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HOUSE BILL 458

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Debbie A. Rodella

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; AUTHORIZING LAND GRANTS TO PROVIDE FOR
EARLY OR ABSENTEE VOTING; PROVIDING FOR ELECTION PROCEDURES.

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

Section 1. Section 49-1-5 NMSA 1978 (being Laws 1907,
Chapter 42, Section 5, as amended) is amended to read:

"49-1-5. ELECTION OF MEMBERS OF BOARD OF TRUSTEES--
VOTERS' QUALIFICATIONS--REGISTRATION.--

A. Elections for the board of trustees shall be
held on the first Monday in April or on a day designated in the
bylaws, either every two or every four years as specified in
the bylaws of the land grant-merced.

B. All qualified voting members of the land
grant-merced are qualified to vote and may vote for trustees as
specified in the land grant-merced bylaws.

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1 C. The registration of qualified voting members
2 shall be conducted in the manner prescribed in the [~~Election~~
3 ~~Code, substituting the words "board of trustees" and~~
4 ~~"secretary" wherever the words "county commission" and "county~~
5 ~~clerk" are used in that code]~~ land grant-merced bylaws. The
6 secretary of the board of trustees shall maintain the
7 registration books. Registration shall be closed beginning
8 fifteen days before an election and reopened on the Monday
9 following the election.

10 D. The registration books compiled before each
11 election shall be used at that election. No person shall vote
12 at the election unless duly registered in the books, and no
13 ballot of any unregistered person shall be counted or
14 canvassed.

15 ~~E. The board of trustees of each land grant-merced~~
16 ~~shall give public notice in Spanish and English of the time of~~
17 ~~the election and fix and give notice of the polling places in~~
18 ~~each precinct by handbills posted in at least five public~~
19 ~~places in each precinct at least fifteen days prior to the~~
20 ~~election. Notice shall also be given by publication fifteen~~
21 ~~days prior to the election in a newspaper in general~~
22 ~~circulation within the land grant-merced if there is one.~~

23 ~~F. Elections shall be conducted, as nearly as is~~
24 ~~practicable, in the same manner as provided by law for the~~
25 ~~holding of general elections in this state. The judges and~~

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1 ~~clerks of elections shall be appointed and the votes canvassed~~
2 ~~by the board of trustees.]~~

3 E. A candidate for the board of trustees shall file
4 a declaration of candidacy with the secretary of the board of
5 trustees at least fifteen days before election day. The period
6 when declarations of candidacy may be filed shall begin on the
7 day the proclamation calling the election is published and
8 shall remain open for at least ten days.

9 F. Whenever an election is to be called or is
10 required by law, the board of trustees shall by resolution
11 issue a public proclamation calling the election. The
12 proclamation shall specify:

13 (1) the date on which the election will be
14 held;

15 (2) the purpose for which the election is
16 called;

17 (3) if positions on the board of trustees are
18 to be filled, the date and time by which declarations of
19 candidacy are to be filed;

20 (4) if a question is to be voted upon, the
21 test of that question;

22 (5) the location of each polling place in the
23 land grant-merced;

24 (6) the hours that each polling place will be
25 open; and

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1 (7) the date and time of the closing of the
2 registration books.

3 G. Not less than thirty days nor more than forty-
4 five days before the date of the election, the board of
5 trustees shall publish in Spanish and English the proclamation
6 in a local newspaper of general circulation available within
7 the boundaries of the land grant-merced and post the
8 proclamation in at least five public places within the land
9 grant-merced.

10 H. The board of trustees shall appoint one election
11 judge and at least two election clerks for each polling place.
12 The election judge shall also be present for the canvass of the
13 vote. No person shall be qualified for appointment or service
14 as an election clerk or judge who is a spouse, parent, child,
15 brother or sister of any candidate to be voted for at the
16 election.

17 I. The board of trustees shall provide in the
18 bylaws for the forms and procedures by which the land grant-
19 merced elections are conducted. If the board of trustees
20 chooses to provide for early or absentee voting, it shall
21 specify in its bylaws the procedures by which early or absentee
22 voting shall be conducted."

23 Section 2. Section 49-4-7 NMSA 1978 (being Laws 2007,
24 Chapter 145, Section 6) is amended to read:

25 "49-4-7. ELECTION OF MEMBERS OF BOARD OF TRUSTEES--
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1 VOTERS' QUALIFICATIONS--REGISTRATION.--

2 A. Elections for the board of trustees shall be
3 held on the first Monday in April or on a day designated in the
4 bylaws, either every two or every four years as specified in
5 the bylaws of the land grant-merced.

6 B. All qualified voting members of the land grant-
7 merced are qualified to vote and may vote for trustees as
8 specified in the land grant-merced bylaws.

9 C. The registration of qualified voting members
10 shall be conducted in the manner prescribed in the [~~Election~~
11 ~~Code, substituting the words "board of trustees" and~~
12 ~~"secretary" wherever the words "county commission" and "county~~
13 ~~clerk" are used in that code]~~ land grant-merced bylaws. The
14 secretary of the board of trustees shall maintain the
15 registration books. Registration shall be closed beginning
16 fifteen days before an election and reopened on the Monday
17 following the election.

18 D. The registration books compiled before each
19 election shall be used at that election. A person shall not
20 vote at the election unless duly registered in the books, and a
21 ballot of any unregistered person shall not be counted or
22 canvassed.

23 [~~E. The board of trustees shall give public notice~~
24 ~~in Spanish and English of the time of the election and fix and~~
25 ~~give notice of the polling places in each precinct by handbills~~

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1 ~~posted in at least five public places in each precinct at least~~
2 ~~fifteen days prior to the election. Notice shall also be given~~
3 ~~by publication fifteen days prior to the election in a~~
4 ~~newspaper in general circulation within the land grant-merced~~
5 ~~if there is one.~~

6 F. ~~Elections shall be conducted, as nearly as is~~
7 ~~practicable, in the same manner as provided by law for the~~
8 ~~holding of general elections in this state. The judges and~~
9 ~~clerks of elections shall be appointed and the votes canvassed~~
10 ~~by the board of trustees.]~~

11 E. A candidate for the board of trustees shall file
12 a declaration of candidacy with the secretary of the board of
13 trustees at least fifteen days before election day. The period
14 when declarations of candidacy may be filed shall begin on the
15 day the proclamation calling the election is published and
16 shall remain open for at least ten days.

17 F. Whenever an election is to be called or is
18 required by law, the board of trustees shall by resolution
19 issue a public proclamation calling the election. The
20 proclamation shall specify:

21 (1) the date on which the election will be
22 held;

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24 called;

25 (3) if positions on the board of trustees are

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2 candidacy are to be filed;

3 (4) if a question is to be voted upon, the
4 test of that question;

5 (5) the location of each polling place in the
6 land grant-merced;

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

9 (7) the date and time of the closing of the
10 registration books.

11 G. Not less than thirty days nor more than forty-
12 five days before the date of the election, the board of
13 trustees shall publish in Spanish and English the proclamation
14 in a local newspaper of general circulation available within
15 the boundaries of the land grant-merced and post the
16 proclamation in at least five public places within the land
17 grant-merced.

18 H. The board of trustees shall appoint one election
19 judge and at least two election clerks for each polling place.
20 The election judge shall also be present for the canvass of the
21 vote. No person shall be qualified for appointment or service
22 as an election clerk or judge who is a spouse, parent, child,
23 brother or sister of any candidate to be voted for at the
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