board of  
17 county commissioners adopts the election resolution.

18 B. Notice of the election shall be published as  
19 required [~~for special elections as set forth in the Municipal~~  
20 ~~Election Code~~] in the Local Election Act."

21 SECTION 49. Section 3-4-3 NMSA 1978 (being Laws 1965,  
22 Chapter 300, Section 14-4-3, as amended) is amended to read:

23 "3-4-3. DISINCORPORATION--CONDUCT OF ELECTION.--The  
24 election for disincorporation shall be conducted [~~in the same~~  
25 ~~manner as a special municipal election except that the~~

underscored material = new  
[bracketed material] = delete

1 ~~election officials shall be appointed by the board of county~~  
 2 ~~commissioners, and the county clerk shall perform the duties~~  
 3 ~~of the municipal clerk and the board of county commissioners~~  
 4 ~~shall perform the duties of the governing body. The election~~  
 5 ~~returns shall be made to the board of county commissioners~~  
 6 ~~and canvassed in the same manner as are special election~~  
 7 ~~returns] pursuant to the provisions of the Local Election~~  
 8 Act."

9 SECTION 50. Section 3-5-1 NMSA 1978 (being Laws 1965,  
 10 Chapter 300, Section 14-5-1, as amended) is amended to read:

11 "3-5-1. MUNICIPAL CONSOLIDATION--COMMISSIONERS--  
 12 ORDINANCES--SPECIAL ELECTION--DECLARATION OF CONSOLIDATION--  
 13 PAYMENT OF BONDED INDEBTEDNESS OR JUDGMENT LEVY.--

14 A. Whenever any two or more contiguous  
 15 municipalities wish to consolidate as one municipality, the  
 16 governing body of each municipality shall appoint three  
 17 commissioners who shall prepare the terms for consolidation  
 18 and submit the terms for consolidation to the respective  
 19 governing bodies. If each governing body approves the terms  
 20 for consolidation, it shall adopt an ordinance declaring  
 21 [its] approval of the terms for consolidation and shall  
 22 provide for an election on the question of consolidation.  
 23 The election shall be conducted pursuant to the provisions of  
 24 the Local Election Act.

25 B. If a majority of the votes cast in each

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1 municipality [~~favor~~] favours consolidation, the governing body  
2 of each municipality shall declare, by ordinance, that  
3 consolidation has been approved between the municipalities  
4 and proceed to consolidate under the terms for consolidation.  
5 The municipal clerk of each municipality shall notify the  
6 secretary of finance and administration and the secretary of  
7 taxation and revenue that the consolidation has been approved  
8 by the electorate. If the question of consolidating the  
9 municipalities fails to receive a majority vote favoring  
10 consolidation in any one of the municipalities, the  
11 consolidation shall fail.

12 C. If on the day of the election on consolidation  
13 any municipality proposing to consolidate has outstanding  
14 indebtedness or a judgment payable from a tax on property and  
15 the consolidation is approved, a tax sufficient to pay the  
16 interest and principal on such indebtedness or judgment shall  
17 continue to be levied on the property within the boundary of  
18 the municipality as it existed on the day of the election on  
19 the question of consolidation. Indebtedness created by the  
20 issuance of revenue bonds and the current obligations of each  
21 municipality shall be assumed by the consolidated  
22 municipality. The consolidated municipality may refund the  
23 indebtedness of the municipalities [~~which~~] that are  
24 consolidated.

25 D. Certified copies of the entire proceedings for

1 consolidation shall be filed with the clerk of the  
 2 municipality so consolidated, ~~with~~ the county clerk and the  
 3 secretary of state. When certified copies of the  
 4 consolidation have been filed as required in this section,  
 5 the consolidation is complete."

6 SECTION 51. Section 3-10-1 NMSA 1978 (being Laws 1965,  
 7 Chapter 300, Section 14-9-1, as amended) is amended to read:

8 "3-10-1. OFFICERS--ELECTIVE--TERM OF OFFICE.--

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

- 11 (1) one mayor;
- 12 (2) the members of the governing body; and
- 13 (3) a municipal judge.

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

- 16 (1) five commissioners; and
- 17 (2) a municipal judge.

18 C. Notwithstanding the provisions of Subsection A  
 19 of this section, a municipality with a population of five  
 20 hundred persons or less in the last federal decennial census  
 21 shall not have a municipal judge if it adopts an effective  
 22 ordinance in accordance with the provisions of Subsection B  
 23 of Section 35-14-1 NMSA 1978.

24 D. In every noncharter municipality, except those  
 25 noncharter municipalities having a commission-manager form of

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1 government or electing members of the governing body from  
2 districts, the terms of office for the mayor and members of  
3 the governing body shall be four years. The term of office  
4 for members of the governing body shall be staggered so that  
5 the terms of office for one-half of the members of the  
6 governing body will expire every two years.

7 E. Any elected municipal official whose term of  
8 office has expired shall continue in that office until [~~his~~  
9 a successor is elected and has taken office pursuant to the  
10 provisions of the [~~Municipal Election Code~~] Local Election  
11 Act."

12 SECTION 52. Section 3-11-5 NMSA 1978 (being Laws 1965,  
13 Chapter 300, Section 14-10-5, as amended) is amended to read:

14 "3-11-5. MAYOR--APPOINTMENT OF OFFICERS AFTER  
15 ELECTION.--

16 A. At the organizational meeting of the governing  
17 body [~~which shall be scheduled pursuant to Section 3-8-33~~  
18 ~~NMSA 1978 of the Municipal Election Code~~], the mayor shall  
19 submit, for confirmation by the governing body, the names of  
20 persons who shall fill the appointive offices of the  
21 municipality and the names of persons who shall be employed  
22 by the municipality. If the governing body fails to confirm  
23 any person as an appointive official or employee of the  
24 municipality, the mayor at the next regular meeting of the  
25 governing body shall submit the name of another person to

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1 fill the appointed office or to be employed by the  
2 municipality.

3 B. Any person holding an appointed office at the  
4 time of the municipal election shall continue in that office  
5 until ~~[his]~~ the person's successor has been appointed and is  
6 qualified."

7 SECTION 53. Section 3-12-1 NMSA 1978 (being Laws 1965,  
8 Chapter 300, Section 14-11-1, as amended) is amended to read:

9 "3-12-1. VACANCY ON GOVERNING BODY.--

10 ~~[A. Except as provided in Subsection B of this~~  
11 ~~section]~~ Any vacancy on the governing body of a mayor-council  
12 municipality shall be filled by appointment of a qualified  
13 elector by the mayor of the municipality, with the advice and  
14 consent of the governing body. Any qualified elector  
15 appointed to fill a vacancy on the governing body shall serve  
16 until the next regular ~~[municipal]~~ local election ~~[or any~~  
17 ~~special election called in accordance with Subsection B of~~  
18 ~~this section]~~, at which time a qualified elector shall be  
19 elected to fill the remaining unexpired term, if any.

20 ~~[B. A special election for the purpose of filling a~~  
21 ~~vacancy on the governing body may be called by the mayor with~~  
22 ~~the consent of the governing body or by the governing body.~~  
23 ~~Except for the fact that the election need not be held on the~~  
24 ~~date specified in the Municipal Election Code for the regular~~  
25 ~~municipal election, the special election to fill a vacancy~~

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1 ~~shall be conducted in the manner set forth in the Municipal~~  
2 ~~Election Code for regular municipal elections. However, this~~  
3 ~~subsection shall not apply to those municipalities which have~~  
4 ~~adopted a charter under the provisions of Article 10, Section~~  
5 ~~6 of the constitution of New Mexico or to those counties~~  
6 ~~which have incorporated under the provisions of Article 10,~~  
7 ~~Section 5 of the constitution of New Mexico.]"~~

8 SECTION 54. Section 3-13-1 NMSA 1978 (being Laws 1965,  
9 Chapter 300, Section 14-12-1, as amended) is amended to read:

10 "3-13-1. CLERK--DUTIES.--

11 A. The clerk of the municipality shall:

- 12 (1) keep in custody all minutes, ordinances  
13 and resolutions approved by the governing body;
- 14 (2) attend all meetings of the governing body;
- 15 (3) record all proceedings, ordinances and  
16 resolutions of the governing body; and
- 17 (4) upon request, furnish copies of municipal  
18 records. The clerk may charge a reasonable fee for the cost  
19 of furnishing copies of municipal records.

20 B. The mayor with the consent of the governing body  
21 may designate other municipal employees to be deputy  
22 municipal clerks who shall have the right and duty to perform  
23 all of the duties of the municipal clerk [~~including but not~~  
24 ~~limited to the duties created in the Municipal Election~~  
25 ~~Code]."~~

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1           SECTION 55. Section 3-14-2 NMSA 1978 (being Laws 1965,  
2 Chapter 300, Section 14-13-2, as amended) is amended to read:

3           "3-14-2. COMMISSION-MANAGER--SPECIAL ELECTION FOR  
4 ADOPTION.--

5           A. Upon petition signed by qualified electors, not  
6 less in number than fifteen percent of the votes cast for the  
7 office of mayor at the last regular municipal election, filed  
8 with the municipal clerk and verified by the municipal clerk  
9 to contain a sufficient number of legal signatures, the  
10 governing body shall, within ten days of verification, adopt  
11 an election resolution calling for the holding of a special  
12 election [~~within ninety days after the verification of the~~  
13 ~~petition~~] on the question of organizing the municipality  
14 under the commission-manager form of government, or the  
15 governing body may submit to the qualified electors of the  
16 municipality the question of organizing the municipality  
17 under the commission-manager form of government. The  
18 election shall be held in June or July in odd-numbered years  
19 or July or August in even-numbered years in accordance with  
20 the provisions of the Local Election Act.

21           B. The question to be placed shall read  
22 substantially as follows:

23           "For the commission-manager form of government and  
24 providing for the election of five commissioners \_\_\_\_; and

25           Against the commission-manager form of government

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1 and providing for the election of five commissioners \_\_\_\_".

2 SECTION 56. Section 3-14-8 NMSA 1978 (being Laws 1965,  
3 Chapter 300, Section 14-13-8, as amended) is amended to read:

4 "3-14-8. COMMISSIONERS--SPECIAL ELECTION--TERMS.--

5 A. Within ten days after the adoption of the  
6 commission-manager form of government, the governing body  
7 shall adopt an election resolution calling for the holding of  
8 ~~[a special]~~ an election ~~[within one hundred twenty days after~~  
9 ~~the adoption of the commission-manager form of government]~~  
10 for the purpose of electing five commissioners at the first  
11 regular or local or general election following adoption of  
12 the resolution. The election shall be conducted in the same  
13 manner as are regular ~~[municipal]~~ local elections pursuant to  
14 the terms of the ~~[Municipal Election Code]~~ Local Election  
15 Act. The commissioners so elected shall determine their  
16 terms of office by lot, so that three commissioners shall  
17 serve until the next regular ~~[municipal]~~ local election and  
18 two commissioners shall serve until the succeeding regular  
19 ~~[municipal]~~ local election.

20 B. Their respective successors shall hold office  
21 for staggered periods of four years and until their  
22 successors are elected and take office as provided in the  
23 ~~[Municipal Election Code]~~ Local Election Act."

24 SECTION 57. Section 3-14-9 NMSA 1978 (being Laws 1965,  
25 Chapter 300, Section 14-13-9, as amended) is amended to read:

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underscored material = new  
[bracketed material] = delete

1           "3-14-9. VACANCIES IN COMMISSION.--

2           ~~[A. Except as provided in Subsection B of this~~  
 3 ~~section]~~ If a vacancy occurs in the commission, the remaining  
 4 elected and appointed commissioners shall, by a majority  
 5 vote, appoint a qualified elector to fill the vacancy until  
 6 the next regular ~~[municipal]~~ local election ~~[or any special~~  
 7 ~~election called in accordance with Subsection B of this~~  
 8 ~~section]~~, at which time a qualified elector shall be elected  
 9 to fill the remaining unexpired term, if any.

10           ~~[B. A special election for the purpose of filling a~~  
 11 ~~vacancy on the governing body may be called by the chairman~~  
 12 ~~with the consent of the governing body or by the governing~~  
 13 ~~body. Except for the fact that the election need not be held~~  
 14 ~~on the date specified in the Municipal Election Code for the~~  
 15 ~~regular municipal election, the special election to fill a~~  
 16 ~~vacancy shall be conducted in the manner set forth in the~~  
 17 ~~Municipal Election Code for regular municipal elections.~~  
 18 ~~However, this subsection shall not apply to those~~  
 19 ~~municipalities which have adopted a charter under the~~  
 20 ~~provisions of Article 10, Section 6 of the constitution of~~  
 21 ~~New Mexico or to those counties which have incorporated under~~  
 22 ~~the provisions of Article 10, Section 5 of the constitution~~  
 23 ~~of New Mexico.]"~~

24           SECTION 58. Section 3-14-19 NMSA 1978 (being Laws 1965,  
 25 Chapter 300, Section 14-13-19, as amended) is amended to

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1 read:

2 "3-14-19. ABANDONMENT OF COMMISSION-MANAGER  
3 GOVERNMENT.--

4 A. Within ten days of the verification of a  
5 petition submitted to the municipal clerk and signed by  
6 thirty percent of the qualified electors of the municipality,  
7 the commission shall adopt an election resolution calling for  
8 the holding of a special election [~~within ninety days of~~  
9 ~~verification~~] to vote on the question of abandoning the  
10 commission-manager form of government. The election shall be  
11 held in June or July in odd-numbered years or July or August  
12 in even-numbered years in accordance with the provisions of  
13 the Local Election Act.

14 B. If a majority of the votes cast at the special  
15 election [~~favor~~] favours abandonment of the commission-manager  
16 form of government, the form of government reverts to that  
17 form of government existing immediately preceding the  
18 adoption of the commission-manager form of government after  
19 the election and taking office of the new officers and the  
20 commission shall [~~within ten days after the filing of the~~  
21 ~~certificate of canvass in the minute book~~] adopt an election  
22 resolution calling for the holding of [~~a special~~] an election  
23 [~~within one hundred twenty days of such filing~~] to elect new  
24 officers, which shall be held at the first regular local or  
25 general election following adoption of the resolution.

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1           C. The election shall be held in the same manner as  
 2 regular ~~[municipal]~~ local elections are held as provided in  
 3 the ~~[Municipal Election Code]~~ Local Election Act. The mayor  
 4 and one-half of the members of the governing body shall hold  
 5 office until the next regular ~~[municipal]~~ local election and  
 6 the remaining one-half of the members of the governing body  
 7 shall hold office until the succeeding regular ~~[municipal]~~  
 8 local election. The terms of the members of the governing  
 9 body shall be determined by lot after their election.

10           D. No election shall be held upon the question of  
 11 abandoning the commission-manager form of government within  
 12 two years after an election has been held adopting the  
 13 commission-manager form of government or confirming its  
 14 continued existence."

15           SECTION 59. Section 3-15-10 NMSA 1978 (being Laws 1965,  
 16 Chapter 300, Section 14-14-8) is amended to read:

17           "3-15-10. QUALIFICATIONS OF VOTERS--BALLOTS--CONDUCT OF  
 18 ELECTION--EFFECT OF ADOPTION.--All qualified electors  
 19 residing within the municipality shall be qualified to vote  
 20 at the special election held under ~~[Sections 14-14-1 through~~  
 21 ~~14-14-14 New Mexico Statutes Annotated, 1953 Compilation]~~ the  
 22 Municipal Charter Act, and the vote shall be by separate  
 23 ballots, one of which shall be:

24           "In favor of adoption of charter "; and the other:

25           "Against adoption of charter .

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1 The special election shall be conducted in accordance with  
2 [~~Sections 14-8-1 through 14-8-17 New Mexico Statutes~~  
3 ~~Annotated, 1953 Compilation~~] the Local Election Act and if a  
4 majority of all the votes cast shall favor the adoption of  
5 the charter, the [~~same~~] charter shall take effect immediately  
6 insofar as necessary to authorize the election of officers  
7 [~~thereunder~~], but shall not take effect otherwise until such  
8 date as may be specified in the charter, which date shall not  
9 be less than sixty days after the special election. After  
10 the date fixed by the charter, the municipality shall be  
11 deemed reorganized under the provisions of the charter, and  
12 the powers and duties of all officers elected or appointed  
13 under the former laws shall cease."

14 SECTION 60. Section 3-15-11 NMSA 1978 (being Laws 1965,  
15 Chapter 300, Section 14-14-9) is amended to read:

16 "3-15-11. FIRST ELECTION OF OFFICERS--TIME--LAW  
17 GOVERNING.--In case the charter is adopted pursuant to  
18 Section 3-15-10 NMSA 1978, it shall be the duty of the  
19 presiding officer of the governing body of the municipality  
20 to issue a proclamation calling a special election for the  
21 election of such elective officers as may be provided for in  
22 the charter. The election shall be at least ten days before  
23 the date specified in the charter for it to go into effect,  
24 and the election shall be held in accordance with the  
25 provisions of the Local Election Act and the charter."



1           SECTION 61. Section 3-21-19 NMSA 1978 (being Laws 1965,  
2 Chapter 206, Section 5) is amended to read:

3           "3-21-19. ZONING COMMISSION.--A zoning commission  
4 consisting of five members shall be elected by the registered  
5 electors residing within the district in accordance with the  
6 provisions of the Local Election Act. Members of the  
7 commission shall be residents of the district, and each shall  
8 be elected for a term of two years. Any vacancy on the  
9 commission shall be filled by the remaining members  
10 appointing a new member to fill the unexpired term. Members  
11 of the commission shall serve without compensation."

12           SECTION 62. Section 3-21-20 NMSA 1978 (being Laws 1965,  
13 Chapter 206, Section 6) is amended to read:

14           "3-21-20. ELECTION OF MEMBERS TO THE COMMISSION.--  
15 ~~[Within sixty days after the creation of a district, the~~  
16 ~~county commissioners of the county in which the district is~~  
17 ~~situate shall hold an election for members to the commission.~~  
18 ~~When the district is situate in more than one county, the~~  
19 ~~county commissioners of the counties shall cooperate in~~  
20 ~~conducting an election for members to the commission. The~~  
21 ~~election shall be conducted in the same manner as elections~~  
22 ~~for municipal school board members. The cost of conducting~~  
23 ~~elections for members to the commission shall be borne by the~~  
24 ~~county or counties in which the district is situate. Each~~  
25 ~~county shall pay its pro rata share, which is determined by~~

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1 ~~the number of registered electors of the district residing~~  
2 ~~within the county.] Election of members to the commission~~  
3 ~~shall be conducted pursuant to the Local Election Act."~~

4 SECTION 63. Section 3-23-2 NMSA 1978 (being Laws 1965,  
5 Chapter 300, Section 14-22-2, as amended) is amended to read:

6 "3-23-2. ELECTION ON QUESTION OF ACQUIRING UTILITY.--

7 A. No municipality shall acquire a municipal  
8 utility from funds acquired from the issuance of revenue  
9 bonds until the question of acquiring the utility is  
10 submitted, at a regular [~~municipal~~] local election or special  
11 election, to a vote of the qualified electors of the  
12 municipality, and a majority of the votes cast on the  
13 question [~~favor~~] favours the acquisition of the utility. No  
14 special election shall be set for a date ninety days prior to  
15 the day of a regular [~~municipal~~] local election. The  
16 acquisition by a municipality, which owns municipal electric  
17 facilities on July 1, 1979, of a generating facility or any  
18 interest in a jointly owned generating facility from funds  
19 acquired from the issuance of revenue bonds shall not be  
20 subject to the election requirement of this section.

21 B. Each question shall be listed separately on the  
22 ballot. The ballot shall:

23 (1) contain a general description of the  
24 property to be acquired; and

25 (2) allow each voter to indicate whether [~~he~~]

1 the voter favors or opposes the acquisition.

2           C. The election shall be called and conducted as  
3 provided in [~~Sections 3-8-1 through 3-8-19 NMSA 1978~~] the  
4 Local Election Act.

5           [~~G.~~] D. If a majority of the votes cast on the  
6 question [~~favor~~] favors the acquisition of the utility, the  
7 governing body may acquire the utility.

8           [~~D.~~] E. If, pursuant to Article 9, Section 12 of  
9 the [~~New Mexico~~] constitution of New Mexico and Sections  
10 3-30-1 through 3-30-9 NMSA 1978, the qualified electors of  
11 the municipality and nonresident municipal electors have  
12 voted in favor of creating a debt for the acquisition of a  
13 municipal utility and the municipality has incurred the debt,  
14 the municipality need not hold the election required in this  
15 section and it shall be presumed that the acquisition of a  
16 municipal utility has been approved, or, if the municipality  
17 has owned and operated a municipal utility for a period of  
18 more than one year, it shall be presumed that the acquisition  
19 of the municipal utility has been approved."

20           **SECTION 64.** Section 3-23-5.1 NMSA 1978 (being Laws 2001,  
21 Chapter 179, Section 1) is amended to read:

22           "3-23-5.1. MUNICIPAL UTILITY PERMANENT FUND.--

23           A. The governing body of a municipality may by  
24 ordinance establish a municipal utility permanent fund for  
25 each utility owned and operated by the municipality.

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1           B. The municipal utility permanent fund shall be a  
2 fund in the municipal treasury into which may be deposited  
3 money from the sale of municipal utility assets or any  
4 portion of the unappropriated utility fund cash surplus that  
5 is in excess of fifty percent of the prior fiscal year's  
6 municipal utility budget. Money in the fund may be invested  
7 by the municipal board of finance as provided in Sections  
8 6-10-10, 6-10-36 and 6-10-44 NMSA 1978.

9           C. Earnings from investment of a municipal utility  
10 permanent fund may be budgeted and appropriated by the  
11 governing body of the municipality for expenditure for any  
12 purpose related to the operation, maintenance and improvement  
13 of the municipal utility or deposited in the municipal  
14 utility permanent fund.

15           D. Money in the municipal utility permanent fund  
16 may be appropriated or expended only pursuant to approval of  
17 the voters of the municipality. The municipality may adopt a  
18 resolution calling for an election on the question of the  
19 expenditure of a specified amount of the municipal utility  
20 permanent fund for a specified purpose. The election shall  
21 be held within sixty days after the adoption of the  
22 resolution by the governing body. The election shall be  
23 called, conducted, counted and canvassed [~~substantially in~~  
24 ~~the manner provided by law for special municipal elections~~  
25 ~~pursuant to the Municipal Election Code~~] pursuant to the

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~~[bracketed material] = delete~~

1 provisions of the Local Election Act. If a majority of the  
 2 voters of the municipality voting on the question [~~vote~~]  
 3 votes to approve the expenditure, that amount of money shall  
 4 be available for appropriation from the municipal utility  
 5 permanent fund for expenditure by the municipality for the  
 6 specified purpose. If a majority of the voters of the  
 7 municipality voting on the question [~~vote~~] votes against the  
 8 expenditure, no money in the municipal utility permanent fund  
 9 may be appropriated or expended for that purpose. Following  
 10 an election at which the question was not approved, that  
 11 question shall not again be submitted to the voters of the  
 12 municipality for at least one year from the date of that  
 13 election."

14 SECTION 65. Section 3-30-6 NMSA 1978 (being Laws 1965,  
 15 Chapter 300, Section 14-29-6, as amended) is amended to read:

16 "3-30-6. BOND ELECTION--QUALIFICATIONS OF VOTERS--  
 17 SEPARATION OF ITEMS--TIME--PUBLICATION OR POSTING--BALLOTS.--

18 A. Before bonds are issued, the governing body of  
 19 the municipality shall submit to a vote of the registered  
 20 qualified electors of the municipality and the nonresident  
 21 municipal electors the question of issuing the bonds. The  
 22 election may be held at the same time as the regular  
 23 [~~municipal~~] local election or at any special election held  
 24 pursuant to Article 9, Section 12 of the constitution of New  
 25 Mexico.

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1           B. The governing body of the municipality shall  
2 give notice of the time and place of holding the election and  
3 the purpose for which the bonds are to be issued. [~~Notice of~~  
4 ~~a bond election shall be given as required in the Municipal~~  
5 ~~Election Code for special elections. A change in the~~  
6 ~~location of a polling place after notice has been given shall~~  
7 ~~not invalidate a bond election.~~] The election shall be  
8 conducted pursuant to the provisions of the Local Election  
9 Act.

10           C. The question shall state the purpose for which  
11 the bonds are to be issued and the amount of the issue. If  
12 bonds are to be issued for more than one purpose, a separate  
13 question shall be submitted to the voter for each purpose to  
14 be voted upon. The ballots shall contain words indicating  
15 the purpose of the bond issue and a place for a vote "For . .  
16 . (designate type) bonds" and "Against . . . (designate type)  
17 bonds" for each bond issue. The ballots shall be deposited  
18 in a separate ballot box unless voting machines are used."

19           **SECTION 66.** Section 3-30-7 NMSA 1978 (being Laws 1965,  
20 Chapter 300, Section 14-29-7, as amended) is amended to read:

21           "3-30-7. CANVASS OF BOND ELECTION--CERTIFICATION OF  
22 RESULTS--EFFECT.--

23           A. The vote upon each question proposing to issue  
24 negotiable bonds shall be canvassed as provided in the  
25 [~~Municipal Election Code~~] Local Election Act, and the

1 municipal clerk shall [~~certify the results of the election~~  
 2 ~~and~~] file the certificate of canvass in the official minute  
 3 book of the municipality.

4 B. If a majority of those voting on the question  
 5 [~~favor~~] favours the creation of the debt, the governing body  
 6 of the municipality may proceed to issue the negotiable  
 7 bonds."

8 SECTION 67. Section 3-31-4 NMSA 1978 (being Laws 1965,  
 9 Chapter 300, Section 14-30-4, as amended) is amended to read:

10 "3-31-4. ORDINANCE AUTHORIZING REVENUE BONDS--THREE-  
 11 FOURTHS MAJORITY REQUIRED--RESOLUTION AUTHORIZING REVENUE  
 12 BONDS TO BE ISSUED AND SOLD TO THE NEW MEXICO FINANCE  
 13 AUTHORITY.--

14 A. At a regular or special meeting called for the  
 15 purpose of issuing revenue bonds as authorized in Section  
 16 3-31-1 NMSA 1978, the governing body may adopt an ordinance  
 17 that:

18 (1) declares the necessity for issuing revenue  
 19 bonds;

20 (2) authorizes the issuance of revenue bonds  
 21 by an affirmative vote of three-fourths of all the members of  
 22 the governing body; and

23 (3) designates the source of the pledged  
 24 revenues.

25 B. If a majority of the governing body, but less

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1 than three-fourths of all the members, votes in favor of  
2 adopting the ordinance authorizing the issuance of revenue  
3 bonds, the ordinance is adopted but shall not become  
4 effective until the question of issuing the revenue bonds is  
5 submitted to a vote of the qualified electors for their  
6 approval at a special or regular [~~municipal~~] local election.  
7 If an election is necessary, the election shall be conducted  
8 in the manner provided in [~~Sections 3-8-1 through 3-8-19 NMSA~~  
9 ~~1978. Notice of the election shall be given as provided in~~  
10 ~~Section 3-8-2 NMSA 1978~~] the Local Election Act.

11 C. In addition and as an alternative to adopting an  
12 ordinance as required by the provisions of Subsections A and  
13 B of this section, at a regular or special meeting called for  
14 the purpose of issuing revenue bonds as authorized in Section  
15 3-31-1 NMSA 1978, the governing body may authorize the  
16 issuance and sale, from time to time, of revenue bonds in  
17 amounts not to exceed one million dollars (\$1,000,000) at any  
18 one time to the New Mexico finance authority by adoption of a  
19 resolution that:

20 (1) declares the necessity for issuing and  
21 selling revenue bonds to the New Mexico finance authority;

22 (2) authorizes the issuance and sale of  
23 revenue bonds to the New Mexico finance authority by an  
24 affirmative vote of a majority of all the members of the  
25 governing body; and



1                   (3) designates the source of the pledged  
2 revenues.

3           At the option of the governing body, revenue bonds in an  
4 amount in excess of one million dollars (\$1,000,000) may be  
5 authorized by an ordinance adopted in accordance with  
6 Subsections A and B of this section and issued and sold to  
7 the New Mexico finance authority.

8           D. No ordinance or resolution may be adopted under  
9 the provisions of this section that uses as pledged revenues  
10 the municipal gross receipts tax authorized by Section  
11 7-19D-9 NMSA 1978 for a purpose that would be inconsistent  
12 with the purpose for which that municipal gross receipts tax  
13 revenue was dedicated. Any revenue in excess of the amount  
14 necessary to meet all principal and interest payments and  
15 other requirements incident to repayment of the bonds [~~must~~]  
16 shall be used for the purposes to which the revenue was  
17 dedicated."

18           **SECTION 68.** Section 3-41-2 NMSA 1978 (being Laws 1965,  
19 Chapter 300, Section 14-42-2, as amended) is amended to read:

20           "3-41-2. FLOOD CONTROL--TAX LEVY--LIMITATIONS--  
21 ELECTION--RESULT--BOND ISSUE MAY SUPPLEMENT--LEVY.--

22           A. A municipality may levy a tax upon all property  
23 subject to property taxation within the municipality for such  
24 length of time as is necessary to accomplish the purpose  
25 authorized in Sections 3-41-1 and 3-41-3 NMSA 1978. The rate

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1 of the tax authorized by this subsection shall not exceed  
2 five dollars (\$5.00), or any lower maximum amount required by  
3 operation of the rate limitation provisions of Section  
4 7-37-7.1 NMSA 1978 upon a tax levied under this section, on  
5 each one thousand dollars (\$1,000) of net taxable value, as  
6 that term is defined in the Property Tax Code.

7 B. Before levying the tax, the municipality shall  
8 submit to the qualified electors of the municipality the  
9 question of levying the tax. The question may be submitted  
10 at any regular or special ~~[municipal]~~ local election called  
11 for that purpose. Notice of the election shall be given as  
12 provided in the ~~[Municipal Election Code for special~~  
13 ~~elections]~~ Local Election Act.

14 C. The municipality shall print the words "For tax  
15 levy for flood protection purposes" and "Against tax levy for  
16 flood protection purposes" or words of like import. The vote  
17 upon the question shall be separately canvassed as other  
18 municipal elections are canvassed.

19 D. If a majority of the votes cast ~~[favor]~~ favours  
20 the levy of the tax, the governing body shall levy and  
21 certify the levy as any other tax is levied for municipal  
22 purposes.

23 E. Nothing in this section shall be construed as  
24 prohibiting the issuance of negotiable bonds as authorized in  
25 Section 3-30-5 NMSA 1978 to pay the cost of preventing flood

1 damage.

2 F. If a county has levied a tax for flood control  
3 purposes as authorized in Sections 4-50-1 through 4-50-9 NMSA  
4 1978 or any other law, the municipality is not prohibited  
5 from levying a tax as authorized in this section."

6 SECTION 69. Section 3-54-1 NMSA 1978 (being Laws 1983,  
7 Chapter 115, Section 1, as amended) is amended to read:

8 "3-54-1. AUTHORITY TO SELL OR LEASE MUNICIPAL UTILITY  
9 FACILITIES OR REAL PROPERTY--NOTICE--REFERENDUM.--

10 A. A municipality may lease or sell and exchange  
11 any municipal utility facilities or real property having a  
12 value of twenty-five thousand dollars (\$25,000) or less by  
13 public or private sale or lease any municipal facility or  
14 real property of any value normally leased in the regular  
15 operations of such facility or real property, and such sale  
16 or lease shall not be subject to referendum.

17 B. A municipality may lease or sell and exchange  
18 any municipal utility facilities or real property having an  
19 appraised value in excess of twenty-five thousand dollars  
20 (\$25,000) by public or private sale or lease, subject to the  
21 referendum provisions set forth in this section. The value  
22 of municipal utility facilities or real property to be leased  
23 or sold and exchanged shall be determined by the appraised  
24 value of the municipal utility facilities or real property  
25 and not by the value of the lease. An appraisal shall be

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1 made by a qualified appraiser and submitted in writing to the  
2 governing body. If the sale price is less than the appraised  
3 value, the governing body shall cause a detailed written  
4 explanation of that difference to be prepared, and the  
5 written explanation shall be made available to any interested  
6 member of the public upon demand.

7 C. If a public sale is held, the bid of the highest  
8 responsible bidder shall be accepted unless the terms of the  
9 bid do not meet the published terms and conditions of the  
10 proposed sale, in which event the highest bid ~~[which]~~ that  
11 does meet the published terms and conditions shall be  
12 accepted; provided, however, a municipality may reject all  
13 bids. Terms and conditions for a proposed public sale or  
14 lease shall be published at least twice, not less than seven  
15 days apart, with the last publication no less than fourteen  
16 days prior to the bid opening, and in accordance with the  
17 provisions of Subsection J of Section 3-1-2 NMSA 1978.

18 D. Any sale or lease of municipal utility  
19 facilities or real property entered into pursuant to  
20 Subsection B of this section shall be by ordinance of the  
21 municipality. Such an ordinance shall be effective forty-  
22 five days after its adoption, unless a referendum election is  
23 held pursuant to this section. The ordinance shall be  
24 published prior to adoption pursuant to the provisions of  
25 Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3

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1 NMSA 1978 and shall be published after adoption at least once  
2 within one week after adoption pursuant to the provisions of  
3 Subsection J of Section 3-1-2 NMSA 1978. Such publications  
4 shall concisely set forth at least:

- 5 (1) the terms of the sale or lease;
- 6 (2) the appraised value of the municipal  
7 utility facilities or real property;
- 8 (3) the time and manner of payments on the  
9 lease or sale;
- 10 (4) the amount of the lease or sale;
- 11 (5) the identities of the purchasers or  
12 lessees; and
- 13 (6) the purpose for the municipality making  
14 the lease or sale.

15 E. In order to call for a referendum election on a  
16 sale or lease ordinance, a petition shall be filed with the  
17 municipal clerk:

- 18 (1) no later than thirty days after the  
19 adoption of the sale or lease ordinance;
- 20 (2) containing the names, addresses and  
21 signatures of at least fifteen percent of the qualified  
22 electors of the municipality; and
- 23 (3) containing the following heading on each  
24 page of the petition reprinted as follows:

25 "PETITION FOR A REFERENDUM

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1           We, the undersigned registered voters of . . . . .  
2           . . . . . (insert name of  
3           municipality) petition the governing body of . . . . .  
4           . . . . . (insert name of municipality)  
5           to conduct a referendum election on ordinance number . . . .  
6           . . . . Ordinance number . . . . . would cause a . .  
7           . . . . . (insert "sale" or "lease") of  
8           municipal . . . . . (insert  
9           "real property" or "utility facilities").

10          Date           Name (printed)           Address           Signature".

11           F. Section 3-1-5 NMSA 1978 shall apply to all  
12           petitions filed calling for a referendum election on a sale  
13           or lease ordinance.

14           G. If the municipal clerk certifies to the  
15           municipal governing body that the petition does contain the  
16           minimum number of valid names, addresses and signatures  
17           required to call a referendum election on the sale or lease  
18           ordinance, the municipal governing body shall adopt an  
19           election resolution within fourteen days after the date the  
20           clerk makes such certification, calling for a referendum  
21           election on the sale or lease ordinance. The election  
22           resolution shall be adopted and published pursuant to the  
23           provisions of the [~~Municipal Election Code governing special~~  
24           elections] Local Election Act and shall also concisely set  
25           forth:

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underscored material = new  
[bracketed material] = delete

- 1 (1) the terms of the sale or lease;
- 2 (2) the appraised value of the municipal
- 3 utility facilities or real property;
- 4 (3) the time and manner of payments on the
- 5 lease or sale;
- 6 (4) the amount of the lease or sale;
- 7 (5) the identities of all purchasers or
- 8 lessees; and
- 9 (6) the purpose for the municipality making
- 10 the lease or sale.

11 H. The referendum election on the sale or lease

12 ordinance shall be held not later than ninety days after the

13 election resolution is adopted. Such election shall be held

14 at a special or regular ~~[municipal]~~ local election and shall

15 be conducted ~~[as a special election in the manner provided in~~

16 ~~the Municipal Election Code]~~ pursuant to the provisions of

17 the Local Election Act. Any qualified elector of the

18 municipality may vote in such a referendum election.

19 I. If a majority of the votes cast ~~[are]~~ is to

20 approve the sale or lease ordinance, the sale or lease

21 ordinance shall be effective after the election results have

22 been canvassed and certified. If a majority of the votes

23 cast ~~[are]~~ is to disapprove the sale or lease ordinance, the

24 ordinance shall not be effective."

25 **SECTION 70.** Section 4-48A-16 NMSA 1978 (being Laws 1978,

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1 Chapter 29, Section 16, as amended) is amended to read:

2 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL  
3 DISTRICT.--

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

17 B. In the case of a special hospital district  
18 located wholly within one county, if authorized by a majority  
19 of the qualified electors of the special hospital district  
20 voting on the question, the board of county commissioners of  
21 the county in which the special hospital district is located  
22 shall levy such tax at the same time and in the same manner  
23 as levies for ad valorem taxes for school districts are made  
24 and in the amount certified by the board of trustees as  
25 necessary to meet its approved annual budget, but in no event

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1 shall the tax levied exceed the rate limitation approved by  
 2 the voters or the rate limitations provided in Subsection D  
 3 of this section.

4 C. In the case of a special hospital district  
 5 ~~[which]~~ that is composed of all or a portion of two or more  
 6 counties, if a majority of the qualified electors in the  
 7 special hospital district of each ~~[subdistrict]~~ county voting  
 8 on the question ~~[authorize]~~ authorizes a tax levy, the boards  
 9 of county commissioners of the counties ~~[which]~~ that agreed  
 10 to form the special hospital district shall levy such tax in  
 11 the manner provided in Subsection B of this section.

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

25 SECTION 71. Section 4-48A-17 NMSA 1978 (being Laws 1978,

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1 Chapter 29, Section 17, as amended) is amended to read:

2 "4-48A-17. ELECTION PROCEDURES.--

3 ~~[A. In all elections held pursuant to the~~  
4 ~~provisions of the Special Hospital District Act, except as~~  
5 ~~otherwise provided in that act, the board of trustees shall~~  
6 ~~give notice of the election in a newspaper of general~~  
7 ~~circulation in the special hospital district and, in the case~~  
8 ~~of a special hospital district composed of all or portions of~~  
9 ~~two or more counties, in the subdistrict, at least once a~~  
10 ~~week for three consecutive weeks, the last insertion to be~~  
11 ~~not less than two weeks prior to the proposed election.~~

12 B.] All elections of the special hospital district,  
13 unless otherwise provided in the Special Hospital District  
14 Act, shall be called, conducted and canvassed [~~in~~  
15 ~~substantially the same manner as school district elections~~  
16 ~~are called, conducted and canvassed. The board of trustees~~  
17 ~~shall be the canvassing board for such elections.~~

18 ~~C. The expenses of elections conducted by the~~  
19 ~~special hospital district shall be budgeted for and paid from~~  
20 ~~the operating funds of the special hospital district]~~  
21 pursuant to the Local Election Act."

22 SECTION 72. Section 4-49-8 NMSA 1978 (being Laws 1891,  
23 Chapter 83, Section 4, as amended) is amended to read:

24 "4-49-8. ELECTION ON BOND QUESTION--PETITION--NOTICE--  
25 ELECTION WITHOUT PETITION.--

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1           A. Whenever a petition signed by not less than two  
2 hundred qualified electors of any county in this state [~~shall~~  
3 ~~be~~] is presented to the board of county commissioners asking  
4 that a vote be taken on the question or proposition of  
5 building, remodeling or making additions to necessary public  
6 buildings or necessary public projects, setting forth in  
7 general terms the object of the petition and the amount of  
8 bonds asked to be voted for, [~~it shall be the duty of~~] the  
9 board of county commissioners of the county to which the  
10 petition [~~may be~~] is presented shall, within ten days after  
11 the presentation, [~~to~~] call an election to be held within  
12 sixty days thereafter in the county. [~~The board shall give~~  
13 ~~notice of the election by publication once a week for at~~  
14 ~~least three consecutive weeks in any newspapers published in~~  
15 ~~the county, which notices shall set forth the time and place~~  
16 ~~of holding the election, the necessary public building or~~  
17 ~~necessary public project proposed and which bonds are to be~~  
18 ~~voted for.~~] Except as provided in Chapter 4, Article 49 NMSA  
19 1978, such elections shall be held and conducted [~~in the same~~  
20 ~~manner as general elections, including recount and contest,~~  
21 ~~and the board of county commissioners shall certify and~~  
22 ~~declare on the records of the county the returns of the~~  
23 ~~election] pursuant to the provisions of the Local Election  
24 Act.~~

25           B. After the defeat of any proposition once voted

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1 for, a second special election upon any question or  
2 proposition under the provisions of Chapter 4, Article 49  
3 NMSA 1978 shall not be held for a term of two years unless a  
4 petition requesting another election, containing the names of  
5 qualified electors of the county equal to ten percent of the  
6 [~~vote~~] votes cast for governor in the last preceding election  
7 and otherwise conforming to the requirements of this section,  
8 [~~shall be~~] is presented to the board of county commissioners;  
9 provided, however, that in no event shall more than two  
10 elections upon any proposition or question under Chapter 4,  
11 Article 49 NMSA 1978 be held in any term of two years. A  
12 bond election as provided in this section may also be called  
13 by the board of county commissioners, without any petition,  
14 after the board has adopted a resolution calling such an  
15 election, which resolution shall set forth the object of the  
16 election and the amount of bonds to be issued."

17 SECTION 73. Section 5-10-4 NMSA 1978 (being Laws 1993,  
18 Chapter 297, Section 4, as amended) is amended to read:

19 "5-10-4. ECONOMIC DEVELOPMENT PROJECTS--RESTRICTIONS ON  
20 PUBLIC EXPENDITURES OR PLEDGES OF CREDIT.--

21 A. No local or regional government shall provide  
22 public support for economic development projects as permitted  
23 pursuant to Article 9, Section 14 of the constitution of  
24 New Mexico except as provided in the Local Economic  
25 Development Act or as otherwise permitted by law.

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1           B. The total amount of public money expended and  
2 the value of credit pledged in the fiscal year in which that  
3 money is expended by a local government for economic  
4 development projects pursuant to Article 9, Section 14 of the  
5 constitution of New Mexico and the Local Economic Development  
6 Act shall not exceed ten percent of the annual general fund  
7 expenditures of the local government in that fiscal year.

8 The limits of this subsection shall not apply to:

9           (1) the value of any land or building  
10 contributed to any project pursuant to a project  
11 participation agreement;

12           (2) revenue generated through the imposition  
13 of the municipal infrastructure gross receipts tax pursuant  
14 to the Municipal Local Option Gross Receipts Taxes Act for  
15 furthering or implementing economic development plans and  
16 projects as defined in the Local Economic Development Act or  
17 projects as defined in the Statewide Economic Development  
18 Finance Act; provided that no more than the greater of fifty  
19 thousand dollars (\$50,000) or ten percent of the revenue  
20 collected shall be used for promotion and administration of  
21 or professional services contracts related to the  
22 implementation of any such economic development plan adopted  
23 by the governing body;

24           (3) revenue generated through the imposition  
25 of a county infrastructure gross receipts tax pursuant to the

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1 County Local Option Gross Receipts Taxes Act for furthering  
2 or implementing economic development plans and projects as  
3 defined in the Local Economic Development Act or projects as  
4 defined in the Statewide Economic Development Finance Act;  
5 provided that no more than the greater of fifty thousand  
6 dollars (\$50,000) or ten percent of the revenue collected  
7 shall be used for promotion and administration of or  
8 professional services contracts related to the implementation  
9 of any such economic development plan adopted by the  
10 governing body;

11 (4) the proceeds of a revenue bond issue to  
12 which municipal infrastructure gross receipts tax revenue is  
13 pledged;

14 (5) the proceeds of a revenue bond issue to  
15 which county infrastructure gross receipts tax revenue is  
16 pledged; or

17 (6) funds donated by private entities to be  
18 used for defraying the cost of a project.

19 C. A regional or local government that generates  
20 revenue for economic development projects to which the limits  
21 of Subsection B of this section do not apply shall create an  
22 economic development fund into which such revenues shall be  
23 deposited. The economic development fund and income from the  
24 economic development fund shall be deposited as provided by  
25 law. Money in the economic development fund may be expended

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1 only as provided in the Local Economic Development Act or the  
2 Statewide Economic Development Finance Act.

3 D. In order to expend money from an economic  
4 development fund for arts and cultural district purposes,  
5 cultural facilities or retail businesses, the governing body  
6 of a municipality or county that has imposed a municipal or  
7 county local option infrastructure gross receipts tax for  
8 furthering or implementing economic development plans and  
9 projects as defined in the Local Economic Development Act or  
10 projects as defined in the Statewide Economic Development  
11 Finance Act by referendum of the majority of the voters  
12 voting on the question approving the ordinance imposing the  
13 municipal or county infrastructure gross receipts tax before  
14 July 1, 2013 shall be required to adopt a resolution. The  
15 resolution shall call for an election to approve arts and  
16 cultural districts as a qualifying purpose and cultural  
17 facilities or retail businesses as a qualifying entity before  
18 any revenue generated by the municipal or county local option  
19 gross receipts tax for furthering or implementing economic  
20 development plans and projects as defined in the Local  
21 Economic Development Act or projects as defined in the  
22 Statewide Economic Development Finance Act can be expended  
23 from the economic development fund for arts and cultural  
24 district purposes, cultural facilities or retail businesses.

25 E. The governing body shall adopt a resolution

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1 calling for an election within seventy-five days of the date  
2 the ordinance is adopted on the question of approving arts  
3 and cultural districts as a qualifying purpose and cultural  
4 facilities or retail businesses as a qualifying entity  
5 eligible to utilize revenue generated by the Municipal Local  
6 Option Gross Receipts Taxes Act or the County Local Option  
7 Gross Receipts Taxes Act for furthering or implementing  
8 economic development plans and projects as defined in the  
9 Local Economic Development Act or projects as defined in the  
10 Statewide Economic Development Finance Act.

11 F. The question shall be submitted to the voters of  
12 the municipality or county as a separate question at a  
13 regular [~~municipal~~] local or county election or at a special  
14 election called for that purpose by the governing body. A  
15 special [~~municipal~~] local election shall be called, conducted  
16 and canvassed as provided in the [~~Municipal Election Code~~]  
17 Local Election Act. A special county election shall be  
18 called, conducted and canvassed in substantially the same  
19 manner as provided by law for general elections.

20 G. If a majority of the voters voting on the  
21 question approves the ordinance adding arts and cultural  
22 districts and cultural facilities or retail businesses as an  
23 approved use of the local option municipal or county economic  
24 development infrastructure gross receipts tax fund, the  
25 ordinance shall become effective on July 1 or January 1,

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1 whichever date occurs first after the expiration of three  
2 months from the date of the adopted ordinance. The ordinance  
3 shall include the effective date."

4 **SECTION 74.** Section 6-6-19 NMSA 1978 (being Laws 1989,  
5 Chapter 276, Section 3, as amended) is amended to read:

6 "6-6-19. LOCAL GOVERNMENT PERMANENT FUND.--

7 A. The local governing body of a county or  
8 municipality may by ordinance establish a local government  
9 permanent fund and a local government income fund.

10 B. The local government permanent fund shall  
11 constitute a fund in the treasury of the county or  
12 municipality into which may be deposited at the end of a  
13 fiscal year an amount of the unappropriated general fund  
14 surplus. The amount that may be deposited into the local  
15 government permanent fund is any portion of the  
16 unappropriated general fund surplus that is in excess of  
17 fifty percent of the prior fiscal year's budget of the county  
18 or municipality. Money in the permanent fund may be  
19 appropriated or expended only pursuant to approval of the  
20 voters of the county or municipality as provided in  
21 Subsection E of this section.

22 C. Money in the local government permanent fund may  
23 be invested by the local board of finance for the county or  
24 municipality in the types of investments specified in Section  
25 6-10-10 NMSA 1978 and as specified in Sections 6-10-36 and

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1 6-10-44 NMSA 1978, except as provided in Paragraph (2) of  
2 Subsection D of this section. Earnings from the investment  
3 of the permanent fund shall be deposited in the local  
4 government income fund in the treasury of the county or  
5 municipality. Money in the income fund may be budgeted and  
6 appropriated by the local governing body for expenditure for  
7 any purpose of the county or municipality or may be deposited  
8 in the permanent fund.

9 D. Investment authority for a local government  
10 permanent fund shall be as follows:

11 (1) if the fund is less than forty million  
12 dollars (\$40,000,000), it shall be invested as other funds of  
13 the local government; and

14 (2) if the fund is forty million dollars  
15 (\$40,000,000) or over, it may be invested as funds of class A  
16 counties are invested and, if the fund is managed by an  
17 investment advisor that is registered with the federal  
18 securities and exchange commission and that currently manages  
19 assets with a value of at least five hundred million dollars  
20 (\$500,000,000), the fund may also be invested in the  
21 following:

22 (a) corporate debt securities, provided  
23 that: 1) the total amount invested in securities issued by  
24 the same corporation or related corporate affiliates shall  
25 not exceed five percent of the market value of the permanent

1 fund; 2) the securities shall be denominated in United States  
2 currency; 3) the securities shall be rated AA- or higher by a  
3 nationally recognized statistical rating organization; 4) the  
4 final maturity of the securities may not exceed five years;  
5 and 5) the total amount invested pursuant to this  
6 subparagraph and Subparagraph (b) of this paragraph in the  
7 aggregate shall not exceed thirty percent of the market value  
8 of the permanent fund;

9 (b) commercial paper, provided that: 1)  
10 the total amount invested in securities issued by the same  
11 corporation or related corporate affiliates shall not exceed  
12 five percent of the market value of the permanent fund; 2)  
13 the securities shall be denominated in United States  
14 currency; 3) the securities shall be rated in the highest  
15 rating category by a nationally recognized statistical rating  
16 organization; 4) the final maturity of the securities may not  
17 exceed two hundred seventy days; and 5) the total amount  
18 invested pursuant to this subparagraph and Subparagraph (a)  
19 of this paragraph in the aggregate shall not exceed thirty  
20 percent of the market value of the permanent fund; and

21 (c) asset-backed securities, mortgage-  
22 backed securities, collateralized mortgage obligations or  
23 commercial mortgage-backed securities, provided that: 1) the  
24 total amount invested pursuant to this subparagraph shall not  
25 exceed five percent of the market value of the permanent

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1 fund; 2) the securities shall be denominated in United States  
2 currency; 3) the securities shall be rated AAA by a  
3 nationally recognized statistical rating organization; and 4)  
4 the final stated maturity of the securities may not exceed  
5 ten years.

6 E. The governing body of a county or municipality  
7 may adopt a resolution calling for an election on the  
8 question of expenditure of any amount of the local government  
9 permanent fund for a specified county or municipal purpose.  
10 The election shall be held within sixty days after the action  
11 of the governing body. The election shall be called,  
12 conducted, counted and canvassed substantially in the manner  
13 provided by law for general elections within the county or  
14 special municipal elections under the [~~Municipal Election~~  
15 ~~Code~~] Local Election Act. If a majority of the registered  
16 voters of the county or municipality voting on the question  
17 [~~vote~~] votes for the expenditure of a specified amount of the  
18 local government permanent fund for a specified county or  
19 municipal purpose, then that amount of money shall be  
20 available for appropriation and expenditure by the county or  
21 municipality for that purpose. If a majority of the  
22 registered voters of the county or municipality voting on the  
23 question [~~vote~~] votes against the expenditure of a specified  
24 amount of the local government permanent fund for a specified  
25 county or municipal purpose, then money in the local

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1 government permanent fund shall not be expended or  
 2 appropriated for that purpose. Following an election at  
 3 which the question was not approved, the question shall not  
 4 again be submitted to the voters of that county or  
 5 municipality within one year of the date of that election."

6 SECTION 75. Section 6-15-26 NMSA 1978 (being Laws 1971,  
 7 Chapter 132, Section 3, as amended) is amended to read:

8 "6-15-26. BOND ELECTIONS.--

9 A. Each proposition to issue bonds shall be  
 10 submitted by a single set of ballots to all voters of the  
 11 municipality, school district, county, junior college  
 12 district or branch community college district, but the Bond  
 13 Election Act does not prevent the submission of more than one  
 14 proposition on the same ballot.

15 ~~[B. The ballots shall be deposited in one ballot~~  
 16 ~~box for each polling place at any bond election and the vote~~  
 17 ~~shall be cast, counted, returned and canvassed so that the~~  
 18 ~~board can determine the total number of votes cast at each~~  
 19 ~~election for and against each bond proposition.~~

20 ~~G. The Bond Election Act does not prevent any board~~  
 21 ~~from using one or more voting machines at any polling place~~  
 22 ~~for any bond election if the vote is cast, counted, returned~~  
 23 ~~and canvassed and the election otherwise is conducted in a~~  
 24 ~~manner which is consistent with the Bond Election Act.~~

25 ~~D.]~~ B. Except as expressly provided in the Bond

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1 Election Act, any bond election shall be called, conducted  
2 and canvassed pursuant to applicable statutes governing  
3 elections for the bonds; provided, however, absentee ballot  
4 provisions in the Election Code governing regular elections  
5 of the board shall apply. A bond election called by a  
6 municipality shall be called, conducted and canvassed  
7 pursuant to the applicable provisions of the [~~Municipal~~  
8 ~~Election Code~~] Local Election Act, and the absentee ballot  
9 provisions of the [~~Municipal Election Code~~] Local Election  
10 Act shall apply [~~provided, however, that the provisions of~~  
11 ~~this act and any applicable statutes governing elections for~~  
12 ~~the bonds shall supersede the Municipal Election Code in the~~  
13 ~~event of a conflict]."~~

14 SECTION 76. Section 7-19D-9 NMSA 1978 (being Laws 1978,  
15 Chapter 151, Section 1, as amended) is amended to read:

16 "7-19D-9. MUNICIPAL GROSS RECEIPTS TAX--AUTHORITY TO  
17 IMPOSE RATE.--

18 A. The majority of the members of the governing  
19 body of any municipality may impose by ordinance an excise  
20 tax not to exceed a rate of one and one-half percent of the  
21 gross receipts of any person engaging in business in the  
22 municipality for the privilege of engaging in business in the  
23 municipality. A tax imposed pursuant to this section shall  
24 be imposed by the enactment of one or more ordinances, each  
25 imposing any number of municipal gross receipts tax rate

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1 increments, but the total municipal gross receipts tax rate  
2 imposed by all ordinances shall not exceed an aggregate rate  
3 of one and one-half percent of the gross receipts of a person  
4 engaging in business. Municipalities may impose increments  
5 of one-eighth of one percent.

6 B. The tax imposed pursuant to Subsection A of this  
7 section may be referred to as the "municipal gross receipts  
8 tax".

9 C. The governing body of a municipality may, at the  
10 time of enacting an ordinance imposing the tax authorized in  
11 Subsection A of this section, dedicate the revenue for a  
12 specific purpose or area of municipal government services,  
13 including [~~but not limited to~~] police protection, fire  
14 protection, public transportation or street repair and  
15 maintenance. If the governing body proposes to dedicate such  
16 revenue, the ordinance and, if any election is held, the  
17 ballot shall clearly state the purpose to which the revenue  
18 will be dedicated, and any revenue so dedicated shall be used  
19 by the municipality for that purpose unless a subsequent  
20 ordinance is adopted to change the purpose to which dedicated  
21 or to place the revenue in the general fund of the  
22 municipality.

23 D. An election shall be called on the questions of  
24 disapproval or approval of any ordinance enacted pursuant to  
25 Subsection A of this section or any ordinance amending such

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1 ordinance:

2 (1) if the governing body chooses to provide  
3 in the ordinance that it shall not be effective until the  
4 ordinance is approved by the majority of the registered  
5 voters voting on the question at an election to be held  
6 pursuant to the provisions of [~~a home-rule charter or on a~~  
7 ~~date set by the governing body and pursuant to the provisions~~  
8 ~~of the Municipal Election Code governing special elections]~~  
9 the Local Election Act; or

10 (2) if the ordinance does not contain a  
11 mandatory election provision as provided in Paragraph (1) of  
12 this subsection, upon the filing of a petition requesting  
13 such an election if the petition is filed:

14 (a) pursuant to the requirements of a  
15 referendum provision contained in a municipal home-rule  
16 charter and signed by the number of registered voters in the  
17 municipality equal to the number of registered voters  
18 required in its charter to seek a referendum; or

19 (b) in all other municipalities, with the  
20 municipal clerk within thirty days after the adoption of such  
21 ordinance and the petition has been signed by a number of  
22 registered voters in the municipality equal to at least five  
23 percent of the number of the voters in the municipality who  
24 were registered to vote in the most recent regular municipal  
25 election.

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1           E. The signatures on the petition filed in  
2 accordance with Subsection D of this section shall be  
3 verified by the municipal clerk. If the petition is verified  
4 by the municipal clerk as containing the required number of  
5 signatures of registered voters, the governing body shall  
6 adopt an election resolution calling for the holding of a  
7 special election on the question of approving or disapproving  
8 the ordinance unless the ordinance is repealed before the  
9 adoption of the election resolution. An election held  
10 pursuant to Subparagraph (a) or (b) of Paragraph (2) of  
11 Subsection D of this section shall be called, conducted and  
12 canvassed as provided in the [~~Municipal Election Code for~~  
13 ~~special elections~~] Local Election Act, and the election shall  
14 be held within seventy-five days after the date the petition  
15 is verified by the municipal clerk or it may be held in  
16 conjunction with a regular [~~municipal~~] local election if such  
17 election occurs within seventy-five days after the date of  
18 verification by the municipal clerk.

19           F. If at an election called pursuant to Subsection  
20 D of this section a majority of the registered voters voting  
21 on the question approves the ordinance imposing the tax, the  
22 ordinance shall become effective in accordance with the  
23 provisions of the Municipal Local Option Gross Receipts Taxes  
24 Act. If at such an election a majority of the registered  
25 voters voting on the question disapproves the ordinance, the

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1 ordinance imposing the tax shall be deemed repealed and the  
2 question of imposing any increment of the municipal gross  
3 receipts tax authorized in this section shall not be  
4 considered again by the governing body for a period of one  
5 year from the date of the election.

6 G. Any municipality that has lawfully imposed by  
7 the requirements of the Special Municipal Gross Receipts Tax  
8 Act a rate of at least one-fourth of one percent shall be  
9 deemed to have imposed one-fourth of one percent municipal  
10 gross receipts tax pursuant to this section. Any rate of tax  
11 deemed to be imposed pursuant to this subsection shall  
12 continue to be dedicated to the payment of outstanding bonds  
13 issued by the municipality that pledged the tax revenues by  
14 ordinance until such time as the bonds are fully paid. A  
15 municipality may by ordinance change the purpose for any rate  
16 of tax deemed to be imposed at any time the revenues are not  
17 committed to payment of bonds.

18 H. Any law that imposes or authorizes the  
19 imposition of a municipal gross receipts tax or that affects  
20 the municipal gross receipts tax, or any law supplemental  
21 thereto or otherwise appertaining thereto, shall not be  
22 repealed or amended or otherwise directly or indirectly  
23 modified in such a manner as to impair adversely any  
24 outstanding revenue bonds that may be secured by a pledge of  
25 such municipal gross receipts tax unless such outstanding

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1 revenue bonds have been discharged in full or provision has  
2 been fully made therefor."

3       **SECTION 77.** Section 7-19D-11 NMSA 1978 (being Laws  
4 1991, Chapter 9, Section 3, as amended) is amended to read:

5       "7-19D-11. MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS  
6 TAX--AUTHORITY BY MUNICIPALITY TO IMPOSE--ORDINANCE  
7 REQUIREMENTS--ELECTION.--

8           A. A majority of the members of the governing body  
9 of a municipality may enact an ordinance imposing an excise  
10 tax on any person engaging in business in the municipality  
11 for the privilege of engaging in business. The rate of the  
12 tax shall not exceed one-fourth of one percent of the gross  
13 receipts of the person engaging in business and may be  
14 imposed in one-sixteenth of one percent increments by  
15 separate ordinances. Any ordinance enacting any increment of  
16 the first one-eighth of one percent of the tax is not subject  
17 to a referendum of any kind, notwithstanding any requirement  
18 of any charter municipality, except that an increment that is  
19 imposed after July 1, 1998 for economic development purposes  
20 set forth in Paragraph (5) of Subsection C of this section  
21 shall be subject to a referendum as provided in Subsection D  
22 of this section.

23           B. The tax imposed pursuant to Subsection A of this  
24 section may be referred to as the "municipal infrastructure  
25 gross receipts tax".

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1           C. The governing body of a municipality, at the  
2 time of enacting any ordinance imposing the rate of the tax  
3 authorized in Subsection A of this section, may dedicate the  
4 revenue for:

5                   (1) payment of special obligation bonds issued  
6 pursuant to a revenue bond act;

7                   (2) repair, replacement, construction or  
8 acquisition of infrastructure improvements, including  
9 sanitary sewer lines, storm sewers and other drainage  
10 improvements, water, water rights, water lines and utilities,  
11 streets, alleys, rights of way, easements, international  
12 ports of entry and land within the municipality or within the  
13 extraterritorial zone of the municipality;

14                   (3) municipal general purposes;

15                   (4) acquiring, constructing, extending,  
16 bettering, repairing or otherwise improving or operating or  
17 maintaining public transit systems or regional transit  
18 systems or authorities; and

19                   (5) furthering or implementing economic  
20 development plans and projects as defined in the Local  
21 Economic Development Act or projects as defined in the  
22 Statewide Economic Development Finance Act, and use of not  
23 more than the greater of fifty thousand dollars (\$50,000) or  
24 ten percent of the revenue collected for promotion and  
25 administration of or professional services contracts related

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1 to implementation of an economic development plan adopted by  
2 the governing body pursuant to the Local Economic Development  
3 Act and in accordance with law.

4 D. An ordinance imposing any increment of the  
5 municipal infrastructure gross receipts tax in excess of the  
6 first one-eighth of one percent or any increment imposed  
7 after July 1, 1998 for economic development purposes set  
8 forth in Paragraph (5) of Subsection C of this section shall  
9 not go into effect until after an election is held and a  
10 majority of the voters of the municipality voting in the  
11 election votes in favor of imposing the tax. The governing  
12 body shall adopt a resolution calling for an election within  
13 seventy-five days of the date the ordinance is adopted on the  
14 question of imposing the tax. The question shall be  
15 submitted to the voters of the municipality as a separate  
16 question at a regular [~~municipal~~] local election or at a  
17 special election called for that purpose by the governing  
18 body. [~~A special municipal~~] An election shall be called,  
19 conducted and canvassed as provided in the [~~Municipal~~  
20 ~~Election Code~~] Local Election Act. If a majority of the  
21 voters voting on the question approves the ordinance imposing  
22 the municipal infrastructure gross receipts tax, then the  
23 ordinance shall become effective in accordance with the  
24 provisions of the Municipal Local Option Gross Receipts Taxes  
25 Act. If the question of imposing the municipal

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1 infrastructure gross receipts tax fails, the governing body  
2 shall not again propose the imposition of any increment of  
3 the tax in excess of the first one-eighth of one percent for  
4 a period of one year from the date of the election."

5 SECTION 78. Section 7-19D-15 NMSA 1978 (being Laws  
6 2006, Chapter 15, Section 14) is amended to read:

7 "7-19D-15. MUNICIPAL REGIONAL SPACEPORT GROSS RECEIPTS  
8 TAX--AUTHORITY TO IMPOSE--RATE--ELECTION REQUIRED.--

9 A. A majority of the members of the governing body  
10 of a municipality that desires to become a member of a  
11 regional spaceport district pursuant to the Regional  
12 Spaceport District Act shall impose by ordinance an excise  
13 tax at a rate not to exceed one-half percent of the gross  
14 receipts of a person engaging in business in the municipality  
15 for the privilege of engaging in business. A tax imposed  
16 pursuant to this section may be imposed by one or more  
17 ordinances, each imposing any number of tax rate increments,  
18 but an increment shall not be less than one-sixteenth percent  
19 of the gross receipts of a person engaging in business in the  
20 municipality, and the aggregate of all rates shall not exceed  
21 one-half percent of the gross receipts of a person engaging  
22 in business in the municipality. The tax may be referred to  
23 as the "municipal regional spaceport gross receipts tax".

24 B. A governing body, at the time of enacting an  
25 ordinance imposing a tax authorized in Subsection A of this

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1 section, shall dedicate a minimum of seventy-five percent of  
 2 the revenue to a regional spaceport district for the  
 3 financing, planning, designing, engineering and construction  
 4 of a regional spaceport pursuant to the Regional Spaceport  
 5 District Act and may dedicate no more than twenty-five  
 6 percent of the revenue for spaceport-related projects as  
 7 approved by resolution of the governing body of the  
 8 municipality.

9 C. An ordinance imposing a municipal regional  
 10 spaceport gross receipts tax shall not go into effect until  
 11 after an election is held and a majority of the voters of the  
 12 municipality voting in the election votes in favor of  
 13 imposing the tax. The governing body shall adopt a  
 14 resolution calling for an election within seventy-five days  
 15 of the date the ordinance is adopted on the question of  
 16 imposing the tax. The question shall be submitted to the  
 17 voters of the municipality as a separate question at a  
 18 regular [~~municipal~~] local election or at a special election  
 19 called for that purpose by the governing body. [~~A special~~  
 20 ~~municipal~~] An election shall be called, conducted and  
 21 canvassed as provided in the [~~Municipal Election Code~~] Local  
 22 Election Act. If a majority of the voters voting on the  
 23 question approves the ordinance imposing the municipal  
 24 regional spaceport gross receipts tax, the ordinance shall  
 25 become effective in accordance with the provisions of the

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1 Municipal Local Option Gross Receipts Taxes Act. If the  
2 question of imposing the municipal regional spaceport gross  
3 receipts tax fails, the governing body shall not again  
4 propose the imposition of an increment of the tax for a  
5 period of one year from the date of the election.

6 D. The governing body of a municipality imposing  
7 the municipal regional spaceport gross receipts tax shall  
8 transfer a minimum of seventy-five percent of all proceeds  
9 from the tax to the regional spaceport district of which it  
10 is a member for regional spaceport purposes in accordance  
11 with the provisions of the Regional Spaceport District Act.  
12 The governing body of a municipality imposing the municipal  
13 regional spaceport gross receipts tax may retain no more than  
14 twenty-five percent of the municipal regional spaceport gross  
15 receipts tax for spaceport-related projects as approved by  
16 resolution of the governing body."

17 SECTION 79. Section 7-19D-17 NMSA 1978 (being Laws  
18 2012, Chapter 58, Section 1) is amended to read:

19 "7-19D-17. FEDERAL WATER PROJECT GROSS RECEIPTS TAX--  
20 AUTHORIZATION--USE OF REVENUE--REFERENDUM.--

21 A. A majority of the members of the governing body  
22 of a municipality may enact an ordinance imposing an excise  
23 tax on any person engaging in business in the municipality  
24 for the privilege of engaging in business. The rate of the  
25 tax shall not exceed one-fourth percent of the gross receipts

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1 of the person engaging in business. An ordinance enacting  
2 the tax authorized by this section is subject to a positive  
3 referendum.

4 B. The tax imposed pursuant to this section may be  
5 referred to as the "federal water project gross receipts  
6 tax".

7 C. The governing body of a municipality, at the  
8 time of enacting an ordinance imposing the rate of the tax  
9 authorized in this section, shall dedicate the revenue for  
10 the repayment of loan obligations to the federal government  
11 for the construction, expansion, operation and maintenance of  
12 a water delivery system and for the expansion, operation and  
13 maintenance of that water delivery system after the loan  
14 obligation to the federal government is retired or repaid.  
15 The revenue from the federal water project gross receipts tax  
16 shall not be dedicated to repay revenue bonds or any other  
17 form of bonds.

18 D. An ordinance imposing the federal water project  
19 gross receipts tax shall not go into effect until an election  
20 is held and a majority of the voters of the municipality  
21 voting in the election votes in favor of imposing the tax.  
22 The governing body shall adopt a resolution calling for an  
23 election within seventy-five days of the date the ordinance  
24 is adopted on the question of imposing the tax. The question  
25 shall be submitted to the voters of the municipality as a

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1 separate question at a regular [~~municipal~~] local election or  
2 at a special election called for that purpose by the  
3 governing body. [~~A special municipal~~] An election shall be  
4 called, conducted and canvassed as provided in the [~~Municipal~~  
5 ~~Election Code~~] Local Election Act. If a majority of the  
6 voters voting on the question approves the ordinance imposing  
7 the federal water project gross receipts tax, then the  
8 ordinance shall become effective on January 1 or July 1 in  
9 accordance with the provisions of the Municipal Local Option  
10 Gross Receipts Taxes Act. If the question of imposing the  
11 federal water project gross receipts tax fails, the governing  
12 body shall not again propose the imposition of the tax for a  
13 period of one year from the date of the election.

14 E. A municipality that imposed a federal water  
15 project gross receipts tax pursuant to this section shall not  
16 also impose a municipal capital outlay gross receipts tax.

17 F. As used in this section, "municipality" means an  
18 incorporated municipality that has a population pursuant to  
19 the most recent federal decennial census of greater than  
20 twenty thousand but less than twenty-five thousand and is  
21 located in a class B county."

22 **SECTION 80.** Section 7-24A-11 NMSA 1978 (being Laws  
23 1978, Chapter 182, Section 11, as amended) is amended to  
24 read:

25 "7-24A-11. MUNICIPAL GASOLINE TAX--PROCEDURE FOR

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## 1 ADOPTION OF ORDINANCE--ELECTION.--

2 A. The ordinance imposing a municipal gasoline tax  
 3 shall not go into effect until after an election is held and  
 4 a simple majority of the qualified electors of the  
 5 municipality voting on the question [~~vote~~] votes in favor of  
 6 imposing the municipal gasoline tax. The governing body of  
 7 the municipality shall provide for an election on the  
 8 question of imposing the municipal gasoline tax within sixty  
 9 days after the day the ordinance is adopted. Such question  
 10 may be submitted to the electors and voted upon as a separate  
 11 question at any regular or special election or at any special  
 12 election called for that purpose by the governing body. The  
 13 election upon the question shall be called, held, conducted  
 14 and canvassed in substantially the same manner as provided by  
 15 law for special [~~municipal~~] elections as provided in the  
 16 [~~Municipal Election Code~~] Local Election Act. If the  
 17 question of imposing a municipal gasoline tax fails, the  
 18 governing body shall not again propose a municipal gasoline  
 19 tax ordinance for a period of one year after the election.

20 B. After passage of a municipal gasoline tax  
 21 ordinance, the governing body of the municipality shall  
 22 submit a certified copy of the ordinance to the taxation and  
 23 revenue department."

24 **SECTION 81.** Section 10-3-1 NMSA 1978 (being Laws 1909,  
 25 Chapter 36, Section 3, as amended) is amended to read:

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1           "10-3-1. CIRCUMSTANCES CAUSING VACANCY IN LOCAL  
2 OFFICE.--~~[Sec. 7.]~~ Any office belonging to the class  
3 mentioned in Section ~~[3954]~~ 10-4-1 NMSA 1978 becomes vacant  
4 under any of the following circumstances:

5           ~~[1]~~ A. by death of the party in office;

6           ~~[2]~~ B. removal of the officer as provided by ~~[this~~  
7 ~~chapter]~~ Sections 10-4-1 through 10-4-29 NMSA 1978;

8           ~~[3]~~ C. failure of the officer to qualify as  
9 provided by law;

10          ~~[4]~~ D. expiration of the term of office when no  
11 successor has been chosen as provided by law;

12          ~~[5]~~ E. when the officer removes from the ~~[county~~  
13 ~~in]~~ area from which ~~[he is]~~ the officer was elected to  
14 represent and, in case of ~~[municipal officers]~~ an officer  
15 serving pursuant to an appointment, when ~~[he]~~ the officer  
16 removes from the ~~[town or city for which he is elected]~~ area  
17 the officer was appointed to represent;

18          ~~[6]~~ F. absence from the ~~[county]~~ political  
19 subdivision in which the officer serves for six consecutive  
20 months ~~[and, in cases of municipal officers, absence for such~~  
21 ~~length of time from the village, town or city for which he is~~  
22 ~~elected];~~ but this provision does not apply to those officers  
23 wherein the law provides that the duties may be discharged by  
24 a deputy, when such absence is due to illness or other  
25 unavoidable cause;

1 [7] G. by resignation of the officer; or

2 [8] H. by an officer accepting and undertaking to  
3 discharge the duties of another incompatible office."

4 SECTION 82. Section 10-4-1 NMSA 1978 (being Laws 1909,  
5 Chapter 36, Section 1, as amended) is amended to read:

6 "10-4-1. LOCAL OFFICERS SUBJECT TO REMOVAL.--~~[Sec. 5.]~~

7 Any ~~[county, precinct, district, city, town or village]~~  
8 officer of a political subdivision of the state elected by  
9 the people and any officer appointed to fill out the  
10 unexpired term of any such officer may be removed from office  
11 on any of the grounds mentioned in ~~[this chapter]~~ and  
12 according to the ~~[provision hereof]~~ provisions of Sections  
13 10-4-1 through 10-4-29 NMSA 1978."

14 SECTION 83. Section 21-13-8 NMSA 1978 (being Laws 1963,  
15 Chapter 17, Section 7, as amended) is amended to read:

16 "21-13-8. COMMUNITY COLLEGE BOARD.--

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

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

23 ~~[(1) in conjunction with regular school~~  
24 ~~district elections on the first Tuesday of February in each~~  
25 ~~odd-numbered year if the community college board and school~~

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1 ~~board agree to hold their elections at the same time; or~~  
2 ~~(2) on the date otherwise prescribed by the~~  
3 ~~Community College] pursuant to the Local Election Act.~~

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

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

17 **SECTION 84.** Section 21-16-5.1 NMSA 1978 (being Laws  
18 1994, Chapter 83, Section 3, as amended) is amended to read:

19 "21-16-5.1. BOARD MEMBERS--ELECTED FROM DISTRICTS--  
20 ELECTIONS.--

21 A. A district board shall be composed of five or  
22 seven members elected for four-year terms who shall reside in  
23 and be elected from single-member districts as provided in  
24 this section. ~~[Any board, the members of which have not been~~  
25 ~~elected from single-member districts, shall district and hold~~

1 ~~a special election to coincide with the school district~~  
 2 ~~elections of 2001.]~~ If the board is a seven-member board,  
 3 board members shall be elected for all seven positions on the  
 4 board, with the board members elected to positions 1, 3, 5  
 5 and 7 to be elected for initial terms of two years and the  
 6 board members elected to positions 2, 4 and 6 to be elected  
 7 for initial terms of four years. If the board is a five-  
 8 member board, board members elected to positions 1, 3 and 5  
 9 shall be elected for initial terms of two years and board  
 10 members elected to positions 2 and 4 shall be elected for  
 11 initial terms of four years. After the initial election for  
 12 a district board, each board member shall be elected for a  
 13 term of four years.

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

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

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

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

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

22 SECTION 85. Section 21-16-14 NMSA 1978 (being Laws  
23 1963, Chapter 108, Section 11, as amended) is amended to  
24 read:

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



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

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

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

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

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

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

23 E. If a technical and vocational institute district  
24 includes less than all of a school district, the institute  
25 board, by resolution of a majority of the members of the

1 board, may call an election within the institute district and  
 2 in the portion of the school district that is not included in  
 3 the institute district on the question of the addition of the  
 4 excluded portion of the school district to the established  
 5 institute district. [~~Except where specific provision is~~  
 6 ~~otherwise provided by law~~] Such election shall be conducted  
 7 pursuant to the provisions of the [~~School Election Law with~~  
 8 ~~the president of the institute district serving in the place~~  
 9 ~~of the superintendent of schools in every case; provided~~  
 10 ~~that:~~

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

13           (2) ~~if a precinct lies partly within and~~  
 14 ~~partly outside the institute district, the parts of the~~  
 15 ~~precinct within and outside the institute district shall~~  
 16 ~~constitute separate precincts for purposes of the election;~~  
 17 and

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

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

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1 of such school district.

2 G. Each area added to an existing technical and  
3 vocational institute district shall automatically be subject  
4 to any special levy on taxable property approved for the  
5 institute district for the maintenance of facilities and  
6 services and for support of bond issues."

7 SECTION 86. Section 21-16-20 NMSA 1978 (being Laws 1964  
8 (1st S.S.), Chapter 12, Section 5) is amended to read:

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

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1 ~~The election officials in such voting divisions shall execute~~  
 2 ~~separate certificates certifying the results of the voting on~~  
 3 ~~such question, and, upon receipt thereof, each county clerk~~  
 4 ~~shall deliver the same to the president of the board or his~~  
 5 ~~designated representative]."~~

6 SECTION 87. Section 21-16A-6 NMSA 1978 (being Laws  
 7 2000, Chapter 105, Section 6) is amended to read:

8 "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--  
 9 ELECTION.--

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

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

25 C. A resolution adopted pursuant to Subsection A of

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1 this section shall specify:

2 (1) the rate of the proposed tax;

3 (2) the date of the election at which the  
4 question of imposition of the tax will be submitted to the  
5 voters of the district;

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

8 (4) the proposed use of the revenues from the  
9 proposed tax.

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

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

22 F. If a majority of the voters voting on the  
23 question votes against a learning center tax levy pursuant to  
24 a resolution adopted under the Learning Center Act, the tax  
25 shall not be imposed. The board shall not again adopt a

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1 resolution authorizing the imposition of a tax levy pursuant  
 2 to the Learning Center Act for at least two years after the  
 3 date of the resolution that the voters rejected.

4 G. The board may discontinue by resolution the  
 5 imposition of any tax authorized pursuant to the Learning  
 6 Center Act. The discontinuance resolution shall be mailed to  
 7 the department of finance and administration no later than  
 8 June 15 of the year in which a tax rate pursuant to that act  
 9 is not to be certified."

10 SECTION 88. Section 22-5-8 NMSA 1978 (being Laws 1967,  
 11 Chapter 16, Section 31, as amended) is amended to read:

12 "22-5-8. TERM OF OFFICE.--

13 A. The full term of office of a member of a local  
 14 school board shall be four years [~~from March 1~~] succeeding  
 15 [~~his~~] the member's election to office at a regular [~~school~~  
 16 ~~district~~] local election held pursuant to the Local Election  
 17 Act.

18 B. Any member of a local school board whose term of  
 19 office has expired shall continue in that office until [~~his~~]  
 20 a successor is elected and qualified."

21 SECTION 89. Section 22-7-1 NMSA 1978 (being Laws 1977,  
 22 Chapter 308, Section 1) is amended to read:

23 "22-7-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 7  
 24 NMSA 1978 may be cited as the "Local School Board Member  
 25 Recall Act"."

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1           SECTION 90. Section 22-7-13 NMSA 1978 (being Laws 1977,  
2 Chapter 308, Section 13, as amended) is amended to read:

3           "22-7-13. SPECIAL RECALL ELECTION.--

4           A. The date of the special recall election shall be  
5 set no later than one hundred twenty days after the date of  
6 the determination by the county clerk, but in no event shall  
7 the election be held within the period of time prohibited for  
8 local government elections pursuant to Section 1-12-71 NMSA  
9 1978.

10           B. The question to be submitted to the voters at  
11 the special recall election shall be whether the named member  
12 shall be recalled.

13           C. A special recall election may be held in  
14 conjunction with a regular or [a] local special [school  
15 district] election.

16           D. ~~[Whenever a special recall election is called,~~  
17 ~~the county clerk shall give public notice of the special~~  
18 ~~recall election by publishing information regarding the~~  
19 ~~election once each week for four consecutive weeks. The~~  
20 ~~first publication of the information shall be made between~~  
21 ~~forty-five and sixty days before the date of the special~~  
22 ~~recall election. Information regarding the election shall be~~  
23 ~~in compliance with the federal Voting Rights Act of 1965, as~~  
24 ~~amended, and shall include the date when the special recall~~  
25 ~~election will be held, the question to be submitted to the~~

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1 ~~voters, a brief description of the boundaries of each~~  
 2 ~~precinct, the location of each polling place, the hours each~~  
 3 ~~polling place will be open and the date and time of the~~  
 4 ~~closing of the registration books by the county clerk as~~  
 5 ~~required by law.] Except as otherwise provided in the Local  
 6 School Board Member Recall Act, special recall elections in a  
 7 school district shall be conducted pursuant to the provisions  
 8 of the Local Election Act.~~

9 E. The ballot shall be in compliance with the  
 10 federal Voting Rights Act of 1965, as amended, and shall  
 11 present the voter the choice of voting "for the removal of  
 12 the named member" or "against the removal of the named  
 13 member".

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

17 ~~G. Except as otherwise provided in the Local School~~  
 18 ~~Board Member Recall Act, special recall elections in a school~~  
 19 ~~district shall be conducted as provided in the Election~~  
 20 ~~Code.]"~~

21 SECTION 91. Section 22-18-2 NMSA 1978 (being Laws 1967,  
 22 Chapter 16, Section 229, as amended) is amended to read:

23 "22-18-2. BOND ELECTIONS--QUALIFICATION OF VOTERS--  
 24 CALLING FOR BOND ELECTIONS.--

25 A. Before any general obligation bonds are issued,

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1 a local school board of a school district shall submit to a  
2 vote of the qualified electors of the school district [~~owning~~  
3 ~~real estate in the school district~~] the question of creating  
4 a debt by issuing the bonds, and a majority of those persons  
5 voting on the question shall vote for issuing the general  
6 obligation bonds.

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

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underscored material = new  
[bracketed material] = delete

1 within the school district. A local school board shall call  
 2 for a bond election at [a] the next regular local or special  
 3 [~~school district~~] election within ninety days [~~from~~]  
 4 following the date a properly signed petition is filed with  
 5 it; provided that the timing of the election does not  
 6 conflict with the provisions of Section 1-12-71 NMSA 1978."

7       **SECTION 92.** Section 22-18-4 NMSA 1978 (being Laws 1967,  
 8 Chapter 16, Section 231, as amended) is amended to read:

9       "22-18-4. BOND ELECTIONS--CONDUCT.--

10       A. A person is required to be a registered [~~voter~~]  
 11 qualified elector to vote in a bond election in a school  
 12 district.

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

17       **SECTION 93.** Section 22-18-8 NMSA 1978 (being Laws 1967,  
 18 Chapter 16, Section 235) is amended to read:

19       "22-18-8. RESTRICTION ON BOND ELECTIONS.--In the event  
 20 a majority of those persons voting on a question submitted to  
 21 the voters in a bond election [~~vote~~] votes against creating a  
 22 debt by issuing general obligation bonds, no bond election  
 23 shall be held on the same question for a period of two years  
 24 from the date of the bond election [~~except upon the~~  
 25 ~~presentation of a petition pursuant to Section 77-15-2 New~~

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

10 SECTION 94. Section 22-25-5 NMSA 1978 (being Laws 1975  
11 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

12 "22-25-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

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

22 B. The proclamation required to be published as  
23 notice of the election under Section ~~[1-22-4 or 1-22-5]~~  
24 1-22-11 NMSA 1978 shall include as the question to be  
25 submitted to the voters whether a property tax at a rate not

1 to exceed the rate specified in the authorizing resolution  
 2 should be imposed for the specified number of property tax  
 3 years not exceeding six years upon the net taxable value of  
 4 all property allocated to the school district for the capital  
 5 improvements specified in the authorizing resolution.

6 C. The ballot shall include the information  
 7 specified in Subsection B of this section and shall present  
 8 the voter the choice of voting "for the public school capital  
 9 improvements tax" or "against the public school capital  
 10 improvements tax".

11 SECTION 95. Section 22-26-5 NMSA 1978 (being Laws 1983,  
 12 Chapter 163, Section 5, as amended) is amended to read:

13 "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

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

23 B. The resolution required to be published as  
 24 notice of the election under Section [~~1-22-4 or 1-22-5~~]  
 25 1-22-11 NMSA 1978 shall include as the question to be

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1 submitted to the voters whether a property tax at a rate not  
2 to exceed the rate specified in the authorizing resolution  
3 should be imposed for the specified number of property tax  
4 years not exceeding six years upon the net taxable value of  
5 all property allocated to the school district for capital  
6 improvements.

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

11 SECTION 96. Section 22-26A-10 NMSA 1978 (being Laws  
12 2007, Chapter 173, Section 10, as amended) is amended to  
13 read:

14 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

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

24 B. The resolution required to be published as  
25 notice of the election under Section [~~1-22-4 or 1-22-5]~~

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

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

12 SECTION 97. Section 22-26A-11 NMSA 1978 (being Laws  
 13 2007, Chapter 173, Section 11) is amended to read:

14 "22-26A-11. ELECTION RESULTS--CERTIFICATION.--The  
 15 certification of the results of an election held on the  
 16 question of imposition of a lease purchase tax shall be made  
 17 in accordance with the [~~School Election Law~~] Local Election  
 18 Act, and a copy of the certificate of results shall be mailed  
 19 immediately to the secretary."

20 SECTION 98. Section 60-5A-1 NMSA 1978 (being Laws 1981,  
 21 Chapter 39, Section 15, as amended) is amended to read:

22 "60-5A-1. ELECTIONS FOR LOCAL OPTION.--Any municipality  
 23 containing over five thousand [~~population~~] persons according  
 24 to the latest United States census, whether the county in  
 25 which that municipality is situated has adopted the local

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1 option provisions of the Liquor Control Act or any former act  
2 or not, or any county in the state may adopt local option in  
3 the county or municipality upon the following terms and  
4 conditions:

5 A. at any time after the effective date of the  
6 Liquor Control Act, the registered qualified electors of  
7 [~~any~~] a proposed local option district may petition the  
8 governing body by filing one or more petitions in the  
9 appropriate office to hold an election for the purpose of  
10 determining whether the county or municipality shall adopt  
11 the local option provisions of the Liquor Control Act. If  
12 the aggregate of the signatures of such electors on all the  
13 petitions equals or exceeds five percent of the number of  
14 registered voters of the district, the governing body shall  
15 call an election within seventy-five days of the verification  
16 of the petition. The date of the filing of the petition  
17 shall be the date of the filing of the last petition [~~which~~]  
18 that brings the number of signatures up to the required five  
19 percent; provided, however, that the governing body shall  
20 refuse to recognize the petition if more than three months  
21 have elapsed between the date of the first signature and the  
22 filing of the last petition necessary to bring the number of  
23 signatures on the petition up to five percent;

24 B. the election shall be called, conducted, counted  
25 and canvassed substantially in the manner provided by law for



1 general elections within the county or special [~~municipal~~]  
 2 elections within the municipality, except as otherwise  
 3 provided in this section;

4 C. the votes at the election shall be counted,  
 5 returned and canvassed as provided for in the case of general  
 6 elections within the county or special [~~municipal~~] elections  
 7 within the municipality;

8 D. except as otherwise provided in this section,  
 9 contests, recounts and rechecks shall be permitted as  
 10 provided for in the case of candidates for county office in  
 11 general elections or as provided for in the case of special  
 12 [~~municipal~~] elections within the municipality. Applications  
 13 for contests, recounts or rechecks may be filed by any person  
 14 who voted in the election, and service shall be made upon the  
 15 county clerk or municipal clerk as the case may be;

16 E. if a majority of all the votes cast at the  
 17 election [~~are~~] is cast in favor of the sale, service or  
 18 public consumption of alcoholic beverages in the county or  
 19 municipality, the [~~chairman~~] chair of the governing body  
 20 shall declare by order entered upon the records of the county  
 21 or municipality that the county or municipality has adopted  
 22 the local option provisions of the Liquor Control Act and  
 23 shall notify the department of [~~such~~] the results;

24 F. no election held pursuant to this section shall  
 25 be held within forty-two days of [~~any~~] a primary or general

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1 ~~[municipal or school district]~~ election. If within sixty  
2 days from the verification of ~~[any]~~ a petition as provided in  
3 Subsection A of this section a primary or general ~~[municipal~~  
4 ~~or school]~~ election is held, the governing body may call an  
5 election for a day not less than sixty days after the primary  
6 or general ~~[municipal or school]~~ election;

7 G. if an election is held under the provisions of  
8 the Liquor Control Act in ~~[any]~~ a county ~~[which]~~ that  
9 contains within its limits ~~[any]~~ a municipality of more than  
10 five thousand persons according to the ~~[last]~~ latest United  
11 States census, it is not necessary for the registered  
12 qualified electors in the municipality to file a separate  
13 petition asking for a separate or different vote on the  
14 question of adopting the local option provisions of the  
15 Liquor Control Act by the municipality. The election in the  
16 county shall be conducted so as to separate the votes in the  
17 municipality from those in the remaining parts of the county.  
18 If a majority of the voters in the county, including the  
19 voters in the municipality, ~~[vote]~~ votes against the sale,  
20 service or public consumption of alcoholic beverages in the  
21 county, the county shall not adopt the local option  
22 provisions of the Liquor Control Act; but if a majority of  
23 the votes in the municipality ~~[are]~~ is in favor of the sale,  
24 service or public consumption of alcoholic beverages, the  
25 municipality shall have adopted the local option provisions

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1 of the Liquor Control Act. Nothing contained in this  
 2 subsection shall prevent any municipality from having a  
 3 separate election under the terms of this section;

4 H. ~~any~~ a county or municipality composing a local  
 5 option district under the provisions of the Liquor Control  
 6 Act or ~~any~~ a former act may vote to discontinue the sale,  
 7 service or public consumption of alcoholic beverages in the  
 8 local option district; the discontinuance shall become  
 9 effective on the ninetieth day after the local option  
 10 election is held; and

11 I. nothing in this section shall invalidate any  
 12 local option election held pursuant to any former act prior  
 13 to July 1, 1981."

14 SECTION 99. Section 60-7A-1 NMSA 1978 (being Laws 1981,  
 15 Chapter 39, Section 47, as amended by Laws 2017, Chapter 9,  
 16 Section 1 and by Laws 2017, Chapter 49, Section 1) is amended  
 17 to read:

18 "60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--  
 19 CHRISTMAS DAY SALES--SALES FOR CONSUMPTION OFF THE LICENSED  
 20 PREMISES--ELECTIONS.--

21 A. Provided that nothing in this section shall  
 22 prohibit the consumption at any time of alcoholic beverages  
 23 in guest rooms of hotels, alcoholic beverages shall be sold,  
 24 served and consumed on licensed premises only during the  
 25 following hours and days:

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1 (1) on Mondays from 7:00 a.m. until midnight;

2 (2) on Tuesdays through Saturdays from after  
3 midnight of the previous day until 2:00 a.m., then from 7:00  
4 a.m. until midnight, except as provided in Subsections E and  
5 G of this section; and

6 (3) on Sundays only after midnight of the  
7 previous day until 2:00 a.m., except as provided in  
8 Subsections D and F of this section and Section 60-7A-2 NMSA  
9 1978.

10 B. Except as provided in Subsection C of this  
11 section, alcoholic beverages may be sold by a dispenser or a  
12 retailer in unbroken packages, for consumption off the  
13 licensed premises and not for resale, only on Mondays through  
14 Saturdays from 7:00 a.m. until midnight, except as provided  
15 in Subsections E and G of this section.

16 C. The governing body of a local option district  
17 that is a class B county with a population greater than  
18 seventy thousand and less than seventy-six thousand according  
19 to the most recent federal decennial census or that is a  
20 municipality located within a class B county with a  
21 population greater than seventy thousand and less than  
22 seventy-six thousand according to the most recent federal  
23 decennial census may pass an ordinance to place restrictions,  
24 in addition to those provided in this section, on the hours  
25 during which a dispenser or retailer may sell alcoholic

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1 beverages in unbroken packages for consumption off the  
2 licensed premises and not for resale. The ordinance may  
3 restrict sales between 7:00 a.m. and 10:00 a.m. and shall  
4 provide the hours between 7:00 a.m. and 10:00 a.m., if any,  
5 during which a dispenser or retailer may sell alcoholic  
6 beverages in unbroken packages for consumption off the  
7 licensed premises and not for resale.

8 D. A dispenser, restaurant licensee or club may,  
9 upon payment of an additional fee of one hundred dollars  
10 (\$100), obtain a permit to sell, serve or permit the  
11 consumption of alcoholic beverages by the drink on the  
12 licensed premises on Sundays, subject to approval obtained  
13 pursuant to the process set forth in Subsection F of this  
14 section. Alcoholic beverages may be sold, served and  
15 consumed from 11:00 a.m. until midnight as set forth in the  
16 licensee's Sunday sales permit, and in those years when  
17 December 31 falls on a Sunday, from 11:00 a.m. until 2:00  
18 a.m. of the following day, except as otherwise provided for a  
19 restaurant licensee in Section 60-6A-4 NMSA 1978. The Sunday  
20 sales permit shall expire on June 30 of each year and may be  
21 renewed from year to year upon application for renewal and  
22 payment of the required fee. The permit fee shall not be  
23 prorated. Sales made pursuant to this subsection or  
24 Subsection H of this section shall be called "Sunday sales".

25 E. Retailers, dispensers, canopy licensees that

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1 were replaced by dispenser's licensees pursuant to Section  
2 60-6B-16 NMSA 1978, restaurant licensees, club licensees and  
3 governmental licensees or their lessees shall not sell,  
4 serve, deliver or allow the consumption of alcoholic  
5 beverages on the licensed premises from 2:00 a.m. on  
6 Christmas day until 7:00 a.m. on the day after Christmas,  
7 except as permitted pursuant to Subsection G of this section.

8 F. Sunday sales pursuant to the provisions of  
9 Subsection D of this section are permitted in a local option  
10 district that voted to permit them. If in that election a  
11 majority of the voters in a local option district voted "no"  
12 on the question "Shall Sunday sales of alcoholic beverages by  
13 the drink for consumption on the licensed premises of  
14 licensees be allowed in this local option district?", Sunday  
15 sales are unlawful in that local option district upon  
16 certification of the election returns unless the provisions  
17 of Subsection K of this section apply. The question shall  
18 not again be placed on the ballot in that local option  
19 district until:

- 20 (1) at least one year has passed; and  
21 (2) a petition is filed with the local  
22 governing body bearing the signatures of registered qualified  
23 electors of the local option district equal in number to ten  
24 percent of the number of votes cast and counted in the local  
25 option district for governor in the last preceding general

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1 election in which a governor was elected. The signatures on  
2 the petition shall be verified by the clerk of the county in  
3 which the local option district is situated.

4 G. On and after July 1, 2002, dispensers, canopy  
5 licensees that were replaced by dispenser's licensees  
6 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,  
7 club licensees and governmental licensees or lessees of these  
8 licensees, provided that the licensees have current, valid  
9 food service establishment permits, may sell, serve or allow  
10 the consumption of alcoholic beverages by the drink on  
11 licensed premises from noon until 10:00 p.m. on Christmas  
12 day, except in a local option district in which, pursuant to  
13 petition and election under this subsection, a majority of  
14 the voters voting on the question votes against continuing  
15 such sales or consumption on Christmas day. An election  
16 shall be held on the question of whether to continue to allow  
17 the sale, service or consumption of alcoholic beverages by  
18 the drink on licensed premises from noon until 10:00 p.m. on  
19 Christmas day in a local option district, if a petition  
20 requesting the governing body of that district to call the  
21 election is signed by at least ten percent of the registered  
22 voters of the district and is filed with the clerk of the  
23 governing body of the district. Upon verification by the  
24 clerk that the petition contains the required number of  
25 signatures of registered voters, the governing body shall

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1 adopt a resolution calling an election on the question of  
2 allowing the sale, service or consumption of alcoholic  
3 beverages by the drink on licensed premises from noon until  
4 10:00 p.m. on Christmas day. The election [~~shall be held~~  
5 ~~within sixty days after the date the petition is verified, or~~  
6 ~~it~~] may be held in conjunction with a regular election of the  
7 governing body [~~if that election occurs within sixty days of~~  
8 ~~such verification~~] or a regular local or special election  
9 held pursuant to the Local Election Act. The election shall  
10 be called, conducted, counted and canvassed in substantially  
11 the same manner as provided for general elections in the  
12 county under the Election Code or for special [~~municipal~~  
13 elections in a municipality under the [~~Municipal Election~~  
14 ~~Code~~] Local Election Act. If a majority of the voters voting  
15 on the question votes against continuing the sale, service or  
16 consumption of alcoholic beverages by the drink on licensed  
17 premises from noon until 10:00 p.m. on Christmas day, then  
18 such sales and consumption shall be prohibited. If a  
19 majority of the voters voting on the question votes to allow  
20 continued sale, service and consumption of alcoholic  
21 beverages by the drink on licensed premises from noon until  
22 10:00 p.m. on Christmas day, then such sales and consumption  
23 shall be allowed to continue. The question then shall not be  
24 submitted again to the voters within two years of the date of  
25 the last election on the question.

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1           H. Notwithstanding the provisions of Subsection F  
2 of this section, any Indian nation, tribe or pueblo whose  
3 lands are wholly situated within the state that has, by  
4 statute, ordinance or resolution, elected to permit the sale,  
5 possession or consumption of alcoholic beverages on lands  
6 within the territorial boundaries of the Indian nation, tribe  
7 or pueblo may, by statute, ordinance or resolution of the  
8 governing body of the Indian nation, tribe or pueblo, permit  
9 Sunday sales by the drink on the licensed premises of  
10 licensees on lands within the territorial boundaries of the  
11 Indian nation, tribe or pueblo; provided that a certified  
12 copy of such enactment is filed with the office of the  
13 director and with the secretary of state.

14           I. Subject to the provisions of Subsection J of  
15 this section, a dispenser or retailer, upon payment of an  
16 additional fee of one hundred dollars (\$100), may obtain a  
17 permit to sell alcoholic beverages in unbroken packages for  
18 consumption off the licensed premises on Sundays from noon  
19 until midnight, and in those years when December 31 falls on  
20 a Sunday, from noon on December 31 until 2:00 a.m. of the  
21 following day. The permit shall expire on June 30 of each  
22 year and may be renewed from year to year upon application  
23 for renewal and payment of the required fee. The permit fee  
24 shall not be prorated. Sales made pursuant to the provisions  
25 of this subsection shall be called "Sunday package sales".

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1 J. If a petition requesting the governing body of a  
2 local option district to call an election on the question of  
3 continuing to allow sales of alcoholic beverages in unbroken  
4 packages for consumption off the licensed premises on Sundays  
5 is filed with the clerk of the governing body and that  
6 petition is signed by at least ten percent of the number of  
7 registered voters of the local option district and the clerk  
8 of the governing body verifies the petition signatures, the  
9 governing body shall adopt a resolution calling an election  
10 on the question. The election shall be held within sixty  
11 days of the date that the petition is verified, or it may be  
12 held in conjunction with a regular election of the governing  
13 body, if the regular election occurs within sixty days of the  
14 petition verification. The election shall be called,  
15 conducted, counted and canvassed substantially in the manner  
16 provided by law for general elections within a county or for  
17 special ~~[municipal]~~ elections within a municipality pursuant  
18 to the Local Election Act. If a majority of the voters of  
19 the local option district voting in the election votes to  
20 allow the sale of alcoholic beverages in unbroken packages  
21 for consumption off the licensed premises, then those sales  
22 shall continue to be allowed. If a majority of the voters of  
23 the local option district voting in the election votes not to  
24 allow the Sunday package sales, then those Sunday package  
25 sales shall be prohibited commencing the first Sunday after

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1 the results of the election are certified. Following the  
2 election, the question of allowing the Sunday package sales  
3 shall not be submitted again to the voters within two years  
4 of the date of the last election on the question.

5 K. Sunday sales of alcoholic beverages shall be  
6 permitted at resorts and at horse racetracks statewide  
7 pursuant to the provisions of Section 60-7A-2 NMSA 1978."

8 SECTION 100. Section 62-6-5 NMSA 1978 (being Laws 1941,  
9 Chapter 84, Section 17A, as amended) is amended to read:

10 "62-6-5. LOCAL OPTION.--Notwithstanding any of the  
11 provisions in Section 62-6-4 NMSA 1978, any municipality  
12 desiring to avail itself of all the benefits of the Public  
13 Utility Act and of the regulatory services of the commission  
14 may elect to come within the provisions of that act and to  
15 have the utilities owned and operated by it, either directly  
16 or through a municipally owned corporation, regulated and  
17 supervised under the provisions of that act. When a  
18 municipality so elects, in the manner provided in this  
19 section, it shall be subject to all the provisions of the  
20 Public Utility Act. The election shall be held as follows:

21 A. at any time after the effective date of the  
22 Public Utility Act, the legal voters of any municipality may  
23 petition in writing the governing body of the municipality by  
24 filing a petition in the office of the municipal clerk to  
25 hold an election for the purpose of determining whether the

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1 municipality shall be subject to the provisions of that act.  
 2 If the aggregate of the names signed to the petition equals  
 3 or exceeds twenty-five percent of the number of legal votes  
 4 cast in the municipality for governor at the last preceding  
 5 general election, the governing body of the municipality  
 6 shall call an election to be held within sixty days of the  
 7 filing of the petition in accordance with the provisions of  
 8 the Local Election Act. Provided, however, that if a  
 9 [~~general municipal~~] local election is to be held [~~for any~~  
 10 ~~other purpose~~] within six months of the filing of the  
 11 petition, the election provided for in this section shall be  
 12 held at the same time as [~~and through the election machinery~~  
 13 ~~used at~~] that election;

14 B. the election shall be held in the same manner as  
 15 and with the same registration books as for other municipal  
 16 elections. The ballots to be submitted to the voters at the  
 17 election shall present the following questions:

18 "For regulation of municipally owned  
 19 utilities by the [~~New Mexico~~] public  
 20 [~~utility~~] regulation commission . . . . . \_\_\_\_\_  
 21 Against regulation of municipally owned  
 22 utilities by the [~~New Mexico~~] public  
 23 [~~utility~~] regulation commission . . . . . \_\_\_\_\_".

24 The votes at the election shall be counted, returned and  
 25 canvassed as provided for in [~~general municipal elections~~]

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 [bracketed material] = delete

1 the Local Election Act. If the majority of all the votes are  
 2 in favor of regulation of municipally owned utilities, the  
 3 governing body of the municipality shall declare, by order  
 4 entered upon the records of the municipality, that it is  
 5 subject to all the provisions of the Public Utility Act. If  
 6 the majority of all the votes are against such regulation,  
 7 the result of the election shall be declared and entered in  
 8 the same manner; and

9 C. no elections for the same purpose shall be held  
 10 within two years of each other."

11 SECTION 101. Section 72-16-1 NMSA 1978 (being Laws  
 12 1963, Chapter 311, Section 1) is amended to read:

13 "72-16-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
 14 16 NMSA 1978 may be cited as the "Arroyo Flood Control Act"."

15 SECTION 102. Section 72-16-4 NMSA 1978 (being Laws  
 16 1963, Chapter 311, Section 4) is amended to read:

17 "72-16-4. DEFINITIONS.--Except where the context  
 18 otherwise requires, ~~[the definitions in this section govern~~  
 19 ~~the construction hereof]~~ as used in the Arroyo Flood Control  
 20 Act:

21 A. "act" means ~~[this]~~ the Arroyo Flood Control Act;

22 B. "acquisition" or "acquire" means the opening,  
 23 laying out, establishment, purchase, construction, securing,  
 24 installation, reconstruction, lease, gift, grant from the  
 25 federal government or any public body or person, endowment,

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1 bequest, devise, condemnation, transfer, assignment, option  
2 to purchase, other contract or other acquirement, or any  
3 combination [~~thereof~~] of those, of facilities, other property  
4 or any project, or an interest [~~therein, herein~~] in them,  
5 authorized by the Arroyo Flood Control Act;

6 C. "authority" means the Albuquerque metropolitan  
7 arroyo flood control authority [~~hereby created~~];

8 D. "board" means the board of directors of the  
9 Albuquerque metropolitan arroyo flood control authority;

10 E. [~~"chairman"~~] "chair" means the [~~chairman~~] chair  
11 of the board and president of the authority;

12 F. "condemnation" or "condemn" means the  
13 acquisition by the exercise of the power of eminent domain of  
14 property for any facilities, other property or project, or an  
15 interest [~~therein, herein~~] in them, authorized by the Arroyo  
16 Flood Control Act. The authority may exercise in the state  
17 the power of eminent domain, either within or without the  
18 authority, and in the manner provided by law for the  
19 condemnation of private property for public use, may take any  
20 property necessary to carry out any of the objects or  
21 purposes [~~hereof~~] of the Arroyo Flood Control Act. In the  
22 event the construction of any facility or project [~~herein~~]  
23 authorized by that act, or any part [~~thereof, shall make~~] of  
24 the act makes necessary the removal and relocation of any  
25 public utilities, whether on private or public right of way,

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[bracketed material] = delete

1 the authority shall reimburse the owner of [~~such~~] the public  
 2 utility facility for the expense of [~~such~~] removal and  
 3 relocation, including the cost of any necessary land or  
 4 rights in land;

5 G. "cost" or "cost of the project", or words of  
 6 similar import, means [~~all, or~~] any part designated by the  
 7 board of the cost of any facilities, project or interest  
 8 [~~therein~~] being acquired and of [~~all or~~] any property,  
 9 rights, easements, privileges, agreements and franchises  
 10 deemed by the authority to be necessary or useful and  
 11 convenient [~~therefor~~] or in connection therewith, which cost,  
 12 at the option of the board, may include [~~all or~~] any part of  
 13 the incidental costs pertaining to the project, including  
 14 without limiting the generality of the foregoing, preliminary  
 15 expenses advanced by any municipality from funds available  
 16 for use [~~therefor~~] in the making of surveys, preliminary  
 17 plans, estimates of cost and other preliminaries; for the  
 18 costs of appraising and printing and employing engineers,  
 19 architects, fiscal agents, attorneys at law, clerical help or  
 20 other agents or employees; for the costs of capitalizing  
 21 interest or any discount on securities, of inspection, of any  
 22 administrative, operating and other expenses of the authority  
 23 prior to the levy and collection of taxes and of reserves for  
 24 working capital, operation, maintenance or replacement  
 25 expenses or for payment or security of principal of or

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1 interest on any securities; for the costs of making,  
2 publishing, posting, mailing and otherwise giving any notice  
3 in connection with the project, the taking of options, the  
4 issuance of securities, the filing or recordation of  
5 instruments and the levy and collection of taxes and  
6 installments [~~thereof~~]; for the costs of reimbursements by  
7 the authority to any public body, the federal government or  
8 any person of any [~~moneys theretofore~~] money expended for or  
9 in connection with any facility or project; and for all other  
10 expenses necessary or desirable and appertaining to any  
11 project, as estimated or otherwise ascertained by the board;

12 H. "director" means a member of the board;

13 I. "disposal" or "dispose" means the sale,  
14 destruction, razing, loan, lease, gift, grant, transfer,  
15 assignment, mortgage, option to sell, other contract or other  
16 disposition, or any combination thereof, of facilities, other  
17 property or any project, or an interest [~~therein, herein~~] in  
18 them, authorized by the Arroyo Flood Control Act;

19 J. "engineer" means any engineer in the permanent  
20 employ of the authority or any independent competent engineer  
21 or firm of [~~such~~] engineers employed by the authority in  
22 connection with any facility, property project or power  
23 [~~herein~~] authorized by the Arroyo Flood Control Act;

24 K. "equipment" or "equip" means the furnishing of  
25 all necessary or desirable, related or appurtenant



1 facilities, or any combination [~~thereof~~] of them,  
 2 appertaining to any facilities, property or project or  
 3 interest [~~therein, herein~~] in them, authorized by the Arroyo  
 4 Flood Control Act;

5 L. "facility" means any of the water facilities,  
 6 sewer facilities or other property appertaining to the flood  
 7 control system of the authority;

8 M. "federal government" means the United States [~~of~~  
 9 ~~America~~] or any agency, instrumentality or corporation  
 10 [~~thereof~~] of the United States;

11 N. "federal securities" means the bills,  
 12 certificates of indebtedness, notes or bonds [~~which~~] that are  
 13 direct obligations of, or the principal and interest of which  
 14 obligations are unconditionally guaranteed by, the United  
 15 States [~~of America~~];

16 O. "governing body" means the city council, city  
 17 commission, board of commissioners, board of trustees, board  
 18 of directors or other legislative body of the public body  
 19 proceeding [~~hereunder~~] under the Arroyo Flood Control Act, in  
 20 which body the legislative powers of the public body are  
 21 vested;

22 P. "hereby", "herein", "hereinabove",  
 23 "hereinafter", "hereinbefore", "hereof", "hereto" and  
 24 "hereunder" refer to [~~this~~] the Arroyo Flood Control Act and  
 25 not solely to the particular portion [~~thereof~~] of the act in

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1 which such word is used;

2 Q. "improvement" or "improve" means the extension,  
3 widening, lengthening, betterment, alteration,  
4 reconstruction, repair or other improvement, or any  
5 combination, [~~thereof~~] of facilities, other property or  
6 project or any interest [~~therein, herein~~] in them, authorized  
7 by the Arroyo Flood Control Act;

8 R. "mailed notice" or "notice by mail" means the  
9 giving by the engineer, secretary or any deputy [~~thereof~~], as  
10 determined by the board, of any designated written or printed  
11 notice addressed to the last known owner [~~or owners~~] of each  
12 tract of real property in question or other designated person  
13 at [~~his or their~~] the owner's last known address [~~or~~  
14 ~~addresses~~], by deposit, at least ten days prior to the  
15 designated hearing or other time or event, in the United  
16 States mails, postage prepaid, as first-class mail. In the  
17 absence of fraud, the failure to mail [~~any such~~] a notice  
18 shall not invalidate any proceedings [~~hereunder~~] under the  
19 Arroyo Flood Control Act. The names and addresses of [~~such~~]  
20 the property owners shall be obtained from the records of the  
21 county assessor or from such other source [~~or sources~~] as the  
22 secretary or the engineer [~~deem~~] deems reliable. Any list of  
23 [~~such~~] names and addresses may be revised from time to time,  
24 but [~~such a~~] the list need not be revised more frequently  
25 than at twelve-month intervals. Any mailing of [~~any~~] notice

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1 [herein] required shall be verified by the affidavit or  
 2 certificate of the engineer, secretary, [the] deputy or other  
 3 person mailing the notice, which verification shall be  
 4 retained in the records of the authority at least until all  
 5 taxes and securities appertaining [thereto] to taxes have  
 6 been paid in full or any claim is barred by a statute of  
 7 limitations;

8 S. "may" is permissive;

9 T. "municipality" means the city of Albuquerque or  
 10 any other incorporated city, town or village in the state,  
 11 whether incorporated or governed under a general act, special  
 12 legislative act or special charter of any type. "Municipal"  
 13 pertains thereto;

14 U. "person" means any human being, association,  
 15 partnership, firm or corporation, excluding a public body and  
 16 excluding the federal government;

17 V. "president" means the president of the authority  
 18 and the [chairman] chair of the board;

19 W. "project" means any structure, facility,  
 20 undertaking or system [which] that the authority is [herein]  
 21 authorized to acquire, improve, equip, maintain or operate.

22 A project may consist of all kinds of personal and real  
 23 property. A project shall appertain to the flood control  
 24 system [which] that the authority is [hereby] authorized and  
 25 directed to provide within and without the authority's

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1 boundaries;

2 X. "property" means real property and personal  
3 property;

4 Y. "publication" or "publish" means publication in  
5 at least the one newspaper designated as the authority's  
6 official newspaper and published in the authority in the  
7 English language at least once a week and of general  
8 circulation in the authority. Except as [~~herein~~] otherwise  
9 specifically provided or necessarily implied, "publication"  
10 or "publish" also means publication for at least once a week  
11 for three consecutive weeks by three weekly insertions, the  
12 first publication being at least fifteen days prior to the  
13 designated time or event, unless otherwise [~~so~~] stated. It  
14 is not necessary that publication be made on the same day of  
15 the week in each of the three calendar weeks, but not less  
16 than fourteen days shall intervene between the first  
17 publication and the last publication, and publication shall  
18 be complete on the day of the last publication. Any  
19 publication [~~herein~~] required shall be verified by the  
20 affidavit of the publisher and filed with the secretary;

21 Z. "public body" means the state [~~of New Mexico~~] or  
22 any agency, instrumentality or corporation [~~thereof~~] of the  
23 state, or any municipality, school district or other type  
24 district or any other political subdivision of the state,  
25 excluding the authority and excluding the federal government;

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1 AA. "qualified elector" means a person qualified  
2 and registered to vote in general elections in the state [~~of~~  
3 ~~New Mexico~~] who is a resident of the authority at the time of  
4 any election held under the provisions of [~~this~~] the Arroyo  
5 Flood Control Act or at any other time in reference to which  
6 the term "qualified elector" is used;

7 BB. "real property" means:

- 8 (1) land, including land under water;  
9 (2) buildings, structures, fixtures and  
10 improvements on land;  
11 (3) any property appurtenant to or used in  
12 connection with land; and  
13 (4) every estate, interest, privilege,  
14 easement, franchise and right in land, legal or equitable,  
15 including without limiting the generality of the foregoing,  
16 rights of way, terms for years and liens, charges or  
17 encumbrances by way of judgment, mortgage or otherwise, and  
18 the indebtedness secured by [~~such~~] the liens;

19 CC. "secretary" means the secretary of the  
20 authority;

21 DD. "secretary of state" means the secretary of the  
22 state of New Mexico;

23 EE. "securities" means any notes, warrants, bonds,  
24 temporary bonds or interim debentures or other obligations of  
25 the authority or any public body appertaining to any project,

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1 or interest [~~therein, herein~~] in a project authorized by the  
2 Arroyo Flood Control Act;

3 FF. "sewer facilities" means any one or more of the  
4 various devices used in the collection, [~~channelling~~]  
5 channeling, impounding or disposition of storm, flood or  
6 surface drainage waters, including all inlets, collection,  
7 drainage or disposal lines, canals, intercepting sewers,  
8 outfall sewers, all pumping, power and other equipment and  
9 appurtenances; all extensions, improvements, remodeling,  
10 additions and alterations [~~thereof~~]; and any [~~and all~~] rights  
11 or interest in such sewer facilities;

12 GG. "sewer improvement" or "improve any sewer"  
13 means the acquisition, reacquisition, improvement,  
14 reimprovement or repair of any storm sewer, or combination  
15 storm and sanitary sewer, including [~~but not limited to~~]  
16 collecting and intercepting sewer lines or mains, submains,  
17 trunks, laterals, outlets, ditches, ventilation stations,  
18 pumping facilities, ejector stations and all other  
19 appurtenances and machinery necessary, useful or convenient  
20 for the collection, transportation and disposal of storm  
21 water;

22 HH. "shall" is mandatory;

23 II. "state" means the state of New Mexico or any  
24 agency, instrumentality or corporation [~~thereof~~] of the state  
25 of New Mexico;

1 JJ. "street" means any street, avenue, boulevard,  
2 alley, highway or other public right of way used for any  
3 vehicular traffic;

4 KK. "taxes" means general (ad valorem) taxes  
5 pertaining to any project [~~herein~~] authorized by the Arroyo  
6 Flood Control Act; and

7 [~~LL. "taxpaying elector" means a qualified elector~~  
8 ~~of the authority who is an owner of real or personal property~~  
9 ~~within the boundaries of the authority, which property is~~  
10 ~~subject to general (ad valorem) taxation at the time of any~~  
11 ~~election held under the provisions of this act or at any~~  
12 ~~other time in reference to which the term "taxpaying elector"~~  
13 ~~is used. A person who is obligated to pay general (ad~~  
14 ~~valorem) taxes under a contract to purchase real property in~~  
15 ~~the authority shall be considered as such an owner. The~~  
16 ~~ownership of any property subject to the payment of a~~  
17 ~~specific ownership tax on a motor vehicle or trailer or of~~  
18 ~~any other excise or property tax other than such general (ad~~  
19 ~~valorem) taxes shall not constitute the ownership of property~~  
20 ~~subject to taxation as herein provided;~~

21 MM.] LL. "treasurer" means the treasurer of the  
22 authority."

23 SECTION 103. Section 72-16-8 NMSA 1978 (being Laws  
24 1963, Chapter 311, Section 8) is amended to read:

25 "72-16-8. BOARD OF DIRECTORS.--The governing body of

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1 the authority hereby created is a board of directors  
2 consisting of five qualified electors of the authority. All  
3 powers, rights, privileges and duties vested in or imposed  
4 upon the authority are exercised and performed by and through  
5 the board of directors; provided that the exercise of any  
6 ~~[and all]~~ executive, administrative and ministerial powers  
7 may be, by the board, delegated and redelegated to officers  
8 and employees of the authority. Except for the first  
9 directors appointed as ~~[hereinafter]~~ provided for in Section  
10 72-16-9 NMSA 1978, and except for any director chosen to fill  
11 an unexpired term, the term of each director ~~[commences on~~  
12 ~~the first day of January next following a general election in~~  
13 ~~the state and]~~ runs for six years. Each director, subject to  
14 ~~[said]~~ such exceptions, shall serve ~~[such]~~ a six-year term  
15 ~~[ending on the first day of January next following a general~~  
16 ~~election]~~, and each director shall serve until ~~[his]~~ a  
17 successor has been duly chosen and qualified."

18 SECTION 104. Section 72-16-10 NMSA 1978 (being Laws  
19 1963, Chapter 311, Section 10, as amended) is amended to  
20 read:

21 "72-16-10. ELECTION OF DIRECTORS.--

22 A. ~~[At each general election]~~ Elections shall be  
23 held pursuant to the provisions of the Local Election Act.  
24 Directors shall be elected from single-member districts in  
25 which they reside. The board shall ensure that the districts



1 remain contiguous, compact and as equal in population as is  
 2 practicable, assessing the existing districts following each  
 3 federal decennial census to accomplish that objective. A  
 4 redistricting shall be effective at the following regular  
 5 board election. Incumbent board members whose residences are  
 6 redistricted out of their districts may serve out their term  
 7 of office.

8 B. The qualified electors of the authority shall  
 9 elect similarly one or two qualified electors as directors to  
 10 serve six-year terms as directors and as successors to the  
 11 directors whose terms end [~~on the first day of January next~~]  
 12 following each election. Nothing [~~herein~~] may be construed  
 13 as preventing [~~a~~] qualified [~~elector~~] electors of the  
 14 authority from [~~any~~] single-member [~~district~~] districts from  
 15 being elected or reelected as [~~a director~~] directors to  
 16 succeed [~~himself~~] themselves."

17 SECTION 105. Section 72-16-11 NMSA 1978 (being Laws  
 18 1963, Chapter 311, Section 11, as amended) is amended to  
 19 read:

20 "72-16-11. NOMINATION OF DIRECTORS.-- [~~Not later than~~  
 21 ~~forty-five days before a proposal to incur debt is first~~  
 22 ~~submitted to the taxpaying electors or at the first general~~  
 23 ~~election next following the effective date of the Arroyo~~  
 24 ~~Flood Control Act, whichever occurs first]~~ Written  
 25 nominations of any candidate as director may be filed [~~with~~

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1 ~~the secretary of the board]~~ in accordance with the provisions  
2 of the Local Election Act. Each nomination of any candidate  
3 shall be signed by not less than fifty ~~[taxpaying]~~ qualified  
4 electors who reside within the district for which the  
5 candidate has been nominated, shall designate ~~[therein]~~ the  
6 name of the ~~[candidates thereby]~~ candidate nominated and  
7 shall recite that the subscribers are ~~[taxpaying]~~ qualified  
8 electors of the district for which the candidate is nominated  
9 and that the candidate ~~[or candidates]~~ designated ~~[therein~~  
10 ~~are]~~ is a qualified ~~[electors]~~ elector of the authority and  
11 ~~[reside]~~ resides within the district for which ~~[they are]~~ the  
12 candidate is nominated. No ~~[taxpaying]~~ qualified elector may  
13 nominate more than one candidate for any vacancy. ~~[If a~~  
14 ~~candidate does not withdraw his name before the time~~  
15 ~~established by the county for purposes of absentee ballots or~~  
16 ~~as set forth in the Election Code, whichever is earlier, his~~  
17 ~~name shall be placed on the ballot. For any election held~~  
18 ~~after November 6, 1984, nominations shall be made by~~  
19 ~~qualified electors in accordance with the procedures and~~  
20 ~~limitations of this section, except that such nominations~~  
21 ~~shall be filed with the secretary of the board not later than~~  
22 ~~the fourth Tuesday in June preceding the general election.]"~~

23 SECTION 106. Section 72-16-13 NMSA 1978 (being Laws  
24 1963, Chapter 311, Section 13) is amended to read:

25 "72-16-13. ORGANIZATIONAL MEETINGS.--Except for the

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1 first board, each board shall meet on the first business day  
 2 [~~next~~] following the first day of [~~January in each odd-~~  
 3 ~~numbered year~~] the month that the term of office begins for  
 4 members elected in the immediately preceding election at the  
 5 office of the board within the authority. Each member of the  
 6 board, before entering upon [~~his~~] the member's official  
 7 duties, shall take and subscribe on oath [~~that he will~~] to  
 8 support the constitution of the United States and the  
 9 constitution and laws of New Mexico and [~~that he will~~] to  
 10 discharge faithfully and impartially [~~discharge~~] the duties  
 11 of [~~his~~] office to the best of [~~his~~] the member's ability,  
 12 which oath shall be filed in the office of the secretary of  
 13 state. Each director shall, before entering upon [~~his~~] the  
 14 director's official duties, give a bond to the authority in  
 15 the sum of ten thousand dollars (\$10,000) with good and  
 16 sufficient surety, conditioned for the faithful performance  
 17 of [~~each and~~] all of the duties of [~~his~~] office, without  
 18 fraud, deceit or oppression, and the accounting for all  
 19 [~~moneys~~] money and property coming into [~~his~~] the director's  
 20 hands and the prompt and faithful payment of all [~~moneys~~]  
 21 money and the delivering of all property coming into [~~his~~]  
 22 the director's custody or control belonging to the authority  
 23 to [~~his~~] the director's successors in office. Premiums on  
 24 all bonds provided for in this section shall be paid by the  
 25 authority, and all such bonds shall be kept on file in the

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1 office of the secretary of state."

2 SECTION 107. Section 72-16-22 NMSA 1978 (being Laws  
3 1963, Chapter 311, Section 22, as amended) is amended to  
4 read:

5 "72-16-22. ADDITIONAL POWERS OF THE AUTHORITY.--The  
6 authority may exercise the following duties, privileges,  
7 immunities, rights, liabilities and disabilities appertaining  
8 to a public body politic and corporate and constituting a  
9 quasi-municipal corporation and political subdivision of the  
10 state established as an instrumentality exercising public and  
11 essential governmental and proprietary functions to provide  
12 for the public health, safety and general welfare:

13 A. have perpetual existence and succession;

14 B. adopt, have and use a corporate seal and alter  
15 the same at pleasure;

16 C. sue and be sued and be a party to suits, actions  
17 and proceedings;

18 D. commence, maintain, intervene in, defend,  
19 compromise, terminate by settlement or otherwise, and  
20 otherwise participate in, and assume the cost and expense of,  
21 any and all actions and proceedings now or hereafter begun  
22 and appertaining to the authority, its board, its officers,  
23 agents or employees, or any of the authority's duties,  
24 privileges, immunities, rights, liabilities and disabilities,  
25 or the authority's flood control system, other property of

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1 the authority or any project;

2 E. enter into contracts and agreements, including  
3 [~~but not limited to~~] contracts with the federal government,  
4 the state and any other public body;

5 F. borrow money and issue securities evidencing any  
6 loan to or amount due by the authority, provide for and  
7 secure the payment of any securities and the rights of the  
8 holders thereof, and purchase, hold and dispose of  
9 securities, as hereinafter provided;

10 G. refund any loan or obligation of the authority  
11 and issue refunding securities to evidence such loan or  
12 obligation without any election;

13 H. purchase, trade, exchange, encumber and  
14 otherwise acquire, maintain and dispose of property and  
15 interests therein;

16 I. levy and cause to be collected general (ad  
17 valorem) taxes on all property subject to property taxation  
18 within the authority; provided that the total tax levy,  
19 excluding any levy for the payment of any debt of the  
20 authority authorized pursuant to the Arroyo Flood Control  
21 Act, for any fiscal year shall not exceed an aggregate total  
22 of fifty cents (\$.50), or any lower amount required by  
23 operation of the rate limitation provisions of Section  
24 7-37-7.1 NMSA 1978 upon this tax levy, for each one thousand  
25 dollars (\$1,000) of net taxable value, as that term is

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1 defined in the Property Tax Code, by certifying, on or before  
2 the fifteenth day of July in each year in which the board  
3 determines to levy a tax, to the board of county  
4 commissioners of Bernalillo county, or by such other date as  
5 the laws of the state may prescribe to such other body having  
6 authority to levy taxes within each county wherein the  
7 authority has any territory, the rate so fixed, with  
8 directions that, at the time and in the manner required by  
9 law for levying taxes for other purposes, such body having  
10 authority to levy taxes shall levy the tax upon the net  
11 taxable value of all property subject to property taxation  
12 within the authority, in addition to such other taxes as may  
13 be levied by such body, as provided in Sections 72-16-23  
14 through 72-16-27 NMSA 1978. No taxes may be levied and  
15 collected for any purpose, or any contract made, until a bond  
16 issue has been submitted to and approved by the [~~taxpaying~~  
17 qualified electors as hereinafter provided;

18 J. hire and retain officers, agents, employees,  
19 engineers, attorneys and any other persons, permanent or  
20 temporary, necessary or desirable to effect the purposes  
21 hereof, defray any expenses incurred thereby in connection  
22 with the authority, and acquire office space, equipment,  
23 services, supplies, fire and extended coverage insurance, use  
24 and occupancy insurance, [~~workmen's~~ workers' compensation  
25 insurance, property damage insurance, public liability

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1 insurance for the authority and its officers, agents and  
2 employees, and other types of insurance, as the board may  
3 determine; provided, however, that no provision herein  
4 authorizing the acquisition of insurance shall be construed  
5 as waiving any immunity of the authority or any director,  
6 officer or agent thereof and otherwise existing under the  
7 laws of the state;

8 K. condemn property for public use;

9 L. acquire, improve, equip, hold, operate, maintain  
10 and dispose of a flood control system, storm sewer  
11 facilities, project and appurtenant works, or any interest  
12 therein, wholly within the authority, or partially within and  
13 partially without the authority, and wholly within, wholly  
14 without or partially within and partially without any public  
15 body all or any part of the area of which is situated within  
16 the authority;

17 M. pay or otherwise defray the cost of any project;

18 N. pay or otherwise defray and contract so to pay  
19 or defray, for any term not exceeding fifty years, without an  
20 election, except as hereinafter otherwise provided, the  
21 principal of, any interest on, and any other charges  
22 appertaining to, any securities or other obligations of the  
23 federal government or any public body or person incurred in  
24 connection with any such property so acquired by the  
25 authority;

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1           O. establish and maintain facilities within or  
2 without the authority, across or along any public street,  
3 highway, bridge, viaduct or other public right of way, or in,  
4 upon, under or over any vacant public lands, which public  
5 lands are now, or may become, the property of the state, or  
6 across any stream of water or water course, without first  
7 obtaining a franchise from the municipality, county or other  
8 public body having jurisdiction over the same; provided that  
9 the authority shall cooperate with any public body having  
10 such jurisdiction, shall promptly restore any such street,  
11 highway, bridge, viaduct or other public right of way to its  
12 former state of usefulness as nearly as may be and shall not  
13 use the same in such manner as to impair completely or  
14 unnecessarily the usefulness thereof;

15           P. deposit any money of the authority, subject to  
16 the limitations in Article 8, Section 4 of the constitution  
17 of New Mexico, in any banking institution within or without  
18 the state and secured in such manner and subject to such  
19 terms and conditions as the board may determine, with or  
20 without the payment of any interest on any such deposit;

21           Q. invest any surplus money in the authority  
22 treasury, including such money in any sinking or reserve fund  
23 established for the purpose of retiring any securities of the  
24 authority, not required for the immediate necessities of the  
25 authority, in its own securities or in federal securities, by

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1 direct purchase of any issue of such securities, or part  
2 thereof, at the original sale of the same, or by the  
3 subsequent purchase of such securities;

4 R. sell any such securities thus purchased and  
5 held, from time to time;

6 S. reinvest the proceeds of any such sale in other  
7 securities of the authority or in federal securities, as  
8 provided in Subsection Q of this section;

9 T. sell in season from time to time such securities  
10 thus purchased and held, so that the proceeds may be applied  
11 to the purposes for which the money with which such  
12 securities were originally purchased was placed in the  
13 treasury of the authority;

14 U. accept contributions or loans from the federal  
15 government for the purpose of financing the planning,  
16 acquisition, improvement, equipment, maintenance and  
17 operation of any enterprise in which the authority is  
18 authorized to engage, and enter into contracts and cooperate  
19 with, and accept cooperation and participation from, the  
20 federal government for these purposes;

21 V. enter, without any election, into joint  
22 operating or service contracts and agreements, acquisition,  
23 improvement, equipment or disposal contracts or other  
24 arrangements, for any term not exceeding fifty years, with  
25 the federal government, any public body or any person

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1 concerning storm sewer facilities, or any project, whether  
2 acquired by the authority or by the federal government, any  
3 public body or any person, and accept grants and  
4 contributions from the federal government, any public body or  
5 any person in connection therewith;

6 W. enter into and perform, without any election,  
7 when determined by the board to be in the public interest and  
8 necessary for the protection of the public health, contracts  
9 and agreements, for any term not exceeding fifty years, with  
10 the federal government, any public body or any person for the  
11 provision and operation by the authority of storm sewer  
12 facilities;

13 X. enter into and perform, without any election,  
14 contracts and agreements with the federal government, any  
15 public body or any person for or concerning the planning,  
16 construction, lease or other acquisition, improvement,  
17 equipment, operation, maintenance, disposal, and the  
18 financing of any project, including [~~but not necessarily~~  
19 ~~limited to~~] any contract or agreement for any term not  
20 exceeding fifty years;

21 Y. enter upon any land, make surveys, borings,  
22 soundings and examinations for the purposes of the authority,  
23 and locate the necessary works of any project and roadways  
24 and other rights of way appertaining to any project herein  
25 authorized; acquire all property necessary or convenient for

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1 the acquisition, improvement or equipment of such works;

2 Z. cooperate with and act in conjunction with the  
3 state, or any of its engineers, officers, boards, commissions  
4 or departments, or with the federal government or any of its  
5 engineers, officers, boards, commissions or departments, or  
6 with any other public body or any person in the acquisition,  
7 improvement or equipment of any project for the controlling  
8 of flood or storm waters of the authority, or for the  
9 protection of life or property therein, or for any other  
10 works, acts or purposes provided for herein, and adopt and  
11 carry out any definite plan or system of work for any such  
12 purpose;

13 AA. cooperate with the federal government or any  
14 public body by an agreement therewith by which the authority  
15 may:

16 (1) acquire and provide, without cost to the  
17 operating entity, the land, easements and [~~rights-of-way~~]  
18 rights of way necessary for the acquisition, improvement or  
19 equipment of the flood control system or any project;

20 (2) hold and save harmless the cooperating  
21 entity free from any claim for damages arising from the  
22 acquisition, improvement, equipment, maintenance and  
23 operation of the flood control system or any project;

24 (3) maintain and operate any project in  
25 accordance with regulations prescribed by the cooperating

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1 entity; and

2 (4) establish and enforce flood channel limits  
3 and regulations, if any, satisfactory to the cooperating  
4 entity;

5 BB. carry on technical and other investigations of  
6 all kinds, make measurements, collect data and make analyses,  
7 studies and inspections pertaining to control of floods,  
8 sewer facilities, and any project, both within and without  
9 the authority, and for this purpose the authority has the  
10 right of access through its authorized representative to all  
11 lands and premises within the state;

12 CC. have the right to provide from revenues or  
13 other available funds an adequate fund for the improvement  
14 and equipment of the authority's flood control system or of  
15 any parts of the works and properties of the authority;

16 DD. prescribe and enforce reasonable rules and  
17 regulations for the prevention of further encroachment upon  
18 existing defined waterways, by their enlargement or other  
19 modification, for additional waterway facilities to prevent  
20 flooding;

21 EE. require any person desiring to make a  
22 connection to any storm water drain or flood control facility  
23 of the authority or to cause storm waters to be emptied into  
24 any ditch, drain, canal, floodway or other appurtenant  
25 structure of the authority firstly to make application to the

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1 board to make the connection, to require the connection to be  
2 made in such manner as the board may direct;

3 FF. refuse, if reasonably justified by the  
4 circumstances, permission to make any connection designated  
5 in Subsection DD or Subsection EE of this section;

6 GG. make and keep records in connection with any  
7 project or otherwise concerning the authority;

8 HH. arbitrate any differences arising in connection  
9 with any project or otherwise concerning the authority;

10 II. have the management, control and supervision of  
11 all the business and affairs appertaining to any project  
12 herein authorized, or otherwise concerning the authority, and  
13 of the acquisition, improvement, equipment, operation and  
14 maintenance of any such project;

15 JJ. prescribe the duties of officers, agents,  
16 employees and other persons and fix their compensation;  
17 provided that the compensation of employees and officers  
18 shall be established at prevailing rates of pay for  
19 equivalent work;

20 KK. enter into contracts of indemnity and guaranty,  
21 in such form as may be approved by the board, relating to or  
22 connected with the performance of any contract or agreement  
23 [~~which~~] that the authority is empowered to enter into under  
24 the provisions hereof or of any other law of the state;

25 LL. provide, by any contract for any term not

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1 exceeding fifty years, or otherwise, without an election:

2 (1) for the joint use of personnel, equipment  
3 and facilities of the authority and any public body,  
4 including without limitation public buildings constructed by  
5 or under the supervision of the board of the authority or the  
6 governing body of the public body concerned, upon such terms  
7 and agreements and within such areas within the authority as  
8 may be determined, for the promotion and protection of  
9 health, comfort, safety, life, welfare and property of the  
10 inhabitants of the authority and any such public body; and

11 (2) for the joint employment of clerks,  
12 stenographers and other employees appertaining to any  
13 project, now existing or hereafter established in the  
14 authority, upon such terms and conditions as may be  
15 determined for the equitable apportionment of the expenses  
16 therefrom resulting;

17 MM. obtain financial statements, appraisals,  
18 economic feasibility reports and valuations of any type  
19 appertaining to any project or any property pertaining  
20 thereto;

21 NN. adopt any resolution authorizing a project or  
22 the issuance of securities, or both, or otherwise  
23 appertaining thereto, or otherwise concerning the authority;

24 OO. make and execute a mortgage, deed of trust,  
25 indenture or other trust instrument appertaining to a project

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1 or to any securities herein authorized, or to both, except as  
 2 provided in Subsection PP of this section and in Section  
 3 72-16-54 NMSA 1978;

4 PP. make all contracts, execute all instruments and  
 5 do all things necessary or convenient in the exercise of the  
 6 powers granted herein, or in the performance of the  
 7 authority's covenants or duties, or in order to secure the  
 8 payment of its securities; provided that no encumbrance,  
 9 mortgage or other pledge of property, excluding any money, of  
 10 the authority is created thereby; and provided further that  
 11 no property, excluding money, of the authority is liable to  
 12 be forfeited or taken in payment of such securities;

13 QQ. have and exercise all rights and powers  
 14 necessary or incidental to or implied from the specific  
 15 powers granted herein, which specific powers shall not be  
 16 considered as a limitation upon any power necessary or  
 17 appropriate to carry out the purposes and intent hereof; and

18 RR. exercise all or any part or combination of the  
 19 powers herein granted."

20 **SECTION 108.** Section 72-16-28 NMSA 1978 (being Laws  
 21 1963, Chapter 311, Section 28, as amended) is amended to  
 22 read:

23 "72-16-28. ELECTIONS.--Each biennial election of  
 24 directors, each election proposition to issue bonds and all  
 25 other elections shall be conducted [~~at the time of the~~

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1 ~~general election under the direction of the Bernalillo county~~  
2 ~~clerk and] in accordance with the [election laws of New~~  
3 ~~Mexico] Local Election Act."~~

4 SECTION 109. Section 72-16-89 NMSA 1978 (being Laws  
5 1963, Chapter 311, Section 89) is amended to read:

6 "72-16-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF  
7 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation  
8 or other provision herein, whenever a majority of the  
9 ~~[taxpaying]~~ qualified electors of the authority voting on a  
10 proposal to issue bonds has authorized the authority to issue  
11 bonds for any purpose herein authorized, the authority is  
12 authorized to borrow money without any other election in  
13 anticipation of taxes, the proceeds of ~~[said]~~ the bonds or  
14 any other revenues of the authority, or any combination  
15 thereof, and to issue interim debentures to evidence the  
16 amount so borrowed. Interim debentures may mature at such  
17 time ~~[or times]~~ not exceeding a period of time equal to the  
18 estimated time needed to effect the purpose ~~[or purposes]~~ for  
19 which the bonds are so authorized to be issued, plus two  
20 years, as the board may determine. Except as otherwise  
21 provided in this section ~~[89]~~ and in Sections ~~[90 and 91~~  
22 ~~hereof]~~ 72-16-90 and 72-16-91 NMSA 1978, interim debentures  
23 shall be issued as provided herein for securities in Sections  
24 ~~[47 to 80, both inclusive]~~ 72-16-47 through 72-16-80 NMSA  
25 1978. Taxes, other revenues of the authority, including

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underscored material = new  
[bracketed material] = delete



1 without limiting the generality of the foregoing, proceeds of  
 2 bonds to be thereafter issued or reissued or bonds issued for  
 3 the purpose of securing the payment of interim debentures may  
 4 be pledged for the purpose of securing the payment of the  
 5 interim debentures. Any bonds pledged as collateral security  
 6 for the payment of any interim debentures shall mature at  
 7 such time [~~or times~~] as the board may determine, but in no  
 8 event exceeding forty years from the date of either any of  
 9 such bonds or any of such interim debentures, whichever date  
 10 [~~be~~] is the earlier. Any such bonds pledged as collateral  
 11 security shall not be issued in an aggregate principal amount  
 12 exceeding the aggregate principal amount of the interim  
 13 debenture [~~or interim debentures~~] secured by a pledge of such  
 14 bonds, nor shall they bear interest at any time [~~which~~] that  
 15 with any interest accruing at the same time on the interim  
 16 debenture [~~or interim debentures~~] so secured exceeds six  
 17 percent per [~~annum~~] year."

18       SECTION 110. Section 72-17-1 NMSA 1978 (being Laws  
 19 1967, Chapter 156, Section 1) is amended to read:

20       "72-17-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
 21 17 NMSA 1978 may be cited as the "Las Cruces Arroyo Flood  
 22 Control Act"."

23       SECTION 111. Section 72-17-4 NMSA 1978 (being Laws  
 24 1967, Chapter 156, Section 4) is amended to read:

25       "72-17-4. DEFINITIONS.--Except where the context

1 otherwise requires, [~~the definitions in this section govern~~  
2 ~~the construction hereof~~] as used in the Las Cruces Arroyo  
3 Flood Control Act:

4 A. "act" means the Las Cruces Arroyo Flood Control  
5 Act;

6 B. "acquisition" or "acquire" means the opening,  
7 laying out, establishment, purchase, construction, securing,  
8 installation, reconstruction, lease, gift, grant from the  
9 federal government or any public body or person, endowment,  
10 bequest, devise, condemnation, transfer, assignment, option  
11 to purchase, other contract or other acquirement, or any  
12 combination thereof, of facilities, other property or any  
13 project or an interest [~~therein, herein~~] in any facilities,  
14 other property or project authorized;

15 C. "authority" means the Las Cruces metropolitan  
16 arroyo flood control authority hereby created;

17 D. "board" means the board of directors of the Las  
18 Cruces metropolitan arroyo flood control authority;

19 E. [~~"chairman"~~] "chair" means the [~~chairman~~] chair  
20 of the board and president of the authority;

21 F. "condemnation" or "condemn" means the  
22 acquisition by the exercise of the power of eminent domain of  
23 property for any facilities, other property or project or an  
24 interest [~~therein, herein~~] in any facilities, other property  
25 or project authorized. The authority may exercise in the

1 state the power of eminent domain, either within or without  
 2 the authority and in the manner provided by law for the  
 3 condemnation of private property for public use, and may take  
 4 any property necessary to carry out any of the objects or  
 5 purposes [~~hereof~~] of the act. In the event the construction  
 6 of any facility or project herein authorized, or any part  
 7 thereof, [~~shall make~~] makes necessary the removal and  
 8 relocation of any public utilities, whether on private or  
 9 public right of way, the authority shall reimburse the owner  
 10 of [~~such~~] the public utility facility for the expense of  
 11 [~~such~~] removal and relocation, including the cost of any  
 12 necessary land or rights in land;

13 G. "cost" or "cost of the project" or words of  
 14 similar import, means all or any part designated by the board  
 15 of the cost of any facilities or project, or interest  
 16 [~~therein~~] in the facilities or project, being acquired, and  
 17 all or any property, rights, easements, privileges,  
 18 agreements and franchises deemed by the authority to be  
 19 necessary or useful and convenient [~~thereof~~] or in connection  
 20 [~~therewith~~] with the facilities or project, which cost, at  
 21 the option of the board, may include all or any part of the  
 22 incidental costs pertaining to the project, including,  
 23 without limiting the generality of the foregoing, preliminary  
 24 expenses advanced by any municipality from funds available  
 25 for use [~~therefor~~] in the making of surveys, preliminary

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1 plans, estimates of cost and other preliminaries; for the  
2 costs of appraising and printing and employing engineers,  
3 architects, fiscal agents, attorneys at law, clerical help  
4 and other agents or employees; for the costs of capitalizing  
5 interest or any discount on securities, of inspection, of any  
6 administrative, operating and other expenses of the authority  
7 prior to the levy and collection of taxes and of reserves for  
8 working capital, operation, maintenance or replacement  
9 expenses or for payment or security of principal of or  
10 interest on any securities; for the costs of making,  
11 publishing, posting, mailing and otherwise giving any notice  
12 in connection with the project, the taking of options, the  
13 issuance of securities, the filing or recordation of  
14 instruments and the levy and collection of taxes and  
15 installments [~~thereof~~]; for the costs of reimbursements by  
16 the authority to any public body, the federal government or  
17 any person of any [~~moneys theretofore~~] money expended for or  
18 in connection with any facility or project; and for all other  
19 expenses necessary or desirable and appertaining to any  
20 project, as estimated or otherwise ascertained by the board;

21 H. "director" means a member of the board;

22 I. "disposal" or "dispose" means the sale,  
23 destruction, razing, loan, lease, gift, grant, transfer,  
24 assignment, mortgage, option to sell, other contract or other  
25 disposition, or any combination thereof, of facilities, other

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1 property or any project or an interest [~~therein~~] in the  
 2 facilities, property or project, herein authorized;

3 J. "engineer" means any engineer in the permanent  
 4 employ of the authority or any independent competent engineer  
 5 or firm of [~~such~~] engineers employed by the authority in  
 6 connection with any facility, property, project or power  
 7 herein authorized;

8 K. "equipment" or "equip" means the furnishing of  
 9 all necessary or desirable, related or appurtenant  
 10 facilities, or any combination thereof, appertaining to any  
 11 facilities, property or project or interest [~~therein~~] in the  
 12 facilities, property or project, herein authorized;

13 L. "facility" means any of the water facilities,  
 14 sewer facilities or other property appertaining to the flood  
 15 control system of the authority;

16 M. "federal government" means the United States [~~of~~  
 17 ~~America~~] or any agency, instrumentality or corporation  
 18 [~~thereof~~] of the United States;

19 N. "federal securities" means the bills,  
 20 certificates of indebtedness, notes or bonds [~~which~~] that are  
 21 direct obligations of, or the principal and interest of which  
 22 obligations are unconditionally guaranteed by, the United  
 23 States [~~of America~~];

24 O. "governing body" means the city council, city  
 25 commission, board of commissioners, board of trustees, board

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1 of directors or other legislative body of the public body  
2 proceeding [~~hereunder~~] under the Las Cruces Arroyo Flood  
3 Control Act, in which body the legislative powers of the  
4 public body are vested;

5 P. "hereby", "herein", "hereinabove",  
6 "hereinafter", "hereinbefore", "hereof", "hereto" and  
7 "hereunder" refer to [~~this~~] the Las Cruces Arroyo Flood  
8 Control Act and not solely to the particular portion  
9 [~~thereof~~] in which [~~such~~] the word is used;

10 Q. "improvement" or "improve" means the extension,  
11 widening, lengthening, betterment, alteration,  
12 reconstruction, repair or other improvement, or any  
13 combination thereof, of facilities, other property or project  
14 or any interest [~~therein~~] in the facilities, property or  
15 project, herein authorized;

16 R. "mailed notice" or "notice by mail" means the  
17 giving by the engineer, secretary or any deputy [~~thereof~~] of  
18 the engineer or secretary, as determined by the board, of any  
19 designated written or printed notice addressed to the last  
20 known owner [~~or owners~~] of each tract of real property in  
21 question or other designated person at [~~his or their~~] the  
22 person's last known address [~~or addresses~~], by deposit, at  
23 least ten days prior to the designated hearing or other time  
24 or event, in the United States mails, postage prepaid, as  
25 first-class mail. In the absence of fraud, the failure to

1 mail [~~any such~~] a notice shall not invalidate any proceedings  
 2 hereunder. The names and addresses of [~~such~~] the property  
 3 owners shall be obtained from the records of the county  
 4 assessor or from such other source [~~or sources~~] as the  
 5 secretary or the engineer [~~deem~~] deems reliable. Any list of  
 6 [~~such~~] names and addresses may be revised from time to time,  
 7 but [~~such a~~] the list need not be revised more frequently  
 8 than at twelve-month intervals. Any mailing of [~~any~~] a  
 9 notice herein required shall be verified by the affidavit or  
 10 certificate of the engineer, secretary, the deputy or other  
 11 person mailing the notice, which verification shall be  
 12 retained in the records of the authority at least until all  
 13 taxes and securities appertaining [~~thereto~~] to them have been  
 14 paid in full or any claim is barred by a statute of  
 15 limitations;

16 S. "may" is permissive;

17 T. "municipality" means the city of Las Cruces or  
 18 any other incorporated city, town or village in the state,  
 19 whether incorporated or governed under a general act, special  
 20 legislative act or special charter of any type. "Municipal"  
 21 pertains thereto;

22 U. "person" means any human being, association,  
 23 partnership, firm or corporation, excluding a public body and  
 24 excluding the federal government;

25 V. "president" means the president of the authority

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1 and the [~~chairman~~] chair of the board;

2 W. "project" means any structure, facility,  
3 undertaking or system [~~which~~] that the authority is [~~herein~~]  
4 authorized to acquire, improve, equip, maintain or operate.

5 A project may consist of all kinds of personal and real  
6 property. A project shall appertain to the flood control  
7 system [~~which~~] that the authority is [~~hereby~~] authorized and  
8 directed to provide within and without the authority's  
9 boundaries;

10 X. "property" means real property and personal  
11 property;

12 Y. "publication" or "publish" means publication in  
13 at least the one newspaper designated as the authority's  
14 official newspaper and published in the authority in the  
15 English language at least once a week and of general  
16 circulation in the authority. Except as [~~herein~~] otherwise  
17 specifically provided or necessarily implied, "publication"  
18 or "publish" also means publication for at least once a week  
19 for three consecutive weeks by three weekly insertions, the  
20 first publication being at least fifteen days prior to the  
21 designated time or event, unless otherwise [~~so~~] stated. It  
22 is not necessary that publication be made on the same day of  
23 the week in each of the three calendar weeks, but not less  
24 than fourteen days shall intervene between the first  
25 publication and the last publication, and publication shall

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1 be complete on the day of the last publication. Any  
 2 publication [~~herein~~] required shall be verified by the  
 3 affidavit of the publisher and filed with the secretary;

4 Z. "public body" means the state [~~of New Mexico~~] or  
 5 any agency, instrumentality or corporation [~~thereof~~] of the  
 6 state or any municipality, school district or other type  
 7 district or any other political subdivision of the state,  
 8 excluding the authority and excluding the federal government;

9 AA. "qualified elector" means a person qualified  
 10 and registered to vote in general elections in the state [~~of~~  
 11 ~~New Mexico~~], who is a resident of the authority at the time  
 12 of any election held under the provisions of [~~this~~] the Las  
 13 Cruces Arroyo Flood Control Act or at any other time in  
 14 reference to which the term "qualified elector" is used;

15 BB. "real property" means:

16 (1) land, including land under water;

17 (2) buildings, structures, fixtures and  
 18 improvements on land;

19 (3) any property appurtenant to or used in  
 20 connection with land; and

21 (4) every estate, interest, privilege,  
 22 easement, franchise and right in land, legal or equitable,  
 23 including without limiting the generality of the foregoing,  
 24 rights of way, terms for years and liens, charges or  
 25 encumbrances by way of judgment, mortgage or otherwise, and

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1 the indebtedness secured by [~~such~~] liens;

2 CC. "secretary" means the secretary of the  
3 authority;

4 DD. "secretary of state" means the secretary of the  
5 state of New Mexico;

6 EE. "securities" means any notes, warrants, bonds,  
7 temporary bonds or interim debentures or other obligations of  
8 the authority or any public body appertaining to any project  
9 or interest [~~therein~~] in any project herein authorized;

10 FF. "sewer facilities" means any one or more of the  
11 various devices used in the collection, [~~channelling~~]  
12 channeling, impounding or disposition of storm, flood or  
13 surface drainage waters, including all inlets, collection,  
14 drainage or disposal lines, canals, intercepting sewers,  
15 outfall sewers, all pumping, power and other equipment and  
16 appurtenances, all extensions, improvements, remodeling,  
17 additions and alterations thereof, and any and all rights or  
18 interest in [~~such~~] the sewer facilities;

19 GG. "sewer improvement" or "improve any sewer"  
20 means the acquisition, reacquisition, improvement,  
21 reimprovement or repair of any storm sewer or combination  
22 storm and sanitary sewer, including [~~but not limited to~~]  
23 collecting and intercepting sewer lines or mains, submains,  
24 trunks, laterals, outlets, ditches, ventilation stations,  
25 pumping facilities, ejector stations and all other

1 appurtenances and machinery necessary, useful or convenient  
 2 for the collection, transportation and disposal of storm  
 3 water;

4 HH. "shall" is mandatory;

5 II. "state" means the state of New Mexico or any  
 6 agency, instrumentality or corporation [~~thereof~~] of the state  
 7 of New Mexico;

8 JJ. "street" means any street, avenue, boulevard,  
 9 alley, highway or other public right of way used for any  
 10 vehicular traffic;

11 KK. "taxes" means general (ad valorem) taxes  
 12 pertaining to any project herein authorized; and

13 [~~LL. "taxpaying elector" means a qualified elector~~  
 14 ~~of the authority who is an owner of real or personal property~~  
 15 ~~within the boundaries of the authority, which property is~~  
 16 ~~subject to general (ad valorem) taxation at the time of any~~  
 17 ~~election held under the provisions of this act or at any~~  
 18 ~~other time in reference to which the term "taxpaying elector"~~  
 19 ~~is used. A person who is obligated to pay general (ad~~  
 20 ~~valorem) taxes under a contract to purchase real property in~~  
 21 ~~the authority shall be considered as such an owner. The~~  
 22 ~~ownership of any property subject to the payment of a~~  
 23 ~~specific ownership tax on a motor vehicle or trailer or of~~  
 24 ~~any other excise or property tax other than such general (ad~~  
 25 ~~valorem) taxes shall not constitute the ownership of property~~

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1 ~~subject to taxation as herein provided;~~

2 ~~MM-]~~ LL. "treasurer" means the treasurer of the  
3 authority."

4 SECTION 112. Section 72-17-8 NMSA 1978 (being Laws  
5 1967, Chapter 156, Section 8) is amended to read:

6 "72-17-8. BOARD OF DIRECTORS.--The governing body of  
7 the authority hereby created is a board of directors  
8 consisting of five qualified electors of the authority. All  
9 powers, rights, privileges and duties vested in or imposed  
10 upon the authority are exercised and performed by and through  
11 the board of directors; provided that the exercise of any  
12 ~~[and all]~~ executive, administrative and ministerial powers  
13 may be, by the board, delegated and redelegated to officers  
14 and employees of the authority. Except for the first  
15 directors appointed as ~~[hereinafter]~~ provided and except for  
16 any director chosen to fill an unexpired term, the term of  
17 each director ~~[commences on the first day of January next~~  
18 ~~following a general election in the state and]~~ runs for six  
19 years. Each director, subject to ~~[said]~~ such exceptions,  
20 shall serve ~~[such]~~ a six-year term ~~[ending on the first day~~  
21 ~~of January next following a general election]~~, and each  
22 director shall serve until ~~[his]~~ a successor has been duly  
23 chosen and qualified."

24 SECTION 113. Section 72-17-10 NMSA 1978 (being Laws  
25 1967, Chapter 156, Section 10) is amended to read:

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1           "72-17-10. ELECTION OF DIRECTORS.--At the time that a  
2 proposal to incur debt [~~shall be~~] is first submitted to the  
3 [~~taxpaying~~] qualified electors [~~or at the first general~~  
4 ~~election next following the effective date of the Las Cruces~~  
5 ~~Arroyo Flood Control Act, whichever occurs first~~], the  
6 qualified electors of the authority shall elect five  
7 qualified directors, two to serve a term ending January 1,  
8 1969, two to serve a term ending January 1, 1971 and one to  
9 serve a term ending January 1, 1973. At the first election,  
10 the five candidates receiving the highest number of votes  
11 shall be elected as directors. The terms of the directors  
12 shall be determined by lot at their organizational meeting.  
13 At each [~~general~~] election thereafter, the qualified electors  
14 of the authority shall elect similarly one or two qualified  
15 electors as directors to serve six-year terms as directors  
16 and as successors to the directors whose terms end [~~on the~~  
17 ~~first day of January next~~] following each [~~such~~] election.  
18 Nothing [~~herein~~] in this section may be construed as  
19 preventing [~~a~~] qualified [~~elector~~] electors of the authority  
20 from being elected or reelected as [~~a director~~] directors to  
21 succeed [~~himself~~]. ~~If there be only one vacancy on the board,~~  
22 ~~the candidate receiving the highest number of votes shall be~~  
23 ~~elected as director. If there be two vacancies on the board,~~  
24 ~~the candidate receiving the highest number of votes and the~~  
25 ~~candidate receiving the next highest number of votes shall be~~

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1 ~~elect~~ as ~~directors~~ themselves."

2 SECTION 114. Section 72-17-11 NMSA 1978 (being Laws  
3 1967, Chapter 156, Section 11) is amended to read:

4 "72-17-11. NOMINATION OF DIRECTORS.--~~[Not later than~~  
5 ~~forty-five days before a proposal to incur debt shall be~~  
6 ~~first submitted to the taxpaying electors or at the first~~  
7 ~~general election next following the effective date of the Las~~  
8 ~~Cruces Arroyo Flood Control Act, whichever occurs first]~~

9 Written nominations of any candidate as director may be filed  
10 with the ~~[secretary of the board]~~ proper filing officer in  
11 accordance with the provisions of the Local Election Act.

12 Each nomination of any candidate shall be signed by not less  
13 than fifty ~~[taxpaying]~~ qualified electors regardless of  
14 whether or not nominated ~~[therein]~~, shall designate ~~[therein]~~  
15 the name of the candidates ~~[thereby nominated]~~ and shall  
16 recite that the subscribers ~~[thereto]~~ are ~~[taxpaying]~~  
17 qualified electors and that the ~~[candidate or]~~ candidates  
18 designated ~~[therein]~~ are qualified electors of the authority.

19 No written nomination may designate more qualified electors  
20 as candidates than there are vacancies. No ~~[taxpaying]~~  
21 qualified elector may nominate more than one candidate for  
22 any vacancy. ~~[If a candidate does not withdraw his name~~  
23 ~~before the first publication of the notice of election, his~~  
24 ~~name shall be placed on the ballot.]"~~

25 SECTION 115. Section 72-17-13 NMSA 1978 (being Laws

1 1967, Chapter 156, Section 13) is amended to read:

2 "72-17-13. ORGANIZATIONAL MEETINGS.--Except for the  
 3 first board, each board shall meet on the first business day  
 4 next following the first day of [~~January in each odd-numbered~~  
 5 ~~year~~] the month that the term of office begins for members  
 6 elected in the immediately preceding election at the office  
 7 of the board within the authority. Each member of the board,  
 8 before entering upon [~~his~~] the member's official duties,  
 9 shall take and subscribe an oath that [~~he~~] the member will  
 10 support the constitution of the United States and the  
 11 constitution and laws of New Mexico and that [~~he~~] the member  
 12 will faithfully and impartially discharge the duties of [~~his~~]  
 13 office to the best of [~~his~~] the member's ability, which oath  
 14 shall be filed in the office of the secretary of state. Each  
 15 director shall, before entering upon [~~his~~] the director's  
 16 official duties, give a bond to the authority in the sum of  
 17 ten thousand dollars (\$10,000) with good and sufficient  
 18 surety, conditioned for the faithful performance of each [~~and~~  
 19 ~~all~~] of the duties of [~~his~~] office, without fraud, deceit or  
 20 oppression, and the accounting for all [~~moneys~~] money and  
 21 property coming into [~~his~~] the director's hands, and the  
 22 prompt and faithful payment of all [~~moneys~~] money and the  
 23 delivering of all property coming into [~~his~~] the director's  
 24 custody or control belonging to the authority of [~~his~~] the  
 25 director's successors in office. Premiums on all bonds

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1 provided for in this section shall be paid by the authority,  
2 and all such bonds shall be kept on file in the office of the  
3 secretary of state."

4 SECTION 116. Section 72-17-22 NMSA 1978 (being Laws  
5 1967, Chapter 156, Section 22, as amended) is amended to  
6 read:

7 "72-17-22. ADDITIONAL POWERS OF AUTHORITY.--The  
8 authority may exercise the following powers:

9 A. have duties, privileges, immunities, rights,  
10 liabilities and disabilities appertaining to a public body  
11 politic and corporate and constituting a quasi-municipal  
12 corporation and political subdivision of the state  
13 established as an instrumentality exercising public and  
14 essential governmental and proprietary functions to provide  
15 for the public health, safety and general welfare;

16 B. have perpetual existence and succession;

17 C. adopt, have and use a corporate seal and alter  
18 the same at pleasure;

19 D. sue and be sued and be a party to suits, actions  
20 and proceedings;

21 E. commence, maintain, intervene in, defend,  
22 compromise, terminate by settlement or otherwise and  
23 otherwise participate in and assume the cost and expense of  
24 any actions and proceedings now or hereafter begun and  
25 appertaining to the authority, its board, its officers,

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1 agents or employees or any of the authority's duties,  
2 privileges, immunities, rights, liabilities and disabilities  
3 or the authority's flood control system, other property of  
4 the authority or any project;

5 F. enter into contracts and agreements, including  
6 [~~but not limited to~~] contracts with the federal government,  
7 the state and any other public body;

8 G. borrow money and issue securities evidencing any  
9 loan to or amount due by the authority, provide for and  
10 secure the payment of any securities and the rights of the  
11 holders thereof and purchase, hold and dispose of securities  
12 as hereinafter provided;

13 H. refund any loan or obligation of the authority  
14 and issue refunding securities to evidence such loan or  
15 obligation without any election;

16 I. purchase, trade, exchange, encumber and  
17 otherwise acquire, maintain and dispose of property and  
18 interests therein;

19 J. levy and cause to be collected general (ad  
20 valorem) taxes on all property subject to property taxation  
21 within the authority; provided that the total tax levy,  
22 excluding any levy for the payment of any debt of the  
23 authority authorized by the [~~taxpaying~~] qualified electors of  
24 the authority, for any fiscal year shall not exceed an  
25 aggregate total of fifty cents (\$.50), or any lower maximum

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1 amount required by operation of the rate limitation  
2 provisions of Section 7-37-7.1 NMSA 1978 upon this tax levy,  
3 on each one thousand dollars (\$1,000) of net taxable value,  
4 as that term is defined in the Property Tax Code, by  
5 certifying, on or before July 15 of each year in which the  
6 board determines to levy a tax, to the board of county  
7 commissioners of Dona Ana county, or by such other date as  
8 the laws of the state may prescribe to such other body having  
9 authority to levy taxes within each county wherein the  
10 authority has any territory, the rate so fixed, with  
11 directions that, at the time and in the manner required by  
12 law for levying taxes for other purposes, such body having  
13 authority to levy taxes shall levy such tax upon the net  
14 taxable value of all property subject to property taxation  
15 within the authority, in addition to such other taxes as may  
16 be levied by such body as provided in Sections 72-17-23  
17 through 72-17-27 NMSA 1978. No taxes may be levied and  
18 collected for any purpose and no contract may be made until a  
19 bond issue has been submitted to and approved by the  
20 [~~taxpaying~~] qualified electors as hereinafter provided;

21 K. hire and retain officers, agents, employees,  
22 engineers, attorneys and any other persons, permanent or  
23 temporary, necessary or desirable to effect the purposes  
24 hereof, defray any expenses incurred thereby in connection  
25 with the authority and acquire office space, equipment,

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1 services, supplies, fire and extended coverage insurance, use  
2 and occupancy insurance, [~~workmen's~~] workers' compensation  
3 insurance, property damage insurance, public liability  
4 insurance for the authority and its officers, agents and  
5 employees and other types of insurance as the board may  
6 determine; provided, however, that no provision herein  
7 authorizing the acquisition of insurance shall be construed  
8 as waiving any immunity of the authority or any director,  
9 officer or agent thereof and otherwise existing under the  
10 laws of the state;

11 L. condemn property for public use;

12 M. acquire, improve, equip, hold, operate, maintain  
13 and dispose of a flood control system, sewer facilities,  
14 project and appurtenant works or any interest therein wholly  
15 within the authority, or partially within and partially  
16 without the authority, and wholly within, wholly without or  
17 partially within and partially without any public body all or  
18 any part of the area of which is situated within the  
19 authority;

20 N. pay or otherwise defray the cost of any project;

21 O. pay or otherwise defray and contract so to pay  
22 or defray for any term not exceeding fifty years, without an  
23 election, except as hereinafter otherwise provided, the  
24 principal of, any interest on and any other charges  
25 appertaining to any securities or other obligations of the

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1 federal government, any public body or person incurred in  
2 connection with any such property so acquired by the  
3 authority;

4 P. establish and maintain facilities within or  
5 without the authority, across or along any public street,  
6 highway, bridge, viaduct or other public [~~right-of-way~~] right  
7 of way or in, upon, under or over any vacant public lands,  
8 which public lands are now or may become the property of the  
9 state, or across any stream of water or water course, without  
10 first obtaining a franchise from the municipality, county or  
11 other public body having jurisdiction over the same; provided  
12 that the authority shall cooperate with any public body  
13 having such jurisdiction, shall promptly restore any such  
14 street, highway, bridge, viaduct or other public [~~right-of-~~  
15 ~~way~~] right of way to its former state of usefulness as nearly  
16 as may be and shall not use the same in such manner as to  
17 impair completely or unnecessarily the usefulness thereof;

18 Q. deposit any money of the authority, subject to  
19 the limitations in Article 8, Section 4 of the constitution  
20 of New Mexico, in any banking institution within or without  
21 the state and secured in such manner and subject to such  
22 terms and conditions as the board may determine, with or  
23 without the payment of any interest on any such deposit;

24 R. invest any surplus money in the authority  
25 treasury, including such money in any sinking or reserve fund

1 established for the purpose of retiring any securities of the  
2 authority, not required for the immediate necessities of the  
3 authority, in its own securities or in federal securities, by  
4 direct purchase of any issue of such securities, or part  
5 thereof, at the original sale of the same or by the  
6 subsequent purchase of such securities;

7 S. sell any such securities thus purchased and held  
8 from time to time;

9 T. reinvest the proceeds of any such sale in other  
10 securities of the authority or in federal securities, as  
11 provided in Subsection R of this section;

12 U. sell in season from time to time such securities  
13 thus purchased and held, so that the proceeds may be applied  
14 to the purpose for which the money with which such securities  
15 were originally purchased was placed in the treasury of the  
16 authority;

17 V. accept contributions or loans from the federal  
18 government for the purpose of financing the planning,  
19 acquisition, improvement, equipment, maintenance and  
20 operation of any enterprise in which the authority is  
21 authorized to engage and enter into contracts and cooperate  
22 with, and accept cooperation and participation from, the  
23 federal government for these purposes;

24 W. enter, without any election, into joint  
25 operating or service contracts and agreements, acquisition,

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

1 improvement, equipment or disposal contracts or other  
2 arrangements for any term not exceeding fifty years with the  
3 federal government, any public body or any person concerning  
4 sewer facilities, or any project, whether acquired by the  
5 authority or by the federal government, any public body or  
6 any person, and accept grants and contributions from the  
7 federal government, any public body or any person in  
8 connection herewith;

9 X. enter into and perform, without any election,  
10 when determined by the board to be in the public interest and  
11 necessary for the protection of the public health, contracts  
12 and agreements for any term not exceeding fifty years with  
13 the federal government, any public body or any person for the  
14 provision and operation by the authority of sewer facilities;

15 Y. enter into and perform, without any election,  
16 contracts and agreements with the federal government, any  
17 public body and any person for or concerning the planning,  
18 construction, lease or other acquisition, improvement,  
19 equipment, operation, maintenance, disposal and the financing  
20 of any project, including [~~but not necessarily limited to~~]  
21 any contract or agreement for any term not exceeding fifty  
22 years;

23 Z. enter upon any land, make surveys, borings,  
24 soundings and examinations for the purposes of the authority  
25 and locate the necessary works of any project and roadways

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1 and other [~~rights-of-way~~] rights of way appertaining to any  
2 project herein authorized and acquire all property necessary  
3 or convenient for the acquisition, improvement or equipment  
4 of such works;

5 AA. cooperate with and act in conjunction with the  
6 state or any of its engineers, officers, boards, commissions  
7 or departments or with the federal government or any of its  
8 engineers, officers, boards, commissions or departments or  
9 with any other public body or any person in the acquisition,  
10 improvement or equipment of any project for the controlling  
11 of flood or storm waters of the authority or for the  
12 protection of life or property therein or for any other  
13 works, acts or purposes provided for herein and adopt and  
14 carry out any definite plan or system of work for any such  
15 purpose;

16 BB. cooperate with the federal government or any  
17 public body by an agreement therewith by which the authority  
18 may:

19 (1) acquire and provide, without cost to the  
20 operating entity, the land, easements and [~~rights-of-way~~]  
21 rights of way necessary for the acquisition, improvement or  
22 equipment of the flood control system or any project;

23 (2) hold and save harmless the cooperating  
24 entity free from any claim for damages arising from the  
25 acquisition, improvement, equipment, maintenance and

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1 operation of the flood control system or any project;

2 (3) maintain and operate any project in  
3 accordance with regulations prescribed by the cooperating  
4 entity; and

5 (4) establish and enforce flood channel limits  
6 and regulations, if any, satisfactory to the cooperating  
7 entity;

8 CC. carry on technical and other investigations of  
9 all kinds, make measurements, collect data and make analyses,  
10 studies and inspections pertaining to control of floods,  
11 sewer facilities and any project, both within and without the  
12 authority, and for this purpose the authority has the right  
13 of access through its authorized representative to all lands  
14 and premises within the state;

15 DD. have the right to provide from revenues or  
16 other available funds an adequate fund for the improvement  
17 and equipment of the authority's flood control system or of  
18 any parts of the works and properties of the authority;

19 EE. prescribe and enforce reasonable rules and  
20 regulations for the prevention of further encroachment upon  
21 existing defined waterways, by their enlargement or other  
22 modification, for additional waterway facilities to prevent  
23 flooding;

24 FF. require any person desiring to make a  
25 connection to any storm water drain or flood control facility



1 of the authority or to cause storm waters to be emptied into  
2 any ditch, drain, canal, floodway or other appurtenant  
3 structure of the authority firstly to make application to the  
4 board to make the connection, to require the connection to be  
5 made in such manner as the board may direct;

6 GG. refuse, if reasonably justified by the  
7 circumstances, permission to make any connection designated  
8 in Subsection EE or Subsection FF of this section;

9 HH. make and keep records in connection with any  
10 project or otherwise concerning the authority;

11 II. arbitrate any differences arising in connection  
12 with any project and otherwise concerning the authority;

13 JJ. have the management, control and supervision of  
14 all the business and affairs appertaining to any project  
15 herein authorized, or otherwise concerning the authority, and  
16 of the acquisition, improvement, equipment, operation and  
17 maintenance of any such project;

18 KK. prescribe the duties of officers, agents,  
19 employees and other persons and fix their compensation;  
20 provided that the compensation of employees and officers  
21 shall be established at prevailing rates of pay for  
22 equivalent work;

23 LL. enter into contracts of indemnity and guaranty  
24 in such form as may be approved by the board relating to or  
25 connected with the performance of any contract or agreement

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1 [which] that the authority is empowered to enter into under  
2 the provisions hereof or of any other law of the state;

3 MM. provide, by any contract for any term not  
4 exceeding fifty years, or otherwise, without an election:

5 (1) for the joint use of personnel, equipment  
6 and facilities of the authority and any public body,  
7 including without limitation public buildings constructed by  
8 or under the supervision of the board of the authority or the  
9 governing body of the public body concerned, upon such terms  
10 and agreements and within such areas within the authority as  
11 may be determined, for the promotion and protection of  
12 health, comfort, safety, life, welfare and property of the  
13 inhabitants of the authority and any such public body; and

14 (2) for the joint employment of clerks,  
15 stenographers and other employees appertaining to any  
16 project, now existing or hereafter established in the  
17 authority, upon such terms and conditions as may be  
18 determined for the equitable apportionment of the expenses  
19 therefrom resulting;

20 NN. obtain financial statements, appraisals,  
21 economic feasibility reports and valuations of any type  
22 appertaining to any project or any property pertaining  
23 thereto;

24 OO. adopt any resolution authorizing a project or  
25 the issuance of securities, or both, or otherwise

1 appertaining thereto, or otherwise concerning the authority;

2 PP. make and execute a mortgage, deed of trust,  
3 indenture or other trust instrument appertaining to a project  
4 or to any securities herein authorized, or to both, except as  
5 provided in Subsection QQ of this section and in Section  
6 72-17-54 NMSA 1978;

7 QQ. make all contracts, execute all instruments and  
8 do all things necessary or convenient in the exercise of the  
9 powers granted herein or in the performance of the  
10 authority's covenants or duties or in order to secure the  
11 payment of its securities; provided that no encumbrance,  
12 mortgage or other pledge of property, excluding any money, of  
13 the authority is created thereby; and provided further that  
14 no property, excluding money, of the district is liable to be  
15 forfeited or taken in payment of such securities;

16 RR. have and exercise all rights and powers  
17 necessary or incidental to or implied from the specific  
18 powers granted herein, which specific powers shall not be  
19 considered as a limitation upon any power necessary or  
20 appropriate to carry out the purposes and intent hereof; and

21 SS. exercise all or any part or combination of the  
22 powers herein granted."

23 **SECTION 117.** Section 72-17-28 NMSA 1978 (being Laws  
24 1967, Chapter 156, Section 28) is amended to read:

25 "72-17-28. ELECTIONS.--~~Wherever in this act an~~

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1 ~~election of the qualified electors or taxpaying electors of~~  
2 ~~the authority is permitted or required, said election may be~~  
3 ~~held separately at a special election or may be held~~  
4 ~~concurrently with any primary or general election held under~~  
5 ~~the laws of the state; provided, however:~~

6 ~~A. each biennial election of directors shall be~~  
7 ~~held concurrently with the general election in the state;~~

8 ~~B. no election shall be held at the same time as~~  
9 ~~any regular election of a municipality or school district,~~  
10 ~~any part of the area of which is located within the~~  
11 ~~boundaries of the authority.] Elections shall be held~~  
12 ~~pursuant to the provisions of the Local Election Act."~~

13 SECTION 118. Section 72-17-44 NMSA 1978 (being Laws  
14 1967, Chapter 156, Section 44) is amended to read:

15 "72-17-44. ISSUANCE OF BONDS AND INCURRENCE OF DEBT.--  
16 The authority is authorized to borrow money in anticipation  
17 of taxes or other revenues, or both, and to issue bonds to  
18 evidence the amount so borrowed. No bonded indebtedness  
19 [~~nor~~] or any other indebtedness not payable in full within  
20 one year, except for interim debentures as provided in  
21 Sections [~~46, 89, 90, and 91 hereof~~] 72-17-46 and 72-17-89  
22 through 72-17-91 NMSA 1978, shall be created by the authority  
23 without first submitting a proposition of issuing such bonds  
24 to the [~~taxpaying~~] qualified electors of the authority and  
25 being approved by a majority of such electors voting thereon

1 at an election held for that purpose in accordance with  
 2 Sections [~~28 to 34, both inclusive, of this act~~] 72-17-28  
 3 through 72-17-34 NMSA 1978 and all laws amendatory thereof  
 4 and supplemental thereto. Bonds so authorized may be issued  
 5 in one series or more and may mature at such time or times  
 6 not exceeding forty years from their issuance as the board  
 7 may determine. The total of all outstanding indebtedness at  
 8 any one time shall not exceed twelve million five hundred  
 9 thousand dollars (\$12,500,000) without prior approval of the  
 10 state legislature."

11 SECTION 119. Section 72-17-89 NMSA 1978 (being Laws  
 12 1967, Chapter 156, Section 89) is amended to read:

13 "72-17-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF  
 14 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation  
 15 or other provision herein, whenever a majority of the  
 16 [~~taxpaying~~] qualified electors of the authority voting on a  
 17 proposal to issue bonds has authorized the authority to issue  
 18 bonds for any purpose herein authorized, the authority is  
 19 authorized to borrow money without any other election in  
 20 anticipation of taxes, the proceeds of [~~said~~] such bonds or  
 21 any other revenues of the authority, or any combination  
 22 thereof, and to issue interim debentures to evidence the  
 23 amount so borrowed. Interim debentures may mature at such  
 24 time or times not exceeding a period of time equal to the  
 25 estimated time needed to effect the purpose [~~or purposes~~] for

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1 which the bonds are so authorized to be issued, plus two  
2 years, as the board may determine. Except as otherwise  
3 provided in this section and in Sections [~~90 and 91 hereof~~]  
4 72-17-90 and 72-17-91 NMSA 1978, interim debentures shall be  
5 issued as provided herein for securities in Sections [~~47 to~~  
6 ~~80, both inclusive~~] 72-17-47 through 72-17-80 NMSA 1978.

7 Taxes, other revenues of the authority, including without  
8 limiting the generality of the foregoing, proceeds of bonds  
9 to be thereafter issued or reissued or bonds issued for the  
10 purpose of securing the payment of interim [~~debenture~~]  
11 debentures may be pledged for the purpose of securing the  
12 payment of the interim debentures. Any bonds pledged as  
13 collateral security for the payment of any interim debentures  
14 shall mature at such time or times as the board may  
15 determine, but in no event exceeding forty years from the  
16 date of either any of such bonds or any of such interim  
17 debentures, whichever date be the earlier. Any such bonds  
18 pledged as collateral security shall not be issued in an  
19 aggregate principal amount exceeding the aggregate principal  
20 amount of the interim debenture or interim debenture secured  
21 by a pledge of such bonds, nor shall they bear interest at  
22 any time [~~which~~] that, with any interest accruing at the same  
23 time on the interim debenture or interim debentures so  
24 secured, exceeds six percent per [~~annum~~] year."

25 SECTION 120. Section 72-18-1 NMSA 1978 (being Laws

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underscored material = new  
[bracketed material] = delete

1 1981, Chapter 377, Section 1) is amended to read:

2 "72-18-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
3 18 NMSA 1978 may be cited as the "Flood Control District  
4 Act"."

5 **SECTION 121.** Section 72-18-13 NMSA 1978 (being Laws  
6 1981, Chapter 377, Section 13) is amended to read:

7 "72-18-13. ORGANIZATION OF BOARD--INITIAL TERMS OF  
8 DIRECTORS.--

9 A. After taking oath and filing bonds, the board  
10 shall choose one of its members as ~~[chairman]~~ chair of the  
11 board and shall choose a secretary and a treasurer of the  
12 board and of the district. The secretary and treasurer may  
13 be one person.

14 B. The terms of the members of the initial board of  
15 directors shall be determined by lot at their organizational  
16 meeting. Two members shall serve ~~[until January 1 following~~  
17 ~~the first general election in the state]~~ an initial term of  
18 two years following organization of the district, two members  
19 shall serve ~~[until January 1 following the second general~~  
20 ~~election in the state]~~ an initial term of four years  
21 following organization of the district and one member shall  
22 serve ~~[until January 1 following the third general election~~  
23 ~~in the state]~~ an initial term of six years following  
24 organization of the district."

25 **SECTION 122.** Section 72-18-14 NMSA 1978 (being Laws

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1 1981, Chapter 377, Section 14) is amended to read:

2 "72-18-14. ELECTION OF DIRECTORS ~~[NOMINATIONS]~~.--~~[A.]~~  
3 Flood control district elections shall be held pursuant to  
4 the Local Election Act. At each ~~[general]~~ local election ~~[in~~  
5 ~~the state]~~ after organization of the district, there shall be  
6 elected by the qualified registered electors of the district  
7 one or two members of the board to serve for a term of six  
8 years. Except for the initial board of directors and except  
9 for any director chosen to fill an unexpired term, the term  
10 of each director ~~[commences on January 1 following the~~  
11 ~~general election in the state and]~~ runs for six years. ~~[Each~~  
12 ~~director, subject to such exceptions, shall serve a six-year~~  
13 ~~term ending on January 1 next following a general election.]~~  
14 Each director shall serve until ~~[his]~~ a successor has been  
15 duly chosen and qualified.

16 ~~[B. Not later than thirty days before any election,~~  
17 ~~nominations may be filed with the secretary, and, if a~~  
18 ~~nominee does not withdraw his name before the first~~  
19 ~~publication of the notice of election, his name shall be~~  
20 ~~placed on the ballot.]"~~

21 SECTION 123. Section 72-18-15 NMSA 1978 (being Laws  
22 1981, Chapter 377, Section 15) is amended to read:

23 "72-18-15. VACANCIES ON THE BOARD.--Any vacancy on the  
24 board shall be filled by appointment by a majority of the  
25 remaining members of the board. The appointee shall serve



1 until the next ~~[general]~~ local election pursuant to the Local  
 2 Election Act when the vacancy shall be filled by election.

3 If the board fails to fill any vacancy within thirty days  
 4 after it occurs, the court declaring the organization of the  
 5 district shall fill the vacancy."

6 SECTION 124. Section 72-18-35 NMSA 1978 (being Laws  
 7 1981, Chapter 377, Section 35) is amended to read:

8 "72-18-35. ELECTION.--Wherever in the Flood Control  
 9 District Act an election of the qualified registered electors  
 10 of a district is permitted or required, the election ~~[may be~~  
 11 ~~held separately at a special election or may be held~~  
 12 ~~concurrently with any primary or general election held under~~  
 13 ~~the laws of the state; provided, however:~~

14 A. ~~each biennial election of directors shall be~~  
 15 ~~held concurrently with the general election in the state; and~~

16 B. ~~no election shall be held at the same time as~~  
 17 ~~any regular election of a municipality or school district any~~  
 18 ~~part of the area of which is located within the boundaries of~~  
 19 ~~the district] shall be held pursuant to the Local Election~~  
 20 Act."

21 SECTION 125. Section 72-18-35.1 NMSA 1978 (being Laws  
 22 1985, Chapter 177, Section 2) is amended to read:

23 "72-18-35.1. ELECTION OF DIRECTORS--ESTABLISHED  
 24 DISTRICT.--In a district established pursuant to the Flood  
 25 Control District Act ~~[whose boundaries are coterminous with~~

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1 ~~the voting precincts of the county], the election of~~  
2 ~~directors shall be conducted [by the county clerk in the same~~  
3 ~~manner and at the same time as the general election in the~~  
4 ~~state and the same election officials shall preside. The~~  
5 ~~returns of the election shall be filed with the county clerk,~~  
6 ~~who shall submit them to the board of the district for the~~  
7 ~~purposes of canvassing the election of the district. The~~  
8 ~~nominees for offices of directors shall be determined in~~  
9 ~~accordance with the resolution of the board calling for the~~  
10 ~~election, which shall provide that nominees shall file for~~  
11 ~~the office of director in the same manner and form as for~~  
12 ~~municipal offices, and a list of the nominees shall be~~  
13 ~~provided to the county clerk not later than three days~~  
14 ~~following the primary election. All costs for materials and~~  
15 ~~supplies incurred by the county clerk on behalf of the~~  
16 ~~district shall be paid by the district to the clerk's office.~~  
17 ~~The district may provide for the cost of one additional clerk~~  
18 ~~of election to assist the county clerk specifically in the~~  
19 ~~conduct of the district election] in accordance with the~~  
20 ~~provisions of the Local Election Act."~~

21 SECTION 126. Section 72-19-1 NMSA 1978 (being Laws  
22 1990, Chapter 14, Section 1) is amended to read:

23 "72-19-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
24 19 NMSA 1978 may be cited as the "Southern Sandoval County  
25 Arroyo Flood Control Act"."

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1           SECTION 127. Section 72-19-4 NMSA 1978 (being Laws  
2 1990, Chapter 14, Section 4, as amended) is amended to read:

3           "72-19-4. DEFINITIONS.--Except where the context  
4 otherwise requires, as used in the Southern Sandoval County  
5 Arroyo Flood Control Act:

6           A. "acquisition" or "acquire" means the opening,  
7 laying out, establishment, purchase, construction, securing,  
8 installation, reconstruction, lease, gift, grant from the  
9 federal government or any public body or person, endowment,  
10 bequest, devise, condemnation, transfer, assignment, option  
11 to purchase, other contract or other acquirement, or any  
12 combination thereof, of facilities, other property or any  
13 project or an interest [~~therein~~] in the facilities, other  
14 property or project authorized by the Southern Sandoval  
15 County Arroyo Flood Control Act;

16           B. "authority" means the southern Sandoval county  
17 arroyo flood control authority;

18           C. "board" means the board of directors of the  
19 authority;

20           D. [~~"chairman"~~] "chair" means the [~~chairman~~] chair  
21 of the board and president of the authority;

22           E. "condemnation" or "condemn" means the  
23 acquisition by the exercise of the power of eminent domain of  
24 property for any facilities, other property or project or an  
25 interest [~~therein~~] in the facilities, other property or

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1 project authorized by the Southern Sandoval County Arroyo  
2 Flood Control Act. The authority may exercise in the state  
3 the power of eminent domain, either within or without the  
4 authority, and, in the manner provided by law for the  
5 condemnation of private property for public use, may take any  
6 property necessary to carry out any of the objects or  
7 purposes of that act. In the event the construction of any  
8 facility or project authorized by that act, or any part  
9 thereof, makes necessary the removal and relocation of any  
10 public utilities, whether on private or public right of way,  
11 the authority shall reimburse the owner of the public utility  
12 facility for the expense of removal and relocation, including  
13 the cost of any necessary land or rights in land;

14 F. "cost" or "cost of the project", or words of  
15 similar import, means all, or any part designated by the  
16 board, of the cost of any facilities or project or interest  
17 [~~therein~~] in the facilities or project being acquired and of  
18 all or any property, rights, easements, privileges,  
19 agreements and franchises deemed by the authority to be  
20 necessary or useful and convenient [~~therefor~~] to or in  
21 connection [~~therewith~~] with the facilities or project, which  
22 cost, at the option of the board, may include all or any part  
23 of the incidental costs pertaining to the project, including  
24 without limiting the generality of the foregoing, preliminary  
25 expenses advanced by any municipality or other public body

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1 from funds available for use [~~therefor~~] in the making of  
 2 surveys, preliminary plans, estimates of cost or other  
 3 preliminaries; for the costs of appraising and printing and  
 4 employing engineers, architects, fiscal agents, attorneys at  
 5 law, clerical help and other agents or employees; for the  
 6 costs of capitalizing interest or any discount on securities,  
 7 of inspection, of any administrative, operating and other  
 8 expenses of the authority prior to the levy and collection of  
 9 taxes and of reserves for working capital, operation,  
 10 maintenance or replacement expenses or for payment or  
 11 security of principal of or interest on any securities; for  
 12 the costs of making, publishing, posting, mailing and  
 13 otherwise giving any notice in connection with the project,  
 14 the taking of options, the issuance of securities, the filing  
 15 or recordation of instruments and the levy and collection of  
 16 taxes and installments [~~thereof~~] of taxes; for the costs of  
 17 reimbursements by the authority to any public body, the  
 18 federal government or any person of any money [~~theretofore~~]  
 19 expended for or in connection with any facility or project;  
 20 and for all other expenses necessary or desirable and  
 21 appertaining to any project, as estimated or otherwise  
 22 ascertained by the board;

23 G. "director" means a member of the board;

24 H. "disposal" or "dispose" means the sale,  
 25 destruction, razing, loan, lease, gift, grant, transfer,

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1 assignment, mortgage, option to sell, other contract or other  
2 disposition, or any combination thereof, of facilities, other  
3 property or any project, or an interest [~~therein~~] in the  
4 facilities, other property or project authorized by the  
5 Southern Sandoval County Arroyo Flood Control Act;

6 I. "engineer" means any engineer in the permanent  
7 employ of the authority or any independent competent engineer  
8 or firm of [~~such~~] engineers employed by the authority in  
9 connection with any facility, property, project or power  
10 authorized by the Southern Sandoval County Arroyo Flood  
11 Control Act;

12 J. "equipment" or "equip" means the furnishing of  
13 all necessary or desirable, related or appurtenant  
14 facilities, or any combination thereof, appertaining to any  
15 facilities, property, project or interest [~~therein~~]  
16 authorized by the Southern Sandoval County Arroyo Flood  
17 Control Act;

18 K. "facility" means any of the water facilities,  
19 sewer facilities or other property appertaining to the flood  
20 control system of the authority;

21 L. "federal government" means the United States or  
22 any agency, instrumentality or corporation [~~thereof~~] of the  
23 United States;

24 M. "federal securities" means the bills,  
25 certificates of indebtedness, notes or bonds that are direct

1 obligations of, or the principal and interest of which  
 2 obligations are unconditionally guaranteed by, the United  
 3 States;

4 N. "governing body" means the city council, city  
 5 commission, board of commissioners, board of trustees, board  
 6 of directors or other legislative body of the public body  
 7 proceeding under the Southern Sandoval County Arroyo Flood  
 8 Control Act, in which body the legislative powers of the  
 9 public body are vested;

10 O. "improvement" or "improve" means the extension,  
 11 widening, lengthening, betterment, alteration,  
 12 reconstruction, repair or other improvement, or any  
 13 combination thereof, of facilities, other property or project  
 14 or any interest ~~[therein]~~ in the facilities, other property  
 15 or project authorized by the Southern Sandoval County Arroyo  
 16 Flood Control Act;

17 P. "mailed notice" or notice by "mail" means the  
 18 giving by the engineer, secretary or any deputy ~~[thereof]~~, as  
 19 determined by the board, of any designated written or printed  
 20 notice addressed to the last known owner of each tract of  
 21 real property in question or other designated person at ~~[his]~~  
 22 the person's last known address, by deposit, at least ten  
 23 days prior to the designated hearing or other time or event,  
 24 in the United States mails, postage prepaid, as first-class  
 25 mail. In the absence of fraud, the failure to mail ~~[any~~

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1 ~~such~~] the notice shall not invalidate any proceedings under  
2 the Southern Sandoval County Arroyo Flood Control Act. The  
3 names and addresses of those property owners shall be  
4 obtained from the records of the county assessor or from such  
5 other source as the secretary or the engineer deems reliable.  
6 Any list of [~~such~~] names and addresses may be revised from  
7 time to time, but [~~such a~~] the list need not be revised more  
8 frequently than at twelve-month intervals. Any mailing of  
9 any notice required shall be verified by the affidavit or  
10 certificate of the engineer, secretary, deputy or other  
11 person mailing the notice, which verification shall be  
12 retained in the records of the authority at least until all  
13 taxes and securities appertaining thereto have been paid in  
14 full or any claim is barred by a statute of limitations;

15 Q. "municipality" means any incorporated city, town  
16 or village in the state, whether incorporated or governed  
17 under a general act, special legislative act or special  
18 charter of any type. "Municipal" pertains to municipality;

19 R. "person" means any human being, association,  
20 partnership, firm or corporation, excluding a public body and  
21 excluding the federal government;

22 S. "president" means the president of the authority  
23 and the [~~chairman~~] chair of the board;

24 T. "project" means any structure, facility,  
25 undertaking or system that the authority is authorized to



1 acquire, improve, equip, maintain or operate. A project may  
2 consist of all kinds of personal and real property. A  
3 project shall appertain to the flood control system that the  
4 authority is authorized and directed to provide within and  
5 without the authority's boundaries;

6 U. "property" means real property and personal  
7 property;

8 V. "publication" or "publish" means publication in  
9 at least the one newspaper designated as the authority's  
10 official newspaper and published in the authority in the  
11 English language at least once a week and of general  
12 circulation in the authority. Except as otherwise  
13 specifically provided or necessarily implied, "publication"  
14 or "publish" also means publication for at least once a week  
15 for three consecutive weeks by three weekly insertions, the  
16 first publication being at least fifteen days prior to the  
17 designated time or event, unless otherwise [~~so~~] stated. It  
18 is not necessary that publication be made on the same day of  
19 the week in each of the three calendar weeks, but not less  
20 than fourteen days shall intervene between the first  
21 publication and the last publication, and publication shall  
22 be complete on the day of the last publication. Any  
23 publication required shall be verified by the affidavit of  
24 the publisher and filed with the secretary;

25 W. "public body" means the state or any agency,

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1 instrumentality or corporation [~~thereof~~] of the state or any  
2 municipality, school district or other type district or any  
3 other political subdivision of the state, excluding the  
4 authority and excluding the federal government;

5 X. "qualified elector" means a person qualified and  
6 registered to vote in general elections in the state who is a  
7 resident of the authority at the time of any election held  
8 under the provisions of the Southern Sandoval County Arroyo  
9 Flood Control Act or at any other time in reference to which  
10 the term "qualified elector" is used;

11 Y. "real property" means:

12 (1) land, including land under water;

13 (2) buildings, structures, fixtures and  
14 improvements on land;

15 (3) any property appurtenant to or used in  
16 connection with land; and

17 (4) every estate, interest, privilege,  
18 easement, franchise and right in land, legal or equitable,  
19 including without limiting the generality of the foregoing,  
20 rights of way, terms for years and liens, charges or  
21 encumbrances by way of judgment, mortgage or otherwise and  
22 the indebtedness secured by such liens;

23 Z. "secretary" means the secretary of the  
24 authority;

25 AA. "secretary of state" means the secretary of the

1 state of New Mexico;

2 BB. "securities" means any notes, warrants, bonds,  
3 temporary bonds or interim debentures or other obligations of  
4 the authority or any public body appertaining to any project  
5 or interest [~~therein~~] in a project authorized by the Southern  
6 Sandoval County Arroyo Flood Control Act;

7 CC. "sewer facilities" means any one or more of the  
8 various devices used in the collection, channeling,  
9 impounding or disposition of storm, flood or surface drainage  
10 waters, including all inlets, collection, drainage or  
11 disposal lines, canals, intercepting sewers, outfall sewers,  
12 all pumping, power and other equipment and appurtenances, all  
13 extensions, improvements, remodeling, additions and  
14 alterations thereof and any rights or interest in such sewer  
15 facilities;

16 DD. "sewer improvement" or "improve any sewer"  
17 means the acquisition, reacquisition, improvement,  
18 reimprovement or repair of any storm sewer or combination  
19 storm and sanitary sewer, including [~~but not limited to~~]  
20 collecting and intercepting sewer lines or mains, submains,  
21 trunks, laterals, outlets, ditches, ventilation stations,  
22 pumping facilities, ejector stations and all other  
23 appurtenances and machinery necessary, useful or convenient  
24 for the collection, transportation and disposal of storm  
25 water;

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1 EE. "state" means the state of New Mexico or any  
2 agency, instrumentality or corporation [~~thereof~~] of the  
3 state;

4 FF. "street" means any street, avenue, boulevard,  
5 alley, highway or other public right of way used for any  
6 vehicular traffic;

7 GG. "taxes" means general (ad valorem) taxes  
8 pertaining to any project authorized by the Southern Sandoval  
9 County Arroyo Flood Control Act; and

10 HH. "treasurer" means the treasurer of the  
11 authority."

12 SECTION 128. Section 72-19-8 NMSA 1978 (being Laws  
13 1990, Chapter 14, Section 8, as amended) is amended to read:

14 "72-19-8. BOARD OF DIRECTORS.--The governing body of  
15 the authority is a board of directors consisting of five  
16 qualified electors of the authority. All powers, rights,  
17 privileges and duties vested in or imposed upon the authority  
18 are exercised and performed by and through the board of  
19 directors; provided that the exercise of any executive,  
20 administrative and ministerial powers may be, by the board,  
21 delegated and redelegated to officers and employees of the  
22 authority. Except for the first directors appointed as  
23 provided for in Section 72-19-9 NMSA 1978 or elected as  
24 provided for in Section 72-19-10 NMSA 1978 and except for any  
25 director chosen to fill an unexpired term, the term of each

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1 director [~~commences on the first day of January next~~  
 2 ~~following a general election in the state and~~] runs for six  
 3 years. Each director, subject to such exceptions, shall  
 4 serve a six-year term [~~ending on the first day of January~~  
 5 ~~next following a general election~~], and each director shall  
 6 serve until [~~his~~] a successor has been duly chosen and  
 7 qualified."

8 SECTION 129. Section 72-19-10 NMSA 1978 (being Laws  
 9 1990, Chapter 14, Section 10, as amended) is amended to read:

10 "72-19-10. ELECTION OF DIRECTORS.--At the time that a  
 11 proposal to incur debt is first submitted to the qualified  
 12 electors [~~or at the first general election next following the~~  
 13 ~~effective date of the Southern Sandoval County Arroyo Flood~~  
 14 ~~Control Act, whichever occurs first~~], the qualified electors  
 15 of the authority shall elect five qualified directors, two to  
 16 serve a term ending January 1, 1993, two to serve a term  
 17 ending January 1, 1995 and one to serve a term ending January  
 18 1, 1997. At the first election, the five candidates  
 19 receiving the highest number of votes shall be elected as  
 20 directors. The terms of the directors shall be determined by  
 21 lot at their organizational meeting. At each [~~general~~] local  
 22 election thereafter, the qualified electors of the authority  
 23 shall elect similarly one or two qualified electors as  
 24 directors to serve six-year terms as directors [~~and as~~  
 25 ~~successors to the directors whose terms end on the first day~~

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1 of ~~January next following each such election~~]. Elections  
2 shall be held pursuant to the provisions of the Local  
3 Election Act. Nothing in the Southern Sandoval County Arroyo  
4 Flood Control Act shall be construed as preventing [a]  
5 qualified [~~elector~~] electors of the authority from being  
6 elected or reelected as [~~a director~~] directors to succeed  
7 [~~himself. If there is only one vacancy on the board, the~~  
8 ~~candidate receiving the highest number of votes shall be~~  
9 ~~elected as director. If there are two vacancies on the~~  
10 ~~board, the candidate receiving the highest number of votes~~  
11 ~~and the candidate receiving the next highest number of votes~~  
12 ~~shall be elected as directors~~] themselves."

13 SECTION 130. Section 72-19-11 NMSA 1978 (being Laws  
14 1990, Chapter 14, Section 11, as amended) is amended to read:

15 "72-19-11. NOMINATION OF DIRECTORS.-- [~~Not later than~~  
16 ~~forty-five days before a proposal to incur debt is first~~  
17 ~~submitted to the qualified electors or at the first general~~  
18 ~~election next following the effective date of the Southern~~  
19 ~~Sandoval County Arroyo Flood Control Act, whichever occurs~~  
20 ~~first~~] Written nominations of any candidate as director may  
21 be filed with the [~~secretary of the board~~] proper filing  
22 officer in accordance with the provisions of the Local  
23 Election Act. Each nomination of any candidate shall be  
24 signed by not less than fifty qualified electors, regardless  
25 of whether or not nominated [~~therein~~], shall designate

1 [therein] the name of the candidates [thereby] nominated and  
 2 shall recite that the subscribers [thereto] are qualified  
 3 electors and that the [candidate or] candidates designated  
 4 [therein] are qualified electors of the authority. No  
 5 written nomination may designate more qualified electors as  
 6 candidates than there are vacancies. No qualified elector  
 7 may nominate more than one candidate for any vacancy. [~~If a~~  
 8 ~~candidate does not withdraw his name before the first~~  
 9 ~~publication of the notice of election, his name shall be~~  
 10 ~~placed on the ballot. For any election held after November~~  
 11 ~~1990, nominations shall be made by qualified electors in~~  
 12 ~~accordance with the procedures and limitations of this~~  
 13 ~~section, except that such nominations shall be filed with the~~  
 14 ~~secretary of the board not later than the fourth Tuesday in~~  
 15 ~~June preceding the general election.]"~~

16 SECTION 131. Section 72-19-13 NMSA 1978 (being Laws  
 17 1990, Chapter 14, Section 13) is amended to read:

18 "72-19-13. ORGANIZATIONAL MEETINGS.--Except for the  
 19 first board, each board shall meet on the first business day  
 20 next following the first day of [~~January in each odd-numbered~~  
 21 ~~year]~~ the month that the term of office begins for members  
 22 elected in the immediately preceding election at the office  
 23 of the board within the authority. Each member of the board,  
 24 before entering upon [~~his~~] official duties, shall take and  
 25 subscribe on oath that [~~he~~] the member will support the

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1 constitution of the United States and the constitution and  
2 laws of New Mexico and ~~[that he]~~ will faithfully and  
3 impartially discharge the duties of ~~[his]~~ office to the best  
4 of ~~[his]~~ the member's ability, which oath shall be filed in  
5 the office of the secretary of state. Each director shall,  
6 before entering upon ~~[his]~~ official duties, give a bond to  
7 the authority in the sum of ten thousand dollars (\$10,000)  
8 with good and sufficient surety, conditioned for the faithful  
9 performance of all of the duties of ~~[his]~~ office, without  
10 fraud, deceit or oppression, and the accounting for all money  
11 and property coming into ~~[his]~~ the director's hands, and the  
12 prompt and faithful payment of all money and the delivering  
13 of all property coming into ~~[his]~~ the director's custody or  
14 control belonging to the authority, to ~~[his]~~ the director's  
15 successors in office. Premiums on all bonds provided for in  
16 this section shall be paid by the authority, and all such  
17 bonds shall be kept on file in the office of the secretary of  
18 state."

19 SECTION 132. Section 72-19-28 NMSA 1978 (being Laws  
20 1990, Chapter 14, Section 28, as amended) is amended to read:

21 "72-19-28. ELECTIONS.--Each biennial election of  
22 directors ~~[shall be conducted at the time of the general~~  
23 ~~election under the direction of the Sandoval county clerk and~~  
24 ~~in accordance with the election laws of New Mexico. Any] and~~  
25 other election of the authority, including an election to

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1 seek approval for the issuance of bonds, shall be conducted  
 2 [~~at any time approved by the board in accordance with the~~  
 3 ~~election laws of New Mexico. Elections for the issuance of~~  
 4 ~~bonds may be by mail-in ballot pursuant to the procedures set~~  
 5 ~~forth in the Mail Ballot] pursuant to the Local Election  
 6 Act."~~

7 SECTION 133. Section 72-20-4 NMSA 1978 (being Laws  
 8 2007, Chapter 99, Section 4) is amended to read:

9 "72-20-4. DEFINITIONS.--Except where the context  
 10 otherwise requires, as used in the Eastern Sandoval County  
 11 Arroyo Flood Control Act:

12 A. "acquisition" or "acquire" means the opening,  
 13 laying out, establishment, purchase, construction, securing,  
 14 installation, reconstruction, lease, gift, grant from the  
 15 federal government or any public body or person, endowment,  
 16 bequest, devise, condemnation, transfer, assignment, option  
 17 to purchase, other contract or other acquirement, or any  
 18 combination thereof, of facilities, other property or any  
 19 project or an interest therein authorized by the Eastern  
 20 Sandoval County Arroyo Flood Control Act;

21 B. "authority" means the eastern Sandoval county  
 22 arroyo flood control authority;

23 C. "board" means the board of directors of the  
 24 authority;

25 D. "chair" means the chair of the board and

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1 president of the authority;

2 E. "condemnation" or "condemn" means the  
3 acquisition by the exercise of the power of eminent domain of  
4 property for any facilities, other property or project or an  
5 interest therein authorized by the Eastern Sandoval County  
6 Arroyo Flood Control Act. The authority may exercise in the  
7 state the power of eminent domain, either within or without  
8 the authority and, in the manner provided by law for the  
9 condemnation of private property for public use, may take any  
10 property necessary to carry out any of the objects or  
11 purposes of the Eastern Sandoval County Arroyo Flood Control  
12 Act. In the event the construction of any facility or  
13 project authorized by the Eastern Sandoval County Arroyo  
14 Flood Control Act, or any part thereof, makes necessary the  
15 removal and relocation of any public utilities, whether on  
16 private or public right of way, the authority shall reimburse  
17 the owner of the public utility facility for the expense of  
18 removal and relocation, including the cost of any necessary  
19 land or rights in land;

20 F. "cost" or "cost of the project", or words of  
21 similar import, means all, or any part designated by the  
22 board, of the cost of any facilities, project or interest  
23 therein being acquired and of all or any property, rights,  
24 easements, privileges, agreements and franchises deemed by  
25 the authority to be necessary or useful and convenient

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1 therefor or in connection therewith, which cost, at the  
2 option of the board, may include all or any part of the  
3 incidental costs pertaining to the project, including without  
4 limiting the generality of the foregoing, preliminary  
5 expenses advanced by any municipality or other public body  
6 from funds available for use therefor in the making of  
7 surveys, preliminary plans, estimates of cost and other  
8 preliminaries; for the costs of appraising and printing and  
9 employing engineers, architects, fiscal agents, attorneys at  
10 law, clerical help and other agents or employees; for the  
11 costs of capitalizing interest or any discount on securities,  
12 of inspection, of any administrative, operating and other  
13 expenses of the authority prior to the levy and collection of  
14 taxes and of reserves for working capital, operation,  
15 maintenance or replacement expenses or for payment or  
16 security of principal of or interest on any securities; for  
17 the costs of making, publishing, posting, mailing and  
18 otherwise giving any notice in connection with the project,  
19 the taking of options, the issuance of securities, the filing  
20 or recordation of instruments and the levy and collection of  
21 taxes and installments thereof; for the costs of  
22 reimbursements by the authority to any public body, the  
23 federal government or any person of any money theretofore  
24 expended for or in connection with any facility or project;  
25 and for all other expenses necessary or desirable and

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1 appertaining to any project, as estimated or otherwise  
2 ascertained by the board;

3 G. "director" means a member of the board;

4 H. "disposal" or "dispose" means the sale,  
5 destruction, razing, loan, lease, gift, grant, transfer,  
6 assignment, mortgage, option to sell, other contract or other  
7 disposition, or any combination thereof, of facilities, other  
8 property or any project or an interest therein authorized by  
9 the Eastern Sandoval County Arroyo Flood Control Act;

10 I. "engineer" means any engineer in the permanent  
11 employ of the authority or any independent competent engineer  
12 or firm of such engineers employed by the authority in  
13 connection with any facility, property, project or power  
14 authorized by the Eastern Sandoval County Arroyo Flood  
15 Control Act;

16 J. "equipment" or "equip" means the furnishing of  
17 all necessary or desirable, related or appurtenant  
18 facilities, or any combination thereof, appertaining to any  
19 facilities, property or project or interest therein  
20 authorized by the Eastern Sandoval County Arroyo Flood  
21 Control Act;

22 K. "facility" means any of the water facilities,  
23 sewer facilities or other property appertaining to the flood  
24 control system of the authority;

25 L. "federal government" means the United States or

1 any agency, instrumentality or corporation thereof;

2 M. "federal securities" means the bills,  
3 certificates of indebtedness, notes or bonds that are direct  
4 obligations of, or the principal and interest of which  
5 obligations are unconditionally guaranteed by, the United  
6 States;

7 N. "governing body" means the city council, city  
8 commission, board of commissioners, board of trustees, board  
9 of directors or other legislative body of the public body  
10 proceeding under the Eastern Sandoval County Arroyo Flood  
11 Control Act, in which body the legislative powers of the  
12 public body are vested;

13 O. "improvement" or "improve" means the extension,  
14 widening, lengthening, betterment, alteration,  
15 reconstruction, repair or other improvement, or any  
16 combination thereof, of facilities, other property or project  
17 or any interest therein authorized by the Eastern Sandoval  
18 County Arroyo Flood Control Act;

19 P. "mailed notice" or notice by "mail" means the  
20 giving by the engineer, secretary or any deputy thereof, as  
21 determined by the board, of any designated written or printed  
22 notice addressed to the last known owner of each tract of  
23 real property in question or other designated person at the  
24 last known address, by deposit, at least ten days prior to  
25 the designated hearing or other time or event, in the United

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1 States mail, postage prepaid, as first-class mail. In the  
2 absence of fraud, the failure to mail any such notice shall  
3 not invalidate any proceedings under the Eastern Sandoval  
4 County Arroyo Flood Control Act. The names and addresses of  
5 those property owners shall be obtained from the records of  
6 the county assessor or from such other source as the  
7 secretary or the engineer deems reliable. Any list of such  
8 names and addresses may be revised from time to time, but  
9 such a list need not be revised more frequently than at  
10 twelve-month intervals. Any mailing of any notice required  
11 shall be verified by the affidavit or certificate of the  
12 engineer, secretary, deputy or other person mailing the  
13 notice, which verification shall be retained in the records  
14 of the authority at least until all taxes and securities  
15 appertaining thereto have been paid in full or any claim is  
16 barred by a statute of limitations;

17 Q. "municipality" means any incorporated city, town  
18 or village in the state, whether incorporated or governed  
19 under a general act, special legislative act or special  
20 charter of any type. "Municipal" pertains to municipality;

21 R. "person" means any human being, association,  
22 partnership, firm or corporation, excluding a public body and  
23 excluding the federal government;

24 S. "president" means the president of the authority  
25 and the chair of the board;

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1           T. "project" means any structure, facility,  
2 undertaking or system that the authority is authorized to  
3 acquire, improve, equip, maintain or operate. A project may  
4 consist of all kinds of personal and real property. A  
5 project shall appertain to the flood control system that the  
6 authority is authorized and directed to provide within and  
7 without the authority's boundaries;

8           U. "property" means real property and personal  
9 property;

10          V. "publication" or "publish" means publication in  
11 at least the one newspaper designated as the authority's  
12 official newspaper and published in the authority in the  
13 English language at least once a week and of general  
14 circulation in the authority. Except as otherwise  
15 specifically provided or necessarily implied, "publication"  
16 or "publish" also means publication for at least once a week  
17 for three consecutive weeks by three weekly insertions, the  
18 first publication being at least fifteen days prior to the  
19 designated time or event, unless otherwise so stated. It is  
20 not necessary that publication be made on the same day of the  
21 week in each of the three calendar weeks, but not less than  
22 fourteen days shall intervene between the first publication  
23 and the last publication, and publication shall be complete  
24 on the day of the last publication. Any publication required  
25 shall be verified by the affidavit of the publisher and filed

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1 with the secretary;

2 W. "public body" means the state or any agency,  
3 instrumentality or corporation thereof or any municipality,  
4 school district or other type of district or any other  
5 political subdivision of the state, excluding the authority  
6 and excluding the federal government;

7 X. "qualified elector" means a person qualified and  
8 registered to vote in general elections in the state, who is  
9 a resident of the authority at the time of any election held  
10 under the provisions of the Eastern Sandoval County Arroyo  
11 Flood Control Act or at any other time in reference to which  
12 the term "qualified elector" is used;

13 Y. "real property" means:

14 (1) land, including land under water;

15 (2) buildings, structures, fixtures and  
16 improvements on land;

17 (3) any property appurtenant to or used in  
18 connection with land; and

19 (4) every estate, interest, privilege,  
20 easement, franchise and right in land, legal or equitable,  
21 including without limiting the generality of the foregoing,  
22 rights of way, terms for years and liens, charges or  
23 encumbrances by way of judgment, mortgage or otherwise and  
24 the indebtedness secured by such liens;

25 Z. "secretary" means the secretary of the



1 authority;

2 AA. "secretary of state" means the secretary of  
3 state of New Mexico;

4 BB. "securities" means any notes, warrants, bonds,  
5 temporary bonds or interim debentures or other obligations of  
6 the authority or any public body appertaining to any project  
7 or interest therein authorized by the Eastern Sandoval County  
8 Arroyo Flood Control Act;

9 CC. "sewer facilities" means any one or more of the  
10 various devices used in the collection, channeling,  
11 impounding or disposition of storm, flood or surface drainage  
12 waters, including all inlets, collection, drainage or  
13 disposal lines, canals, intercepting sewers, outfall sewers,  
14 all pumping, power and other equipment and appurtenances, all  
15 extensions, improvements, remodeling, additions and  
16 alterations thereof and any rights or interest in such sewer  
17 facilities;

18 DD. "sewer improvement" or "improve any sewer"  
19 means the acquisition, reacquisition, improvement,  
20 reimprovement or repair of any storm sewer or combination  
21 storm and sanitary sewer, including [~~but not limited to~~]  
22 collecting and intercepting sewer lines or mains, submains,  
23 trunks, laterals, outlets, ditches, ventilation stations,  
24 pumping facilities, ejector stations and all other  
25 appurtenances and machinery necessary, useful or convenient

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1 for the collection, transportation and disposal of storm  
2 water;

3 EE. "state" means the state of New Mexico or any  
4 agency, instrumentality or corporation thereof;

5 FF. "street" means any street, avenue, boulevard,  
6 alley, highway or other public right of way used for any  
7 vehicular traffic;

8 GG. "taxes" means general (ad valorem) taxes  
9 pertaining to any project authorized by the Eastern Sandoval  
10 County Arroyo Flood Control Act; and

11 HH. "treasurer" means the treasurer of the  
12 authority."

13 SECTION 134. Section 72-20-8 NMSA 1978 (being Laws  
14 2007, Chapter 99, Section 8, as amended) is amended to read:

15 "72-20-8. BOARD OF DIRECTORS.--

16 A. The governing body of the authority is a board  
17 of directors consisting of three registered qualified  
18 electors of the authority; provided that, after single-member  
19 districts are created pursuant to Subsection B of Section  
20 72-20-10 NMSA 1978 and after the expiration of the terms of  
21 any directors-at-large who are serving at the time that  
22 single-member districts are created:

23 (1) each director shall reside within and  
24 represent a specified district; and

25 (2) if a director no longer resides within the

1 district that the director represents, the director's  
 2 position shall be deemed vacant and a successor shall be  
 3 appointed to serve the unexpired term pursuant to Section  
 4 72-20-12 NMSA 1978.

5 B. All powers, rights, privileges and duties vested  
 6 in or imposed upon the authority are exercised and performed  
 7 by and through the board of directors; provided that the  
 8 exercise of any executive, administrative and ministerial  
 9 powers may be, by the board, delegated and redelegated to  
 10 officers and employees of the authority or to any officer or  
 11 employee contracted by agreement to manage and administer the  
 12 operations of the authority. Except for the first directors  
 13 appointed as provided for in Section 72-20-9 NMSA 1978 or  
 14 elected as provided in Section 72-20-10 NMSA 1978 and except  
 15 for any director chosen to fill an unexpired term, and except  
 16 for the first directors serving after the authority is  
 17 divided into single-member districts, the term of each  
 18 director ~~[commences on the first day of January next~~  
 19 ~~following a general election in the state and]~~ runs for six  
 20 years. Each director, subject to such exceptions, shall  
 21 serve a six-year term ~~[ending on the first day of January~~  
 22 ~~next following a general election]~~, and each director shall  
 23 serve until a successor has been duly chosen and qualified."

24 SECTION 135. Section 72-20-10 NMSA 1978 (being Laws  
 25 2007, Chapter 99, Section 10, as amended) is amended to read:

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1 "72-20-10. ELECTION OF DIRECTORS--SINGLE-MEMBER  
2 DISTRICTS.--

3 A. At the time that a proposal to incur debt is  
4 first submitted to the qualified electors [~~or at the first~~  
5 ~~general election following March 30, 2007, whichever occurs~~  
6 ~~first~~], the qualified electors of the authority shall elect  
7 five qualified directors, two to serve a term ending January  
8 1, 2011, two to serve a term ending January 1, 2013 and one  
9 to serve a term ending January 1, 2015. At the first  
10 election, the five candidates receiving the highest number of  
11 votes shall be elected as directors. The terms of the  
12 directors shall be determined by lot at their organizational  
13 meeting.

14 B. Upon the exclusion of land pursuant to  
15 Subsection C of Section 72-20-6 NMSA 1978, the two directors  
16 elected in the 2010 general election shall be deemed to have  
17 resigned, and, notwithstanding the provisions of Section  
18 72-20-12 NMSA 1978, their positions shall not be filled.  
19 Thereafter, the board shall consist of three directors. The  
20 board shall divide the authority into three single-member  
21 districts. The following provisions shall govern the  
22 procedure for converting to single-member districts:

- 23 (1) the districts shall be as contiguous,  
24 compact and as equal in population as is practicable;  
25 (2) remaining terms for the three incumbent

1 directors shall be chosen by lot so that one term expires on  
2 January 1, 2013, one term expires on January 1, 2015 and one  
3 term expires on January 1, 2017;

4 (3) if, as a result of the division of the  
5 authority into districts, two or more incumbent directors  
6 reside within the same district, the board shall determine,  
7 by lot, one of the directors to represent the district, and  
8 the other directors residing within that district shall  
9 represent the authority at large until their terms expire;

10 (4) if, as a result of the exclusion of land  
11 pursuant to Subsection C of Section 72-20-6 NMSA 1978, one or  
12 more incumbent directors reside outside of any district, the  
13 directors shall represent the authority at large until their  
14 terms expire; and

15 (5) if more than one director represents the  
16 authority at large pursuant to Paragraph (3) or (4) of this  
17 subsection, the board shall determine by lot the district  
18 that will elect a resident to succeed a director-at-large as  
19 the term of each director-at-large expires.

20 C. ~~[At the 2012 and each subsequent general~~  
21 ~~election, for the single-member district in which the term of~~  
22 ~~the incumbent director or the term of a director-at-large~~  
23 ~~assigned by lot pursuant to Paragraph (2) of Subsection B of~~  
24 ~~this section will expire on the first day of the January~~  
25 ~~immediately following the election]~~ A director who is a

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1 qualified elector and a resident of the district shall be  
2 elected by the qualified electors who are residents of that  
3 district to serve a six-year term. Elections for directors  
4 shall be held pursuant to the Local Election Act.

5 D. Nothing in this section shall be construed as  
6 preventing qualified electors of the authority from being  
7 elected or reelected as directors to succeed themselves;  
8 provided that they reside in the district from which they are  
9 elected.

10 E. As soon as feasible after each federal decennial  
11 census, the board shall assess the existing districts to  
12 determine if the districts remain as equal in population as  
13 is practicable and, if necessary, shall redistrict the  
14 authority into districts that remain contiguous, compact and  
15 as equal in population as is practicable; provided that:

16 (1) a redistricting shall be effective at the  
17 next following [~~general~~] local election; [~~and~~]

18 (2) an incumbent director whose residence is  
19 redistricted out of the district represented by the director  
20 shall serve until the next [~~general~~] local election, at which  
21 a qualified elector who resides within the district shall be  
22 elected to fill the unexpired term; and

23 (3) the board shall notify the county clerk of  
24 the new district boundaries."

25 SECTION 136. Section 72-20-11 NMSA 1978 (being Laws

1 2007, Chapter 99, Section 11, as amended) is amended to read:

2 "72-20-11. NOMINATION OF DIRECTORS.--~~[Not later than~~  
 3 ~~forty-five days before a proposal to incur debt is first~~  
 4 ~~submitted to the qualified electors or at the first general~~  
 5 ~~election following March 30, 2007, whichever occurs first]~~

6 Written nominations of any candidate as director may be filed  
 7 with the ~~[secretary of the board]~~ proper filing officer in  
 8 accordance with the provisions of the Local Election Act.

9 Each nomination of any candidate shall be signed by not less  
 10 than fifty qualified electors, regardless of whether or not  
 11 nominated ~~[therein]~~, shall designate ~~[therein]~~ the name of  
 12 the candidates ~~[thereby]~~ nominated and shall recite that the  
 13 subscribers ~~[thereto]~~ are qualified electors and that the  
 14 ~~[candidate or]~~ candidates designated ~~[therein]~~ are qualified  
 15 electors of the authority. No written nomination may  
 16 designate more qualified electors as candidates than there  
 17 are vacancies. No qualified elector may nominate more than  
 18 one candidate for any vacancy. ~~[If a candidate does not~~  
 19 ~~withdraw the candidate's name before the first publication of~~  
 20 ~~the notice of election, the candidate's name shall be placed~~  
 21 ~~on the ballot. For any election held after November 2010,~~  
 22 ~~nominations shall be made by qualified electors in accordance~~  
 23 ~~with the procedures and limitations of this section, except~~  
 24 ~~that:~~

25 A. ~~such nominations shall be filed with the~~

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1 ~~secretary of the board not later than the fourth Tuesday in~~  
2 ~~June preceding the general election;~~

3 ~~B. each nomination shall designate only one~~  
4 ~~candidate;~~

5 ~~C. all of the qualified electors signing each~~  
6 ~~nomination and the person nominated shall reside within the~~  
7 ~~district for which the candidate has been nominated; and~~

8 ~~D. each nomination shall recite that the~~  
9 ~~subscribers thereto are qualified electors who reside in the~~  
10 ~~district for which the candidate is nominated and that the~~  
11 ~~person nominated is a qualified elector who resides in the~~  
12 ~~district for which the person is nominated.]"~~

13 SECTION 137. Section 72-20-13 NMSA 1978 (being Laws  
14 2007, Chapter 99, Section 13) is amended to read:

15 "72-20-13. ORGANIZATIONAL MEETINGS.--Except for the  
16 first board, each board shall meet on the first business day  
17 next following the first day of [~~January in each odd-numbered~~  
18 ~~year]~~ the month that the term of office begins for members  
19 elected in the immediately preceding election, at the office  
20 of the board within the authority. Each member of the board,  
21 before entering upon the member's official duties, shall take  
22 and subscribe on oath that the member will support the  
23 constitution of the United States and the constitution and  
24 laws of New Mexico and that the member will faithfully and  
25 impartially discharge the duties of the office to the best of

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1 the member's ability, which oath shall be filed in the office  
 2 of the secretary of state. Each director shall, before  
 3 entering upon the director's official duties, give a bond to  
 4 the authority in the sum of ten thousand dollars (\$10,000)  
 5 with good and sufficient surety, conditioned for the faithful  
 6 performance of all of the duties of the director's office,  
 7 without fraud, deceit or oppression, and the accounting for  
 8 all money and property coming into the director's hands and  
 9 the prompt and faithful payment of all money and the  
 10 delivering of all property coming into the director's custody  
 11 or control belonging to the authority to the director's  
 12 successors in office. Premiums on all bonds provided for in  
 13 this section shall be paid by the authority, and all such  
 14 bonds shall be kept on file in the office of the secretary of  
 15 state."

16 **SECTION 138.** Section 72-20-28 NMSA 1978 (being Laws  
 17 2007, Chapter 99, Section 28) is amended to read:

18 "72-20-28. ELECTIONS.--Each biennial election of  
 19 directors [~~shall be conducted at the time of the general~~  
 20 ~~election under the direction of the Sandoval county clerk and~~  
 21 ~~in accordance with the election laws of New Mexico]~~ and any  
 22 other election of the authority, including an election to  
 23 seek approval for the issuance of bonds, shall be conducted  
 24 [~~at any time approved by the board in accordance with the~~  
 25 ~~election laws of New Mexico. Elections for the issuance of~~

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1 ~~bonds may be by mail-in ballot pursuant to the procedures set~~  
2 ~~forth in the Mail Ballot] pursuant to the Local Election~~  
3 Act."

4 SECTION 139. Section 73-14-20 NMSA 1978 (being Laws  
5 1975, Chapter 262, Section 3, as amended) is amended to read:

6 "73-14-20. DEFINITIONS.--As used in Sections 73-14-18  
7 through ~~[73-14-32]~~ 73-14-30 NMSA 1978:

8 ~~[A. "absent voter" means a qualified elector who~~  
9 ~~has requested an absentee ballot forty days prior to an~~  
10 ~~election;~~

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

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

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

21 ~~E. "election officer" means a person appointed by~~  
22 ~~the board of directors to conduct the election in the absence~~  
23 ~~of an election director and who performs all election~~  
24 ~~services required by statute;~~

25 ~~F.]~~ B. "list compiler" means a contractor approved

1 by the board of directors to compile and produce a qualified  
2 elector list for a conservancy district;

3 ~~[G.]~~ C. "qualified elector" means an individual who  
4 owns real property within the benefited area of the  
5 conservancy district and who has provided proof of an  
6 ownership interest to one of the sources specified in  
7 Subsection B of Section 73-14-20.1 NMSA 1978 within the  
8 required time period, or who resides on and owns legal or  
9 equitable title in tribal lands and who is over the age of  
10 majority;

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

14 ~~[I.]~~ E. "residence" means a dwelling that lies  
15 partially or completely within the benefited area."

16 **SECTION 140.** Section 73-14-20.1 NMSA 1978 (being Laws  
17 1990, Chapter 48, Section 1, as amended) is amended to read:

18 "73-14-20.1. QUALIFIED ELECTOR LIST.--

19 A. The board of directors of the conservancy  
20 district may contract for a list compiler before each  
21 election to compile and produce a qualified elector's list  
22 for the district. The list compiler shall deliver the  
23 completed list to the ~~[election director]~~ appropriate county  
24 clerk no later than ~~[forty-five]~~ one hundred eighty days  
25 prior to a district election and update the list every thirty

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1 days until ninety days before the election, which list the  
2 county clerk shall use for the election. An individual who  
3 purchases property ninety days prior to an election and whose  
4 name does not appear on the qualified elector's list shall  
5 not vote in that election. The individual may become  
6 certified to vote in a future election by filing [~~his~~] a deed  
7 of title with the appropriate county clerk at least ninety  
8 days before the next conservancy district election.

9 B. Names of qualified electors shall be obtained  
10 from the records of the county clerk of the appropriate  
11 county, the appropriate county assessor of the appropriate  
12 county, records of the conservancy district or from the  
13 census bureau and enrollment records provided by the pueblos.  
14 The county assessor of the appropriate county, the county  
15 clerk of the appropriate county and the tribal  
16 representatives of the appropriate pueblos shall deliver to  
17 the [~~election director~~] list compiler all records regarding  
18 qualified electors of the benefited area no later than the  
19 last day of each March before a district election.

20 C. Updating the qualified elector's list shall  
21 consist of adding, for any new qualified elector who has  
22 purchased property in the district, the name, address and  
23 description of all property owned by the qualified elector in  
24 the benefited area and removing the name of any elector who  
25 is deceased or [~~is no longer a qualified elector because he~~]

1 who no longer owns property within the benefited area.

2 D. Proof of ownership of land within the benefited  
3 area requires one of the following:

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

7 (2) an individual's name on county clerk  
8 records indicating a description of property the individual  
9 owns within the benefited area;

10 (3) an individual's name on a list compiled by  
11 the governing body of a pueblo within the benefited area  
12 indicating that the individual named is residing on and has  
13 legal or equitable title in the pueblo; or

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

16 E. The [~~election officer or the election director~~]  
17 appropriate county clerk shall distribute to each polling  
18 place a current qualified elector's list for the appropriate  
19 county. The [~~election officer or the election director~~]  
20 appropriate county clerk shall distribute the qualified  
21 elector's list to each polling place within a pueblo located  
22 within the benefited area. A qualified elector may vote at  
23 any one polling place in the pueblo or county where [~~he~~] the  
24 elector owns land. An individual who seeks to cast [~~his~~] a  
25 vote but [~~finds his~~] whose name is not on the qualified

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1 elector's list shall not be allowed to vote in that  
2 election."

3 SECTION 141. Section 73-14-24 NMSA 1978 (being Laws  
4 1975, Chapter 262, Section 7, as amended) is amended to read:

5 "73-14-24. TIME AND PROCEDURE FOR ELECTION.--

6 ~~[A. On the first Tuesday after the first Monday in  
7 January prior to the middle Rio Grande conservancy district  
8 election, an election proclamation shall be published that  
9 includes a list of the offices for which a candidate may  
10 file, the date and place at which declarations of candidacy  
11 shall be filed and the date of the election. The election  
12 proclamation shall be published once in a newspaper of  
13 general circulation in the counties in which the election  
14 shall be held.~~

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

21 ~~[C.]~~ B. The elections for the members of the board  
22 of directors of the conservancy district shall be conducted,  
23 counted and canvassed as provided in ~~[Sections 73-14-18  
24 through 73-14-32 and 73-14-84 through 73-14-86 NMSA 1978.~~  
25 ~~The polls may be opened and closed in the same manner as~~

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1 ~~provided for the general election under the Election Code.~~

2 ~~D. If only one candidate has filed a declaration of~~  
 3 ~~candidacy for a position to be filled at an election, no~~  
 4 ~~declared write-in candidate has filed for a position and~~  
 5 ~~there are no questions or bond issues on the ballot, only one~~  
 6 ~~polling place for the election may be designated. The one~~  
 7 ~~polling place may be located in the office of the election~~  
 8 ~~director or in the office of the middle Rio Grande~~  
 9 ~~conservancy district] the Local Election Act."~~

10 SECTION 142. Section 73-14-25 NMSA 1978 (being Laws  
 11 1975, Chapter 262, Section 8, as amended) is amended to read:

12 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF  
 13 ELECTORS.--

14 A. ~~[Any]~~ A person who desires to become a candidate  
 15 for election as a member of the conservancy district board of  
 16 directors shall file ~~[his]~~ a written declaration of candidacy  
 17 with the ~~[election director or with the election officer at~~  
 18 ~~least sixty days before the election. The election officer~~  
 19 ~~or the election director shall certify the candidates to the~~  
 20 ~~board of directors] proper filing officer in accordance with~~  
 21 ~~the provisions of the Local Election Act.~~

22 B. The declaration of candidacy shall ~~[contain:~~  
 23 ~~(1) a statement that the candidate is a~~  
 24 ~~qualified elector of the district and meets the~~  
 25 ~~qualifications of a director as required by law;~~

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

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

6                   ~~(4)~~ be accompanied by:

7                   (1) if a candidate for a position representing  
8 a county in the conservancy district, a petition signed by at  
9 least seventy-five qualified electors of the district who  
10 reside in that county; or

11                   ~~(5)~~ (2) if a candidate for the position at  
12 large in the conservancy district, a petition signed by at  
13 least one hundred twenty-five qualified electors [~~and~~

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

17                   SECTION 143. Section 73-14-28.1 NMSA 1978 (being Laws  
18 1996, Chapter 42, Section 12) is amended to read:

19                   "73-14-28.1. ELECTION.--~~[The board of directors of the~~  
20 ~~conservancy district shall conduct the election]~~ Elections  
21 shall be conducted pursuant to [~~Chapter 73, Article 14]~~  
22 Sections 73-14-18 through 73-14-30 NMSA 1978 and [~~other~~  
23 ~~applicable election laws or shall select an election director~~  
24 ~~as defined in Section 73-14-20 NMSA 1978 to provide election~~  
25 ~~services. The election director shall operate pursuant to a~~

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underscored material = new  
[bracketed material] = delete



1 ~~contract approved by the secretary of state. The election~~  
 2 ~~may be conducted by emergency paper ballot, electronic voting~~  
 3 ~~machine or any other state-certified tabulating voting~~  
 4 ~~machine] the Local Election Act."~~

5 SECTION 144. Section 73-14-55 NMSA 1978 (being Laws  
 6 1943, Chapter 126, Section 2) is amended to read:

7 "73-14-55. BOARDS OF DIRECTORS--MEMBERSHIP--  
 8 QUALIFICATIONS.--The boards of directors [~~hereby~~] created in  
 9 Sections 73-14-54 through 73-14-69 NMSA 1978 shall consist of  
 10 five [~~(5)~~] directors, each of whom must own real property  
 11 within the conservancy district [~~which~~] that is subject to  
 12 conservancy district appraisals, assessments, levies and  
 13 taxes, and each of whom must actually reside within the  
 14 conservancy district and also within the county from which  
 15 [~~he shall be~~] the director is elected [~~as hereinafter~~  
 16 ~~provided~~]."

17 SECTION 145. Section 73-14-57 NMSA 1978 (being Laws  
 18 1943, Chapter 126, Section 4, as amended) is amended to read:

19 "73-14-57. DEFINITION OF "QUALIFIED ELECTORS"--  
 20 QUALIFIED ELECTOR LIST.--

21 A. The term "qualified electors", as used in  
 22 Sections [~~75-28-33 through 75-28-48 NMSA 1953~~] 73-14-54  
 23 through 73-14-69 NMSA 1978, means only those persons who have  
 24 reached the age of majority and, for at least six months  
 25 prior to the election, have owned, during the entire six-

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1 month period, real property situated within the district  
2 ~~[which]~~ that is subject to conservancy district appraisals,  
3 assessments, levies and taxes.

4 B. The conservancy district shall compile and  
5 deliver a qualified elector list to the appropriate county  
6 clerk no later than one hundred eighty days before an  
7 election, and update the list every thirty days until ninety  
8 days before the election, which list the county clerk shall  
9 use for that election."

10 **SECTION 146.** Section 73-14-58 NMSA 1978 (being Laws  
11 1943, Chapter 126, Section 5) is amended to read:

12 "73-14-58. TERMS--VACANCIES.--Each director shall be  
13 elected for a term of six years from and after the date of  
14 ~~[his]~~ election and, unless removed from office as  
15 ~~[hereinafter]~~ provided in Section 73-14-59 NMSA 1978, shall  
16 serve until ~~[his]~~ a successor is duly elected and has  
17 qualified; provided that at the first election, one director  
18 shall be elected for a term of two years, two for a term of  
19 four years and two for a term of six years, to be determined  
20 according to counties if there ~~[be]~~ is land in any district  
21 in more than one county, by the board calling the election.  
22 Appointments to fill vacancies shall be for the unexpired  
23 term of the director whose office becomes vacant. ~~[Within~~  
24 ~~ten days after the first and each succeeding election to be~~  
25 ~~held under the provisions of this act, the directors so~~

1 ~~elect~~ shall meet and qualify as directors and shall  
 2 ~~organize the board of directors hereby created in the same~~  
 3 ~~manner now by law required of members of the board of~~  
 4 ~~directors hereby abolished. When the elected directors shall~~  
 5 ~~have qualified and the boards of directors hereby created~~  
 6 ~~shall have been organized as aforesaid, then the present~~  
 7 ~~boards of directors as now constituted shall immediately~~  
 8 ~~cease to exist and to function, and all conservancy district~~  
 9 ~~records and property of what kind or character soever shall~~  
 10 ~~be, by the outgoing board and its outgoing directors,~~  
 11 ~~officers and employees, transferred and delivered unto the~~  
 12 ~~newly organized board of directors of said conservancy~~  
 13 ~~district.]"~~

14 SECTION 147. Section 73-14-61 NMSA 1978 (being Laws  
 15 1943, Chapter 126, Section 8, as amended) is amended to read:

16 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF  
 17 ELECTORS.--Any qualified elector [~~as herein defined~~] who  
 18 desires to become a candidate for election as a director  
 19 shall [~~at least forty days prior to the election~~] file with  
 20 the [~~secretary of the board of directors then in office his~~]  
 21 proper filing officer in accordance with the provisions of  
 22 the Local Election Act a written notice of candidacy, which  
 23 shall state [~~his~~] the candidate's name and residence [~~and the~~  
 24 ~~term for which he is a candidate for election~~] within the  
 25 conservancy district. If [~~he~~] the candidate is a candidate

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

11 SECTION 148. Section 73-14-62 NMSA 1978 (being Laws  
12 1943, Chapter 126, Section 9, as amended) is amended to read:

13 "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--  
14 [~~A.~~] The five director-members of the board of directors [~~by~~  
15 ~~this act~~] created by Sections 73-14-54 through 73-14-69 NMSA  
16 1978 shall be elected [~~on the first Tuesday of October of the~~  
17 ~~year 1943 and of each succeeding sixth year thereafter at~~  
18 ~~general election for districts having less than one hundred~~  
19 ~~thousand acres. The five director-members of the boards of~~  
20 ~~directors of conservancy districts formed after July 1, 1952~~  
21 ~~shall be elected on the first Tuesday of October, 1959 and of~~  
22 ~~each succeeding sixth year thereafter at general election.~~

23 B. ~~Not less than thirty days prior to said~~  
24 ~~election, the board of directors then in office shall meet~~  
25 ~~and by written resolution, which shall be preserved among the~~

~~permanent records of the board, shall select a voting place  
 within each voting precinct or voting division thereof within  
 the conservancy district and shall select three judges of  
 election to conduct the election at the place so selected.  
 Said judges shall be qualified electors, as herein defined,  
 and residents of the precinct within which they are appointed  
 to act and shall serve without pay. The resolution shall  
 appoint one of said judges to receive the ballots and post  
 its notice of election. Not less than five days thereafter,  
 the secretary of said board shall notify each judge so  
 selected of his appointment as such and send to the judge  
 selected to receive the ballots four copies of a notice of  
 election which shall state the time and purpose thereof, the  
 place where held within the precinct and the names of the  
 judges selected for such precinct and said notices shall be  
 posted at the four most prominent places within the precinct  
 as soon as received] in accordance with the provisions of the  
 Local Election Act."~~

SECTION 149. Section 73-14-71 NMSA 1978 (being Laws 1961, Chapter 67, Section 3, as amended) is amended to read:

"73-14-71. DEFINITION OF "QUALIFIED ELECTOR"--QUALIFIED ELECTOR LIST.--

A. As used in the provisions of Sections ~~[75-28-49 through 75-28-67 NMSA 1953]~~ 73-14-70 through 73-14-88 NMSA 1978, "qualified elector" means a natural person who has

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

6 B. The conservancy district shall compile and  
7 deliver a qualified elector list to the appropriate county  
8 clerk no later than one hundred eighty days before an  
9 election, and update the list every thirty days until ninety  
10 days before the election, which list the county clerk shall  
11 use for that election."

12 SECTION 150. Section 73-14-73 NMSA 1978 (being Laws  
13 1961, Chapter 67, Section 5) is amended to read:

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

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

23 G.] pursuant to the Local Election Act. Conservancy  
24 districts formed after July 1, 1961 shall hold their first  
25 election as provided in Section [~~75-28-53 New Mexico Statutes~~

1 ~~Annotated, 1953 Compilation]~~ 73-14-74 NMSA 1978."

2 SECTION 151. Section 73-14-74 NMSA 1978 (being Laws  
3 1961, Chapter 67, Section 6, as amended) is amended to read:

4 "73-14-74. ELIGIBILITY OF DISTRICT TO HOLD ELECTION.--

5 A. No election shall be held in [~~any~~] an existing  
6 conservancy district until the main canals in that district  
7 are in such a condition that water can be delivered from them  
8 for irrigation on the lands within the district.

9 B. The first election in any district formed after  
10 July 1, 1961 [~~or in a district existing on July 1, 1961, and~~  
11 ~~having an appointed board of directors]~~ shall be held [~~on the~~  
12 ~~first Tuesday of October occurring in an odd-numbered year~~  
13 ~~during or]~~ with the first regular local election occurring  
14 after [~~which~~] the requirements of Subsection A of this  
15 section are fulfilled."

16 SECTION 152. Section 73-14-78 NMSA 1978 (being Laws  
17 1961, Chapter 67, Section 10) is amended to read:

18 "73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF  
19 ELECTORS.--~~[A.]~~ Any qualified elector who desires to become a  
20 candidate for election as a member of a conservancy district  
21 board of directors shall file [~~his~~] a written notice of  
22 candidacy with the [~~secretary of the existing appointed or~~  
23 ~~elected board at least twenty days before the election.~~

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

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

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

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

8                   SECTION 153. Section 73-18-27 NMSA 1978 (being Laws  
9 1955, Chapter 281, Section 3, as amended) is amended to read:

10                   "73-18-27. ~~[CALLING OF FIRST ELECTION]~~ ELECTIONS.--~~[The~~  
11 ~~board of directors of the conservancy district shall meet at~~  
12 ~~the office of the conservancy district at 10:00 a.m. on the~~  
13 ~~second Tuesday of August 1955 and shall call an election in~~  
14 ~~the election precincts outside the municipality to be held on~~  
15 ~~the second Tuesday in October 1955. The election shall be~~  
16 ~~called by the board of directors by resolution that shall fix~~  
17 ~~a voting place for each election precinct within the district~~  
18 ~~outside the municipality and designate the necessary~~  
19 ~~qualified electors of each election precinct to act as judges~~  
20 ~~of the election in each precinct. In the discretion of the~~  
21 ~~board of directors of the conservancy district, the election~~  
22 ~~may be held at any place within the district. Judges of the~~  
23 ~~elections shall be paid an amount to be determined by the~~  
24 ~~board of directors for service. Expenses of the elections~~  
25 ~~shall be paid by the district.]~~ In each odd-numbered year

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underscored material = new  
[bracketed material] = delete



1 after 1955, elections shall be called [~~in the same manner and~~  
 2 ~~at the same times as provided in Sections 73-18-25 through~~  
 3 ~~73-18-43 NMSA 1978~~] and conducted pursuant to the Local  
 4 Election Act for the election of directors to succeed any  
 5 directors whose terms expire in that year."

6 SECTION 154. Section 73-18-28 NMSA 1978 (being Laws  
 7 1955, Chapter 281, Section 4) is amended to read:

8 "73-18-28. DIRECTOR-AT-LARGE AND MUNICIPAL DIRECTOR--  
 9 QUALIFIED ELECTOR LIST.--

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

25 B. In the election to be held in October 1957, a

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1 director to represent the municipal voting precinct shall be  
2 elected from the qualified electors of the municipality, and  
3 a director-at-large shall be elected from the qualified  
4 electors of the district.

5 C. Every resident, otherwise qualified, owning real  
6 estate of any character within the district shall have one  
7 vote for director-at-large. Each elector resident of the  
8 municipal voting precinct shall have one vote for municipal  
9 director. The right of a voter to vote for municipal  
10 director shall not be affected by [~~such~~] the elector voting  
11 in any other election precinct in which [~~such~~] the elector  
12 may own class "A" land.

13 D. The conservancy district shall compile and  
14 deliver a qualified elector list to the appropriate county  
15 clerk no later than one hundred eighty days before an  
16 election, and update the list every thirty days until ninety  
17 days before the election, which list the county clerk shall  
18 use for that election."

19 **SECTION 155.** Section 73-18-33 NMSA 1978 (being Laws  
20 1955, Chapter 281, Section 9, as amended) is amended to read:

21 "73-18-33. QUALIFICATIONS OF DIRECTORS.--The director-  
22 at-large shall be the owner of class "A" land within the  
23 district and shall be a resident of the district. The  
24 director for the municipal election precinct shall be a  
25 resident and shall be the owner of real estate within the

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1 district boundaries of the municipality. A director  
 2 representing a district election precinct outside the  
 3 municipality shall be a resident of the district and the  
 4 owner of irrigable land within the voting precinct for which  
 5 ~~[he]~~ the director is a director."

6 SECTION 156. Section 73-18-34 NMSA 1978 (being Laws  
 7 1955, Chapter 281, Section 10, as amended) is amended to  
 8 read:

9 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any  
 10 person wishing to become a candidate for the office of  
 11 director in any district shall ~~[by the last Friday of July~~  
 12 ~~before the election]~~ file ~~[in the office of the secretary of~~  
 13 ~~the district]~~ a declaration of candidacy pursuant to the  
 14 provisions of the Local Election Act, stating the election  
 15 precinct for which the person is a candidate, accompanied by  
 16 a petition signed by not less than ten qualified electors of  
 17 the election precinct for which the person is a candidate to  
 18 represent. No declaration of candidacy shall be accepted ~~[by~~  
 19 ~~the secretary]~~ unless accompanied by such petition, signed by  
 20 electors."

21 SECTION 157. Section 73-18-35 NMSA 1978 (being Laws  
 22 1955, Chapter 281, Section 11) is amended to read:

23 "73-18-35. TERM OF OFFICE FOR DIRECTOR.--The regular  
 24 term of office for a director ~~[shall be]~~ is four ~~[(4)]~~ years,  
 25 and the director shall serve until ~~[his]~~ a successor ~~[shall~~

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1 ~~have~~ has been chosen and [~~shall have~~] has qualified. A  
2 director shall qualify by taking an oath of office. Newly  
3 elected directors shall take office [~~at the next regular~~  
4 ~~meeting of the board of directors~~] on the date that their  
5 terms of office begin following the election of [~~such~~] the  
6 director."

7 SECTION 158. Section 73-18-41 NMSA 1978 (being Laws  
8 1955, Chapter 281, Section 17) is amended to read:

9 "73-18-41. APPLICATION OF [~~GENERAL ELECTION LAWS~~] LOCAL  
10 ELECTION ACT.--In any election held under [~~this act~~] Sections  
11 73-18-25 through 73-18-43 NMSA 1978, the [~~general election~~  
12 ~~laws~~] Local Election Act shall be applicable [~~except as~~  
13 ~~otherwise provided in this act and~~] except as to the  
14 requirement for registration and residence in state, county  
15 or precinct as a qualification of an elector in offering to  
16 vote."

17 SECTION 159. Section 73-20-1 NMSA 1978 (being Laws  
18 1957, Chapter 210, Section 1) is amended to read:

19 "73-20-1. SHORT TITLE.--[~~This act~~] Sections 73-20-1  
20 through 73-20-24 NMSA 1978 may be cited as the "Watershed  
21 District Act".

22 SECTION 160. Section 73-20-9 NMSA 1978 (being Laws  
23 1957, Chapter 210, Section 9, as amended) is amended to read:

24 "73-20-9. REFERENDUM.--After the board of supervisors  
25 has made and recorded a determination that there is need, in

1 the interest of the public health, safety and welfare, for  
 2 creation of the proposed watershed district, it shall  
 3 consider the question whether the operation of a district  
 4 within the proposed boundaries with the powers conferred upon  
 5 such districts in Section ~~[45-5-31 NMSA 1953]~~ 73-20-13 NMSA  
 6 1978 is administratively practicable and feasible. To assist  
 7 the board of supervisors in this determination, the board  
 8 shall, within a reasonable time after entry of the finding  
 9 that there is need for the organization of the district and  
 10 the determination of the boundaries of the district, hold a  
 11 referendum within the proposed district upon the proposition  
 12 of the creation of the district. Due notice of the  
 13 referendum shall be given as provided in ~~[Section 45-5-26~~  
 14 ~~NMSA 1953]~~ the Local Election Act, except that notice sent to  
 15 absentee landowners shall also inform them of their right to  
 16 request a ballot. ~~[Such notice shall state the date of~~  
 17 ~~holding the referendum, the hours of opening and closing the~~  
 18 ~~polls and shall designate one or more places within the~~  
 19 ~~proposed district as polling places. The board shall appoint~~  
 20 ~~a polling superintendent and other necessary polling officers~~  
 21 ~~giving equal representation to the proponents and opponents~~  
 22 ~~of the question involved.]~~ Ballots shall be sent to all  
 23 absentee landowners upon request and they may vote by return  
 24 ballot by first class mail."

25 SECTION 161. Section 73-20-10 NMSA 1978 (being Laws

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1 1957, Chapter 210, Section 10, as amended) is amended to  
2 read:

3 "73-20-10. ~~[BALLOTS]~~ QUALIFIED ELECTOR LIST.--~~[The~~  
4 ~~question to be voted on shall be submitted by ballots that~~  
5 ~~define the boundaries of the proposed district as determined~~  
6 ~~by the board of supervisors.]~~ Only owners of lands lying  
7 within the boundaries of the territory, as determined by the  
8 board, shall be eligible to vote in the referendum or in  
9 elections following formation of the district. The board  
10 shall compile and deliver to the appropriate county clerks a  
11 list of qualified electors one hundred eighty days prior to a  
12 district election, and update the list every thirty days  
13 until ninety days before an election, which list the county  
14 clerk shall use for the election."

15 SECTION 162. Section 73-20-11 NMSA 1978 (being Laws  
16 1957, Chapter 210, Section 11, as amended) is amended to  
17 read:

18 "73-20-11. ~~VOTES--RESULTS~~.--The votes shall be counted  
19 ~~[by the election officers at the close of the polls and~~  
20 ~~report of the results along with the ballots delivered to the~~  
21 ~~polling superintendent, who shall certify the results to the~~  
22 ~~board of supervisors]~~ in accordance with the provisions of  
23 the Local Election Act. If a majority of the votes cast  
24 ~~[favor]~~ favours creation of the district, the county  
25 canvassing board ~~[of supervisors]~~ shall certify the results

1 to the county clerk in the county involved. Upon proper  
 2 recording of the action, the watershed district shall be duly  
 3 created. After recording, the certification shall be filed  
 4 with the New Mexico department of agriculture."

5 SECTION 163. Section 73-20-12 NMSA 1978 (being Laws  
 6 1957, Chapter 210, Section 12, as amended) is amended to  
 7 read:

8 "73-20-12. DIRECTORS--ELECTION.--

9 A. ~~[Within thirty days]~~ At the next regular local  
 10 election held pursuant to the Local Election Act after a  
 11 watershed district is created, the board of supervisors of  
 12 the soil and water conservation district involved shall cause  
 13 an election to be held for the election of a board of  
 14 directors of the watershed district. The board shall consist  
 15 of five members. The first board shall determine by lot from  
 16 among its membership two members to serve terms of two years,  
 17 two members to serve terms of three years and one member to  
 18 serve a term of four years. Thereafter, as these initial  
 19 terms expire, their replacements shall be elected for terms  
 20 of four years. Vacancies occurring before the expiration of  
 21 a term shall be filled by the remaining members of the board  
 22 for the unexpired term. Two or more vacancies occurring  
 23 simultaneously shall be filled by appointment by the board of  
 24 supervisors. The board of directors shall, under the  
 25 supervision of the board of supervisors, be the governing

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1 body of the watershed district.

2 B. If the territory embraced within a watershed  
3 district lies within more than one soil and water  
4 conservation district, each additional soil and water  
5 conservation district having a minority of the land involved  
6 in the watershed shall be entitled to elect three additional  
7 directors. These additional directors after their election  
8 shall determine by lot one of their number to serve a term of  
9 two years, one a term of three years and one a term of four  
10 years. Thereafter, their successors shall be elected for  
11 terms of four years. The representatives of each of these  
12 minority districts shall fill vacancies in the district's  
13 membership for the unexpired term.

14 C. The board of directors shall annually elect from  
15 its membership a [~~chairman~~] chair, secretary and treasurer.  
16 The treasurer shall execute an official bond for the faithful  
17 performance of the duties of [~~his~~] office to be approved by  
18 the board of directors. The bond shall be executed with at  
19 least three solvent personal sureties whose solvency shall  
20 exceed the amount of the bond, or by a surety company  
21 authorized to do business in this state, and shall be in an  
22 amount determined by the board of directors. If the  
23 treasurer is required to execute a surety company bond, the  
24 premium of the bond shall be paid by the board of directors.

25 D. The board of directors shall prepare and submit



1 to the department of finance and administration such reports  
 2 as it may require from among those required to be submitted  
 3 by other political subdivisions.

4 E. Each person desiring to be a director of a  
 5 watershed district shall file a nominating petition with the  
 6 ~~[board of supervisors]~~ proper filing officer in accordance  
 7 with the provisions of the Local Election Act, signed by ten  
 8 or more landowners within the watershed districts of the  
 9 county involved, or, if less than fifty landowners are  
 10 involved, a majority of such landowners. If the candidates  
 11 nominated do not exceed the positions available, they shall  
 12 be declared elected. ~~[No]~~ A person shall not be eligible to  
 13 be a director of a watershed district ~~[who]~~ if the person is  
 14 not a landowner in the district in which ~~[he]~~ the person  
 15 seeks election."

16 **SECTION 164.** Section 73-20-14 NMSA 1978 (being Laws  
 17 1957, Chapter 210, Section 14, as amended) is amended to  
 18 read:

19 "73-20-14. BONDS.--

20 A. Bonds authorized by Section 73-20-13 NMSA 1978  
 21 shall not be issued until proposed by order or resolution of  
 22 the board of directors, specifying the purpose for which the  
 23 funds are to be used, and the proposed undertaking, the  
 24 amount of bonds to be issued, the rate of interest they are  
 25 to bear and the amount of any necessary assessment levy in

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1 excess of the maximum authorized in Section 73-20-17 NMSA  
2 1978 to establish a sinking fund for the liquidation of bonds  
3 as provided in Section 73-20-17 NMSA 1978. A copy of the  
4 order or resolution shall be certified to the board of  
5 supervisors.

6 B. The board of supervisors shall conduct a hearing  
7 on the proposal after notice given pursuant to Section  
8 73-20-8 NMSA 1978. If it appears that the proposal is within  
9 the scope and purpose of the Watershed District Act and meets  
10 all other requirements of the law, the proposal shall be  
11 submitted to the landowners of the district [~~by referendum~~  
12 ~~under supervision of the board of supervisors~~] at an election  
13 held pursuant to the Local Election Act.

14 [~~C. Provisions of Sections 73-20-8 through 73-20-11~~  
15 ~~NMSA 1978 as to notice, qualifications of voters and manner~~  
16 ~~of holding referendum election in organizing a watershed~~  
17 ~~district shall apply to the referendum held under this~~  
18 ~~section.~~

19 ~~D.]~~ C. If two-thirds of the landowners voting favor  
20 the proposal, the bonds may be issued."

21 SECTION 165. Section 73-20-21 NMSA 1978 (being Laws  
22 1957, Chapter 210, Section 20, as amended) is amended to  
23 read:

24 "73-20-21. ADDITION OF LAND.--

25 A. Any one or more owners of land may petition the

1 board of supervisors to have their lands added to a watershed  
2 district. The petition shall define the boundaries of the  
3 land desired to be annexed, the number of acres of land  
4 involved and other information pertinent to the proposal.  
5 When the boundary described embraces lands of others than the  
6 petitioners, the petition shall so state and shall be signed  
7 by twenty-five or more of the landowners in the territory  
8 described, if fifty or more such owners are involved, or by a  
9 majority if less than fifty landowners are involved.

10 B. Within thirty days after the petition is filed,  
11 the board shall cause due notice to be given as provided in  
12 Section 73-20-8 NMSA 1978 of a hearing on the petition. All  
13 interested parties shall have a right to attend the hearing  
14 and be heard. The board shall determine whether the lands  
15 described in the petition or any portion of them shall be  
16 included in the district. If all the landowners in the  
17 territory involved are not petitioners, a referendum shall be  
18 held within the territory [~~as provided in Sections 73-20-8~~  
19 ~~through 73-20-11 NMSA 1978]~~ in accordance with the Local  
20 Election Act before making a final determination. If it is  
21 determined that the land should be added, this fact shall be  
22 certified by the board of supervisors to the county clerk in  
23 the county involved. After recording, the certification  
24 shall be filed with the New Mexico department of  
25 agriculture."

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1           SECTION 166. Section 73-20-23 NMSA 1978 (being Laws  
2           1957, Chapter 210, Section 22, as amended by Laws 2013,  
3           Chapter 17, Section 2 and by Laws 2013, Chapter 169, Section  
4           2) is amended to read:

5           "73-20-23. DISCONTINUANCE OF DISTRICTS.--

6           A. At any time after five years from the  
7           organization of a watershed district, a majority of the  
8           landowners in the district may file a petition with the board  
9           of supervisors and the board of directors requesting that the  
10          existence of the district be discontinued if all obligations  
11          of the district have been met. The petition shall state the  
12          reasons for discontinuance and demonstrate that all  
13          obligations of the district have been met.

14          B. After giving notice as defined in Section  
15          73-20-8 NMSA 1978, the board of supervisors may conduct  
16          hearings on the petition as may be necessary to assist it in  
17          making a determination.

18          C. Within sixty days after petition is filed, a  
19          referendum shall be held [~~under the supervision of the board~~  
20          ~~of supervisors as provided in Section 73-20-14 NMSA 1978. No~~  
21          ~~informalities in the conduct of the referendum or in any~~  
22          ~~matters relating to the referendum shall invalidate it or its~~  
23          ~~result if notice of the referendum has been given~~  
24          ~~substantially as provided in Subsection B of this section]~~  
25          pursuant to the provisions of the Local Election Act.

1           D. If a majority of the votes cast in the  
 2 referendum [~~favor~~] favours the discontinuance of the district  
 3 and it is found that all obligations have been met, the board  
 4 of supervisors shall make a determination that the watershed  
 5 district shall be discontinued. A copy of the determination  
 6 shall be certified by the clerk of the county involved for  
 7 recording. After recording, the certification shall be filed  
 8 with the New Mexico department of agriculture."

9           **SECTION 167.** Section 73-20-37 NMSA 1978 (being Laws  
 10 1965, Chapter 137, Section 11, as amended) is amended to  
 11 read:

12           "73-20-37. DISTRICT SUPERVISORS--ELECTION AND  
 13 APPOINTMENT--NEW DISTRICTS.--

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

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1 qualification.

2 ~~[B. Unless a different time is prescribed by the~~  
3 ~~commission, within thirty days following the issuance of a~~  
4 ~~certificate of organization to the two interim supervisors of~~  
5 ~~a district, declarations of candidacy for supervisors of the~~  
6 ~~district may be filed with the commission. The commission~~  
7 ~~shall give due notice of election for the offices of five~~  
8 ~~district supervisors. All registered voters residing within~~  
9 ~~the district shall be eligible to vote. The commission shall~~  
10 ~~adopt and prescribe regulations governing the conduct of the~~  
11 ~~election, shall determine voter eligibility and shall~~  
12 ~~supervise the election and publish its results. The~~  
13 ~~districts shall bear the expenses of elections; however, the~~  
14 ~~commission shall bear the expenses of the first election of a~~  
15 ~~newly organized district.~~

16 ~~G.]~~ B. In the first election of supervisors to  
17 serve a newly organized district, two supervisors shall be  
18 elected for terms of four years and three supervisors shall  
19 be elected for terms of two years. Thereafter, each elected  
20 supervisor shall serve a term of four years and shall  
21 continue in office until ~~[his]~~ a successor has been elected  
22 or appointed and has completed an oath of office. ~~[Oaths of~~  
23 ~~office may not be completed prior to July 1 after an~~  
24 ~~election.]~~ A vacant unexpired term of the office of an  
25 elected supervisor shall be filled by appointment by the

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1 remaining supervisors of the district. Two or more vacant  
 2 unexpired terms occurring simultaneously in the same district  
 3 shall be filled by appointment by the commission.

4 ~~[D.]~~ C. Appointed interim supervisors may continue  
 5 to serve as appointed supervisors ~~[at the pleasure of the~~  
 6 ~~commission or]~~ until their successors are ~~[otherwise~~  
 7 ~~appointed]~~ elected at the next local election pursuant to the  
 8 Local Election Act."

9 **SECTION 168.** Section 73-20-38 NMSA 1978 (being Laws  
 10 1965, Chapter 137, Section 12, as amended) is amended to  
 11 read:

12 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND  
 13 APPOINTMENT--ORGANIZED DISTRICTS.--

14 A. Successors to supervisors whose terms end in a  
 15 calendar year shall be elected ~~[on the first Tuesday in May~~  
 16 ~~of that year]~~ pursuant to the Local Election Act. Elections  
 17 shall be called, conducted and ~~[returned]~~ canvassed in  
 18 accordance with ~~[rules adopted and prescribed by the~~  
 19 ~~commission.~~

20 ~~B. A canvassing board appointed by the commission~~  
 21 ~~shall determine the results of a district election, shall~~  
 22 ~~certify and publish the results and shall give the commission~~  
 23 ~~notice of its canvass within seven days of its completion. A~~  
 24 ~~canvass is considered complete when all challenges have been~~  
 25 ~~resolved to the satisfaction of the canvassing board.~~

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1           ~~C. Rules adopted and published by the commission~~  
2           ~~and the election provisions of the Soil and Water~~  
3           ~~Conservation District Act shall be exclusive in the conduct~~  
4           ~~of district elections. The commission may adopt and publish~~  
5           ~~rules to carry out the provisions of the Soil and Water~~  
6           ~~Conservation District Act.~~

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

8           B. By June 15 of each year, the district  
9           supervisors may submit to the commission a list of persons  
10          interested in the district and who by experience or training  
11          are qualified to serve as supervisors. The commission may  
12          appoint from the list submitted [~~or at will~~] two persons to  
13          serve as supervisors if it is the determination of the  
14          commission that the appointments are necessary or desirable  
15          and would benefit or facilitate the work and functions of the  
16          district. In the event a list is not submitted to the  
17          commission by the supervisors by June 15, the commission may  
18          appoint [~~at will~~] two supervisors qualified to serve by  
19          training or experience. Appointed supervisors shall serve  
20          [~~at the pleasure of the commission~~] a term of two years and  
21          shall have the same powers and perform the same duties as  
22          elected supervisors. Successors to appointed supervisors, or  
23          replacement-appointed supervisors in the event of vacancy,  
24          shall be appointed by the commission from a list of  
25          candidates [~~or at will~~] in accordance with the provisions of

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1 this subsection."

2 SECTION 169. Section 73-20-46 NMSA 1978 (being Laws  
3 1965, Chapter 137, Section 20, as amended) is amended to  
4 read:

5 "73-20-46. DISTRICT ASSESSMENTS.--

6 A. In the event a district is unable to meet or  
7 bear the expense of the duties imposed upon it by the Soil  
8 and Water Conservation District Act, the supervisors may  
9 adopt a resolution that, to be effective, shall be approved  
10 by referendum in the district and that shall provide for an  
11 annual levy [~~for a stated period of up to ten years~~] in a  
12 stated amount not exceeding [~~one dollar (\$1.00)~~] five dollars  
13 (\$5.00) on each one thousand dollars (\$1,000) of net taxable  
14 value, as that term is defined in the Property Tax Code, of  
15 real property within the district, except that real property  
16 within incorporated cities and towns in the district may be  
17 excluded. The referendum held to approve or reject the  
18 resolution of the supervisors shall be conducted [~~with~~  
19 ~~appropriate ballot and in substantially the same manner as a~~  
20 ~~referendum adopting and approving the creation of a proposed~~  
21 ~~district~~] pursuant to the Local Election Act. After the  
22 initial authorization is approved by referendum, the  
23 supervisors shall adopt a resolution in each following year  
24 authorizing the levy. [~~To extend an assessment beyond the~~  
25 ~~period of time originally authorized and approved by~~

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1 ~~referendum, the supervisors shall adopt a new resolution and~~  
2 ~~the district voters shall approve it in a referendum. The~~  
3 ~~extension shall be for the same period of time as originally~~  
4 ~~approved, but the rate of the tax may be different as long as~~  
5 ~~it does not exceed one dollar (\$1.00) on each one thousand~~  
6 ~~dollars (\$1,000) of net taxable value of real property within~~  
7 ~~the district, except that real property within incorporated~~  
8 ~~municipalities in the district may be excluded. If the~~  
9 ~~district is indebted to the United States or the state or any~~  
10 ~~of their respective agencies or instrumentalities, including~~  
11 ~~the New Mexico finance authority, at the time of the~~  
12 ~~expiration of the original authorization, the supervisors may~~  
13 ~~renew the assessment by resolution for a period not to exceed~~  
14 ~~the maturity date of the indebtedness, and no referendum for~~  
15 ~~that renewal is necessary.]~~

16 B. A resolution authorized under Subsection A of  
17 this section shall not be effective, and neither a referendum  
18 nor a levy is authorized, unless the resolution is submitted  
19 to and approved in writing by the commission.

20 C. In the event a resolution of the supervisors is  
21 adopted and approved in accordance with the provisions of  
22 Subsection A of this section, the supervisors of the district  
23 shall certify by the fifteenth of July of each year to the  
24 county assessor of each county in which there is situate land  
25 subject to the district assessment:

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underscored material = new  
[bracketed material] = delete

1                   (1) a copy of the resolution of the  
2 supervisors;

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

5                   (3) a list of landowners of the district and a  
6 description of the land owned by each that is subject to  
7 assessment.

8                   D. A county assessor shall indicate the information  
9 on the tax schedules, compute the assessment and present the  
10 district assessment by regular tax bill.

11                   E. The district assessment shall be collected by  
12 the county treasurer of each county in which taxable district  
13 land is situate in the same manner and at the same time that  
14 county ad valorem taxes are levied. The conditions,  
15 penalties and rates of interest applicable to county ad  
16 valorem taxation apply to the levy and collection of district  
17 assessments. A county treasurer shall be entitled to a  
18 collection fee equal to the actual costs of collection or  
19 four percent of the money collected from the levy of the  
20 district assessment, whichever is the lesser.

21                   F. District funds, regardless of origin, shall be  
22 transferred to and held by the supervisors and shall be  
23 expended for district obligations and functions. The  
24 supervisors shall prepare an annual budget and submit it for  
25 approval to the commission and to the local government

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1 division of the department of finance and administration.  
2 All district funds shall be expended in accordance with the  
3 approved budgets.

4 G. In the event the supervisors of a district  
5 determine that there are or will be sufficient funds  
6 available for the operation of the district for any year for  
7 which an assessment is to be levied, they shall, by  
8 resolution, direct the assessor of each county in which  
9 taxable district land is situate, by July 15 of each year, to  
10 decrease the district assessment or to delete the district  
11 assessment reflected on the tax schedules.

12 H. Any levy authorized by the Soil and Water  
13 Conservation District Act, and any loan or other indebtedness  
14 authorized by that act that will require a levy, shall be  
15 based exclusively on or levied exclusively on the real  
16 property in the district, except that real property within  
17 incorporated cities and towns may be excluded."

18 SECTION 170. Section 73-21-14 NMSA 1978 (being Laws  
19 1943, Chapter 80, Section 13, as amended) is amended to read:

20 "73-21-14. ELECTIONS.--

21 A. In any district, except a district created  
22 pursuant to a petition signed by the chair of the board of  
23 county commissioners of a county, ~~[on the second Tuesday of~~  
24 ~~January in the second calendar year after the organization of~~  
25 ~~the district and on the second Tuesday of January every~~

1 ~~second year thereafter]~~ in accordance with the Local Election  
 2 Act there shall be elected by the ~~[taxpaying]~~ qualified  
 3 electors of the district one member of the board to serve for  
 4 a term of six years, except that if the district elects to  
 5 adopt four-year terms, the member shall serve for a term of  
 6 four years.

7 B. In any district created pursuant to a petition  
 8 signed by the chair of the board of county commissioners of a  
 9 county, ~~[one]~~ in the odd-numbered year after the organization  
 10 of the district and every second year thereafter, there shall  
 11 be elected by the ~~[taxpaying]~~ qualified electors of the  
 12 district at least two, but no more than three, members of the  
 13 board to serve for a term of two years. The election shall  
 14 be held in accordance with the provisions of the Local  
 15 Election Act.

16 C. ~~[Not later than thirty days before any election~~  
 17 ~~pursuant to Subsection A or B of this section]~~ Nominations  
 18 may be filed with the ~~[secretary of the board, and, if a~~  
 19 ~~nominee does not withdraw the nominee's name before the first~~  
 20 ~~publication of the notice of election, the name shall be~~  
 21 ~~placed on the ballot. The board shall provide for holding~~  
 22 ~~such election and shall appoint judges to conduct it. The~~  
 23 ~~secretary of the district shall give notice of election by~~  
 24 ~~publication and shall arrange such other details in~~  
 25 ~~connection with the election as the board may direct]~~ proper

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1 filing officer in accordance with the provisions of the Local  
2 Election Act. If within ninety days prior to a board  
3 election the district publishes materials that describe the  
4 qualifications, experience and accomplishments of incumbents,  
5 equal space shall be made available without charge for  
6 similar information provided by opponents seeking a position  
7 on the board. [~~The returns of the election shall be~~  
8 ~~certified to and shall be canvassed and declared by the~~  
9 ~~board. The candidate receiving the most votes shall be~~  
10 ~~elected. Any new member of the board shall qualify in the~~  
11 ~~same manner as members of the first board qualify.]"~~

12 SECTION 171. Section 73-21-28 NMSA 1978 (being Laws  
13 1943, Chapter 80, Section 25, as amended) is amended to read:

14 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--  
15 Whenever the board shall, by resolution, determine that the  
16 interest of the district and the public interest or necessity  
17 demand the acquisition, construction, installation or  
18 completion of any works or other improvements or facilities,  
19 or the making of any contract with the United States or other  
20 persons or corporations, to carry out the objects or purposes  
21 of the district, requiring the creation of a general  
22 obligation indebtedness of five thousand dollars (\$5,000) or  
23 more, secured by property tax revenue from within the  
24 district, the board shall order the submission of the  
25 proposition of issuing the obligations or bonds or creating

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1 other indebtedness to the qualified [~~taxpaying~~] electors of  
2 the district at [~~an~~] a district election held [~~for that~~  
3 ~~purpose. Any such election may be held separately or may be~~  
4 ~~consolidated or held concurrently with any other election~~  
5 ~~authorized by the Water and Sanitation District] in  
6 accordance with the provisions of the Local Election Act.~~

7 The declaration of public interest or necessity required in  
8 this section and the provision for the holding of the  
9 election may be included within one and the same resolution.

10 The resolution, in addition to the declaration of public  
11 interest or necessity, shall recite the objects and purposes  
12 for which the indebtedness is proposed to be incurred, the  
13 estimated cost of the works or improvements, as the case may  
14 be, the amount of principal of the indebtedness to be  
15 incurred and the maximum rate of interest to be paid on the  
16 indebtedness. The resolution shall also [~~fix~~] announce the  
17 date upon which the election shall be held [~~and the manner of~~  
18 ~~holding it and the method of voting for or against the~~  
19 ~~incurring of the proposed indebtedness. The resolution shall~~  
20 ~~also fix the compensation to be paid the officers of the~~  
21 ~~election and shall designate the polling place and shall~~  
22 ~~appoint, for each polling place, from the electors of the~~  
23 ~~district, the officers of the election consisting of three~~  
24 ~~judges, one of whom shall act as clerk]; provided that the  
25 date is not in conflict with the provisions of Section~~

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1 1-12-71 NMSA 1978."

2 SECTION 172. TEMPORARY PROVISION.--

3 A. The term of an elected local government officer  
4 that was set to expire on or before June 30, 2020 pursuant to  
5 the governing statutes of that local government in effect  
6 before the effective date of this act shall expire on  
7 December 31, 2019, and that officer's successor shall be  
8 elected in the regular local election held on the first  
9 Tuesday after the first Monday of November 2019 for a term  
10 beginning on January 1, 2020.

11 B. The term of an elected local government officer  
12 that was set to expire on or after July 1, 2020 but on or  
13 before June 30, 2022 pursuant to the governing statutes of  
14 that local government in effect before the effective date of  
15 this act shall expire on December 31, 2021, and that  
16 officer's successor shall be elected in the regular local  
17 election held on the first Tuesday after the first Monday of  
18 November 2021 for a term beginning on January 1, 2022.

19 C. The term of an elected local government officer  
20 that was set to expire on or after July 1, 2022 pursuant to  
21 the governing statutes of that local government in effect  
22 before the effective date of this act shall expire on  
23 December 31, 2023, and that officer's successor shall be  
24 elected in the regular local election held on the first  
25 Tuesday after the first Monday of November 2023 for a term

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1 beginning on January 1, 2024.

2 D. For a municipality whose municipal officers are  
3 not elected at the regular local election and that has not  
4 opted to have a top-two runoff election, terms of office  
5 shall expire on March 31 preceding the January 1 when those  
6 terms of office would have expired pursuant to the schedule  
7 in Subsections A through C of this section, and the officer's  
8 successor shall be elected at the municipal officer election  
9 on the first Tuesday in March when the officer's successor  
10 shall be elected. For a municipality whose municipal  
11 officers are not elected at the regular local election and  
12 that has opted to have a top-two runoff election, terms of  
13 office shall expire on April 30 following the January 1 when  
14 those terms of office would have expired pursuant to the  
15 schedule in Subsections A through C of this section, and the  
16 officer's successor shall be elected at the municipal  
17 election on the first Tuesday in March at the municipal  
18 officer election when the officer's successor shall be  
19 elected, with any necessary top-two runoff election taking  
20 place pursuant to the Local Election Act.

21 E. The provisions of this section only apply to  
22 local government officers whose elections are subject to the  
23 provisions of the Local Election Act but do not apply to  
24 conservancy district or watershed district elections, which  
25 are subject to the provisions of Section 173 of this act.

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1           SECTION 173. TEMPORARY PROVISION.--

2           A. The term of a conservancy district or watershed  
3 district board member that was set to expire on or before  
4 June 30, 2024 pursuant to the governing statutes of that  
5 district in effect before July 1, 2022 shall expire on  
6 December 31, 2023, and that member's successor shall be  
7 elected in the local election held on the first Tuesday after  
8 the first Monday of November 2023 for a term beginning on  
9 January 1, 2024.

10          B. The term of a conservancy district or watershed  
11 district board member that was set to expire on or after July  
12 1, 2024 but on or before June 30, 2026 pursuant to the  
13 governing statutes of that district in effect before July 1,  
14 2022 shall expire on December 31, 2025, and that member's  
15 successor shall be elected in the local election held on the  
16 first Tuesday after the first Monday of November 2025 for a  
17 term beginning on January 1, 2026.

18          C. The term of a conservancy district or watershed  
19 district board member that was set to expire on or after July  
20 1, 2026 pursuant to the governing statutes of that district  
21 in effect before July 1, 2022 shall expire on December 31,  
22 2027, and that member's successor shall be elected in the  
23 local election held on the first Tuesday after the first  
24 Monday of November 2027 for a term beginning on January 1,  
25 2028.

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

1           **SECTION 174. TEMPORARY PROVISION.**--References in law to  
 2 the Municipal Election Code and to the School Election Law  
 3 shall be deemed to be references to the Local Election Act.

4           **SECTION 175. REPEAL.**--

5           A. Sections 1-6-19, 1-22-5, 1-22-6, 1-22-12,  
 6 1-22-14, 1-23-1 through 1-23-7, 21-13-18.1, 21-13-18.2,  
 7 21-16-21, 21-16-22, 72-16-29 through 72-16-34, 72-17-29  
 8 through 72-17-34, 72-18-36 through 72-18-41, 72-19-29 through  
 9 72-19-34, 72-20-29 through 72-20-34, 73-21-29 and 73-21-30  
 10 NMSA 1978 (being Laws 1969, Chapter 54, Section 1, Laws 1985,  
 11 Chapter 168, Sections 7, 8, 14 and 16, Laws 1987, Chapter  
 12 160, Sections 1 through 6, Laws 1991, Chapter 105, Section  
 13 43, Laws 1987, Chapter 160, Section 7, Laws 1993, Chapter 75,  
 14 Sections 3 and 4, Laws 1964 (1st S.S.), Chapter 12, Sections  
 15 6 and 7, Laws 1963, Chapter 311, Sections 29 through 34, Laws  
 16 1967, Chapter 156, Sections 29 through 34, Laws 1981, Chapter  
 17 377, Sections 36 through 41, Laws 1990, Chapter 14, Sections  
 18 29 through 34, Laws 2007, Chapter 99, Sections 29 through 34  
 19 and Laws 1943, Chapter 80, Sections 26 and 27, as amended)  
 20 are repealed.

21           B. Sections 3-8-1 through 3-8-14, 3-8-16, 3-8-17,  
 22 3-8-18 through 3-8-40, 3-8-41, 3-8-43 through 3-8-80, 3-9-1,  
 23 3-9-3 through 3-9-13.1, 3-9-15, 3-9-16 and 3-14-7 NMSA 1978  
 24 (being Laws 1985, Chapter 208, Sections 9 through 14, Laws  
 25 1991, Chapter 123, Section 2, Laws 1965, Chapter 300, Section

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1 14-8-5, Laws 1985, Chapter 208, Sections 16 through 22 and 24  
2 through 26, Laws 1971, Chapter 306, Sections 8 and 9, Laws  
3 1985, Chapter 208, Sections 29 through 32, Laws 1965, Chapter  
4 300, Sections 14-8-3, 14-8-4, 14-8-8 and 14-8-6, Laws 1985,  
5 Chapter 208, Section 37, Laws 1965, Chapter 300, Section  
6 14-8-9, Laws 1971, Chapter 306, Section 10, Laws 1965,  
7 Chapter 300, Section 14-8-13, Laws 1985, Chapter 208,  
8 Sections 41 and 42, Laws 1965, Chapter 300, Section 14-8-2,  
9 Laws 1985, Chapter 208, Sections 44 and 45, Laws 2009,  
10 Chapter 278, Section 31, Laws 1985, Chapter 208, Sections 46  
11 through 49 and 51 through 60, Laws 1965, Chapter 300, Section  
12 14-8-14, Laws 1985, Chapter 208, Sections 62 through 69, Laws  
13 1965, Chapter 300, Section 14-8-16, Laws 1985, Chapter 208,  
14 Sections 71 through 88, Laws 1973, Chapter 375, Sections 2,  
15 1, 3 and 6 through 10, Laws 1985, Chapter 208, Sections 98  
16 through 100, Laws 1973, Chapter 375, Section 11, Laws 2003,  
17 Chapter 244, Section 19, Laws 1973, Chapter 375, Sections 13  
18 and 14 and Laws 1965, Chapter 300, Section 14-13-7, as  
19 amended) are repealed.

20 SECTION 176. DELAYED REPEAL.--Sections 73-14-27,  
21 73-14-28, 73-14-29, 73-14-31 through 73-14-31.3, 73-14-63  
22 through 73-14-65, 73-14-80 through 73-14-86 and 73-18-37  
23 through 73-18-40 NMSA 1978 (being Laws 1975, Chapter 262,  
24 Sections 10 through 12 and 14, Laws 1996, Chapter 42,  
25 Sections 15 and 16, Laws 1999, Chapter 168, Section 8, Laws

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1 1943, Chapter 126, Sections 10 through 12, Laws 1961, Chapter  
2 67, Sections 12 through 17, Laws 1996, Chapter 42, Section  
3 17, Laws 1961, Chapter 67, Section 18 and Laws 1955, Chapter  
4 281, Sections 13 through 16, as amended) are repealed  
5 effective July 1, 2022.

6 SECTION 177. EFFECTIVE DATE.--

7 A. The effective date of the provisions of Sections  
8 1 through 138 and 167 through 176 of this act is July 1,  
9 2018.

10 B. The effective date of the provisions of Sections  
11 139 through 166 of this act is July 1, 2022.

underscoring = new  
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