

Lower Rio Grande Public Works Authority Election Policy

1. Definitions.

As used in the Lower Rio Grande Public Water Works Authority Election Policy:

- A. "Authority" means the Lower Rio Grande Public Water Works Authority, a legal entity created through legislative action under NMSA 1978 §73-26-1 (2009, amended 2017 & 2019).
- B. "board" means the governing authority
- C. "election" means a regular or special election but does not include a recall election.
- D. "filing officer" means the Authority General Manager
- E. "Authority election official" means the Authority General Manager

2. Elections; registration.

- A. A list of qualified electors is maintained by the New Mexico Secretary of State and the Doña Ana County Clerk.

3. Elections; qualifications of candidates.

- A. An election shall be held to elect qualified members to the board of directors. No persons shall become a candidate for the board unless they meet all of the following requirements:

(1) He/she is a qualified elector residing in the district in which she/he is a candidate

- B. A regular election shall be held on the first Tuesday in November of each odd-numbered year.

C. A Special Election may be called for ballot questions only. Special Elections may not be held within seventy (70) days prior to or following a regular election, are mail-only elections, and must be paid for by the local government calling the election.

D. Except as otherwise provided in this Election Policy, elections shall be called, conducted, and canvassed as provided in the Local Election Act set forth in NMSA 1978, §§ 1-24-1 1-22-1 et seq. (2018)].

4. Regular election; proclamation; publication.

A. The Authority Election Official shall notify the New Mexico Secretary of State during the designated period of the positions to be filled and ballot questions.

B. The NM SOS shall by resolution issue a proclamation in English and Spanish calling a Regular Local Election no later than ninety (90) days before the date of the election.

C. The County Clerk is responsible for administering the election.

5. Special election; proclamation; publication.

A. Whenever a special election is to be called or is required, the board shall by resolution issue a public proclamation in Spanish and English calling the election. The proclamation shall be filed with the county clerk of record no later than seventy (70) days prior to the date for the Special Election.

B. The proclamation shall specify:

- (1)** the date on which the special election will be held;
- (2)** the purpose of the special election;
- (3)** the ballot question(s) to be submitted to the voters;

C. The county clerk of shall post the proclamation beginning no later than 67 days before the election and publish the proclamation weekly for two consecutive weeks in a newspaper of general circulation within the Authority's designated service area. This posting and publication shall also inform the public that the election will be conducted by mailed ballot, of the date ballots will be initially mailed to voters, and of the last day to register to vote or to update an existing registration in advance of the Special Election.

6. Districts.

A. The same districts that are used in a regular election shall be used in a special election.

7. Declaration of candidacy; filing date; penalty.

A. Individuals seeking candidacy shall file a declaration of candidacy on the 70th day before the local election between 9:00 a.m. and 5:00 p.m. Individuals seeking to be a write-in candidate shall file a declaration of write-in candidacy on the 63 day before the local election between 9:00 a.m. and 5:00 p.m. The county clerk must then notify each candidate in writing no later than 5:00 p.m. on the 60th day before the election whether they have been qualified or disqualified.

B. A candidate shall file for only one board position during a filing period.

C. Whoever knowingly makes a false statement in his declaration of candidacy is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of NMSA 1978, Section 31-18-15.

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9. Withdrawal or disqualification of candidates.

A candidate's name shall not be printed on the ballot if at least sixty-three days (63) before regular local election:

- (1)** the candidate files with the proper filing officer a signed and notarized statement of withdrawal as a candidate in that election;
- (2)** a judicial determination is made that the candidate does not qualify to be a candidate for the office sought;
- (3)** the voter registration of the candidate is updated by the candidate in such manner that the candidate does not qualify to be a candidate for the office sought; or

(4) the voter registration of the candidate is canceled for any reason provided in Chapter 1, Article 4 NMSA 1978."

10. Ballots.

A. The County Clerk is responsible for preparing and printing the ballot in accordance with Article 10 of the Election Code.

B. The County Clerk shall prepare a publication of the ballot contents to be published in a newspaper of general circulation in the county and shall conform to the provisions of the federal Voting Rights Act of 1965, as amended.

12. Conduct of elections.

A. The Doña Ana county clerk shall administer and conduct the Authority's elections pursuant to the provisions of the Local Election Act for the conduct of elections.

B. The Authority shall pay an annual assessment to the New Mexico Secretary of State for the conduct of regular elections.

13. Votes required.

A. The candidate receiving a plurality of the votes cast for a designated position on the board shall be elected to that designated position.

B. All questions submitted to the voters shall be decided by a majority of the voters voting on the question.

14. Canvassing board; duties.

A. The county canvassing board shall meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than ten days from the date of the election.

15. Election contests.

Any unsuccessful candidate for election to the board may contest the election of the candidate to whom a certificate of election has been issued. The procedure to be followed in contest cases shall be the same as provided by the Local Election Act set forth in NMSA 1978, §§ 1-24-1 1-22-1 et seq. (2018).

16. Records.

A copy of the certificate of results of the canvass of the election shall be kept on file in the office of the Authority election official for a period of three years.

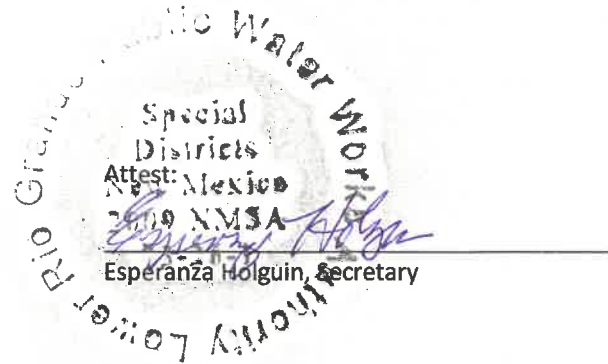
17. Absentee voting.

A. A voter may vote in an election by absentee ballot for all candidates and on all questions appearing on the ballot in his or her district as if casting a ballot in person at the polling place on election day.

B. The absentee voting provisions of the Local Election Act set forth in NMSA 1978, §§ 1-24-1 1-22-1 et seq. (2018)] apply to absentee voting in Authority elections.

This policy was duly adopted by the Lower Rio Grande Public Water Works Authority Board of Directors on July 19, 2012 and amended this 15th day of May, 2019.

SEAL:





Mike McMullen, Board Chair