

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 308

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO CONSERVANCY DISTRICT ELECTIONS; REMOVING
CONSERVANCY DISTRICTS FROM THE LOCAL ELECTION ACT; PROVIDING
TIMING AND OTHER PROCEDURES FOR CONSERVANCY DISTRICT ELECTIONS;
DEFINING TERMS; PROVIDING PROCEDURES FOR COMPILING A LIST OF
QUALIFIED ELECTORS; ELIMINATING CERTAIN REQUIREMENTS FOR
ABSENTEE VOTING, ELECTION NOTICES AND POLLING LOCATIONS;
AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN
EMERGENCY.

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

SECTION 1. Section 1-22-2 NMSA 1978 (being Laws 2019,
Chapter 212, Section 141) is amended to read:

"1-22-2. DEFINITIONS.--As used in the Local Election Act:

A. "local election" means a local government
election;

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1 B. "local governing body" means a board, council or
2 commission, as appropriate for a given local government;

3 C. "local government" means a:

4 (1) political subdivision of the state with
5 authority to levy taxes pursuant to Article 8, Section 9 of the
6 constitution of New Mexico and its enabling legislation, but
7 does not include a county or a conservancy district created and
8 organized pursuant to The Conservancy Act of New Mexico; and

9 (2) political subdivision of the state without
10 authority to levy taxes pursuant to Article 8, Section 9 of the
11 constitution of New Mexico or its enabling legislation, but
12 whose statutory provisions provide for election of officers or
13 ballot questions to be decided pursuant to the Local Election
14 Act;

15 D. "municipal officers" means the local governing
16 body and any elective executive and judicial officers of a
17 municipality;

18 E. "regular local election" means the biennial
19 local election at which local governing body members are
20 elected pursuant to the provisions of the Local Election Act;
21 and

22 F. "special local election" means a local election
23 conducted at a time other than a statewide election at which
24 only ballot questions are considered pursuant to the provisions
25 of the Special Election Act."

1 SECTION 2. Section 73-14-20 NMSA 1978 (being Laws 1975,
2 Chapter 262, Section 3, as amended) is amended to read:

3 "73-14-20. DEFINITIONS.--As used in Sections 73-14-18
4 through 73-14-30 NMSA 1978:

5 A. "benefited area" means that area described by a
6 property appraisal that receives a benefit as a result of the
7 creation of a district for any of the purposes specified in
8 Section 73-14-4 NMSA 1978;

9 B. "election director" means the person whom the
10 board of directors may request to provide election services by
11 a contract;

12 C. "election officer" means a person appointed by
13 the board of directors to conduct the election in the absence
14 of the election director to perform the election director's
15 duties as required pursuant to law;

16 ~~[B.]~~ D. "list compiler" means a contractor approved
17 by the board of directors to compile and produce a qualified
18 elector list for a conservancy district;

19 ~~[G.]~~ E. "qualified elector" means an individual who
20 owns real property within the benefited area of the conservancy
21 district and who has provided proof of an ownership interest to
22 one of the sources specified in Subsection B of Section
23 73-14-20.1 NMSA 1978 within the required time period, or who
24 resides on and owns legal or equitable title in tribal lands
25 and who is over the age of majority;

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1 ~~[D-]~~ F. "qualified elector's list" means the list
2 compiled before each election that contains the individual
3 names of all qualified electors; and

4 ~~[E-]~~ G. "residence" means a dwelling that lies
5 partially or completely within the benefited area."

6 **SECTION 3.** Section 73-14-20.1 NMSA 1978 (being Laws 1990,
7 Chapter 48, Section 1, as amended) is amended to read:

8 "73-14-20.1. QUALIFIED ELECTOR LIST.--

9 A. The board of directors of the conservancy
10 district may contract for a list compiler before each election
11 to compile and produce a qualified elector's list for the
12 district. The list compiler shall deliver the completed list
13 to the ~~[appropriate county clerk]~~ election director or election
14 officer no later than ~~[one hundred eighty]~~ forty-five days
15 prior to a district election ~~[and update the list every thirty~~
16 ~~days until ninety days before the election, which list the~~
17 ~~county clerk shall use for the election]~~. An individual who
18 purchases property ninety days prior to an election and whose
19 name does not appear on the qualified elector's list shall not
20 vote in that election. The individual may become certified to
21 vote in a future election by filing a deed of title with the
22 appropriate county clerk at least ninety days before the next
23 conservancy district election.

24 B. Names of qualified electors shall be obtained
25 from the records of the county clerk of the appropriate county,

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1 the appropriate county assessor of the appropriate county,
2 records of the conservancy district or from the census bureau
3 and enrollment records provided by the pueblos. The county
4 assessor of the appropriate county, the county clerk of the
5 appropriate county and the tribal representatives of the
6 appropriate pueblos shall deliver to the list compiler all
7 records regarding qualified electors of the benefited area no
8 later than the last day of each [~~March~~] July before a district
9 election.

10 C. Updating the qualified elector's list shall
11 consist of adding, for any new qualified elector who has
12 purchased property in the district, the name, address and
13 description of all property owned by the qualified elector in
14 the benefited area and removing the name of any elector who is
15 deceased or who no longer owns property within the benefited
16 area.

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

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

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

24 (3) an individual's name on a list compiled by
25 the governing body of a pueblo within the benefited area

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1 indicating that the individual named is residing on and has
2 legal or equitable title in the pueblo; or

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

5 E. The [~~appropriate county clerk~~] election
6 director or election officer shall distribute to each polling
7 place a current qualified elector's list for the appropriate
8 county. The [~~appropriate county clerk~~] election director or
9 election officer shall distribute the qualified elector's list
10 to each polling place within a pueblo located within the
11 benefited area. A qualified elector may vote at any one
12 polling place in the pueblo or county where the elector owns
13 land. An individual who seeks to cast a vote but whose name is
14 not on the qualified elector's list shall not be allowed to
15 vote in that election."

16 SECTION 4. Section 73-14-24 NMSA 1978 (being Laws 1975,
17 Chapter 262, Section 7, as amended) is repealed and a new
18 Section 73-14-24 NMSA 1978 is enacted to read:

19 "73-14-24. [NEW MATERIAL] TIME AND PROCEDURE FOR
20 ELECTION--RULE ADOPTION--ELECTION DIRECTOR--ELECTION
21 PROCLAMATION.--

22 A. On the first Tuesday after the first Monday in
23 May prior to the middle Rio Grande conservancy district
24 election, an election proclamation shall be published that
25 includes a list of the offices for which a candidate may file,

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1 the date and place at which declarations of candidacy shall be
2 filed and the date of the election. The election proclamation
3 shall be published once in a newspaper of general circulation
4 in the counties in which the election shall be held.

5 B. The members of the boards of directors created
6 pursuant to provisions of Sections 73-14-18 through 73-14-30
7 NMSA 1978 shall be elected at an election held on the first
8 Tuesday after the first Monday in October in 2025 and in each
9 odd-numbered year thereafter.

10 C. The elections for the members of the board of
11 directors of the conservancy district shall be conducted,
12 counted and canvassed as provided in Sections 73-14-18 through
13 73-14-30 NMSA 1978 and shall not be governed by or subject to
14 the provisions of the Local Election Act. The polls may be
15 opened and closed in the same manner as provided for the
16 general election under the Election Code.

17 D. The board of directors shall adopt procedures as
18 necessary to conduct elections."

19 SECTION 5. Section 73-14-25 NMSA 1978 (being Laws 1975,
20 Chapter 262, Section 8, as amended) is amended to read:

21 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF
22 ELECTORS.--

23 A. A person who desires to become a candidate for
24 election as a member of the conservancy district board of
25 directors shall file a written declaration of candidacy with

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1 the ~~[proper filing officer in accordance with the provisions of~~
2 ~~the Local Election Act]~~ election director or election officer
3 at least sixty days before the election. The election director
4 or election officer shall certify the candidates to the board
5 of directors.

6 B. The declaration of candidacy shall ~~[be~~
7 ~~accompanied by:~~

8 ~~(1) if a candidate for a position representing~~
9 ~~a county in the conservancy district, a petition signed by at~~
10 ~~least seventy-five qualified electors of the district who~~
11 ~~reside in that county; or~~

12 ~~(2) if a candidate for the position at large~~
13 ~~in the conservancy district, a petition signed by at least one~~
14 ~~hundred twenty-five qualified electors]~~ contain:

15 (1) a statement that the candidate is a
16 qualified elector of the district and meets the qualifications
17 of a director as required by law;

18 (2) the candidate's name, address, county of
19 residence and date of declaration of candidacy;

20 (3) the numerical designation of the position
21 on the board of directors for which the person desires to be a
22 candidate;

23 (4) if a candidate for a position representing
24 a county in the conservancy district, a petition signed by at
25 least seventy-five qualified electors of the district who

1 reside in that county;

2 (5) if a candidate for the position at large
3 in the conservancy district, a petition signed by at least one
4 hundred twenty-five qualified electors; and

5 (6) a statement that the person resides within
6 the conservancy district and in the county for which the person
7 desires to be a candidate on the board of directors."

8 SECTION 6. Section 73-14-28.1 NMSA 1978 (being Laws 1996,
9 Chapter 42, Section 12, as amended) is repealed and a new
10 Section 73-14-28.1 NMSA 1978 is enacted to read:

11 "73-14-28.1. [NEW MATERIAL] ELECTIONS.--The board of
12 directors of the conservancy district shall conduct the
13 election pursuant to Sections 73-14-18 through 73-14-30 NMSA
14 1978 and shall select an election director as defined in
15 Section 73-14-20 NMSA 1978 to provide election services. The
16 election may be conducted by paper ballot, electronic voting
17 machine or any other state-certified tabulating voting
18 machine."

19 SECTION 7. Section 73-14-57 NMSA 1978 (being Laws 1943,
20 Chapter 126, Section 4, as amended) is amended to read:

21 "73-14-57. DEFINITION OF "QUALIFIED ELECTORS" ~~[QUALIFIED~~
22 ~~ELECTOR LIST]~~.--~~[A.]~~ The term "qualified electors", as used in
23 Sections 73-14-54 through 73-14-69 NMSA 1978, means only those
24 persons who have reached the age of majority and, for at least
25 six months prior to the election, have owned, during the entire

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1 six-month period, real property situated within the district
2 that is subject to conservancy district appraisals,
3 assessments, levies and taxes.

4 ~~[B. The conservancy district shall compile and
5 deliver a qualified elector list to the appropriate county
6 clerk no later than one hundred eighty days before an election,
7 and update the list every thirty days until ninety days before
8 the election, which list the county clerk shall use for that
9 election.]"~~

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

12 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF
13 ELECTORS.--Any qualified elector who desires to become a
14 candidate for election as a director shall, at least forty days
15 prior to the election, file with the ~~[proper filing officer in~~
16 ~~accordance with the provisions of the Local Election Act]~~
17 secretary of the board of directors then in office a written
18 notice of candidacy, which shall state the candidate's name and
19 residence and the term for which the candidate is running
20 within the conservancy district. If the candidate is a
21 candidate at large, the candidate's notice of candidacy shall
22 be signed by twenty qualified electors resident within the
23 district. If the candidate is a candidate only from that
24 portion of the district that lies within one county, the
25 candidate's notice of candidacy shall be signed by ten

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1 qualified electors who reside within that particular portion of
 2 the district and county from which the candidate seeks to be
 3 elected."

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

6 "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--

7 A. The five director-members of the board of
 8 directors created by Sections 73-14-54 through 73-14-69 NMSA
 9 1978 shall be elected [in accordance with the provisions of the
 10 Local Election Act] on the first Tuesday of October of the year
 11 1943 and of each succeeding sixth year thereafter at an
 12 election for districts having less than one hundred thousand
 13 acres. The five director-members of the boards of directors of
 14 conservancy districts formed after July 1, 1952 shall be
 15 elected on the first Tuesday of October 1959 and of each
 16 succeeding sixth year thereafter at a general election.

17 B. Not less than thirty days prior to said
 18 election, the board of directors then in office shall meet and,
 19 by written resolution, which shall be preserved among the
 20 permanent records of the board, select a voting place within
 21 each voting precinct or voting division thereof within the
 22 conservancy district and shall select three judges of election
 23 to conduct the election at the place so selected. Those judges
 24 shall be qualified electors, as herein defined, and residents
 25 of the precinct within which they are appointed to act and

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1 shall serve without pay. The resolution shall appoint one of
2 those judges to receive the ballots and post a notice of
3 election. Not less than five days thereafter, the secretary of
4 said board shall notify each judge so selected of the judge's
5 appointment as such and send to the judge selected to receive
6 the ballots four copies of a notice of election, which shall
7 state the time and purpose thereof, the place where held within
8 the precinct and the names of the judges selected for such
9 precinct and said notices shall be posted at the four most
10 prominent places within the precinct as soon as received."

11 SECTION 10. A new Section 73-14-62.1 NMSA 1978 is enacted
12 to read:

13 "73-14-62.1. [NEW MATERIAL] ELECTION RULES AND
14 PROCEDURES--FORMS--NOTICE OF ELECTION--BALLOTS--POLLING
15 PLACES--ABSENTEE VOTING--CANVASS OF ELECTION RETURNS--
16 CERTIFICATION.--The board of directors may promulgate necessary
17 and reasonable rules for the administration of its elections,
18 including provisions for: public notice of elections;
19 selection of election judges; opening and closing of polling
20 places; the printing and form of ballots; mail or absentee
21 voting; voting locations; instructions to voters; canvassing of
22 election returns; and certification of elections."

23 SECTION 11. Section 73-14-71 NMSA 1978 (being Laws 1961,
24 Chapter 67, Section 3, as amended) is amended to read:

25 "73-14-71. DEFINITION OF "QUALIFIED ELECTOR"--QUALIFIED

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1 ELECTOR LIST.--~~[A.]~~ As used in the provisions of Sections
 2 73-14-70 through 73-14-88 NMSA 1978, "qualified elector" means
 3 a natural person who has reached the age of majority and who,
 4 for at least six months prior to the election, has owned,
 5 either in community or separately, real property located within
 6 the district and subject to conservancy district appraisals,
 7 assessments, levies and taxes.

8 ~~[B. The conservancy district shall compile and~~
 9 ~~deliver a qualified elector list to the appropriate county~~
 10 ~~clerk no later than one hundred eighty days before an election,~~
 11 ~~and update the list every thirty days until ninety days before~~
 12 ~~the election, which list the county clerk shall use for that~~
 13 ~~election.]"~~

14 SECTION 12. Section 73-14-73 NMSA 1978 (being Laws 1961,
 15 Chapter 67, Section 5, as amended) is amended to read:

16 "73-14-73. ELECTIONS--WHEN HELD.--

17 A. The first election for conservancy districts
 18 existing on July 1, 1961 and eligible under the provisions of
 19 Section 74-14-74 NMSA 1978 to have an elected board of
 20 directors shall be held on the first Tuesday in October 1961.

21 B. Subsequent elections shall be held [pursuant to
 22 the Local Election Act] every two years following the year 1961
 23 and shall be held on the first Tuesday of October.

24 C. Conservancy districts formed after July 1, 1961
 25 shall hold their first election as provided in Section 73-14-74

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1 NMSA 1978."

2 SECTION 13. Section 73-14-74 NMSA 1978 (being Laws 1961,
3 Chapter 67, Section 6, as amended) is amended to read:

4 "73-14-74. ELIGIBILITY OF DISTRICT TO HOLD ELECTION.--

5 A. No election shall be held in an existing
6 conservancy district until the main canals in that district are
7 in such a condition that water can be delivered from them for
8 irrigation on the lands within the district.

9 B. The first election in any district formed after
10 July 1, 1961, or in a district existing on July 1, 1961, and
11 having an appointed board of directors shall be held [~~with the~~
12 ~~first regular local election occurring~~] on the first Tuesday of
13 October occurring in an odd-numbered year after the
14 requirements of Subsection A of this section are fulfilled."

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

17 "73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--

18 A. Any qualified elector who desires to become a
19 candidate for election as a member of a conservancy district
20 board of directors shall file a written notice of candidacy
21 with the [~~proper filing officer in accordance with the~~
22 ~~provisions of the Local Election Act~~] secretary of the board at
23 least twenty days before the election.

24 B. A notice for candidacy shall state:

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

1 (2) the numerical designation of the office
 2 position on the board for which the person desires to be a
 3 candidate.

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

7 SECTION 15. A new Section 73-14-79.1 NMSA 1978 is enacted
 8 to read:

9 "73-14-79.1. [NEW MATERIAL] ELECTION RULES AND
 10 PROCEDURES--FORMS--NOTICE OF ELECTION--BALLOTS--POLLING
 11 PLACES--ABSENTEE VOTING--CANVASS OF ELECTION RETURNS--
 12 CERTIFICATION.--The board of directors may promulgate necessary
 13 and reasonable rules for the administration of its elections,
 14 including provisions for: public notice of elections;
 15 selection of election judges; opening and closing of polling
 16 places; the printing and form of ballots; mail or absentee
 17 voting; voting locations; instructions to voters; canvassing of
 18 election returns; and certification of elections."

19 SECTION 16. Section 73-18-27 NMSA 1978 (being Laws 1955,
 20 Chapter 281, Section 3, as amended) is amended to read:

21 "73-18-27. ELECTIONS.--In each odd-numbered year after
 22 1955, elections shall be called and conducted pursuant to the
 23 [~~Local Election Act~~] provisions of Sections 73-18-25 through
 24 73-18-43 NMSA 1978 for the election of directors to succeed any
 25 directors whose terms expire in that year. Elections shall be

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1 held on the second Tuesday of October of each odd-numbered
2 year. The election shall be called by the board of directors
3 by resolution that shall fix for each election precinct within
4 the district outside the municipality and designate the
5 necessary qualified electors of each election precinct to act
6 as judges of the election in each precinct. At the discretion
7 of the board of directors of the conservancy district, the
8 election may be held at any place within the district. Judges
9 of the election shall be paid an amount to be determined by the
10 board of directors for service. Expenses of the elections
11 shall be paid by the district."

12 SECTION 17. Section 73-18-28 NMSA 1978 (being Laws 1955,
13 Chapter 281, Section 4, as amended) is amended to read:

14 "73-18-28. DIRECTOR-AT-LARGE AND MUNICIPAL DIRECTOR
15 [~~QUALIFIED ELECTOR LIST~~].--

16 A. The director to represent the municipality and
17 the director-at-large for the period from October 1955 to
18 October 1957 shall be selected at the September 1955 meeting by
19 the board of directors of the conservancy district as it exists
20 prior to the election. The members shall be elected from the
21 membership of the previously existing board if there are
22 qualified members of the board willing to serve for the
23 additional two years. If there are no members of the existing
24 board willing to serve for the additional period of two years
25 or if there is only one, the existing board may select one or

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1 both of the directors from qualified electors of the district
2 for the position or positions.

3 B. In the election to be held in October 1957, a
4 director to represent the municipal voting precinct shall be
5 elected from the qualified electors of the municipality, and a
6 director-at-large shall be elected from the qualified electors
7 of the district.

8 C. Every resident, otherwise qualified, owning real
9 estate of any character within the district shall have one vote
10 for director-at-large. Each elector resident of the municipal
11 voting precinct shall have one vote for municipal director.
12 The right of a voter to vote for municipal director shall not
13 be affected by the elector voting in any other election
14 precinct in which the elector may own class "A" land.

15 ~~[D. The conservancy district shall compile and~~
16 ~~deliver a qualified elector list to the appropriate county~~
17 ~~clerk no later than one hundred eighty days before an election,~~
18 ~~and update the list every thirty days until ninety days before~~
19 ~~the election, which list the county clerk shall use for that~~
20 ~~election.]"~~

21 SECTION 18. Section 73-18-34 NMSA 1978 (being Laws 1955,
22 Chapter 281, Section 10, as amended) is amended to read:

23 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any person
24 wishing to become a candidate for the office of director in any
25 district shall by the last Friday of July before the election

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1 file in the office of the secretary of the district a
2 declaration of candidacy [~~pursuant to the provisions of the~~
3 ~~Local Election Act~~] stating the election precinct for which the
4 person is a candidate, accompanied by a petition signed by not
5 less than ten qualified electors of the election precinct for
6 which the person is a candidate to represent. No declaration
7 of candidacy shall be accepted by the secretary unless
8 accompanied by such petition, signed by electors."

9 SECTION 19. Section 73-18-41 NMSA 1978 (being Laws 1955,
10 Chapter 281, Section 17, as amended) is amended to read:

11 "73-18-41. APPLICATION OF [~~LOCAL ELECTION ACT~~] GENERAL
12 ELECTION LAWS--In any election held under Sections 73-18-25
13 through 73-18-43 NMSA 1978, the [~~Local Election Act~~] general
14 election laws shall be applicable except as otherwise provided
15 in Sections 73-18-25 through 73-18-43 NMSA 1978 and except as
16 to the requirement for registration and residence in state,
17 county or precinct as a qualification of an elector in offering
18 to vote."

19 SECTION 20. A new Section 73-18-41.1 NMSA 1978 is enacted
20 to read:

21 "73-18-41.1. [NEW MATERIAL] ELECTION RULES AND
22 PROCEDURES--FORMS--NOTICE OF ELECTION--BALLOTS--POLLING
23 PLACES--ABSENTEE VOTING--CANVASS OF ELECTION RETURNS--
24 CERTIFICATION.--The board of directors may promulgate necessary
25 and reasonable rules for the administration of its elections,

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1 including provisions for: public notice of elections;
2 selection of election judges; opening and closing of polling
3 places; the printing and form of ballots; mail or absentee
4 voting; voting locations; instructions to voters; canvassing of
5 election returns; and certification of elections."

6 SECTION 21. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect immediately.

underscoring material = new
~~[bracketed material]~~ = delete