

**Michael Anne Antonucci**

---

**From:** NMMunicipal League [info@nmml.org]  
**Sent:** Monday, November 05, 2018 2:23 PM  
**Subject:** Election Information re: Local Election Act  
**Importance:** High

**TO: MUNICIPAL CLERKS, DEPUTY CLERKS & MANAGERS**  
**FROM: New Mexico Municipal League**  
**RE: ELECTION INFORMATION REGARDING THE LOCAL ELECTION ACT**

## **URGENT ATTENTION REQUIRED!**

The adoption of the Local Election Act (HB98) in 2018 affects all municipalities. Your governing body now has a choice regarding how and when municipal elections are conducted.

The Local Election Act (LEA) combines all non-statewide elections on one election day - the first Tuesday following the first Monday in November in odd numbered years. The entities affected include school boards, soil and water districts, special hospital and other authority districts (solid waste, transportation, community college, etc.).

**MUNICIPALITIES ARE THE ONLY ENTITY ALLOWED A CHOICE OF ELECTION DATES.**

As a municipality, you may continue to conduct your elections in March of even numbered years, now referred to as Municipal Officer Election (MOE). Municipal Clerks will continue to conduct these elections and the municipality pays all costs of the election.

As an option, your municipality may choose to change the election date (opt-in) and become part of the regular local election held in November of odd-numbered years. You will also have to adjust the terms of office for your elected officials whose terms expire starting in 2020. The County Clerk conducts these elections and your municipality will be assessed an annual fee to help defray the cost of these elections.

### **TO CONTINUE CONDUCTING MUNICIPAL ELECTIONS IN YOUR MUNICIPALITY (March 2020):**

We recommend you adopt a resolution stating that position. A sample resolution has been developed. A calendar with very basic deadlines for the Municipal Officer Election process has also been developed. This calendar is an Excel workbook with two worksheets – one for regular municipal elections and one for municipalities who have run-off elections. [A link to these documents is provided below](#) (to the Clerks webpage on the NMML website).

### **TO OPT-IN TO THE LOCAL GOVERNMENT ELECTION (November 2019):**

**YOU MUST ADOPT AN ORDINANCE TO OPT-IN AND SHORTEN OR LENGTHEN THE TERMS OF OFFICE OF YOUR ELECTED OFFICIALS WITH TERMS ENDING IN 2020. THIS ORDINANCE MUST BE SUBMITTED TO THE SECRETARY OF STATE BY JANUARY 30, 2019.** A sample ordinance and transmittal letter to the Secretary of State have been developed. A calendar with

basic deadlines for the Regular Local Election has also been developed. This calendar is an Excel workbook with two worksheets – the second worksheet is only for municipalities with run-off elections. **[A link to these documents is provided below](#)** (to the Clerks webpage on the NMML website).

For municipalities who opt-in to the Local Government Election, the first half of your annual assessment will be due by January 30, 2019, with the second half due July 30, 2019. The assessment is calculated as \$250 per each \$1,000,000 or minor fraction of expenses in your general fund, excluding capital and federal projects. A municipality with less than \$100,000 in general fund expenditures pays no fee. Municipalities who have run-off elections are assessed \$500 per each \$1,000,000 or minor fraction. The Secretary of State's office will invoice the opt-in municipalities through DFA's billing module.

A presentation on these election choices was given at the recent 2018 Clerks Institute/Academy. The power point presentation is also available for download from the Clerks' page on the NMML website. The presentation was also recorded and the videos are available for viewing and downloading at the City of Rio Rancho's website – **[click here: https://rrnm.gov/4296/40698/2018-MMC-Election-Presentation](https://rrnm.gov/4296/40698/2018-MMC-Election-Presentation)**

**[Click here https://nmml.org/subsections/clerks-and-finance-officers/](https://nmml.org/subsections/clerks-and-finance-officers/)** to access the documents referenced above and listed below:

**March 2020 Municipal Officer Election:**

- Sample Resolution
- Key Dates Calendar

**November 2019 New Local Government Election:**

- Sample Opt-In Ordinance
- Sample Letter to Secretary of State Transmitting Opt-In Ordinance
- Opt-In Calendar

**[Please do not reply to this email.](#)** –

**FOR QUESTIONS AND ADDITIONAL INFORMATION ABOUT THE IMPACT OF THE LOCAL ELECTION ACT ON MUNICIPALITIES,**

contact NMML League Staff Members Randy Van Vleck or Ed Zendel at 800-432-2036, 505-982-5573 or at **[rvanvleck@nmml.org](mailto:rvanvleck@nmml.org)** or **[ezendel@nmml.org](mailto:ezendel@nmml.org)**.

New Mexico Municipal League  
PO Box 846 • Santa Fe NM 87504-0846  
1229 Paseo de Peralta • Santa Fe NM 87501-2890  
800-432-2036 • 505-982-5573  
Fax 505-984-1392  
**[www.nmml.org](http://www.nmml.org)**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION CONFIRMING THE CONTINUATION OF MUNICIPAL ELECTIONS  
TO BE CONDUCTED ON MUNICIPAL OFFICER ELECTION DAY IN MARCH OF  
EVEN NUMBERED YEARS**

**WHEREAS:** on July 1, 2018, the Local Election Act went into effect as Chapter 1, Article 22, NMSA 1978 establishing the Municipal Officer Election Day on the first Tuesday in March of even numbered years; and

**WHEREAS:** the Local Election Act provides the option for each municipality to determine if its elective officers shall be elected at the Regular Local Election on the first Tuesday after the first Monday in November of odd numbered years or at Municipal Officer Election Day on the first Tuesday of March of even number years; and

**WHEREAS:** the City/Town/Village of \_\_\_\_\_ has considered the issues related to selecting an election day, including the uniformity of procedure and convenience for the voters.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
CITY/TOWN/VILLAGE OF \_\_\_\_\_, NEW MEXICO:**

**Section 1.** The City/Town/Village of \_\_\_\_\_ selects to elect its municipal officers at the Municipal Officer Election Day, the first Tuesday in March of even numbered years.

**Section 2.** The Municipal Clerk shall conduct the Municipal Officer Elections for the City/Town/Village of \_\_\_\_\_ utilizing the appropriate statutes and New Mexico Administrative Code (NMAC) rules.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Municipal Clerk  
(SEAL)

DATE

Honorable Maggie Toulouse Oliver  
Secretary of State  
Executive Legislative Building  
Santa Fe, New Mexico 87503

ATTN: Bureau of Elections

Dear Madam Secretary:

Enclosed please find a copy of Ordinance No. \_\_\_\_\_, adopted by the  
\_\_\_\_\_  
(name of the governing body) \_\_\_\_\_ on \_\_\_\_\_  
(date) \_\_\_\_\_, declaring that the  
\_\_\_\_\_  
(city, town, village) \_\_\_\_\_ has chosen to opt-in to the Local Government Election to  
be held on November 5, 2019. The ordinance also \_\_\_\_\_  
(shortens / lengthens) \_\_\_\_\_ the terms of  
office for those municipal officers who would normally be elected in March of 2020.

Should you have any questions or require additional information, please let me know.

Sincerely,

City Clerk

Enc.

City/Town/Village of \_\_\_\_\_, New Mexico

ORDINANCE # \_\_\_\_ - \_\_\_\_

AN ORDINANCE PURSUANT TO NMSA 1978, SECTION 1-22-3.1 (2018) TO OPT IN TO THE ELECTION OF THE MUNICIPAL OFFICERS OF THE CITY/TOWN/VILLAGE OF \_\_\_\_\_ IN THE REGULAR LOCAL ELECTION.

**WHEREAS**, on July 1, 2018 the Local Election Act went into effect as Chapter 1, Article 22, NMSA 1978 establishing the Regular Local Election, a consolidated election day for non-partisan local government bodies on the first Tuesday after the first Monday in November of each odd-numbered year; *and*

**WHEREAS**, the Local Election Act also established the Municipal Officer Election Day on the first Tuesday in March of even-numbered years; *and*

**WHEREAS**, the Local Election Act provides the option for each municipality to determine if its elective officers shall be elected on the Municipal Officer Election Day on the first Tuesday of March in even numbered years or at the Regular Local Election on the first Tuesday after the first Monday in November of odd numbered years; *and*

**WHEREAS**, the City/Town/Village of \_\_\_\_\_ has considered the issues related to opting in to the Regular Local Election Act, including uniformity of procedure and convenience for the voters.

**NOW, THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY/TOWN/VILLAGE OF \_\_\_\_\_, NEW MEXICO:

**SECTION 1. MUNICIPAL OFFICERS TO BE ELECTED AT THE REGULAR LOCAL ELECTION**

Pursuant to Subsection B of Section 1-22-3.1 NMSA 1978, the City/Town/Village of \_\_\_\_\_ opts in to the election of its municipal officers in the November Regular Local Election.

**SECTION 2. ADJUSTMENT OF TERMS TO CORRESPOND WITH NEW ELECTION DATE**

**OPTION 1:**

To begin with the Regular Local Election in November 2019, the terms of office for the current municipal office holders shall be adjusted, so that:

(A) municipal officers elected or appointed to a term ending in 2020 shall serve until December 31, 2019, the new term of the position shall be elected at the regular local election in November 2019, and the new term shall commence January 1, 2020; and

(B) municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2021, the new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022.

**OPTION 2:**

To begin with the Regular Local Election held in November 2019, the terms of office for the current municipal office holders shall be adjusted, so that:

(A) municipal officers elected or appointed to a term ending in 2020 shall serve until December 31, 2021, the new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022; and

(B) municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2023, the new term of the position shall be elected at the regular local election in November 2023, and the new term shall commence January 1, 2024.

**SECTION 3. FILING WITH SECRETARY OF STATE**

Following approval of this ordinance, the Municipal Clerk shall file a copy of the ordinance with the Secretary of State no later than January 30, 2019.

**PASSED, ADOPTED, AND APPROVED** at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
The Hon. NAME  
Mayor of City/Town/Village of \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
NAME, Municipal Clerk

# 2019 Opt-In Election Calendar

Election to be held Tuesday, November 5, 2019

Note: Bolded dates are deadlines for Municipal Clerk. Blank lines below timeframes are for your targeted dates for completion (if different from the deadline dates)

TIME FRAME	DATE	ACTION	STATUTE
By 15 days before meeting to adopt		Publish Notice of Public Hearing for Ordinance to opt-in.	3-17-3
	<b>Between November 5, 2018 and January 18, 2019</b>	Adopt Opt-In Ordinance. Ordinance determines if the terms of office of the current office holders will be shortened or lengthened. NOTE: A municipality may change its charter by ordinance or as otherwise provided by the municipality to conform its election schedule with the requirements of this section. (1-22-3.2B)	1-22-3.1B
	<b>Between November 6, 2018 and January 19, 2019</b>	Publish adopted ordinance	3-17-5B
	<b>By January 30, 2019</b>	Send a copy of Opt-In Ordinance to the Secretary of State (May be done by email)	1-22-3.1B
	<b>By January 30, 2019</b>	Deadline to submit written request for an alternate early voting site in the municipality from the County Clerk NOTE: Municipality must provide the Ballot on Demand (BOD), supplies and staff to operate the alternate early voting site. Also, site may be operated for less than the full early voting period, if decided between the municipality and the county clerk.	1-22-19C
By 30 days after the close of the sixth month of the fiscal year	<b>By January 30, 2019</b>	First 1/2 of annual assessment due to Secretary of State NOTE: "No assessment shall be paid by a local government with general fund expenditures less than one hundred thousand dollars (\$100,000)	1-22-20F
	<b>By January 30, 2019</b>	Deadline to post election calendar changes to municipal website	1-22-3.2A
Between 120-150 days prior	<b>Between June 8, 2019 and July 8, 2019</b>	Municipality must notify the Secretary of State of all municipal positions to be filled at the next local government election.	1-22-4B

TIME FRAME	DATE	ACTION	STATUTE
By 30 days after the close of the fiscal year	By July 30, 2019	Second 1/2 of annual assessment due to Secretary of State	1-22-20F
On 90th day	On August 7, 2019	Secretary of State issues resolution (proclamation) for a regular local election	1-22-4A
Prior to 70th day	_____	Municipality must adopt any ordinances to establish ballot questions NOTE: See the corresponding statutes for the timelines for the type of question being considered (GRT, Bond, Liquor, etc)	
By 70th day	By August 27, 2019	Deadline for County Clerk to submit any ballot questions to the Secretary of State for the Local Elections Ballot.	1-16-8
On 70th day	On August 27, 2019 - 9:00 AM and 5:00 PM	Candidate Filing Day - candidates file declaration of candidacy with the County Clerk NOTE: To be a candidate, a person must be registered to vote in the district on the date the proclamation calling a local election is filed in the office of the Secretary of State [August 7, 2019] (1-22-3B)	1-22-7A
On 63rd day	On September 3, 2019 9:00 AM and 5:00 PM	Write-In Candidate Filing Day - candidates file declaration of candidacy with County Clerk NOTE: To be a candidate, a person must be registered to vote in the district on the date the proclamation calling a local election is filed in the office of the Secretary of State [August 7, 2019] (1-22-3B)	1-22-8.1C
By 63rd day	By September 3, 2019	Last day to withdraw candidacy	1-22-9
By 60th day	By September 6, 2019 By 5:00 PM	Deadline for County Clerk to certify candidate and place name on ballot	1-22-10A
23rd day before until the Saturday before the election	Between October 13, 2019 to November 2, 2019	Early voting	1-6-5.7
By 7th day	By October 29, 2019	Deadline for any group of three candidates to file a written notice to appoint watchers for the election	1-22-13A
	November 5, 2019	Local Government Election Day	1-22-3A
By 10th day after	By November 16, 2019	Local Canvassing Board will meet to canvass election	1-22-15B



TIME FRAME	DATE	ACTION	STATUTE
By 21st day after	By November 26, 2019	Secretary of State issues certificates of election to the winning candidates and certifies the passage or defeat of any bond question	1-22-15F
	On January 1, 2020	Term of Office begins for newly elected candidates Note: The oath of office shall be issued before the candidate may enter upon the duties of the office.	1-22-18

**Blackout periods for Special Elections (1-12-71)**

70 days prior to or following any statewide election

# 2020 Municipal Officer Election Key Dates Calendar

Election to be held Tuesday, March 3, 2020

**NOTE 1: This calendar lists basic dates for the Municipal Officer Election. A more detailed list of required activities will be developed by mid 2019.**

NOTE 2: Bolded dates are task for Municipal Clerk. Blank lines below timeframes are for your targeted dates for completion (if different from the deadline dates)

TIME FRAME	DATE	ACTION	STATUTE
	<b>Between November 5, 2018 and January 30, 2019</b>	Governing Body adopts resolution affirming participation in Municipal Officer Election Day [ <i>Optional, but recommended activity</i> ]	
	<b>Between June 1 and July 30, 2019</b>	Governing Body may act in place of County Commission regarding establishing polling places and consolidating precincts as outlined in 1-3-2	1-22-3.1J
Between 120-150 days prior	<b>Between October 5, 2019 and November 4, 2019</b>	Municipality must notify the Secretary of State of all municipal positions to be filled at the next local government election. NOTE: Recommend governing body adopt an election resolution to identify these positions.	1-22-4B
On 90th day	On December 4, 2019	Secretary of State issues resolution (proclamation) per 1-22-4 NMSA 1978 for a regular municipal officer election	1-22-3.1I
	<b>By January 30, 2020* - Recommend by December 15, 2019</b>	Deadline to submit written request for an alternate early voting site in the municipality from the County Clerk NOTE: Municipality must provide the Ballot on Demand (BOD), supplies and staff to operate the alternate early voting site. Also, site may be operated for less than the full early voting period, if decided between the municipality and the county clerk.	1-22-19C
	<b>By January 30, 2020* - Recommend by December 15, 2019</b>	Deadline to post election calendar changes to municipal website	1-22-3.2A
Prior to 70th day		Municipality must adopt any ordinances to establish ballot questions NOTE: See the corresponding statutes for timeframes for the type of question being considered (GRT, Bond, Liquor, etc)	

TIME FRAME	DATE	ACTION	STATUTE
By 70th day	<b>By December 24, 2019</b>	Deadline to submit any ballot questions to the Secretary of State for the Municipal Officer Election Ballot.	1-16-8
Prior to 56th day	_____	Home Rule Municipalities who require nominating petitions must set their deadlines	
On the 56th day	<b>On January 7, 2020 9:00 AM and 5:00 PM</b>	Candidate Filing Day - NOTE: To be a candidate, a person must be registered to vote in the district on the date the proclamation calling a local election is filed in the office of the Secretary of State [December 4, 2019] (1-22-3B)	1-22-3.1E
On the 49th day	<b>On January 14, 2020 9:00 AM and 5:00 PM</b>	Write-In Candidate Filing Day NOTE: To be a candidate, a person must be registered to vote in the district on the date the proclamation calling a local election is filed in the office of the Secretary of State [December 4, 2019] (1-22-3B)	1-22-3.1E
By the 49th day	<b>By January 14, 2020</b>	Last day to withdraw candidacy	1-22-3.1E
By 60th day*	<b>By January 3, 2020 By 5:00 PM Recommend January 14, 2020 by 5:00 PM</b>	Deadline to certify candidate and place name on ballot - NOTE: This will need to be changed - the 60th day is prior to municipal filing day. Recommend change to the 49th day prior to the election.	1-22-10A
23rd day before until the Saturday before the election	<b>Between February 7, 2020 to February 29, 2020</b>	Early voting	1-6-5.7
By 7th day	By February 25, 2020	Deadline for any group of three candidates to file a written notice to appoint watchers for the election	1-22-13A
	<b>March 3, 2020</b>	<b>Municipal Officer Election Day</b>	1-22-3.1A
By 10th day after	<b>By March 13, 2020</b>	Local Canvassing Board (County Commission) meets to canvass election - Municipal Clerk will present results	1-22-15B
By 21st day after	By March 24, 2020	Secretary of State issues certificates of election to the winning candidates and certifies the passage or defeat of any bond question	1-22-15F
First Day of month following election	<b>On April 1, 2020</b>	Term of Office begins for newly elected candidates Note: The oath of office shall be issued before the candidate may enter upon the duties of the office.	1-22-3.1F

TIME FRAME	DATE	ACTION	STATUTE
Blackout periods for Special Elections (1-12-71)	70 days prior to or following any statewide election		1-53-124
			1-53-125
			1-53-126
			1-53-127
			1-53-128
			1-53-129
			1-53-130
			1-53-131
			1-53-132
			1-53-133
			1-53-134
			1-53-135
			1-53-136
			1-53-137
			1-53-138
			1-53-139
			1-53-140
			1-53-141
			1-53-142
			1-53-143
			1-53-144
			1-53-145
			1-53-146
			1-53-147
			1-53-148
			1-53-149
			1-53-150