



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

May 27, 2020

John Basset, Mayor
Town of Edgewood
P.O. Box 3610
Edgewood, NM 87015
Mayorbassett@edgewood-nm.gov

VIA EMAIL ONLY

RE: Expanded Response Requested Regarding Town of Edgewood Opting-In to the RLE

Mayor Bassett:

We received your May 22, 2020, correspondence requesting confirmation that the Town Of Edgewood properly complied with the Election Code when it opted-in to the Regular Local Election (“RLE”). As stated in our May 21, 2020 correspondence, the Office of the New Mexico Secretary of State (“SOS”) determined that the Town of Edgewood (“the Town”) had met the statutory requirements for opting-in to the RLE.

Based on your correspondence you seek more specificity on the requirements for municipalities when they decide to opt-in to the RLE. The SOS will limit its response to the issues over which it has jurisdiction, namely opting-in to the RLE pursuant to NMSA 1978, Section 1-22-3.1, and will not address any other issues outside of our statutory jurisdiction.

The RLE was created by the legislature passing HB 98 (2018). The administration of local government elections, including the administration of the election of municipal officers, are now codified in the Local Elections Act 1-22-1 to -20 (as amended through 2019). The requirements for a municipality to opt-in to the RLE are contained in Section 1-22-3.1(B). The relevant section states:

any municipality may by ordinance opt in to the election of its municipal officers in the regular local election if the municipality passes an ordinance and files the ordinance with the secretary of state no later than June 30 of the year in which the next regular local election is scheduled. The ordinance shall also determine if the terms of office for current office holders will be lengthened or shortened to correspond with the new election date.

If our office received an Ordinance from a municipality selecting to opt-in to the RLE and stated that they either extended or limited the terms of its current officers before June 30, 2019, the SOS processed the Ordinance, qualified the municipality, and issued the municipality a welcome letter to the RLE. This is the process the SOS followed for every municipality who timely opted-in to the RLE.

The SOS received an Ordinance from the Town dated January 30, 2018, opting-in to the RLE and extending the terms of the Town's current municipal officers. As such, the SOS processed the Town's timely Opt-in Ordinance, qualified them for the RLE, and issued a Local Election Act ("LEA") Welcome Letter on January 16, 2019. By issuing the LEA welcome letter to the Town on January 16, 2019, the SOS was satisfied that the Town properly opted into the RLE pursuant to the LEA.

We appreciate your continued interest in ensuring the Town is complying with the Election Code in conducting its election of municipal officers. Our office considers this matter closed and will take no further action regarding this issue.

Respectfully,

Tonya Noonan Herring

Tonya Noonan Herring
General Counsel