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HOUSE BILL 308

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Derrick J. Lente and Gail Armstrong

AN ACT

RELATING TO CONSERVANCY DISTRICT ELECTIONS; REMOVING THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT FROM THE LOCAL ELECTION ACT; PROVIDING TIMING AND OTHER PROCEDURES FOR THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT ELECTIONS; DEFINING TERMS; PROVIDING PROCEDURES FOR COMPILING A LIST OF QUALIFIED ELECTORS; ELIMINATING CERTAIN REQUIREMENTS FOR ABSENTEE VOTING, ELECTION NOTICES AND POLLING LOCATIONS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

SECTION 1. Section 1-22-2 NMSA 1978 (being Laws 2019, Chapter 212, Section 141) is amended to read:

"1-22-2. DEFINITIONS.--As used in the Local Election Act:

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

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

3 C. "local government" means a:

4 (1) political subdivision of the state with
5 authority to levy taxes pursuant to Article 8, Section 9 of the
6 constitution of New Mexico and its enabling legislation, but
7 does not include a county or a conservancy district created
8 prior to 1930, embracing land situate in four or more counties
9 and organized pursuant to The Conservancy Act of New Mexico;
10 and

11 (2) political subdivision of the state without
12 authority to levy taxes pursuant to Article 8, Section 9 of the
13 constitution of New Mexico or its enabling legislation, but
14 whose statutory provisions provide for election of officers or
15 ballot questions to be decided pursuant to the Local Election
16 Act;

17 D. "municipal officers" means the local governing
18 body and any elective executive and judicial officers of a
19 municipality;

20 E. "regular local election" means the biennial
21 local election at which local governing body members are
22 elected pursuant to the provisions of the Local Election Act;
23 and

24 F. "special local election" means a local election
25 conducted at a time other than a statewide election at which

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1 only ballot questions are considered pursuant to the provisions
2 of the Special Election Act."

3 SECTION 2. Section 73-14-20 NMSA 1978 (being Laws 1975,
4 Chapter 262, Section 3, as amended) is amended to read:

5 "73-14-20. DEFINITIONS.--As used in Sections 73-14-18
6 through 73-14-30 NMSA 1978:

7 A. "benefited area" means that area described by a
8 property appraisal that receives a benefit as a result of the
9 creation of a district for any of the purposes specified in
10 Section 73-14-4 NMSA 1978;

11 B. "election director" means the person whom the
12 board of directors may request to provide election services by
13 a contract;

14 C. "election officer" means a person appointed by
15 the board of directors to conduct the election in the absence
16 of the election director to perform the election director's
17 duties as required pursuant to law;

18 ~~[B.]~~ D. "list compiler" means a contractor approved
19 by the board of directors to compile and produce a qualified
20 elector list for a conservancy district;

21 ~~[C.]~~ E. "qualified elector" means an individual who
22 owns real property within the benefited area of the conservancy
23 district and who has provided proof of an ownership interest to
24 one of the sources specified in Subsection B of Section
25 73-14-20.1 NMSA 1978 within the required time period, or who

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1 resides on and owns legal or equitable title in tribal lands
2 and who is over the age of majority;

3 ~~[D.]~~ F. "qualified elector's list" means the list
4 compiled before each election that contains the individual
5 names of all qualified electors; and

6 ~~[E.]~~ G. "residence" means a dwelling that lies
7 partially or completely within the benefited area."

8 **SECTION 3.** Section 73-14-20.1 NMSA 1978 (being Laws 1990,
9 Chapter 48, Section 1, as amended) is amended to read:

10 "73-14-20.1. QUALIFIED ELECTOR LIST.--

11 A. The board of directors of the conservancy
12 district may contract for a list compiler before each election
13 to compile and produce a qualified elector's list for the
14 district. The list compiler shall deliver the completed list
15 to the ~~[appropriate county clerk]~~ election director or election
16 officer no later than ~~[one hundred eighty]~~ forty-five days
17 prior to a district election ~~[and update the list every thirty~~
18 ~~days until ninety days before the election, which list the~~
19 ~~county clerk shall use for the election]~~. An individual who
20 purchases property ninety days prior to an election and whose
21 name does not appear on the qualified elector's list shall not
22 vote in that election. The individual may become certified to
23 vote in a future election by filing a deed of title with the
24 appropriate county clerk at least ninety days before the next
25 conservancy district election.

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1 B. Names of qualified electors shall be obtained
2 from the records of the county clerk of the appropriate county,
3 the appropriate county assessor of the appropriate county,
4 records of the conservancy district or from the census bureau
5 and enrollment records provided by the pueblos. The county
6 assessor of the appropriate county, the county clerk of the
7 appropriate county and the tribal representatives of the
8 appropriate pueblos shall deliver to the list compiler all
9 records regarding qualified electors of the benefited area no
10 later than the last day of each [~~March~~] July before a district
11 election.

12 C. Updating the qualified elector's list shall
13 consist of adding, for any new qualified elector who has
14 purchased property in the district, the name, address and
15 description of all property owned by the qualified elector in
16 the benefited area and removing the name of any elector who is
17 deceased or who no longer owns property within the benefited
18 area.

19 D. Proof of ownership of land within the benefited
20 area requires one of the following:

21 (1) a recorded deed or real estate contract
22 indicating current ownership of land within the benefited area;

23 (2) an individual's name on county clerk
24 records indicating a description of property the individual
25 owns within the benefited area;

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1 (3) an individual's name on a list compiled by
2 the governing body of a pueblo within the benefited area
3 indicating that the individual named is residing on and has
4 legal or equitable title in the pueblo; or

5 (4) a current property tax bill indicating
6 ownership of land within the benefited area.

7 E. The [~~appropriate county clerk~~] election
8 director or election officer shall distribute to each polling
9 place a current qualified elector's list for the appropriate
10 county. The [~~appropriate county clerk~~] election director or
11 election officer shall distribute the qualified elector's list
12 to each polling place within a pueblo located within the
13 benefited area. A qualified elector may vote at any one
14 polling place in the pueblo or county where the elector owns
15 land. An individual who seeks to cast a vote but whose name is
16 not on the qualified elector's list shall not be allowed to
17 vote in that election."

18 SECTION 4. Section 73-14-24 NMSA 1978 (being Laws 1975,
19 Chapter 262, Section 7, as amended) is repealed and a new
20 Section 73-14-24 NMSA 1978 is enacted to read:

21 "73-14-24. [NEW MATERIAL] TIME AND PROCEDURE FOR
22 ELECTION--RULE ADOPTION--ELECTION DIRECTOR--ELECTION
23 PROCLAMATION.--

24 A. On the first Tuesday after the first Monday in
25 May prior to the middle Rio Grande conservancy district

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1 election, an election proclamation shall be published that
2 includes a list of the offices for which a candidate may file,
3 the date and place at which declarations of candidacy shall be
4 filed and the date of the election. The election proclamation
5 shall be published once in a newspaper of general circulation
6 in the counties in which the election shall be held.

7 B. The members of the boards of directors created
8 pursuant to provisions of Sections 73-14-18 through 73-14-30
9 NMSA 1978 shall be elected at an election held on the first
10 Tuesday after the first Monday in October in 2025 and in each
11 odd-numbered year thereafter.

12 C. The elections for the members of the board of
13 directors of the conservancy district shall be conducted,
14 counted and canvassed as provided in Sections 73-14-18 through
15 73-14-30 NMSA 1978 and shall not be governed by or subject to
16 the provisions of the Local Election Act. The polls may be
17 opened and closed in the same manner as provided for the
18 general election under the Election Code.

19 D. The board of directors shall adopt procedures as
20 necessary to conduct elections."

21 SECTION 5. Section 73-14-25 NMSA 1978 (being Laws 1975,
22 Chapter 262, Section 8, as amended) is amended to read:

23 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF
24 ELECTORS.--

25 A. A person who desires to become a candidate for
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1 election as a member of the conservancy district board of
2 directors shall file a written declaration of candidacy with
3 the ~~[proper filing officer in accordance with the provisions of~~
4 ~~the Local Election Act]~~ election director or election officer
5 at least sixty days before the election. The election director
6 or election officer shall certify the candidates to the board
7 of directors.

8 B. The declaration of candidacy shall [be
9 accompanied by:

10 ~~(1) if a candidate for a position representing~~
11 ~~a county in the conservancy district, a petition signed by at~~
12 ~~least seventy-five qualified electors of the district who~~
13 ~~reside in that county; or~~

14 ~~(2) if a candidate for the position at large~~
15 ~~in the conservancy district, a petition signed by at least one~~
16 ~~hundred twenty-five qualified electors]~~ contain:

17 (1) a statement that the candidate is a
18 qualified elector of the district and meets the qualifications
19 of a director as required by law;

20 (2) the candidate's name, address, county of
21 residence and date of declaration of candidacy;

22 (3) the numerical designation of the position
23 on the board of directors for which the person desires to be a
24 candidate;

25 (4) if a candidate for a position representing

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1 a county in the conservancy district, a petition signed by at
2 least seventy-five qualified electors of the district who
3 reside in that county;

4 (5) if a candidate for the position at large
5 in the conservancy district, a petition signed by at least one
6 hundred twenty-five qualified electors; and

7 (6) a statement that the person resides within
8 the conservancy district and in the county for which the person
9 desires to be a candidate on the board of directors."

10 SECTION 6. Section 73-14-28.1 NMSA 1978 (being Laws 1996,
11 Chapter 42, Section 12, as amended) is repealed and a new
12 Section 73-14-28.1 NMSA 1978 is enacted to read:

13 "73-14-28.1. [NEW MATERIAL] ELECTIONS.--The board of
14 directors of the conservancy district shall conduct the
15 election pursuant to Sections 73-14-18 through 73-14-30 NMSA
16 1978 and shall select an election director as defined in
17 Section 73-14-20 NMSA 1978 to provide election services. The
18 election may be conducted by paper ballot, electronic voting
19 machine or any other state-certified tabulating voting
20 machine."

21 SECTION 7. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect immediately.