

CHAPTER 61

CHAPTER 61, LAWS 2002

AN ACT

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

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

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

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

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

B. The board of county commissioners of any county having a population of more than one hundred thousand, as shown by the most recent federal decennial census, and having a final, full assessed valuation in excess of seventy-five million dollars (\$75,000,000) shall consist of five qualified electors who shall be elected according to law."

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

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

A. A county having a population greater than thirteen thousand, according to the most recent federal decennial census, shall be divided by the board of county commissioners into as many compact single-member districts as there are board members to be elected. The districts shall be as equal in population as possible and numbered respectively to correspond to the number of board members. One commissioner shall be elected from each district by the voters of the district and shall be a resident of the district from which he is elected. If a commissioner permanently removes his residence from or maintains no residence in the district from which he was elected, he shall be deemed to have resigned. The division of the county into single-member districts shall be made once immediately following each federal decennial census.

B. An H class county or a county having a population of thirteen thousand or fewer according to the most recent federal decennial census, may be divided by the board of county commissioners into single-member districts.

If the county is districted, the districts shall be as equal in population as possible and numbered respectively to correspond to the number of board members. A commissioner shall be a resident of the district from which he is elected. If a commissioner permanently removes his residence from or maintains no residence in the district from which he was elected, he shall be deemed to have resigned. The division of the county into single-member districts shall be made once immediately following each federal decennial census. The board of county commissioners in a county with only three board members may require either that:

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

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