



# MAYORS CAUCUS

*A Subsection of the New Mexico Municipal League*

March 11, 2017

Dear Senator:

The Mayors throughout the State are opposed to CS/HB 174. This Committee Substitute repeals our current "Municipal Election Code" and consolidates elections for municipalities, school districts, community college districts, arroyo flood control districts, soil and water conservation districts, water and sanitation districts, special hospital districts, technical and vocational institute districts, learning center districts, special zoning districts, watershed districts and conservancy districts.

Unlike all of these special district elections that are presently administered by the County Clerks, **Municipal Elections are not administered by County Clerks.** Our Municipal Clerks have been trained to administer our Municipal Elections under the Municipal Election Code. The Municipal Election Code has been amended from time-to-time to address issues that are unique to municipal elections and **are not addressed in the State Election Code nor included in CS/HB 174.**

This bill proposes County Clerks to administer all 106 Municipal Elections including Home Rule, Charter and Territorial Elections. Municipalities have Home Rule authority under Article X, Section 6 of the Constitution. Home Rule Charters are adopted by referendum vote of the citizens of the municipality and amendments are voted on by these citizens, thus circumventing the provisions of these Home Rule Charters. Article X, Section 6 E. of the New Mexico Constitution provides "for maximum local self-government. A liberal construction shall be given to the powers of municipalities." Additionally, Article IV, Section 24 of the New Mexico Constitution expressly prohibits the legislature from passing special laws concerning "...changing or amending the charter of any City, Town or Village; the opening or conducting of any election or designating the place of voting...".

The 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.

The Mayors Caucus stands in firm Opposition to CS/HB 174 and we would appreciate your vote to amend municipalities out of this proposed legislation or defeat this proposed Local Election Act.

Thank you,

Gregory D. Hull  
Chairman - Mayors Caucus  
Mayor - City of Rio Rancho