

1 AN ACT

2 RELATING TO CONSERVANCY DISTRICT ELECTIONS; REMOVING
3 CONSERVANCY DISTRICTS FROM THE LOCAL ELECTION ACT; PROVIDING
4 TIMING AND OTHER PROCEDURES FOR CONSERVANCY DISTRICT
5 ELECTIONS; DEFINING TERMS; PROVIDING PROCEDURES FOR COMPILING
6 A LIST OF QUALIFIED ELECTORS; ELIMINATING CERTAIN
7 REQUIREMENTS FOR ABSENTEE VOTING, ELECTION NOTICES AND
8 POLLING LOCATIONS; AMENDING AND ENACTING SECTIONS OF THE NMSA
9 1978; DECLARING AN EMERGENCY.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

14 "1-22-2. DEFINITIONS.--As used in the Local Election
15 Act:

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

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

20 C. "local government" means a:

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

1 Mexico; and

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

8 D. "municipal officers" means the local governing
9 body and any elective executive and judicial officers of a
10 municipality;

11 E. "regular local election" means the biennial
12 local election at which local governing body members are
13 elected pursuant to the provisions of the Local Election Act;
14 and

15 F. "special local election" means a local election
16 conducted at a time other than a statewide election at which
17 only ballot questions are considered pursuant to the
18 provisions of the Special Election Act."

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

21 "73-14-20. DEFINITIONS.--As used in Sections 73-14-18
22 through 73-14-30 NMSA 1978:

23 A. "benefited area" means that area described by a
24 property appraisal that receives a benefit as a result of the
25 creation of a district for any of the purposes specified in

1 Section 73-14-4 NMSA 1978;

2 B. "election director" means the person whom the
3 board of directors may request to provide election services
4 by a contract;

5 C. "election officer" means a person appointed by
6 the board of directors to conduct the election in the absence
7 of the election director to perform the election director's
8 duties as required pursuant to law;

9 D. "list compiler" means a contractor approved by
10 the board of directors to compile and produce a qualified
11 elector list for a conservancy district;

12 E. "qualified elector" means an individual who
13 owns real property within the benefited area of the
14 conservancy district and who has provided proof of an
15 ownership interest to one of the sources specified in
16 Subsection B of Section 73-14-20.1 NMSA 1978 within the
17 required time period, or who resides on and owns legal or
18 equitable title in tribal lands and who is over the age of
19 majority;

20 F. "qualified elector's list" means the list
21 compiled before each election that contains the individual
22 names of all qualified electors; and

23 G. "residence" means a dwelling that lies
24 partially or completely within the benefited area."

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

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

1 before a district election.

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

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

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

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

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

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

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

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

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

11 "73-14-24. TIME AND PROCEDURE FOR ELECTION--RULE
12 ADOPTION--ELECTION DIRECTOR--ELECTION PROCLAMATION.--

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

22 B. The members of the boards of directors created
23 pursuant to provisions of Sections 73-14-18 through 73-14-30
24 NMSA 1978 shall be elected at an election held on the first
25 Tuesday after the first Monday in October in 2025 and in each

1 odd-numbered year thereafter.

2 C. The elections for the members of the board of
3 directors of the conservancy district shall be conducted,
4 counted and canvassed as provided in Sections 73-14-18
5 through 73-14-30 NMSA 1978 and shall not be governed by or
6 subject to the provisions of the Local Election Act. The
7 polls may be opened and closed in the same manner as provided
8 for the general election under the Election Code.

9 D. The board of directors shall adopt procedures
10 as necessary to conduct elections."

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

13 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF
14 ELECTORS.--

15 A. A person who desires to become a candidate for
16 election as a member of the conservancy district board of
17 directors shall file a written declaration of candidacy with
18 the election director or election officer at least sixty days
19 before the election. The election director or election
20 officer shall certify the candidates to the board of
21 directors.

22 B. The declaration of candidacy shall contain:

23 (1) a statement that the candidate is a
24 qualified elector of the district and meets the
25 qualifications of a director as required by law;

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

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

6 (4) if a candidate for a position
7 representing a county in the conservancy district, a petition
8 signed by at least seventy-five qualified electors of the
9 district who reside in that county;

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

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

17 **SECTION 6.** Section 73-14-28.1 NMSA 1978 (being Laws
18 1996, Chapter 42, Section 12, as amended) is repealed and a
19 new Section 73-14-28.1 NMSA 1978 is enacted to read:

20 "73-14-28.1. ELECTIONS.--The board of directors of the
21 conservancy district shall conduct the election pursuant to
22 Sections 73-14-18 through 73-14-30 NMSA 1978 and shall select
23 an election director as defined in Section 73-14-20 NMSA 1978
24 to provide election services. The election may be conducted
25 by paper ballot, electronic voting machine or any other

1 state-certified tabulating voting machine."

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

4 "73-14-57. DEFINITION OF "QUALIFIED ELECTORS".--The
5 term "qualified electors", as used in Sections 73-14-54
6 through 73-14-69 NMSA 1978, means only those persons who have
7 reached the age of majority and, for at least six months
8 prior to the election, have owned, during the entire six-
9 month period, real property situated within the district that
10 is subject to conservancy district appraisals, assessments,
11 levies and taxes."

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

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

1 candidate's notice of candidacy shall be signed by ten
2 qualified electors who reside within that particular portion
3 of the district and county from which the candidate seeks to
4 be elected."

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

7 "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--

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

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

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

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

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

24 SECTION 11. Section 73-14-71 NMSA 1978 (being Laws
25 1961, Chapter 67, Section 3, as amended) is amended to read:

1 "73-14-71. DEFINITION OF "QUALIFIED ELECTOR"--QUALIFIED
2 ELECTOR LIST.--As used in the provisions of Sections 73-14-70
3 through 73-14-88 NMSA 1978, "qualified elector" means a
4 natural person who has reached the age of majority and who,
5 for at least six months prior to the election, has owned,
6 either in community or separately, real property located
7 within the district and subject to conservancy district
8 appraisals, assessments, levies and taxes."

9 SECTION 12. Section 73-14-73 NMSA 1978 (being Laws
10 1961, Chapter 67, Section 5, as amended) is amended to read:

11 "73-14-73. ELECTIONS--WHEN HELD.--

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

16 B. Subsequent elections shall be held every two
17 years following the year 1961 and shall be held on the first
18 Tuesday of October.

19 C. Conservancy districts formed after July 1, 1961
20 shall hold their first election as provided in Section
21 73-14-74 NMSA 1978."

22 SECTION 13. Section 73-14-74 NMSA 1978 (being Laws
23 1961, Chapter 67, Section 6, as amended) is amended to read:

24 "73-14-74. ELIGIBILITY OF DISTRICT TO HOLD ELECTION.--

25 A. No election shall be held in an existing

1 conservancy district until the main canals in that district
2 are in such a condition that water can be delivered from them
3 for irrigation on the lands within the district.

4 B. The first election in any district formed after
5 July 1, 1961, or in a district existing on July 1, 1961, and
6 having an appointed board of directors shall be held on the
7 first Tuesday of October occurring in an odd-numbered year
8 after the requirements of Subsection A of this section are
9 fulfilled."

10 SECTION 14. Section 73-14-78 NMSA 1978 (being Laws
11 1961, Chapter 67, Section 10, as amended) is amended to read:

12 "73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF
13 ELECTORS.--

14 A. Any qualified elector who desires to become a
15 candidate for election as a member of a conservancy district
16 board of directors shall file a written notice of candidacy
17 with the secretary of the board at least twenty days before
18 the election.

19 B. A notice for candidacy shall state:

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

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

24 C. In addition to the requirements of Subsection B
25 of this section, a notice for candidacy shall be signed by at

1 least ten qualified electors within the conservancy
2 district."

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

5 "73-14-79.1. ELECTION RULES AND PROCEDURES--FORMS--
6 NOTICE OF ELECTION--BALLOTS--POLLING PLACES--ABSENTEE
7 VOTING--CANVASS OF ELECTION RETURNS--CERTIFICATION.--The
8 board of directors may promulgate necessary and reasonable
9 rules for the administration of its elections, including
10 provisions for: public notice of elections; selection of
11 election judges; opening and closing of polling places; the
12 printing and form of ballots; mail or absentee voting; voting
13 locations; instructions to voters; canvassing of election
14 returns; and certification of elections."

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

17 "73-18-27. ELECTIONS.--In each odd-numbered year after
18 1955, elections shall be called and conducted pursuant to the
19 provisions of Sections 73-18-25 through 73-18-43 NMSA 1978
20 for the election of directors to succeed any directors whose
21 terms expire in that year. Elections shall be held on the
22 second Tuesday of October of each odd-numbered year. The
23 election shall be called by the board of directors by
24 resolution that shall fix for each election precinct within
25 the district outside the municipality and designate the

1 necessary qualified electors of each election precinct to act
2 as judges of the election in each precinct. At the
3 discretion of the board of directors of the conservancy
4 district, the election may be held at any place within the
5 district. Judges of the election shall be paid an amount to
6 be determined by the board of directors for service.
7 Expenses of the elections shall be paid by the district."

8 SECTION 17. Section 73-18-28 NMSA 1978 (being Laws
9 1955, Chapter 281, Section 4, as amended) is amended to read:

10 "73-18-28. DIRECTOR-AT-LARGE AND MUNICIPAL DIRECTOR.--

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

23 B. In the election to be held in October 1957, a
24 director to represent the municipal voting precinct shall be
25 elected from the qualified electors of the municipality, and

1 a director-at-large shall be elected from the qualified
2 electors of the district.

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

11 SECTION 18. Section 73-18-34 NMSA 1978 (being Laws
12 1955, Chapter 281, Section 10, as amended) is amended to
13 read:

14 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any
15 person wishing to become a candidate for the office of
16 director in any district shall by the last Friday of July
17 before the election file in the office of the secretary of
18 the district a declaration of candidacy stating the election
19 precinct for which the person is a candidate, accompanied by
20 a petition signed by not less than ten qualified electors of
21 the election precinct for which the person is a candidate to
22 represent. No declaration of candidacy shall be accepted by
23 the secretary unless accompanied by such petition, signed by
24 electors."

25 SECTION 19. Section 73-18-41 NMSA 1978 (being Laws

1 1955, Chapter 281, Section 17, as amended) is amended to
2 read:

3 "73-18-41. APPLICATION OF GENERAL ELECTION LAWS.--In
4 any election held under Sections 73-18-25 through 73-18-43
5 NMSA 1978, the general election laws shall be applicable
6 except as otherwise provided in Sections 73-18-25 through
7 73-18-43 NMSA 1978 and except as to the requirement for
8 registration and residence in state, county or precinct as a
9 qualification of an elector in offering to vote."

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

12 "73-18-41.1. ELECTION RULES AND PROCEDURES--FORMS--
13 NOTICE OF ELECTION--BALLOTS--POLLING PLACES--ABSENTEE
14 VOTING--CANVASS OF ELECTION RETURNS--CERTIFICATION.--The
15 board of directors may promulgate necessary and reasonable
16 rules for the administration of its elections, including
17 provisions for: public notice of elections; selection of
18 election judges; opening and closing of polling places; the
19 printing and form of ballots; mail or absentee voting; voting
20 locations; instructions to voters; canvassing of election
21 returns; and certification of elections."

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