

1 HOUSE BILL 338

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Paul C. Bandy

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10 AN ACT

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

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 1-22-3 NMSA 1978 (being Laws 1985,
18 Chapter 168, Section 5, as amended) is amended to read:

19 "1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF
20 CANDIDATES.--

21 A. A school district election shall be held in each
22 school district to elect qualified persons to membership on a
23 [~~local school~~] board. No person shall become a candidate for
24 membership on a board unless [~~his~~] the person's record of voter
25 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;

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- 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 days before the date of
17 the election, the county clerk of record shall publish the
18 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 4-48A-16 NMSA 1978 (being Laws 1978,
23 Chapter 29, Section 16, as amended) is amended to read:

24 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL
25 DISTRICT.--

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

14 B. In the case of a special hospital district
15 located wholly within one county, if authorized by a majority
16 of the qualified electors of the special hospital district
17 voting on the question, the board of county commissioners of
18 the county in which the special hospital district is located
19 shall levy such tax at the same time and in the same manner as
20 levies for ad valorem taxes for school districts are made and
21 in the amount certified by the board of trustees as necessary
22 to meet its approved annual budget, but in no event shall the
23 tax levied exceed the rate limitation approved by the voters or
24 the rate limitations provided in Subsection D of this section.

25 C. In the case of a special hospital district which

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1 is composed of all or a portion of two or more counties, if a
2 majority of the qualified electors of each subdistrict voting
3 on the question [~~authorize~~] authorizes a tax levy, the boards
4 of county commissioners of the counties which agreed to form
5 the special hospital district shall levy such tax in the manner
6 provided in Subsection B of this section.

7 D. The tax authorized in this section shall not
8 exceed four dollars twenty-five cents (\$4.25), or any lower
9 maximum amount required by operation of the rate limitation
10 provisions of Section 7-37-7.1 NMSA 1978 upon any tax imposed
11 under this section, on each one thousand dollars (\$1,000) of
12 net taxable value as that term is defined in the Property Tax
13 Code, of all taxable property of the county within the hospital
14 district for a period of time greater than four years. An
15 election upon the question of continuing the levy may be called
16 by the board of trustees immediately prior to the expiration of
17 the period of assessment previously approved by the qualified
18 electors and shall be held on the first Tuesday after the first
19 Monday in November in an odd-numbered year."

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

22 "4-48A-17. ELECTION PROCEDURES.--

23 A. In all elections held pursuant to the provisions
24 of the Special Hospital District Act, except as otherwise
25 provided in that act, the board of trustees shall give notice

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1 of the election in a newspaper of general circulation in the
2 special hospital district and, in the case of a special
3 hospital district composed of all or portions of two or more
4 counties, in the [~~subdistrict~~] subdistricts, at least once a
5 week for three consecutive weeks, the last insertion to be not
6 less than two weeks prior to the proposed election.

7 B. All elections of the special hospital district,
8 unless otherwise provided in the Special Hospital District Act,
9 shall be held on the first Tuesday after the first Monday in
10 November in odd-numbered years and shall be called, conducted
11 and canvassed in substantially the same manner as school
12 district elections are called, conducted and canvassed. The
13 board of trustees shall be the canvassing board for such
14 elections.

15 C. The expenses of elections conducted by the
16 special hospital district shall be budgeted for and paid from
17 the operating funds of the special hospital district."

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

20 "21-13-8. COMMUNITY COLLEGE BOARD.--

21 A. Community college board members shall be over
22 twenty-one years of age, qualified electors and residents of
23 the community college district.

24 B. Community college board members shall be elected
25 for staggered terms of six years beginning on April 1

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1 succeeding their elections; provided that the terms of members
2 elected after July 1, 2015 shall begin on January 1 succeeding
3 their elections. Elections shall be held

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

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

11 C. All vacancies caused in any other manner than by
12 the expiration of the term of office shall be filled by
13 appointment by the remaining members. An individual appointed
14 by the remaining members of the board to fill a vacancy in
15 office shall serve until the next community college board
16 election, at which time candidates shall file for and be
17 elected to fill the vacant position to serve the remainder of
18 the unexpired term.

19 D. A community college board shall select from its
20 members a chair and secretary who shall serve in these offices
21 until the next regular community college board election. After
22 each community college board election, the members shall
23 proceed to reorganize."

24 SECTION 6. Section 21-13-18.1 NMSA 1978 (being Laws 1993,
25 Chapter 75, Section 3, as amended) is amended to read:

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1 "21-13-18.1. REGULAR COMMUNITY COLLEGE ELECTION--
2 RESOLUTION--PUBLICATION.--

3 A. The community college board shall issue a
4 resolution in English and Spanish calling for a regular
5 community college election within the community college
6 district on the date prescribed by the Community College Act.
7 The resolution shall be filed with each county clerk in the
8 community college district on the [~~third Friday in December or,~~
9 ~~if the election is held in conjunction with a school district~~
10 ~~election, the]~~ last Tuesday in [~~November~~] August of each [~~even-~~
11 ~~numbered~~] odd-numbered year.

12 B. The resolution shall specify:
13 (1) the date the election will be held;
14 (2) the positions on the board to be filled;
15 (3) the date on which declarations of
16 candidacy are to be filed;
17 (4) the date on which declarations of intent
18 to be a write-in candidate are to be filed;
19 (5) any questions to be submitted to the
20 voters;
21 (6) the precincts in each county in which the
22 election is to be held and the location of each polling place;
23 (7) the hours each polling place will be open;
24 and
25 (8) the date and time of the closing of the

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1 registration books by the county clerks as required by law.

2 C. In the event that only one candidate files a
3 declaration of candidacy for each position to be filled at an
4 election and no declared write-in candidates have filed for any
5 position in which there is any other candidate and there are no
6 questions or bond issues on the ballot, only one polling place
7 for the election shall be designated and it shall be in the
8 office of the county clerk of the county in which the community
9 college is located.

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

13 SECTION 7. Section 21-16-5.1 NMSA 1978 (being Laws 1994,
14 Chapter 83, Section 3, as amended) is amended to read:

15 "21-16-5.1. BOARD MEMBERS--ELECTED FROM DISTRICTS--
16 ELECTIONS.--

17 A. A district board shall be composed of five or
18 seven members elected for four-year terms who shall reside in
19 and be elected from single-member districts as provided in this
20 section. Any board, the members of which have not been elected
21 from single-member districts, shall district and hold a special
22 election to coincide with the school district elections of
23 2001. If the board is a seven-member board, board members
24 shall be elected for all seven positions on the board, with the
25 board members elected to positions 1, 3, 5 and 7 to be elected

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1 for initial terms of two years and the board members elected to
2 positions 2, 4 and 6 to be elected for initial terms of four
3 years. If the board is a five-member board, board members
4 elected to positions 1, 3 and 5 shall be elected for initial
5 terms of two years and board members elected to positions 2 and
6 4 shall be elected for initial terms of four years. After the
7 initial election for a district board, each board member shall
8 be elected for a term of four years. Elections held after July
9 1, 2015 shall be held on the first Tuesday after the first
10 Monday in November in odd-numbered years.

11 B. Except where specific provision is otherwise
12 provided by law, all election proceedings for technical and
13 vocational institute district elections shall be conducted
14 pursuant to the provisions of the School Election Law with the
15 president of the institute serving in the place of the
16 superintendent of schools in every case.

17 C. Once following each federal decennial census,
18 the board shall redistrict the technical and vocational
19 institute district into election districts to ensure that the
20 districts remain as equal in population as is practicable. The
21 new districts shall go into effect at the first regular board
22 election thereafter. Candidates for the new single-member
23 districts that are scheduled to be voted on at the election
24 shall reside in and be elected from the appropriate new single-
25 member district. Incumbent board members whose districts

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1 before redistricting were not scheduled to be voted on at the
2 election need not reside in the new single-member districts
3 corresponding to their position numbers and may serve out their
4 terms. At the second regular board election held after the
5 redistricting, all candidates for the new single-member
6 districts that are scheduled to be voted on shall reside in and
7 be elected from the appropriate single-member district.

8 D. All election districts covered by this section
9 shall be contiguous, compact and as equal in population as is
10 practicable.

11 E. A vacancy occurring on the board shall be filled
12 in the same manner as provided for school board vacancies in
13 Section 22-5-9 NMSA 1978; provided, however, a vacancy that
14 occurs in an election district where a nonresident board member
15 had been serving shall be filled [~~with~~] by a resident of that
16 district."

17 SECTION 8. Section 21-16-14 NMSA 1978 (being Laws 1963,
18 Chapter 108, Section 11, as amended) is amended to read:

19 "21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF
20 SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL INSTITUTE
21 DISTRICTS.--

22 A. A technical and vocational institute district
23 may be expanded by either the procedure in Subsections B, C and
24 D of this section or the procedure in Subsections E and F of
25 this section.

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1 B. The qualified voters of a school district,
2 portion of a school district, group of school districts within
3 a county containing a technical and vocational institute
4 district or in an adjoining county, not included in the
5 technical and vocational institute district as originally
6 formed, may petition the public education department to be
7 added to the technical and vocational institute district. The
8 department shall examine the petition, and, if it finds that
9 the petition is signed by a number of qualified voters residing
10 within the pertinent school district or portion of a school
11 district equal to ten percent of the votes cast for governor in
12 such school district or portion of such school district in the
13 last preceding general election, the department shall cause a
14 survey to be made of the petitioning district or districts to
15 determine the desirability of the proposed expansion of the
16 technical and vocational institute district.

17 C. In conducting the survey, the public education
18 department, in conjunction with the [~~commission on~~] higher
19 education department, shall ascertain the attitude of the
20 technical and vocational institute board and collect other
21 information it deems necessary. If on the basis of the survey
22 the public education department finds that the proposed
23 addition of the petitioning area will promote an improved
24 education service in the area, it shall approve the petition.
25 The secretary of public education shall proceed to call an

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1 election within the petitioning area and in the established
2 technical and vocational institute district on the question of
3 the inclusion of the petitioning area in the institute
4 district.

5 D. If a majority of the votes cast in the
6 petitioning area and a majority of the votes cast within the
7 established institute district are in favor of the addition of
8 the area, the public education department shall notify the
9 local school board of each affected school district and the
10 technical and vocational institute board of the results of the
11 election and shall declare the extension of the boundaries of
12 the institute district to include the petitioning area in which
13 the proposed addition referendum carried by a majority vote.

14 E. If a technical and vocational institute district
15 includes less than all of a school district, the institute
16 board, by resolution of a majority of the members of the board,
17 may call an election within the institute district and in the
18 portion of the school district that is not included in the
19 institute district on the question of the addition of the
20 excluded portion of the school district to the established
21 institute district. Except where specific provision is
22 otherwise provided by law, such election shall be conducted
23 pursuant to the provisions of the School Election Law, with the
24 president of the institute district serving in the place of the
25 superintendent of schools in every case; provided that:

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

4 (2) if a precinct lies partly within and
5 partly outside the institute district, the parts of the
6 precinct within and outside the institute district shall
7 constitute separate precincts for purposes of the election; and

8 (3) precincts may be consolidated for purposes
9 of administrative convenience.

10 F. If a majority of the votes cast in the institute
11 district and the portion of the school district that is outside
12 the institute district are in favor of the addition of the
13 excluded portion of the school district to the institute
14 district, the board of the institute district shall declare the
15 institute district to be expanded to include all of such school
16 district.

17 G. Each area added to an existing technical and
18 vocational institute district shall automatically be subject to
19 any special levy on taxable property approved for the institute
20 district for the maintenance of facilities and services and for
21 support of bond issues."

22 SECTION 9. Section 21-16-20 NMSA 1978 (being Laws 1964
23 (1st S.S.), Chapter 12, Section 5) is amended to read:

24 "21-16-20. SUBMISSION AT ELECTION--NOTICE--
25 CERTIFICATION.--If [~~the~~] a question is submitted pursuant to

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1 Section 21-16-16 NMSA 1978 at [~~a general~~] an election, the
2 submitting board shall publish notice [~~thereof~~] of the election
3 in the manner required for [~~general~~] regular school district
4 elections, except that [~~such~~] the notice need not include the
5 names of any election officials or the places where [~~such~~] the
6 election is to be held in each precinct and voting division and
7 no posting shall be required. The submitting board shall, not
8 less than thirty days before the election, furnish to the
9 county clerk of each county in which [~~each~~] an affected school
10 district is situate a certificate specifying the question to be
11 submitted and the precincts and voting divisions included in
12 the school district or districts or in the technical and
13 vocational institute district. The county clerk [~~of each such~~
14 ~~county~~] shall include [~~such~~] the question on the ballots and
15 voting machines in the proper voting divisions. The election
16 officials in [~~such~~] those voting divisions shall execute
17 separate certificates certifying the results of the voting on
18 [~~such~~] the question, and, upon receipt [~~thereof~~] of the
19 certificates, each county clerk shall deliver [~~the same~~] them
20 to the president of the submitting board or [~~his~~] the
21 president's designated representative."

22 SECTION 10. Section 21-16-22 NMSA 1978 (being Laws 1964
23 (1st S.S.), Chapter 12, Section 7) is amended to read:

24 "21-16-22. CANVASS OF VOTE.--Upon delivery of the
25 certificates of results by the county clerk in case the

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1 question is submitted at [~~a general~~] an election [~~or upon~~
2 ~~receipt of the returns in case it is submitted at a special~~
3 ~~election called for that purpose~~], the vote at an election held
4 pursuant to Section 21-16-16 NMSA 1978 shall be canvassed in
5 the manner provided by law for canvassing elections of members
6 of [~~municipal~~] local school boards [~~of education~~]."

7 SECTION 11. Section 21-16A-6 NMSA 1978 (being Laws 2000,
8 Chapter 105, Section 6) is amended to read:

9 "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--
10 ELECTION.--

11 A. A board may adopt a resolution authorizing, for
12 learning center operational purposes, the imposition of a
13 property tax upon the taxable value of property in the
14 district. The total tax imposition that may be authorized
15 under the Learning Center Act shall not exceed a rate of five
16 dollars (\$5.00) on each one thousand dollars (\$1,000) of
17 taxable value of property in each district. [A] The tax
18 authorized pursuant to this section may not be imposed for a
19 period of more than six years.

20 B. The tax authorized in Subsection A of this
21 section shall not be imposed in a district unless the question
22 of authorizing the imposition of the tax is submitted to the
23 voters of the district at a regular school district election
24 [~~or a special election called for that purpose~~].

25 C. A resolution adopted pursuant to Subsection A of

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1 this section shall specify:

2 (1) the rate of the proposed tax;

3 (2) the date of the election at which the
4 question of imposition of the tax will be submitted to the
5 voters of the district;

6 (3) the period of time the tax is authorized
7 to be imposed; and

8 (4) the proposed use of the revenues from the
9 proposed tax.

10 D. The election required by this section shall be
11 called, conducted and canvassed as provided in the School
12 Election Law.

13 E. If a majority of the voters voting on the
14 question votes for a learning center tax levy pursuant to a
15 resolution adopted under the Learning Center Act, the tax shall
16 be imposed. The tax rate shall be certified by the department
17 of finance and administration and imposed, administered and
18 collected in accordance with the provisions of the Oil and Gas
19 Ad Valorem Production Tax Act, the Oil and Gas Production
20 Equipment Ad Valorem Tax Act, the Copper Production Ad Valorem
21 Tax Act and the Property Tax Code.

22 F. If a majority of the voters voting on the
23 question votes against a learning center tax levy pursuant to a
24 resolution adopted under the Learning Center Act, the tax shall
25 not be imposed. The board shall not again adopt a resolution

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1 authorizing the imposition of a tax levy pursuant to the
2 Learning Center Act for at least two years after the date of
3 the resolution that the voters rejected.

4 G. The board may discontinue by resolution the
5 imposition of any tax authorized pursuant to the Learning
6 Center Act. The discontinuance resolution shall be mailed to
7 the department of finance and administration no later than June
8 15 of the year in which a tax rate pursuant to that act is not
9 to be certified."

10 SECTION 12. Section 22-18-2 NMSA 1978 (being Laws 1967,
11 Chapter 16, Section 229, as amended) is amended to read:

12 "22-18-2. BOND ELECTIONS--QUALIFICATION OF VOTERS--
13 CALLING FOR BOND ELECTIONS.--

14 A. Before any general obligation bonds are issued,
15 a local school board of a school district shall submit to a
16 vote of the qualified electors of the school district owning
17 real estate in the school district the question of creating a
18 debt by issuing the bonds, and a majority of those persons
19 voting on the question shall vote for issuing the general
20 obligation bonds.

21 B. The election on the question of creating a debt
22 by issuing general obligation bonds shall be held at the same
23 time as a regular school district election [~~or at any special~~
24 ~~school district election which is not within ninety days after~~
25 ~~a regular school district election~~]. The question shall be

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1 submitted to a vote at a [~~general or special~~] regular school
2 district election upon the initiative of a local school board
3 or upon a petition being filed with a local school board signed
4 by qualified electors of the school district having paid a
5 property tax on property in the school district for the
6 preceding year, according to the latest completed tax rolls.
7 The number of signatures required on the petition shall be at
8 least ten percent of the number of votes cast for governor in
9 the school district in the last preceding general election.
10 For the purpose of determining the number of votes cast for
11 governor in the school district at the last preceding general
12 election, any portion of a voting division within the school
13 district shall be construed to be wholly within the school
14 district. A local school board shall call for a bond election
15 at [~~a~~] the next regular [~~or special~~] school district election
16 [~~within ninety days from~~] following the date a properly signed
17 petition is filed with it."

18 SECTION 13. Section 22-25-5 NMSA 1978 (being Laws 1975
19 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

20 "22-25-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

21 A. An election on the question of imposing a tax
22 under the Public School Capital Improvements Act may be held in
23 conjunction with a regular school district election [~~or may be~~
24 ~~conducted as or held in conjunction with a special school~~
25 ~~district election, but the election shall be held prior to July~~

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1 ~~of the property tax year in which the tax is proposed to be~~
2 ~~imposed~~]. Conduct of the election shall be as prescribed in
3 the School Election Law for regular ~~[and special]~~ school
4 district elections.

5 B. The proclamation required to be published as
6 notice of the election under Section 1-22-4 or 1-22-5 NMSA 1978
7 shall include as the question to be submitted to the voters
8 whether a property tax at a rate not to exceed the rate
9 specified in the authorizing resolution should be imposed for
10 the specified number of property tax years not exceeding six
11 years upon the net taxable value of all property allocated to
12 the school district for the capital improvements specified in
13 the authorizing resolution.

14 C. The ballot shall include the information specified
15 in Subsection B of this section and shall present the voter the
16 choice of voting "for the public school capital improvements
17 tax" or "against the public school capital improvements tax".

18 SECTION 14. Section 22-26-5 NMSA 1978 (being Laws 1983,
19 Chapter 163, Section 5, as amended) is amended to read:

20 "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

21 A. An election on the question of imposing a tax
22 under the Public School Buildings Act may be held in
23 conjunction with a regular school district election ~~[or may be~~
24 ~~conducted as or held in conjunction with a special school~~
25 ~~district election, but the election shall be held prior to July~~

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1 ~~of the property tax year in which the tax is proposed to be~~
2 ~~imposed~~]. Conduct of the election shall be as prescribed in
3 the School Election Law for regular ~~[and special]~~ school
4 district elections.

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

13 C. The ballot shall include the information specified
14 in Subsection B of this section and shall present the voter the
15 choice of voting "for the public school buildings tax" or
16 "against the public school buildings tax".

17 SECTION 15. Section 22-26A-10 NMSA 1978 (being Laws 2007,
18 Chapter 173, Section 10, as amended) is amended to read:

19 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

20 A. An election on the question of imposing a tax
21 under Sections 22-26A-8 through 22-26A-12 NMSA 1978 may be held
22 in conjunction with a regular school district election ~~[or may~~
23 ~~be conducted as or held in conjunction with a special school~~
24 ~~district election, but the election shall be held prior to July~~
25 ~~of the property tax year in which the tax is proposed to be~~

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1 ~~imposed~~]. Conduct of the election shall be as prescribed in
2 the School Election Law for regular [~~and special~~] school
3 district elections.

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

12 C. The ballot shall include the information specified
13 in Subsection B of this section and shall present the voter the
14 choice of voting "for the lease purchase tax" or "against the
15 lease purchase tax".

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

18 "72-16-8. BOARD OF DIRECTORS.--The governing body of the
19 authority [~~hereby created~~] is a board of directors consisting
20 of five qualified electors of the authority. All powers,
21 rights, privileges and duties vested in or imposed upon the
22 authority are exercised and performed by and through the board
23 of directors; provided that the exercise of any [~~and all~~]
24 executive, administrative and ministerial powers may be, by the
25 board, delegated and redelegated to officers and employees of

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1 the authority. Except for the first directors appointed as
2 [~~hereinafter~~] provided for in Section 72-16-9 NMSA 1978, and
3 except for any director chosen to fill an unexpired term, the
4 term of each director commences on the first day of January
5 [~~next~~] following [~~a general~~] election [~~in the state~~] and runs
6 for six years. Each director, subject to [~~said~~] such
7 exceptions, shall serve [~~such~~] a six-year term ending on the
8 first day of January [~~next~~] following [~~a general~~] election, and
9 each director shall serve until [~~his~~] a successor has been duly
10 chosen and qualified."

11 SECTION 17. Section 72-16-10 NMSA 1978 (being Laws 1963,
12 Chapter 311, Section 10, as amended) is amended to read:

13 "72-16-10. ELECTION OF DIRECTORS.--

14 A. [~~At each general election~~] On the first Tuesday
15 after the first Monday in November of each odd-numbered year,
16 directors shall be elected from single-member districts in
17 which they reside. The board shall ensure that the districts
18 remain contiguous, compact and as equal in population as is
19 practicable, assessing the existing districts following each
20 federal decennial census to accomplish that objective. A
21 redistricting shall be effective at the following regular board
22 election. Incumbent board members whose residences are
23 redistricted out of their districts may serve out their term of
24 office.

25 B. The qualified electors of the authority shall

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1 elect similarly one or two qualified electors as directors to
2 serve six-year terms as directors and as successors to the
3 directors whose terms end on the first day of January [~~next~~]
4 following each election. Nothing [~~herein~~] may be construed as
5 preventing [~~a~~] qualified [~~elector~~] electors of the authority
6 from [~~any~~] single-member [~~district~~] districts from being
7 elected or reelected as [~~a director~~] directors to succeed
8 [~~himself~~] themselves."

9 SECTION 18. Section 72-16-11 NMSA 1978 (being Laws 1963,
10 Chapter 311, Section 11, as amended) is amended to read:

11 "72-16-11. NOMINATION OF DIRECTORS.--Not later than
12 forty-five days before a proposal to incur debt is first
13 submitted to the taxpaying electors or at the first general
14 election [~~next~~] following the effective date of the Arroyo
15 Flood Control Act, whichever occurs first, written nominations
16 of any candidate as director may be filed with the secretary of
17 the board. Each nomination of any candidate shall be signed by
18 not less than fifty taxpaying electors who reside within the
19 district for which the candidate has been nominated, shall
20 designate [~~therein~~] the name of the [~~candidates thereby~~]
21 candidate nominated and shall recite that the subscribers are
22 taxpaying electors of the district for which the candidate is
23 nominated and that the candidate [~~or candidates~~] designated
24 [~~therein are~~] is a qualified [~~electors~~] elector of the
25 authority and [~~reside~~] resides within the district for which

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1 ~~[they are]~~ the candidate is nominated. No taxpaying elector
2 may nominate more than one candidate for any vacancy. If a
3 candidate does not withdraw ~~[his]~~ the candidate's name before
4 the time established by the county for purposes of absentee
5 ballots or as set forth in the Election Code, whichever is
6 earlier, ~~[his]~~ the candidate's name shall be placed on the
7 ballot. For any election held after November 6, 1984,
8 nominations shall be made by qualified electors in accordance
9 with the procedures and limitations of this section, except
10 that ~~[such]~~ the nominations shall be filed with the secretary
11 of the board not later than the fourth Tuesday in June
12 preceding the ~~[general]~~ election."

13 SECTION 19. Section 72-16-28 NMSA 1978 (being Laws 1963,
14 Chapter 311, Section 28, as amended) is amended to read:

15 "72-16-28. ELECTIONS.--Each biennial election of
16 directors, each election proposition to issue bonds and all
17 other elections shall be conducted ~~[at the time of the general~~
18 ~~election]~~ on the first Tuesday after the first Monday in
19 November of an odd-numbered year under the direction of the
20 Bernalillo county clerk and in accordance with the election
21 laws of New Mexico."

22 SECTION 20. Section 72-16-34 NMSA 1978 (being Laws 1963,
23 Chapter 311, Section 34, as amended) is amended to read:

24 "72-16-34. ELECTION RETURNS.--In those polling places
25 where the county precincts coincide with the boundaries of the

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1 authority, the regular [~~general election~~] precinct board shall
2 certify the results of the authority election to the county
3 canvassing board. The county canvassing board shall certify
4 directly to the secretary of the authority that portion of the
5 returns pertaining to the authority election. In those polling
6 places where the precincts are partly within and partly without
7 the authority's district, the authority shall appoint a
8 separate authority precinct board at the authority's expense,
9 which shall be provided space in the polling places where the
10 general election is being conducted. Paper ballots shall be
11 used in the conduct of the election, and the authority precinct
12 board shall conduct the election as provided in the Election
13 Code where paper ballots are used. The separate authority
14 precinct board shall certify the results of the election in
15 that precinct to the secretary of the authority within twelve
16 hours after the close of the polls. The secretary of the
17 authority shall canvass the results of the authority election
18 as certified by the county canvassing board and as certified by
19 each of the separate authority precinct boards and shall
20 declare the results of the election at any regular or special
21 meeting held not less than five days following the date of the
22 election. Except as [~~herein~~] otherwise provided, any proposal
23 submitted at any election [~~hereunder~~] held pursuant to the
24 Arroyo Flood Control Act shall not carry unless the proposal
25 has been approved by a majority of the qualified electors of

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1 the district voting [~~thereon~~] on the proposal."

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

4 "72-17-8. BOARD OF DIRECTORS.--The governing body of the
5 authority hereby created is a board of directors consisting of
6 five qualified electors of the authority. All powers, rights,
7 privileges and duties vested in or imposed upon the authority
8 are exercised and performed by and through the board of
9 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 and except for any director chosen to
14 fill an unexpired term, the term of each director commences on
15 the first day of January next following [~~a general~~] the
16 director's election [~~in the state~~] and runs for six years.
17 Each director, subject to [~~said~~] such exceptions, shall serve
18 such a six-year term ending on the first day of January next
19 following [~~a general~~] the director's election and each director
20 shall serve until [~~his~~] a successor has been duly chosen and
21 qualified."

22 SECTION 22. Section 72-17-10 NMSA 1978 (being Laws 1967,
23 Chapter 156, Section 10) is amended to read:

24 "72-17-10. ELECTION OF DIRECTORS.--At the time that a
25 proposal to incur debt [~~shall be~~] is first submitted to the

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1 taxpaying electors or at the first general election next
2 following the effective date of the Las Cruces Arroyo Flood
3 Control Act, whichever occurs first, the qualified electors of
4 the authority shall elect five qualified directors, two to
5 serve a term ending January 1, 1969, two to serve a term ending
6 January 1, 1971 and one to serve a term ending January 1, 1973.
7 At the first election, the five candidates receiving the
8 highest number of votes shall be elected as directors. The
9 terms of the directors shall be determined by lot at their
10 organizational meeting. At each [~~general~~] election thereafter,
11 the qualified electors of the authority shall elect similarly
12 one or two qualified electors as directors to serve six-year
13 terms as directors and as successors to the directors whose
14 terms end on the first day of January next following each
15 [~~such~~] election. After January 1, 2016, elections shall be
16 held on the first Tuesday after the first Monday in November of
17 each odd-numbered year. Nothing [~~herein~~] in this section may
18 be construed as preventing [~~a~~] qualified [~~elector~~] electors of
19 the authority from being elected or reelected as [~~a director~~]
20 directors to succeed [~~himself~~] themselves. If there [~~be~~] is
21 only one vacancy on the board, the candidate receiving the
22 highest number of votes shall be elected as director. If there
23 [~~be~~] are two vacancies on the board, the candidate receiving
24 the highest number of votes and the candidate receiving the
25 next highest number of votes shall be elected as directors."

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1 SECTION 23. Section 72-17-28 NMSA 1978 (being Laws 1967,
2 Chapter 156, Section 28) is amended to read:

3 "72-17-28. ELECTIONS.--Wherever in [~~this~~] the Las Cruces
4 Arroyo Flood Control Act an election of the qualified electors
5 or taxpaying electors of the authority is permitted or
6 required, [~~said~~] the election [~~may be held separately at a~~
7 ~~special election or may be held concurrently with any primary~~
8 ~~or general election held under the laws of the state; provided,~~
9 ~~however:~~

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

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

17 SECTION 24. Section 72-17-29 NMSA 1978 (being Laws 1967,
18 Chapter 156, Section 29) is amended to read:

19 "72-17-29. ELECTION RESOLUTION.--The board shall call any
20 election by resolution adopted at least sixty days prior to the
21 election. Such resolution shall recite the objects and
22 purposes of the election, the date upon which such election
23 shall be held and the form of the ballot. [~~In the case of any~~
24 ~~election not to be held concurrently with a primary or general~~
25 ~~election, the board shall provide in said election resolution~~

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

23 SECTION 25. Section 72-17-32 NMSA 1978 (being Laws 1967,
24 Chapter 156, Section 32) is amended to read:

25 "72-17-32. POLLING PLACES.--All polling places designated

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1 by the election resolution shall be within the area included
2 within the authority [~~and if the election shall not be held~~
3 ~~concurrently with a primary or general election held under the~~
4 ~~laws of the state, there shall be one polling place in each of~~
5 ~~the election precincts which are used in the primary and~~
6 ~~general elections or in each of the consolidated election~~
7 ~~precincts fixed by the board]."~~

8 SECTION 26. Section 72-17-34 NMSA 1978 (being Laws 1967,
9 Chapter 156, Section 34) is amended to read:

10 "72-17-34. ELECTION RETURNS.--In the case of any election
11 held [~~hereunder which is not held concurrently with a primary~~
12 ~~or general election, the election officials shall make their~~
13 ~~returns directly to the secretary of the authority for the~~
14 ~~board. In the case of any election held hereunder which]~~
15 pursuant to the Las Cruces Flood Control Act that is
16 consolidated with any [~~primary or general~~] other election, the
17 returns thereof shall be made and canvassed at the time and in
18 the manner provided by law for the canvass of the returns of
19 [~~such primary or general~~] that election. It [~~shall be~~] is the
20 duty of [~~such~~] the canvassing body to certify promptly and to
21 transmit to the secretary of the authority for the board a
22 statement of the result of the vote upon any candidates or any
23 proposition submitted [~~hereunder~~] pursuant to that act. Upon
24 receipt of election returns from election officials or upon
25 receipt of such certificate from any such canvassing body, it

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1 ~~[shall be]~~ is the duty of the board to tabulate and declare the
2 results of the election held ~~[hereunder]~~ pursuant to that act
3 at any regular or special meeting held not earlier than five
4 days following the date of the election. Except as ~~[herein]~~
5 otherwise provided in this section, any proposal submitted at
6 any election ~~[hereunder]~~ pursuant to that act shall not have
7 carried unless the proposal ~~[shall have]~~ has been approved by a
8 majority of the qualified electors ~~[of]~~ or the taxpaying
9 electors of the district voting thereon, as the case may be."

10 SECTION 27. Section 72-18-14 NMSA 1978 (being Laws 1981,
11 Chapter 377, Section 14) is amended to read:

12 "72-18-14. ELECTION OF DIRECTORS--NOMINATIONS.--

13 A. Flood control district elections shall be held on
14 the first Tuesday after the first Monday of November of each
15 odd-numbered year. At each ~~[general]~~ election ~~[in the state]~~
16 after organization of the district, there shall be elected by
17 the qualified registered electors of the district one or two
18 members of the board to serve for a term of six years. Except
19 for the initial board of directors and except for any director
20 chosen to fill an unexpired term, the term of each director
21 commences on January 1 following the ~~[general]~~ election ~~[in the~~
22 ~~state]~~ and runs for six years. Each director, subject to such
23 exceptions, shall serve a six-year term ending on January 1
24 next following ~~[a general]~~ election. Each director shall serve
25 until ~~[his]~~ a successor has been duly chosen and qualified.

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1 B. Not later than thirty days before any election,
2 nominations may be filed with the secretary, and, if a nominee
3 does not withdraw [~~his~~] the nominee's name before the first
4 publication of the notice of election, [~~his~~] the nominee's name
5 shall be placed on the ballot."

6 **SECTION 28.** Section 72-18-15 NMSA 1978 (being Laws 1981,
7 Chapter 377, Section 15) is amended to read:

8 "72-18-15. VACANCIES ON THE BOARD.--Any vacancy on the
9 board shall be filled by appointment by a majority of the
10 remaining members of the board. The appointee shall serve
11 until the next [~~general~~] election when the vacancy shall be
12 filled by election. If the board fails to fill any vacancy
13 within thirty days after it occurs, the court declaring the
14 organization of the district shall fill the vacancy."

15 **SECTION 29.** Section 72-18-35 NMSA 1978 (being Laws 1981,
16 Chapter 377, Section 35) is amended to read:

17 "72-18-35. ELECTION.--Wherever in the Flood Control
18 District Act an election of the qualified registered electors
19 of a district is permitted or required, the election [~~may be~~
20 ~~held separately at a special election or may be held~~
21 ~~concurrently with any primary or general election held under~~
22 ~~the laws of the state; provided, however:~~

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

25 B. ~~no election shall be held at the same time as any~~

1 ~~regular election of a municipality or school district any part~~
2 ~~of the area of which is located within the boundaries of the~~
3 ~~district]~~ shall be held on the first Tuesday after the first
4 Monday of an odd-numbered year."

5 SECTION 30. Section 72-18-35.1 NMSA 1978 (being Laws
6 1985, Chapter 177, Section 2) is amended to read:

7 "72-18-35.1. ELECTION OF DIRECTORS--ESTABLISHED
8 DISTRICT.--

9 A. In a district established pursuant to the Flood
10 Control District Act whose boundaries are coterminous with the
11 voting precincts of the county, the election of directors shall
12 be conducted by the county clerk in the same manner [~~and at the~~
13 ~~same time~~] as the general election in the state and the same
14 election officials shall preside. The returns of the election
15 shall be filed with the county clerk, who shall submit them to
16 the board of the district for the purposes of canvassing the
17 election of the district. The nominees for offices of
18 directors shall be determined in accordance with the resolution
19 of the board calling for the election, which shall provide that
20 nominees shall file for the office of director in the same
21 manner and form as for municipal offices, and a list of the
22 nominees shall be provided to the county clerk [~~not later than~~
23 ~~three days following the primary election~~]. All costs for
24 materials and supplies incurred by the county clerk on behalf
25 of the district shall be paid by the district to the clerk's

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1 office.

2 B. The district may provide for the cost of one
3 additional clerk of election to assist the county clerk
4 specifically in the conduct of the district election."

5 SECTION 31. Section 72-18-36 NMSA 1978 (being Laws 1981,
6 Chapter 377, Section 36) is amended to read:

7 "72-18-36. ELECTION RESOLUTION.--The board shall call any
8 election by resolution adopted at least sixty days before the
9 election. The resolution shall recite the objects and purposes
10 of the election, the date on which the election shall be held
11 and the form of the ballot. [~~In the case of any election not
12 held concurrently with a primary or general election, the board
13 shall provide in the election resolution or by supplemental
14 resolution for the appointment of sufficient judges and clerks
15 of the election who shall be qualified registered electors of
16 the district and shall set their compensation. In a special
17 election, the election resolution shall also designate the
18 precincts and polling places. The description of precincts may
19 be made by reference to any order of the governing body of any
20 county, municipality or other public body in which the district
21 or any part thereof is situated, by reference to any previous
22 order or by other instrument of such governing body, by
23 detailed description of the precincts or by other sufficient
24 description. Precincts established by a governing body may be
25 consolidated in the election resolution by the board for any~~

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1 ~~election not to be held concurrently with a primary or general~~
2 ~~election. If the election is held concurrently with a primary~~
3 ~~or general election under the laws of the state, the judges of~~
4 ~~election for the election shall be designated as the judges of~~
5 ~~election held pursuant to the Flood Control District Act, and~~
6 ~~they shall receive such additional compensation, if any, as the~~
7 ~~board shall set by the election resolution.] All elections~~
8 ~~shall be held on the first Tuesday after the first Monday in~~
9 ~~November of an odd-numbered year."~~

10 SECTION 32. Section 72-18-41 NMSA 1978 (being Laws 1981,
11 Chapter 377, Section 41) is amended to read:

12 "72-18-41. ELECTION RETURNS.--In the case of an election
13 held under the Flood Control District Act [~~which~~] that is [~~not~~
14 ~~held concurrently with a primary or general election, the~~
15 ~~election officials shall make their returns directly to the~~
16 ~~secretary. In the case of any election held under that act~~
17 ~~which is]~~ consolidated with any [~~primary or general~~] other
18 election, the returns shall be made and canvassed at the time
19 and in the manner provided by law for the canvass of the
20 returns of [~~the general~~] that election. It shall be the duty
21 of the canvassing body to certify promptly and to transmit to
22 the secretary a statement of the result of the vote upon any
23 candidates or any proposition submitted under that act. Upon
24 receipt of election returns from election officials or upon
25 receipt of the certificate of election from the canvassing

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1 body, it shall be the duty of the board to tabulate and declare
2 the results of the election at any regular or special meeting
3 held not later than ten days following the date of the
4 election. Any proposal submitted at any election under the
5 Flood Control District Act shall not have carried unless the
6 proposal has been approved by a majority of the qualified
7 registered electors of the district voting on the proposal."

8 SECTION 33. Section 72-19-8 NMSA 1978 (being Laws 1990,
9 Chapter 14, Section 8, as amended) is amended to read:

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

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1 ~~general~~] election, and each director shall serve until [~~his~~] a
2 successor has been duly chosen and qualified."

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

5 "72-19-10. ELECTION OF DIRECTORS.--At the time that a
6 proposal to incur debt is first submitted to the qualified
7 electors or at the first general election next following the
8 effective date of the Southern Sandoval County Arroyo Flood
9 Control Act, whichever occurs first, the qualified electors of
10 the authority shall elect five qualified directors, two to
11 serve a term ending January 1, 1993, two to serve a term ending
12 January 1, 1995 and one to serve a term ending January 1, 1997.
13 At the first election, the five candidates receiving the
14 highest number of votes shall be elected as directors. The
15 terms of the directors shall be determined by lot at their
16 organizational meeting. At each [~~general~~] election thereafter,
17 the qualified electors of the authority shall elect similarly
18 one or two qualified electors as directors to serve six-year
19 terms as directors and as successors to the directors whose
20 terms end on the first day of January next following each such
21 election. After January 1, 2016, elections shall be held on
22 the first Tuesday after the first Monday of November of each
23 odd-numbered year. Nothing in the Southern Sandoval County
24 Arroyo Flood Control Act shall be construed as preventing [a]
25 qualified [~~elector~~] electors of the authority from being

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1 elected or reelected as [~~a director~~] directors to succeed
2 [~~himself~~] themselves. If there is only one vacancy on the
3 board, the candidate receiving the highest number of votes
4 shall be elected as director. If there are two vacancies on
5 the board, the candidate receiving the highest number of votes
6 and the candidate receiving the next highest number of votes
7 shall be elected as directors."

8 SECTION 35. Section 72-19-11 NMSA 1978 (being Laws 1990,
9 Chapter 14, Section 11, as amended) is amended to read:

10 "72-19-11. NOMINATION OF DIRECTORS.--Not later than
11 forty-five days before a proposal to incur debt is first
12 submitted to the qualified electors or at the first general
13 election [~~next~~] following the effective date of the Southern
14 Sandoval County Arroyo Flood Control Act, whichever occurs
15 first, written nominations of any candidate as director may be
16 filed with the secretary of the board. Each nomination of any
17 candidate shall be signed by not less than fifty qualified
18 electors, regardless of whether or not nominated [~~therein~~],
19 shall designate [~~therein~~] the name of the candidates [~~thereby~~]
20 nominated and shall recite that the subscribers [~~thereto~~] are
21 qualified electors and that the [~~candidate or~~] candidates
22 designated [~~therein~~] are qualified electors of the authority.
23 No written nomination may designate more qualified electors as
24 candidates than there are vacancies. No qualified elector may
25 nominate more than one candidate for any vacancy. If a

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1 candidate does not withdraw [~~his~~] the candidate's name before
2 the first publication of the notice of election, [~~his~~] the
3 candidate's name shall be placed on the ballot. For any
4 election held after November 1990, nominations shall be made by
5 qualified electors in accordance with the procedures and
6 limitations of this section, except that such nominations shall
7 be filed with the secretary of the board not later than the
8 fourth Tuesday in June preceding the [~~general~~] election."

9 SECTION 36. Section 72-19-28 NMSA 1978 (being Laws 1990,
10 Chapter 14, Section 28, as amended) is amended to read:

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

22 SECTION 37. Section 72-19-34 NMSA 1978 (being Laws 1990,
23 Chapter 14, Section 34, as amended) is amended to read:

24 "72-19-34. ELECTION RETURNS.--For authority elections
25 [~~held at the time of the general election~~], the regular

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

24 **SECTION 38.** Section 72-20-8 NMSA 1978 (being Laws 2007,
25 Chapter 99, Section 8, as amended) is amended to read:

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1 "72-20-8. BOARD OF DIRECTORS.--

2 A. The governing body of the authority is a board of
3 directors consisting of three qualified electors of the
4 authority; provided that, after single-member districts are
5 created pursuant to Subsection B of Section 72-20-10 NMSA 1978
6 and after the expiration of the terms of any directors-at-large
7 who are serving at the time that single-member districts are
8 created:

9 (1) each director shall reside within and
10 represent a specified district; and

11 (2) if a director no longer resides within the
12 district that the director represents, the director's position
13 shall be deemed vacant and a successor shall be appointed to
14 serve the unexpired term pursuant to Section 72-20-12 NMSA
15 1978.

16 B. All powers, rights, privileges and duties vested
17 in or imposed upon the authority are exercised and performed by
18 and through the board of directors; provided that the exercise
19 of any executive, administrative and ministerial powers may be,
20 by the board, delegated and redelegated to officers and
21 employees of the authority or to any officer or employee
22 contracted by agreement to manage and administer the operations
23 of the authority. Except for the first directors appointed as
24 provided for in Section 72-20-9 NMSA 1978 or elected as
25 provided in Section 72-20-10 NMSA 1978 and except for any

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1 director chosen to fill an unexpired term, and except for the
2 first directors serving after the authority is divided into
3 single-member districts, the term of each director commences on
4 the first day of January next following [~~a general~~] the
5 director's election in the state and runs for six years. Each
6 director, subject to such exceptions, shall serve a six-year
7 term ending on the first day of January next following [~~a~~
8 ~~general~~] election, and each director shall serve until a
9 successor has been duly chosen and qualified."

10 SECTION 39. Section 72-20-10 NMSA 1978 (being Laws 2007,
11 Chapter 99, Section 10, as amended) is amended to read:

12 "72-20-10. ELECTION OF DIRECTORS--SINGLE-MEMBER
13 DISTRICTS.--

14 A. At the time that a proposal to incur debt is first
15 submitted to the qualified electors or at the first general
16 election following March 30, 2007, whichever occurs first, the
17 qualified electors of the authority shall elect five qualified
18 directors, two to serve a term ending January 1, 2011, two to
19 serve a term ending January 1, 2013 and one to serve a term
20 ending January 1, 2015. At the first election, the five
21 candidates receiving the highest number of votes shall be
22 elected as directors. The terms of the directors shall be
23 determined by lot at their organizational meeting.

24 B. Upon the exclusion of land pursuant to Subsection
25 C of Section 72-20-6 NMSA 1978, the two directors elected in

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1 the 2010 general election shall be deemed to have resigned,
2 and, notwithstanding the provisions of Section 72-20-12 NMSA
3 1978, their positions shall not be filled. Thereafter, the
4 board shall consist of three directors. The board shall divide
5 the authority into three single-member districts. The
6 following provisions shall govern the procedure for converting
7 to single-member districts:

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

10 (2) remaining terms for the three incumbent
11 directors shall be chosen by lot so that one term expires on
12 January 1, 2013, one term expires on January 1, 2015 and one
13 term expires on January 1, 2017;

14 (3) if, as a result of the division of the
15 authority into districts, two or more incumbent directors
16 reside within the same district, the board shall determine, by
17 lot, one of the directors to represent the district, and the
18 other directors residing within that district shall represent
19 the authority at large until their terms expire;

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

25 (5) if more than one director represents the

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1 authority at large pursuant to Paragraph (3) or (4) of this
2 subsection, the board shall determine by lot the district that
3 will elect a resident to succeed a director-at-large as the
4 term of each director-at-large expires.

5 C. At the 2012, 2014 and [~~each subsequent~~] 2016
6 general election, for the single-member district in which the
7 term of the incumbent director or the term of a director-at-
8 large assigned by lot pursuant to Paragraph (2) of Subsection B
9 of this section will expire on the first day of the January
10 immediately following the election, a director who is a
11 qualified elector and a resident of the district shall be
12 elected by the qualified electors who are residents of that
13 district to serve a [~~six-year~~] five-year term. Beginning in
14 2017, elections for directors shall be held on the first
15 Tuesday after the first Monday in November of each odd-numbered
16 year for staggered six-year terms.

17 D. Nothing in this section shall be construed as
18 preventing qualified electors of the authority from being
19 elected or reelected as directors to succeed themselves;
20 provided that they reside in the district from which they are
21 elected.

22 E. As soon as feasible after each federal decennial
23 census, the board shall assess the existing districts to
24 determine if the districts remain as equal in population as is
25 practicable and, if necessary, shall redistrict the authority

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1 into districts that remain contiguous, compact and as equal in
2 population as is practicable; provided that:

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

5 (2) an incumbent director whose residence is
6 redistricted out of the district represented by the director
7 shall serve until the next general election, at which a
8 qualified elector who resides within the district shall be
9 elected to fill the unexpired term."

10 **SECTION 40.** Section 72-20-11 NMSA 1978 (being Laws 2007,
11 Chapter 99, Section 11, as amended) is amended to read:

12 "72-20-11. NOMINATION OF DIRECTORS.--Not later than
13 forty-five days before a proposal to incur debt is first
14 submitted to the qualified electors or at the first general
15 election following March 30, 2007, whichever occurs first,
16 written nominations of any candidate as director may be filed
17 with the secretary of the board. Each nomination of any
18 candidate shall be signed by not less than fifty qualified
19 electors, regardless of whether or not nominated therein, shall
20 designate therein the name of the candidates thereby nominated
21 and shall recite that the subscribers thereto are qualified
22 electors and that the candidate or candidates designated
23 therein are qualified electors of the authority. No written
24 nomination may designate more qualified electors as candidates
25 than there are vacancies. No qualified elector may nominate

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1 more than one candidate for any vacancy. If a candidate does
2 not withdraw the candidate's name before the first publication
3 of the notice of election, the candidate's name shall be placed
4 on the ballot. For any election held after November 2010,
5 nominations shall be made by qualified electors in accordance
6 with the procedures and limitations of this section, except
7 that:

8 A. such nominations shall be filed with the secretary
9 of the board not later than the fourth Tuesday in June
10 preceding the ~~[general]~~ election;

11 B. each nomination shall designate only one
12 candidate;

13 C. all of the qualified electors signing each
14 nomination and the person nominated shall reside within the
15 district for which the candidate has been nominated; and

16 D. each nomination shall recite that the subscribers
17 thereto are qualified electors who reside in the district for
18 which the candidate is nominated and that the person nominated
19 is a qualified elector who resides in the district for which
20 the person is nominated."

21 SECTION 41. Section 72-20-28 NMSA 1978 (being Laws 2007,
22 Chapter 99, Section 28) is amended to read:

23 "72-20-28. 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

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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~~] that time. Elections for
7 the issuance of bonds may be by mail-in ballot pursuant to the
8 procedures set forth in the Mail Ballot Election Act."

9 SECTION 42. Section 72-20-34 NMSA 1978 (being Laws 2007,
10 Chapter 99, Section 34) is amended to read:

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

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

9 SECTION 43. 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 Tuesday after the first Monday in
13 [~~January~~] May prior to the middle Rio Grande conservancy
14 district election, an election proclamation shall be published
15 that includes a list of the offices for which a candidate may
16 file, the date and place at which declarations of candidacy
17 shall be filed and the date of the election. The election
18 proclamation shall be published once in a newspaper of general
19 circulation in the counties in which the election shall be
20 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 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 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 44. Section 73-14-62 NMSA 1978 (being Laws 1943,
17 Chapter 126, Section 9, as amended) is amended to read:

18 "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--

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

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1 1, 1952 shall be elected on the first Tuesday of October, 1959,
2 and [of] each succeeding sixth year thereafter at general
3 election.

4 B. Not less than thirty days prior to [~~said~~] the
5 election, the board of directors then in office shall meet and
6 by written resolution, which shall be preserved among the
7 permanent records of the board, shall select a voting place
8 within each voting precinct or voting division [~~thereof~~] within
9 the conservancy district and shall select three judges of
10 election to conduct the election at the place [~~so~~] selected.

11 [~~Said~~] The judges shall be qualified electors, as [~~herein~~]
12 defined in Section 73-14-57 NMSA 1978, and residents of the
13 precinct within which they are appointed to act and shall serve
14 without pay. The resolution shall appoint one of [~~said~~] the
15 judges to receive the ballots and post [~~its~~] notice of
16 election. Not less than five days thereafter, the secretary of
17 [~~said~~] the board shall notify each judge [~~so~~] selected of [~~his~~]
18 the judge's appointment [~~as such~~] and send to the judge
19 selected to receive the ballots four copies of a notice of
20 election [~~which~~] that shall state the time and purpose
21 [~~thereof~~] of the election, the place where held within the
22 precinct and the names of the judges selected for [~~such~~] the
23 precinct [~~and said~~]. The notices shall be posted at the four
24 most prominent places within the precinct as soon as received.

25 C. Elections held after July 1, 2015 shall be held on

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1 the first Tuesday after the first Monday in November in odd-
2 numbered years."

3 SECTION 45. Section 73-14-73 NMSA 1978 (being Laws 1961,
4 Chapter 67, Section 5) is amended to read:

5 "73-14-73. ELECTIONS--WHEN HELD.--

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

11 B. Subsequent elections shall be held every two years
12 following the year 1961 and shall be held on the first Tuesday
13 [~~of October~~] after the first Monday in November in odd-numbered
14 years.

15 C. Conservancy districts formed after July 1, 1961
16 shall hold their first election as provided in Section
17 [~~75-28-53 New Mexico Statutes Annotated, 1953 Compilation~~]
18 73-14-74 NMSA 1978."

19 SECTION 46. Section 73-20-37 NMSA 1978 (being Laws 1965,
20 Chapter 137, Section 11, as amended) is amended to read:

21 "73-20-37. DISTRICT SUPERVISORS--ELECTION AND
22 APPOINTMENT--NEW DISTRICTS.--

23 A. The governing body of a district shall be composed
24 of five supervisors who shall be residents of the district and
25 shall be elected; provided, however, two additional supervisors

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

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

23 C. In the first election of supervisors to serve a
24 newly organized district, two supervisors shall be elected for
25 terms of four years and three supervisors shall be elected for

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

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

14 SECTION 47. Section 73-20-38 NMSA 1978 (being Laws 1965,
15 Chapter 137, Section 12, as amended) is amended to read:

16 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND
17 APPOINTMENT--ORGANIZED DISTRICTS.--

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

23 B. A canvassing board appointed by the commission
24 shall determine the results of a district election, shall
25 certify and publish the results and shall give the commission

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1 notice of its canvass within seven days of its completion. A
2 canvass is considered complete when all challenges have been
3 resolved to the satisfaction of the canvassing board.

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

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

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1 with the provisions of this subsection."

2 SECTION 48. Section 73-20-46 NMSA 1978 (being Laws 1965,
3 Chapter 137, Section 20, as amended) is amended to read:

4 "73-20-46. DISTRICT ASSESSMENTS.--

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

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

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

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

- 24 (1) a copy of the resolution of the supervisors;
25 (2) the results of any referendum held in the

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1 year the certification is made; and

2 (3) a list of landowners of the district and a
3 description of the land owned by each that is subject to
4 assessment.

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

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

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

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

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

15 SECTION 49. Section 73-21-14 NMSA 1978 (being Laws 1943,
16 Chapter 80, Section 13, as amended) is amended to read:

17 "73-21-14. ELECTIONS.--

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

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1 the district one member of the board to serve for a term of six
2 years, except that if the district elects to adopt four-year
3 terms, the member shall serve for a term of four years.

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

12 C. Not later than thirty days before any election
13 pursuant to Subsection A or B of this section, nominations may
14 be filed with the secretary of the board, and, if a nominee
15 does not withdraw the nominee's name before the first
16 publication of the notice of election, the name shall be placed
17 on the ballot. The board shall provide for holding such
18 election and shall appoint judges to conduct it. The secretary
19 of the district shall give notice of election by publication
20 and shall arrange such other details in connection with the
21 election as the board may direct. If within ninety days prior
22 to a board election, the district publishes materials that
23 describe the qualifications, experience and accomplishments of
24 incumbents, equal space shall be made available without charge
25 for similar information provided by opponents seeking a

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1 position on the board. The returns of the election shall be
2 certified to and shall be canvassed and declared by the board.
3 The candidate receiving the most votes shall be elected. Any
4 new member of the board shall qualify in the same manner as
5 members of the first board qualify."

6 SECTION 50. Section 73-21-28 NMSA 1978 (being Laws 1943,
7 Chapter 80, Section 25, as amended) is amended to read:

8 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--
9 Whenever the board shall, by resolution, determine that the
10 interest of the district and the public interest or necessity
11 demand the acquisition, construction, installation or
12 completion of any works or other improvements or facilities, or
13 the making of any contract with the United States or other
14 persons or corporations, to carry out the objects or purposes
15 of the district, requiring the creation of a general obligation
16 indebtedness of five thousand dollars (\$5,000) or more, secured
17 by property tax revenue from within the district, the board
18 shall order the submission of the proposition of issuing the
19 obligations or bonds or creating other indebtedness to the
20 qualified taxpaying electors of the district at ~~[an]~~ a regular
21 district election ~~[held for that purpose. Any such election~~
22 ~~may be held separately or may be consolidated or held~~
23 ~~concurrently with any other election authorized by the Water~~
24 ~~and Sanitation District Act].~~ The declaration of public
25 interest or necessity required in this section and the

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~~[bracketed material] = delete~~

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

17 **SECTION 51. TEMPORARY PROVISION.--**Officers in the
18 affected offices serving in office as of, and that were elected
19 to office prior to, the effective date of this act shall serve
20 the remainder of their unexpired terms for which they were
21 elected and shall serve until the officer's successor has been
22 elected and qualified; provided that an officer whose term
23 would have expired between July 1, 2015 and January 1, 2016
24 shall serve until the officer's successor has been elected and
25 qualified following that 2015 election, and an officer whose

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

4 SECTION 52. REPEAL.--Section 21-16-21 NMSA 1978 (being
5 Laws 1964 (1st S.S.), Chapter 12, Section 6) is repealed.

6 SECTION 53. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2015.

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