

AN ACT

RELATING TO ELECTIONS; CHANGING WHEN MIDDLE RIO GRANDE CONSERVANCY DISTRICT ELECTIONS ARE HELD; PROVIDING FOR ABSENTEE-EARLY VOTING AND ABSENT VOTING; PROVIDING POLLING LOCATIONS; ALLOWING WRITE-IN CANDIDATES.

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

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

"73-14-20. DEFINITIONS.--As used in Sections 73-14-18 through 73-14-32 NMSA 1978:

A. "absent voter" means a qualified elector who has requested an absentee ballot forty days prior to an election;

B. "absentee-early voter" means a qualified elector who has voted early, prior to election day, on an electronic voting machine at a designated absentee-early voter precinct;

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

D. "election director" means the person whom the board of directors may request to provide election services by a contract approved by the secretary of state;

E. "election officer" means a person appointed by the board of directors to conduct the election in the absence of an election director and who performs all election services required by statute;

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

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

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

I. "residence" means a dwelling that lies partially or completely within the benefited area."

Section 2. Section 73-14-20.1 NMSA 1978 (being Laws 1990, Chapter 48, Section 1, as amended) is amended to read:

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

A. The board of directors of the conservancy district may contract for a list compiler before each

election to compile and produce a qualified elector's list for the district. The list compiler shall deliver the completed list to the election director no later than forty-five days prior to a district election. An individual who purchases property ninety days prior to an election and whose name does not appear on the qualified elector's list shall not vote in that election. The individual may become certified to vote in a future election by filing his deed of title with the appropriate county clerk at least ninety days before the next conservancy district election.

B. Names of qualified electors shall be obtained from the records of the county clerk of the appropriate county, the appropriate county assessor of the appropriate county, records of the conservancy district or from the census bureau and enrollment records provided by the pueblos. The county assessor of the appropriate county, the county clerk of the appropriate county and the tribal representatives of the appropriate pueblos shall deliver to the election director all records regarding qualified electors of the benefited area no later than the last day of each March before a district election.

C. Updating the qualified elector's list shall consist of adding, for any new qualified elector who has purchased property in the district, the name, address and description of all property owned by the qualified elector in

the benefited area and removing the name of any elector who is deceased or is no longer a qualified elector because he no longer owns property within the benefited area.

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

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

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

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

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

E. The election officer or the election director shall distribute to each polling place a current qualified elector's list for the appropriate county. The election officer or the election director shall distribute the qualified elector's list to each polling place within a pueblo located within the benefited area. A qualified elector may vote at any one polling place in the pueblo or county where he owns land. An individual who seeks to cast

his vote but finds his name is not on the qualified elector's list shall not be allowed to vote in that election."

Section 3. Section 73-14-24 NMSA 1978 (being Laws 1975, Chapter 262, Section 7, as amended) is amended to read:

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

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

B. The members of the boards of directors created pursuant to provisions of Sections 73-14-18 through 73-14-32 NMSA 1978 shall be elected at an election held on the first Tuesday after the first Monday in June in 2001 and in each odd-numbered year thereafter.

C. The elections for the members of the board of directors of the conservancy district shall be conducted, counted and canvassed as provided in Sections 73-14-18 through 73-14-32 and 73-14-84 through 73-14-86 NMSA 1978. The polls may be opened and closed in the same manner as provided for the general election under the Election Code.

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

Section 4. Section 73-14-25 NMSA 1978 (being Laws 1975, Chapter 262, Section 8, as amended) is amended to read:

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

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

B. The declaration of candidacy shall contain:

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

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

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

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

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

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

Section 5. Section 73-14-27 NMSA 1978 (being Laws 1975, Chapter 262, Section 10, as amended) is amended to read:

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

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

absent voter precincts.

B. Notice of the election shall be published three times in a newspaper of general circulation within each county of the district. Each notice shall state the time, place and purpose of the election and shall be published twenty, ten and five days before the election."

Section 6. Section 73-14-28 NMSA 1978 (being Laws 1975, Chapter 262, Section 11, as amended) is amended to read:

"73-14-28. ELECTION JUDGES.--The election officer or the election director shall select two or more election judges for each polling place established within the conservancy district. The election officer or the election director shall also appoint absentee-early voter and absent voter precinct boards."

Section 7. Section 73-14-31 NMSA 1978 (being Laws 1975, Chapter 262, Section 14, as amended) is amended to read:

"73-14-31. ABSENTEE VOTING BY BALLOT PERMITTED--
PROCEDURE.--

A. In any election of officers of the conservancy district, a qualified elector shall be entitled to vote by absentee ballot. An absentee ballot shall be furnished by the election director in a form prescribed by the board of directors. The election director shall also furnish to each

qualified elector requesting an absentee ballot an official inner envelope for use in sealing the completed absentee ballot and an official outer envelope for use in returning the inner envelope to the election director. No absentee ballot shall be delivered or mailed to any person other than the applicant for the ballot.

B. A qualified elector voting by absentee ballot shall secretly mark his ballot, place it in the official inner envelope and securely seal the envelope. The qualified elector shall place the inner envelope inside the outer envelope and securely seal the envelope. The qualified elector shall then sign his name and address on the outer envelope and deliver or mail it to the election director or the election officer.

C. Absentee ballots shall be distributed by the election director or the election officer during the regular hours and days of business from the fortieth day preceding the election up until 5:00 p.m. on the Saturday immediately prior to the date of the election.

D. No absentee ballot shall be counted unless it is received by the election director or election officer prior to the closing of the polls.

E. An absentee ballot received after the closing of the polls on the day of the election shall not be collected by the absent voter precinct board but shall be

preserved by the election director or election officer until the time for election contests has expired. In the absence of a court order after expiration of the time for election contests, the election director or election officer shall destroy all late official mailing envelopes without opening them or permitting the contents to be examined, cast, counted or canvassed. Before their destruction, the election director or election officer shall count the number of late ballots from voters of the conservancy district and report the number to the election officer and the secretary of state.

F. Prior to the delivery of the absentee ballots to the absentee-early voter and absent voter precinct board, the absentee ballots shall be held unopened at the absentee voter precinct in a locked ballot box. At the close of the polls on election day, the absentee-early voter and absent voter precinct boards shall obtain the absentee ballot box from the election director or election officer and tally the absentee ballots. The presiding judge shall have authority to unlock the absentee ballot box.

G. Absentee ballots shall be counted and tallied as are other ballots for the conservancy district election."

Section 8. A new Section 73-14-31.3 NMSA 1978 is enacted to read:

"73-14-31.3. ABSENTEE-EARLY VOTING--ELECTIONEERING.--

A. A voter may apply to vote absentee-early by completing an absentee-early ballot application on the official form prescribed by the board of directors and printed and furnished by the election director. The form shall identify the applicant and contain information to establish his qualifications as a qualified elector for issuance of an affidavit for absentee-early voting. Each application shall be subscribed and sworn to by the applicant.

B. Once it is determined that the application form is complete, the election director shall mark the application with the date and time of receipt and enter the required information in the absentee ballot register.

C. If the voter is determined to be a qualified elector, the elections director shall inform the voter that his application has been accepted and instruct the voter on how to vote.

D. For the purpose of absentee-early voting, electioneering is not permitted in the election director's office, the middle Rio Grande conservancy district offices or designated satellite locations.

E. For the purpose of this section, "electioneering" means any form of campaigning within one hundred feet of the election director's office, the middle Rio Grande conservancy district office or designated

satellite locations and includes the display of signs or distribution of campaign literature."

Section 9. Section 73-14-84 NMSA 1978 (being Laws 1961, Chapter 67, Section 16) is amended to read:

"73-14-84. ELECTION--PROCEDURE.--The board of directors may promulgate necessary and reasonable rules for the procedure to be followed at the polling places, instructions to voters, methods to allow for write-in candidates and methods of determining voter eligibility." =====