HOUSE BILL 487

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO ELECTIONS; REQUIRING MUNICIPALITIES AND SCHOOL DISTRICTS TO USE THE SAME POLLING PLACES FOR ELECTIONS AS THOSE USED IN THE STATE'S GENERAL ELECTIONS.

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

Section 1. Section 1-22-6 NMSA 1978 (being Laws 1985, Chapter 168, Section 8, as amended) is amended to read:

"1-22-6. PRECINCTS--CONSOLIDATION--POLLING PLACES.--

A. The same precincts that are used in a general election shall be used in a school district election, provided that:

(1) if a precinct lies partly within and partly outside of a school district, the part of the precinct lying within the school district constitutes a precinct for a school district election; and

(2) all of the area within the exterior boundaries of a school district may constitute one precinct for a school district election.

B. In the event that only one candidate has filed a declaration of candidacy for each position to be filled at an election and no declared write-in candidates have filed for any position and there are no questions or bond issues on the ballot, only one polling place for the election shall be designated and it shall be in the office of the county clerk or a designated polling place in the school district of the county in which the school district is located.

C. Except as otherwise provided in the School Election Law, the county clerk shall consolidate precincts for a school district election as provided in the proclamation for that election and shall provide for a polling place within each precinct or consolidated precinct <u>that is in the same location as the polling place used for that precinct or consolidated precinct in the state's general election</u>."

Section 2. Section 3-8-1 NMSA 1978 (being Laws 1985, Chapter 208, Section 9, as amended) is amended to read:

"3-8-1. <u>MUNICIPAL</u> ELECTION CODE--SHORT TITLE-- PURPOSE--"SHALL" AND "MAY"--HEADINGS--CONSTRUCTION--COUNTING DAYS.--

A. Chapter 3, Articles 8 and 9 NMSA 1978 may be cited as the "Municipal Election Code".

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1   B.   It is the purpose of the Municipal Election Code

2   to:

3   (1)   secure the secrecy of the ballot;

4   (2)   secure the purity and integrity of

5   elections;

6   (3)   guard against the abuse of the elective

7   franchise; and

8   (4)   provide for the efficient administration

9   and conduct of elections.

10   C.   As used in the Municipal Election Code, "shall"

11   is mandatory and "may" is permissive.

12   D.   Article and section headings do not in any

13   manner affect the scope, meaning or intent of the provisions of

14   the Municipal Election Code.

15   E.   The Municipal Election Code shall govern the

16   conduct of all aspects of all municipal elections except when

17   the Municipal Election Code is silent or is in conflict with

18   the state Election Code with respect to any procedures or

19   protections required of the state by federal law, then the

20   state Election Code shall govern, as appropriate. [The] Except

21   for the provisions of Section 3-8-11 NMSA 1978, the provisions

22   of the Municipal Election Code shall not apply to home-rule

23   municipalities or municipalities incorporated under special act

24   unless the Municipal Election Code is adopted by reference by

25   such municipality.

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1   F.   When computing time, the first day shall be

2   excluded and the last included unless the last falls on a

3   Sunday or legal holiday, in which case the time prescribed

4   shall be extended to include the whole of the following

5   business day.

6   G.   In the event that a municipality is required by

7   law or ordinance to elect any or all members of the governing

8   body from districts, then that municipality shall adopt an

9   ordinance setting forth rules and regulations necessary to

10   implement elections by district, and [such] the municipal

11   ordinance may conflict with and supersede the Municipal

12   Election Code to the extent [such] the ordinance must do so to

13   legally implement elections by district."

14   Section 3. Section 3-8-11 NMSA 1978 (being Laws 1985,

15   Chapter 208, Section 19) is amended to read:

16   "3-8-11. POLLING PLACES.--

17   A.   The governing body shall designate within the

18   municipal boundaries a polling place, in each precinct or

19   consolidated precinct, [which] that is the most convenient and

20   suitable public building or public school building in the

21   precinct that can be obtained and [which] that provides

22   suitable access for handicapped persons as required by law.

23   The designated polling place in each precinct or consolidated

24   precinct shall be the same polling place as used in the state's

25   general election.

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1   B.   If no public building or public school building

2   is available, the governing body shall provide some other

3   suitable place, which shall be the most convenient and

4   appropriate place obtainable within the municipal boundaries

5   and in the precinct, considering the purpose for which it is to

6   be used.

7   C.   If no public building or public school building

8   is available in the precinct and if there is no other suitable

9   place obtainable in the precinct, the governing body may

10   designate as a polling place for the precinct the most

11   convenient and suitable building or public school building

12   nearest to that precinct that can be obtained; provided, no

13   polling place shall be designated outside the boundaries of the

14   municipality and of the precinct as provided in this subsection

15   until [such] the designated polling place is approved by

16   written order of the district court of the county in which the

17   precinct is located.

18   D.   Upon application of the governing body or

19   municipal clerk, the governing board of any school district

20   shall permit the use of [any] a school [buildings] building or

21   a part [thereof] of a school building for the conduct of any

22   municipal election."

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