

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 399

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO COUNTIES; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITH A POPULATION GREATER THAN THIRTY-FIVE THOUSAND AS SHOWN BY THE MOST RECENT FEDERAL DECENNIAL CENSUS SHALL CONSIST OF FIVE QUALIFIED ELECTORS; ESTABLISHING A PROCEDURE TO REDISTRICIT AND ELECT COUNTY COMMISSIONERS TO THE NEWLY ESTABLISHED FIVE-MEMBER BOARDS OF COUNTY COMMISSIONERS; PROVIDING A TEMPORARY PROCEDURE TO REDISTRICIT AND ELECT COUNTY COMMISSIONERS FOR A TERM BEGINNING JANUARY 1, 2025.

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

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

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

A. The board of county commissioners shall consist

1 of either three or five qualified electors who shall be elected
2 according to law. For a three-member board, two members
3 constitute a quorum for the purpose of transacting business.
4 For a five-member board, three members constitute a quorum for
5 the purpose of transacting business.

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

12 SECTION 2. [NEW MATERIAL] PROCEDURE FOR BOARD TRANSITION
13 TO FIVE COUNTY COMMISSIONERS--LEGISLATIVE FINDINGS.--

14 A. The legislature finds that the following
15 adjustment to terms of office for certain county commissioners
16 is necessary to provide for consistency in the timing of
17 elections in light of the county redistricting for the boards
18 of county commissioners that change to a five-member board
19 pursuant to the provisions of Subsection B of Section 4-38-2
20 NMSA 1978.

21 B. For each county with a population of more than
22 thirty-five thousand, as shown by the most recent federal
23 decennial census, that is required to change to a five-member
24 board of county commissioners pursuant to Subsection B of
25 Section 4-38-2 NMSA 1978:

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1 (1) the board of county commissioners shall,
2 by January 1 of the next succeeding year ending in the number
3 two, divide the county into five compact single-member county
4 commission districts in accordance with the provisions of the
5 Precinct Boundary Adjustment Act and shall notify the county
6 clerk, who shall notify the secretary of state. The board of
7 county commissioners shall keep current commissioners in their
8 current district number unless it would be contrary to law;

9 (2) at the general election of the next
10 succeeding year ending in the number two and for a term
11 beginning January 1 of the subsequent year, county
12 commissioners for the newly created districts and existing
13 even-numbered districts shall be elected pursuant to the
14 provisions of the Election Code. The board of county
15 commissioners shall provide a process to renumber the county
16 commission district numbers so that subsequent elections for
17 the offices are aligned with the offices listed for election in
18 Section 1-10-8 NMSA 1978 and, when necessary, shall adjust term
19 lengths only as required to align offices and positions to the
20 offices listed for election in Section 1-10-8 NMSA 1978; and

21 (3) if a precinct is added to an existing
22 odd-numbered county commission district that was not previously
23 a part of the district, a county commissioner shall be elected
24 for that district at the general election of the next
25 succeeding year ending in the number two.

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1 SECTION 3. TEMPORARY PROVISION--ONE-TIME PROCEDURE TO
2 DIVIDE NEW DISTRICTS AND ELECT COUNTY COMMISSIONERS FOR A TERM
3 BEGINNING 2025.--

4 A. The legislature finds that the following
5 adjustment to terms of office for certain county commissioners
6 is necessary to provide for consistency in the timing of
7 elections in light of the county redistricting for the boards
8 of county commissioners that change to a five-member board
9 pursuant to Subsection B of Section 4-38-2 NMSA 1978.

10 B. For each county with a population of more than
11 thirty-five thousand, as shown by the 2020 federal decennial
12 census, that is required to change to a five-member board of
13 county commissioners pursuant to Subsection B of Section 4-38-2
14 NMSA 1978:

15 (1) the board of county commissioners shall,
16 by November 1, 2023, divide the county into five compact
17 single-member county commission districts in accordance with
18 the provisions of the Precinct Boundary Adjustment Act and
19 shall notify the county clerk, who shall notify the secretary
20 of state. The secretary of state shall review the newly drawn
21 county precinct map for compliance with the law. A county
22 precinct map determined not to be in compliance shall be
23 rejected and returned to the board of county commissioners as
24 soon as is practicable with a written statement detailing the
25 instances of noncompliance, and the board shall make the

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1 required adjustments by January 1, 2024. For a board of county
2 commissioners that does not make any necessary adjustments by
3 January 1, 2024, the secretary of state shall adjust the
4 boundaries of the precincts only to the extent necessary to
5 achieve compliance with the law and notify the county of those
6 boundary adjustments;

7 (2) at the 2024 general election and for a
8 term beginning January 1, 2025, county commissioners for the
9 newly created commission districts and existing odd-numbered
10 districts shall be elected pursuant to the provisions of the
11 Election Code. The board of county commissioners shall provide
12 a process to renumber the district numbers so that subsequent
13 elections for the offices are aligned with the offices listed
14 for election in Section 1-10-8 NMSA 1978 and, when necessary,
15 shall adjust term lengths only as required to align offices and
16 positions to the offices listed for election in Section 1-10-8
17 NMSA 1978; and

18 (3) if a precinct is added to an existing
19 even-numbered county commission district that was not
20 previously a part of the district, a county commissioner shall
21 be elected for that district at the 2024 general election.