

February 24, 2017

The Honorable Susana Martinez
Governor of New Mexico
Office of the Governor
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Re: Opposition to HB-174 Local Election Act

Dear Governor Martinez:

Please consider this letter to express serious City of Las Cruces concerns over the possible adoption of HB-174 Local Election Act.

As you are probably aware, the City of Las Cruces is a home-rule municipality. Article X, Section 6(E) of the New Mexico Constitution provides that the purpose of Home Rule "is to provide for maximum local self-government." Our City Charter establishes different dates and procedures concerning our election process.

The New Mexico Municipal League has noted that HB-174 is not compliant with the New Mexico Constitution. Article IV, Section 24 of the New Mexico Constitution expressly prohibits the legislature from passing special laws "changing or amending the charter of any city, town or village." HB-174 would set a new time for conducting all municipal elections, would create a new procedure for declaring candidacy for office and for consolidating precincts, and would create a new procedure for conducting the municipal election. These changes would not be consistent with our charter.

Additionally, Article IV, Section 24 of the New Mexico Constitution expressly prohibits the legislature from passing special laws concerning "the opening or conducting of any election or designating the place of voting." 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.

Procedurally, HB-174 would combine municipal elections with school districts, special hospital districts, community college districts, technical and vocational institute districts, learning center districts, arroyo flood control districts, special zoning districts, soil and water conservation districts, and water and sanitation districts resulting in long and confusing ballots.



CITY ATTORNEY'S OFFICE

Governor Susana Martinez

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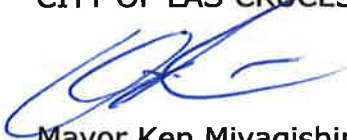
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Finally, HB-174 provides that special elections not held concurrently with a general election shall be conducted by mail with the added requirement that every registered voter receive a ballot regardless of whether the voter has requested an absentee ballot, resulting in significantly higher costs for conducting municipal elections.

I would ask you to carefully consider vetoing this legislation if it reaches your desk.

Sincerely,

CITY OF LAS CRUCES



Mayor Ken Miyagishima

SCE/WRB/mjc