

LFC Requester:

Emily Hilla

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: February 6, 2025

Check all that apply:

Bill Number: HB308

Original  Correction   
Amendment  Substitute

Sponsor: Rep. Derrick J. Lente, Rep. Gail Armstrong

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Remove MRGCD from Local Election Act

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

| Appropriation |      | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25          | FY26 |                           |               |
|               |      |                           |               |
|               |      |                           |               |

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

| Estimated Revenue |      |      | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25              | FY26 | FY27 |                           |               |
|                   |      |      |                           |               |
|                   |      |      |                           |               |

(Parenthesis ( ) indicate revenue decreases)

##### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY25 | FY26 | FY27 | 3 Year<br>Total Cost | Recurring<br>or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|------|----------------------|---------------------------------|------------------|
| <b>Total</b> |      |      |      |                      |                                 |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: HB308 contemplates several procedures for altering the election structure of the Middle Rio Grande Conservancy District (“MRGCD”) by removing the MRGCD from the local election act, providing alternative timing and procedures for MRGD elections, providing procedures for compiling a list of qualified electors, and eliminating certain requirements for absentee voting.

**Section 1** amends the Local Election Act (section 1-22-2(A)) to exclude from the definition of “local government” a “conservancy district created prior to 1930, embracing land situate in four or more counties and organized pursuant to the Conservancy Act of New Mexico.”

**Section 2** amends section 73-14-20 to define “election director” and “election officer.”

**Section 3** amends section 73-14-20.1 to direct the list compiler to deliver the completed list of qualified electors to the election director or election officer no later than forty-five days prior to a district election. Additionally, this section directs the election director or election officer to distribute the qualified elector list to the appropriate county or pueblo.

**Section 4** repeals section 73-14-24, which governs the time and procedure for election, and replaces it with a new version of section 73-24-24. This provision generally establishes new procedures for elections and clarifies that this election is not governed by the Local Election Act.

**Section 5** amends section 73-14-25 to change the procedure relating to a declaration of candidacy, disclaiming the procedures followed by the Local Election Act.

**Section 6** repeals 73-14-28.1, which establishes that elections shall be conducted pursuant to the Local Election Act and replaces this provision with a new 73-14-28.1. This new provision provides for election procedures to be followed pursuant to sections 73-14-18 through -30

**Section 7** states that this act takes effect immediately.

**FISCAL IMPLICATIONS**

None noted.

**SIGNIFICANT ISSUES**

HB308 contemplates a significant departure for MRGCD elections, moving from established procedures incorporated in the Local Election Act.

HB308 also moves candidacy declarations and elections up by approximately a month. The implications of this do not appear to justify the emergency in **Section 7**. This bill may benefit

from an effective date designation rather than an emergency designation.

#### **PERFORMANCE IMPLICATIONS**

None noted.

#### **ADMINISTRATIVE IMPLICATIONS**

None noted.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

##### Conflict

None noted.

##### Duplication

None noted.

##### Companionship

None noted.

##### Relationship

None noted.

#### **TECHNICAL ISSUES**

None noted.

#### **OTHER SUBSTANTIVE ISSUES**

None noted.

#### **ALTERNATIVES**

None noted.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

None noted.