



Agenda

For Presentation at the
Special Meeting of the Board of Directors of the
Middle Rio Grande Conservancy District



February 8, 2023 – 9:00 a.m.

Zoom Meeting Link:

<https://zoom.us/j/2765069278?pwd=V2d0SWppTkxGTTFMb0g5RFhmeERjZz09>

Meeting ID: 276 506 9278 and Passcode: 504470

MRGCD General Office * 1931 Second Street SW * Albuquerque, New Mexico
Meetings are held on second Mondays/month. Any questions please call the Board Liaison at (505) 247-0234.
For more information, visit our website at www.mrgcd.com

All items on Agenda are Subject to Action and times shown are approximate and are subject to change.

- 9:00 1. **Pledge of Allegiance**

- 9:01 2. **Approval of the Agenda**

- 9:03 3. **Review/Discussion of proposed legislation relating to delaying until 2025 the implementation of the Local Election Act as applied to Districts created pursuant to the Conservancy Act of New Mexico**

- 9:30 4. **Adjourn**

THE PUBLISHING OF THIS AGENDA DOES NOT PRECLUDE THE CONSIDERATION OF OTHER MATTERS.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Board Liaison at (505) 247-0234 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various formats.

1 SENATE BILL 335

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Gerald Ortiz y Pino and Katy M. Duhigg

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10 AN ACT

11 RELATING TO ELECTIONS; DELAYING UNTIL 2025 THE IMPLEMENTATION
12 OF THE LOCAL ELECTION ACT AS APPLIED TO DISTRICTS CREATED
13 PURSUANT TO THE CONSERVANCY ACT OF NEW MEXICO; PROVIDING
14 REQUIREMENTS FOR THE CONDUCT OF DISTRICT ELECTIONS IN 2023;
15 DECLARING AN EMERGENCY.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. TEMPORARY PROVISION--DISTRICTS CREATED
19 PURSUANT TO THE CONSERVANCY ACT OF NEW MEXICO--CONDUCT OF 2023
20 ELECTION.--

21 A. Notwithstanding the provisions of The
22 Conservancy Act of New Mexico that provide for district
23 elections to be conducted pursuant to the Local Election Act, a
24 district organized pursuant to that act shall conduct its 2023
25 election in accordance with the provisions of this section and

.223862.3

underscoring material = new
[bracketed material] = delete

1 election procedures adopted by the district's board of
2 directors. In 2025, a district shall conduct its election
3 pursuant to the Local Election Act. The secretary of state
4 shall work with the districts to identify barriers, provide
5 recommendations and coordinate efforts to ensure each
6 district's participation in the regular local election of 2025.

7 B. A district's board of directors shall select an
8 election director to provide election services. The election
9 director shall operate pursuant to a contract, which may be
10 approved by the secretary of state upon request of the board of
11 directors.

12 C. The 2023 election may be conducted by emergency
13 paper ballot, electronic voting machine or any other state-
14 certified tabulating voting machine.

15 D. For the middle Rio Grande conservancy district,
16 the 2023 election shall be held on October 3, 2023. For any
17 other district, the 2023 election shall be held on a date
18 determined by the district's board of directors that is:

19 (1) before the first Tuesday in October 2023;

20 or

21 (2) the later of:

22 (a) forty-five days after the
23 adjournment of the state or county canvassing board for the
24 2023 regular local election; or

25 (b) forty-five days after any recount,

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

1 contest or other judicial inquiry regarding the 2023 regular
2 local election.

3 E. As used in this section, "district" means a
4 district organized pursuant to The Conservancy Act of New
5 Mexico.

6 SECTION 2. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect immediately.

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DeAnna Philips

From: Elaine Hebard <eheward@yahoo.com>
Sent: Tuesday, February 7, 2023 7:19 PM
To: Stephanie Russo Baca; DeAnna Philips
Subject: Comments re Presentation of SB 335

Caution! This message was sent from outside your organization.

Re Special Meeting of the Board of Directors of the Middle Rio Grande Conservancy District
February 8, 2023 – 9:00 a.m.

Hello,

Although there is no place for public comment on the agenda, I am submitting these in hopes of contributing to the discussion regarding SB 335.

SB 335 delays merging the MRGCD elections with other local elections for a year. Rather than using the original date in June or the new November date, a new voting date is to be created in October.

I appreciate that it is not the MRGCD's fault that the voting rolls have yet to be coordinated, but is this the best way?

Local elections of all types will take place on November 7, 2023, with voting occurring during a period beforehand. In Albuquerque alone, City Council Districts 2, 4, 6, and 8 are up for election. (District 2 covers most of MRGCD's area within the City.) I can see the difficulties of holding the MRGCD election at the same time, even if run by a separate election contractor subcontracting for the same facilities.

But what about holding the vote completely by mail-in ballot? What about calling this a special election under §1-24-3? Perhaps there could be a modification to 335 to read:

"The 2023 election will be completely by mail-in ballot in accord with §1-24-3. may be conducted by emergency paper ballot, electronic voting machine or any other state-certified tabulating voting machine."

At any rate, the MRGCD has to budget for this extra election and a number of educational forums to enable folks to learn how they will be voting.

Elaine

Chapter 1 - Elections; Article 24 - Special Elections
Section 1-24-3 - Special election procedures; conduct.

A. All special elections in this state shall be conducted absentee. Mailed ballots shall be used exclusively for voting in special elections. Except as otherwise provided in the Special Election Act, all special elections in this state shall be conducted and canvassed as provided in the Election Code.

B. Without requiring a voter to file an application to receive a ballot, the county clerk shall send a mailed ballot to every voter of the county or local public body, except a voter:

(1) who was sent a notice pursuant to Subsection C of Section 1-4-28 NMSA 1978 and who has not returned the prepaid and pre-addressed return card sent pursuant to that section and has not filed a new certificate of registration with a new address; or

(2) whose official election-related mail sent through a uniform, nondiscriminatory process was returned to the county clerk or the secretary of state as undeliverable and the voter has not communicated with the county clerk that the official election-related mail was returned as undeliverable in error or filed a certificate of registration with a new address.

C. Forty-two days before the election, the county clerk shall send to each voter of the county or local public body described in Paragraphs (1) and (2) of Subsection B of this section notice, sent by forwardable mail, that the voter will not be sent a ballot for the special election unless the voter updates the voter's address as provided by the Election Code or informs the county clerk that the address on the certificate of registration is valid. The notice shall include contact information for the office of the county clerk and an internet address where the voter may update the voter's address or

communicate with the county clerk. The mailed ballot register shall note which voters were sent a notice pursuant to this subsection.

D. Between the twenty-seventh and twenty-fifth day before the election, pursuant to Subsection B of this section, the county clerk shall send to each voter a ballot for the special election, along with a postage-paid return envelope, a notice that there will be no traditional polling places for the election, the deadline for the ballot to be received by the county clerk and a list of the times and locations of secured containers available in addition to the United States postal service for a voter to return the ballot.

E. Beginning twenty-two days before the election, the county clerk shall issue replacement and provisional ballots as provided in the Absent Voter Act for the mailed ballot process. In addition, the county clerk shall send a ballot to any voter described in Paragraphs (1) and (2) of Subsection B of this section who has not previously been sent a ballot if the voter submits an application pursuant to Section 1-6-4 NMSA 1978.

F. When required by federal law, if the voter has on file with the county a valid certificate of registration that indicates that the voter is a new registrant in the state and who registered by mail without submitting the required voter identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot the required documentary identification from the list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk shall note on the mailed ballot register and signature roster that the applicant's mailed ballot must be returned with the required voter identification. History: Laws 1989, ch. 295, § 3; 2018, ch. 79, § 41; repealed and reenacted by Laws 2019, ch. 212, § 156.