

FIFTY-THIRD LEGISLATURE  
FIRST SESSION, 2017

HB 174/a

March 16, 2017

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS  
AND CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 174, as amended**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike Senate Rules Committee Amendment 3.
2. On page 19, line 25, strike the underscored language.
3. On page 20, line 1, remove the opening bracket and the line through "municipal", insert an opening bracket before "school", remove the brackets and line through "or" and strike "election".
4. On page 21, line 24, after "B.", strike the remainder of the line, strike line 25 and insert in lieu thereof "A local government ballot question shall be submitted to the voters by title only, and the".
5. On page 22, line 1, strike "county clerk or".
6. On page 39, between lines 12 and 13, insert a new section to read:

**"SECTION 36.** A new section of the Local Election Act is enacted to read:

**"[NEW MATERIAL] APPLICATION TO MUNICIPALITIES OPTING OUT OF CERTAIN PROVISIONS OF THE LOCAL ELECTION ACT--OPT-OUT PROVISIONS--STANDARD ELECTION DATE--PROCEDURES--EXCEPTIONS.--**

A. In accordance with the provisions of Subsection B of this section, a municipality, including a home rule municipality governed pursuant to Article 10, Section 6 of the constitution of New Mexico or a municipality operating pursuant to a territorial charter or a special charter, may opt out of the provisions of Subsection A of Section 1-22-3 NMSA 1978, Sections 1-22-16 and 1-22-18 NMSA 1978 and Section 35 of this 2017 act.

**FIFTY-THIRD LEGISLATURE  
FIRST SESSION, 2017**

SJC/HB 174

Page 2

B. A municipality may by ordinance opt out of the provisions of the Local Election Act listed in Subsection A of this section if the municipality passes the ordinance and files the ordinance with the secretary of state at least one hundred eighty days before the next regular local election. A municipality that has passed an ordinance pursuant to this subsection may at any time rescind the ordinance opting out of the provisions of the Local Election Act listed in Subsection A of this section upon filing the rescission with the secretary of state at least one hundred eighty days before the next regular local election.

C. All other provisions of the Local Election Act, as supplemented by the Election Code, shall apply to the conduct of elections for municipalities that have passed an ordinance pursuant to Subsection B of this section, except for election procedures that operate in lieu of or in addition to the provisions of the Local Election Act and Election Code contained in the charter of a home rule municipality or other chartered municipality.

D. Elections held pursuant to this section shall be held on the first Tuesday in March of each even-numbered year, except as provided in the charter of a municipality; provided that the election date in the charter does not conflict with the provisions of Section 1-12-71 NMSA 1978.

E. Except for home rule municipalities that have a run-off election, the term of office for municipalities holding elections pursuant to this section shall begin the first day of the month following the election. For home rule municipalities that hold a run-off election, the term of office for municipalities holding elections pursuant to this section shall begin the first day of the month following the run-off election. Terms of office for municipal offices are four years unless the municipality's charter provides for shorter terms.

F. A municipality holding elections pursuant to this section may place ballot questions on the ballot of an election held pursuant to this section and as provided in the Local Election Act.

**FIFTY-THIRD LEGISLATURE  
FIRST SESSION, 2017**

SJC/HB 174

Page 3

G. The municipal clerk shall fulfill the duties of the county clerk in the conduct of elections held pursuant to this section. The county clerk shall maintain accurate voter registration information for each municipality located in the county. The county clerk shall provide to the municipal clerk, in advance of an election held pursuant to this section, the names of only those voters entitled to vote in the municipal election. The municipality shall bear the reasonable cost of preparation of the voter lists, signature rosters and voter registration in electronic format.

H. The governing body of the municipality shall fulfill the duties of passing the resolution calling for an election pursuant to this section and may act in relation to the duties of the board of county commissioners set forth in Section 1-3-2 NMSA 1978 that are applicable to the conduct of an election pursuant to this section."".

Respectfully submitted,

\_\_\_\_\_  
Richard C. Martinez, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)  
Date \_\_\_\_\_

The roll call vote was 9 For 0 Against  
Yes: 9  
No: 0  
Excused: Baca, Griggs  
Absent: None