

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 535

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO ELECTIONS; CREATING BOND ELECTION DAY; REQUIRING  
CERTAIN ELECTIONS TO BE HELD ON BOND ELECTION DAY; AMENDING AND  
ENACTING CERTAIN SECTIONS OF THE NMSA 1978.

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

SECTION 1. ~~[NEW MATERIAL]~~ BOND ELECTION DAY.--The second  
Tuesday in September of each year shall be "bond election day".

The following elections shall be held on bond election day:

- A. an election on the imposition of a mill levy;
- B. an election on the imposition of a property tax  
rate or property tax increase for a specified purpose;
- C. a bond election that is not a school bond  
election or a statewide election; and
- D. any nonschool special election at which a tax  
increase is being voted on.

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1           SECTION 2.   [NEW MATERIAL] BOND ELECTION--NOTICE.--Notice  
2 of an election pursuant to Section 1 of this 2011 act shall be  
3 published in a newspaper of general circulation and announced  
4 by radio or television broadcast in the geographic area covered  
5 by the election at least once a week for the four weeks  
6 immediately preceding the election.

7           SECTION 3.   Section 3-8-25 NMSA 1978 (being Laws 1965,  
8 Chapter 300, Section 14-8-3) is amended to read:

9           "3-8-25.   REGULAR MUNICIPAL ELECTIONS--TIME OF HOLDING  
10 ELECTION.--Regular municipal elections for the purpose of  
11 electing municipal officers and considering any other question  
12 placed on the ballot by the governing body, but not related to  
13 bonds, levies or taxation, shall be held on the first Tuesday  
14 in March of each even-numbered year; provided that any  
15 municipality [~~which~~] that has adopted a charter shall elect its  
16 municipal officers at the time provided for in the charter."

17           SECTION 4.   Section 3-8-35 NMSA 1978 (being Laws 1965,  
18 Chapter 300, Section 14-8-2, as amended) is amended to read:

19           "3-8-35.   SPECIAL ELECTION--GIVING NOTICE.--

20           A.   When a special election is called or required by  
21 law, an election resolution shall be adopted by the governing  
22 body calling for the election, and notice of the election  
23 resolution shall be [~~published once each week for four~~  
24 ~~consecutive weeks.~~ ~~The first publication of the election~~  
25 ~~resolution shall be between fifty and sixty days before the day~~

1 ~~of the election]~~ given pursuant to the provisions of Section 2  
 2 of this 2011 act. The election resolution shall be posted in  
 3 the office of the municipal clerk within twenty-four hours from  
 4 the date of adoption until the date of the election. For  
 5 information purposes and coordination, one copy of the election  
 6 resolution shall be mailed to the secretary of state and the  
 7 county clerk of the county in which the municipality is  
 8 located.

9 B. The election resolution shall state the purpose  
 10 for calling the election, the date of the election, the date  
 11 and time of the closing of the registration books by the county  
 12 clerk as required by law, the questions to be submitted to the  
 13 voters, the location of polling places, the consolidation of  
 14 precincts, if any, and, regarding those municipalities  
 15 authorized by law to use paper ballots in lieu of voting  
 16 machines, if paper ballots or voting machines will be used in  
 17 the election."

18 SECTION 5. Section 3-30-6 NMSA 1978 (being Laws 1965,  
 19 Chapter 300, Section 14-29-6, as amended) is amended to read:

20 "3-30-6. BOND ELECTION--QUALIFICATIONS OF VOTERS--  
 21 SEPARATION OF ITEMS--TIME--PUBLICATION OR POSTING--BALLOTS.--

22 A. Before bonds are issued, the governing body of  
 23 the municipality shall submit to a vote of the registered  
 24 qualified electors of the municipality and the nonresident  
 25 municipal electors the question of issuing the bonds. The

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1 election [~~may be held at the same time as the regular municipal~~  
2 ~~election or at any special election held pursuant to Article 9,~~  
3 ~~Section 12 of the constitution of New Mexico]~~ shall conform  
4 with the requirements of Sections 1 and 2 of this 2011 act.

5 B. The governing body of the municipality shall  
6 give notice of the time and place of holding the election and  
7 the purpose for which the bonds are to be issued. [~~Notice of a~~  
8 ~~bond election shall be given as required in the Municipal~~  
9 ~~Election Code for special elections.~~] A change in the location  
10 of a polling place after notice has been given shall not  
11 invalidate a bond election.

12 C. The question shall state the purpose for which  
13 the bonds are to be issued and the amount of the issue. If  
14 bonds are to be issued for more than one purpose, a separate  
15 question shall be submitted to the voter for each purpose to be  
16 voted upon. The ballots shall contain words indicating the  
17 purpose of the bond issue and a place for a vote "For . . .  
18 (designate type) bonds" and "Against . . . (designate type)  
19 bonds" for each bond issue. The ballots shall be deposited in  
20 a separate ballot box unless voting machines are used."

21 SECTION 6. Section 3-33-14.1 NMSA 1978 (being Laws 2001,  
22 Chapter 312, Section 5) is amended to read:

23 "3-33-14.1. IMPOSITION OF IMPROVEMENT DISTRICT PROPERTY  
24 TAX--LIMITATIONS.--

25 A. If in connection with the creation of the

1 improvement district the governing body determines that it is  
2 in the best interest of the municipality to finance the  
3 district improvements by the imposition of an improvement  
4 district property tax and the issuance of improvement district  
5 general obligation bonds, the governing body shall enact an  
6 ordinance making the determination and provide in the ordinance  
7 the improvement district property tax rate to be imposed; the  
8 date, which may be a predetermined date or a date to be  
9 established in the future after completion of the improvements,  
10 of commencement of the tax; the amount of the bonds to be  
11 issued to finance the improvements; and any other matters the  
12 governing body deems necessary or appropriate. The governing  
13 body shall call an election within the improvement district for  
14 the purpose of authorizing the governing body to issue general  
15 obligation bonds, the proceeds of the sale of which shall be  
16 used for constructing the improvements for which the district  
17 was created and to impose improvement district property taxes  
18 on all taxable property within the district for the purpose of  
19 paying the principal, debt service and other expenses  
20 incidental to the issuance and sale of the bonds. The  
21 ordinance shall also include procedures for the conduct of the  
22 election based upon the size of the improvement district and  
23 the number of voters entitled to vote. The election shall  
24 conform with the requirements of Sections 1 and 2 of this 2011  
25 act.

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1           B. If at the election described in Subsection A of  
2 this section the property tax imposition and the issuance of  
3 improvement district general obligation bonds are approved by a  
4 majority of the voters voting on the issues, the governing body  
5 shall impose the tax at a rate sufficient to pay the debt  
6 service on the bonds and retire them at maturity.

7           C. Imposition and collection of the improvement  
8 district property tax authorized in this section shall be made  
9 at the same time and in the same manner as impositions and  
10 collections of property taxes for use by municipalities and  
11 counties are made.

12           D. Bonds issued by the governing body for payment  
13 of the specified improvement district improvements shall be  
14 sold at a price that does not result in a net effective  
15 interest rate exceeding the maximum net effective interest rate  
16 permitted by the Public Securities Act. The bonds may be sold  
17 at public or private sale and may be in denominations that the  
18 governing body determines.

19           E. The form and terms of the bonds, including a  
20 final maturity of thirty years and provisions for their payment  
21 and redemption, shall be as determined by the governing body.  
22 The bonds shall be executed in the name of and on behalf of the  
23 improvement district by the mayor and clerk of the  
24 municipality. The bonds may be executed and sealed in  
25 accordance with the provisions of the Uniform Facsimile

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1 Signature of Public Officials Act.

2 F. To provide for the payment of the interest and  
3 principal of the bonds issued and sold pursuant to this  
4 section, the governing body shall annually impose a property  
5 tax on all taxable property in the district in an amount  
6 sufficient to produce a sum equal to the principal and interest  
7 on all bonds as they mature.

8 G. The bonds authorized in this section are general  
9 obligation bonds of the district, and the full faith and credit  
10 of the district are pledged to the payment of the bonds. The  
11 proceeds obtained from the issuance of the bonds shall not be  
12 diverted or expended for any purposes other than those provided  
13 in Chapter 3, Article 33 NMSA 1978.

14 H. All bonds issued by an improvement district  
15 shall be fully negotiable and constitute negotiable instruments  
16 within the meaning of and for all the purposes of the Uniform  
17 Commercial Code. If lost or completely destroyed, any bond may  
18 be reissued in the form and tenor of the lost or destroyed bond  
19 upon the owner furnishing to the satisfaction of the governing  
20 body:

- 21 (1) proof of ownership;  
22 (2) proof of loss or destruction;  
23 (3) a surety bond in twice the face amount of  
24 the bond and coupons; and  
25 (4) payment of the cost of preparing and

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1 issuing the new bond and coupons.

2 I. The governing body may in any proceeding  
3 authorizing improvement district bonds provide for the initial  
4 issuance of one or more bonds aggregating the amount of the  
5 entire issue or may make provision for installment payments of  
6 the principal amount of any bond as it may consider desirable.

7 J. The governing body may issue bonds to be  
8 denominated refunding bonds, for the purpose of refunding any  
9 of the general obligation bonded indebtedness of the  
10 improvement district. Whenever the governing body deems it  
11 expedient to issue refunding bonds, it shall adopt an ordinance  
12 setting out the facts making the issuance of the refunding  
13 bonds necessary or advisable, the determination of the  
14 necessity or advisability by the governing body and the amount  
15 of refunding bonds that the governing body deems necessary and  
16 advisable to issue. The ordinance shall fix the form of the  
17 bonds; the rate or rates of interest of the bonds, but the net  
18 effective interest rate of the bonds shall not exceed the  
19 maximum net effective interest rate permitted by the Public  
20 Securities Act; the date of the refunding bonds; the  
21 denominations of the refunding bonds; the maturity dates; and  
22 the place or places of payment within or without the state of  
23 both principal and interest. Refunding bonds when issued,  
24 except for bonds issued in book entry or similar form without  
25 the delivery of physical securities, shall be negotiable in

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1 form and shall bear the signature or the facsimile signature of  
2 the mayor and clerk of the municipality. All refunding bonds  
3 may be exchanged dollar for dollar for the bonds to be refunded  
4 or they may be sold as directed by the governing body, and the  
5 proceeds of the sale shall be applied only to the purpose for  
6 which the bonds were issued and the payment of any incidental  
7 expenses.

8 K. The principal amount of improvement district  
9 general obligation bonds that may be issued by the governing  
10 body for any improvement district shall not exceed twenty-five  
11 percent of the final estimated value of properties in the  
12 district after completion of the projects to be financed with  
13 the improvement district general obligation bonds and after  
14 development of the properties in the improvement district in  
15 accordance with their planned use, as determined by the  
16 governing body with the assistance of the engineer and other  
17 qualified professionals.

18 L. In connection with an improvement district  
19 project to be financed with the proceeds of improvement  
20 district general obligation bonds issued pursuant to this  
21 section, a property owner subject to the improvement district  
22 property tax or the governing body may enter into contracts to  
23 design, engineer, finance, construct or acquire a project with  
24 contractors and professionals, on such terms and with such  
25 persons as a property owner subject to the improvement district

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1 property tax or the governing body determines to be  
2 appropriate, without following the procedures or meeting the  
3 requirements of the Procurement Code or the requirements of  
4 Sections 6-15-1 through 6-15-22 NMSA 1978."

5 SECTION 7. Section 4-38-17.1 NMSA 1978 (being Laws 2004,  
6 Chapter 113, Section 1, as amended) is amended to read:

7 "4-38-17.1. TAX LEVIES AUTHORIZATION--PROCEDURES--HEALTH  
8 PURPOSES.--

9 A. A board of county commissioners may adopt a  
10 resolution to submit to the qualified electors of the county  
11 the question of whether a property tax at a rate not to exceed  
12 the rate specified in the resolution should be imposed upon the  
13 net taxable value of property allocated to the county under the  
14 Property Tax Code for the purpose of providing health care to  
15 sick and indigent persons in the county.

16 B. The resolution shall specify the rate of the  
17 proposed tax, which shall not exceed one dollar fifty cents  
18 (\$1.50) on each one thousand dollars (\$1,000) of net taxable  
19 value of property allocated to the county under the Property  
20 Tax Code and shall:

21 (1) specify the date of the election at which  
22 the question of imposition of the tax to the qualified electors  
23 of the county shall be held, which ~~[may be a general election~~  
24 ~~or a special election called for that purpose, except that the~~  
25 ~~election may not be held on the same ballot as an election held~~

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1 ~~pursuant to Section 4-48B-15 NMSA 1978]~~ shall be the subsequent  
 2 bond election day; and

3 (2) limit the imposition of the proposed tax  
 4 to no more than eight years.

5 C. The question shall be voted upon as a separate  
 6 question and shall be called, conducted and canvassed in  
 7 substantially the same manner as provided by law for general  
 8 elections. Upon certification, copies of the election shall be  
 9 mailed immediately to the department of finance and  
 10 administration and the taxation and revenue department.

11 D. For purposes of this section, "county" means a  
 12 class B county with a population of no less than forty-one  
 13 thousand and no more than forty-five thousand according to the  
 14 last federal decennial census.

15 E. The mill levy authorized in this section is not  
 16 subject to the rate limitation provisions of Section 7-37-7.1  
 17 NMSA 1978 and shall not be used to meet a county's obligations  
 18 pursuant to Section 27-10-4 NMSA 1978."

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

21 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL  
 22 DISTRICT.--

23 A. In each special hospital district, the board of  
 24 trustees may adopt a resolution calling for an election for the  
 25 purpose of authorizing the imposition of an ad valorem tax on

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1 all taxable property within the special hospital district. The  
2 revenue from such tax shall be used for current operations and  
3 maintenance of hospitals, including hospital facilities owned  
4 and operated by the special hospital district or ~~[for]~~  
5 hospitals operated and maintained by the special hospital  
6 district pursuant to an agreement with a political subdivision  
7 as provided in Subsection B of Section 4-48A-11 NMSA 1978, and  
8 to pay the operational costs of the special hospital district.

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

20 C. In the case of a special hospital district  
21 ~~[which]~~ that is composed of all or a portion of two or more  
22 counties, if a majority of the qualified electors of each  
23 subdistrict voting on the question ~~[authorize]~~ authorizes a tax  
24 levy, the boards of county commissioners of the counties  
25 ~~[which]~~ that agreed to form the special hospital district shall

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1 levy such tax in the manner provided in Subsection B of this  
2 section.

3 D. The tax authorized in this section shall not  
4 exceed four dollars twenty-five cents (\$4.25), or any lower  
5 maximum amount required by operation of the rate limitation  
6 provisions of Section 7-37-7.1 NMSA 1978 upon any tax imposed  
7 under this section, on each one thousand dollars (\$1,000) of  
8 net taxable value as that term is defined in the Property Tax  
9 Code, of all taxable property of the county within the hospital  
10 district for a period of time greater than four years. An  
11 election upon the question of continuing the levy may be called  
12 by the board of trustees immediately prior to the expiration of  
13 the period of assessment previously approved by the qualified  
14 electors and shall conform to the requirements of Sections 1  
15 and 2 of this 2011 act."

16 SECTION 9. Section 4-48A-17 NMSA 1978 (being Laws 1978,  
17 Chapter 29, Section 17, as amended) is amended to read:

18 "4-48A-17. ELECTION PROCEDURES.--

19 A. In all elections held pursuant to the provisions  
20 of the Special Hospital District Act, except as otherwise  
21 provided in that act, the board of trustees shall give notice  
22 of the election [~~in a newspaper of general circulation in the~~  
23 ~~special hospital district and, in the case of a special~~  
24 ~~hospital district composed of all or portions of two or more~~  
25 ~~counties, in the subdistrict, at least once a week for three~~

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1 ~~consecutive weeks, the last insertion to be not less than two~~  
2 ~~weeks prior to the proposed election]~~ pursuant to the  
3 provisions of Section 2 of this 2011 act.

4 B. All elections of the special hospital district,  
5 unless otherwise provided in the Special Hospital District Act,  
6 shall be called, conducted and canvassed in substantially the  
7 same manner as school district elections are called, conducted  
8 and canvassed and shall be held on bond election day. The  
9 board of trustees shall be the canvassing board for such  
10 elections.

11 C. The expenses of elections conducted by the  
12 special hospital district shall be budgeted for and paid from  
13 the operating funds of the special hospital district."

14 SECTION 10. Section 4-48B-6 NMSA 1978 (being Laws 1947,  
15 Chapter 148, Section 4, as amended) is amended to read:

16 "4-48B-6. ELECTION ON BOND QUESTION--PETITION--NOTICE--  
17 LIMITATION ON HOLDING--ELECTION WITHOUT PETITION.--Whenever a  
18 petition signed by not fewer than two hundred qualified  
19 electors of any county in this state shall be presented to the  
20 county commissioners of the particular county asking that a  
21 vote be taken on the question or proposition of constructing,  
22 purchasing, renovating, remodeling, equipping or re-equipping a  
23 county hospital or a county-municipal hospital and acquiring  
24 the land necessary therefor, setting forth in general terms the  
25 object of the petition and the amount of bonds asked to be

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1 voted for, it shall be the duty of the county commissioners of  
2 that county to which the petition may be presented, within ten  
3 days after the presentation, to call an election [~~to be held~~  
4 ~~within sixty days thereafter in that county and to give notice~~  
5 ~~of such election by publication once a week for at least three~~  
6 ~~consecutive weeks in any newspaper published or of general~~  
7 ~~circulation in the county, which notices~~], which shall conform  
8 to Sections 1 and 2 of this 2011 act. The notices of the  
9 election shall set forth the time and place of holding the  
10 election, the hospital proposed to be purchased, constructed,  
11 renovated, remodeled, equipped or re-equipped and the land  
12 necessary to be acquired, and which bonds are to be voted for.  
13 After the defeat of any proposition once voted for, a second  
14 special election upon any question or proposition under the  
15 provisions of the Hospital Funding Act shall not be held for a  
16 term of two years, unless a petition requesting another  
17 election, containing the names of qualified electors of the  
18 county equal to ten percent of the vote cast for governor in  
19 the last preceding election and otherwise conforming to the  
20 requirements of this section, shall be presented to the county  
21 commissioners; provided, however, that in no event shall more  
22 than two elections upon any proposition or question under the  
23 Hospital Funding Act be held in any two-year period. A bond  
24 election as provided in this section also may be called by the  
25 county commissioners without any petition, after the county

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1 commissioners have adopted a resolution calling for such an  
2 election, which resolution shall set forth the object of the  
3 election and the amount of bonds to be issued."

4 SECTION 11. Section 4-48B-15 NMSA 1978 (being Laws 1953,  
5 Chapter 174, Section 2, as amended) is amended to read:

6 "4-48B-15. ELECTION ON SPECIAL LEVY.--

7 A. In the event the county commissioners of a  
8 county, other than a class A county, desire to provide the mill  
9 levy authorized in Paragraph (2) of Subsection A of Section  
10 4-48B-12 NMSA 1978, the county commissioners shall submit to  
11 the qualified electors of the county the question of levying  
12 those taxes not to exceed four dollars twenty-five cents  
13 (\$4.25) on each one thousand dollars (\$1,000) of net taxable  
14 value of property allocated to the county for a period of time  
15 not less than four years nor more than eight years.

16 B. In the event the county commissioners of a class  
17 A county desire to provide the mill levy authorized in  
18 Paragraph (1) of Subsection A of Section 4-48B-12 NMSA 1978,  
19 the county commissioners shall submit to the qualified electors  
20 of the county the question of levying those taxes not to exceed  
21 six dollars fifty cents (\$6.50) on each one thousand dollars  
22 (\$1,000) of net taxable value of property allocated to the  
23 county for a period of time of not less than four years nor  
24 more than eight years.

25 C. The question may be submitted to the electors

1 and voted upon as a separate question at [~~any general election~~  
2 ~~or at any special election called for that purpose by the~~  
3 ~~county commissioners~~] an election held on bond election day.

4 The election upon the question of a mill levy shall be called,  
5 held, conducted and canvassed in substantially the same manner  
6 as now or hereafter may be provided by law for general  
7 elections.

8 D. In the event the mill levy submitted under  
9 Subsection A or B of this section is voted upon favorably by  
10 the electors of the county, the mill levy shall become  
11 effective and be made for the ensuing fiscal year and those  
12 future years, not less than three nor more than seven, as  
13 stated in the question voted upon; provided that the question  
14 of continuing the mill levy shall thereafter be submitted to  
15 the electors [~~at the general election~~] on the bond election day  
16 immediately prior to the expiration of the period of assessment  
17 previously approved. The county commissioners shall decrease  
18 the rate of any mill levy imposed under the Hospital Funding  
19 Act if required by operation of the rate limitation provisions  
20 of Section 7-37-7.1 NMSA 1978. Subject to the provisions of  
21 Subsection D of Section 4-48B-12 NMSA 1978, the county  
22 commissioners may direct that the mill levy be decreased or not  
23 be made for any year if, in their judgment, sufficient funds  
24 for operation and maintenance of the hospital and transfer to  
25 the county-supported medicaid fund, if applicable, are

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1 available or will be obtained from other sources and if,  
2 relative to a county hospital operated by a state educational  
3 institution named in Article 12, Section 11 of the constitution  
4 of New Mexico, a decision to decrease the mill levy is agreed  
5 to by the state educational institution.

6 E. In the event that the mill levy approved by the  
7 electors is less than the maximum mill levy authorized for the  
8 county by Subsection A of Section 4-48B-12 NMSA 1978 and the  
9 county commissioners desire to increase the amount of the  
10 approved mill levy, the county commissioners shall submit, in  
11 accordance with Subsection C of this section, to the qualified  
12 electors of the county the questions of levying those  
13 additional taxes for a period of time consistent with the  
14 expiration of the mill levy previously approved; provided that  
15 the additional taxes, when added to the mill levy previously  
16 approved, [~~may~~] shall not exceed the mill levy maximum for the  
17 county provided in Subsection A of Section 4-48B-12 NMSA 1978.

18 In the event that the mill levy increase is voted upon  
19 favorably by the electors of the county, the increase shall  
20 become effective for the years stated in the question voted  
21 upon. Nothing in this subsection shall be construed as  
22 requiring an election to restore the mill levy to an amount no  
23 higher than the mill levy approved by the electors after a  
24 reduction in the mill levy made pursuant to Subsection D of  
25 this section."

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1           SECTION 12. Section 4-49-8 NMSA 1978 (being Laws 1891,  
2 Chapter 83, Section 4, as amended) is amended to read:

3           "4-49-8. ELECTION ON BOND QUESTION--PETITION--NOTICE--  
4 ELECTION WITHOUT PETITION.--Whenever a petition signed by not  
5 less than two hundred qualified electors of any county in this  
6 state [~~shall be~~] is presented to the board of county  
7 commissioners asking that a vote be taken on the question or  
8 proposition of building, remodeling or making additions to  
9 necessary public buildings or necessary public projects,  
10 setting forth in general terms the object of the petition and  
11 the amount of bonds asked to be voted for, it shall be the duty  
12 of the board of county commissioners of the county to which the  
13 petition may be presented, within ten days after the  
14 presentation, to call an election [~~to be held within sixty days~~  
15 ~~thereafter in the county. The board shall give notice of the~~  
16 ~~election by publication once a week for at least three~~  
17 ~~consecutive weeks in any newspapers published in the county,~~  
18 ~~which notices~~], which shall conform to Sections 1 and 2 of this  
19 2011 act. The notices of the election shall set forth the time  
20 and place of holding the election, the necessary public  
21 building or necessary public project proposed and which bonds  
22 are to be voted for. Except as provided in Chapter 4, Article  
23 49 NMSA 1978, such elections shall be held and conducted in the  
24 same manner as general elections, including recount and  
25 contest, and the board of county commissioners shall certify

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1 and declare on the records of the county the returns of the  
2 election. After the defeat of any proposition once voted for,  
3 a second special election upon any question or proposition  
4 under the provisions of Chapter 4, Article 49 NMSA 1978 shall  
5 not be held for a term of two years unless a petition  
6 requesting another election, containing the names of qualified  
7 electors of the county equal to ten percent of the vote cast  
8 for governor in the last preceding election and otherwise  
9 conforming to the requirements of this section, [~~shall be~~] is  
10 presented to the board of county commissioners; provided,  
11 however, that in no event shall more than two elections upon  
12 any proposition or question under Chapter 4, Article 49 NMSA  
13 1978 be held in any term of two years. A bond election as  
14 provided in this section may also be called by the board of  
15 county commissioners, without any petition, after the board has  
16 adopted a resolution calling such an election, which resolution  
17 shall set forth the object of the election and the amount of  
18 bonds to be issued."

19 SECTION 13. Section 4-55A-12.1 NMSA 1978 (being Laws  
20 1998, Chapter 47, Section 7, as amended) is amended to read:

21 "4-55A-12.1. IMPOSITION OF IMPROVEMENT DISTRICT PROPERTY  
22 TAX--LIMITATIONS.--

23 A. If in connection with the creation of the  
24 improvement district the board determines that it is in the  
25 best interest of the county to finance the district

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1 improvements by the imposition of an improvement district  
2 property tax and the issuance of improvement district general  
3 obligation bonds, the board shall enact an ordinance making the  
4 determination and provide in the ordinance the improvement  
5 district property tax rate to be imposed; the date, which may  
6 be a predetermined date or a date to be established in the  
7 future after completion of the improvements, of commencement of  
8 the tax; the amount of the bonds to be issued to finance the  
9 improvements; and any other matters the board deems necessary  
10 or appropriate. The board shall call an election within the  
11 improvement district for the purpose of authorizing the board  
12 to issue general obligation bonds, the proceeds of the sale of  
13 which shall be used for constructing the improvements for which  
14 the district was created and to impose property taxes on all  
15 taxable property within the district for the purpose of paying  
16 the principal, debt service and other expenses incidental to  
17 the issuance and sale of the bonds. The ordinance shall also  
18 include procedures for the conduct of the election based upon  
19 the size of the improvement district and the number of voters  
20 entitled to vote. The election shall conform with the  
21 requirements of Sections 1 and 2 of this 2011 act.

22 B. If at the election described in Subsection A of  
23 this section the property tax imposition and the issuance of  
24 improvement district general obligation bonds are approved by a  
25 majority of the voters voting on the issues, the board shall

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1 impose the tax at a rate sufficient to pay the debt service on  
2 the bonds and retire them at maturity.

3 C. Imposition and collection of the improvement  
4 district property tax authorized in this section shall be made  
5 at the same time and in the same manner as impositions and  
6 collections of property taxes for use by counties are made.

7 D. Bonds issued by the board for payment of the  
8 specified improvement district improvements shall be sold at a  
9 price that does not result in a net effective interest rate  
10 exceeding the maximum net effective interest rate permitted by  
11 the Public Securities Act. The bonds may be sold at public or  
12 private sale and may be in denominations that the board  
13 determines.

14 E. The form and terms of the bonds, including a  
15 final maturity of thirty years and provisions for their payment  
16 and redemption, shall be as determined by the board. The bonds  
17 shall be executed in the name of and on behalf of the  
18 improvement district by the chairman of the board. The bonds  
19 may be executed and sealed in accordance with the provisions of  
20 the Uniform Facsimile Signature of Public Officials Act.

21 F. To provide for the payment of the interest and  
22 principal of the bonds issued and sold pursuant to this  
23 section, the board shall annually impose a property tax on all  
24 taxable property in the district in an amount sufficient to  
25 produce a sum equal to the principal and interest on all bonds

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1 as they mature.

2 G. The bonds authorized in this section are general  
3 obligation bonds of the district, and the full faith and credit  
4 of the district are pledged to the payment of the bonds. The  
5 proceeds obtained from the issuance of the bonds shall not be  
6 diverted or expended for any purposes other than those provided  
7 in the County Improvement District Act.

8 H. All bonds issued by an improvement district  
9 shall be fully negotiable and constitute negotiable instruments  
10 within the meaning of and for all the purposes of the Uniform  
11 Commercial Code. If lost or completely destroyed, any bond may  
12 be reissued in the form and tenor of the lost or destroyed bond  
13 upon the owner furnishing to the satisfaction of the board:

- 14 (1) proof of ownership;
- 15 (2) proof of loss or destruction;
- 16 (3) a surety bond in twice the face amount of  
17 the bond and coupons; and
- 18 (4) payment of the cost of preparing and  
19 issuing the new bond and coupons.

20 I. The board may in any proceedings authorizing  
21 improvement district bonds provide for the initial issuance of  
22 one or more bonds aggregating the amount of the entire issue or  
23 may make provision for installment payments of the principal  
24 amount of any bond as it may consider desirable.

25 J. The board may issue bonds to be denominated

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1 refunding bonds, for the purpose of refunding any of the  
2 general obligation bonded indebtedness of the district.  
3 Whenever the board deems it expedient to issue refunding bonds,  
4 it shall adopt a resolution setting out the facts making the  
5 issuance of the refunding bonds necessary or advisable, the  
6 determination of the necessity or advisability by the board and  
7 the amount of refunding bonds that the board deems necessary  
8 and advisable to issue. The resolution shall fix the form of  
9 the bonds; the rate or rates of interest of the bonds, but the  
10 net effective interest rate of the bonds shall not exceed the  
11 maximum net effective interest rate permitted by the Public  
12 Securities Act; the date of the refunding bonds; the  
13 denominations of the refunding bonds; the maturity dates; and  
14 the place or places of payment within or without the state of  
15 both principal and interest. Refunding bonds when issued,  
16 except for bonds issued in book entry or similar form without  
17 the delivery of physical securities, shall be negotiable in  
18 form and shall bear the signature or the facsimile signature of  
19 the [~~chairman~~] chair of the board. All refunding bonds may be  
20 exchanged dollar for dollar for the bonds to be refunded or  
21 they may be sold as directed by the board, and the proceeds of  
22 the sale shall be applied only to the purpose for which the  
23 bonds were issued and the payment of any incidental expenses.

24 K. The principal amount of improvement district  
25 general obligation bonds that may be issued by the board for

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1 any improvement district shall not exceed twenty-five percent  
 2 of the final estimated value of properties in the improvement  
 3 district after completion of the projects to be financed with  
 4 the improvement district general obligation bonds and after  
 5 development of the properties in the improvement district in  
 6 accordance with their planned use, as determined by the board  
 7 with the assistance of the engineer and other qualified  
 8 professionals.

9 L. In connection with an improvement district  
 10 project to be financed with the proceeds of improvement  
 11 district general obligation bonds issued pursuant to this  
 12 section, a property owner subject to the improvement district  
 13 property tax or the board may enter into contracts to design,  
 14 engineer, finance, construct or acquire a project with  
 15 contractors and professionals, on such terms and with such  
 16 persons as the property owner subject to the improvement  
 17 district property tax or the board determines to be  
 18 appropriate, without following the procedures or meeting the  
 19 requirements of the Procurement Code or the requirements of  
 20 Sections 6-15-1 through 6-15-22 NMSA 1978."

21 SECTION 14. Section 5-5-10 NMSA 1978 (being Laws 1959,  
 22 Chapter 300, Section 10, as amended) is amended to read:

23 "5-5-10. GENERAL OBLIGATION BOND AND DEBT ELECTIONS.--The  
 24 governing body of any municipality [~~may fix a date for an~~  
 25 ~~election and~~] may order the submission at [~~the~~] an election of

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1 a question or proposal to authorize the issuance of general  
2 obligation bonds or the incurrence of any other indebtedness  
3 for any project or part thereof authorized by the Joint City-  
4 County Building Law subject to the limitations of Section  
5 ~~[6-9-9 NMSA 1953]~~ 5-5-9 NMSA 1978; and notice of the election  
6 shall ~~[be given by publication, commencing at least twenty days~~  
7 ~~prior to the election]~~ conform with the provisions of Section 2  
8 of this 2011 act. The notice of election shall be signed by  
9 the clerk of the municipality and by the ~~[chairman]~~ chair of  
10 the board, mayor of the city or other titular head of the  
11 municipality; and the notice shall contain:

12 A. the time and place ~~[or places]~~ of holding the  
13 election;

14 B. the hours during the day in which the polls will  
15 be open, which shall be the same as then provided for general  
16 elections;

17 C. the purpose of the proposal for issuing bonds or  
18 otherwise incurring an indebtedness;

19 D. the maximum amount of bonds and the maximum rate  
20 of interest, not to exceed six ~~[per centum per annum]~~ percent a  
21 year, in the case of any bond proposal; and

22 E. the maximum number of years, not exceeding  
23 thirty, from the date of the bonds or other evidence of  
24 indebtedness, during which the ~~[bond]~~ bonds shall mature or the  
25 indebtedness shall be defrayed.

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1           The statement as to the place [~~or places~~] of holding the  
2 election may merely refer generally to the place [~~or places~~]  
3 theretofore designated for holding the general, regular  
4 municipal or other election with which the bond or other debt  
5 election may be consolidated, or may refer generally to the  
6 place [~~or places~~] for holding a previous election, or may  
7 consist of some other similarly sufficient statement  
8 designating such place [~~or places~~] by reference thereto or a  
9 general description thereof.

10           A special registration shall be held for any qualified  
11 elector not registered for any such debt election [~~which~~] that  
12 is not consolidated with nor held within the sixty days next  
13 succeeding an election for which a registration was held. In  
14 such event, the special registration shall be held for a ten-  
15 day period commencing the twenty-ninth day next preceding the  
16 election and ending the twentieth day next prior thereto. The  
17 county clerk or other official required by law to conduct  
18 registrations for the municipality, upon being given timely  
19 notice of the election by the governing body, shall give notice  
20 of the special registration by publication commencing at least  
21 thirty-two days next prior to the election and stating the  
22 place and the days and hours the special registration will be  
23 held.

24           Except for notices of elections, except for the necessity  
25 of and the time of holding registrations for elections and

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1 except for any provisions inconsistent with any provision in  
2 the Joint City-County Building Law specifically made or  
3 necessarily implied, any debt election for any project shall be  
4 held, conducted, canvassed and otherwise governed as nearly as  
5 practicable as then provided for a regular municipal election  
6 in the case of any city election and as then provided for a  
7 general election in the case of a county election."

8 SECTION 15. Section 5-11-7 NMSA 1978 (being Laws 2001,  
9 Chapter 305, Section 7) is amended to read:

10 "5-11-7. NOTICE AND CONDUCT OF ELECTION--WAIVER.--

11 A. Any election pursuant to the Public Improvement  
12 District Act shall be a nonpartisan election called by posting  
13 notices in three public places within the boundaries of the  
14 district not less than twenty days before the election. Notice  
15 shall also be announced by radio or television broadcast in the  
16 municipality and be published in a newspaper of general  
17 circulation in the municipality or county, or, if there is no  
18 newspaper so circulated in the municipality, in a newspaper of  
19 general circulation in the county in which the municipality is  
20 located [~~once a week for two consecutive weeks before the~~  
21 election] pursuant to the provisions of Section 2 of this 2011  
22 act. The notice shall state:

23 (1) the place of holding the election and  
24 provisions for voting by mail, if any;

25 (2) the hours during the day, not less than

1 six, in which the polls will be open;

2 (3) if the election is a formation election,  
3 the boundaries of the proposed district;

4 (4) if the election is a bond election, the  
5 amount of bonds to be authorized for the district, the maximum  
6 rate of interest to be paid on the bonds and the maximum term  
7 of the bonds, not exceeding thirty years;

8 (5) if the election is a property tax levy  
9 election pursuant to Section ~~[19 of the Public Improvement~~  
10 ~~District Act]~~ 5-11-19 NMSA 1978, the maximum tax rate per one  
11 thousand dollars (\$1,000) of assessed valuation to be imposed,  
12 the purposes for which the revenues raised will be used and the  
13 existing maximum tax rate, if any;

14 (6) that a general plan is on file with the  
15 clerk;

16 (7) the purposes for which the property taxes  
17 or the special levies will be imposed, and the revenues raised  
18 will be used, including a description of the public  
19 improvements to be financed with tax revenues, special levies,  
20 district revenues or bond proceeds; and

21 (8) that the imposition of property taxes or  
22 special levies will result in a lien for the payment thereof on  
23 property within the district.

24 B. The district board or, in the case of a  
25 formation election, the governing body, shall determine the

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1 date of the election and the polling places for the election  
2 and may consolidate county precincts. The district board or  
3 governing body may establish provisions for voting by mail.

4 C. Voter lists shall be used to determine the  
5 resident qualified electors. If the district includes land  
6 lying partly in and partly out of any county election precinct,  
7 the voter lists may contain the names of all registered voters  
8 in the precinct, and the precinct boards at those precincts  
9 shall require that a prospective elector execute an affidavit  
10 stating that the elector is also a resident qualified elector.

11 D. For all elections held pursuant to the Public  
12 Improvement District Act, a prospective elector who is not a  
13 resident qualified elector shall execute an affidavit stating  
14 that the elector is the owner of land in the proposed district  
15 and stating the area of land in acres owned by the prospective  
16 elector. Precinct board members may administer oaths or take  
17 all affirmations for these purposes.

18 E. Except as otherwise provided by this section,  
19 the election shall comply with the general election laws of  
20 this state. The ballot material provided to each voter shall  
21 include:

22 (1) for a formation election, an impartial  
23 description of the district improvements contemplated and a  
24 brief description of arguments for and against the formation of  
25 the district, if any;

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1                   (2) for an election concerning the imposition  
 2 of property taxes, an impartial description of the taxes to be  
 3 imposed, the method of apportionment, collection and  
 4 enforcement and other details sufficient to enable each elector  
 5 to determine the amount of tax it will be obligated to pay; a  
 6 brief description of arguments for and against the imposition  
 7 of taxes that are the subject of the election, if any; and a  
 8 statement that the imposition of property taxes is for the  
 9 provision of certain but not necessarily all public  
 10 infrastructure improvements and services that may be needed or  
 11 desirable within the district, and that other taxes, levies or  
 12 assessments by other governmental entities may be presented for  
 13 approval by owners and resident qualified electors; and

14                   (3) for a formation election, the ballot,  
 15 which shall pose the question to be voted upon as "district,  
 16 yes" and "district, no"; for a bond election, "bonds, yes" and  
 17 "bonds, no"; for a property tax election, if no tax is in  
 18 place, "property tax, yes" and "property tax, no"; and for an  
 19 election to change an existing maximum or eliminate an existing  
 20 tax, "tax change, yes" and "tax change, no", specifying the  
 21 type of tax to which the proposed change pertains.

22                   F. The governing body or, if after formation, the  
 23 district board, may provide for the returns of the election to  
 24 be made in person or by mail.

25                   G. Within thirty days after an election, the

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1 governing body, or if after formation, the district board,  
2 shall meet and canvass the returns, determining the number of  
3 votes properly cast by owners and resident qualified electors.  
4 At least a three-fourths' majority of the votes cast at the  
5 election shall be required for formation, issuing the bonds,  
6 imposing the tax or special levy or changing the tax or special  
7 levy. The canvass may be continued for an additional period  
8 not to exceed thirty days at the election of the governing body  
9 or district board for the purpose of completing the canvass.  
10 Failure of a majority to vote in favor of the matter submitted  
11 shall not prejudice the submission of the same or similar  
12 matters at a later election.

13 H. If a person listed on the assessment roll is no  
14 longer the owner of land in the district and the name of the  
15 successor owner becomes known and is verified by recorded deed  
16 or other similar evidence of transfer of ownership, the  
17 successor owner is deemed to be the owner for the purposes of  
18 the Public Improvement District Act.

19 I. Notwithstanding any other provision of the  
20 Public Improvement District Act, if a petition for formation is  
21 signed by owners of all of the land in the district described  
22 in the petition and is approved by the municipality or county,  
23 the municipality or county may waive any or all requirements of  
24 posting, publication, mailing, notice, hearing and owner  
25 election. On receipt of such a petition, and after approval by

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1 an election of resident qualified electors, if any, the  
 2 municipality or county shall declare the district formed  
 3 without being required to comply with the provisions of the  
 4 Public Improvement District Act for posting, publication,  
 5 mailing, notice, hearing or owner election.

6 J. If no person has registered to vote within the  
 7 district within fifty days immediately preceding any scheduled  
 8 election date, any election required to be held pursuant to the  
 9 Public Improvement District Act shall be held by vote of the  
 10 owners. Each owner shall have the number of votes or portion  
 11 of votes equal to the number of acres or portion of acres  
 12 rounded upward to the nearest one-fifth of an acre owned in the  
 13 district by that owner.

14 K. In any election held pursuant to the Public  
 15 Improvement District Act, an owner who is also a resident  
 16 qualified elector shall have the number of votes or portion of  
 17 votes to which ~~he~~ the owner is entitled as an owner and shall  
 18 not be entitled to an additional vote as a result of residing  
 19 within the district."

20 SECTION 16. Section 5-11-19 NMSA 1978 (being Laws 2001,  
 21 Chapter 305, Section 19, as amended) is amended to read:

22 "5-11-19. GENERAL OBLIGATION BONDS--TAX LEVY--  
 23 EXCEPTION.--

24 A. At any time after the hearing on formation of  
 25 the district, the district board, or, if before formation, the

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1 governing body may from time to time order and call a general  
2 obligation bond election to submit to the owners and qualified  
3 electors the question of authorizing the district to issue  
4 general obligation bonds of the district to provide money for  
5 any public infrastructure purposes consistent with the general  
6 plan. The election shall conform to the requirements of  
7 Sections 1 and 2 of this 2011 act. The question shall include  
8 authorization for a levy, including a limitation on the levy,  
9 of a property tax to pay debt service on the bonds. The  
10 election may be held in conjunction with the formation  
11 election.

12 B. If general obligation bonds are approved at an  
13 election, the district board may issue and sell general  
14 obligation bonds of the district.

15 C. Bonds may be sold in a public offering or in a  
16 negotiated sale.

17 D. After the bonds are issued, the district board  
18 shall enter in its minutes a record of the bonds sold and their  
19 numbers and dates and shall annually levy and cause a property  
20 tax to be collected, at the same time and in the same manner as  
21 other property taxes are levied and collected on all taxable  
22 property in the district, sufficient, together with any money  
23 from the sources described in Section 5-11-17 NMSA 1978 to pay  
24 debt service on the bonds when due. Money derived from the  
25 levy of property taxes that are pledged to pay the debt service

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1 on the bonds shall be kept separately from other funds of the  
2 district. Property tax revenues not pledged to pay debt  
3 service on bonds may be used to pay other costs of the  
4 district, including costs of formation, administration,  
5 operation and maintenance, services or enhanced services. A  
6 district's levy of property taxes shall constitute a lien on  
7 all taxable property within the district, including, without  
8 limitation, all leased property or improvements to leased land,  
9 which shall be subject to foreclosure in the same manner as  
10 other property tax liens under the laws of this state. The  
11 lien shall include delinquencies and interest thereon at a rate  
12 not to exceed ten percent per year, the actual costs of  
13 foreclosure and any other costs of the district resulting from  
14 the delinquency. The proceeds of any foreclosure sale shall be  
15 deposited in the special bond fund for payment of any  
16 obligations secured thereby.

17 E. Subject to the election requirements of this  
18 section, a district may issue general obligation bonds at such  
19 times and in such amounts as the district deems appropriate to  
20 carry out a project or projects in phases.

21 F. Pursuant to this section, the district may issue  
22 and sell refunding bonds to refund general obligation bonds of  
23 the district authorized by the Public Improvement District Act.  
24 No election is required in connection with the issuance and  
25 sale of refunding bonds. Refunding bonds issued pursuant to

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1 this section shall have a final maturity date no later than the  
2 final maturity date of the bonds being refunded."

3 SECTION 17. Section 5-15-8 NMSA 1978 (being Laws 2006,  
4 Chapter 75, Section 8) is amended to read:

5 "5-15-8. ELECTION.--

6 A. The election procedures set forth in this  
7 section shall be used for:

8 (1) formation of a new tax increment  
9 development district;

10 (2) election of a district board member;

11 (3) adoption of a property tax levy by a tax  
12 increment development district; provided that the election  
13 shall conform with the requirements of Sections 1 and 2 of this  
14 2011 act;

15 (4) use of property tax increment financing by  
16 a tax increment development district; or

17 (5) issuing of property tax increment bonds to  
18 be repaid by funds raised by property tax increments.

19 B. An election may be waived and a tax increment  
20 development district shall be formed upon the governing body's  
21 adoption of a resolution to form a tax increment development  
22 district if a petition is presented to a governing body in  
23 accordance with the Tax Increment for Development Act and if  
24 the petition contains the signatures of all owners of the real  
25 property within the proposed tax increment development area and

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1 states that the owners waive the right to an election.

2 C. An election pursuant to the Tax Increment for  
3 Development Act shall be a nonpartisan election called by  
4 posting notices in three public places within the boundaries of  
5 the district not less than twenty days before the election.  
6 Notice shall also be announced by radio or television broadcast  
7 in the tax increment development district and be published in a  
8 newspaper of general circulation [~~once each week for two~~  
9 ~~consecutive weeks before the election~~] in the municipality or  
10 county in which the proposed district is located pursuant to  
11 the provisions of Section 2 of this 2011 act.

12 D. The notice shall state:

- 13 (1) the place of holding the election and  
14 provisions for voting by mail, if any;
- 15 (2) the hours during the day during which the  
16 polls will be open;
- 17 (3) if the election is a formation election,  
18 the boundaries of the proposed tax increment development  
19 district;
- 20 (4) if the election is a bond election, the  
21 purpose for which the bonds are to be issued and the amount of  
22 the issue;
- 23 (5) if the election is a property tax levy  
24 election, the maximum tax rate per one thousand dollars  
25 (\$1,000) of assessed valuation to be imposed, the purposes for

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1 which the revenues raised will be used and the existing maximum  
2 tax rate, if any;

3 (6) that an approved tax increment development  
4 plan is on file with the clerk of the governing body;

5 (7) the purposes for which property taxes will  
6 be imposed and for which the revenues raised will be used,  
7 including a description of the public improvements to be  
8 financed with tax revenues, bond proceeds or other revenues of  
9 the tax increment development district; and

10 (8) that the imposition of property taxes will  
11 result in a lien for the payment on property within the  
12 district.

13 E. The district board, or, in the case of a  
14 formation election, the governing body, shall determine the  
15 date of the election and the polling places for the election  
16 and may consolidate county precincts. The district board or  
17 the governing body may establish provisions for voting by mail.

18 F. Voter lists shall be used to determine the  
19 resident qualified electors. If a district or proposed  
20 district includes land lying partly in and partly out of any  
21 county election precinct, the voter lists may contain the names  
22 of all registered voters in the precinct, and the precinct  
23 boards at these precincts shall require that a prospective  
24 elector execute an affidavit stating that the elector is also a  
25 resident qualified elector.

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1           G. For an election held pursuant to the Tax  
2 Increment for Development Act, a prospective elector who is not  
3 a resident qualified elector shall execute an affidavit stating  
4 that the elector is the owner of land in the proposed or  
5 existing district and stating the area of land in acres owned  
6 by the prospective elector. If the prospective elector is not  
7 an individual, the affidavit shall provide that the individual  
8 casting the vote is the designated representative of the  
9 corporation, association, partnership, limited liability  
10 company or other legal entity entitled to vote in the election.  
11 Precinct board members may administer oaths or accept  
12 affirmations for those purposes.

13           H. Except as otherwise provided by this section,  
14 the election shall comply with the general election laws of the  
15 state. The ballot material provided to each voter shall  
16 include:

17                   (1) for a formation election, an impartial  
18 description of the tax increment development plan and a brief  
19 description of arguments for and against the formation of the  
20 tax increment development district, if any;

21                   (2) for an election concerning the imposition  
22 of property taxes, an impartial description of the taxes to be  
23 imposed, the method of apportionment, collection and  
24 enforcement and other details sufficient to enable each  
25 resident qualified elector to determine the amount of tax it

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1 will be obligated to pay; a brief description of arguments for  
2 and against the imposition of taxes that are the subject of the  
3 election, if any; and a statement that the imposition of  
4 property taxes is for the provision of certain, but not  
5 necessarily all, public improvements that may be needed or  
6 desirable within the tax increment development district, and  
7 that other taxes, levies or assessments by other governmental  
8 entities may be presented for approval by owners and resident  
9 qualified electors;

10 (3) for an election concerning the use of  
11 property tax increment financing, an impartial description of  
12 the estimated increment to be generated over the life of the  
13 project and the nature and extent of the public improvements to  
14 be constructed and maintained using such financing;

15 (4) for a formation election, the question to  
16 be voted upon as "district, yes" and "district, no";

17 (5) for a property tax imposition election,  
18 the question to be voted upon as "property tax, yes" and  
19 "property tax, no";

20 (6) for an election to change an existing  
21 maximum tax or eliminate an existing tax, the question to be  
22 voted upon as "tax change, yes" and "tax change, no" and shall  
23 specify the type of tax to which the proposed change pertains;  
24 and

25 (7) for an election concerning the use of

1 property tax increment bonds, the ballot shall pose the  
2 question to be voted upon as "bonds, yes" and "bonds, no".

3 I. The governing body or, if after district  
4 formation, the district board, may provide for the returns of  
5 the election to be made in person or by mail.

6 J. Within thirty days after an election, the  
7 governing body, or if after district formation, the district  
8 board, shall meet and canvass the returns, determining the  
9 number of votes properly cast by owners and resident qualified  
10 electors. A majority of the votes cast at the election shall  
11 be required. The canvass may be continued for an additional  
12 period not to exceed thirty days at the election of the  
13 governing body or district board for the purpose of completing  
14 the canvass. Failure of a majority to vote in favor of the  
15 matter submitted shall not prejudice the submission of the same  
16 or similar matters at a later election; provided that an  
17 election on the same question shall not be held within one year  
18 of the failure of a majority to vote in favor of that question.

19 K. If a person transfers real property located in a  
20 district and the name of the successor owner becomes known and  
21 is verified by recorded deed or other similar evidence of  
22 transfer of ownership, the successor owner is deemed to be the  
23 owner of the real property for the purposes of the Tax  
24 Increment for Development Act.

25 L. If there are no persons registered to vote

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1 within a district or proposed district within fifty days  
2 immediately preceding a scheduled election date, an election  
3 required to be held pursuant to the Tax Increment for  
4 Development Act shall be held by vote of the owners of property  
5 within the district or proposed district. Each owner shall  
6 have the number of votes or portion of votes equal to the  
7 number of acres or portion of acres rounded upward to the  
8 nearest one-fifth of an acre owned in the district by that  
9 owner.

10 M. In an election held pursuant to the Tax  
11 Increment for Development Act, an owner who is also a resident  
12 qualified elector shall have the number of votes or portion of  
13 votes equal to the number of acres or portion of acres rounded  
14 upward to the nearest one-fifth of an acre owned in the  
15 district by that owner and shall not be entitled to an  
16 additional vote as a result of residing within the district."

17 SECTION 18. Section 7-2-14.4 NMSA 1978 (being Laws 1994,  
18 Chapter 111, Section 2, as amended) is amended to read:

19 "7-2-14.4. AUTHORIZATION TO FUND PROPERTY TAX REBATE FOR  
20 LOW-INCOME TAXPAYERS--TAX IMPOSITION--ELECTION.--

21 A. The board of county commissioners of any county  
22 may adopt a resolution to submit to the qualified electors of  
23 the county the question of whether a property tax at a rate not  
24 to exceed one dollar (\$1.00) per thousand dollars (\$1,000) of  
25 taxable value of property should be imposed for the purpose of

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1 providing the necessary funding for the property tax rebate for  
2 low-income taxpayers provided in the Income Tax Act if the  
3 county has adopted an ordinance providing the property tax  
4 rebate.

5 B. The resolution shall:

6 (1) specify the rate of the proposed tax,  
7 which shall not exceed one dollar (\$1.00) per thousand dollars  
8 (\$1,000) of taxable value of property;

9 (2) specify the date an election will be held,  
10 which shall be on the subsequent bond election day, to submit  
11 the question of imposition of the tax to the qualified electors  
12 of the county;

13 (3) impose the tax for one, two, three, four  
14 or five property tax years and limit the imposition of the  
15 proposed tax to no more than five property tax years; and

16 (4) pledge the revenue from the tax solely  
17 for the payment of the income tax revenue reduction resulting  
18 from the implementation of the property tax rebate for  
19 low-income taxpayers.

20 C. The resolution authorized in Subsection A of  
21 this section shall be adopted no later than May 15 in the year  
22 prior to the year in which the tax is proposed to be imposed.  
23 By adoption of an appropriate resolution, the board of county  
24 commissioners may submit the question of imposing the tax for  
25 successive periods of one, two, three, four or five years to

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1 the qualified electors of the county. The procedures for the  
2 election and for the imposition of the tax for subsequent  
3 periods shall be the same as those applying to the initial  
4 imposition of the tax. The election shall be scheduled so that  
5 the imposition of the tax for successive periods results in  
6 continuity of the tax.

7 D. An election on the question of imposing the tax  
8 authorized pursuant to this section [~~may be held in conjunction~~  
9 ~~with a general election or may be conducted as or held in~~  
10 ~~conjunction with a special election, but the election~~] shall be  
11 held by the date necessary to assure that the results of the  
12 election on the question of imposing the tax may be certified  
13 no later than July 1 of the first property tax year in which  
14 the tax is proposed to be imposed. Conduct of the election  
15 shall be as provided by the Election Code.

16 E. As used in this section, "taxable value of  
17 property" means the combined total of net taxable value of  
18 property allocated to the county under the Property Tax Code;  
19 the assessed value of products severed and sold in the county  
20 for the calendar year preceding the year for which a  
21 determination is made as determined under the Oil and Gas Ad  
22 Valorem Production Tax Act; the assessed value of equipment in  
23 the county as determined under the Oil and Gas Production  
24 Equipment Ad Valorem Tax Act; and the taxable value of copper  
25 mineral property in the county pursuant to Section 7-39-7 NMSA

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1 1978."

2 SECTION 19. Section 7-20C-3 NMSA 1978 (being Laws 1991,  
3 Chapter 176, Section 3, as amended) is amended to read:

4 "7-20C-3. LOCAL HOSPITAL GROSS RECEIPTS TAX--AUTHORITY TO  
5 IMPOSE--ORDINANCE REQUIREMENTS.--

6 A. A majority of the members elected to the  
7 governing body of a county may enact an ordinance imposing an  
8 excise tax on a person engaging in business in the county for  
9 the privilege of engaging in business. This tax is to be  
10 referred to as the "local hospital gross receipts tax". The  
11 rate of the tax shall be:

12 (1) one-half percent of the gross receipts of  
13 the person engaging in business if the tax is initially imposed  
14 before January 1, 1993;

15 (2) one-eighth percent of the gross receipts  
16 of the person engaging in business if the tax is initially  
17 imposed after January 1, 1993; and

18 (3) a rate not to exceed one-half percent of  
19 the gross receipts of the person engaging in business if the  
20 tax is imposed after July 1, 1996 in a county described in  
21 Paragraph (4), (6), (7) or (8) of Subsection A of Section  
22 7-20C-2 NMSA 1978; provided the tax may be imposed in any  
23 number of increments of one-eighth percent not to exceed an  
24 aggregate rate of one-half percent of gross receipts.

25 B. The local hospital gross receipts tax imposed:

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1                   (1) initially before January 1, 1993 shall be  
2 imposed only once for the period necessary for payment of the  
3 principal and interest on revenue bonds issued to accomplish  
4 the purpose for which the revenue is dedicated, but the period  
5 shall not exceed ten years from the effective date of the  
6 ordinance imposing the tax; or

7                   (2) after July 1, 1996 in a county described  
8 in Paragraph (4) or (8) of Subsection A of Section 7-20C-2 NMSA  
9 1978 shall be imposed for the period necessary for payment of  
10 the principal and interest on revenue bonds issued to  
11 accomplish the purpose for which the revenue is dedicated, but  
12 the period shall not exceed forty years from the effective date  
13 of the ordinance imposing the tax; provided, however, that the  
14 governing body of a county described in Paragraph (8) of  
15 Subsection A of Section 7-20C-2 NMSA 1978 that has enacted an  
16 ordinance imposing an increment of the local hospital gross  
17 receipts tax pursuant to the provisions of this paragraph may,  
18 prior to the date of the delayed repeal of the ordinance, enact  
19 an ordinance to modify the period of imposition of the tax and  
20 modify the purposes for which the revenue from the tax is  
21 dedicated, consistent with one or more of the purposes  
22 permitted pursuant to Paragraph (6) of Subsection D of this  
23 section. The ordinance shall be subject to the election  
24 requirement of Subsection E of this section.

25                   C. No local hospital gross receipts tax authorized

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

1 in Subsection A of this section shall be imposed initially  
2 after January 1, 1993 in a county described in Paragraph (2),  
3 (3) or (5) of Subsection A of Section 7-20C-2 NMSA 1978 unless:

4 (1) in a county described in Paragraph (2) of  
5 Subsection A of Section 7-20C-2 NMSA 1978, the voters of the  
6 county have approved the issuance of general obligation bonds  
7 of the county sufficient to pay at least one-half of the costs  
8 of the county hospital facility or county twenty-four-hour  
9 urgent care or emergency facility for which the local hospital  
10 gross receipts tax revenues are dedicated, including the costs  
11 of all acquisition, renovation and equipping of the facility;  
12 or

13 (2) in a county described in Paragraph (3) or  
14 (5) of Subsection A of Section 7-20C-2 NMSA 1978, the county  
15 will not have in effect at the same time a county hospital  
16 emergency gross receipts tax and the voters of the county have  
17 approved the imposition of a property tax at a rate of one  
18 dollar (\$1.00) on each one thousand dollars (\$1,000) of taxable  
19 value of property in the county for the purpose of operation  
20 and maintenance of a hospital owned by the county and operated  
21 and maintained either by the county or by another party  
22 pursuant to a lease with the county.

23 D. The governing body of a county enacting an  
24 ordinance imposing a local hospital gross receipts tax shall  
25 dedicate the revenue from the tax as provided in this

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1 subsection. In any election held, the ballot shall clearly  
2 state the purpose to which the revenue will be dedicated and  
3 the revenue shall be used by the county for that purpose. The  
4 revenue shall be dedicated as follows:

5 (1) prior to January 1, 1993, the governing  
6 body, at the time of enacting an ordinance imposing the rate of  
7 the tax authorized in Subsection A of this section, shall  
8 dedicate the revenue for acquisition of land for and the  
9 design, construction, equipping and furnishing of a county  
10 hospital facility to be operated by the county or operated and  
11 maintained by another party pursuant to a lease with the  
12 county;

13 (2) if the governing body of a county  
14 described in Paragraph (2), (3) or (5) of Subsection A of  
15 Section 7-20C-2 NMSA 1978 is enacting the ordinance imposing  
16 the tax after July 1, 1993, the governing body shall dedicate  
17 the revenue for acquisition, renovation and equipping of a  
18 building for a county hospital facility or a county twenty-  
19 four-hour urgent care or emergency facility or for operation  
20 and maintenance of that facility, whether operated and  
21 maintained by the county or by another party pursuant to a  
22 lease or management contract with the county, for the period of  
23 time the tax is imposed not to exceed ten years;

24 (3) if the governing body of a county  
25 described in Paragraph (4) or (8) of Subsection A of Section

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1 7-20C-2 NMSA 1978 is enacting the ordinance imposing the tax  
2 after July 1, 1995, the governing body shall dedicate the  
3 revenue for acquisition of land or buildings for and the  
4 renovation, design, construction, equipping or furnishing of a  
5 county hospital facility or health clinic to be operated by the  
6 county or operated and maintained by another party pursuant to  
7 a health care facilities contract, lease or management contract  
8 with the county; provided, however, that the governing body of  
9 a county described in Paragraph (8) of Subsection A of Section  
10 7-20C-2 NMSA 1978 that has imposed an increment of the local  
11 hospital gross receipts tax prior to January 1, 2009 and  
12 dedicated the revenue from that imposition pursuant to the  
13 provisions of this paragraph may, prior to the date of the  
14 delayed repeal of the ordinance imposing the increment of the  
15 tax, enact an ordinance to modify the period of imposition of  
16 the tax and modify the purposes for which the revenue from the  
17 tax is dedicated, consistent with one or more of the purposes  
18 permitted pursuant to Paragraph (6) of this subsection. The  
19 ordinance shall be subject to the election requirement of  
20 Subsection E of this section;

21 (4) if the governing body of a county  
22 described in Paragraph (6) or (9) of Subsection A of Section  
23 7-20C-2 NMSA 1978 is enacting the ordinance imposing the tax  
24 after July 1, 1997, the governing body shall dedicate the  
25 revenue for either or a combination of the following:

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1 (a) acquisition of land or buildings for  
2 and the design, construction, renovation, equipping or  
3 furnishing of a hospital facility or health clinic owned by the  
4 county or a hospital or health clinic with which the county has  
5 entered into a health care facilities contract lease or  
6 management contract; or

7 (b) operations and maintenance of a  
8 hospital or health clinic owned by the county or a hospital or  
9 a health clinic with which the county has entered into a health  
10 care facilities contract;

11 (5) if the governing body of a county  
12 described in Paragraph (7) of Subsection A of Section 7-20C-2  
13 NMSA 1978 is enacting the ordinance imposing the tax after  
14 January 1, 2002, the governing body shall dedicate the revenue  
15 for acquisition, lease, renovation or equipping of a hospital  
16 facility or for operation and maintenance of that facility,  
17 whether operated and maintained by the county or by another  
18 party pursuant to a health care facilities contract, lease or  
19 management contract with the county; and

20 (6) if the governing body of a county  
21 described in Paragraph (8) of Subsection A of Section 7-20C-2  
22 NMSA 1978 is enacting the ordinance imposing one or more  
23 increments of the tax after January 1, 2009, the governing body  
24 shall dedicate the revenue for either or both of the following:

25 (a) payment of the principal and

1 interest on revenue bonds, including refunding bonds, issued  
 2 for acquisition of land or buildings for and the renovation,  
 3 design, construction, equipping or furnishing of hospital  
 4 facilities or health care clinic facilities to be operated by  
 5 the county or operated and maintained by another party pursuant  
 6 to a health care facilities contract, lease or management  
 7 contract with the county; and

8 (b) use as matching funds for state or  
 9 federal programs benefiting the facilities.

10 E. The ordinance shall not go into effect until  
 11 after an election is held and a simple majority of the  
 12 qualified electors of the county voting in the election vote in  
 13 favor of imposing the local hospital gross receipts tax and, in  
 14 the case of a county described in Paragraph (3) or (5) of  
 15 Subsection A of Section 7-20C-2 NMSA 1978, also vote in favor  
 16 of a property tax at a rate of one dollar (\$1.00) for each one  
 17 thousand dollars (\$1,000) of taxable value of property in the  
 18 county. The governing body shall adopt a resolution calling  
 19 for an election within [~~seventy-five~~] ninety days of the date  
 20 the ordinance is adopted on the question of imposing the tax.  
 21 The question [~~may~~] shall be submitted to the qualified electors  
 22 and voted on as a separate question in [~~a general election or~~  
 23 ~~in any special election called for that purpose by the~~  
 24 ~~governing body. A special~~] an election held on bond election  
 25 day. An election on the question shall be called, [~~held~~]

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1 conducted and canvassed in substantially the same manner as  
2 provided by law for general elections. If the question of  
3 imposing a local hospital gross receipts tax fails or if the  
4 question of imposing both a local hospital gross receipts tax  
5 and a property tax fails, the governing body shall not again  
6 propose a local hospital gross receipts tax for a period of one  
7 year after the election. A certified copy of any ordinance  
8 imposing a local hospital gross receipts tax shall be mailed to  
9 the department within five days after the ordinance is adopted  
10 in an election called for that purpose.

11 F. An ordinance enacted pursuant to the provisions  
12 of Subsection A of this section shall include an effective date  
13 of either July 1 or January 1, whichever date occurs first  
14 after the expiration of at least three months from the date the  
15 ordinance is approved by the electorate.

16 G. An ordinance repealed under the provisions of  
17 the Local Hospital Gross Receipts Tax Act shall be repealed  
18 effective on either July 1 or January 1.

19 H. As used in this section, "taxable value of  
20 property" means the sum of:

21 (1) the net taxable value, as that term is  
22 defined in the Property Tax Code, of property subject to  
23 taxation under the Property Tax Code;

24 (2) the assessed value of products, as those  
25 terms are defined in the Oil and Gas Ad Valorem Production Tax

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1 Act;

2 (3) the assessed value of equipment, as those  
3 terms are defined in the Oil and Gas Production Equipment Ad  
4 Valorem Tax Act; and

5 (4) the taxable value of copper mineral  
6 property, as those terms are defined in the Copper Production  
7 Ad Valorem Tax Act, subject to taxation under the Copper  
8 Production Ad Valorem Tax Act."

9 SECTION 20. Section 16-6-27 NMSA 1978 (being Laws 1947,  
10 Chapter 152, Section 3) is amended to read:

11 "16-6-27. BOND ISSUE ELECTION--PROCEDURE--BOND SALE.--

12 A. The board of county commissioners of Curry  
13 county, New Mexico, may submit to the voters of [~~said~~] the  
14 county at [~~any regular election or at any special election~~  
15 ~~called for that purpose~~] an election that shall conform to  
16 Sections 1 and 2 of this 2011 act the question of issuing bonds  
17 in a sum not to exceed one hundred thousand dollars  
18 [~~(\$100,000.00)~~] (\$100,000) for the purpose of erecting a  
19 building or buildings at the bi-state [~~fair grounds~~]  
20 fairgrounds, such building or buildings to be used for the  
21 holding of the bi-state fair. The proposition to be voted upon  
22 shall be submitted to the voters by separate ballot and shall  
23 be in substantially the following form:

24 "For the issuance of Bi-State Fair Association Bonds in  
25 the sum of \$\_\_\_\_\_.

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1           Against the issuance of Bi-State Fair Association Bonds in  
2           the sum of \$ \_\_\_\_\_."

3           B. The board of county commissioners shall give  
4 notice of such election [~~by publication for at least three~~  
5 ~~consecutive weeks in any newspaper published in said county,~~  
6 ~~which notice]~~ that shall set forth the time and place of  
7 holding [~~such]~~ the election, the fair building or buildings  
8 proposed to be built, the amount of bonds to be voted, the rate  
9 of interest to be paid on [~~such]~~ the bonds and the length of  
10 time for which the bonds shall be issued, which shall not be  
11 less than five [~~(5)~~] nor more than twenty [~~(20)~~] years, and no  
12 issue of bonds shall be made under [~~this act]~~ Sections 16-6-25  
13 through 16-6-30 NMSA 1978 in excess of one hundred thousand  
14 dollars [~~(\$100,000.00)]~~ (\$100,000).

15           C. Only the qualified electors of the county who paid  
16 a property tax during the preceding year shall be entitled to  
17 vote at such election, and if a majority of all votes at [~~such]~~  
18 the election [~~shall be]~~ are in favor in the issue of [~~said]~~ the  
19 bonds, [~~then said]~~ the board of county commissioners shall  
20 issue bonds to the amount voted, but no bond shall bear  
21 interest at a rate in excess of six [~~(6) per centum. Said]~~  
22 percent. The bonds shall be known as the bi-state fair  
23 association bonds of Curry county, New Mexico, and shall be  
24 signed by the [~~chairman]~~ chair of the board of county  
25 commissioners and countersigned by the county treasurer.

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1     ~~[They]~~ The bonds shall have interest coupons attached providing  
 2     for the payment of interest either annually or semiannually.  
 3     The board shall have power by contract to provide a place for  
 4     the payment of the principal and interest of ~~[said]~~ the bonds  
 5     and the terms upon which ~~[said]~~ the interest shall be paid.

6             D. The county treasurer shall advertise for the sale  
 7     of ~~[said]~~ the bonds to the highest bidder in not less than two  
 8     weekly issues in some newspaper published in the county, and  
 9     ~~[said]~~ the bonds shall be sold for no less than par and accrued  
 10    interest and the proceeds thereof placed to the credit of the  
 11    county in a fund to be known as the bi-state fair association  
 12    fund, which fund shall be disbursed upon warrants drawn as in  
 13    the case of the general funds of the county; provided that  
 14    ~~[said]~~ the bonds or any part thereof may be sold to the state  
 15    ~~[of New Mexico]~~ at private sale without advertisement for not  
 16    less than par and accrued interest.

17            E. The county treasurer shall stand charged upon  
 18    ~~[his]~~ official bond for all bonds that may be delivered ~~[to~~  
 19    ~~him]~~ and with all ~~[monies]~~ money that may be received ~~[by him]~~  
 20    under the provisions of ~~[this Act]~~ Sections 16-6-25 through  
 21    16-6-30 NMSA 1978."

22            **SECTION 21.** Section 27-5-9 NMSA 1978 (being Laws 1965,  
 23    Chapter 234, Section 9, as amended) is amended to read:

24            "27-5-9. TAX LEVIES AUTHORIZED.--

25            A. Subject to the provisions of Subsection B of this

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1 section, the board of county commissioners, upon the  
2 certification of the board as to the amount needed in the fund,  
3 shall impose a levy against the net taxable value, as that term  
4 is defined in the Property Tax Code, of the property in the  
5 county sufficient to raise the amount certified by the board.

6 B. The question of imposing an indigent hospital levy  
7 for the purpose of the Indigent Hospital and County Health Care  
8 Act shall be submitted to the electors and voted upon as a  
9 separate question at the next subsequent [~~general election or~~  
10 ~~any special election called prior thereto for such purpose~~]  
11 bond election day.

12 C. Upon finding by the board of county commissioners  
13 that an election will be necessary, the board of county  
14 commissioners shall meet and order an election to be held at a  
15 designated time in the county upon the question of imposing an  
16 indigent hospital levy for the purpose of the Indigent Hospital  
17 and County Health Care Act in the county. [~~If the question is~~  
18 ~~to be voted upon at a special election, the election shall be~~  
19 ~~held not less than thirty nor more than fifty days after the~~  
20 ~~finding, but in no event shall the election be held within five~~  
21 ~~days preceding or succeeding any general election held in the~~  
22 ~~county.~~] The order for the election shall be made a part of the  
23 official minutes of the board of county commissioners. A copy  
24 of the order shall be published [~~in a newspaper of general~~  
25 ~~circulation in the county at least fifteen days before the date~~

1 ~~set for the election]~~ pursuant to the provisions of Section 2  
 2 of this 2011 act, and an affidavit of publication shall be  
 3 obtained. At least five days prior to the date for holding the  
 4 election, the board of county commissioners shall publish in a  
 5 newspaper of general circulation in the county and post in five  
 6 conspicuous places in the county a notice of election, which  
 7 shall be in substantially the following form:

8 "NOTICE OF ELECTION ON SPECIAL INDIGENT HOSPITAL LEVY

9 Notice is given on the \_\_\_\_\_ day of  
 10 \_\_\_\_\_, [~~19~~] 20\_\_\_\_, there will be held in  
 11 \_\_\_\_\_ county of New Mexico an election on  
 12 the question of imposing an indigent hospital levy for the  
 13 purposes of the Indigent Hospital and County Health Care Act,  
 14 such levy to be made annually against the taxable value of the  
 15 property in the county and limited to an amount sufficient to  
 16 provide funds necessary to pay claims pursuant to such act.

17 \_\_\_\_\_  
 18 Official Title of the Authority".

19 The election shall be held on the date specified in the notice  
 20 and shall be, if a special election, conducted and canvassed in  
 21 substantially the same manner as general elections are  
 22 conducted and canvassed in the county; provided that the ballot  
 23 used in any election shall be a special and separate ballot and  
 24 shall be in substantially the following form:

25 "BALLOT

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1           On the question of imposing an indigent hospital levy  
2 for the purposes of the Indigent Hospital and County Health  
3 Care Act, such levy to be made annually against the taxable  
4 value of the property in \_\_\_\_\_ county of New  
5 Mexico, and limited to an amount sufficient to provide funds  
6 budgeted and certified as necessary to pay claims pursuant to  
7 such act:

8           FOR THE LEVY.....\_\_\_\_\_

9           AGAINST THE LEVY.....\_\_\_\_\_".

10          D. If the electors vote in favor of an indigent  
11 hospital levy, the levy shall become effective in the same  
12 manner prescribed by law for all levies upon property within  
13 that county, and a levy for those purposes in such an amount as  
14 will provide sufficient money for the fund shall be made for  
15 each year thereafter.

16          E. Any board of county commissioners that has, prior  
17 to the effective date of this section, made a valid imposition  
18 of a property tax for the purpose of the Indigent Hospital and  
19 County Health Care Act shall not be required to hold an  
20 election on the existing tax, and that tax may be imposed and  
21 continue to be imposed in accordance with the provisions of law  
22 existing at the time of its imposition. However, if any such  
23 tax is not imposed in a given property tax year or if the  
24 authorization for its imposition terminates or expires, the  
25 election requirements of Subsections B and C of this section

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

1 shall apply to any subsequent proposed imposition of a property  
 2 tax for the purpose of the Indigent Hospital and County Health  
 3 Care Act."

4 SECTION 22. Section 67-6-3 NMSA 1978 (being Laws 1912,  
 5 Chapter 79, Section 3, as amended) is amended to read:

6 "67-6-3. BONDS--PETITION--BALLOTS.--~~[Sec. 60.]~~ Whenever  
 7 there ~~[shall be]~~ is filed with the board of county  
 8 commissioners a petition signed by not less than ten ~~[per~~  
 9 ~~centum]~~ percent of the qualified electors in any county in the  
 10 state who are taxpayers therein asking for the issuance of  
 11 bonds for the purposes ~~[above]~~ specified in Section 67-6-1 NMSA  
 12 1978 in an amount to be designated in ~~[such]~~ the petition,  
 13 subject to the limitations of Section ~~[2683, said]~~ 67-6-1 NMSA  
 14 1978, the county commissioners, within thirty days after the  
 15 filing of ~~[such]~~ the petition, shall call a special election  
 16 for the purpose of submitting to the people of the county the  
 17 proposition of the issuance of bonds in accordance with such  
 18 petition and ~~[shall fix a date not less than sixty nor more~~  
 19 ~~than ninety days thereafter upon which a vote shall be taken~~  
 20 ~~thereon. Such call shall be published in at least one~~  
 21 ~~newspaper of general circulation in the county, once a week for~~  
 22 ~~four successive weeks, the last publication to be at least~~  
 23 ~~three days preceding the date fixed for said election]~~ the  
 24 election shall conform to Sections 1 and 2 of this 2011 act.  
 25 Ballots at ~~[said]~~ the election shall have printed thereon the

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1 words "For the \$..... bond issue for roads and bridges",  
 2 inserting the amount of the proposed bond issue. Opposite  
 3 [~~said~~] the line there shall be a square in which the voters may  
 4 make or stamp a cross to indicate whether they vote for or  
 5 against [~~said~~] the bond issue, and those voting for [~~said~~] the  
 6 bond issue shall do so by placing a cross in the square  
 7 opposite the words "For the \$ \_\_\_\_\_ bond issue for roads  
 8 and bridges", and those voting against [~~said~~] the bond issue  
 9 shall do so by placing a cross in the square opposite "Against  
 10 the \$ \_\_\_\_\_ bond issue for roads and bridges"."

11 SECTION 23. Section 72-16-28 NMSA 1978 (being Laws 1963,  
 12 Chapter 311, Section 28, as amended) is amended to read:

13 "72-16-28. ELECTIONS.--

14 A. Each biennial election of directors [~~each election~~  
 15 ~~proposition to issue bonds~~] and all other elections, except as  
 16 provided in Subsection B of this section, shall be conducted at  
 17 the time of the general election under the direction of the  
 18 Bernalillo county clerk and in accordance with the election  
 19 laws of New Mexico.

20 B. Each election on the imposition of a mill levy or  
 21 of a property tax or property tax increase for a specified  
 22 purpose, a bond election that is not a school bond election or  
 23 any nonschool special election at which a tax increase is being  
 24 voted on shall confirm with the requirements of Sections 1 and  
 25 2 of this 2011 act and shall be conducted under the direction

underscored material = new  
 [bracketed material] = delete

1 of the Bernalillo county court clerk and in accordance with the  
 2 election laws of New Mexico, insofar as they do not conflict  
 3 with the requirements of Sections 1 and 2 of this 2011 act."

4 SECTION 24. Section 72-16-31 NMSA 1978 (being Laws 1963,  
 5 Chapter 311, Section 31) is amended to read:

6 "72-16-31. NOTICE OF ELECTION.--Notice of such election  
 7 shall ~~[be given by publication]~~ conform to the requirements of  
 8 Section 2 of this 2011 act. No other notice of an election  
 9 held ~~[hereunder]~~ pursuant to the Arroyo Flood Control Act need  
 10 be given unless otherwise provided by the board."

11 SECTION 25. Section 72-17-28 NMSA 1978 (being Laws 1967,  
 12 Chapter 156, Section 28) is amended to read:

13 "72-17-28. ELECTIONS.--Wherever in ~~[this]~~ the Las Cruces  
 14 Arroyo Flood Control Act an election of the qualified electors  
 15 or taxpaying electors of the authority is permitted or  
 16 required, ~~[said]~~ the election ~~[may be held separately at a~~  
 17 ~~special election or may be held concurrently with any primary~~  
 18 ~~or general election held under the laws of the state; provided,~~  
 19 ~~however:~~

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

22 B. ~~no election shall be held at the same time as any~~  
 23 ~~regular election of a municipality or school district, any part~~  
 24 ~~of the area of which is located within the boundaries of the~~  
 25 ~~authority]~~ shall conform with the requirements of Sections 1

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1 and 2 of this 2011 act."

2 SECTION 26. Section 72-17-29 NMSA 1978 (being Laws 1967,  
3 Chapter 156, Section 29) is amended to read:

4 "72-17-29. ELECTION RESOLUTION.--The board shall call any  
5 election by resolution adopted at least [~~sixty~~] seventy-five  
6 days prior to the election. Such resolution shall recite the  
7 objects and purposes of the election, the date upon which such  
8 election shall be held and the form of the ballot. In the case  
9 of any election, [~~not to be held concurrently with a primary or~~  
10 ~~general election~~] the board shall provide in [~~said~~] the  
11 election resolution or by supplemental resolution for the  
12 appointment of sufficient judges and clerks of the election,  
13 who shall be qualified electors of the authority, and in such  
14 event shall set their compensation. The election resolution  
15 shall also then designate the [~~precincts~~] precincts and polling  
16 places. The description of precincts may be made by reference  
17 to any order of the governing body of any county, municipality  
18 or other public body in which the authority or any part thereof  
19 is situated or by reference to any previous order or by other  
20 instrument of such a governing body or by detailed description  
21 of such precincts or by other sufficient description.

22 [~~Precincts established by any such governing body may be~~  
23 ~~consolidated in the election resolution by the board for any~~  
24 ~~election not to be held concurrently with a primary or general~~  
25 ~~election. If the election shall be held concurrently with a~~

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1 ~~primary or general election held under the laws of the state,~~  
 2 ~~the judges of election for such primary or general election~~  
 3 ~~shall be designated as the judges of election for the election~~  
 4 ~~held pursuant to this act, and they shall receive such~~  
 5 ~~additional compensation, if any, as the board shall set by the~~  
 6 ~~election resolution]."~~

7 SECTION 27. Section 72-17-31 NMSA 1978 (being Laws 1967,  
 8 Chapter 156, Section 31) is amended to read:

9 "72-17-31. NOTICE OF ELECTION.--Notice of such election  
 10 shall ~~[be given by publication]~~ conform to the requirements of  
 11 Section 2 of this 2011 act. No other notice of an election  
 12 held ~~[hereunder]~~ pursuant to the Las Cruces Arroyo Flood  
 13 Control Act need be given unless otherwise provided by the  
 14 board."

15 SECTION 28. 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~~

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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 conform with the requirements of Sections 1 and  
4 2 of this 2011 act."

5 SECTION 29. 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~~] seventy-five  
9 days before the election. The resolution shall recite the  
10 objects and purposes of the election, the date on which the  
11 election shall be held and the form of the ballot. In the case  
12 of any election, [~~not held concurrently with a primary or~~  
13 ~~general election]~~ the board shall provide in the election  
14 resolution or by supplemental resolution for the appointment of  
15 sufficient judges and clerks of the election who shall be  
16 qualified registered electors of the district and shall set  
17 their compensation. [~~In a special election]~~ The election  
18 resolution shall also designate the precincts and polling  
19 places. The description of precincts may be made by reference  
20 to any order of the governing body of any county, municipality  
21 or other public body in which the district or any part thereof  
22 is situated, by reference to any previous order or by other  
23 instrument of such governing body, by detailed description of  
24 the precincts or by other sufficient description. [~~Precincts~~  
25 ~~established by a governing body may be consolidated in the~~

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1 ~~election resolution by the board for any election not to be~~  
 2 ~~held concurrently with a primary or general election. If the~~  
 3 ~~election is held concurrently with a primary or general~~  
 4 ~~election under the laws of the state, the judges of election~~  
 5 ~~for the election shall be designated as the judges of election~~  
 6 ~~held pursuant to the Flood Control District Act, and they shall~~  
 7 ~~receive such additional compensation, if any, as the board~~  
 8 ~~shall set by the election resolution.]"~~

9 SECTION 30. Section 72-18-37 NMSA 1978 (being Laws 1981,  
 10 Chapter 377, Section 37) is amended to read:

11 "72-18-37. CONDUCT OF ELECTION.--An election held  
 12 pursuant to the Flood Control District Act shall conform with  
 13 the requirements of Sections 1 and 2 of this 2011 act, and  
 14 otherwise shall be conducted in the manner provided by the laws  
 15 of the state for the conduct of general elections. In an  
 16 election held pursuant to the Flood Control District Act, a  
 17 qualified registered elector shall be entitled to vote by  
 18 absentee ballot in the manner provided by the Absent Voter Act,  
 19 except that the functions of the county clerk pursuant to that  
 20 act shall be performed by a person designated by the board."

21 SECTION 31. Section 72-18-38 NMSA 1978 (being Laws 1981,  
 22 Chapter 377, Section 38) is amended to read:

23 "72-18-38. NOTICE OF ELECTION.--Notice of [~~the~~] an  
 24 election held pursuant to the Flood Control District Act shall  
 25 [~~be given by publication~~] conform with the requirements of

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1 Section 2 of this 2011 act and shall include the date, time and  
2 polling places of the election, the boundaries of the election  
3 precincts, the offices and questions to be voted on, the names  
4 of all nominees for director and the place where absentee  
5 ballots can be obtained. No other notice of an election held  
6 under the Flood Control District Act need be given unless  
7 otherwise provided by the board."

8 **SECTION 32.** Section 72-19-28 NMSA 1978 (being Laws 1990,  
9 Chapter 14, Section 28, as amended) is amended to read:

10 "72-19-28. ELECTIONS.--Each biennial election of  
11 directors shall be conducted at the time of the general  
12 election under the direction of the Sandoval county clerk and  
13 in accordance with the election laws of New Mexico. Each  
14 election to seek approval for the issuance of bonds shall  
15 conform with the requirements of Sections 1 and 2 of this 2011  
16 act. Any other election of the authority [~~including an~~  
17 ~~election to seek approval for the issuance of bonds~~] shall be  
18 conducted at any time approved by the board in accordance with  
19 the election laws of New Mexico. Elections for the issuance of  
20 bonds may be by mail-in ballot pursuant to the procedures set  
21 forth in the Mail Ballot Election Act."

22 **SECTION 33.** Section 72-19-29 NMSA 1978 (being Laws 1990,  
23 Chapter 14, Section 29, as amended) is amended to read:

24 "72-19-29. ELECTION RESOLUTION.--The board shall call any  
25 election by resolution adopted at least [~~fifty~~] seventy-five

1 days prior to the election. The resolution shall recite the  
 2 objects and purposes of the election and the date upon which  
 3 the election shall be held."

4 SECTION 34. Section 72-19-30 NMSA 1978 (being Laws 1990,  
 5 Chapter 14, Section 30) is amended to read:

6 "72-19-30. CONDUCT OF ELECTION.--An election held  
 7 pursuant to the Southern Sandoval County Arroyo Flood Control  
 8 Act shall conform with the requirements of Sections 1 and 2 of  
 9 this 2011 act, and otherwise shall be conducted in the manner  
 10 provided by the laws of the state for the conduct of general  
 11 elections."

12 SECTION 35. Section 72-19-31 NMSA 1978 (being Laws 1990,  
 13 Chapter 14, Section 31) is amended to read:

14 "72-19-31. NOTICE OF ELECTION.--Notice of [~~such~~] an  
 15 authority election shall [~~be given by publication~~] conform with  
 16 the requirements of Section 2 of this 2011 act. No other  
 17 notice of an election held under the Southern Sandoval County  
 18 Arroyo Flood Control Act need be given unless otherwise  
 19 provided by the board."

20 SECTION 36. Section 72-20-28 NMSA 1978 (being Laws 2007,  
 21 Chapter 99, Section 28) is amended to read:

22 "72-20-28. ELECTIONS.--Each biennial election of  
 23 directors shall be conducted at the time of the general  
 24 election under the direction of the Sandoval county clerk and  
 25 in accordance with the election laws of New Mexico. Each

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1 election to seek approval for the issuance of bonds shall  
2 conform with the requirements of Sections 1 and 2 of this 2011  
3 act. Any other election of the authority [~~including an~~  
4 ~~election to seek approval for the issuance of bonds~~] shall be  
5 conducted at any time approved by the board in accordance with  
6 the election laws of New Mexico. Elections for the issuance of  
7 bonds may be by mail-in ballot pursuant to the procedures set  
8 forth in the Mail Ballot Election Act."

9 SECTION 37. Section 72-20-29 NMSA 1978 (being Laws 2007,  
10 Chapter 99, Section 29) is amended to read:

11 "72-20-29. ELECTION RESOLUTION.--The board shall call any  
12 election by resolution adopted at least [~~fifty~~] seventy-five  
13 days prior to the election. The resolution shall recite the  
14 objects and purposes of the election and the date upon which  
15 the election shall be held."

16 SECTION 38. Section 72-20-30 NMSA 1978 (being Laws 2007,  
17 Chapter 99, Section 30) is amended to read:

18 "72-20-30. CONDUCT OF ELECTION.--An election held  
19 pursuant to the Eastern Sandoval County Arroyo Flood Control  
20 Act shall conform with the requirements of Sections 1 and 2 of  
21 this 2011 act, and otherwise shall be conducted in the manner  
22 provided by the laws of the state for the conduct of general  
23 elections."

24 SECTION 39. Section 72-20-31 NMSA 1978 (being Laws 2007,  
25 Chapter 99, Section 31) is amended to read:

1           "72-20-31. NOTICE OF ELECTION.--Notice of an election  
2 pursuant to Section [~~30 of the Eastern Sandoval County Arroyo~~  
3 ~~Flood Control Act~~] 72-20-30 NMSA 1978 shall [~~be given by~~  
4 ~~publication~~] conform with the requirements of Section 2 of this  
5 2011 act. No other notice of an election held under the  
6 Eastern Sandoval County Arroyo Flood Control Act need be given  
7 unless otherwise provided by the board."

8           SECTION 40. Section 73-8-13 NMSA 1978 (being Laws 1917,  
9 Chapter 22, Section 13) is amended to read:

10           "73-8-13. BIENNIAL ELECTION DATE.--~~[Regular]~~

11           A. Each election on the imposition of a mill levy or  
12 of a property tax or property tax increase for a specified  
13 purpose, a bond election that is not a school bond election or  
14 any nonschool special election at which a tax increase is being  
15 voted on shall be held on bond election day.

16           B. All other elections of any such district shall be  
17 held on the first Tuesday after the first Monday of December of  
18 each second calendar year following the first election  
19 [~~hereinbefore~~] provided for in Chapter 73, Article 8 NMSA  
20 1978."

21           SECTION 41. Section 73-8-23 NMSA 1978 (being Laws 1917,  
22 Chapter 22, Section 23) is amended to read:

23           "73-8-23. ELECTIONS ON BOND ISSUES AND CONTRACTS--  
24 CONDUCT--TERMS OF BONDS.--

25           A. For the purpose of constructing or purchasing or

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1 otherwise acquiring necessary rights of way, franchises,  
2 canals, ditches and other water conduits, or other property  
3 necessary for the use of the district, or for the maintenance,  
4 repair or improvement of its canals, ditches or other conduits  
5 or drainage works, or for the enlargement or extension thereof,  
6 or for the assumption of indebtedness to the United States for  
7 drainage district lands, or for the purpose of paying the first  
8 year's interest, if any, upon bonds, if any ~~[shall be]~~ have  
9 been issued ~~[for and under the purposes of this act]~~ as  
10 ~~[herein]~~ authorized in this section, and otherwise carrying out  
11 the provisions of ~~[this act]~~ Chapter 73, Article 8 NMSA 1978,  
12 the board of directors of any ~~[such]~~ district shall, as soon  
13 after ~~[such]~~ the district has been organized as ~~[may be]~~  
14 practicable, estimate and determine the amount of money  
15 necessary to be raised or amount of indebtedness necessary to  
16 be assumed for such purposes ~~[and]~~. The board shall  
17 ~~[forthwith]~~ call ~~[a special]~~ an election ~~[under and]~~ in  
18 accordance with the provisions of ~~[this act]~~ Chapter 73,  
19 Article 8 NMSA 1978, at which election there shall be submitted  
20 in the manner ~~[by this act]~~ prescribed the question of:

21 (1) whether ~~[or not]~~ bonds of the district shall  
22 be issued in the amount determined ~~[upon]~~ to be necessary, if  
23 any, for deposit with the United States in connection with a  
24 contract to be entered into with the United States; ~~[or]~~

25 (2) whether ~~[or not]~~ a contract shall be entered

1 into with the United States, with or without the deposit of  
 2 bonds [~~as aforesaid, as herein provided~~]; or

3 (3) any other of the questions for the purposes  
 4 aforesaid.

5 B. Notice of [~~such~~] the election shall [~~be given as~~  
 6 ~~hereinbefore specified~~] conform with the requirements of  
 7 Section 2 of this 2011 act and shall clearly set forth the  
 8 question [~~or questions~~] to be voted upon, the amount of bonds,  
 9 if any, proposed to be issued [~~for the purpose aforesaid~~] or  
 10 the amount of indebtedness proposed to be assumed [~~for the~~  
 11 ~~purposes aforesaid~~] and the substance of any contract proposed  
 12 to be entered into with the United States [~~as aforesaid~~ ~~Such~~].  
 13 The election and all similar elections [~~which~~] that may be  
 14 held, under the provisions of [~~this act~~] Chapter 73, Article 8  
 15 NMSA 1978 shall be held and the result thereof determined and  
 16 declared as nearly as possible in conformity with the  
 17 provisions of [~~this act~~] Chapter 73, Article 8 NMSA 1978. No  
 18 informalities in conducting [~~such~~] the election shall  
 19 invalidate [~~same~~] it if the election [~~shall have~~] has been  
 20 fairly conducted.

21 C. At the first election provided for in this  
 22 section, the ballots shall contain the words: "Bonds - Yes"  
 23 and "Bonds - No" or "Contract - Yes" and "Contract - No", or  
 24 appropriate words equivalent thereto or descriptive of the  
 25 question to be voted upon. The same rule shall be followed at

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1 any other elections [~~which~~] that may be held under the  
2 provisions of [~~this act~~] Chapter 73, Article 8 NMSA 1978 at  
3 which similar questions are submitted to a vote.

4 D. If any [~~such~~] election [~~shall carry in conformity~~  
5 ~~with the provisions of this act~~] carries in favor of the  
6 issuance of bonds [~~for the purposes of this act~~] or for the  
7 assumption of the indebtedness to the United States for  
8 drainage district lands or in favor of a contract being entered  
9 into with the United States [~~as herein provided~~], the directors  
10 shall immediately [~~cause to be issued~~] issue bonds as  
11 authorized by [~~such~~] the election or enter into a contract [~~to~~  
12 ~~be entered into~~] with the United States [~~as aforesaid~~]. If  
13 bonds are not to be deposited with the United States in  
14 connection with [~~such~~] the contract, bonds need not be issued.

15 E. Bonds [~~the issuance of which is authorized by the~~  
16 ~~provisions of this act for deposit with the United States~~] may  
17 be of such denominations, may call for the repayment of the  
18 principal at such times as may be agreed upon between the board  
19 and the United States secretary of the interior and may provide  
20 for the payment of [~~such~~] a rate of interest not exceeding six  
21 percent per [~~annum~~] year as may be agreed upon [~~by said~~  
22 ~~parties; and~~]. Where a contract is made and bonds are not  
23 deposited with the United States [~~in connection therewith~~], the  
24 contract may call for the repayment of principal at such times  
25 as may be agreed upon by [~~such~~] the parties. [~~Such~~] The bonds,

1 if issued, shall be numbered consecutively as issued and shall  
 2 bear the date of the time of their issue. Coupons for the  
 3 interest shall be attached to each bond, bearing the  
 4 [~~lithographed~~] facsimile signature of the president and the  
 5 secretary. [~~Such~~] The bonds shall express upon their face that  
 6 they are issued by authority of [~~this act, stating its title,~~  
 7 ~~and date of approval~~] Chapter 73, Article 8 NMSA 1978.

8 F. The secretary of the district shall keep a record  
 9 of all bonds deposited [~~as aforesaid~~], showing their number,  
 10 date of issue, the date when [~~same~~] they are deposited with the  
 11 United States and the rate of interest required to be paid  
 12 [~~thereon~~].

13 G. If a contract is proposed to be made with the  
 14 United States in connection with which bonds are not to be  
 15 deposited with the United States, the question to be submitted  
 16 to the voters at [~~such~~] the special election shall be whether a  
 17 contract shall be entered into with the United States. In  
 18 [~~such~~] that event, the notice of election shall include a  
 19 statement as to the maximum amount of money payable to the  
 20 United States for construction purposes, exclusive of penalties  
 21 and interest."

22 **SECTION 42.** Section 73-9-5 NMSA 1978 (being Laws 1919,  
 23 Chapter 41, Section 5, as amended) is amended to read:

24 "73-9-5. IRRIGATION DISTRICT--NOTICE--ELECTION--BALLOTS.--

25 The board of county commissioners shall [~~thereupon~~] cause notice

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1 embodying ~~[said]~~ the orders in substance signed by the  
2 ~~[chairman]~~ chair and clerk of ~~[said]~~ the board to be issued,  
3 given and published, giving public notice of ~~[said]~~ the  
4 election, and time and places ~~[thereof]~~ of it and the matter  
5 submitted to the vote of the electors. ~~[Said]~~ The notice ~~[and~~  
6 ~~order shall be published once a week for at least three weeks~~  
7 ~~immediately prior to the date fixed for such election in a~~  
8 ~~newspaper of general circulation published in said county and.~~  
9 ~~If any portion of such proposed district lies within any other~~  
10 ~~county or counties, then such order and notice shall be~~  
11 ~~published in a newspaper of general circulation published within~~  
12 ~~each of said counties]~~ shall conform with the provisions of  
13 Section 2 of this 2011 act. At ~~[said]~~ the election and all  
14 elections held under the provisions of ~~[this article]~~ Chapter  
15 73, Article 9 NMSA 1978, all owners of land within ~~[such]~~ the  
16 district who are qualified electors under the Election Code  
17 shall be qualified electors; provided that if any farm or tract  
18 of land in ~~[such]~~ the district is owned by more than one owner,  
19 only one person shall be permitted to vote at any election as  
20 the owner of ~~[such]~~ the one farm or tract of land ~~[and providing~~  
21 ~~further that]~~. At ~~[such]~~ the elections, each otherwise  
22 qualified voter shall be entitled to cast and have counted as  
23 many votes as ~~[he shall have]~~ the qualified voter has acres of  
24 land owned by ~~[him]~~ the qualified voter and situate within  
25 ~~[said]~~ the district, but in no event shall ~~[such]~~ that voter be

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1 entitled to cast and have counted more than one hundred votes.  
 2 Insofar as applicable, the general election laws of the state,  
 3 except requirements for registration and except as otherwise  
 4 provided in [~~this article~~] Chapter 73, Article 9 NMSA 1978,  
 5 shall govern [~~such~~] the elections. The ballots to be used and  
 6 cast at [~~such~~] the election for the formation of [~~such~~] the  
 7 district shall have printed [~~thereon~~] on them the words:  
 8 "Irrigation District--Yes," and "Irrigation District--No," or  
 9 words equivalent [~~thereto~~] to them and shall also contain the  
 10 names of the persons to be voted for as members of the board of  
 11 directors of [~~said~~] the district. Each elector may vote for  
 12 three directors, one from each division, and shall indicate  
 13 [~~his~~] the elector's vote by placing a marginal cross upon the  
 14 ballot for or against any question submitted or name voted upon  
 15 and opposite [~~thereto~~] to it, together with the figure or  
 16 figures indicating the number of votes [~~he~~] the elector is  
 17 entitled to cast [~~thereat~~]."

18 **SECTION 43.** Section 73-9-17 NMSA 1978 (being Laws 1919,  
 19 Chapter 41, Section 15, as amended) is amended to read:

20 "73-9-17. BONDS--AUTHORITY TO ISSUE--ELECTION--HOW  
 21 PAYABLE--FORM AND CONTENTS.--

22 A. For the purpose of acquiring by purchase or  
 23 construction [~~or by any lawful means~~] necessary reservoirs,  
 24 water rights, canals, ditches and works, including necessary  
 25 drainage works, and acquiring the necessary property and rights

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1     ~~[therefor]~~ to them, and for the purpose of repairing,  
2     extending, improving and constructing necessary betterments  
3     ~~[thereof and thereon]~~, and for the payment or retirement of  
4     ~~[any or all]~~ existing indebtedness not evidenced by outstanding  
5     bonds, or for any one or more of such purposes either singly or  
6     in combination with one or more of such purposes, and to pay  
7     the first year's interest upon the bonds ~~[herein]~~ authorized in  
8     Chapter 73, Article 9 NMSA 1978 or otherwise to carry out the  
9     provisions of ~~[this act]~~ that article, the board of directors  
10    of any district shall estimate and determine the amount ~~[or~~  
11    ~~amounts]~~ of money necessary to be raised for the purpose ~~[or~~  
12    ~~purposes]~~ and the amount ~~[or amounts]~~ of bonds to issue  
13    therefor ~~[provided, however, that]~~. None of the bonds shall  
14    run for a longer period than fifty years from the date  
15    ~~[thereof]~~ of issuance.

16            B. The board of directors shall ~~[thereupon]~~ call ~~[a~~  
17    ~~special]~~ an election ~~[at which election shall be submitted]~~  
18    pursuant to Section 1 of this 2011 act to submit to the  
19    electors of the district possessing the qualifications  
20    prescribed by Section 73-9-5 NMSA 1978 the question of whether  
21    or not the bonds of the district shall be issued in the amount  
22    ~~[or amounts]~~ so determined. A notice of the election shall ~~[be~~  
23    ~~given by one publication in any newspaper published in the~~  
24    ~~county wherein the principal office of the district is located,~~  
25    ~~the publication to be made not less than one week prior to the~~

1 ~~date of the election]~~ conform with the requirements of Section  
 2 2 of this 2011 act, and the notice shall specify the time of  
 3 holding the election and the amount and purpose of the bonds  
 4 proposed to be issued. The election shall be held and the  
 5 results [~~thereof~~] determined and declared in all respects as  
 6 nearly as possible in conformity with the provisions of the  
 7 statute governing the election of directors [~~provided that~~].  
 8 No informalities in conducting the election shall invalidate it  
 9 if the election has been otherwise fairly conducted.

10 C. At the election, the ballots shall contain the  
 11 words: "Bonds--Yes" and "Bonds--No" or words equivalent  
 12 [~~thereto~~] to them. If a majority of the votes cast, based upon  
 13 the number of acres of land owned and voted, by the qualified  
 14 electors are voted "Bonds--Yes", the board of directors shall,  
 15 by resolution, immediately determine the amounts and series of  
 16 the bonds and the due dates [~~thereof~~] of the bonds and shall  
 17 immediately [~~thereafter~~] cause the bonds to be issued in  
 18 amounts and payable in series as provided in the resolution.

19 D. Each bond shall bear interest payable semiannually  
 20 on June 1 and December 1 of each year. The principal and  
 21 interest shall be payable at the office of the county treasurer  
 22 of the county in which the organization of the district was  
 23 effected [~~as aforesaid~~] and at another place [~~or places~~], if  
 24 any, as the board of directors may designate in the bonds. The  
 25 bonds shall be in such form as the board of directors may

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1 determine and be executed in the name of the district and  
2 signed by the president [~~and~~]. The seal of the district shall  
3 be affixed [~~thereto~~] to the bonds and attested by the  
4 secretary, except for bonds issued in book entry or similar  
5 form without the delivery of physical securities. The bonds  
6 shall be numbered consecutively as issued and shall bear the  
7 date [~~or dates~~] as may be determined by the board of directors.  
8 Any coupons for interest shall be attached to each bond,  
9 bearing the facsimile signature of the president. The bonds  
10 may provide that they may be registered as to principal only or  
11 as to both principal and interest. The secretary shall keep a  
12 record of the bonds sold, their number, date of sale, the price  
13 received and the name of the purchaser.

14 E. When the money provided by any previous issue of  
15 bonds has become exhausted by expenditures [~~herein authorized~~],  
16 and it becomes necessary to raise additional money for such  
17 purposes, additional bonds may be issued after submitting the  
18 question of issuing the bonds, at [~~a special~~] an election  
19 called and conducted pursuant to the provisions of Section 1 of  
20 this 2011 act, to the qualified voters of the district and  
21 otherwise complying with the provisions of [~~this act~~] Chapter  
22 73, Article 9 NMSA 1978 in respect to an original issue of  
23 bonds."

24 **SECTION 44.** Section 73-10-11 NMSA 1978 (being Laws 1919,  
25 Chapter 20, Section 9) is amended to read:

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1           "73-10-11. DIRECTORS' OFFICE--ELECTION--JUDGES.--

2           A. The office of the board of directors shall be  
3 located in the county where the organization was effected.  
4 Fifteen days before any election held under [~~this chapter~~] the  
5 provisions of Chapter 73, Articles 10 and 11 NMSA 1978,  
6 subsequent to the organization of the district, with the  
7 exception of any election on the imposition of a mill levy or  
8 of a property tax or property tax increase for a specified  
9 purpose, a bond election that is not a school bond election or  
10 any nonschool special election at which a tax increase is being  
11 voted on, which election shall be held on bond election day,  
12 the secretary, who shall be appointed by the board of  
13 directors, shall cause notice specifying the polling places of  
14 each precinct to be posted in three public places in each  
15 election precinct, of the time and place of holding the  
16 election, and shall also post a general notice of the same in  
17 the office of [~~said~~] the board, which shall be established and  
18 kept at [~~some~~] a fixed place to be determined by [~~said~~] the  
19 board in [~~said~~] the county.

20           B. Prior to the time for posting the notices, [~~said~~]  
21 the board [~~must~~] shall appoint from each precinct, from [~~the~~]  
22 its electors [~~thereof~~], three judges, one of whom shall act as  
23 clerk, who shall constitute a board of election for [~~such~~] the  
24 precinct. If the board fails to appoint a board of election,  
25 or the members appointed do not attend the opening of the polls

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1 on the morning of election, the electors of the precinct  
2 present at the hour may appoint the board or supply the place  
3 of an absent member [~~thereof~~]. The board of directors [~~must~~]  
4 shall, in its order appointing the board of election, designate  
5 the hour and the place in the precinct where the election  
6 [~~must~~] shall be held."

7 SECTION 45. Section 73-10-23 NMSA 1978 (being Laws 1921,  
8 Chapter 39, Section 16) is amended to read:

9 "73-10-23. JOINT WORKS--BOND ISSUES--MANAGEMENT.--

10 A. It is lawful for any irrigation district [~~or~~  
11 ~~districts~~] organized under the laws of the state [~~of New~~  
12 ~~Mexico~~] to unite with any irrigation district [~~or districts~~] of  
13 an adjoining state [~~or states~~] in the purchase, acquisition or  
14 construction, and in the annual cost of operation and  
15 maintenance, of a system of irrigation and drainage works for  
16 the irrigation of the land and maintaining the irrigability of  
17 the land within the [~~said~~] respective irrigation districts  
18 [~~and~~]. Irrigation districts may also unite in the purchase,  
19 acquisition or construction, and in the annual operation and  
20 maintenance, of hydroelectric power plants, transmission lines  
21 [~~ete~~] and other adjuncts for the sale and distribution of  
22 electric power [~~and~~]. In such case, [~~or cases, said~~] the  
23 irrigation districts are [~~hereby~~] jointly granted the same  
24 power of condemnation [~~as is now~~] possessed by each district  
25 under the laws of the state in which organized [~~and~~].

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1           B. The cost of purchase, acquisition or construction,  
 2 together with the annual cost of operation and maintenance, of  
 3 [~~such~~] the irrigation, drainage system or power plants shall be  
 4 apportioned to each district in proportion to the irrigable  
 5 acreage [~~there in~~] in the district for which water shall be  
 6 provided. [~~Such~~] The joint works shall be owned jointly in  
 7 proportion to [~~such~~] the respective acreages; provided that the  
 8 lands lying in the two or more [~~said~~] irrigation districts so  
 9 united shall receive water from a common source; and provided,  
 10 [~~also~~] further, that such irrigation district [~~or districts~~] of  
 11 [~~such~~] other adjoining state [~~or states~~] shall be duly  
 12 organized under the laws of that state and for purposes the  
 13 same or similar as the district [~~or districts~~] in this state  
 14 desirous [~~so~~] to unite.

15           C. Whenever it is deemed advisable and agreed to  
 16 between such districts, lying in the same or adjoining states,  
 17 that for the construction, acquisition or purchase of  
 18 irrigation works for hydroelectric power plants [~~ete~~] and other  
 19 adjuncts it is necessary to issue bonds, it [~~shall be~~] is  
 20 lawful for [~~such~~] the districts to issue bonds in proportion to  
 21 their respective acreage [~~and such~~]. The districts may be made  
 22 jointly or severally liable for the repayment of [~~such~~] the  
 23 bonds. The terms and conditions of [~~such~~] joint ownership,  
 24 operation and maintenance [~~of~~] or issuance of bonds, as the  
 25 case may be, shall be set out in a written contract. Any such

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1 contract shall not be binding until [~~the same shall have~~] it  
2 has been ratified by the electors of each of [~~such~~] the  
3 districts in the manner provided by law for a bond issue by  
4 such districts respectively. An election shall be held in each  
5 [~~such~~] the district to determine whether [~~such~~] the contract shall  
6 be adopted. [~~Such~~]

7 D. The contract shall be printed [~~or in writing~~], and  
8 a true copy shall be filed in the office of each district  
9 [~~fifteen~~] seventy-five days prior to [~~such~~] the election and be  
10 subject to public inspection [~~and one~~]. A true copy shall be  
11 furnished each voter calling at [~~such~~] the office for [~~the~~  
12 ~~same~~] it at any time [~~fifteen~~] seventy-five days prior to  
13 [~~such~~] the election. When [~~such~~] the works are to be  
14 constructed by two or more districts, bids may be jointly  
15 called for and may be opened and considered at the designated  
16 office of either of [~~such~~] the districts, and [~~such~~] the  
17 districts shall approve the letting of the contract and the  
18 contractor's bond and may meet for that purpose at a place  
19 outside of their district or at any office established for  
20 [~~such~~] the joint project and at which all business of [~~such~~]  
21 the joint project may be transacted. All bids, bonds and  
22 contracts [~~ete.~~] of [~~such~~] the joint project may be in the  
23 names of [~~such~~] the joint project districts [~~and such~~]. The  
24 districts [~~being~~] are empowered and authorized to do all acts  
25 by joint action that one district may do, the action of each

underscored material = new  
[bracketed material] = delete

1 district being determined by its board of directors. A general  
 2 manager may be employed for [~~such~~] the joint enterprise,  
 3 [~~whose~~] and the general manager's duties may be set forth in  
 4 the joint ownership contract. [~~Such~~] The contracts may be  
 5 amended in the same manner."

6 SECTION 46. Section 73-11-1 NMSA 1978 (being Laws 1919,  
 7 Chapter 20, Section 17, as amended) is amended to read:

8 "73-11-1. SPECIAL ELECTION FOR BOND ISSUE OR CONTRACT--  
 9 NOTICE--BALLOTS--BOND TERMS AND FORM--RECORD OF BONDS--PRIORITY  
 10 OF ISSUES.--

11 A. For the purpose of constructing, [~~or~~] purchasing  
 12 or acquiring necessary reservoir sites, reservoirs, water  
 13 rights, canals, ditches and works and acquiring the necessary  
 14 property and rights [~~therefor~~] for them, for the assumption of  
 15 indebtedness to the United States for district lands, for the  
 16 purpose of paying the first year's interest upon the bonds  
 17 [~~herein~~] authorized in the section and for otherwise carrying  
 18 out the provisions of [~~this act~~] Chapter 73, Articles 10 and 11  
 19 NMSA 1978, the board of directors of any [~~such~~] district shall,  
 20 as soon after the district has been organized as may be  
 21 practicable, estimate and determine the amount of money  
 22 necessary to be raised or amount of indebtedness necessary to  
 23 be assumed for such purposes and shall [~~forthwith~~] call [~~a~~  
 24 ~~special~~] an election pursuant to Section 1 of this 2011 act, at  
 25 which election shall be submitted to the electors of the

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1 district, possessing the qualifications prescribed by [~~this~~  
2 ~~act~~] those articles, the question of whether or not the bonds  
3 of the district shall be issued in the amount [~~so~~] determined  
4 or whether or not a contract shall be entered into with the  
5 United States as [~~herein~~] provided in this section.

6 [A] B. Notice of [~~such~~] the election [~~must~~] shall be  
7 given by posting notices in three public places in each  
8 election precinct in the district for at least twenty days and  
9 also by publication [~~of such notice in some newspaper of~~  
10 ~~general circulation published in each county wherein is situate~~  
11 ~~any lands within the district once each week for at least four~~  
12 ~~successive weeks.~~ Such] and broadcast pursuant to the  
13 provisions of Section 2 of this 2011 act. The notice shall  
14 specify the time of holding the election and the amount of  
15 bonds proposed to be issued. The election [~~must~~] shall be held  
16 and the result [~~thereof~~] of it determined and declared in all  
17 respects as nearly as possible in conformity with the  
18 provisions of [~~this act~~] Chapter 73, Articles 10 and 11 NMSA  
19 1978; provided that no informalities in conducting the election  
20 shall invalidate it if the election has been otherwise fairly  
21 conducted.

22 C. At [~~such~~] the election, the ballots shall contain  
23 the words "Bonds--Yes" and "Bonds--No", or "Contract--Yes" and  
24 "Contract--No", or words equivalent [~~thereto~~] to them. If any  
25 [~~such~~] election shall carry in conformity with the provisions

1 of [~~this act~~] those articles, the board of directors shall  
2 immediately cause bonds in such amounts to be issued or  
3 contract made with the United States. If bonds are not to be  
4 deposited with the United States in connection with [~~such~~] the  
5 contract, bonds need not be issued; or if required for the  
6 construction fund in addition to [~~such~~] the contract, bonds  
7 shall be issued only for the amounts needed in addition to  
8 [~~such~~] the contract. Bonds, other than those deposited with  
9 the United States, when required, shall be issued and payable  
10 in series as follows:

11 (1) at the expiration of eleven years, not less  
12 than five percent of the whole amount and number of the bonds;

13 (2) at the expiration of twelve years, not less  
14 than six percent of the whole amount and number of the bonds;

15 (3) at the expiration of thirteen years, not  
16 less than seven percent of the whole amount and number of the  
17 bonds;

18 (4) at the expiration of fourteen years, not  
19 less than eight percent of the whole amount and number of the  
20 bonds;

21 (5) at the expiration of fifteen years, not less  
22 than nine percent of the whole amount and number of the bonds;

23 (6) at the expiration of sixteen years, not less  
24 than ten percent of the whole amount and number of the bonds;

25 (7) at the expiration of seventeen years, not

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1 less than eleven percent of the whole amount and number of the  
2 bonds;

3 (8) at the expiration of eighteen years, not  
4 less than thirteen percent of the whole amount and number of  
5 the bonds;

6 (9) at the expiration of nineteen years, not  
7 less than fifteen percent of the whole amount and number of the  
8 bonds;

9 (10) at the expiration of twenty years, a  
10 percentage sufficient to pay off the remainder of the bonds;

11 (11) that the several enumerated percentages be  
12 of the entire amount of the bond issue;

13 (12) that each bond [~~must~~] shall be payable at  
14 the given time for its entire amount and not for a percentage;  
15 and

16 (13) that the bonds shall bear interest payable  
17 semiannually on June 1 and December 1 of each year.

18 D. The principal and interest shall be payable at the  
19 office of the county treasurer of the county in which the  
20 organization of the district was effected as [~~aforsaid~~]  
21 provided in Chapter 73, Articles 10 and 11 NMSA 1978 and at  
22 such other place or places, if any, as the board of directors  
23 may designate in the bond. The bonds shall be in such form as  
24 the board of directors may determine and, except for bonds  
25 issued in book entry or similar form without the delivery of

1 physical securities, shall be executed in the name of the  
 2 district and signed by the president and secretary, and the  
 3 seal of the district shall be affixed thereto; provided that  
 4 bonds deposited with the United States may be of the  
 5 denominations and may call for the repayment of the principal  
 6 at the times agreed upon between the board and the United  
 7 States secretary of the interior [~~and~~]. Where a contract is  
 8 made and bonds are not deposited with the United States, [~~a~~]  
 9 the contract may likewise call for the repayment of principal  
 10 at such times as may be agreed upon. The bonds shall be  
 11 numbered consecutively as issued and bear date at the time of  
 12 their issue. Any coupons for interest shall be attached to  
 13 each bond bearing the facsimile signatures of the president and  
 14 the secretary. The bonds shall express on their face that they  
 15 are issued by the authority of [~~this act, stating its title and~~  
 16 ~~date of approval~~] Chapter 73, Articles 10 and 11 NMSA 1978.

17 E. The secretary shall keep a record of the bonds  
 18 sold, their number, date of sale, the price received and the  
 19 name of the purchaser; provided that any [~~such~~] district may,  
 20 in the manner whereby the issuance of bonds may be authorized,  
 21 provide for the issuance of bonds that will mature in any  
 22 number of years less than twenty and arrange for the payment  
 23 [~~thereof~~] of them, in series as [~~above~~] provided in this  
 24 section; provided further that when the money provided by any  
 25 previous issue of bonds has become exhausted by expenditures

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1 [herein] authorized [therefor] in this section for those  
2 purposes and it becomes necessary to raise additional money for  
3 such purposes, additional bonds may be issued after submitting  
4 the question to the qualified voters of the district, as for an  
5 original issue of such bonds; and provided [also] further that  
6 the lien for the bonds of any issue shall be a preferred lien  
7 to that of any subsequent issue, and the lien for all payments  
8 due or to become due under any contract with the United States,  
9 accompanying which bonds of the district have not been  
10 deposited with the United States as provided in Section  
11 73-10-16 NMSA 1978 [~~provided~~], shall be a preferred lien to any  
12 issue of bonds subsequent to the date of [~~such~~] the contract.

13 F. If a contract is proposed to be made with the  
14 United States and bonds are not to be deposited with the United  
15 States in connection [~~therewith~~] with the contract, the  
16 question to be submitted to the voters at [~~such special~~] the  
17 election shall be whether a contract shall be entered into with  
18 the United States. The notice of election shall state the  
19 maximum amount of money payable to the United States for  
20 construction purposes exclusive of penalties and interest."

21 **SECTION 47.** Section 73-11-3 NMSA 1978 (being Laws 1921,  
22 Chapter 39, Section 9) is amended to read:

23 "73-11-3. ELECTION ON BOND SALE AT LESS THAN NINETY-FIVE  
24 PERCENT PAR VALUE.--If any irrigation district bonds have been  
25 authorized and the board of directors of [~~said~~] the district

1     ~~[deem]~~ deems it ~~[as]~~ desirable that the ~~[said]~~ board be  
 2     authorized to sell ~~[said]~~ the bonds for less than ninety-five  
 3     percent of ~~[the]~~ their par value ~~[thereof, said]~~, the board may  
 4     call ~~[a special]~~ an election to submit to the voters of the  
 5     district ~~[said]~~ the proposition. ~~[Such]~~ The election shall be  
 6     held and notice ~~[thereof]~~ of it shall be given in the same  
 7     manner as is provided in the case of ~~[a special]~~ an election to  
 8     authorize the issuance of bonds for irrigation districts. The  
 9     proposition shall be stated in substantially the following  
 10    form: "Shall the board of directors of

11    \_\_\_\_\_ irrigation district be authorized to  
 12    sell bonds of the district for less than ninety-five percent of  
 13    ~~[the]~~ their par value ~~[thereof]~~, but not less than  
 14    \_\_\_\_\_ percent of the par value?" (Stating the  
 15    minimum price), followed by the word "yes" or "no", as provided  
 16    in Section ~~[6 of said Chapter 20]~~ 73-10-6 NMSA 1978. If at  
 17    least two-thirds of the legal votes cast at ~~[such]~~ the election  
 18    are for "yes", then the board of directors may sell any such  
 19    bonds to the highest responsible bidder at or above the minimum  
 20    price authorized at ~~[such]~~ the election."

21           **SECTION 48.** Section 73-11-23 NMSA 1978 (being Laws 1921,  
 22    Chapter 39, Section 27) is amended to read:

23           "73-11-23. BOND ELECTION--NOTICE--BALLOTS--SALE.--

24           A. The board of directors of any ~~[such]~~ irrigation  
 25    district may estimate and determine the amount of money

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1 necessary to be raised or the amount of indebtedness necessary  
2 to be assumed for such purpose [~~or purposes~~] and may include in  
3 [~~such~~] those amounts a sum sufficient to pay the first four  
4 years' interest on [~~such~~] the indebtedness [~~and~~]. The [~~said~~]  
5 board, deeming it expedient to issue bonds to provide such  
6 funds or provide for such indebtedness, shall [~~forthwith~~]  
7 immediately call [~~a special~~] an election pursuant to the  
8 provisions of Section 1 of this 2011 act, at which election  
9 shall be submitted to the electorate of [~~such~~] the district,  
10 possessing the qualifications required by law, the question  
11 whether [~~or not~~] the bonds of [~~said~~] the district for such  
12 purposes [~~as aforesaid~~] shall be issued in the amount so  
13 determined.

14 B. A notice of [~~such~~] the election [~~must~~] shall be  
15 given by posting notices in three public places in each  
16 election precinct in [~~said~~] the district for at least twenty  
17 [~~(20)~~] days and also by publication [~~of such notice in some~~  
18 ~~newspaper of general circulation published in each county~~  
19 ~~wherein there is situate any lands within the district once~~  
20 ~~each week for at least four consecutive weeks such~~] and  
21 broadcast pursuant to the provisions of Section 2 of this 2011  
22 act. The notice shall specify the time of holding the  
23 election, the amount of bonds proposed to be issued [~~the~~] and  
24 their purpose [~~thereof, and said~~].

25 C. The election [~~must~~] shall be held and [~~the~~] its

1 result [~~thereof~~] determined and declared in all respects as  
 2 nearly as possible in conformity with the provisions of [~~this~~  
 3 ~~and said Chapter 20, Session Laws of 1919, and acts amendatory~~  
 4 ~~and supplementary thereto and hereof~~] Chapter 73, Articles 10  
 5 and 11 NMSA 1978; provided that no informalities in conducting  
 6 [~~such~~] the election shall invalidate [~~the same~~] it if the  
 7 election [~~shall be~~] is fairly conducted. At [~~such~~] the  
 8 election, the ballots shall contain the words "Bonds, yes" and  
 9 "Bonds, no" or words equivalent [~~thereto~~] to them. If [~~such~~]  
 10 the election [~~shall carry~~] carries in conformity with the  
 11 provisions of [~~this, and said Act~~] those articles, the board of  
 12 directors shall immediately cause [~~said~~] the bonds for such  
 13 amounts to be issued [~~and the same~~]. The bonds may be sold,  
 14 placed or disposed of at not less than ninety-five [~~percentum~~]  
 15 percent of their par value [~~according~~] as [~~is now~~] provided in  
 16 [~~said Chapter 20, Session Laws of 1919 of New Mexico~~] Chapter  
 17 73, Articles 10 and 11 NMSA 1978 for the sale and disposal of  
 18 bonds for irrigation and incidental purposes."

19 **SECTION 49.** Section 73-12-5 NMSA 1978 (being Laws 1929,  
 20 Chapter 76, Section 5, as amended) is amended to read:

21 "73-12-5. NOTICE OF ELECTION--QUALIFICATION OF ELECTORS--  
 22 ELECTION PROCEDURE.--The board of county commissioners shall  
 23 [~~thereupon~~] cause notice embodying the orders in substance, signed  
 24 by the [~~chairman~~] chair and clerks of the board, to be issued,  
 25 given and published, giving public notice of the election, the

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1 time and place [~~thereof~~] of it and the matters submitted to the  
2 vote of the electors. The notice and order shall be published  
3 [~~once a week for at least three weeks immediately prior to the~~  
4 ~~date fixed for the election in a newspaper of general circulation~~  
5 ~~published in the county~~] pursuant to the requirements of Section 2  
6 of this 2011 act, and, if any portion of the proposed district  
7 lies within any other county [~~or counties~~], then the order and  
8 notice shall be published in a newspaper of general circulation  
9 published within each [~~of those counties~~] county. Publication  
10 shall be made in English. At the election and all elections held  
11 under the provisions of [~~this act~~] Chapter 73, Article 12 NMSA  
12 1978, all persons who are resident freeholders and owners of the  
13 land within the district, citizens of the United States and [~~who~~  
14 ~~are~~] qualified electors under the Election Code shall be qualified  
15 electors; provided that if any farm or tract of land in the  
16 district is owned by more than one owner, only one person shall be  
17 permitted to vote at any election as the owner of [~~such one~~] the  
18 farm or tract of land; and provided further that at [~~such~~] the  
19 elections, each otherwise qualified voter shall be entitled to  
20 cast and have counted as many votes as [~~he shall have~~] the  
21 qualified voter has acres of land owned by [~~him~~] the qualified  
22 voter and situate within the district. Insofar as applicable, the  
23 general election laws of the state, except requirements for  
24 registration and except as otherwise provided for in [~~this act~~]  
25 Chapter 73, Article 12 NMSA 1978, shall govern elections. Prior

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1 to the day of the election, the board of directors shall make up a  
 2 list of the owners of land or the reputed owners of land for each  
 3 of the three election districts, giving the number of acres owned  
 4 or reputed to be owned by each person and furnish the list to the  
 5 judges of election to be kept at the polls during the day of the  
 6 election [~~and~~]. The list of owners and acreage shall be prima  
 7 facie evidence of the right of each owner to vote the number of  
 8 acres shown to be owned by [~~him~~] the voter by the list. No person  
 9 shall vote by proxy or power of attorney except an officer or  
 10 agent designated in writing as proxy or agent of a corporation  
 11 entitled to vote at the election. The ballot to be used and cast  
 12 at the election for the formation of the district shall have  
 13 printed or typewritten [~~thereon~~] on it the words  
 14 " \_\_\_\_\_ Electrical Irrigation District, \_\_\_\_\_ Yes \_\_\_\_\_ Votes,  
 15 and \_\_\_\_\_ Electrical Irrigation District, \_\_\_\_\_ No \_\_\_\_\_ Votes"  
 16 or [~~words~~] equivalent [~~thereto~~] words and shall contain the  
 17 names of the persons to be voted for as members of the board of  
 18 directors of the district [~~and~~]. Each ballot shall be signed  
 19 by the person casting [~~the same~~] it. Each elector may vote for  
 20 three directors, one from each division, and shall indicate  
 21 [~~his~~] the elector's vote by placing a marginal cross upon the  
 22 ballot for or against any questions submitted or name voted  
 23 upon and opposite [~~thereto~~] to them, together with the figure  
 24 or figures indicating the number of votes [~~he~~] the elector is  
 25 entitled to cast [~~thereat~~] at the election."

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1           SECTION 50. Section 73-12-8 NMSA 1978 (being Laws 1929,  
2 Chapter 76, Section 8) is amended to read:

3           "73-12-8. OFFICE OF BOARD--SUBSEQUENT ELECTIONS.--

4           A. The office of the board of directors shall be  
5 located in the county where the organization was effected.  
6 [~~Fifteen (15) days~~] Four weeks before any election held under  
7 [~~this Act~~] Chapter 73, Article 12 NMSA 1978 subsequent to the  
8 organization [~~of~~] of the district, the secretary, who shall be  
9 appointed by the board of directors, shall cause notice,  
10 specifying the polling places of each precinct, to be posted in  
11 three public places in each election precinct of the time and  
12 place of holding the election and shall also post a general  
13 notice of the [~~same~~] election in the office of [~~said~~] the  
14 board, which shall be established and kept at [~~some~~] a fixed  
15 place to be determined by [~~said~~] the board in [~~said~~] the  
16 county. The notice provisions shall conform with the  
17 requirements of Section 2 of this 2011 act.

18           B. Prior to the time for posting the notices, [~~said~~]  
19 the board [~~must~~] shall appoint from each precinct, from [~~the~~]  
20 its electors [~~thereof~~], three judges, one of whom shall act as  
21 clerk, who shall constitute a board of election for [~~such~~] the  
22 precinct. If the board fails to appoint a board of election or  
23 the members appointed do not attend the opening of the polls on  
24 the morning of the election, the electors of the precinct  
25 present at the hour may appoint the board or supply the place

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1 of an absent member [~~thereof~~] of it. The board of directors  
 2 [~~must~~] shall, in its order appointing the board of election,  
 3 designate the hour and place in the precinct where the election  
 4 [~~must~~] shall be held."

5 SECTION 51. Section 73-12-15 NMSA 1978 (being Laws 1929,  
 6 Chapter 76, Section 15, as amended) is amended to read:

7 "73-12-15. DETERMINING COST--BOND ELECTION--NOTICE--  
 8 CONDUCT--BOND TERMS AND CONDITIONS--SUBSEQUENT ISSUES.--

9 A. For the purpose of constructing, [~~or~~] purchasing  
 10 or acquiring the necessary fuel transmission lines, pipelines,  
 11 power plants, electrical motors, engines, reservoir sites,  
 12 reservoirs, water rights, water wells, canals, ditches and  
 13 works, including the necessary drainage works and the acquiring  
 14 of the necessary property and rights therefor, and for the  
 15 purpose of paying the first year's interest on the bonds  
 16 [~~herein~~] authorized in this section, and for the purpose of  
 17 paying legal expenses incurred in the organization of the  
 18 district and preliminary expenses incurred under the provisions  
 19 of Section 73-12-12 NMSA 1978 and otherwise carrying out the  
 20 provisions of [~~this act~~] Chapter 73, Article 12 NMSA 1978, the  
 21 board of directors of any such district shall, as soon after  
 22 the district has been organized as may be practicable, estimate  
 23 and determine the amount of money necessary to be raised for  
 24 [~~such~~] those purposes and shall, by resolution to be entered in  
 25 the minutes of the board of directors of the district, fix the

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1 amounts and series of the bonds of the district proposed to be  
2 issued; provided, however, that none of the bonds shall run for  
3 a longer period than twenty years from ~~[the]~~ their date ~~[there~~  
4 ~~of]~~.

5 B. The board of directors shall ~~[forthwith call a~~  
6 ~~special]~~ call an election, at which election shall be submitted  
7 to the electors of the district, possessing the qualifications  
8 prescribed by ~~[this act]~~ Chapter 73, Article 12 NMSA 1978, the  
9 question ~~[if]~~ of whether or not the bonds of the district shall  
10 be issued in the amount so determined. Notice of the election  
11 shall be given by publication ~~[in some newspaper published, in~~  
12 ~~the county where the office of the board of directors of the~~  
13 ~~district is required to be kept, once a week for at least three~~  
14 ~~successive weeks immediately preceding the date of the~~  
15 ~~election]~~ pursuant to the requirements of Section 2 of this  
16 2011 act. The notice shall specify the time of holding the  
17 election, the amount of bonds proposed to be issued and ~~[the]~~  
18 their series and due dates ~~[thereof]~~.

19 C. The election shall be held and ~~[the]~~ its results  
20 ~~[thereof]~~ determined and declared in all respects as nearly as  
21 possible in conformity with the provisions of ~~[this act]~~  
22 Chapter 73, Article 12 NMSA 1978 governing the election of  
23 directors; provided that no informalities in conducting the  
24 election shall invalidate it if the election has been otherwise  
25 fairly conducted. At ~~[such]~~ the election, the ballots shall

1 contain the words "Bonds, Yes" or "Bonds, No" or words  
2 equivalent ~~[thereto]~~ to them. If ~~[a]~~ the majority of the votes  
3 of the qualified electors who are freeholders within the  
4 district have been voted "Bonds, Yes", the board of directors  
5 shall immediately cause bonds to be issued in amounts and  
6 payable in series as provided in the resolution of the board of  
7 directors.

8 D. Each bond shall bear interest payable semiannually  
9 on June 1 and December 1 of each year. The principal and  
10 interest shall be payable at the office of the county treasurer  
11 of the county in which the organization of the district was  
12 effected as ~~[aforesaid]~~ provided in Chapter 73, Article 12 NMSA  
13 1978 and at such other place or places, if any, as the board of  
14 directors may designate in the bonds. The bonds shall be in  
15 such form as the board of directors may determine and, except  
16 for bonds issued in book entry or similar form without the  
17 delivery of physical securities, shall be executed in the name  
18 of the district and signed by the president and secretary, and  
19 the seal of the district shall be affixed thereto. The bonds  
20 shall be numbered consecutively as issued and bear date at the  
21 time of their issue. Any coupons for interest shall be  
22 attached to each bond bearing the facsimile signature of the  
23 president and the secretary. The bonds shall express on their  
24 face that they are issued by authority of ~~[this act]~~ Chapter  
25 73, Article 12 NMSA 1978 stating its title and date of

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1 approval. The secretary shall keep a record of the bonds sold,  
2 their number, date of sale, the price received and the name of  
3 the purchaser. [~~Provided that~~]

4 E. When the money provided by any previous issue of  
5 bonds has become exhausted by expenditures [~~herein~~] authorized  
6 [~~therefor~~] by the provisions of this section, and it becomes  
7 necessary to raise additional money for [~~such~~] those purposes,  
8 additional bonds may be issued after submitting the question of  
9 issuing the bonds at a special election to the qualified voters  
10 of the district and otherwise complying with the provisions of  
11 [~~this act~~] Chapter 73, Article 12 NMSA 1978 in respect to an  
12 original issue of bonds; provided [~~further~~] that the lien for  
13 taxes for the payment of the interest and the principal of any  
14 bond issue shall be a prior lien to that of any subsequent bond  
15 issue."

16 **SECTION 52.** Section 73-14-10 NMSA 1978 (being Laws 1965,  
17 Chapter 76, Section 2) is amended to read:

18 "73-14-10. NOTICE OF ELECTION--PUBLICATION.--Upon entry  
19 of the order of the court, the board of county commissioners of  
20 any county within which the proposed district lies shall cause  
21 to be published a notice of the election [~~in a newspaper of~~  
22 ~~general circulation in the proposed conservancy district at~~  
23 ~~least once a week for three consecutive weeks~~] pursuant to the  
24 requirements of Section 2 of this 2011 act."

25 **SECTION 53.** Section 73-14-20.1 NMSA 1978 (being Laws

1 1990, Chapter 48, Section 1, as amended) is amended to read:

2 "73-14-20.1. QUALIFIED ELECTOR LIST.--

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

15 B. Names of qualified electors shall be obtained from  
16 the records of the county clerk of the appropriate county, the  
17 appropriate county assessor of the appropriate county, records  
18 of the conservancy district or [~~from~~] the census bureau and  
19 enrollment records provided by the pueblos. The county  
20 assessor of the appropriate county, the county clerk of the  
21 appropriate county and the tribal representatives of the  
22 appropriate pueblos shall deliver to the election director all  
23 records regarding qualified electors of the benefited area no  
24 later than the last day of each March before a district  
25 election.

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

8           D. Proof of ownership of land within the benefited  
9 area requires one of the following:

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

12                   (2) an individual's name on county clerk records  
13 indicating a description of property the individual owns within  
14 the benefited area;

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

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

21           E. The election officer or the election director  
22 shall distribute to each polling place a current qualified  
23 [~~elector's~~] elector list for the appropriate county. The  
24 election officer or the election director shall distribute the  
25 [~~qualified elector's~~] list to each polling place within a

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

7 **SECTION 54.** Section 73-14-27 NMSA 1978 (being Laws 1975,  
 8 Chapter 262, Section 10, as amended) is amended to read:

9 "73-14-27. ELECTION--LOCATION OF POLLING PLACES--NOTICE  
 10 OF ELECTION--CREATION OF ABSENT VOTER PRECINCT.--

11 A. For every conservancy district election, the board  
 12 of directors shall provide for adequate polling places within  
 13 the boundaries of the conservancy district. In addition, the  
 14 board of directors shall provide a polling place at the main  
 15 office of the conservancy district and may provide such other  
 16 locations as it deems necessary. The board of directors may  
 17 also create absentee-early voter and absent voter precincts.

18 B. Notice of the election shall be published ~~[three~~  
 19 ~~times in a newspaper of general circulation within each county~~  
 20 ~~of the district]~~ pursuant to the requirements of Section 2 of  
 21 this 2011 act. Each notice shall state the time, place and  
 22 purpose of the election ~~[and shall be published twenty, ten and~~  
 23 ~~five days before the election]."~~

24 **SECTION 55.** Section 73-14-73 NMSA 1978 (being Laws 1961,  
 25 Chapter 67, Section 5) is amended to read:

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1 "73-14-73. ELECTIONS--WHEN HELD.--

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

7 B. Subsequent elections, except as provided in  
8 Subsection D of this section, shall be held every two years  
9 following the year 1961 and shall be held on the first Tuesday  
10 of October.

11 C. Conservancy districts formed after July 1, 1961  
12 shall hold their first election as provided in Section  
13 ~~[75-28-53 New Mexico Statutes Annotated, 1953 Compilation]~~  
14 73-14-74 NMSA 1978.

15 D. Each election to seek approval of the issuance of  
16 bonds shall conform to the requirements of Sections 1 and 2 of  
17 this 2011 act."

18 SECTION 56. Section 73-14-80 NMSA 1978 (being Laws 1961,  
19 Chapter 67, Section 12) is amended to read:

20 "73-14-80. ELECTION--SELECTION OF VOTING PLACES--NOTICE  
21 OF ELECTION.--

22 A. Not less than thirty days prior to an election,  
23 the board of directors then in office shall meet and select a  
24 voting place or voting places within the conservancy district.  
25 This selection shall be by written resolution and shall be

1 preserved as a permanent record of the board.

2 B. Notice of election shall be posted by the board in  
 3 at least three prominent and conspicuous places within the  
 4 district [~~The board may publish the notice in a newspaper of~~  
 5 ~~general circulation within the district in addition to posting]~~  
 6 and shall conform to the requirements of Section 2 of this 2011  
 7 act. The notice of election shall state the time, place and  
 8 purpose of the election [~~and shall be posted at least twenty~~  
 9 ~~days before the election)]."~~

10 SECTION 57. Section 73-16-5 NMSA 1978 (being Laws 1961,  
 11 Chapter 123, Section 1) is amended to read:

12 "73-16-5. [~~ELECTION FOR APPROVAL OF]~~ DISTRICT  
 13 CONSTRUCTION FUND ASSESSMENT LEVY [~~OF CERTAIN DISTRICTS]~~  
 14 ELECTION--FORM OF BALLOT--SUPPLEMENTAL LEVIES.--

15 A. In all cases, excepting those [~~hereinafter]~~  
 16 excluded by the provisions of the Conservancy Act of New  
 17 Mexico, as soon as the first construction fund assessment levy  
 18 is made, the board shall call an election to be held not less  
 19 than [~~sixty]~~ seventy-five days after notice of the election is  
 20 completed by publication. The procedure for and conduct of the  
 21 election shall be that provided for election of boards of  
 22 directors who are elected and shall conform to the requirements  
 23 of Sections 1 and 2 of this 2011 act. The question to be  
 24 referred to the voters shall be the approval or rejection of  
 25 the construction fund assessment levy resolved by the board.

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1 The form of ballots shall be substantially as follows:

2 CONSTRUCTION FUND ASSESSMENT LEVY FOR \_\_\_\_\_  
3 \_\_\_\_\_ DISTRICT

4 (Name of District)

5 FOR the construction fund assessment levy of the district  
6 in the maximum total sum of \$ \_\_\_\_\_ . . . . \_\_\_\_\_

7 AGAINST the construction fund assessment levy of the  
8 district in the maximum total sum of \$ \_\_\_\_\_ . . . .  
9 \_\_\_\_\_ .

10 B. If the majority of voters are against the levy,  
11 upon exhibit to the court of the returns so proving, the  
12 district shall be dissolved after insuring payment of all  
13 outstanding debts. If the majority of voters are for the levy,  
14 upon exhibit to the court of the returns so proving, the levy  
15 shall be ordered executed and the secretary shall prepare the  
16 construction fund assessment record of the district.

17 C. Thereafter, from time to time, as the affairs of  
18 the district may demand, the board may make supplemental levies  
19 for the construction fund; provided that the aggregate of all  
20 these supplemental levies shall not exceed ten percent of the  
21 first levy approved in the election or, in principal, the  
22 appraised benefits adjudicated, whichever is less; provided  
23 further that if for any reason the affairs of the district  
24 [~~shall~~] demand a supplemental levy in excess of ten percent, an  
25 election as [~~herein~~] provided in this section shall be required

underscored material = new  
[bracketed material] = delete

1 to approve and order [~~them~~] that the levy into execution [~~and~~].  
 2 In the event [~~they are~~] the levy is rejected, the district  
 3 shall not execute supplemental levies in excess of the limits  
 4 [~~above stated~~] provided in this subsection; and provided  
 5 further that in no case shall a levy be submitted to election  
 6 where the amount [~~thereof~~] of the levy exceeds in principal the  
 7 appraised benefits adjudicated.

8 D. Nothing in this section applies to any district  
 9 [~~which~~] that has commenced or completed any phase of  
 10 improvements pursuant to official plans or to any district  
 11 containing between fifteen thousand to thirty thousand acres."

12 **SECTION 58.** Section 73-18-30 NMSA 1978 (being Laws 1955,  
 13 Chapter 281, Section 6, as amended) is amended to read:

14 "73-18-30. QUALIFICATIONS OF ELECTORS.--

15 A. During the month of [~~September~~] August preceding a  
 16 district election, the secretary of the district shall mail to  
 17 each owner of irrigable land within the district at the address  
 18 of the landowner, as shown by the district records, a statement  
 19 signed by the secretary or assistant secretary and  
 20 authenticated by the seal of the district, showing the number  
 21 of acres of irrigable land owned by the landowner in each  
 22 voting precinct of the district. A separate statement shall be  
 23 furnished of land in each election precinct. In the event of  
 24 the failure of any landowner to receive the statement, the  
 25 landowner may secure the statement by request at the district

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1 office, not later than noon on the Friday preceding the  
2 election.

3 B. The board of directors of the conservancy district  
4 shall, by resolution, adopt a plan with necessary rules and  
5 regulations by which nonresident owners of class "A" lands or  
6 other owners of class "A" lands, who are unable to personally  
7 attend the election, may vote for directors other than the  
8 municipal director and the director-at-large."

9 SECTION 59. Section 73-18-37 NMSA 1978 (being Laws 1955,  
10 Chapter 281, Section 13) is amended to read:

11 "73-18-37. NOTICE OF ELECTION.--The board of directors of  
12 [~~said~~] the conservancy district shall issue a notice of [~~said~~]  
13 the election. Three copies of [~~such~~] the notice shall be  
14 posted in conspicuous places in each [~~such~~] election precinct  
15 for which an election is to be held and shall be published [~~in~~  
16 ~~a newspaper qualified to make legal publications in suits in~~  
17 ~~the district court. Such publications shall be made once and~~  
18 ~~shall be made not less than five or more than fifteen days~~  
19 ~~before the election. Such] pursuant to the requirements of  
20 Section 2 of this 2011 act. The notice as so published shall  
21 give the time of [~~said~~] the election, the places at which the  
22 election will be held in the different precincts, the names of  
23 the judges who have been designated to hold the elections in  
24 each precinct and the names of all candidates who have filed  
25 declarations of candidacy and shall show the election precinct~~

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1 which each candidate desires to represent."

2 SECTION 60. Section 73-18-38 NMSA 1978 (being Laws 1955,  
3 Chapter 281, Section 14) is amended to read:

4 "73-18-38. FORMS AND REGULATIONS.--

5 A. The board of directors of the district shall by  
6 resolution adopt all forms deemed by [~~said~~] the board to be  
7 necessary to the operation of [~~this Act~~] Sections 73-18-25  
8 through 73-18-43 NMSA 1978 and shall make such reasonable  
9 regulations to govern the administration of [~~this Act~~] those  
10 sections as [~~to said board~~] may seem proper [~~Such~~] to the  
11 board. The forms and regulations shall be in harmony with the  
12 purposes of [~~this Act~~] those sections and shall be adopted not  
13 less than [~~thirty (30)~~] ninety days prior to the election and  
14 shall not be changed within [~~thirty (30)~~] seventy-five days  
15 preceding any election. [~~Such~~] The forms and regulations may  
16 be open to inspection by the public at the office of the  
17 district. [~~Copy~~]

18 B. Copies of all regulations and forms adopted and  
19 authorized by the board of directors of [~~such~~] the district  
20 shall be certified by the secretary of [~~said~~] the district,  
21 [~~and~~] authenticated by the seal of [~~said~~] the district and  
22 filed in the office of the county clerk of [~~said~~] the county  
23 immediately after [~~such~~] the regulation or forms are adopted."

24 SECTION 61. Section 73-21-28 NMSA 1978 (being Laws 1943,  
25 Chapter 80, Section 25, as amended) is amended to read:

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1 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--

2 Whenever the board shall, by resolution, determine that the  
3 interest of the district and the public interest or necessity  
4 demand the acquisition, construction, installation or  
5 completion of any works or other improvements or facilities, or  
6 the making of any contract with the United States or other  
7 persons or corporations, to carry out the objects or purposes  
8 of the district, requiring the creation of a general obligation  
9 indebtedness of five thousand dollars (\$5,000) or more, secured  
10 by property tax revenue from within the district, the board  
11 shall order the submission of the proposition of issuing the  
12 obligations or bonds or creating other indebtedness to the  
13 qualified taxpaying electors of the district at an election  
14 held for that purpose. Any such election [~~may be held~~  
15 ~~separately or may be consolidated or held concurrently with any~~  
16 ~~other election~~] shall be authorized by the Water and Sanitation  
17 District Act and conform to the requirements of Sections 1 and  
18 2 of this 2011 act. The declaration of public interest or  
19 necessity required in this section and the provision for the  
20 holding of the election may be included within one and the same  
21 resolution. The resolution, in addition to the declaration of  
22 public interest or necessity, shall recite the objects and  
23 purposes for which the indebtedness is proposed to be incurred,  
24 the estimated cost of the works or improvements, as the case  
25 may be, the amount of principal of the indebtedness to be

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1 incurred and the maximum rate of interest to be paid on the  
 2 indebtedness. The resolution shall also [~~fix~~] recite the date  
 3 upon which the election shall be held and the manner of holding  
 4 it and the method of voting for or against the incurring of the  
 5 proposed indebtedness. The resolution shall also fix the  
 6 compensation to be paid the officers of the election and shall  
 7 designate the polling place and shall appoint, for each polling  
 8 place, from the electors of the district, the officers of the  
 9 election consisting of three judges, one of whom shall act as  
 10 clerk."

11 **SECTION 62.** Section 73-21-29 NMSA 1978 (being Laws 1943,  
 12 Chapter 80, Section 26) is amended to read:

13 "73-21-29. NOTICE OF ELECTION.--The board shall prescribe  
 14 the form of the notice of election and direct the publication  
 15 of [~~the same, the first publication of said notice to be not~~  
 16 ~~less than twenty (20) days prior to the election]~~ it pursuant  
 17 to the requirements of Section 2 of this 2011 act."

18 **SECTION 63.** Section 74-10-13 NMSA 1978 (being Laws 1993,  
 19 Chapter 319, Section 13) is amended to read:

20 "74-10-13. ELECTION OF DIRECTORS.--Each biennial  
 21 nonpartisan election of directors shall be conducted at the  
 22 time of the general election under the direction of the county  
 23 clerk and in accordance with the election laws of New Mexico.  
 24 Each election to seek approval of the issuance of bonds shall  
 25 conform to the requirements of Sections 1 and 2 of this 2011

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1 act. Any other election of the authority [~~including an~~  
2 ~~election to seek approval for the issuance of bonds~~] shall be  
3 conducted at any time approved by the board in accordance with  
4 the election laws of New Mexico."

5 SECTION 64. Section 74-10-15 NMSA 1978 (being Laws 1993,  
6 Chapter 319, Section 15) is amended to read:

7 "74-10-15. CONDUCT OF ELECTION.--An election held  
8 pursuant to the Solid Waste Authority Act shall conform to the  
9 requirements of Sections 1 and 2 of this 2011 act, and  
10 otherwise shall be conducted in the manner provided by the laws  
11 of the state for the conduct of general elections."

12 SECTION 65. Section 74-10-16 NMSA 1978 (being Laws 1993,  
13 Chapter 319, Section 16) is amended to read:

14 "74-10-16. NOTICE OF ELECTION.--Notice of [~~such~~] an  
15 election pursuant to the provisions of the Solid Waste  
16 Authority Act shall [~~be given by publication~~] conform to the  
17 requirements of Section 2 of this 2011 act. No other notice of  
18 an election held [~~under the Solid Waste Authority~~] pursuant to  
19 that act need be given unless otherwise provided by the board."

20 SECTION 66. Section 74-10-19 NMSA 1978 (being Laws 1993,  
21 Chapter 319, Section 19) is amended to read:

22 "74-10-19. ELECTION RETURNS.--The authority shall appoint  
23 an authority precinct board at the authority's expense for each  
24 polling place. For authority elections, [~~held at the time of~~  
25 ~~the general election~~] the authority shall be provided space in

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

17 **SECTION 67.** Section 74-10-31 NMSA 1978 (being Laws 1993,  
 18 Chapter 319, Section 31) is amended to read:

19 "74-10-31. CONDUCT OF ELECTION.--Elections for imposition  
 20 of ad valorem taxes shall conform with the requirements of  
 21 Sections 1 and 2 of this 2011 act, and otherwise shall be  
 22 conducted in a manner prescribed by the laws of the state for  
 23 the conduct of general elections and in accordance with the  
 24 provisions and procedures outlined in the Solid Waste Authority  
 25 Act for the election of directors."

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