

CITY OF RATON

RESOLUTION NO. 2017-15

OPPOSING CS\HB-174 LOCAL ELECTION ACT

- WHEREAS:** Since the adoption of the Municipal Election Code municipal clerks have been responsible for administering municipal elections and county clerks have been responsible for all other state and local elections; and
- WHEREAS:** The Municipal Election Code has been amended from time-to time to address the non-partisan components that are unique to municipal elections and that are not addressed in the state election code nor included in CS\HB-174; and
- WHEREAS:** CS\HB-174 adopts provisions that are inconsistent with various provisions of duly adopted charters in home rule and territorial charter municipalities; and
- WHEREAS:** Article IV, Section 24 of the New Mexico Constitution expressly prohibits the legislature from passing special laws “changing or amending the charter of any city, town or village; and
- WHEREAS:** Art. X section 6(E) of the New Mexico Constitution provides that the purpose of Home Rule “is to provide for maximum local self-government”; and
- WHEREAS:** CS\HB-174 would set a new time for conducting all municipal elections, would create a new procedure for declaring candidacy for office and for consolidating precincts, and would create a new procedure for conducting the municipal election; and
- WHEREAS:** Article IV, Section 24 of the New Mexico Constitution expressly prohibits the legislature from passing special laws concerning “the opening or conducting of any election or designating the place of voting”;
- WHEREAS:** CS\HB-174 would not guarantee that the locations for filing declarations of candidacy and polling places for municipal elections would be located within the municipality; and
- WHEREAS:** CS\HB-174 would combine municipal elections with school districts, special hospital districts, community college districts, technical and vocational institute districts, learning center districts, arroyo flood control districts, special zoning districts, soil and water conservation districts, and water and sanitation districts resulting in long and confusing ballots; and
- WHEREAS:** CS\HB-174 provides that special elections not held concurrently with a general election shall be conducted by mail with the added requirement that every

registered voter receive a ballot regardless of whether the voter has requested an absentee ballot, resulting in significantly higher costs for conducting municipal special elections.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
City of Raton:**

That the Governing Body stands in firm opposition to CS\HB-174 as it is currently written; and

BE IT FURTHER RESOLVED:

That the Governing Body supports any amendment that exempts municipal governments from the provisions of The Local Election Act as provided for in CS\HB-174 as it is currently written; and

BE IT FURTHER RESOLVED:

That the Governing Body urges members of the Legislature to vote against adoption of CS\HB-174 if the Act extends to municipal elections or repeals the Municipal Election Code; and

BE IT FURTHER RESOLVED:

That the Governing Body urges the Honorable Susana Martinez, to veto the Local Election Act (csHB-174) if the Act extends to municipal elections

ADOPTED THIS 28th DAY OF February, 2017

CITY OF RATON

Sandra Mantz, Mayor

Tricia Mascarenas, City Clerk