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SENATE BILL 488

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Clinton D. Harden

AN ACT

RELATING TO SPECIAL DISTRICTS; PROVIDING FOR ELIGIBILITY OF
BUSINESS ENTITIES AS QUALIFIED ELECTORS OF CONSERVANCY
DISTRICTS AND PROVIDING FOR VOTING BY MAIL.

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

Section 1. Section 73-14-57 NMSA 1978 (being Laws 1943,
Chapter 126, Section 4, as amended) is amended to read:

"73-14-57. DEFINITION OF "QUALIFIED ELECTORS".--The term
"qualified electors", as used in [~~Sections 75-28-33 through~~
~~75-28-48 NMSA 1953]~~ Chapter 73, Article 14 NMSA 1978, means
only those persons, [~~who have reached the age of majority and,~~
~~for at least six months prior to the election, have owned,~~
~~during the entire six-month period, real property situated~~
~~within the district which is subject to conservancy district~~
~~appraisals, assessments, levies and taxes]~~ including

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1 individuals who have reached the age of majority and business
2 entities, who for at least six months prior to the election,
3 have owned, during the entire six-month period, real property
4 that is situated within the district and that is subject to
5 conservancy district appraisals, assessments, levies and taxes.
6 A business entity organized under the laws of the state of New
7 Mexico or any other state may be a "qualified elector" whose
8 vote shall be exercised by the president of the entity or other
9 person designated by the business entity and authorized to vote
10 on its behalf."

11 Section 2. Section 73-14-61 NMSA 1978 (being Laws 1943,
12 Chapter 126, Section 8, as amended) is amended to read:

13 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--
14 Any qualified elector, ~~[as herein defined who desires to become~~
15 ~~a candidate for election as a director shall, at least forty~~
16 ~~days prior to the election, file with the secretary of the~~
17 ~~board of directors then in office his written notice of~~
18 ~~candidacy, which shall state his name and residence and the~~
19 ~~term for which he is a candidate for election within the~~
20 ~~conservancy district. If he is a candidate at large, his~~
21 ~~notice of candidacy must be signed by twenty qualified electors~~
22 ~~resident within the district. If he is a candidate only from~~
23 ~~that portion of the district which lies within one county, his~~
24 ~~notice of candidacy must be signed by ten qualified electors~~
25 ~~who reside within that particular portion of the district and~~

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1 ~~county from which the candidate seeks to be elected. No person~~
2 ~~who has not filed his notice of candidacy as and within the~~
3 ~~time required in this section shall be placed on the ballot in~~
4 ~~Section 73-14-57 NMSA 1978] including a person authorized to~~
5 represent a business entity, who is a qualified elector and who
6 desires to become a candidate for election as a director shall,
7 at least forty days prior to the election, file with the
8 secretary of the board of directors then in office, a written
9 notice of candidacy. The notice of candidacy shall state the
10 qualified elector's name; the qualified elector's residence or
11 address and the location of the property that is within the
12 district and that is subject to district appraisals,
13 assessments, levies and taxes; and the term for which the
14 qualified elector is a candidate for election within the
15 conservancy district. If the qualified elector is a candidate
16 at large, the notice of candidacy shall be signed by twenty
17 qualified electors who reside within the district. If the
18 qualified elector is a candidate only from a portion of the
19 district that lies within one county, the notice of candidacy
20 shall be signed by ten qualified electors who reside within
21 that particular portion of the district and county from which
22 the candidate seeks to be elected. No person who has not filed
23 a notice of candidacy within the time required in this section
24 shall be placed on the ballot."

25 Section 3. Section 73-14-63 NMSA 1978 (being Laws 1943,

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1 Chapter 126, Section 10) is amended to read:

2 "73-14-63. BALLOTS--DISTRIBUTION--FORM--PRINTING--
3 MARKING.--

4 A. For use [øf] in each county into which the
5 conservancy district extends, the secretary of the board of
6 directors then in office shall prepare and print ballots
7 containing only the names of the candidates for election at
8 large in the entire district and the names of the candidates
9 for election in the county for and to which the ballots are
10 prepared and apply. No ballots containing the names of
11 candidates to be elected from one particular county only shall
12 contain the names of any candidate to be elected from any other
13 county only but all ballots shall contain the names of all
14 candidates for election in the district at large.

15 B. All such ballots shall be printed and
16 distributed to the election judges appointed in each precinct
17 within the district at the expense of [~~said~~] the district. No
18 name shall appear upon any ballot [~~save~~] other than that of a
19 candidate who [~~shall have~~] has filed [~~his~~] a notice of
20 candidacy at the time and in the manner [~~above~~] provided in
21 Sections 73-14-54 through 73-14-69 NMSA 1978, and the names
22 shall appear in the order in which the notices of candidacy
23 were received by the secretary of [~~said~~] the board. The
24 ballots shall indicate whether the candidate [~~be~~] is one for
25 election in the entire district at large or only in the named

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1 county, and shall bear the facsimile signature of [~~said~~] the
2 secretary. Otherwise, the board of directors may prescribe the
3 form and manner of marking [~~said~~] the ballots.

4 C. The secretary of the board of directors then in
5 office shall mail the appropriate ballot to any qualified
6 elector who, not less than thirty days prior to the election,
7 has submitted to the secretary a written request to vote by
8 mail and has furnished the secretary with the address to which
9 the ballot shall be mailed."

10 Section 4. Section 73-14-64 NMSA 1978 (being Laws 1943,
11 Chapter 126, Section 11) is amended to read:

12 "73-14-64. CONDUCT OF ELECTION--PROCEDURE.--

13 A. The judges of election shall select one of their
14 number to act as clerk of election and shall open the polls at
15 9:00 [~~o'clock~~] a.m. and close the polls at 6:00 p.m. on the day
16 of election.

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

22 C. Immediately after the closing of the polls, the
23 judges of election shall proceed to open the ballot boxes,
24 count the total votes cast and those cast for each candidate
25 and by triplicate copies, each to be signed by all three

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1 judges, certify the [~~same~~] copies to the board of directors
2 then in office. One of [~~said~~] the certificates, together with
3 all ballots cast, shall be placed in the ballot box, which
4 shall be securely locked and sealed and [~~shall be~~] delivered to
5 the secretary of the board of directors then in office by one
6 or more of [~~said~~] the judges of election in person, not less
7 than twenty-four hours after the closing of the polls. One of
8 [~~said~~] the certificates shall be mailed to [~~said~~] the secretary
9 of the board, and the third shall be filed with the county
10 clerk of the county in which [~~said~~] the precinct is [~~situate~~]
11 situated, likewise within twenty-four hours after [~~said~~] the
12 polls are closed.

13 D. A qualified elector who desires to vote by mail
14 and who has complied with the provisions of Chapter 73, Article
15 14 NMSA 1978 may do so by mailing the ballot in a sealed
16 envelope, postage paid, to the secretary or by delivering or
17 causing to be delivered the envelope containing the ballot to
18 the secretary. The ballot shall be mailed and delivered prior
19 to the time fixed by law for the closing of the polls. All
20 such ballots shall be safely kept by the secretary until the
21 day of the election, when they shall be delivered to the clerk
22 of election, by whom they shall be counted and certified in
23 like manner and at the same time as votes cast at the polling
24 places designated for any such election. At the time of
25 delivery of the ballots to the clerk of election, the secretary

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1 shall make and subscribe to an affidavit setting forth the
2 number of ballots received within the time required, certifying
3 that they are all the ballots so received and that they are in
4 the same condition as when received."

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