

Local Election Act FAQ's

1. When was the Local Election Act passed and when does it become effective?

The Local Election Act was passed via [House Bill 98](#) by the NM Legislature in 2018. The Act became effective July 1, 2018.

2. What does the Local Elections Act do?

- Establishes a statewide Local Election every **November** of odd-numbered years for non-partisan officers and local government ballot questions.
- Establishes a Municipal Officer Election every **March** of even-numbered years.
- Creates uniform procedures for special elections to include, all mail, postage pre-paid ballots.
- Sets uniform election procedures for the conduct, and canvass of all elections
- Increase voter participation by ensuring the public knows when elections are held each year.
- Allows for voters interested in local issues to vote for all non-partisan offices and local questions **at one time using the same rules of conduct each time.**

3. What type of Districts will be impacted by the Local Election Act?

The following districts must hold elections during the Local Election:

- School Districts including public school boards and community colleges
- Soil & Water Conservation Districts
- Arroyo Flood Control Districts
- Water & Sanitation Districts
- Special Hospital Districts
- Special Zoning Districts
- In 2023: Conservancy & Watershed Districts
- Municipal Districts have the option of opting-in to the Local Election.

4. Does the Local Election fall within the Election Cycle, as defined in 1-1-3.1, NMSA, 1978?

Yes, the Election Cycle is defined as the period beginning on the day after the last general election and ending on the day of the general election.

5. Under the Local Elections Act, what are the temporary provisions of an elected local government officer's term?

Term Set to Expire	New Expiration Under Local Election Act	Successive Term under Local Election Act
On or before June 30, 2020	December 31, 2019	January 1, 2020
On or before July 1, 2020	December 31, 2021	January 1, 2022
On or before July 1, 2022	December 31, 2023	January 1, 2024

**Term expirations not applicable to conservancy district or watershed district elections.*

6. What happens if a city (municipality) chooses not to opt-in or takes no action towards the Local Election?

- Municipal Officer Elections remain in March of even-numbered years (may also include ballot questions).
- The Municipal Election Code and School Board Election Code have been repealed, requiring all elections to follow the uniform procedures of the Election Code.
- The Municipal Clerk will still conduct and pay for regular and special municipal elections.
- The County Clerk will still run recall elections.
- The Municipal Officer Election will fall within the Election Cycle, as defined in 1-1-3.1, NMSA, 1978?

7. What happens when a city (municipality) chooses to opt-in, by ordinance?

- Municipal elections will appear on the Local Election ballot each November of the odd-numbered year.
- The County Clerk conduct all regular local elections and special elections.
- The city (municipality) will pay annual assessment to the local election fund.

8. What is the Local Election Fund?

The Local Election Fund is a predictable annual assessment is paid by all special districts to the Secretary of State to cover the costs of the Regular Local Election. The purpose of the fund is to reimburse the counties for the costs of conducting and administering regular local elections and paying the administrative costs of the Secretary of State associated with the Local Election Act.

9. What is the annual assessment?

The annual assessment is equal to \$250 per one million dollars (\$1,000,000) or minor fraction thereof. Assessments are based on a local government's general fund expenditures for each fiscal year. No assessment based on federal funds received by a local government nor on capital expenditures. No assessment may be collected from a district with less than \$100,000 in expenditures.

10. As a local government, when do I pay my annual assessment to the Secretary of State?

The first one-half of the annual assessment is due by January 30, 2019 and the second one-half is due by July 30, 2019. Please email sos.elections@state.nm.us if you have any questions. Local governments can also make payments in full.

11. When is the deadline for a local government to opt-in?

The deadline for a municipality to opt-in is January, 30, 2019.

12. Under the Local Elections Act, will all special elections be mail-only?

Yes, all voters in the district will automatically be mailed an absentee ballot to include a return envelope with pre-paid postage; no polling places will be established. Special elections are for ballot questions, including recall elections, but are not used to elect vacancies for local officers. Costs for the special election are the responsibility of the local government calling for the

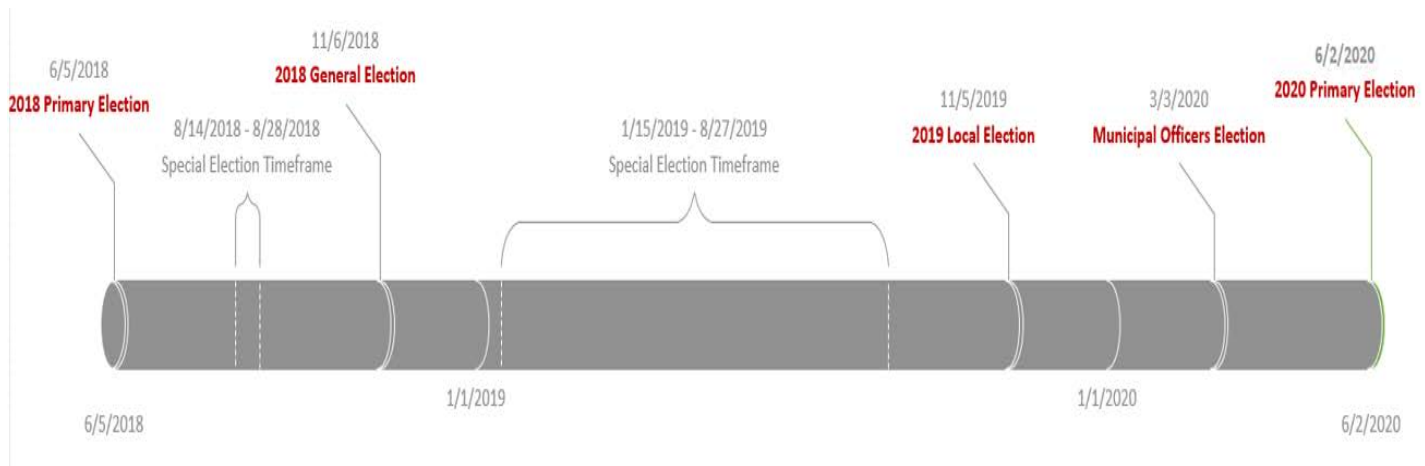
election and costs are reimbursable to the county clerks. Special elections are conducted by the county clerk.

13. Can Local Election Questions appear on the General Election Ballot?

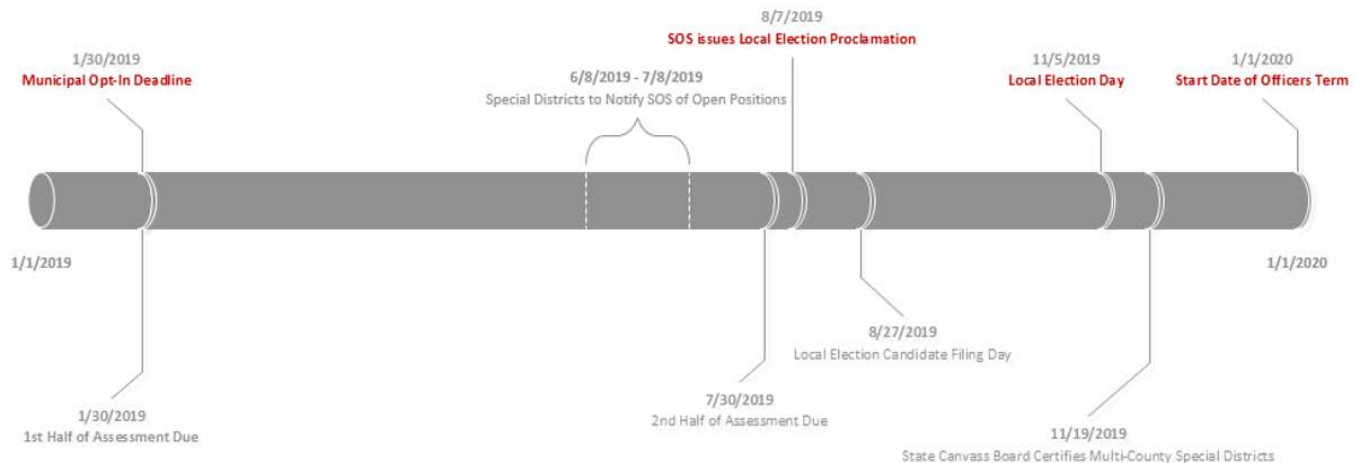
Yes, if there is space on the ballot and the Local Election question has been approved by the county commission no later than 70 days before the election, the question may be placed on the ballot. Currently, school board district questions are prohibited by the NM Constitution from being placed on the General Election Ballot.

14. What is the current election cycle and what will it be once the Local Election Act is implemented?

Current Election Timeline



Local Election Act Timeline



Please submit any questions to sos.elections@state.nm.us