

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 338

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

AN ACT

RELATING TO ELECTIONS; CHANGING CERTAIN SPECIAL DISTRICT AND
POLITICAL SUBDIVISION ELECTION DATES TO THE FIRST TUESDAY AFTER
THE FIRST MONDAY IN NOVEMBER IN ODD-NUMBERED YEARS AND MAKING
CORRESPONDING ADJUSTMENTS TO ELECTION PROCEDURES.

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

SECTION 1. 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
[~~local school~~] board. No person shall become a candidate for
membership on a board unless [~~his~~] the person's record of voter
registration shows that [~~he~~] the person is a qualified elector

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1 of the state, physically resides in the school district in
2 which ~~he~~ the person is a candidate and physically resided in
3 the district on the date of the ~~school~~ board's proclamation
4 calling a regular school district election.

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

8 C. A school district election held at any time
9 other than the date for the regular school district election
10 shall be a special school district election.

11 D. Except as otherwise provided in the School
12 Election Law, school district elections shall be called,
13 conducted and canvassed as provided in the Election Code."

14 SECTION 2. Section 1-22-4 NMSA 1978 (being Laws 1985,
15 Chapter 168, Section 6, as amended) is amended to read:

16 "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

17 A. The board shall by resolution issue a public
18 proclamation in Spanish and English calling a regular school
19 district election within the school district on the date
20 prescribed by the School Election Law. The proclamation shall
21 be filed by the superintendent with the county clerk of record
22 on the last Tuesday in ~~November of the even-numbered year~~
23 August immediately preceding the date of the election.

24 B. The proclamation shall specify:

25 (1) the date when the election will be held;

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

15 C. After filing the proclamation with the county
 16 clerk of record and not less than [~~fifty~~] sixty days before the
 17 date of the election, the county clerk of record shall publish
 18 the proclamation at least once in a newspaper of general
 19 circulation within the school district. The publication of the
 20 proclamation shall conform to the requirements of the federal
 21 Voting Rights Act of 1965, as amended."

22 SECTION 3. Section 1-22-7 NMSA 1978 (being Laws 1985,
 23 Chapter 168, Section 9, as amended) is amended to read:

24 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--
 25 PENALTY.--

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

8 B. A candidate for a [~~school~~] board position that
9 will be filled at a special school district election shall file
10 a declaration of candidacy with the proper filing officer
11 during the period commencing at 9:00 a.m. on the forty-eighth
12 day before the election and ending at 5:00 p.m. on the same
13 day.

14 C. A candidate shall file for only one [~~school~~]
15 board position during a filing period.

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

20 **SECTION 4.** Section 1-22-18 NMSA 1978 (being Laws 1985,
21 Chapter 168, Section 20, as amended) is amended to read:

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

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

25 B. A person may be a write-in candidate only if the

1 person has the qualifications to be a candidate for membership
2 on the board in the school district election as provided in the
3 School Election Law.

4 C. A person desiring to be a write-in candidate for
5 the office of board member shall file with the proper filing
6 officer a declaration of intent to be a write-in candidate.
7 The declaration shall be filed before 5:00 p.m. on the [~~thirty-~~
8 ~~fifth~~] forty-second day preceding the date of the election.

9 D. A write-in vote shall be counted and canvassed
10 only if:

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

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

24 E. At the time of filing the declaration of intent
25 to be a write-in candidate, the write-in candidate shall be

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1 considered a candidate for all purposes and provisions relating
2 to candidates in the School Election Law except that the write-
3 in candidate's name shall not be printed on the ballot.

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

8 SECTION 5. Section 4-48A-16 NMSA 1978 (being Laws 1978,
9 Chapter 29, Section 16, as amended) is amended to read:

10 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL
11 DISTRICT.--

12 A. In each special hospital district, the board of
13 trustees may adopt a resolution calling for an election, which
14 shall be held on the first Tuesday after the first Monday in
15 November in an odd-numbered year, for the purpose of
16 authorizing the imposition of an ad valorem tax on all taxable
17 property within the special hospital district. The revenue
18 from such tax shall be used for current operations and
19 maintenance of hospitals, including hospital facilities owned
20 and operated by the special hospital district or [~~for~~]
21 hospitals operated and maintained by the special hospital
22 district pursuant to an agreement with a political subdivision
23 as provided in Subsection B of Section 4-48A-11 NMSA 1978, and
24 to pay the operational costs of the special hospital district.

25 B. In the case of a special hospital district

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1 located wholly within one county, if authorized by a majority
2 of the qualified electors of the special hospital district
3 voting on the question, the board of county commissioners of
4 the county in which the special hospital district is located
5 shall levy such tax at the same time and in the same manner as
6 levies for ad valorem taxes for school districts are made and
7 in the amount certified by the board of trustees as necessary
8 to meet its approved annual budget, but in no event shall the
9 tax levied exceed the rate limitation approved by the voters or
10 the rate limitations provided in Subsection D of this section.

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

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

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1 election upon the question of continuing the levy may be called
2 by the board of trustees immediately prior to the expiration of
3 the period of assessment previously approved by the qualified
4 electors and shall be held on the first Tuesday after the first
5 Monday in November in an odd-numbered year."

6 SECTION 6. Section 4-48A-17 NMSA 1978 (being Laws 1978,
7 Chapter 29, Section 17, as amended) is amended to read:

8 "4-48A-17. ELECTION PROCEDURES.--

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

18 B. All elections of the special hospital district,
19 unless otherwise provided in the Special Hospital District Act,
20 shall be held on the first Tuesday after the first Monday in
21 November in odd-numbered years and shall be called, conducted
22 and canvassed in substantially the same manner as school
23 district elections are called, conducted and canvassed. The
24 board of trustees shall be the canvassing board for such
25 elections.

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1 C. The expenses of elections conducted by the
 2 special hospital district shall be budgeted for and paid from
 3 the operating funds of the special hospital district."

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

6 "21-13-8. COMMUNITY COLLEGE BOARD.--

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

10 B. Community college board members shall be elected
 11 for staggered terms of six years beginning on April 1
 12 succeeding their elections; provided that the terms of members
 13 elected after July 1, 2015 shall begin on January 1 succeeding
 14 their elections. Elections shall be held

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

19 ~~(2) on the date otherwise prescribed by the~~
 20 ~~Community College Act] on the first Tuesday after the first
 21 Monday in November in odd-numbered years.~~

22 C. All vacancies caused in any other manner than by
 23 the expiration of the term of office shall be filled by
 24 appointment by the remaining members. An individual appointed
 25 by the remaining members of the board to fill a vacancy in

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1 office shall serve until the next community college board
2 election, at which time candidates shall file for and be
3 elected to fill the vacant position to serve the remainder of
4 the unexpired term.

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

10 SECTION 8. Section 21-13-18.1 NMSA 1978 (being Laws 1993,
11 Chapter 75, Section 3, as amended) is amended to read:

12 "21-13-18.1. REGULAR COMMUNITY COLLEGE ELECTION--
13 RESOLUTION--PUBLICATION.--

14 A. The community college board shall issue a
15 resolution in English and Spanish calling for a regular
16 community college election within the community college
17 district on the date prescribed by the Community College Act.
18 The resolution shall be filed with each county clerk in the
19 community college district on the [~~third Friday in December or,~~
20 ~~if the election is held in conjunction with a school district~~
21 ~~election, the]~~ last Tuesday in [~~November~~] August of each [~~even-~~
22 ~~numbered~~] odd-numbered year.

23 B. The resolution shall specify:

- 24 (1) the date the election will be held;
25 (2) the positions on the board to be filled;

1 (3) the date on which declarations of
2 candidacy are to be filed;

3 (4) the date on which declarations of intent
4 to be a write-in candidate are to be filed;

5 (5) any questions to be submitted to the
6 voters;

7 (6) the precincts in each county in which the
8 election is to be held and the location of each polling place;

9 (7) the hours each polling place will be open;
10 and

11 (8) the date and time of the closing of the
12 registration books by the county clerks as required by law.

13 C. In the event that only one candidate files a
14 declaration of candidacy for each position to be filled at an
15 election and no declared write-in candidates have filed for any
16 position in which there is any other candidate and there are no
17 questions or bond issues on the ballot, only one polling place
18 for the election shall be designated and it shall be in the
19 office of the county clerk of the county in which the community
20 college is located.

21 D. In any election held under the Community College
22 Act, the county clerk shall perform the duties of the precinct
23 board and no other precinct board shall be appointed."

24 SECTION 9. Section 21-16-5.1 NMSA 1978 (being Laws 1994,
25 Chapter 83, Section 3, as amended) is amended to read:

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1 "21-16-5.1. BOARD MEMBERS--ELECTED FROM DISTRICTS--
2 ELECTIONS.--

3 A. A district board shall be composed of five or
4 seven members elected for four-year terms who shall reside in
5 and be elected from single-member districts as provided in this
6 section. Any board, the members of which have not been elected
7 from single-member districts, shall district and hold a special
8 election to coincide with the school district elections of
9 2001. If the board is a seven-member board, board members
10 shall be elected for all seven positions on the board, with the
11 board members elected to positions 1, 3, 5 and 7 to be elected
12 for initial terms of two years and the board members elected to
13 positions 2, 4 and 6 to be elected for initial terms of four
14 years. If the board is a five-member board, board members
15 elected to positions 1, 3 and 5 shall be elected for initial
16 terms of two years and board members elected to positions 2 and
17 4 shall be elected for initial terms of four years. After the
18 initial election for a district board, each board member shall
19 be elected for a term of four years. Elections held after July
20 1, 2015 shall be held on the first Tuesday after the first
21 Monday in November in odd-numbered years.

22 B. Except where specific provision is otherwise
23 provided by law, all election proceedings for technical and
24 vocational institute district elections shall be conducted
25 pursuant to the provisions of the School Election Law with the

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1 president of the institute serving in the place of the
2 superintendent of schools in every case.

3 C. Once following each federal decennial census,
4 the board shall redistrict the technical and vocational
5 institute district into election districts to ensure that the
6 districts remain as equal in population as is practicable. The
7 new districts shall go into effect at the first regular board
8 election thereafter. Candidates for the new single-member
9 districts that are scheduled to be voted on at the election
10 shall reside in and be elected from the appropriate new single-
11 member district. Incumbent board members whose districts
12 before redistricting were not scheduled to be voted on at the
13 election need not reside in the new single-member districts
14 corresponding to their position numbers and may serve out their
15 terms. At the second regular board election held after the
16 redistricting, all candidates for the new single-member
17 districts that are scheduled to be voted on shall reside in and
18 be elected from the appropriate single-member district.

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

22 E. A vacancy occurring on the board shall be filled
23 in the same manner as provided for school board vacancies in
24 Section 22-5-9 NMSA 1978; provided, however, a vacancy that
25 occurs in an election district where a nonresident board member

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1 had been serving shall be filled ~~[with]~~ by a resident of that
2 district."

3 SECTION 10. Section 21-16-14 NMSA 1978 (being Laws 1963,
4 Chapter 108, Section 11, as amended) is amended to read:

5 "21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF
6 SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL INSTITUTE
7 DISTRICTS.--

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

12 B. The qualified voters of a school district,
13 portion of a school district, group of school districts within
14 a county containing a technical and vocational institute
15 district or in an adjoining county, not included in the
16 technical and vocational institute district as originally
17 formed, may petition the public education department to be
18 added to the technical and vocational institute district. The
19 department shall examine the petition, and, if it finds that
20 the petition is signed by a number of qualified voters residing
21 within the pertinent school district or portion of a school
22 district equal to ten percent of the votes cast for governor in
23 such school district or portion of such school district in the
24 last preceding general election, the department shall cause a
25 survey to be made of the petitioning district or districts to

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1 determine the desirability of the proposed expansion of the
2 technical and vocational institute district.

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

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

25 E. If a technical and vocational institute district

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1 includes less than all of a school district, the institute
2 board, by resolution of a majority of the members of the board,
3 may call an election within the institute district and in the
4 portion of the school district that is not included in the
5 institute district on the question of the addition of the
6 excluded portion of the school district to the established
7 institute district. Except where specific provision is
8 otherwise provided by law, such election shall be conducted
9 pursuant to the provisions of the School Election Law, with the
10 president of the institute district serving in the place of the
11 superintendent of schools in every case; provided that:

12 (1) the election [~~may~~] shall be held in
13 conjunction with a regular school district election [~~or as a~~
14 ~~special election~~];

15 (2) if a precinct lies partly within and
16 partly outside the institute district, the parts of the
17 precinct within and outside the institute district shall
18 constitute separate precincts for purposes of the election; and

19 (3) precincts may be consolidated for purposes
20 of administrative convenience.

21 F. If a majority of the votes cast in the institute
22 district and the portion of the school district that is outside
23 the institute district are in favor of the addition of the
24 excluded portion of the school district to the institute
25 district, the board of the institute district shall declare the

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1 institute district to be expanded to include all of such school
2 district.

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

8 SECTION 11. Section 21-16-20 NMSA 1978 (being Laws 1964
9 (1st S.S.), Chapter 12, Section 5) is amended to read:

10 "21-16-20. SUBMISSION AT ELECTION--NOTICE--
11 CERTIFICATION.--If [~~the~~] a question is submitted pursuant to
12 Section 21-16-16 NMSA 1978 at [~~a general~~] an election, the
13 submitting board shall publish notice [~~thereof~~] of the election
14 in the manner required for [~~general~~] regular school district
15 elections, except that [~~such~~] the notice need not include the
16 names of any election officials or the places where [~~such~~] the
17 election is to be held in each precinct and voting division and
18 no posting shall be required. The submitting board shall, not
19 less than [~~thirty~~] seventy days before the election, furnish to
20 the county clerk of each county in which [~~each~~] an affected
21 school district is situate a certificate specifying the
22 question to be submitted and the precincts and voting divisions
23 included in the school district or districts or in the
24 technical and vocational institute district. The county clerk
25 [~~of each such county~~] shall include [~~such~~] the question on the

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1 ballots and voting machines in the proper voting divisions.
2 The election officials in [~~such~~] those voting divisions shall
3 execute separate certificates certifying the results of the
4 voting on [~~such~~] the question, and, upon receipt [~~thereof~~] of
5 the certificates, each county clerk shall deliver [~~the same~~]
6 them to the president of the submitting board or [~~his~~] the
7 president's designated representative."

8 SECTION 12. Section 21-16-22 NMSA 1978 (being Laws 1964
9 (1st S.S.), Chapter 12, Section 7) is amended to read:

10 "21-16-22. CANVASS OF VOTE.--Upon delivery of the
11 certificates of results by the county clerk in case the
12 question is submitted at [~~a general~~] an election [~~or upon~~
13 ~~receipt of the returns in case it is submitted at a special~~
14 ~~election called for that purpose~~], the vote at an election held
15 pursuant to Section 21-16-16 NMSA 1978 shall be canvassed in
16 the manner provided by law for canvassing elections of members
17 of [~~municipal~~] local school boards [~~of education~~]."

18 SECTION 13. Section 21-16A-6 NMSA 1978 (being Laws 2000,
19 Chapter 105, Section 6) is amended to read:

20 "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--
21 ELECTION.--

22 A. A board may adopt a resolution authorizing, for
23 learning center operational purposes, the imposition of a
24 property tax upon the taxable value of property in the
25 district. The total tax imposition that may be authorized

1 under the Learning Center Act shall not exceed a rate of five
2 dollars (\$5.00) on each one thousand dollars (\$1,000) of
3 taxable value of property in each district. [A] The tax
4 authorized pursuant to this section may not be imposed for a
5 period of more than six years.

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

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

13 (1) the rate of the proposed tax;

14 (2) the date of the election at which the
15 question of imposition of the tax will be submitted to the
16 voters of the district;

17 (3) the period of time the tax is authorized
18 to be imposed; and

19 (4) the proposed use of the revenues from the
20 proposed tax.

21 D. The election required by this section shall be
22 called, conducted and canvassed as provided in the School
23 Election Law.

24 E. If a majority of the voters voting on the
25 question votes for a learning center tax levy pursuant to a

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1 resolution adopted under the Learning Center Act, the tax shall
2 be imposed. The tax rate shall be certified by the department
3 of finance and administration and imposed, administered and
4 collected in accordance with the provisions of the Oil and Gas
5 Ad Valorem Production Tax Act, the Oil and Gas Production
6 Equipment Ad Valorem Tax Act, the Copper Production Ad Valorem
7 Tax Act and the Property Tax Code.

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

15 G. The board may discontinue by resolution the
16 imposition of any tax authorized pursuant to the Learning
17 Center Act. The discontinuance resolution shall be mailed to
18 the department of finance and administration no later than June
19 15 of the year in which a tax rate pursuant to that act is not
20 to be certified."

21 SECTION 14. Section 22-18-2 NMSA 1978 (being Laws 1967,
22 Chapter 16, Section 229, as amended) is amended to read:

23 "22-18-2. BOND ELECTIONS--QUALIFICATION OF VOTERS--
24 CALLING FOR BOND ELECTIONS.--

25 A. Before any general obligation bonds are issued,

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1 a local school board of a school district shall submit to a
2 vote of the qualified electors of the school district owning
3 real estate in the school district the question of creating a
4 debt by issuing the bonds, and a majority of those persons
5 voting on the question shall vote for issuing the general
6 obligation bonds.

7 B. The election on the question of creating a debt
8 by issuing general obligation bonds shall be held at the same
9 time as a regular school district election [~~or at any special~~
10 ~~school district election which is not within ninety days after~~
11 ~~a regular school district election~~]. The question shall be
12 submitted to a vote at a [~~general or special~~] regular school
13 district election upon the initiative of a local school board
14 or upon a petition being filed with a local school board signed
15 by qualified electors of the school district having paid a
16 property tax on property in the school district for the
17 preceding year, according to the latest completed tax rolls.
18 The number of signatures required on the petition shall be at
19 least ten percent of the number of votes cast for governor in
20 the school district in the last preceding general election.
21 For the purpose of determining the number of votes cast for
22 governor in the school district at the last preceding general
23 election, any portion of a voting division within the school
24 district shall be construed to be wholly within the school
25 district. A local school board shall call for a bond election

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1 at [a] the next regular [~~or special~~] school district election
2 [~~within ninety days from~~] following the date a properly signed
3 petition is filed with it."

4 SECTION 15. Section 22-25-5 NMSA 1978 (being Laws 1975
5 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

6 "22-25-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

7 A. An election on the question of imposing a tax
8 under the Public School Capital Improvements Act may be held in
9 conjunction with a regular school district election [~~or may be~~
10 ~~conducted as or held in conjunction with a special school~~
11 ~~district election, but the election shall be held prior to July~~
12 ~~1 of the property tax year in which the tax is proposed to be~~
13 ~~imposed~~]. Conduct of the election shall be as prescribed in
14 the School Election Law for regular [~~and special~~] school
15 district elections.

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

25 C. The ballot shall include the information specified

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

4 SECTION 16. Section 22-26-5 NMSA 1978 (being Laws 1983,
 5 Chapter 163, Section 5, as amended) is amended to read:

6 "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

7 A. An election on the question of imposing a tax
 8 under the Public School Buildings Act may be held in
 9 conjunction with a regular school district election [~~or may be~~
 10 ~~conducted as or held in conjunction with a special school~~
 11 ~~district election, but the election shall be held prior to July~~
 12 ~~1 of the property tax year in which the tax is proposed to be~~
 13 ~~imposed~~]. Conduct of the election shall be as prescribed in
 14 the School Election Law for regular [~~and special~~] school
 15 district elections.

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

24 C. The ballot shall include the information specified
 25 in Subsection B of this section and shall present the voter the

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1 choice of voting "for the public school buildings tax" or
2 "against the public school buildings tax".

3 SECTION 17. Section 22-26A-10 NMSA 1978 (being Laws 2007,
4 Chapter 173, Section 10, as amended) is amended to read:

5 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

6 A. An election on the question of imposing a tax
7 under Sections 22-26A-8 through 22-26A-12 NMSA 1978 may be held
8 in conjunction with a regular school district election [~~or may~~
9 ~~be conducted as or held in conjunction with a special school~~
10 ~~district election, but the election shall be held prior to July~~
11 ~~1 of the property tax year in which the tax is proposed to be~~
12 ~~imposed~~]. Conduct of the election shall be as prescribed in
13 the School Election Law for regular [~~and special~~] school
14 district elections.

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

23 C. The ballot shall include the information specified
24 in Subsection B of this section and shall present the voter the
25 choice of voting "for the lease purchase tax" or "against the

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1 lease purchase tax"."

2 SECTION 18. Section 72-16-8 NMSA 1978 (being Laws 1963,
3 Chapter 311, Section 8) is amended to read:

4 "72-16-8. BOARD OF DIRECTORS.--The governing body of the
5 authority [~~hereby created~~] is a board of directors consisting
6 of five qualified electors of the authority. All powers,
7 rights, privileges and duties vested in or imposed upon the
8 authority are exercised and performed by and through the board
9 of directors; provided that the exercise of any [~~and all~~]
10 executive, administrative and ministerial powers may be, by the
11 board, delegated and redelegated to officers and employees of
12 the authority. Except for the first directors appointed as
13 [~~hereinafter~~] provided for in Section 72-16-9 NMSA 1978, and
14 except for any director chosen to fill an unexpired term, the
15 term of each director commences on the first day of January
16 [~~next~~] following [~~a general~~] election [~~in the state~~] and runs
17 for six years. Each director, subject to [~~said~~] such
18 exceptions, shall serve [~~such~~] a six-year term ending on the
19 first day of January [~~next~~] following [~~a general~~] election, and
20 each director shall serve until [~~his~~] a successor has been duly
21 chosen and qualified."

22 SECTION 19. Section 72-16-10 NMSA 1978 (being Laws 1963,
23 Chapter 311, Section 10, as amended) is amended to read:

24 "72-16-10. ELECTION OF DIRECTORS.--

25 A. [~~At each general election~~] On the first Tuesday

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1 after the first Monday in November of each odd-numbered year,
2 directors shall be elected from single-member districts in
3 which they reside. The board shall ensure that the districts
4 remain contiguous, compact and as equal in population as is
5 practicable, assessing the existing districts following each
6 federal decennial census to accomplish that objective. A
7 redistricting shall be effective at the following regular board
8 election. Incumbent board members whose residences are
9 redistricted out of their districts may serve out their term of
10 office.

11 B. The qualified electors of the authority shall
12 elect similarly one or two qualified electors as directors to
13 serve six-year terms as directors and as successors to the
14 directors whose terms end on the first day of January [~~next~~]
15 following each election. Nothing [~~herein~~] may be construed as
16 preventing [~~a~~] qualified [~~elector~~] electors of the authority
17 from [~~any~~] single-member [~~district~~] districts from being
18 elected or reelected as [~~a director~~] directors to succeed
19 [~~himself~~] themselves."

20 SECTION 20. Section 72-16-11 NMSA 1978 (being Laws 1963,
21 Chapter 311, Section 11, as amended) is amended to read:

22 "72-16-11. NOMINATION OF DIRECTORS.--Not later than
23 forty-five days before a proposal to incur debt is first
24 submitted to the taxpaying electors or at the first general
25 election [~~next~~] following the effective date of the Arroyo

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1 Flood Control Act, whichever occurs first, written nominations
 2 of any candidate as director may be filed with the secretary of
 3 the board. Each nomination of any candidate shall be signed by
 4 not less than fifty taxpaying electors who reside within the
 5 district for which the candidate has been nominated, shall
 6 designate ~~[therein]~~ the name of the ~~[candidates thereby]~~
 7 candidate nominated and shall recite that the subscribers are
 8 taxpaying electors of the district for which the candidate is
 9 nominated and that the candidate ~~[or candidates]~~ designated
 10 ~~[therein are]~~ is a qualified ~~[electors]~~ elector of the
 11 authority and ~~[reside]~~ resides within the district for which
 12 ~~[they are]~~ the candidate is nominated. No taxpaying elector
 13 may nominate more than one candidate for any vacancy. If a
 14 candidate does not withdraw ~~[his]~~ the candidate's name before
 15 the time established by the county for purposes of absentee
 16 ballots or as set forth in the Election Code, whichever is
 17 earlier, ~~[his]~~ the candidate's name shall be placed on the
 18 ballot. For any election held after November 6, 1984,
 19 nominations shall be made by qualified electors in accordance
 20 with the procedures and limitations of this section, except
 21 that ~~[such]~~ the nominations shall be filed with the secretary
 22 of the board not later than the ~~[fourth]~~ third Tuesday in
 23 ~~[June]~~ September preceding the ~~[general]~~ election."

24 SECTION 21. Section 72-16-28 NMSA 1978 (being Laws 1963,
 25 Chapter 311, Section 28, as amended) is amended to read:

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1 "72-16-28. ELECTIONS.--Each biennial election of
2 directors, each election proposition to issue bonds and all
3 other elections shall be conducted [~~at the time of the general~~
4 ~~election~~] on the first Tuesday after the first Monday in
5 November of an odd-numbered year under the direction of the
6 Bernalillo county clerk and in accordance with the election
7 laws of New Mexico."

8 **SECTION 22.** Section 72-16-29 NMSA 1978 (being Laws 1963,
9 Chapter 311, Section 29, as amended) is amended to read:

10 "72-16-29. ELECTION RESOLUTION.--The board shall call any
11 election by resolution adopted at least [~~one hundred eighty~~
12 ~~seventy~~] days prior to the election. [~~Such~~] The resolution
13 shall recite the objects and purposes of the election and the
14 date upon which [~~such~~] the election shall be held."

15 **SECTION 23.** Section 72-16-34 NMSA 1978 (being Laws 1963,
16 Chapter 311, Section 34, as amended) is amended to read:

17 "72-16-34. ELECTION RETURNS.--In those polling places
18 where the county precincts coincide with the boundaries of the
19 authority, the regular [~~general election~~] precinct board shall
20 certify the results of the authority election to the county
21 canvassing board. The county canvassing board shall certify
22 directly to the secretary of the authority that portion of the
23 returns pertaining to the authority election. In those polling
24 places where the precincts are partly within and partly without
25 the authority's district, the authority shall appoint a

1 separate authority precinct board at the authority's expense,
 2 which shall be provided space in the polling places where the
 3 general election is being conducted. Paper ballots shall be
 4 used in the conduct of the election, and the authority precinct
 5 board shall conduct the election as provided in the Election
 6 Code where paper ballots are used. The separate authority
 7 precinct board shall certify the results of the election in
 8 that precinct to the secretary of the authority within twelve
 9 hours after the close of the polls. The secretary of the
 10 authority shall canvass the results of the authority election
 11 as certified by the county canvassing board and as certified by
 12 each of the separate authority precinct boards and shall
 13 declare the results of the election at any regular or special
 14 meeting held not less than five days following the date of the
 15 election. Except as [~~herein~~] otherwise provided, any proposal
 16 submitted at any election [~~hereunder~~] held pursuant to the
 17 Arroyo Flood Control Act shall not carry unless the proposal
 18 has been approved by a majority of the qualified electors of
 19 the district voting [~~thereon~~] on the proposal."

20 **SECTION 24.** Section 72-17-8 NMSA 1978 (being Laws 1967,
 21 Chapter 156, Section 8) is amended to read:

22 "72-17-8. BOARD OF DIRECTORS.--The governing body of the
 23 authority hereby created is a board of directors consisting of
 24 five qualified electors of the authority. All powers, rights,
 25 privileges and duties vested in or imposed upon the authority

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1 are exercised and performed by and through the board of
2 directors; provided that the exercise of any [~~and all~~]
3 executive, administrative and ministerial powers may be, by the
4 board, delegated and redelegated to officers and employees of
5 the authority. Except for the first directors appointed as
6 [~~hereinafter~~] provided and except for any director chosen to
7 fill an unexpired term, the term of each director commences on
8 the first day of January next following [~~a general~~] the
9 director's election [~~in the state~~] and runs for six years.
10 Each director, subject to [~~said~~] such exceptions, shall serve
11 such a six-year term ending on the first day of January next
12 following [~~a general~~] the director's election and each director
13 shall serve until [~~his~~] a successor has been duly chosen and
14 qualified."

15 SECTION 25. Section 72-17-10 NMSA 1978 (being Laws 1967,
16 Chapter 156, Section 10) is amended to read:

17 "72-17-10. ELECTION OF DIRECTORS.--At the time that a
18 proposal to incur debt [~~shall be~~] is first submitted to the
19 taxpaying electors or at the first general election next
20 following the effective date of the Las Cruces Arroyo Flood
21 Control Act, whichever occurs first, the qualified electors of
22 the authority shall elect five qualified directors, two to
23 serve a term ending January 1, 1969, two to serve a term ending
24 January 1, 1971 and one to serve a term ending January 1, 1973.
25 At the first election, the five candidates receiving the

1 highest number of votes shall be elected as directors. The
 2 terms of the directors shall be determined by lot at their
 3 organizational meeting. At each [~~general~~] election thereafter,
 4 the qualified electors of the authority shall elect similarly
 5 one or two qualified electors as directors to serve six-year
 6 terms as directors and as successors to the directors whose
 7 terms end on the first day of January next following each
 8 [~~such~~] election. After January 1, 2016, elections shall be
 9 held on the first Tuesday after the first Monday in November of
 10 each odd-numbered year. Nothing [~~herein~~] in this section may
 11 be construed as preventing [~~a~~] qualified [~~elector~~] electors of
 12 the authority from being elected or reelected as [~~a director~~]
 13 directors to succeed [~~himself~~] themselves. If there [~~be~~] is
 14 only one vacancy on the board, the candidate receiving the
 15 highest number of votes shall be elected as director. If there
 16 [~~be~~] are two vacancies on the board, the candidate receiving
 17 the highest number of votes and the candidate receiving the
 18 next highest number of votes shall be elected as directors."

19 **SECTION 26.** Section 72-17-11 NMSA 1978 (being Laws 1967,
 20 Chapter 156, Section 11) is amended to read:

21 "72-17-11. NOMINATION OF DIRECTORS.--Not later than
 22 [~~forty-five days before a proposal to incur debt shall be first~~
 23 ~~submitted to the taxpaying electors or at the first general~~
 24 ~~election next following the effective date of the Las Cruces~~
 25 ~~Arroyo Flood Control Act, whichever occurs first]~~ forty-nine

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1 days before an election, written nominations of any candidate
2 as director may be filed with the secretary of the board. Each
3 nomination of any candidate shall be signed by not less than
4 fifty taxpaying electors regardless of whether [~~or not~~]
5 nominated [~~therein~~]; shall designate [~~therein~~] the name of the
6 candidates [~~thereby nominated~~]; and shall recite that the
7 subscribers [~~thereto~~] are taxpaying electors and that the
8 candidate [~~or candidates~~] designated [~~therein~~] are qualified
9 electors of the authority. No written nomination may designate
10 more qualified electors as candidates than there are vacancies.
11 No taxpaying elector may nominate more than one candidate for
12 any vacancy. If a candidate does not withdraw [~~his~~] the
13 candidate's name before the first publication of the notice of
14 election, [~~his~~] the candidate's name shall be placed on the
15 ballot."

16 SECTION 27. Section 72-17-13 NMSA 1978 (being Laws 1967,
17 Chapter 156, Section 13) is amended to read:

18 "72-17-13. ORGANIZATIONAL MEETINGS.--Except for the first
19 board, each board shall meet on the first business day next
20 following the first day of January in each [~~odd-numbered~~] even-
21 numbered year at the office of the board within the authority.
22 Each member of the board, before entering upon [~~his~~] the
23 member's official duties, shall take and subscribe an oath that
24 [~~he~~] the member will support the constitution of the United
25 States and the constitution and laws of New Mexico and that

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1 [he] the member will faithfully and impartially discharge the
 2 duties of [his] office to the best of [his] the member's
 3 ability, which oath shall be filed in the office of the
 4 secretary of state. Each director shall, before entering upon
 5 [his] the director's official duties, give a bond to the
 6 authority in the sum of ten thousand dollars (\$10,000) with
 7 good and sufficient surety, conditioned for the faithful
 8 performance of each [~~and all~~] of the duties of [his] office,
 9 without fraud, deceit or oppression, and the accounting for all
 10 [~~moneys~~] money and property coming into [his] the director's
 11 hands, and the prompt and faithful payment of all [~~moneys~~]
 12 money and the delivering of all property coming into [his] the
 13 director's custody or control belonging to the authority of
 14 [his] the director's successors in office. Premiums on all
 15 bonds provided for in this section shall be paid by the
 16 authority, and all such bonds shall be kept on file in the
 17 office of the secretary of state."

18 SECTION 28. Section 72-17-28 NMSA 1978 (being Laws 1967,
 19 Chapter 156, Section 28) is amended to read:

20 "72-17-28. ELECTIONS.--Wherever in [~~this~~] the Las Cruces
 21 Arroyo Flood Control Act an election of the qualified electors
 22 or taxpaying electors of the authority is permitted or
 23 required, [~~said~~] the election [~~may be held separately at a~~
 24 ~~special election or may be held concurrently with any primary~~
 25 ~~or general election held under the laws of the state; provided,~~

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1 however:

2 A. ~~each biennial election of directors shall be held~~
3 ~~concurrently with the general election in the state;~~

4 B. ~~no election shall be held at the same time as any~~
5 ~~regular election of a municipality or school district, any part~~
6 ~~of the area of which is located within the boundaries of the~~
7 ~~authority] shall be held on the first Tuesday after the first~~
8 ~~Monday in November of an odd-numbered year."~~

9 SECTION 29. Section 72-17-29 NMSA 1978 (being Laws 1967,
10 Chapter 156, Section 29) is amended to read:

11 "72-17-29. ELECTION RESOLUTION.--The board shall call any
12 election by resolution adopted at least [~~sixty~~] seventy days
13 prior to the election. Such resolution shall recite the
14 objects and purposes of the election, the date upon which such
15 election shall be held and the form of the ballot. [~~In the~~
16 ~~case of any election not to be held concurrently with a primary~~
17 ~~or general election, the board shall provide in said election~~
18 ~~resolution or by supplemental resolution for the appointment of~~
19 ~~sufficient judges and clerks of the election, who shall be~~
20 ~~qualified electors of the authority, and in such event shall~~
21 ~~set their compensation. The election resolution shall also~~
22 ~~then designate the precincts and polling places. The~~
23 ~~description of precincts may be made by reference to any order~~
24 ~~of the governing body of any county, municipality or other~~
25 ~~public body in which the authority or any part thereof is~~

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1 ~~situated or by reference to any previous order or by other~~
 2 ~~instrument of such a governing body or by detailed description~~
 3 ~~of such precincts or by other sufficient description.~~
 4 ~~Precincts established by any such governing body may be~~
 5 ~~consolidated in the election resolution by the board for any~~
 6 ~~election not to be held concurrently with a primary or general~~
 7 ~~election. If] The election shall be held [concurrently with a~~
 8 ~~primary or general election held under the laws of the state,~~
 9 ~~the judges of election for such primary or general election~~
 10 ~~shall be designated as the judges of election for the election~~
 11 ~~held pursuant to this act, and they shall receive such~~
 12 ~~additional compensation, if any, as the board shall set by the~~
 13 ~~election resolution] on the first Tuesday after the first~~
 14 ~~Monday in an odd-numbered year."~~

15 SECTION 30. Section 72-17-32 NMSA 1978 (being Laws 1967,
 16 Chapter 156, Section 32) is amended to read:

17 "72-17-32. POLLING PLACES.--All polling places designated
 18 by the election resolution shall be within the area included
 19 within the authority [~~and if the election shall not be held~~
 20 ~~concurrently with a primary or general election held under the~~
 21 ~~laws of the state, there shall be one polling place in each of~~
 22 ~~the election precincts which are used in the primary and~~
 23 ~~general elections or in each of the consolidated election~~
 24 ~~precincts fixed by the board]."~~

25 SECTION 31. Section 72-17-34 NMSA 1978 (being Laws 1967,

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1 Chapter 156, Section 34) is amended to read:

2 "72-17-34. ELECTION RETURNS.--In the case of any election
3 held ~~[hereunder which is not held concurrently with a primary~~
4 ~~or general election, the election officials shall make their~~
5 ~~returns directly to the secretary of the authority for the~~
6 ~~board. In the case of any election held hereunder which]~~
7 pursuant to the Las Cruces Flood Control Act that is
8 consolidated with any ~~[primary or general]~~ other election, the
9 returns thereof shall be made and canvassed at the time and in
10 the manner provided by law for the canvass of the returns of
11 ~~[such primary or general]~~ that election. It ~~[shall be]~~ is the
12 duty of ~~[such]~~ the canvassing body to certify promptly and to
13 transmit to the secretary of the authority for the board a
14 statement of the result of the vote upon any candidates or any
15 proposition submitted ~~[hereunder]~~ pursuant to that act. Upon
16 receipt of election returns from election officials or upon
17 receipt of such certificate from any such canvassing body, it
18 ~~[shall be]~~ is the duty of the board to tabulate and declare the
19 results of the election held ~~[hereunder]~~ pursuant to that act
20 at any regular or special meeting held not earlier than five
21 days following the date of the election. Except as ~~[herein]~~
22 otherwise provided in this section, any proposal submitted at
23 any election ~~[hereunder]~~ pursuant to that act shall not have
24 carried unless the proposal ~~[shall have]~~ has been approved by a
25 majority of the qualified electors ~~[of]~~ or the taxing

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

1 electors of the district voting thereon, as the case may be."

2 SECTION 32. Section 72-18-13 NMSA 1978 (being Laws 1981,
3 Chapter 377, Section 13) is amended to read:

4 "72-18-13. ORGANIZATION OF BOARD--INITIAL TERMS OF
5 DIRECTORS.--

6 A. After taking oath and filing bonds, the board
7 shall choose one of its members as [~~chairman~~] chair of the
8 board and shall choose a secretary and a treasurer of the board
9 and of the district. The secretary and treasurer may be one
10 person.

11 B. The terms of the members of the initial board of
12 directors shall be determined by lot at their organizational
13 meeting. Two members shall serve until January 1 following the
14 first [~~general~~] election [~~in the state~~] following organization
15 of the district, two members shall serve until January 1
16 following the second [~~general~~] election [~~in the state~~]
17 following organization of the district and one member shall
18 serve until January 1 following the third [~~general~~] election
19 [~~in the state~~] following organization of the district."

20 SECTION 33. Section 72-18-14 NMSA 1978 (being Laws 1981,
21 Chapter 377, Section 14) is amended to read:

22 "72-18-14. ELECTION OF DIRECTORS--NOMINATIONS.--

23 A. Flood control district elections shall be held on
24 the first Tuesday after the first Monday of November of each
25 odd-numbered year. At each [~~general~~] election [~~in the state~~]

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1 after organization of the district, there shall be elected by
2 the qualified registered electors of the district one or two
3 members of the board to serve for a term of six years. Except
4 for the initial board of directors and except for any director
5 chosen to fill an unexpired term, the term of each director
6 commences on January 1 following the ~~[general]~~ election ~~[in the~~
7 ~~state]~~ and runs for six years. Each director, subject to such
8 exceptions, shall serve a six-year term ending on January 1
9 next following ~~[a general]~~ election. Each director shall serve
10 until ~~[his]~~ a successor has been duly chosen and qualified.

11 B. Not later than ~~[thirty]~~ forty-nine days before any
12 election, nominations may be filed with the secretary, and, if
13 a nominee does not withdraw ~~[his]~~ the nominee's name before the
14 first publication of the notice of election, ~~[his]~~ the
15 nominee's name shall be placed on the ballot."

16 SECTION 34. Section 72-18-15 NMSA 1978 (being Laws 1981,
17 Chapter 377, Section 15) is amended to read:

18 "72-18-15. VACANCIES ON THE BOARD.--Any vacancy on the
19 board shall be filled by appointment by a majority of the
20 remaining members of the board. The appointee shall serve
21 until the next ~~[general]~~ election when the vacancy shall be
22 filled by election. If the board fails to fill any vacancy
23 within thirty days after it occurs, the court declaring the
24 organization of the district shall fill the vacancy."

25 SECTION 35. Section 72-18-35 NMSA 1978 (being Laws 1981,

1 Chapter 377, Section 35) is amended to read:

2 "72-18-35. ELECTION.--Wherever in the Flood Control
3 District Act an election of the qualified registered electors
4 of a district is permitted or required, the election [~~may be~~
5 ~~held separately at a special election or may be held~~
6 ~~concurrently with any primary or general election held under~~
7 ~~the laws of the state; provided, however:~~

8 ~~A. each biennial election of directors shall be held~~
9 ~~concurrently with the general election in the state; and~~

10 ~~B. no election shall be held at the same time as any~~
11 ~~regular election of a municipality or school district any part~~
12 ~~of the area of which is located within the boundaries of the~~
13 ~~district] shall be held on the first Tuesday after the first~~
14 ~~Monday of an odd-numbered year."~~

15 SECTION 36. Section 72-18-35.1 NMSA 1978 (being Laws
16 1985, Chapter 177, Section 2) is amended to read:

17 "72-18-35.1. ELECTION OF DIRECTORS--ESTABLISHED
18 DISTRICT.--

19 A. In a district established pursuant to the Flood
20 Control District Act whose boundaries are coterminous with the
21 voting precincts of the county, the election of directors shall
22 be conducted by the county clerk in the same manner [~~and at the~~
23 ~~same time~~] as the general election in the state and the same
24 election officials shall preside. The returns of the election
25 shall be filed with the county clerk, who shall submit them to

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1 the board of the district for the purposes of canvassing the
2 election of the district. The nominees for offices of
3 directors shall be determined in accordance with the resolution
4 of the board calling for the election, which shall provide that
5 nominees shall file for the office of director in the same
6 manner and form as for municipal offices, and a list of the
7 nominees shall be provided to the county clerk [~~not later than~~
8 ~~three days following the primary election~~]. All costs for
9 materials and supplies incurred by the county clerk on behalf
10 of the district shall be paid by the district to the clerk's
11 office.

12 B. The district may provide for the cost of one
13 additional clerk of election to assist the county clerk
14 specifically in the conduct of the district election."

15 **SECTION 37.** Section 72-18-36 NMSA 1978 (being Laws 1981,
16 Chapter 377, Section 36) is amended to read:

17 "72-18-36. ELECTION RESOLUTION.--The board shall call any
18 election by resolution adopted at least [~~sixty~~] seventy days
19 before the election. The resolution shall recite the objects
20 and purposes of the election, the date on which the election
21 shall be held and the form of the ballot. [~~In the case of any~~
22 ~~election not held concurrently with a primary or general~~
23 ~~election, the board shall provide in the election resolution or~~
24 ~~by supplemental resolution for the appointment of sufficient~~
25 ~~judges and clerks of the election who shall be qualified~~

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1 ~~registered electors of the district and shall set their~~
 2 ~~compensation. In a special election, the election resolution~~
 3 ~~shall also designate the precincts and polling places. The~~
 4 ~~description of precincts may be made by reference to any order~~
 5 ~~of the governing body of any county, municipality or other~~
 6 ~~public body in which the district or any part thereof is~~
 7 ~~situated, by reference to any previous order or by other~~
 8 ~~instrument of such governing body, by detailed description of~~
 9 ~~the precincts or by other sufficient description. Precincts~~
 10 ~~established by a governing body may be consolidated in the~~
 11 ~~election resolution by the board for any election not to be~~
 12 ~~held concurrently with a primary or general election. If the~~
 13 ~~election is held concurrently with a primary or general~~
 14 ~~election under the laws of the state, the judges of election~~
 15 ~~for the election shall be designated as the judges of election~~
 16 ~~held pursuant to the Flood Control District Act, and they shall~~
 17 ~~receive such additional compensation, if any, as the board~~
 18 ~~shall set by the election resolution.] All elections shall be~~
 19 ~~held on the first Tuesday after the first Monday in November of~~
 20 ~~an odd-numbered year."~~

21 SECTION 38. Section 72-18-41 NMSA 1978 (being Laws 1981,
 22 Chapter 377, Section 41) is amended to read:

23 "72-18-41. ELECTION RETURNS.--In the case of an election
 24 held under the Flood Control District Act [~~which~~] that is [~~not~~
 25 ~~held concurrently with a primary or general election, the~~

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1 ~~election officials shall make their returns directly to the~~
2 ~~secretary. In the case of any election held under that act~~
3 ~~which is] consolidated with any [primary or general] other~~
4 election, the returns shall be made and canvassed at the time
5 and in the manner provided by law for the canvass of the
6 returns of [~~the general~~] that election. It shall be the duty
7 of the canvassing body to certify promptly and to transmit to
8 the secretary a statement of the result of the vote upon any
9 candidates or any proposition submitted under that act. Upon
10 receipt of election returns from election officials or upon
11 receipt of the certificate of election from the canvassing
12 body, it shall be the duty of the board to tabulate and declare
13 the results of the election at any regular or special meeting
14 held not later than ten days following the date of the
15 election. Any proposal submitted at any election under the
16 Flood Control District Act shall not have carried unless the
17 proposal has been approved by a majority of the qualified
18 registered electors of the district voting on the proposal."

19 **SECTION 39.** Section 72-19-8 NMSA 1978 (being Laws 1990,
20 Chapter 14, Section 8, as amended) is amended to read:

21 "72-19-8. BOARD OF DIRECTORS.--The governing body of the
22 authority is a board of directors consisting of five qualified
23 electors of the authority. All powers, rights, privileges and
24 duties vested in or imposed upon the authority are exercised
25 and performed by and through the board of directors; provided

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1 that the exercise of any executive, administrative and
 2 ministerial powers may be, by the board, delegated and
 3 redelegated to officers and employees of the authority. Except
 4 for the first directors appointed as provided for in Section
 5 72-19-9 NMSA 1978 or elected as provided for in Section
 6 72-19-10 NMSA 1978 and except for any director chosen to fill
 7 an unexpired term, the term of each director commences on the
 8 first day of January [~~next~~] following [~~a general~~] the
 9 director's election [~~in the state~~] and runs for six years.
 10 Each director, subject to such exceptions, shall serve a six-
 11 year term ending on the first day of January next following [~~a~~
 12 ~~general~~] election, and each director shall serve until [~~his~~] a
 13 successor has been duly chosen and qualified."

14 SECTION 40. Section 72-19-10 NMSA 1978 (being Laws 1990,
 15 Chapter 14, Section 10, as amended) is amended to read:

16 "72-19-10. ELECTION OF DIRECTORS.--At the time that a
 17 proposal to incur debt is first submitted to the qualified
 18 electors or at the first general election next following the
 19 effective date of the Southern Sandoval County Arroyo Flood
 20 Control Act, whichever occurs first, the qualified electors of
 21 the authority shall elect five qualified directors, two to
 22 serve a term ending January 1, 1993, two to serve a term ending
 23 January 1, 1995 and one to serve a term ending January 1, 1997.
 24 At the first election, the five candidates receiving the
 25 highest number of votes shall be elected as directors. The

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1 terms of the directors shall be determined by lot at their
2 organizational meeting. At each [~~general~~] election thereafter,
3 the qualified electors of the authority shall elect similarly
4 one or two qualified electors as directors to serve six-year
5 terms as directors and as successors to the directors whose
6 terms end on the first day of January next following each such
7 election. After January 1, 2016, elections shall be held on
8 the first Tuesday after the first Monday of November of each
9 odd-numbered year. Nothing in the Southern Sandoval County
10 Arroyo Flood Control Act shall be construed as preventing [~~a~~]
11 qualified [~~elector~~] electors of the authority from being
12 elected or reelected as [~~a director~~] directors to succeed
13 [~~himself~~] themselves. If there is only one vacancy on the
14 board, the candidate receiving the highest number of votes
15 shall be elected as director. If there are two vacancies on
16 the board, the candidate receiving the highest number of votes
17 and the candidate receiving the next highest number of votes
18 shall be elected as directors."

19 SECTION 41. Section 72-19-11 NMSA 1978 (being Laws 1990,
20 Chapter 14, Section 11, as amended) is amended to read:

21 "72-19-11. NOMINATION OF DIRECTORS.--Not later than
22 [~~forty-five days before a proposal to incur debt is first~~
23 ~~submitted to the qualified electors or at the first general~~
24 ~~election next following the effective date of the Southern~~
25 ~~Sandoval County Arroyo Flood Control Act, whichever occurs~~

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1 ~~first]~~ forty-nine days before an election, written nominations
 2 of any candidate as director may be filed with the secretary of
 3 the board. Each nomination of any candidate shall be signed by
 4 not less than fifty qualified electors, regardless of whether
 5 or not nominated [~~therein~~], shall designate [~~therein~~] the name
 6 of the candidates [~~thereby~~] nominated and shall recite that the
 7 subscribers [~~thereto~~] are qualified electors and that the
 8 [~~candidate or~~] candidates designated [~~therein~~] are qualified
 9 electors of the authority. No written nomination may designate
 10 more qualified electors as candidates than there are vacancies.
 11 No qualified elector may nominate more than one candidate for
 12 any vacancy. If a candidate does not withdraw [~~his~~] the
 13 candidate's name before the first publication of the notice of
 14 election, [~~his~~] the candidate's name shall be placed on the
 15 ballot. For any election held after November 1990, nominations
 16 shall be made by qualified electors in accordance with the
 17 procedures and limitations of this section, except that such
 18 nominations shall be filed with the secretary of the board not
 19 later than the [~~fourth~~] third Tuesday in [~~June~~] September
 20 preceding the [~~general~~] election."

21 **SECTION 42.** Section 72-19-13 NMSA 1978 (being Laws 1990,
 22 Chapter 14, Section 13) is amended to read:

23 "72-19-13. ORGANIZATIONAL MEETINGS.--Except for the first
 24 board, each board shall meet on the first business day [~~next~~]
 25 following the first day of January in each [~~odd-numbered~~] even-

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1 numbered year at the office of the board within the authority.
2 Each member of the board, before entering upon [~~his~~] official
3 duties, shall take and subscribe on oath that [~~he~~] the member
4 will support the constitution of the United States and the
5 constitution and laws of New Mexico and [~~that he will~~]
6 faithfully and impartially discharge the duties of [~~his~~] office
7 to the best of [~~his~~] the member's ability, which oath shall be
8 filed in the office of the secretary of state. Each director
9 shall, before entering upon [~~his~~] official duties, give a bond
10 to the authority in the sum of ten thousand dollars (\$10,000)
11 with good and sufficient surety, conditioned for the faithful
12 performance of all of the duties of [~~his~~] office, without
13 fraud, deceit or oppression, and the accounting for all money
14 and property coming into [~~his~~] the director's hands, and the
15 prompt and faithful payment of all money and the delivering of
16 all property coming into [~~his~~] the director's custody or
17 control belonging to the authority, to [~~his~~] the director's
18 successors in office. Premiums on all bonds provided for in
19 this section shall be paid by the authority, and all such bonds
20 shall be kept on file in the office of the secretary of state."

21 **SECTION 43.** Section 72-19-28 NMSA 1978 (being Laws 1990,
22 Chapter 14, Section 28, as amended) is amended to read:

23 "72-19-28. ELECTIONS.--Each biennial election of
24 directors shall be conducted [~~at the time of the general~~
25 election] on the first Tuesday after the first Monday in

1 November in each odd-numbered year under the direction of the
 2 Sandoval county clerk and in accordance with the election laws
 3 of New Mexico. Any other election of the authority, including
 4 an election to seek approval for the issuance of bonds, shall
 5 be conducted at ~~[any time approved by the board in accordance~~
 6 ~~with the election laws of New Mexico]~~ the same time. Elections
 7 for the issuance of bonds may be by mail-in ballot pursuant to
 8 the procedures set forth in the Mail Ballot Election Act."

9 **SECTION 44.** Section 72-19-34 NMSA 1978 (being Laws 1990,
 10 Chapter 14, Section 34, as amended) is amended to read:

11 "72-19-34. ELECTION RETURNS.--For authority elections
 12 ~~[held at the time of the general election]~~, the regular
 13 ~~[general]~~ election precinct board shall certify the results of
 14 the authority election to the county canvassing board. The
 15 county canvassing board shall certify directly to the secretary
 16 of the authority that portion of the returns pertaining to the
 17 authority election. Electronic voting machines shall be used
 18 in the conduct of any authority election. ~~[For authority~~
 19 ~~elections held at a different time than the general election,~~
 20 ~~the authority shall appoint an authority precinct board at the~~
 21 ~~authority's expense for each polling place. The authority~~
 22 ~~precinct board shall conduct the election as provided in the~~
 23 ~~Election Code. The separate authority precinct board shall~~
 24 ~~certify the results of the election in that precinct to the~~
 25 ~~secretary within twelve hours after the close of the polls.]~~

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1 The secretary [~~shall canvass the results of the authority~~
2 ~~election as certified by each of the separate authority~~
3 ~~precinct boards and~~] shall declare the results of the election
4 at any regular or special meeting held not less than five days
5 following the date of the election. Except as otherwise
6 provided, any proposal submitted at any election held pursuant
7 to the Southern Sandoval County Arroyo Flood Control Act shall
8 not carry unless the proposal has been approved by a majority
9 of the qualified electors of the district voting on the
10 proposal."

11 SECTION 45. Section 72-20-8 NMSA 1978 (being Laws 2007,
12 Chapter 99, Section 8, as amended) is amended to read:

13 "72-20-8. BOARD OF DIRECTORS.--

14 A. The governing body of the authority is a board of
15 directors consisting of three qualified electors of the
16 authority; provided that, after single-member districts are
17 created pursuant to Subsection B of Section 72-20-10 NMSA 1978
18 and after the expiration of the terms of any directors-at-large
19 who are serving at the time that single-member districts are
20 created:

21 (1) each director shall reside within and
22 represent a specified district; and

23 (2) if a director no longer resides within the
24 district that the director represents, the director's position
25 shall be deemed vacant and a successor shall be appointed to

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1 serve the unexpired term pursuant to Section 72-20-12 NMSA
2 1978.

3 B. All powers, rights, privileges and duties vested
4 in or imposed upon the authority are exercised and performed by
5 and through the board of directors; provided that the exercise
6 of any executive, administrative and ministerial powers may be,
7 by the board, delegated and redelegated to officers and
8 employees of the authority or to any officer or employee
9 contracted by agreement to manage and administer the operations
10 of the authority. Except for the first directors appointed as
11 provided for in Section 72-20-9 NMSA 1978 or elected as
12 provided in Section 72-20-10 NMSA 1978 and except for any
13 director chosen to fill an unexpired term, and except for the
14 first directors serving after the authority is divided into
15 single-member districts, the term of each director commences on
16 the first day of January next following [~~a general~~] the
17 director's election in the state and runs for six years. Each
18 director, subject to such exceptions, shall serve a six-year
19 term ending on the first day of January next following [~~a~~
20 ~~general~~] election, and each director shall serve until a
21 successor has been duly chosen and qualified."

22 SECTION 46. Section 72-20-10 NMSA 1978 (being Laws 2007,
23 Chapter 99, Section 10, as amended) is amended to read:

24 "72-20-10. ELECTION OF DIRECTORS--SINGLE-MEMBER
25 DISTRICTS.--

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1 A. At the time that a proposal to incur debt is first
2 submitted to the qualified electors or at the first general
3 election following March 30, 2007, whichever occurs first, the
4 qualified electors of the authority shall elect five qualified
5 directors, two to serve a term ending January 1, 2011, two to
6 serve a term ending January 1, 2013 and one to serve a term
7 ending January 1, 2015. At the first election, the five
8 candidates receiving the highest number of votes shall be
9 elected as directors. The terms of the directors shall be
10 determined by lot at their organizational meeting.

11 B. Upon the exclusion of land pursuant to Subsection
12 C of Section 72-20-6 NMSA 1978, the two directors elected in
13 the 2010 general election shall be deemed to have resigned,
14 and, notwithstanding the provisions of Section 72-20-12 NMSA
15 1978, their positions shall not be filled. Thereafter, the
16 board shall consist of three directors. The board shall divide
17 the authority into three single-member districts. The
18 following provisions shall govern the procedure for converting
19 to single-member districts:

20 (1) the districts shall be as contiguous,
21 compact and as equal in population as is practicable;

22 (2) remaining terms for the three incumbent
23 directors shall be chosen by lot so that one term expires on
24 January 1, 2013, one term expires on January 1, 2015 and one
25 term expires on January 1, 2017;

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1 (3) if, as a result of the division of the
2 authority into districts, two or more incumbent directors
3 reside within the same district, the board shall determine, by
4 lot, one of the directors to represent the district, and the
5 other directors residing within that district shall represent
6 the authority at large until their terms expire;

7 (4) if, as a result of the exclusion of land
8 pursuant to Subsection C of Section 72-20-6 NMSA 1978, one or
9 more incumbent directors reside outside of any district, the
10 directors shall represent the authority at large until their
11 terms expire; and

12 (5) if more than one director represents the
13 authority at large pursuant to Paragraph (3) or (4) of this
14 subsection, the board shall determine by lot the district that
15 will elect a resident to succeed a director-at-large as the
16 term of each director-at-large expires.

17 C. At the 2012, 2014 and [~~each subsequent~~] 2016
18 general election, for the single-member district in which the
19 term of the incumbent director or the term of a director-at-
20 large assigned by lot pursuant to Paragraph (2) of Subsection B
21 of this section will expire on the first day of the January
22 immediately following the election, a director who is a
23 qualified elector and a resident of the district shall be
24 elected by the qualified electors who are residents of that
25 district to serve a [~~six-year~~] five-year term. Beginning in

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1 2017, elections for directors shall be held on the first
2 Tuesday after the first Monday in November of each odd-numbered
3 year for staggered six-year terms.

4 D. Nothing in this section shall be construed as
5 preventing qualified electors of the authority from being
6 elected or reelected as directors to succeed themselves;
7 provided that they reside in the district from which they are
8 elected.

9 E. As soon as feasible after each federal decennial
10 census, the board shall assess the existing districts to
11 determine if the districts remain as equal in population as is
12 practicable and, if necessary, shall redistrict the authority
13 into districts that remain contiguous, compact and as equal in
14 population as is practicable; provided that:

15 (1) a redistricting shall be effective at the
16 next following general election; and

17 (2) an incumbent director whose residence is
18 redistricted out of the district represented by the director
19 shall serve until the next general election, at which a
20 qualified elector who resides within the district shall be
21 elected to fill the unexpired term."

22 **SECTION 47.** Section 72-20-11 NMSA 1978 (being Laws 2007,
23 Chapter 99, Section 11, as amended) is amended to read:

24 "72-20-11. NOMINATION OF DIRECTORS.--Not later than
25 forty-five days before a proposal to incur debt is first

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1 submitted to the qualified electors or at the first general
2 election following March 30, 2007, whichever occurs first,
3 written nominations of any candidate as director may be filed
4 with the secretary of the board. Each nomination of any
5 candidate shall be signed by not less than fifty qualified
6 electors, regardless of whether or not nominated therein, shall
7 designate therein the name of the candidates thereby nominated
8 and shall recite that the subscribers thereto are qualified
9 electors and that the candidate or candidates designated
10 therein are qualified electors of the authority. No written
11 nomination may designate more qualified electors as candidates
12 than there are vacancies. No qualified elector may nominate
13 more than one candidate for any vacancy. If a candidate does
14 not withdraw the candidate's name before the first publication
15 of the notice of election, the candidate's name shall be placed
16 on the ballot. For any election held after November 2010,
17 nominations shall be made by qualified electors in accordance
18 with the procedures and limitations of this section, except
19 that:

20 A. such nominations shall be filed with the secretary
21 of the board not later than the [~~fourth~~] third Tuesday in
22 [~~June~~] September preceding the [~~general~~] election;

23 B. each nomination shall designate only one
24 candidate;

25 C. all of the qualified electors signing each

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1 nomination and the person nominated shall reside within the
2 district for which the candidate has been nominated; and

3 D. each nomination shall recite that the subscribers
4 thereto are qualified electors who reside in the district for
5 which the candidate is nominated and that the person nominated
6 is a qualified elector who resides in the district for which
7 the person is nominated."

8 SECTION 48. Section 72-20-13 NMSA 1978 (being Laws 2007,
9 Chapter 99, Section 13) is amended to read:

10 "72-20-13. ORGANIZATIONAL MEETINGS.--Except for the first
11 board, each board shall meet on the first business day next
12 following the first day of January in each [~~odd-numbered~~] even-
13 numbered year, at the office of the board within the authority.
14 Each member of the board, before entering upon the member's
15 official duties, shall take and subscribe on oath that the
16 member will support the constitution of the United States and
17 the constitution and laws of New Mexico and that the member
18 will faithfully and impartially discharge the duties of the
19 office to the best of the member's ability, which oath shall be
20 filed in the office of the secretary of state. Each director
21 shall, before entering upon the director's official duties,
22 give a bond to the authority in the sum of ten thousand dollars
23 (\$10,000) with good and sufficient surety, conditioned for the
24 faithful performance of all of the duties of the director's
25 office, without fraud, deceit or oppression, and the accounting

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1 for all money and property coming into the director's hands and
 2 the prompt and faithful payment of all money and the delivering
 3 of all property coming into the director's custody or control
 4 belonging to the authority to the director's successors in
 5 office. Premiums on all bonds provided for in this section
 6 shall be paid by the authority and all such bonds shall be kept
 7 on file in the office of the secretary of state."

8 SECTION 49. Section 72-20-28 NMSA 1978 (being Laws 2007,
 9 Chapter 99, Section 28) is amended to read:

10 "72-20-28. ELECTIONS.--Each biennial election of
 11 directors shall be conducted [~~at the time of the general~~
 12 ~~election~~] on the first Tuesday after the first Monday in
 13 November in each odd-numbered year under the direction of the
 14 Sandoval county clerk and in accordance with the election laws
 15 of New Mexico. Any other election of the authority, including
 16 an election to seek approval for the issuance of bonds, shall
 17 be conducted at [~~any time approved by the board in accordance~~
 18 ~~with the election laws of New Mexico~~] that time. Elections for
 19 the issuance of bonds may be by mail-in ballot pursuant to the
 20 procedures set forth in the Mail Ballot Election Act."

21 SECTION 50. Section 72-20-29 NMSA 1978 (being Laws 2007,
 22 Chapter 99, Section 29) is amended to read:

23 "72-20-29. ELECTION RESOLUTION.--The board shall call any
 24 election by resolution adopted at least [~~fifty~~] seventy days
 25 prior to the election. The resolution shall recite the objects

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1 and purposes of the election and the date upon which the
2 election shall be held."

3 SECTION 51. Section 72-20-34 NMSA 1978 (being Laws 2007,
4 Chapter 99, Section 34) is amended to read:

5 "72-20-34. ELECTION RETURNS.--For authority elections
6 ~~[held at the time of the general election]~~, the regular general
7 election precinct board shall certify the results of the
8 authority election to the county canvassing board. The county
9 canvassing board shall certify directly to the secretary that
10 portion of the returns pertaining to the authority election.
11 ~~[For authority elections held at a different time than the~~
12 ~~general election, the authority shall appoint an authority~~
13 ~~precinct board at the authority's expense for each polling~~
14 ~~place. The authority precinct board shall conduct the election~~
15 ~~as provided in the Election Code. The separate authority~~
16 ~~precinct board shall certify the results of the election in~~
17 ~~that precinct to the secretary within twelve hours after the~~
18 ~~close of the polls.]~~ The secretary shall ~~[canvass the results~~
19 ~~of the authority election as certified by each of the separate~~
20 ~~authority precinct boards and shall]~~ declare the results of the
21 election at any regular or special meeting held not less than
22 five days following the date of the election. Except as
23 otherwise provided, any proposal submitted at any election held
24 pursuant to the Eastern Sandoval County Arroyo Flood Control
25 Act shall not carry unless the proposal has been approved by a

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1 majority of the qualified electors of the district voting on
2 the proposal."

3 SECTION 52. Section 73-14-20.1 NMSA 1978 (being Laws
4 1990, Chapter 48, Section 1, as amended) is amended to read:

5 "73-14-20.1. QUALIFIED ELECTOR LIST.--

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

18 B. Names of qualified electors shall be obtained from
19 the records of the county clerk of the appropriate county, the
20 appropriate county assessor of the appropriate county, records
21 of the conservancy district or from the census bureau and
22 enrollment records provided by the pueblos. The county
23 assessor of the appropriate county, the county clerk of the
24 appropriate county and the tribal representatives of the
25 appropriate pueblos shall deliver to the election director all

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1 records regarding qualified electors of the benefited area no
2 later than the last day of each [~~March~~] July before a district
3 election.

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

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

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

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

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

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

24 E. The election officer or the election director
25 shall distribute to each polling place a current qualified

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

9 SECTION 53. Section 73-14-24 NMSA 1978 (being Laws 1975,
 10 Chapter 262, Section 7, as amended) is amended to read:

11 "73-14-24. TIME AND PROCEDURE FOR ELECTION.--

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

21 B. The members of the boards of directors created
 22 pursuant to provisions of Sections 73-14-18 through ~~[73-14-32]~~
 23 73-14-31.3 and 73-14-89 through 73-14-92 NMSA 1978 shall be
 24 elected at an election held on the first Tuesday after the
 25 first Monday in ~~[June in 2001]~~ November in 2017 and in each

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1 odd-numbered year thereafter.

2 C. The elections for the members of the board of
3 directors of the conservancy district shall be conducted,
4 counted and canvassed as provided in Sections 73-14-18 through
5 ~~[73-14-32]~~ 73-14-31.3 and 73-14-84 through ~~[73-14-86]~~ 73-14-92
6 NMSA 1978. The polls may be opened and closed in the same
7 manner as provided for the general election under the Election
8 Code.

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

16 SECTION 54. Section 73-14-25 NMSA 1978 (being Laws 1975,
17 Chapter 262, Section 8, as amended) is amended to read:

18 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF
19 ELECTORS.--

20 A. ~~[Any]~~ A person who desires to become a candidate
21 for election as a member of the conservancy district board of
22 directors shall file ~~[his]~~ a written declaration of candidacy
23 with the election director or with the election officer at
24 least ~~[sixty]~~ forty-nine days before the election. The
25 election officer or the election director shall certify the

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1 candidates to the board of directors.

2 B. The declaration of candidacy shall contain:

3 (1) a statement that the candidate is a
4 qualified elector of the district and meets the qualifications
5 of a director as required by law;

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

8 (3) the numerical designation of the position on
9 the board of directors for which ~~[he]~~ the candidate desires to
10 be a candidate;

11 (4) if a candidate for a position representing a
12 county in the conservancy district, a petition signed by at
13 least seventy-five qualified electors of the district who
14 reside in that county;

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

18 (6) a statement that the candidate resides
19 within the conservancy district and in the county for which
20 ~~[he]~~ the candidate desires to be a candidate on the board of
21 directors."

22 SECTION 55. Section 73-14-61 NMSA 1978 (being Laws 1943,
23 Chapter 126, Section 8, as amended) is amended to read:

24 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--
25 Any qualified elector, as ~~[herein]~~ defined in Section 73-14-57

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1 NMSA 1978, who desires to become a candidate for election as a
2 director shall, at least [~~forty~~] forty-nine days prior to the
3 election, file with the secretary of the board of directors
4 then in office [~~his~~] a written notice of candidacy, which shall
5 state [~~his~~] the candidate's name and residence and the term for
6 which [~~he~~] the candidate is a candidate for election within the
7 conservancy district. If [~~he~~] the candidate is a candidate at
8 large, [~~his~~] the candidate's notice of candidacy [~~must~~] shall
9 be signed by twenty qualified electors resident within the
10 district. If [~~he~~] the candidate is a candidate only from that
11 portion of the district [~~which~~] that lies within one county,
12 [~~his~~] the candidate's notice of candidacy [~~must~~] shall be
13 signed by ten qualified electors who reside within that
14 particular portion of the district and county from which the
15 candidate seeks to be elected. No person who has not filed
16 [~~his~~] a notice of candidacy as and within the time required in
17 this section shall be placed on the ballot."

18 SECTION 56. Section 73-14-62 NMSA 1978 (being Laws 1943,
19 Chapter 126, Section 9, as amended) is amended to read:

20 "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--

21 A. The five director-members of the board of
22 directors [~~by this act~~] created by Sections 73-14-54 through
23 73-14-69 NMSA 1978 shall be elected on the first Tuesday of
24 October [~~of the year~~] 1943, and [~~of~~] each succeeding sixth year
25 thereafter at general election for districts having less than

1 one hundred thousand acres. The five director-members of the
 2 boards of directors of conservancy districts formed after July
 3 1, 1952 shall be elected on the first Tuesday of October, 1959,
 4 and ~~[of]~~ each succeeding sixth year thereafter at general
 5 election.

6 B. Not less than ~~[thirty]~~ seventy days prior to
 7 ~~[said]~~ the election, the board of directors then in office
 8 shall meet and by written resolution, which shall be preserved
 9 among the permanent records of the board, shall select a voting
 10 place within each voting precinct or voting division ~~[thereof]~~
 11 within the conservancy district and shall select three judges
 12 of election to conduct the election at the place ~~[so]~~ selected.
 13 ~~[Said]~~ The judges shall be qualified electors, as ~~[herein]~~
 14 defined in Section 73-14-57 NMSA 1978, and residents of the
 15 precinct within which they are appointed to act and shall serve
 16 without pay. The resolution shall appoint one of ~~[said]~~ the
 17 judges to receive the ballots and post ~~[its]~~ notice of
 18 election. Not less than five days thereafter, the secretary of
 19 ~~[said]~~ the board shall notify each judge ~~[so]~~ selected of ~~[his]~~
 20 the judge's appointment ~~[as such]~~ and send to the judge
 21 selected to receive the ballots four copies of a notice of
 22 election ~~[which]~~ that shall state the time and purpose
 23 ~~[thereof]~~ of the election, the place where held within the
 24 precinct and the names of the judges selected for ~~[such]~~ the
 25 precinct ~~[and said]~~. The notices shall be posted at the four

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1 most prominent places within the precinct as soon as received.

2 C. Elections held after July 1, 2015 shall be held on
3 the first Tuesday after the first Monday in November in odd-
4 numbered years."

5 SECTION 57. Section 73-14-64 NMSA 1978 (being Laws 1943,
6 Chapter 126, Section 11) is amended to read:

7 "73-14-64. CONDUCT OF ELECTION--PROCEDURE.--

8 A. The judges of election shall select one of their
9 number to act as clerk of election and shall open the polls at
10 [~~9:00 o'clock~~] 7:00 a.m. and close the polls at [~~6:00~~] 7:00
11 p.m. on the day of election.

12 B. If, within one-half hour after the time [~~so~~] set
13 for the opening of the polls, it [~~shall appear~~] appears that
14 any of the judges so appointed is unable to serve as such,
15 those qualified electors then present at the polls may select
16 another judge to fill the vacancy.

17 C. Immediately after the closing of the polls, the
18 judges of election shall proceed to open the ballot boxes,
19 count the total votes cast and those cast for each candidate
20 and by triplicate copies, each to be signed by all three
21 judges, certify the [~~same~~] copies to the board of directors
22 then in office. One of [~~said~~] the certificates, together with
23 all ballots cast, shall be placed in the ballot box, which
24 shall be securely locked and sealed and [~~shall be~~] delivered to
25 the secretary of the board of directors then in office by one

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1 or more of [~~said~~] the judges of election in person, not less
 2 than twenty-four hours after the closing of the polls. One of
 3 [~~said~~] the certificates shall be mailed to [~~said~~] the secretary
 4 of the board, and the third shall be filed with the county
 5 clerk of the county in which [~~said~~] the precinct is situate,
 6 likewise within twenty-four hours after [~~said~~] the polls are
 7 closed."

8 SECTION 58. Section 73-14-73 NMSA 1978 (being Laws 1961,
 9 Chapter 67, Section 5) is amended to read:

10 "73-14-73. ELECTIONS--WHEN HELD.--

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

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

20 C. Conservancy districts formed after July 1, 1961
 21 shall hold their first election as provided in Section
 22 [~~75-28-53 New Mexico Statutes Annotated, 1953 Compilation~~]
 23 73-14-74 NMSA 1978."

24 SECTION 59. Section 73-14-78 NMSA 1978 (being Laws 1961,
 25 Chapter 67, Section 10) is amended to read:

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1 "73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--

2 A. Any qualified elector who desires to become a
3 candidate for election as a member of a conservancy district
4 board of directors shall file [~~his~~] a written notice of
5 candidacy with the secretary of the existing appointed or
6 elected board at least [~~twenty~~] forty-nine days before the
7 election.

8 B. A notice for candidacy shall state:

- 9 (1) the candidate's name and address; and
10 (2) the numerical designation of the office
11 position on the board for which [~~he~~] the candidate desires to
12 be a candidate.

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

16 SECTION 60. Section 73-14-83 NMSA 1978 (being Laws 1961,
17 Chapter 67, Section 15) is amended to read:

18 "73-14-83. ELECTION--POLLS--OPENING AND CLOSING TIMES.--
19 The polls shall open at [~~nine o'clock~~] 7:00 a.m. and close
20 promptly at [~~six o'clock~~] 7:00 p.m. on election day."

21 SECTION 61. Section 73-20-37 NMSA 1978 (being Laws 1965,
22 Chapter 137, Section 11, as amended) is amended to read:

23 "73-20-37. DISTRICT SUPERVISORS--ELECTION AND
24 APPOINTMENT--NEW DISTRICTS.--

25 A. The governing body of a district shall be composed

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

11 B. Unless a different time is prescribed by the
12 commission, within thirty days following the issuance of a
13 certificate of organization to the two interim supervisors of a
14 district, declarations of candidacy for supervisors of the
15 district may be filed with the commission. The commission
16 shall give due notice of election for the offices of five
17 district supervisors. All registered voters residing within
18 the district shall be eligible to vote. The commission shall
19 adopt and prescribe regulations governing the conduct of the
20 election, shall determine voter eligibility and shall supervise
21 the election and publish its results. The districts shall bear
22 the expenses of elections; however, the commission shall bear
23 the expenses of the first election of a newly organized
24 district.

25 C. In the first election of supervisors to serve a

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

13 D. Appointed interim supervisors may continue to
14 serve as appointed supervisors at the pleasure of the
15 commission or until their successors are otherwise appointed."

16 SECTION 62. Section 73-20-38 NMSA 1978 (being Laws 1965,
17 Chapter 137, Section 12, as amended) is amended to read:

18 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND
19 APPOINTMENT--ORGANIZED DISTRICTS.--

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

25 B. A canvassing board appointed by the commission

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

6 C. Rules adopted and published by the commission and
7 the election provisions of the Soil and Water Conservation
8 District Act shall be exclusive in the conduct of district
9 elections. The commission may adopt and publish rules to carry
10 out the provisions of the Soil and Water Conservation District
11 Act.

12 D. By June 15 of each year, the district supervisors
13 may submit to the commission a list of persons interested in
14 the district and who by experience or training are qualified to
15 serve as supervisors. The commission may appoint from the list
16 submitted, or at will, two persons to serve as supervisors if
17 it is the determination of the commission that the appointments
18 are necessary or desirable and would benefit or facilitate the
19 work and functions of the district. In the event a list is not
20 submitted to the commission by the supervisors by June 15, the
21 commission may appoint at will two supervisors qualified to
22 serve by training or experience. Appointed supervisors shall
23 serve at the pleasure of the commission and shall have the same
24 powers and perform the same duties as elected supervisors.
25 Successors to appointed supervisors, or replacement-appointed

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1 supervisors in the event of vacancy, shall be appointed by the
2 commission from a list of candidates or at will in accordance
3 with the provisions of this subsection."

4 SECTION 63. Section 73-20-46 NMSA 1978 (being Laws 1965,
5 Chapter 137, Section 20, as amended) is amended to read:

6 "73-20-46. DISTRICT ASSESSMENTS.--

7 A. In the event a district is unable to meet or bear
8 the expense of the duties imposed upon it by the Soil and Water
9 Conservation District Act, the supervisors may adopt a
10 resolution that, to be effective, shall be approved by
11 referendum in the district and that shall provide for an annual
12 levy for a stated period of up to ten years in a stated amount
13 not exceeding one dollar (\$1.00) on each one thousand dollars
14 (\$1,000) of net taxable value, as that term is defined in the
15 Property Tax Code, of real property within the district, except
16 that real property within incorporated cities and towns in the
17 district may be excluded. The referendum held to approve or
18 reject the resolution of the supervisors shall be conducted
19 with appropriate ballot and ~~[in substantially the same manner~~
20 ~~as a referendum adopting and approving the creation of a~~
21 ~~proposed district]~~ held at the same time as elections for
22 supervisors. After the initial authorization is approved by
23 referendum, the supervisors shall adopt a resolution in each
24 following year authorizing the levy. To extend an assessment
25 beyond the period of time originally authorized and approved by

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1 referendum, the supervisors shall adopt a new resolution and
2 the district voters shall approve it in a referendum. The
3 extension shall be for the same period of time as originally
4 approved, but the rate of the tax may be different as long as
5 it does not exceed one dollar (\$1.00) on each one thousand
6 dollars (\$1,000) of net taxable value of real property within
7 the district, except that real property within incorporated
8 municipalities in the district may be excluded. If the
9 district is indebted to the United States or the state or any
10 of their respective agencies or instrumentalities, including
11 the New Mexico finance authority, at the time of the expiration
12 of the original authorization, the supervisors may renew the
13 assessment by resolution for a period not to exceed the
14 maturity date of the indebtedness, and no referendum for that
15 renewal is necessary.

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

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

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

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

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

20 F. District funds, regardless of origin, shall be
21 transferred to and held by the supervisors and shall be
22 expended for district obligations and functions. The
23 supervisors shall prepare an annual budget and submit it for
24 approval to the commission and to the local government division
25 of the department of finance and administration. All district

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1 funds shall be expended in accordance with the approved
2 budgets.

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

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

17 **SECTION 64.** Section 73-21-14 NMSA 1978 (being Laws 1943,
18 Chapter 80, Section 13, as amended) is amended to read:

19 "73-21-14. ELECTIONS.--

20 A. In any district, except a district created
21 pursuant to a petition signed by the chair of the board of
22 county commissioners of a county, on the [~~second Tuesday of~~
23 January] first Tuesday after the first Monday in November in
24 the [~~second calendar~~] odd-numbered year after the organization
25 of the district and on the [~~second Tuesday of January~~] first

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1 Tuesday after the first Monday in November every second year
2 thereafter, there shall be elected by the taxpaying electors of
3 the district one member of the board to serve for a term of six
4 years, except that if the district elects to adopt four-year
5 terms, the member shall serve for a term of four years.

6 B. In any district created pursuant to a petition
7 signed by the chair of the board of county commissioners of a
8 county, [~~one~~] in the odd-numbered year after the organization
9 of the district and every second year thereafter, there shall
10 be elected by the taxpaying electors of the district at least
11 two, but no more than three, members of the board to serve for
12 a term of two years. The election shall be held on the first
13 Tuesday after the first Monday in November.

14 C. Not later than [~~thirty~~] forty-nine days before any
15 election pursuant to Subsection A or B of this section,
16 nominations may be filed with the secretary of the board, and,
17 if a nominee does not withdraw the nominee's name before the
18 first publication of the notice of election, the name shall be
19 placed on the ballot. The board shall provide for holding such
20 election and shall appoint judges to conduct it. The secretary
21 of the district shall give notice of election by publication
22 and shall arrange such other details in connection with the
23 election as the board may direct. If within ninety days prior
24 to a board election, the district publishes materials that
25 describe the qualifications, experience and accomplishments of

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1 incumbents, equal space shall be made available without charge
 2 for similar information provided by opponents seeking a
 3 position on the board. The returns of the election shall be
 4 certified to and shall be canvassed and declared by the board.
 5 The candidate receiving the most votes shall be elected. Any
 6 new member of the board shall qualify in the same manner as
 7 members of the first board qualify."

8 SECTION 65. Section 73-21-28 NMSA 1978 (being Laws 1943,
 9 Chapter 80, Section 25, as amended) is amended to read:

10 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--
 11 Whenever the board shall, by resolution, determine that the
 12 interest of the district and the public interest or necessity
 13 demand the acquisition, construction, installation or
 14 completion of any works or other improvements or facilities, or
 15 the making of any contract with the United States or other
 16 persons or corporations, to carry out the objects or purposes
 17 of the district, requiring the creation of a general obligation
 18 indebtedness of five thousand dollars (\$5,000) or more, secured
 19 by property tax revenue from within the district, the board
 20 shall order the submission of the proposition of issuing the
 21 obligations or bonds or creating other indebtedness to the
 22 qualified taxpaying electors of the district at ~~[an]~~ a regular
 23 district election ~~[held for that purpose. Any such election~~
 24 ~~may be held separately or may be consolidated or held~~
 25 ~~concurrently with any other election authorized by the Water~~

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1 ~~and Sanitation District Act~~]. The declaration of public
2 interest or necessity required in this section and the
3 provision for the holding of the election may be included
4 within one and the same resolution. The resolution, in
5 addition to the declaration of public interest or necessity,
6 shall recite the objects and purposes for which the
7 indebtedness is proposed to be incurred, the estimated cost of
8 the works or improvements, as the case may be, the amount of
9 principal of the indebtedness to be incurred and the maximum
10 rate of interest to be paid on the indebtedness. The
11 resolution shall also [~~fix~~] announce the date upon which the
12 election shall be held and the manner of holding it and the
13 method of voting for or against the incurring of the proposed
14 indebtedness. The resolution shall also fix the compensation
15 to be paid the officers of the election and shall designate the
16 polling place and shall appoint, for each polling place, from
17 the electors of the district, the officers of the election
18 consisting of three judges, one of whom shall act as clerk."

19 **SECTION 66. TEMPORARY PROVISION.**--Officers in the
20 affected offices serving in office as of, and that were elected
21 to office prior to, the effective date of this act shall serve
22 the remainder of their unexpired terms for which they were
23 elected and shall serve until the officer's successor has been
24 elected and qualified; provided that an officer whose term
25 would have expired between July 1, 2015 and January 1, 2016

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1 shall serve until the officer's successor has been elected and
2 qualified following that 2015 election, and an officer whose
3 term would have expired between January 1, 2016 and January 1,
4 2018 shall serve until the officer's successor has been elected
5 and qualified following that 2017 election.

6 SECTION 67. REPEAL.--Section 21-16-21 NMSA 1978 (being
7 Laws 1964 (1st S.S.), Chapter 12, Section 6) is repealed.

8 SECTION 68. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2015.

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