

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 293

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

AN ACT

RELATING TO FLOOD CONTROL; AMENDING THE EASTERN SANDOVAL COUNTY
ARROYO FLOOD CONTROL ACT TO PROVIDE FOR THE ELECTION OF
DIRECTORS FROM SINGLE-MEMBER DISTRICTS.

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

SECTION 1. Section 72-20-1 NMSA 1978 (being Laws 2007,
Chapter 99, Section 1) is amended to read:

"72-20-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article 20
NMSA 1978 may be cited as the "Eastern Sandoval County Arroyo
Flood Control Act"."

SECTION 2. Section 72-20-6 NMSA 1978 (being Laws 2007,
Chapter 99, Section 6) is amended to read:

"72-20-6. BOUNDARIES OF AUTHORITY.--The boundaries of the
authority are as follows: a portion of southern Sandoval
county bounded on the east by a line following the eastern

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underscored material = new
[bracketed material] = delete

1 boundary of range 5 east of the New Mexico principal meridian,
2 on the south by the Pueblo of Sandia and the Cibola national
3 forest, on the west by the Rio Grande and on the north by a
4 line following the northern boundary of township 13 north of
5 the New Mexico principal meridian. The boundary of the
6 [~~district~~] authority is more particularly described as follows:
7 beginning at the southeast corner of projected section 1,
8 township 12 north, range 5 east of the New Mexico principal
9 meridian, that point also being the southeast corner of herein
10 described boundary; thence proceeding in a westerly direction
11 along a line coincident with the northern boundary of the
12 Cibola national forest and of the Pueblo of Sandia to a point
13 along the west bank of the Rio Grande within projected section
14 1, township 12 north, range 3 east of the New Mexico principal
15 meridian; thence in a northeasterly direction along the west
16 bank of the Rio Grande to a point in the northwest corner of
17 section 1, township 13 north, range 4 east of the New Mexico
18 principal meridian; thence east along a line following the
19 northern boundary of township 13 north of the New Mexico
20 principal meridian for approximately seven miles to a point in
21 the northeast corner of section 1, township 13 north, range 5
22 east of the New Mexico principal meridian; thence in a
23 southerly direction approximately seven miles to the southeast
24 corner of projected section 1, township 12 north, range 5 east
25 of the New Mexico principal meridian, which point is the

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

1 southeast corner and point of beginning of the district. All
2 lands held in trust or ownership by the federal government or
3 an Indian pueblo located within the boundaries identified in
4 this section shall be excluded from the authority of the
5 authority."

6 SECTION 3. Section 72-20-10 NMSA 1978 (being Laws 2007,
7 Chapter 99, Section 10) is amended to read:

8 "72-20-10. ELECTION OF OFFICERS--DISTRICTS.--~~[At the time~~
9 ~~that a proposal to incur debt is first submitted to the~~
10 ~~qualified electors or at the first general election next~~
11 ~~following the effective date of the Eastern Sandoval County~~
12 ~~Arroyo Flood Control Act, whichever occurs first, the qualified~~
13 ~~electors of the authority shall elect five qualified directors,~~
14 ~~two to serve a term ending January 1, 2011, two to serve a term~~
15 ~~ending January 1, 2013 and one to serve a term ending January~~
16 ~~1, 2015. At the first election, the five candidates receiving~~
17 ~~the highest number of votes shall be elected as directors. The~~
18 ~~terms of the directors shall be determined by lot at their~~
19 ~~organizational meeting. At each general election thereafter,~~
20 ~~the qualified electors of the authority shall elect similarly~~
21 ~~one or two qualified electors as directors to serve six-year~~
22 ~~terms as directors and as successors to the directors whose~~
23 ~~terms end on the first day of January next following each such~~
24 ~~election. Nothing in the Eastern Sandoval County Arroyo Flood~~
25 ~~Control Act shall be construed as preventing a qualified~~

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

10 A. At each general election, directors shall be
11 elected from single-member districts in which they reside. The
12 board shall establish its initial single-member districts no
13 later than December 31, 2011 and shall determine by lot the
14 district from which directors shall be elected in the next
15 three subsequent elections. The board shall comply with
16 applicable law when determining subsequent districts and shall
17 ensure that the districts recognize communities of interests
18 and remain as contiguous, compact and equal in population as is
19 practicable when assessing the existing districts following
20 each federal decennial census. A redistricting shall be
21 effective at the next following regular board election.
22 Incumbent directors whose residences are redistricted out of
23 their districts may serve out their term of office.

24 B. The qualified electors of the authority shall
25 elect similarly one or two qualified electors as directors to

1 serve six-year terms as directors and as successors to the
2 directors whose terms end on the first day of January next
3 following each election. Nothing in this section may be
4 construed as preventing a qualified elector of the authority
5 from any single-member district from being elected or reelected
6 as a director to succeed that qualified elector.

7 C. Any member of the board is subject to recall by
8 the qualified electors of the district from which the director
9 is elected. A petition for a recall election must cite grounds
10 of malfeasance or misfeasance in office or violation of the
11 oath of office by the director concerned. The recall petition
12 shall be signed by qualified electors not less in number than
13 thirty-three and one-third percent of those who voted for the
14 office of the director for that director's district at the last
15 preceding election. Procedures for filing petitions for recall
16 and for determining validity of signatures shall be as provided
17 by law. If at the special election the majority of the votes
18 cast on the question of recall are in favor thereof, the
19 director is recalled from office and the vacancy shall be
20 filled as provided by law."

21 **SECTION 4.** Section 72-20-11 NMSA 1978 (being Laws 2007,
22 Chapter 99, Section 11) is amended to read:

23 "72-20-11. NOMINATION OF DIRECTORS.--Not later than
24 forty-five days before a proposal to incur debt is first
25 submitted to the qualified electors or at the first general

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1 election next following ~~[the effective date of the Eastern~~
2 ~~Sandoval County Arroyo Flood Control Act]~~ March 30, 2007,
3 whichever occurs first, written nominations of any candidate as
4 director may be filed with the secretary of the board. Each
5 nomination of any candidate shall be signed by not less than
6 fifty qualified electors ~~[regardless of whether or not~~
7 ~~nominated therein]~~, who reside within the district for which
8 the candidate has been nominated, shall designate therein the
9 name of the candidates thereby nominated and shall recite that
10 the subscribers thereto are qualified electors of the district
11 for which the candidate is nominated and that the candidate or
12 candidates designated therein are qualified electors of the
13 authority ~~[No written nomination may designate more qualified~~
14 ~~electors as candidates than there are vacancies]~~ and reside
15 within the district for which they are nominated. No qualified
16 elector may nominate more than one candidate for any vacancy.
17 If a candidate does not withdraw the candidate's name before
18 the ~~[first publication of the notice of election]~~ time
19 established by the county for purposes of absentee ballots or
20 as set forth in the Election Code, the candidate's name shall
21 be placed on the ballot. For any election held after November
22 2008, nominations shall be made by qualified electors in
23 accordance with the procedures and limitations of this section,
24 except that such nominations shall be filed with the secretary
25 of the board not later than the fourth Tuesday in June

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1 preceding the general election."

2 SECTION 5. Section 72-20-12 NMSA 1978 (being Laws 2007,
3 Chapter 99, Section 12) is amended to read:

4 "72-20-12. FILLING VACANCIES ON THE BOARD.--Upon a
5 vacancy occurring in the board by reason of death, change of
6 residence or resignation or for any other reason, the governor
7 shall appoint a qualified elector of the authority who resides
8 within the district where the vacancy exists as successor to
9 serve the unexpired term."

10 SECTION 6. TEMPORARY PROVISION--INITIAL SINGLE-MEMBER
11 REDISTRICTING.--On or before September 1, 2011, the board of
12 directors of the eastern Sandoval county arroyo flood control
13 authority shall engage at its expense a demographic consultant
14 who shall prepare three proposed districting plans, each of
15 which shall comply with the requirements of the federal Voting
16 Rights Act of 1965 and the requirements of this section. The
17 three proposed districting plans shall be submitted to the
18 chief judge of the thirteenth judicial district, who shall
19 choose one of the three plans, which plan shall then be
20 implemented by the board of directors for the initial single-
21 member districts for the authority. Subsequent decennial
22 redistricting shall be determined by the board of directors as
23 set forth in the Eastern Sandoval County Arroyo Flood Control
24 Act.