

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 143

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

This document incorporates changes adopted by House Floor Amendment No. 1 sponsored by Representative Brian Egolf. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

AN ACT

RELATING TO ELECTIONS; ENACTING THE COMMUNITY ELECTION ACT;
CHANGING CERTAIN SPECIAL DISTRICT AND POLITICAL SUBDIVISION
ELECTION DATES TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN
NOVEMBER IN ODD-NUMBERED YEARS; MAKING CORRESPONDING
ADJUSTMENTS TO ELECTION PROCEDURES; CHANGING THE REQUIREMENT
FOR THE RENEWAL OF CERTAIN LEVIES; AMENDING AND REPEALING
SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 1-16-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 380, as amended) is amended to read:

"1-16-8. OTHER QUESTIONS.--

~~A.~~—The form for ballots on questions other than
proposed constitutional amendments to be submitted to the
voters of the entire state shall be prescribed by the secretary
of state. The form for ballots on those questions not
statewide in application to be submitted to the voters of the

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county shall be furnished by the county clerk, and a copy of the resolution proposing ~~[such]~~ the question shall be sent by the county clerk to the secretary of state not less than ~~[thirty]~~ fifty-six days prior to the election. In each case, the ballots shall conform as nearly as practicable to the form required for ballots on proposed constitutional amendments.

~~B. In no case shall a nonbinding or merely advisory question be placed on the ballot for any election held pursuant to the Election Code."~~

SECTION 2. Section 1-22-1 NMSA 1978 (being Laws 1985, Chapter 168, Section 3) is amended to read:

"1-22-1. SHORT TITLE.--~~[Sections 1-22-1 through 1-22-19]~~ Chapter 1, Article 22 NMSA 1978 may be cited as the "~~[School Election Law]~~ Community Election Act"."

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

"1-22-2. DEFINITIONS.--As used in the ~~[School Election Law]~~ Community Election Act:

- A. "board" means the governing authority of the ~~[school]~~ district;
- B. "county clerk" means the clerk of each county in which the ~~[school]~~ district is situate;
- C. "district" means a school district, special hospital district, community college district, technical and vocational institute district, learning center district, a

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conservancy district governed pursuant to Chapter 73, Article 14 NMSA 1978, a special zoning district or a soil and water conservation district; and

[~~G.~~] D. "proper filing officer" means the county clerk or, in the case of a multicounty [~~school~~] district, the clerk of the county in which the administrative office of the [~~school~~] district is situate

~~[D. "magistrate" means the magistrate whose office is situated in the municipality where the administrative office of the school district is located or in close proximity to the municipality;~~

~~E. "school district election" means a regular or special school district election but does not include a recall election; and~~

~~F. "superintendent" means the superintendent of schools of the school district]."~~

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

"1-22-3. [~~SCHOOL~~] DISTRICT ELECTIONS--QUALIFICATIONS OF CANDIDATES.--

A. A [~~school~~] district election shall be held in each [~~school~~] district to elect qualified persons to membership on a board. No person shall become a candidate for membership on a board unless the person's record of voter registration shows that the person is a qualified elector of the state,

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physically resides in the ~~[school]~~ district in which the person is a candidate and was registered to vote in the district on the date the board's proclamation calling a ~~[regular school]~~ district election is filed in the office of the county clerk.

B. A regular ~~[school]~~ district election shall be held in each ~~[school]~~ district on the first Tuesday ~~[in February]~~ after the first Monday in November of each odd-numbered year.

C. An election on a ballot question held at any time other than the date for ~~[the]~~ a regular ~~[school]~~ district election shall be a ~~[special school district]~~ mail ballot election called, conducted and canvassed as provided in the ~~[Election Code]~~ Mail Ballot Election Act.

D. Except as otherwise provided in the ~~[School Election Law, school]~~ Community Election Act, district elections shall be called, conducted and canvassed as provided in the Election Code."

SECTION 5. Section 1-22-4 NMSA 1978 (being Laws 1985, Chapter 168, Section 6, as amended) is amended to read:

"1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

A. The ~~[board]~~ secretary of state shall by resolution issue a public proclamation in Spanish and English calling a regular ~~[school]~~ district election ~~[within the school district]~~ on the date prescribed by the ~~[School Election Law]~~ Community Election Act. The proclamation shall be filed by the

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~~[superintendent with the county clerk of record on the last Tuesday in November of the even-numbered year]~~ secretary of state on the second Monday of August immediately preceding the date of the election.

B. The proclamation shall specify:

- (1) the date when the election will be held;
- (2) the positions on ~~[the]~~ each board to be filled;
- (3) the date on which declarations of candidacy are to be filed; and
- (4) the date on which declarations of intent to be a write-in candidate are to be filed
- ~~[(5) the questions to be submitted to the voters;~~
- ~~(6) the precincts in each county in which the election is to be held and the location of each polling place;~~
- ~~(7) the hours each polling place will be open;~~
- and
- ~~(8) the date and time of the closing of the registration books by the county clerk of record as required by law].~~

C. After ~~[filing the proclamation with the county clerk of record]~~ receipt of the proclamation from the secretary of state, the county clerk shall post the entire proclamation on the county clerk's website, and not less than [fifty] sixty-

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three days before the date of the election, the county clerk [~~of record~~] shall publish portions of the proclamation relevant to the county at least once in a newspaper of general circulation within the [~~school district~~] county. The publication of the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended, and shall specify the:

- (1) date when the election will be held;
- (2) positions on each board of a district situated in whole or in part in the county;
- (3) date on which declarations of candidacy are to be filed;
- (4) date on which declarations of intent to be a write-in candidate are to be filed;
- (5) precincts in each county in which the election is to be held and the location of each polling place;
- (6) location of each alternative voting locations for early voting;
- (7) hours each polling place and alternate voting location will be open; and
- (8) date and time of the closing of the registration books by the county as required by law."

SECTION 6. Section 1-22-5 NMSA 1978 (being Laws 1985, Chapter 168, Section 7, as amended) is amended to read:

"1-22-5. SPECIAL ELECTION FOR QUESTIONS SUBMITTED TO

VOTERS--PROCLAMATION--PUBLICATION.--

A. Whenever a special [~~school~~] district election is to be called or is required by law on a question to be submitted to the voters at any time other than at a regular district election, the board shall by resolution issue a public proclamation in Spanish and English calling the election. The proclamation shall forthwith be filed by the [~~superintendent~~] board with the proper filing officer. The election shall be held in accordance with the provisions of the Mail Ballot Election Act.

B. The proclamation shall specify:

- (1) the date on which the special election will be held;
- (2) the questions to be submitted to the voters;
- (3) the precincts in each county in which the election is to be held [~~and the location of each polling place;~~
- ~~(4) the hours each polling place will be open]; and~~
- ~~[(5)]~~ (4) the date and time of the closing of the registration books by the proper filing officer as required by law.

C. After filing the proclamation with the proper filing officer, and not less than fifty days before the date of the election, the proper filing officer shall publish the

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proclamation at least twice in a newspaper of general circulation in the [school] district. The publication of the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended."

SECTION 7. 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 [~~+~~] 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 a designated polling place in the school district of the county in which the school district is located, which may include the county clerk's office if it is located within the school district.~~

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~~G.]~~ B. Except as otherwise provided in the [~~School~~
~~Election Law~~] Community Election Act, 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. A consolidated precinct in a [~~school~~]
district election shall be composed of no more than twenty
precincts

C. Not later than the second Tuesday in July of
each odd-numbered year, the board of county commissioners of
the county in which the district is situated shall by
resolution:

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

(2) consolidate any precincts pursuant to
Subsection A of this section; and

(3) designate any mail ballot election
precincts.

D. The county clerk shall provide a copy of the
resolution to the secretary of state upon adoption by the board
of county commissioners."

SECTION 8. Section 1-22-7 NMSA 1978 (being Laws 1985,
Chapter 168, Section 9, as amended) is amended to read:

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"1-22-7. DECLARATION OF CANDIDACY--FILING DATE--
PENALTY.--

A. A candidate for a board position that will be filled at a [~~regular school~~] district election shall file a declaration of candidacy with the proper filing officer during the period commencing at 9:00 a.m. on the [~~third Tuesday in December of the even-numbered year immediately preceding~~] sixty-third day before the date of the [~~regular school~~] district election and ending at 5:00 p.m. on the same day.

B. A candidate shall file for only one position on the same board [~~position~~] but may file for a position on more than one board during a filing period.

C. A candidate shall attest that the candidate does not have a conviction for any felony or of any misdemeanor involving moral turpitude. If the candidate cannot attest to this fact, at the time the declaration of candidacy is filed, the candidate shall provide documentation of a pardon or a certificate restoring full rights of citizenship that allows the candidate to serve as a director or board member or the declaration will not be accepted and the candidate will not be placed on the ballot.

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

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SECTION 9. Section 1-22-8 NMSA 1978 (being Laws 1985, Chapter 168, Section 10, as amended) is amended to read:

"1-22-8. DECLARATION OF CANDIDACY--SWORN STATEMENT OF INTENT--FORM.--In making a declaration of candidacy, the candidate shall submit a sworn statement of intent in substantially the following form:

"DECLARATION OF CANDIDACY--STATEMENT OF INTENT

I, _____, (candidate's name on certificate of registration) being first duly sworn, say that I am a voter of Precinct No. _____ of the county of _____, State of New Mexico. I reside at

_____ and was registered to vote at that place on the date the [~~school board's~~] proclamation calling the election was filed in the office of the [~~county clerk~~] secretary of state;

I am a qualified elector of the State of New Mexico residing within _____ [~~school~~] district;

I desire to become a candidate for the office of [~~School Board Position No.~~] _____ at the [~~school~~] district election to be held on the date set by law;

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

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

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(Declarant)

(Mailing Address)

(Residence Address)

Subscribed and sworn to before me this _____ day of _____, 20 _____.
_____.

(Notary Public)

My commission expires:

_____".

SECTION 10. Section 1-22-9 NMSA 1978 (being Laws 1985, Chapter 168, Section 11) is amended to read:

"1-22-9. WITHDRAWAL OF CANDIDATES.--A candidate [~~for membership on the board may file an affidavit with the proper filing officer for the district in which he is a candidate withdrawing his candidacy in the election. The affidavit shall be filed before 5:00 p.m. on the thirty-fifth day before the date of the school district election. The county clerk shall not place on the ballot the name of any person properly filing the affidavit of withdrawal]~~ seeking to withdraw from a district election shall withdraw no later than the fifty-sixth day before that election by filing a signed and notarized statement of withdrawal with the proper filing officer."

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SECTION 11. Section 1-22-10 NMSA 1978 (being Laws 1985, Chapter 168, Section 12, as amended) is amended to read:

"1-22-10. BALLOTS.--

A. The proper filing officer shall determine whether a candidate filing a declaration of candidacy is a registered qualified elector of the state residing within the [~~school~~] district. If the candidate is so qualified and no withdrawal of candidacy has been filed as provided in the [~~School Election Law~~] Community Election Act, the proper filing officer shall place the candidate's name on the ballot for the position specified in the declaration of candidacy. A declaration of candidacy shall not be amended after it has been filed with the proper filing officer.

B. Ballots for the [~~school~~] district election shall be prepared by the proper filing officer and printed by the [~~thirtieth~~] forty-fifth day preceding the election. [~~The cost of printing the ballots shall be paid by the school district. The proper filing officer shall furnish printed ballots to the county clerk of each county in which the school district is situate.~~] The printed ballot shall contain the name of each person who is a candidate and the position on the board for which the person is a candidate. The ballot shall also contain all questions to be submitted to the voters of the district as certified to the proper filing officer by the board and conform to the requirements of Section 1-16-8 NMSA 1978.

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C. Paper ballots shall be printed in a form in substantial compliance with the provisions of Section ~~[1-12-44]~~ 1-10-12 NMSA 1978 and in compliance with the provisions of the federal Voting Rights Act of 1965, as amended.

D. A ~~[school]~~ district election shall be a nonpartisan election, and the names of all candidates shall be listed on the ballot without party or slate designation. The order in which the names of candidates are listed on the ballot shall be determined by lot.

E. Whenever two or more members of the board are to be elected for terms of the same length of time, the positions shall be numerically designated on the ballot as "position one", "position two" and such additional consecutively numbered positions as are necessary, but only one member shall be elected for each position.

F. Space shall be provided on each ballot for a voter to write in the name of one candidate for each position to be filled when a declaration of intent to be a write-in candidate has been filed.

G. Voting machines shall be used for the recording of votes cast in a ~~[school]~~ district election; provided that paper ballots may be hand counted in lieu of using a voting machine to tabulate ballots for

~~[(1) school districts of less than five hundred average daily membership; or~~

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~~(2) school district elections in which only one candidate has filed a declaration of candidacy for each position to be filled at the election, no declared write-ins have filed for any position and there are no questions or bond issues on the ballot and notwithstanding any other provision in the Election Code]~~ district elections involving fewer than five hundred voters."

SECTION 12. Section 1-22-11 NMSA 1978 (being Laws 1985, Chapter 168, Section 13, as amended) is amended to read:

"1-22-11. PUBLICATION.--The proper filing officer for the district shall issue and publish the proclamation listing the name of each district with a candidate or question appearing on the ballot, with the name of each candidate for membership on ~~[the]~~ each board, each question to be submitted to the voters of ~~[the school]~~ each district and the names of the precinct board members ~~[of the school district]~~ for the election. The publication shall be made once each week for two successive weeks, with the last publication being made within seven days but not later than two days before the date of the ~~[school]~~ district election. The names of the candidates shall be published in the same order and for the same positions as will appear on the ballot. The publication shall be in a newspaper of general circulation in the ~~[school district]~~ county and shall conform to the provisions of the federal Voting Rights Act of 1965, as amended. The cost of the publication shall be

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paid by the [~~school~~] district."

SECTION 13. Section 1-22-12 NMSA 1978 (being Laws 1985, Chapter 168, Section 14, as amended) is amended to read:

"1-22-12. CONDUCT OF ELECTIONS.--

A. Except as otherwise provided in the [~~School Election Law~~] Community Election Act, the county clerk shall administer and conduct [~~school~~] district elections pursuant to the provisions of the Election Code for the conduct of general elections.

B. Precinct board members for each polling place shall be appointed by the county clerk from among those persons who meet the qualifications set forth in Section 1-2-7 NMSA 1978 and who reside within the [~~school~~] district. The number of members on each precinct board shall be as provided in Section 1-2-12 NMSA 1978. Vacancies on election day shall be filled as provided in Section 1-2-15 NMSA 1978.

C. In the event that only one candidate has filed a declaration of candidacy for each position to be filled at the election, no declared write-ins have filed for any position and there are no questions or bond issues on the ballot, the county clerk may perform the duties of the precinct board at the request of the [~~school~~] district.

D. All costs of [~~school~~] district elections shall be paid by the [~~school district~~] districts participating in the election in proportion to the costs attributable to each

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district."

SECTION 14. Section 1-22-13 NMSA 1978 (being Laws 1985, Chapter 168, Section 15) is amended to read:

"1-22-13. CHALLENGERS--WATCHERS.--Upon petition filed with the county clerk, any candidate for membership on the board may:

A. appoint one person as challenger for each precinct in the [~~school~~] district election, who shall have the powers and be subject to the restrictions provided for challengers in the Election Code; and

B. appoint one person as a watcher for each precinct in the [~~school~~] district election, who shall have the powers and be subject to the restrictions provided for watchers in the Election Code."

SECTION 15. Section 1-22-15 NMSA 1978 (being Laws 1985, Chapter 168, Section 17, as amended by Laws 1987, Chapter 249, Section 49 and also by Laws 1987, Chapter 338, Section 3) is amended to read:

"1-22-15. CANVASSING BOARD--DUTIES.--

A. The canvassing board for the canvass of the results of a [~~school~~] district election shall be composed of the [~~superintendent, the county clerk of record who is the proper filing officer and the designated magistrate or the presiding judge of the metropolitan court, as the case may be~~] county commission of the county in which the administrative

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office of the [school] district is situate.

~~[B. Ballots cast in each county in which the school district is situate shall be transported by the presiding judge of the precinct board upon the closing of the polls to the office of the proper filing officer. Each ballot box shall have two locks. The key to one lock on each ballot box when emergency ballots are used and one copy of the signature roster shall at that time be placed in a stamped, addressed envelope provided for that purpose and shall be mailed to the designated magistrate or the presiding judge of the metropolitan court, as the case may be, of the county in which the administrative office of the school district is situate. If emergency ballots are not used, both ballot box keys shall be returned to the proper filing officer.]~~

G.] B. Within [~~three~~] ten days after the date of the [school] district election, the canvassing board shall meet in the office of the proper filing officer [~~or the administrative office of the school district as determined by the proper filing officer~~] and shall:

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

~~[(2) determine the total number of persons in the school district voting in the election; and~~

~~(3)]~~ (2) issue a certificate of canvass of the results of the election and send one copy of the certified

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results:

- (a) to the board of the appropriate district;
- (b) to the secretary of state; and
- (c) to the proper filing officer to be filed in [~~his~~] the filing officer's office.

D. The canvassing board shall issue a certificate of election to each candidate [~~which~~] whom it determines to be elected.

~~[E. The county clerk of record shall cause the results of the election to be published once in a newspaper of general circulation in the school district.]"~~

SECTION 16. Section 1-22-16 NMSA 1978 (being Laws 1985, Chapter 168, Section 18) is amended to read:

"1-22-16. ELECTION CONTESTS.--The district court shall entertain election contests for any position on the board or on any question placed on the [~~school~~] district election ballot. The procedure to be followed in contest cases shall be the same as provided by the Election Code for contests for candidates for county offices, including the recount of ballots."

SECTION 17. Section 1-22-17 NMSA 1978 (being Laws 1985, Chapter 168, Section 19, as amended) is amended to read:

"1-22-17. RECORDS.--The returns and certificates of the result of the canvass are public documents, subject to inspection during the customary hours and days of business.

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Signature rosters and tally sheets may be destroyed three years after the election to which they apply. The certificate of results of the canvass of the election shall, thirty days after the election or immediately after any contest has been settled by the court, be placed on file as a permanent record in the [state] records center. A copy of the certificate of results of the canvass of the election shall be kept on file in the office of the proper filing officer for a period of three years."

SECTION 18. Section 1-22-18 NMSA 1978 (being Laws 1985, Chapter 168, Section 20, as amended) is amended to read:

"1-22-18. WRITE-IN CANDIDATES.--

A. Write-in candidates for the office of board member shall be permitted in [school] district elections.

B. A person may be a write-in candidate only if the person has the qualifications to be a candidate for membership on the board in the [school] district election as provided in the [School Election Law] Community Election Act.

C. A person desiring to be a write-in candidate for [the office of board member] a position on the ballot shall file with the proper filing officer a declaration of intent to be a write-in candidate. The declaration shall be filed before 5:00 p.m. on the [thirty-fifth] fifty-sixth day preceding the date of the election.

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

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only if:

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

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

E. At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the [~~School Election Law~~] Community Election Act except that the write-in candidate's name shall not be printed on the ballot.

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

SECTION 19. Section 1-22-19 NMSA 1978 (being Laws 1985,

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Chapter 168, Section 21, as amended) is amended to read:

"1-22-19. ABSENTEE VOTING--ALTERNATE VOTING LOCATIONS.--

A. A voter may vote in a [~~school~~] district election by absentee ballot for all candidates and on all questions appearing on the ballot in the voter's precinct as if the voter were casting the ballot in person at the polling place on election day.

B. The provisions of the Absent Voter Act apply to absentee voting in [~~school~~] district elections, provided that absentee ballots may be marked in person during the regular hours and days of business at the county clerk's office from 8:00 a.m. on the twenty-fifth day preceding the election until 5:00 p.m. on the Friday immediately prior to the date of the election. Absentee ballots shall be printed at least [~~thirty~~] forty-five days prior to the date of the election. In addition, provisions may be made by the [~~board~~] county clerk in the proclamation for absentee voting by electronic voting machine at alternate voting locations at any time beginning on the twentieth day preceding an election through the Saturday immediately prior to the date of the election.

C. Early voting shall be conducted in each office of the county clerk and at such alternate voting locations as may be established by the county clerk; provided that the county clerk shall establish:

(1) in counties with more than fifteen

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thousand voters, not fewer than one alternate voting location;

(2) in counties with more than fifty thousand voters, not fewer than four alternate voting locations; and

(3) in counties with more than two hundred fifty thousand voters, not fewer than ten alternate voting locations.

[G.] D. A regular precinct board may be designated to serve as the absent voter precinct board. A member of the absent voter precinct board shall receive the same compensation as a regular precinct board member. A regular precinct board member who also serves as a member of the absent voter precinct board shall not be entitled to extra compensation for serving on the absent voter precinct board."

SECTION 20. Section 1-23-2 NMSA 1978 (being Laws 1987, Chapter 160, Section 2) is amended to read:

"1-23-2. DEFINITION.--As used in the Mail Ballot Election Act, "local government" means any county, special district, school district or incorporated municipality."

SECTION 21. Section 1-23-3 NMSA 1978 (being Laws 1987, Chapter 160, Section 3, as amended) is amended to read:

"1-23-3. ELECTION BY [~~ALL-MAILED~~] MAIL BALLOTS.-- Notwithstanding any other provision of law and regardless of the number of eligible voters within its boundaries, a local government may or, if required by the Community Election Act, shall by resolution of its governing body, conduct [~~by all-~~

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~~mailed ballot~~] mail ballot elections for any bond election, any election on the imposition of a mill levy or a property tax rate for a specified purpose or any special election at which no candidates are to be nominated for or elected to office."

SECTION 22. Section 3-21-19 NMSA 1978 (being Laws 1965, Chapter 206, Section 5) is amended to read:

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

SECTION 23. Section 3-21-20 NMSA 1978 (being Laws 1965, Chapter 206, Section 6) is amended to read:

"3-21-20. ELECTION OF MEMBERS TO THE COMMISSION.--~~[Within sixty days after the creation of a district, the county commissioners of the county in which the district is situate shall hold an election for members to the commission. When the district is situate in more than one county, the county commissioners of the counties shall cooperate in conducting an election for members to the commission. The election shall be conducted in the same manner as elections for municipal school~~

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~~board members. The cost of conducting elections for members to the commission shall be borne by the county or counties in which the district is situate.] Election of members to the commission shall be conducted pursuant to the Community Election Act. Each county shall pay its pro rata share, which is determined by the number of registered electors of the district residing within the county."~~

SECTION 24. Section 4-48A-16 NMSA 1978 (being Laws 1978, Chapter 29, Section 16, as amended) is amended to read:

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

A. In each special hospital district, the board of trustees may adopt a resolution calling for an election for the purpose of authorizing the imposition of an ad valorem tax on all taxable property within the special hospital district. The election shall be held pursuant to the Community Election Act.

The revenue from such tax shall be used for current operations and maintenance of hospitals, including hospital facilities owned and operated by the special hospital district or ~~for~~ hospitals operated and maintained by the special hospital district pursuant to an agreement with a political subdivision as provided in Subsection B of Section 4-48A-11 NMSA 1978, and to pay the operational costs of the special hospital district.

B. In the case of a special hospital district located wholly within one county, if authorized by a majority

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of the qualified electors of the special hospital district voting on the question, the board of county commissioners of the county in which the special hospital district is located shall levy such tax at the same time and in the same manner as levies for ad valorem taxes for school districts are made and in the amount certified by the board of trustees as necessary to meet its approved annual budget, but in no event shall the tax levied exceed the rate limitation approved by the voters or the rate limitations provided in Subsection D of this section.

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

D. The tax authorized in this section shall not exceed four dollars twenty-five cents (\$4.25), or any lower maximum amount required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon any tax imposed under this section, on each one thousand dollars (\$1,000) of net taxable value as that term is defined in the Property Tax Code, of all taxable property of the county within the hospital district for a period of time greater than four years. An

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election upon the question of continuing the levy may be called by the board of trustees immediately prior to the expiration of the period of assessment previously approved by the qualified electors pursuant to the Community Election Act."

SECTION 25. Section 4-48A-17 NMSA 1978 (being Laws 1978, Chapter 29, Section 17, as amended) is amended to read:

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

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

B.] A. All elections of the special hospital district, unless otherwise provided in the Special Hospital District Act, shall be called, conducted and canvassed [~~in substantially the same manner as school district elections are called, conducted and canvassed. The board of trustees shall be the canvassing board for such elections]~~ pursuant to the Community Election Act.

~~[C.]~~ B. The expenses of elections conducted by the special hospital district shall be budgeted for and paid from

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the operating funds of the special hospital district."

SECTION 26. Section 21-13-8 NMSA 1978 (being Laws 1963, Chapter 17, Section 7, as amended) is amended to read:

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

A. Community college board members shall be over twenty-one years of age, qualified electors and residents of the community college district.

B. Community college board members shall be elected for staggered terms of six years beginning on April 1 succeeding their elections; provided that the terms of members elected after July 1, 2018 shall begin on January 1 succeeding their elections. Elections shall be held

~~[(1) in conjunction with regular school district elections on the first Tuesday of February in each odd-numbered year if the community college board and school board agree to hold their elections at the same time; or~~

~~(2) on the date otherwise prescribed by the Community College Act]~~ pursuant to the Community Election Act.

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

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the unexpired term.

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

SECTION 27. Section 21-16-5.1 NMSA 1978 (being Laws 1994, Chapter 83, Section 3, as amended) is amended to read:

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

A. A district board shall be composed of five or seven members elected for four-year terms who shall reside in and be elected from single-member districts as provided in this section. Any board, the members of which have not been elected from single-member districts, shall district and hold a special election to coincide with the school district elections of 2001. If the board is a seven-member board, board members shall be elected for all seven positions on the board, with the board members elected to positions 1, 3, 5 and 7 to be elected for initial terms of two years and the board members elected to positions 2, 4 and 6 to be elected for initial terms of four years. If the board is a five-member board, board members elected to positions 1, 3 and 5 shall be elected for initial terms of two years and board members elected to positions 2 and 4 shall be elected for initial terms of four years. After the

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initial election for a district board, each board member shall be elected for a term of four years.

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

C. Once following each federal decennial census, the board shall redistrict the technical and vocational institute district into election districts to ensure that the districts remain as equal in population as is practicable and notify the county clerk of the new boundaries upon completion of the redistricting process. The new districts shall go into effect at the first regular board election thereafter. Candidates for the new single-member districts that are scheduled to be voted on at the election shall reside in and be elected from the appropriate new single-member district. Incumbent board members whose districts before redistricting were not scheduled to be voted on at the election need not reside in the new single-member districts corresponding to their position numbers and may serve out their terms. At the second regular board election held after the redistricting, all candidates for the new single-member districts that are

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scheduled to be voted on shall reside in and be elected from the appropriate single-member district.

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

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

SECTION 28. Section 21-16-14 NMSA 1978 (being Laws 1963, Chapter 108, Section 11, as amended) is amended to read:

"21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL INSTITUTE DISTRICTS.--

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

B. The qualified voters of a school district, portion of a school district, group of school districts within a county containing a technical and vocational institute district or in an adjoining county, not included in the technical and vocational institute district as originally

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formed, may petition the public education department to be added to the technical and vocational institute district. The department shall examine the petition, and, if it finds that the petition is signed by a number of qualified voters residing within the pertinent school district or portion of a school district equal to ten percent of the votes cast for governor in such school district or portion of such school district in the last preceding general election, the department shall cause a survey to be made of the petitioning district or districts to determine the desirability of the proposed expansion of the technical and vocational institute district.

C. In conducting the survey, the public education department, in conjunction with the [~~commission on~~] higher education department, shall ascertain the attitude of the technical and vocational institute board and collect other information it deems necessary. If on the basis of the survey the public education department finds that the proposed addition of the petitioning area will promote an improved education service in the area, it shall approve the petition. The secretary of public education shall proceed to call an election within the petitioning area and in the established technical and vocational institute district on the question of the inclusion of the petitioning area in the institute district.

D. If a majority of the votes cast in the

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petitioning area and a majority of the votes cast within the established institute district are in favor of the addition of the area, the public education department shall notify the local school board of each affected school district and the technical and vocational institute board of the results of the election and shall declare the extension of the boundaries of the institute district to include the petitioning area in which the proposed addition referendum carried by a majority vote.

E. If a technical and vocational institute district includes less than all of a school district, the institute board, by resolution of a majority of the members of the board, may call an election within the institute district and in the portion of the school district that is not included in the institute district on the question of the addition of the excluded portion of the school district to the established institute district. Except where specific provision is otherwise provided by law, such election shall be conducted pursuant to the provisions of the [~~School Election Law with the president of the institute district serving in the place of the superintendent of schools in every case; provided that:~~

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

(2) ~~if a precinct lies partly within and partly outside the institute district, the parts of the precinct within and outside the institute district shall~~

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~~constitute separate precincts for purposes of the election; and
(3) precincts may be consolidated for purposes
of administrative convenience]~~ Community Election Act.

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

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

SECTION 29. Section 21-16-20 NMSA 1978 (being Laws 1964 (1st S.S.), Chapter 12, Section 5) is amended to read:

"21-16-20. SUBMISSION AT ELECTION--NOTICE--CERTIFICATION.--If [the] a question is submitted pursuant to Section 21-16-16 NMSA 1978 at [~~a general~~] an election, the submitting board shall [~~publish notice thereof in the manner required for general elections, except that such notice need not include the names of any election officials or the places where such election is to be held in each precinct and voting division and no posting shall be required]~~ notify the county

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clerk pursuant to the Community Election Act. The submitting board shall ~~[not less than thirty days before the election]~~ furnish to the county clerk of each county in which ~~[each]~~ an affected school district is situate a certificate specifying the question to be submitted ~~[and the precincts and voting divisions included in the school district or districts or in the technical and vocational institute district. The county clerk of each such county shall include such question on the ballots and voting machines in the proper voting divisions. The election officials in such voting divisions shall execute separate certificates certifying the results of the voting on such question, and, upon receipt thereof, each county clerk shall deliver the same to the president of the board or his designated representative]."~~

SECTION 30. Section 21-16A-6 NMSA 1978 (being Laws 2000, Chapter 105, Section 6) is amended to read:

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

A. A board may adopt a resolution authorizing, for learning center operational purposes, the imposition of a property tax upon the taxable value of property in the district. The total tax imposition that may be authorized under the Learning Center Act shall not exceed a rate of five dollars (\$5.00) on each one thousand dollars (\$1,000) of taxable value of property in each district. [A] The tax

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authorized pursuant to this section may not be imposed for a period of more than six years.

B. The tax authorized in Subsection A of this section shall not be imposed in a district unless the question of authorizing the imposition of the tax is submitted to the voters of the district at [~~a regular school district~~] an election [~~or a special election called for that purpose~~].

C. A resolution adopted pursuant to Subsection A of this section shall specify:

- (1) the rate of the proposed tax;
- (2) the date of the election at which the question of imposition of the tax will be submitted to the voters of the district;
- (3) the period of time the tax is authorized to be imposed; and
- (4) the proposed use of the revenues from the proposed tax.

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

E. If a majority of the voters voting on the question votes for a learning center tax levy pursuant to a resolution adopted under the Learning Center Act, the tax shall be imposed. The tax rate shall be certified by the department of finance and administration and imposed, administered and

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collected in accordance with the provisions of the Oil and Gas Ad Valorem Production Tax Act, the Oil and Gas Production Equipment Ad Valorem Tax Act, the Copper Production Ad Valorem Tax Act and the Property Tax Code.

F. If a majority of the voters voting on the question votes against a learning center tax levy pursuant to a resolution adopted under the Learning Center Act, the tax shall not be imposed. The board shall not again adopt a resolution authorizing the imposition of a tax levy pursuant to the Learning Center Act for at least two years after the date of the resolution that the voters rejected.

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

SECTION 31. Section 22-18-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 229, as amended) is amended to read:

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

A. Before any general obligation bonds are issued, a local school board of a school district shall submit to a vote of the qualified electors of the school district owning real estate in the school district the question of creating a

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debt by issuing the bonds, and a majority of those persons voting on the question shall vote for issuing the general obligation bonds.

B. The election on the question of creating a debt by issuing general obligation bonds shall be held [~~at the same time as a regular school district election or at any special school district election which is not within ninety days after a regular school district election~~] pursuant to the provisions of the Community Election Act. The question shall be submitted to a vote at a [~~general or special school~~] district election upon the initiative of a local school board or upon a petition being filed with a local school board signed by qualified electors of the school district [~~having paid a property tax on property in the school district for the preceding year, according to the latest completed tax rolls~~]. The number of signatures required on the petition shall be at least ten percent of the number of votes cast for governor in the school district in the last preceding general election. For the purpose of determining the number of votes cast for governor in the school district at the last preceding general election, any portion of a voting division within the school district shall be construed to be wholly within the school district. A local school board shall call for a bond election at [~~a~~] the next regular or special school district election within ninety days [~~from~~] following the date a properly signed petition is filed

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with it."

SECTION 32. Section 22-18-4 NMSA 1978 (being Laws 1967, Chapter 16, Section 231, as amended) is amended to read:

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

A. A person is required to be a registered voter to vote in a bond election in a school district.

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

SECTION 33. Section 22-18-8 NMSA 1978 (being Laws 1967, Chapter 16, Section 235) is amended to read:

"22-18-8. RESTRICTION ON BOND ELECTIONS.--In the event a majority of those persons voting on a question submitted to the voters in a bond election vote against creating a debt by issuing general obligation bonds, no bond election shall be held on the same question for a period of two years from the date of the bond election [~~except upon the presentation of a petition pursuant to Section 77-15-2 New Mexico Statutes Annotated, 1953 Compilation and after the expiration of at least six months from the date of the previous bond election on the question. If a majority of those persons voting on a question submitted to the voters in a bond election for a second time within two years vote against creating a debt by~~

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~~issuing general obligation bonds, no bond election shall then be held on the same question for a period of two years from the date of first bond election on the question]."~~

SECTION 34. Section 22-25-5 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

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

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

B. The proclamation required to be published as notice of the election under Section 1-22-4 or 1-22-5 NMSA 1978 shall include as the question to be submitted to the voters whether a property tax at a rate not to exceed the rate specified in the authorizing resolution should be imposed for the specified number of property tax years not exceeding six years upon the net taxable value of all property allocated to the school district for the capital improvements specified in the authorizing resolution.

C. The ballot shall include the information

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specified in Subsection B of this section and shall present the voter the choice of voting "for the public school capital improvements tax" or "against the public school capital improvements tax"."

SECTION 35. Section 22-26-5 NMSA 1978 (being Laws 1983, Chapter 163, Section 5, as amended) is amended to read:

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

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

B. The resolution required to be published as notice of the election under Section 1-22-4 or 1-22-5 NMSA 1978 shall include as the question to be submitted to the voters whether a property tax at a rate not to exceed the rate specified in the authorizing resolution should be imposed for the specified number of property tax years not exceeding six years upon the net taxable value of all property allocated to the school district for capital improvements.

C. The ballot shall include the information

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specified in Subsection B of this section and shall present the voter the choice of voting "for the public school buildings tax" or "against the public school buildings tax".

SECTION 36. Section 22-26A-10 NMSA 1978 (being Laws 2007, Chapter 173, Section 10, as amended) is amended to read:

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

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

B. The resolution required to be published as notice of the election under Section 1-22-4 or 1-22-5 NMSA 1978 shall include as the question to be submitted to the voters whether a property tax at a rate not to exceed the rate specified in the authorizing resolution should be imposed for the specified number of property tax years not exceeding thirty years upon the net taxable value of all property allocated to the school district for payments due under lease purchase arrangements.

C. The ballot shall include the information

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specified in Subsection B of this section and shall present the voter the choice of voting "for the lease purchase tax" or "against the lease purchase tax".

SECTION 37. Section 73-14-20.1 NMSA 1978 (being Laws 1990, Chapter 48, Section 1, as amended) is amended to read:

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

A. The board of directors of the conservancy district may contract for a list compiler before each election to compile and produce a qualified elector's list for the district. The list compiler shall deliver the completed list to the election director no later than forty-five days prior to a district election. An individual who purchases property ninety days prior to an election and whose name does not appear on the qualified elector's list shall not vote in that election. The individual may become certified to vote in a future election by filing [~~his~~] a deed of title with the appropriate county clerk at least ninety days before the next conservancy district election.

B. Names of qualified electors shall be obtained from the records of the county clerk of the appropriate county, the appropriate county assessor of the appropriate county, records of the conservancy district or from the census bureau and enrollment records provided by the pueblos. The county assessor of the appropriate county, the county clerk of the appropriate county and the tribal representatives of the

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appropriate pueblos shall deliver to the election director all records regarding qualified electors of the benefited area no later than the last day of each ~~March~~ July before a district election.

C. Updating the qualified elector's list shall consist of adding, for any new qualified elector who has purchased property in the district, the name, address and description of all property owned by the qualified elector in the benefited area and removing the name of any elector who is deceased or ~~[is no longer a qualified elector because he]~~ who no longer owns property within the benefited area.

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

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

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

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

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

E. The election officer or the election director

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shall distribute to each polling place a current qualified elector's list for the appropriate county. The election officer or the election director shall distribute the qualified elector's list to each polling place within a pueblo located within the benefited area. A qualified elector may vote at any one polling place in the pueblo or county where ~~he~~ the elector owns land. An individual who seeks to cast ~~his~~ a vote but ~~finds his~~ whose name is not on the qualified elector's list shall not be allowed to vote in that election."

SECTION 38. Section 73-14-24 NMSA 1978 (being Laws 1975, Chapter 262, Section 7, as amended) is amended to read:

"73-14-24. TIME AND PROCEDURE FOR ELECTION.--

~~[A. On the first Tuesday after the first Monday in January prior to the middle Rio Grande conservancy district election, an election proclamation shall be published that includes a list of the offices for which a candidate may file, the date and place at which declarations of candidacy shall be filed and the date of the election. The election proclamation shall be published once in a newspaper of general circulation in the counties in which the election shall be held.~~

B.] A. The members of the boards of directors created pursuant to provisions of Sections 73-14-18 through ~~[73-14-32]~~ 73-14-30 NMSA 1978 shall be elected at an election held on the first Tuesday after the first Monday in ~~[June in 2001]~~ November in 2019 and in each odd-numbered year

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thereafter.

~~[G.]~~ B. The elections for the members of the board of directors of the conservancy district shall be conducted, counted and canvassed as provided in Sections 73-14-18 through ~~[73-14-32]~~ 73-14-30 and 73-14-84 through ~~[73-14-86]~~ 73-14-92 NMSA 1978 ~~[The polls may be opened and closed in the same manner as provided for the general election under the Election Code.]~~

~~D. If only one candidate has filed a declaration of candidacy for a position to be filled at an election, no declared write-in candidate has filed for a position and there are no questions or bond issues on the ballot, only one polling place for the election may be designated. The one polling place may be located in the office of the election director or in the office of the middle Rio Grande conservancy district.]~~
and the Community Election Act."

SECTION 39. Section 73-14-25 NMSA 1978 (being Laws 1975, Chapter 262, Section 8, as amended) is amended to read:

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

A. ~~[Any]~~ A person who desires to become a candidate for election as a member of the conservancy district board of directors shall file ~~[his]~~ a written declaration of candidacy with the ~~[election director or with the election officer at least sixty]~~ proper filing officer in accordance with the

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provisions of the Community Election Act sixty-three days
before the election. [~~The election officer or the election
director shall certify the candidates to the board of
directors.~~]

B. The declaration of candidacy shall contain:

- (1) a statement that the candidate is a qualified elector of the district and meets the qualifications of a director as required by law;
- (2) the candidate's name, address, county of residence and date of declaration of candidacy;
- (3) the numerical designation of the position on the board of directors for which [~~he~~] the candidate desires to be a candidate;
- (4) if a candidate for a position representing a county in the conservancy district, a petition signed by at least seventy-five qualified electors of the district who reside in that county;
- (5) if a candidate for the position at large in the conservancy district, a petition signed by at least one hundred twenty-five qualified electors; and
- (6) a statement that the candidate resides within the conservancy district and in the county for which [~~he~~] the candidate desires to be a candidate on the board of directors."

SECTION 40. Section 73-14-28.1 NMSA 1978 (being Laws

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1996, Chapter 42, Section 12) is amended to read:

"73-14-28.1. ELECTION.--~~[The board of directors of the conservancy district shall conduct the election]~~ Elections shall be conducted pursuant to ~~[Chapter 73, Article 14]~~ Sections 73-14-18 through 73-14-30 NMSA 1978 and ~~[other applicable election laws or shall]~~ the Community Election Act. The board of directors may select an election director as defined in Section 73-14-20 NMSA 1978 to provide election services. The election director shall operate pursuant to a contract approved by the secretary of state. [The election may be conducted by emergency paper ballot, electronic voting machine or any other state-certified tabulating voting machine.]"

SECTION 41. Section 73-14-61 NMSA 1978 (being Laws 1943, Chapter 126, Section 8, as amended) is amended to read:

"73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.-- Any qualified elector, as ~~[herein]~~ defined in Section 73-14-57 NMSA 1978, who desires to become a candidate for election as a director shall, ~~[at least forty]~~ sixty-three days prior to the election, file with the ~~[secretary of the board of directors then in office his]~~ proper filing officer in accordance with the provisions of the Community Election Act a written notice of candidacy, which shall state ~~[his]~~ the candidate's name and residence ~~[and the term for which he is a candidate for election]~~ within the conservancy district. If ~~[he]~~ the

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candidate is a candidate at large, [~~his~~] the candidate's notice of candidacy [~~must~~] shall be signed by twenty qualified electors resident within the district. If [~~he~~] the candidate is a candidate only from that portion of the district [~~which~~] that lies within one county, [~~his~~] the candidate's notice of candidacy [~~must~~] shall be signed by ten qualified electors who reside within that particular portion of the district and county from which the candidate seeks to be elected. [~~No person who has not filed his notice of candidacy as and within the time required in this section shall be placed on the ballot.]~~"]

SECTION 42. Section 73-14-62 NMSA 1978 (being Laws 1943, Chapter 126, Section 9, as amended) is amended to read:

"73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--

A. The five director-members of the board of directors [~~by this act~~] created by Sections 73-14-54 through 73-14-69 NMSA 1978 shall be elected on the first Tuesday of October [~~of the year~~] 1943, and [~~of~~] each succeeding sixth year thereafter at general election for districts having less than one hundred thousand acres. The five director-members of the boards of directors of conservancy districts formed after July 1, 1952 shall be elected on the first Tuesday of October, 1959, and [~~of~~] each succeeding sixth year thereafter at general election.

B. [~~Not less than thirty days prior to said~~

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~~election, the board of directors then in office shall meet 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]~~
Elections held after July 1, 2018 shall be held on the first Tuesday after the first Monday in November in odd-numbered years in accordance with the provisions of the Community Election Act."

SECTION 43. Section 73-14-73 NMSA 1978 (being Laws 1961, Chapter 67, Section 5) is amended to read:

"73-14-73. ELECTIONS--WHEN HELD.--

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A. The first election for conservancy districts existing on July 1, 1961 and eligible under the provisions of Section ~~[75-28-53 New Mexico Statutes Annotated, 1953 Compilation]~~ 73-14-74 NMSA 1978 to have an elected board of directors shall be held on the first Tuesday in October 1961.

B. Subsequent elections shall be held every two years following the year 1961 and shall be held on the first Tuesday ~~[of October]~~ after the first Monday in November in odd-numbered years.

C. Conservancy districts formed after July 1, 1961 shall hold their first election as provided in Section ~~[75-28-53 New Mexico Statutes Annotated, 1953 Compilation]~~ 73-14-74 NMSA 1978."

SECTION 44. Section 73-14-78 NMSA 1978 (being Laws 1961, Chapter 67, Section 10) is amended to read:

"73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--

A. Any qualified elector who desires to become a candidate for election as a member of a conservancy district board of directors shall file ~~[his]~~ a written notice of candidacy with the ~~[secretary of the existing appointed or elected board at least twenty]~~ proper filing officer in accordance with the provisions of the Community Election Act sixty-three days before the election.

B. A notice for candidacy shall state:

(1) the candidate's name and address; and

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(2) the numerical designation of the office position on the board for which ~~[he]~~ the candidate desires to be a candidate.

C. In addition to the requirements of Subsection B of this section, a notice for candidacy shall be signed by at least ten qualified electors within the conservancy district."

SECTION 45. Section 73-20-37 NMSA 1978 (being Laws 1965, Chapter 137, Section 11, as amended) is amended to read:

"73-20-37. DISTRICT SUPERVISORS--ELECTION AND APPOINTMENT--NEW DISTRICTS.--

A. The governing body of a district shall be composed of five supervisors who shall be residents of the district and shall be elected; provided, however, two additional supervisors may be appointed to the governing body of each district by the commission in accordance with the provisions of the Soil and Water Conservation District Act. Four elected supervisor positions of each district shall be filled by landowners within the defined geographical area of their district. One elected supervisor position shall be designated supervisor-at-large and the supervisor filling that position may serve the district without landowner qualification.

B. Unless a different time is prescribed by the commission, within thirty days following the issuance of a certificate of organization to the two interim supervisors of a

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district, declarations of candidacy for supervisors of the district may be filed with the commission. The commission shall give due notice of election for the offices of five district supervisors. All registered voters residing within the district shall be eligible to vote. The commission shall adopt and prescribe regulations governing the conduct of the election, shall determine voter eligibility and shall supervise the election and publish its results. The districts shall bear the expenses of elections; however, the commission shall bear the expenses of the first election of a newly organized district.

C. In the first election of supervisors to serve a newly organized district, two supervisors shall be elected for terms of four years and three supervisors shall be elected for terms of two years. Thereafter, each elected supervisor shall serve a term of four years and shall continue in office until ~~[his]~~ a successor has been elected or appointed and has completed an oath of office. Oaths of office may not be completed prior to ~~[July 1]~~ January 1 after an election. A vacant unexpired term of the office of an elected supervisor shall be filled by appointment by the remaining supervisors of the district. Two or more vacant unexpired terms occurring simultaneously in the same district shall be filled by appointment by the commission.

D. Appointed interim supervisors may continue to

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serve as appointed supervisors at the pleasure of the commission or until their successors are otherwise appointed."

SECTION 46. Section 73-20-38 NMSA 1978 (being Laws 1965, Chapter 137, Section 12, as amended) is amended to read:

"73-20-38. DISTRICT SUPERVISORS--ELECTION AND APPOINTMENT--ORGANIZED DISTRICTS.--

A. Successors to supervisors whose terms end in a calendar year shall be elected on the first Tuesday ~~[in May of that year]~~ after the first Monday in November in odd-numbered years. Elections shall be called, conducted and returned in accordance with ~~[rules adopted and prescribed by the commission]~~.

~~B. A canvassing board appointed by the commission shall determine the results of a district election, shall certify and publish the results and shall give the commission notice of its canvass within seven days of its completion. A canvass is considered complete when all challenges have been resolved to the satisfaction of the canvassing board.~~

~~G. Rules adopted and published by the commission and the election provisions of the Soil and Water Conservation District Act shall be exclusive in the conduct of district elections]~~ the Community Election Act.

B. The commission may adopt and publish rules to carry out the provisions of the Soil and Water Conservation District Act.

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~~[D-]~~ C. By June 15 of each year, the district supervisors may submit to the commission a list of persons interested in the district and who by experience or training are qualified to serve as supervisors. The commission may appoint from the list submitted, or at will, two persons to serve as supervisors if it is the determination of the commission that the appointments are necessary or desirable and would benefit or facilitate the work and functions of the district. In the event a list is not submitted to the commission by the supervisors by June 15, the commission may appoint at will two supervisors qualified to serve by training or experience. Appointed supervisors shall serve at the pleasure of the commission and shall have the same powers and perform the same duties as elected supervisors. Successors to appointed supervisors, or replacement-appointed supervisors in the event of vacancy, shall be appointed by the commission from a list of candidates or at will in accordance with the provisions of this subsection."

SECTION 47. Section 73-20-46 NMSA 1978 (being Laws 1965, Chapter 137, Section 20, as amended) is amended to read:

"73-20-46. DISTRICT ASSESSMENTS.--

A. In the event a district is unable to meet or bear the expense of the duties imposed upon it by the Soil and Water Conservation District Act, the supervisors may adopt a resolution that, to be effective, shall be approved by

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referendum in the district and that shall provide for an annual levy for a stated period of up to ten years in a stated amount not exceeding one dollar (\$1.00) on each one thousand dollars (\$1,000) of net taxable value, as that term is defined in the Property Tax Code, of real property within the district, except that real property within incorporated cities and towns in the district may be excluded. The referendum held to approve or reject the resolution of the supervisors shall be conducted ~~[with appropriate ballot and in substantially the same manner as a referendum adopting and approving the creation of a proposed district]~~ pursuant to the Community Election Act.

After the initial authorization is approved by referendum, the supervisors shall adopt a resolution in each following year authorizing the levy. To extend an assessment beyond the period of time originally authorized and approved by referendum, the supervisors shall adopt a new resolution and the district voters shall approve it in a referendum. The extension shall be for the same period of time as originally approved, but the rate of the tax may be different as long as it does not exceed one dollar (\$1.00) on each one thousand dollars (\$1,000) of net taxable value of real property within the district, except that real property within incorporated municipalities in the district may be excluded. ~~[If the district is indebted to the United States or the state or any of their respective agencies or instrumentalities, including~~

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~~the New Mexico finance authority, at the time of the expiration of the original authorization, the supervisors may renew the assessment by resolution for a period not to exceed the maturity date of the indebtedness, and no referendum for that renewal is necessary.]~~

B. A resolution authorized under Subsection A of this section shall not be effective, and neither a referendum nor a levy is authorized, unless the resolution is submitted to and approved in writing by the commission.

C. In the event a resolution of the supervisors is adopted and approved in accordance with the provisions of Subsection A of this section, the supervisors of the district shall certify by the fifteenth of July of each year to the county assessor of each county in which there is situate land subject to the district assessment:

- (1) a copy of the resolution of the supervisors;
- (2) the results of any referendum held in the year the certification is made; and
- (3) a list of landowners of the district and a description of the land owned by each that is subject to assessment.

D. A county assessor shall indicate the information on the tax schedules, compute the assessment and present the district assessment by regular tax bill.

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E. The district assessment shall be collected by the county treasurer of each county in which taxable district land is situate in the same manner and at the same time that county ad valorem taxes are levied. The conditions, penalties and rates of interest applicable to county ad valorem taxation apply to the levy and collection of district assessments. A county treasurer shall be entitled to a collection fee equal to the actual costs of collection or four percent of the money collected from the levy of the district assessment, whichever is the lesser.

F. District funds, regardless of origin, shall be transferred to and held by the supervisors and shall be expended for district obligations and functions. The supervisors shall prepare an annual budget and submit it for approval to the commission and to the local government division of the department of finance and administration. All district funds shall be expended in accordance with the approved budgets.

G. In the event the supervisors of a district determine that there are or will be sufficient funds available for the operation of the district for any year for which an assessment is to be levied, they shall, by resolution, direct the assessor of each county in which taxable district land is situate, by July 15 of each year, to decrease the district assessment or to delete the district assessment reflected on

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the tax schedules.

H. Any levy authorized by the Soil and Water Conservation District Act and any loan or other indebtedness authorized by that act that will require a levy shall be based exclusively on or levied exclusively on the real property in the district, except that real property within incorporated cities and towns may be excluded."

SECTION 48. Section 73-21-14 NMSA 1978 (being Laws 1943, Chapter 80, Section 13, as amended) is amended to read:

"73-21-14. ELECTIONS.--

A. In any district, except a district created pursuant to a petition signed by the chair of the board of county commissioners of a county, on the [~~second Tuesday of January~~] first Tuesday after the first Monday in November in the [~~second calendar~~] odd-numbered year after the organization of the district and on the [~~second Tuesday of January~~] first Tuesday after the first Monday in November every second year thereafter, in accordance with the Community Election Act, there shall be elected by the taxpaying electors of the district one member of the board to serve for a term of six years, except that if the district elects to adopt four-year terms, the member shall serve for a term of four years.

B. In any district created pursuant to a petition signed by the chair of the board of county commissioners of a county, [~~one~~] in the odd-numbered year after the organization

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of the district and every second year thereafter, there shall be elected by the taxpaying electors of the district at least two, but no more than three, members of the board to serve for a term of two years. The election shall be held on the first Tuesday after the first Monday in November in accordance with the Community Election Act.

C. ~~[Not later than thirty]~~ Sixty-three days before any election pursuant to Subsection A or B of this section, nominations may be filed with the ~~[secretary of the board, and, if a nominee does not withdraw the nominee's name before the first publication of the notice of election, the name shall be placed on the ballot. The board shall provide for holding such election and shall appoint judges to conduct it. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection with the election as the board may direct]~~ proper filing officer in accordance with the provisions of the Community Election Act.

If within ninety days prior to a board election, the district publishes materials that describe the qualifications, experience and accomplishments of incumbents, equal space shall be made available without charge for similar information provided by opponents seeking a position on the board. The returns of the election shall be certified to ~~[and shall be canvassed and declared by]~~ the board. The candidate receiving the most votes shall be elected. Any new member of the board

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shall qualify in the same manner as members of the first board qualify."

SECTION 49. Section 73-21-28 NMSA 1978 (being Laws 1943, Chapter 80, Section 25, as amended) is amended to read:

"73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--

Whenever the board shall, by resolution, determine that the interest of the district and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities, or the making of any contract with the United States or other persons or corporations, to carry out the objects or purposes of the district, requiring the creation of a general obligation indebtedness of five thousand dollars (\$5,000) or more, secured by property tax revenue from within the district, the board shall order the submission of the proposition of issuing the obligations or bonds or creating other indebtedness to the qualified [~~taxpaying~~] electors of the district at [~~an~~] a district election held [~~for that purpose. Any such election may be held separately or may be consolidated or held concurrently with any other election authorized by the Water and Sanitation District Act]~~ in accordance with the provisions of the Community Election Act. The declaration of public interest or necessity required in this section and the provision for the holding of the election may be included within one and the same resolution. The resolution, in

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addition to the declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred and the maximum rate of interest to be paid on the indebtedness. The resolution shall also [~~fix~~] announce the date upon which the election shall be held and the manner of holding it and the method of voting for or against the incurring of the proposed indebtedness. [~~The resolution shall also fix the compensation to be paid the officers of the election and shall designate the polling place and shall appoint, for each polling place, from the electors of the district, the officers of the election consisting of three judges, one of whom shall act as clerk.]"~~

SECTION 50. TEMPORARY PROVISION.--Officers in the affected positions serving in office on or after the effective date of this act shall serve the remainder of their unexpired terms for which they were or are elected and shall continue to serve until the officer's successor has been elected and qualified following the next election for that position.

SECTION 51. REPEAL.--Sections 21-13-18.1, 21-13-18.2, 21-16-21, 21-16-22, 73-14-27, 73-14-28, 73-14-29, 73-14-31 through 73-14-31.3, 73-14-63 through 73-14-65 and 73-14-80 through 73-14-86 NMSA 1978 (being Laws 1993, Chapter 75, Sections 3 and 4, Laws 1964 (1st S.S.), Chapter 12, Sections 6

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and 7, Laws 1975, Chapter 262, Sections 10 through 12 and 14, Laws 1996, Chapter 42, Sections 15 and 16, Laws 1999, Chapter 168, Section 8, Laws 1943, Chapter 126, Sections 10 through 12, Laws 1961, Chapter 67, Sections 12 through 17, Laws 1996, Chapter 42, Section 17 and Laws 1961, Chapter 67, Section 18, as amended) are repealed.

SECTION 52. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2018.

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