



CITY OF ARTESIA

**Municipal Judge (Four-year term)
and
Councilor (Four-year term)**

2020 CANDIDATE PACKET

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About this Guide:

This publication has been prepared by the Office of the City Clerk of Artesia, New Mexico, to serve as a reference for candidates seeking municipal office in the 2020 regular local election. We recommend that even experienced candidates take time to review this guide as recent amendments to local and state laws have made dramatic changes to the way elections are managed in New Mexico. Please note, this guide is intended to be a reference on the election process and not a legal authority. Despite our good faith efforts and multiple reviews, this guide may contain inadvertent errors. Please email gcronopulos@artesianm.gov immediately if you notice any error. Also, please remember that this guide is not a substitute for legal research or for the advice of an attorney. Copies of the New Mexico Election Code, the Local Election Act, and the City Code can all be obtained electronically. It is important that users of this guide read it in conjunction with the laws referenced herein. This guide is written specifically for City Council and Municipal Judge candidates for the 2020 regular local election. If you have any questions about the information in this guide or if you have questions regarding running for office that are not addressed in this guide, please feel free to call the City Clerk's office at: 575-748-8289 or 575-748-8290.



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2020 Overview of Regular Municipal Election Calendar

10-08-19	Adoption of Resolution calling for Municipal Election	1-22-4
01-07-20	Candidate filing day (9:00 a.m. – 5:00 p.m.)	1-22-3.1 E
01-10-20	Candidate certification by City Clerk by 5:00 p.m.	1.22.3.1. E
01-14-20	Last day to withdrawal of candidacy	01.10.6 C
01-14-20	Write-In candidate filing Day (9:00 a.m. – 5:00 p.m.)	1.22.3.1 E
01-17-20	Write-In candidate certification by City Clerk by 5:00 p.m.	1.22.3.1 E
01-21-20	Last day to withdrawal of write-in candidacy	10.10.6 C
02-04-20	Absentee voting begins	1.6.5 F
02-04-20	Early voting begins	1.6.5.7 A
02-28-20	Last day to mail absentee ballot	1.6.5 F
02-29-20	Last day for early voting 10:00 a.m. – 6:00 p.m.	1.6.5. A
03-03-19	ELECTION DAY 7:00 a.m. – 7:00 p.m.	1.22.3.1 A
03-09-20 – 03-13-20	Canvassing Board meets to certify canvass	1.13.13. A
03-19-20	Deadline to request recount/recheck	1.14.14
04-01-20	Candidate presents certificate election and takes oath of office	1.22.3.1 F 1.22.18



Declaration of Candidacy Information

If you are interested in becoming a candidate for Municipal Judge or Councilor for the City of Artesia, Election Day is March 3rd, 2020. As a potential candidate, there are things you need to know concerning the election process, your rights and responsibilities, and the rights and responsibilities of the City Clerk.

When do I file for office?

January 7th, 2020, between the hours of 9:00 AM and 5:00 PM is the only time the City Clerk can accept a declaration of candidacy for a candidate.

All candidates must file the following documents:

1. A Declaration of Candidacy form **AND**
2. A Certified copy of the candidate's current affidavit of voter registration on file with the Eddy County Clerk which has been certified.

The Declaration of Candidacy form is provided with this information packet and must be used for filing. Only this form will be accepted. Please read through the form and understand the requirements of the information you need to provide. Your signature is required to be notarized. There will be a notary available for your signature in the City Clerk's Office, if you need one.

The Affidavit of voter registration must show the address as a street address, not a post office box. The address on the affidavit and the declaration must match. Certifications of voter registration may be obtained from the Eddy County Clerk. You may call the **North Eddy County Office** at **(575) 746-2541** or the **Carlsbad Office (575) 885-3383** to request your affidavit.

If you are unable to personally appear on January 7th, 2020, an Affidavit Authorizing Filing of Declaration of Candidacy is also available (page 12). This provides an authorized representative for you during the election process. An authorized representative acts for the official candidate in any part of the election process that requires or permits a candidate to appear. This form is required to be notarized. You, as the candidate, must sign your Declaration of Candidacy, the representative may not.

When the Declaration of Candidacy is filed in the office of the City Clerk, it becomes a public record.



How does the City Clerk certify my candidacy?

From the information provided on the Declaration of Candidacy form, the City Clerk determines (in the case of someone filing to run for Municipal Judge), if the individual resides within the municipal limits, and is a qualified elector. For someone who has filed to run for Councilor, the City Clerk determines if the individual is a qualified elector, and if the individual resides in the district for which he/she has filed a declaration of candidacy.

On January 10th, 2020, by 5:00 PM the City Clerk shall send notice to the candidate if the candidate is a qualified or non-qualified candidate.

What other information do I need?

Included in this information packet is a complete election calendar of events. If you have any questions on any of the events or any citywide question, call the **City Clerk's Office** at **746-2122 ext. 8289** for Aubrey or **ext. 8290** for Gabby and we will try to find the answer.

You may also email your requests for information to: Aubrey Hobson (ahobson@artesianm.gov) or Gabrielle Cronopulos (gcronopulos@artesianm.gov).

For information about any of the city departments, budget, etc. please contact the City Clerk's office, 746-2122. The City also has a website www.artesianm.gov that may answer some of your questions. Additional information about municipal government and elected officials can be found at the New Mexico Municipal League website www.nmml.org.

Is this a paid position?

The compensation for Municipal Judge for the City of Artesia is three thousand six hundred and sixty-six dollars and sixty-six cents (\$3,666.66) per month.

The compensation for Mayor Pro Tem (selected by Councilors) is seven hundred dollars (\$700) per month.

The compensation for Councilors is six hundred dollars (\$600) per month.

Can I still run for office if I don't file on January 7th?

If you decide to run for office after the January 7th filing day, you may still choose to run as a write-in candidate.

January 14th, 2020, between the hours of 9:00 AM and 5:00 PM is the only time the City Clerk can accept a declaration of candidacy for a write-in candidate.

All candidates must file the following documents:

1. A Declaration of Candidacy form; **AND**
2. A Certified copy of the candidate's current affidavit of voter registration on file with the Eddy County Clerk which has been certified on a date not earlier than election proclamation from the Secretary of State's office

The Write-in Declaration of Candidacy form is provided with this information packet and must be used for filing (page 12). Only this form will be accepted. Please read through the form and understand the requirements of the information you need to provide. Your signature is required to be notarized. There will be a notary available for your signature in the City Clerk's Office, if you need one.

The Affidavit of voter registration must show the address as a street address, not a post office box. The address on the affidavit and the declaration must match. Certifications of voter registration may be obtained from the Eddy County Clerk. You may call the **North Eddy County Office** at (575) 746-2541 or the **Carlsbad Office** (575) 885-3383 to request your affidavit.

If you are unable to personally appear on January,14, 2020, an Affidavit Authorizing Filing of Declaration of Candidacy is also available in this packet. This provides an authorized representative for you during the election process. An authorized representative acts for the official candidate in any part of the election process that requires or permits a candidate to appear. This form is required to be notarized. You, as the candidate, must sign your Declaration of Candidacy, the representative may not.

When the Declaration of Candidacy is filed in the office of the City Clerk, it becomes a public record.

What happens if I change my mind about running for office?

For candidates that file on January 7th, 2020, the deadline to withdraw the candidacy is January 14th, 2020. This will remove the candidate's name from the ballot. If you, the candidate withdraws after this date, your name will still appear on the ballot. The form to withdraw the candidacy is included in this packet.

For write-in candidates that file on January 14th, 2020, the deadline to withdraw the candidacy is **January 21st, 2020**. The form to withdraw the candidacy is included in this packet.

Certified Candidate Information

1. After the election resolution has been adopted by the City of Artesia Council, the Secretary of the State will issue the Election Proclamation by **December 4th, 2019**. The City Clerk shall publish the Election Proclamation on the Municipal website by **December 5th, 2019**.



2. Applications for absentee ballots can be accepted starting **January 1st, 2020**. Anyone can request the application from the City Clerk's Office. Once the application is received by the City Clerk, it must be verified and accepted before a ballot can be mailed out. The first day that absentee ballots can be mailed is **February 4th, 2020**.
3. The Eddy County Clerk will close the voter registration books for the Municipal election at 5:00 P.M. on **February 4th, 2020**. If voter registration occurs after this date, the person will not be eligible to vote in the municipal election. Contact the County Clerk's Office (575-885-3383) regarding the process to obtain voter registration forms.
4. The date, time and place for Election School for all precinct workers will be announced at a future date. As a candidate you will be notified and are welcome to attend.
5. **February 29th, 2020** is the last day for early voting. **February 28th, 2020** is the last day to mail absentee ballots from the Clerk's Office.
6. Between **February 6th, 2020** and **February 28th, 2020** will be the period to conduct election school.
7. **February 25th, 2020** is the deadline to request a watcher for election day from Secretary of State. **February 27th, 2020** the Secretary notifies the City Clerk of any qualified watchers.
8. Election Day is March 3rd, 2020. Polling places are open between the hours of 7:00 AM and 7:00 PM. The Presiding Judge and precinct workers at the polling place have control of the election process during this time. You, as a candidate, and the City Clerk may not interfere in any way with the election process.
9. No campaigning is allowed within **100 feet of the building** where the poll is located. There will be no campaign literature within **100 feet of the building**.
10. After the polls close, candidates or their authorized representatives may be present to observe the vote count at the polling place. All election results will be returned to City Hall after the precinct board has completed their procedures. The election returns will be given to the City Clerk, who will provide **UNOFFICIAL** results from the polling place.



11. **Between March 9th, 2020 and March 13th, 2020**, the County Commissioners will serve as the Canvassing Board. The time will be announced. This is the **OFFICIAL** result of the election.
12. Any information you may need as a candidate should be requested through the City Clerk's office.

Watchers 1-2-27

If a candidate wishes to have a Watcher for the polling place, candidates must provide written notice to the Secretary of State. The Secretary of State will notify the City Clerk by February 27th, 2020.

- Watchers may be appointed for early voting or election day.
- Watchers shall be voters of a precinct located in the county in which they are appointed (§1-2-22).
- There can only be one Watcher per polling place.
- Watchers **CANNOT** be a Sheriff/Deputy Sheriff, Marshal/Deputy Marshal, Municipal/State Police Officer a Candidate or Family (Spouse, Parent, Child, Brother or Sister).

Absentee Voting

Absentee Ballot Application

To vote absentee, anyone may request an application for an absentee ballot, by contacting the City Clerk's office at **575-746-2122**. The City Clerk cannot by law automatically send applications to the elderly or disabled.

When a completed application is received in the office of the City Clerk, the voter will be verified on the Voter Register List as a qualified elector of the City. If the application is accepted, the City Clerk will issue an absentee ballot. If the application is rejected, the applicant is notified and the reason for rejection is included.

Absentee Ballots

From **February 4th, 2020 through February 28th, 2020** – absentee ballots may be mailed to a voter.

The City Clerk shall accept an official ballot in an official outer envelope, delivered in person by the voter, a caregiver to the voter, or a member of the voter's immediate family. ("Immediate family member" means spouse, children, parents, brothers and sisters").

Early Voting

From **February 4th, 2020 through February 29th, 2020** – in person by machine.

NOTE: During the period for absentee and early voting, the area of City Hall where voting takes place, is considered a polling place. There will be no campaigning or campaign literature allowed in this area.

Sample Ballots

Sample ballots will be available in the City Clerk's office on or about January 31, 2020. Sample ballots will be made available in reasonable quantities to all interested persons for distribution to the voters.

Election Results

The City Council Chambers will serve as Election Central on Election Day. All results will be posted as they are brought in from the polling places. Please remember that these results are considered "**unofficial**" until they are canvassed between March 9th, 2020 and March 13th, 2020.

Once the candidate received their Certificate of Election by the Secretary of State's Office, the swearing in for candidates will be by the City Clerk on April 1st, 2020, and the candidates will assume office.

Forms and Requirements

Included in this information package are various forms you will need to file during the election process. If you need additional forms, please contact the City Clerk's office.

Political Sign Requirements

In accordance with the City of Artesia Municipal Code, the following requirements must be complied with:

Complete copies of the City of Artesia Municipal Code and the Manual of Uniform Traffic Control Devices (MUTCD) are available for inspection at the Planning Office 801 Bush, Artesia, NM 88210. Copies of this public record will be available upon request for a standard copying fee. The Artesia Municipal Code is also available on-line at www.artesianm.gov.

The Planning Office is happy to answer any questions concerning the format and placement of any sign. If you prefer, a site visit can be scheduled to examine a specific location.

Definition of the current zoning of a specific location

Definition of an easement or right-of-way width of a specific location

Definition of traffic sight distances in general or for a specific location

Indication that a specific property or building is owned by the City

Interpretation of the City of Artesia Municipal Code or of the MUTCD

Once the election is over, please remove all campaign signs within three (3) days of the election.

If you have a proposed sign that you would like to have reviewed, if you would like to discuss a sign format or location, if you would like to schedule a site visit or if you have any other questions, please contact Don Plotner, Building Inspector or Jesse Dominguez, Code Enforcement Officer at 748-8298.



CANDIDATE CONTACT INFORMATION
March 2020 Election

Please complete the information below and return the form to the City Clerk. This will allow us to contact you with information during the election process.

Name: _____

Mailing Address: _____

Telephone Numbers:

Home: _____

Cell: _____

Work: _____

Fax: _____

Email Address: _____



Miscellaneous Information

The following pages are attached for your information:

Forms of Government
Minimum Responsibilities
Political Sign Requirements
Judicial Education Center information





STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2020 MUNICIPAL OFFICER ELECTION

DECLARATION OF CANDIDACY - STATEMENT OF INTENT

I, _____, being first duly
(Candidate's name on certificate of registration)
sworn, say that I am a voter of the county of _____, State of New Mexico.

I reside at _____, and was registered to vote at that
place on the date of the proclamation calling this election;

I reside within and am registered to vote in the area to be represented;

I desire to become a candidate for the office of _____ at the
municipal election to be held on the date set by law;

I will be eligible and legally qualified to hold this office at the beginning of its term; and

I make the foregoing affidavit under oath, knowing that any false statement herein constitutes a
felony punishable under the criminal laws of New Mexico.

(Signature of Declarant)

(Mailing Address)

(Residence Address)

Subscribed and sworn to before me by _____ this _____ day of _____,
20 _____.

(Notary Public)

My commission expires: _____



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2020 MUNICIPAL OFFICER ELECTION

WRITTEN AUTHORIZATION FOR DESIGNATION

I desire to become a candidate for the office of _____ in the
Municipal Officer Election to be held on **Tuesday, March 3, 2020.**

I certify that I am not able to personally deliver my Declaration of Candidacy and all other
associated documents to my Municipal Clerk's office, as applicable, for filing purposes.

Pursuant to NMSA 1978, § 1-22-7(D), I designate the following individual to act solely on my
behalf for the purpose of filing my Declaration of Candidacy and any other documents required:

Name of Designee (printed)

Address of Designee

Signed and authorized by:

Candidate Signature

Candidate Name

Mailing Address

Residence Address



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2020 MUNICIPAL OFFICER ELECTION
AFFIDAVIT OF WITHDRAWAL OF CANDIDACY

State of New Mexico

County of _____

I, _____, being first duly sworn upon my oath do hereby state for my affidavit that:

I withdraw as a candidate for the office of _____ in the election scheduled for **March 3, 2020**; and that I hereby irrevocably revoke my Declaration of Candidacy filed with the Municipal Clerk on _____, 20____.

Signature of Candidate

Subscribed and sworn to me this ____ day of _____, 20____.

Notary Public

Received in the office of the Municipal Clerk at _____ A.M./P.M. on the _____ day of _____, 20____.

Municipal Clerk



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2020 MUNICIPAL OFFICER ELECTION

DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE

I, _____, being first duly
(Candidate's name on certificate of registration)
sworn, say that I am a voter of the county of _____, State of New Mexico.

I reside at _____, and was registered to
vote at that place on the date of the proclamation calling this election;

I reside within and am registered to vote in the area to be represented;

I desire to become a candidate for the office of _____ at the
municipal election to be held on the date set by law;

I will be eligible and legally qualified to hold this office at the beginning of its term; and

I make the foregoing affidavit under oath, knowing that any false statement herein constitutes a
felony punishable under the criminal laws of New Mexico.

(Signature of Declarant)

(Mailing Address)

(Residence Address)

Subscribed and sworn to before me by _____ this _____ day of _____,
20 _____.

(Notary Public)

My commission expires: _____



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FORMS OF MUNICIPAL GOVERNMENT IN NEW MEXICO

Municipality: Any city, town, village or county which has incorporated, whether under general act (state statute or territorial law), special act or charter. There are currently 103 municipalities in New Mexico: 34 cities, 19 towns, 49 villages and 1 incorporated county, Los Alamos.

Districting: All municipalities with populations of 10,000 or more must elect their governing body members by district and the member representing a district must reside in that district. Los Alamos and the municipalities under 10,000 may district if they wish.

MAYOR/COUNCIL MUNICIPALITY:

Voters have only those rights to vote on council actions that are provided in the statutes; they do not have the right to recall elected officials.

Mayor: Chief executive and administrator of the municipality. Presides at governing body meetings; votes only in case of a tie. Supervises appointed officers and employees of the municipality and, with approval of the majority of all members of the governing body, hires and fires. Has no veto over actions of majority of governing body.

Governing Body: Legislative branch of the municipality. Consists of the mayor and not less than 4 or more than 10 councilors or trustees. Councilors or trustees elect one of their members to serve as mayor pro tem, to perform the duties of the mayor in his absence. Mayor pro tem can vote on any issue even when he is presiding. Governing body controls all finances and property, passes ordinances and resolutions, approves hiring and firing but may not make appointments or hire on its own, sets salaries, establishes and abolishes jobs, sets its own rules and procedures. Governing body cannot remove the mayor, the judge or its own members.

Judge: Judicial branch of the municipality. Judge tries alleged violations of municipal ordinances, determines innocence or guilt of alleged offender, and passes sentence. Subject to local ordinance, the penalties may not exceed \$500 fine or 90 days in jail or both except for DWI convictions, where the maximum sentence is \$999 or 179 days in jail or both. Although court's budget must be approved by the governing body, the judge is independent in operating the court, expending the approved budget and in hiring, firing, and supervision of court employees. In Bernalillo County, all municipal courts and judges except Los Ranchos have been pre-empted by a metropolitan court.

Manager: Mayor/council municipalities over 1,000 population may establish the office of manager by ordinance, in which case the manager's powers and duties are the same as in a commission/manager municipality.

COMMISSION/MANAGER MUNICIPALITY:

Voters have broad powers of initiative (election to force commission to enact an ordinance), referendum (election to overturn an ordinance already enacted), and recall (election to remove any and all elected officials). Mayor/council municipality of 3,000 or more population may vote to become commission/manager.

Governing Body: Legislative branch of the municipality. A five member commission, representing five districts, compact in area and as nearly equal in population as possible. Same legislative and financial duties as in mayor/council form, but do not approve individual hiring and firing, which is authority of the manager.

Mayor: A commissioner elected by the other commissioners to preside. Has right to vote on any issue. Serves as legal and ceremonial head of the municipality, as well as principal spokesman and policy leader. Does not hire and fire or supervise municipal employees.

Judge: Judicial branch of municipality. Exactly the same duties and powers as in mayor/council form.

Manager: Non-elected chief administrator of the municipality. Appointed by the commission and serves at their pleasure. Supervises, hires and fires all municipal employees. Enforces all ordinances and implements all policies set by commission, prepares draft budget, attends all meetings of the commission, has no vote.

CHARTER FORM OF GOVERNMENT:

Any incorporated municipality may adopt a charter form of government, but only larger municipalities have done so thus far. Corporate form is defined by a charter drawn up by a commission of citizens and adopted by majority vote of the electorate. Organized in whatever way the charter prescribes as to numbers and titles of governing body, method of election, terms, etc.

Charter cannot be inconsistent with the Constitution of New Mexico. Charter cannot authorize the expenditure of public funds for other than public purposes and cannot authorize the municipality to perform acts which have been specifically prohibited by general legislation of the state, including imposition of various taxes pre-empted by the state. Most charters include initiative, referendum and recall.

Charters adopted since passage of the Home Rule amendment to the state Constitution are called Home Rule cities, which theoretically means that they can do things not specifically authorized for municipalities by the state statutes, as long as those things are not specifically prohibited by statute either. Some examples of things which a Home Rule municipality might do are:

- Issue bonds for purchasing library books
- Enact its own procurement code
- Establish its own per diem, mileage and travel regulations



MINIMUM RESPONSIBILITIES OF ANY MUNICIPALITY (New Mexico Statutes Annotated, 1978 Compilation)

Any municipality **must**, at a minimum:

- hold regular, periodic meetings of its governing body [§3-12-3, NMSA 1978];
- hold regular municipal elections to fill vacancies in elective offices whose terms are expiring [§3-8-25];
- adopt and submit to the Department of Finance and Administration, for approval, an annual fiscal year budget [§6-6-2A];
- control and account for receipt, deposit and expenditure of public funds and submit quarterly financial reports to DFA [§§3-37-2, 6-6-2F];
- provide for a Municipal Court [§35-14-1];
- provide the statutory offices of Clerk, Treasurer and Police Officer (the offices of Clerk and Treasurer may be combined and filled by one person) [§3-12-4];
- designate a Central Purchasing Office [§13-1-97];
- provide for maintenance of its streets, bridges and culverts [§§3-7-18, 3-49-1]; and
- provide for law enforcement and fire protection within the municipal limits [§§3-17-1B, 3-18-1F & G, 3-35-1].

GENERAL POWERS OF ANY MUNICIPALITY [§3-18-1, NMSA 1978]

A municipality is a body politic and corporate under the name and form of government selected by its qualified electors. Any municipality may:

1. sue or be sued;
2. enter into contracts and leases;
3. acquire and hold property, both real and personal;
4. have a common seal which may be altered at pleasure;
5. exercise such other privileges that are incident to corporations of like character or degree that are not inconsistent with the laws of New Mexico;
6. protect generally the property of its municipality and its inhabitants;
7. preserve peace and order within the municipality; and
8. establish rates for services provided by municipal utilities and revenue-producing projects, including amounts which the governing body determines to be reasonable and consistent with amounts received by private enterprise in the operation of similar facilities.

ADDITIONAL POWERS OF ANY MUNICIPALITY
[Various sections of Chapters 3, 6 & 7 NMSA 1978]

Additionally, any municipality may, specifically, by ordinance:

1. provide for, and regulate, animal control [§3-18-3];
2. adopt rules and regulations for public buildings [§3-18-4];
3. provide for removal of dangerous buildings or debris [§3-18-5];
4. provide for regulation and restriction of building construction and establish fire zones [3-18-6];
5. provide for flood control to minimize flood damage [§3-18-7];
6. own, operate, maintain and/or regulate cemeteries [§§3-18-8, 3-40-1];
7. exercise the power of eminent domain [§3-18-10];
8. provide for fire protection and prevention [§3-18-11];
9. regulate the sale of food and drink [§3-18-12];
10. regulate and prohibit industrial nuisances and nauseous locations [§3-18-13];
11. establish and maintain free public libraries [§3-18-14];
12. acquire works of art and establish museums [§3-18-15];
13. establish and regulate municipal markets and market places [§3-18-16];
14. define and abate nuisances [§3-18-17];
15. build, beautify and improve public parks and acquire property for park purposes [§3-18-18 & 19];
16. construct and maintain sanitary facilities [§3-18-22];
17. inspect and regulate steam boilers [§3-18-23];
18. license and regulate secondhand and junk dealers [§3-18-24];
19. establish, license, regulate and fix the tolls of all toll bridges and ferries [§3-18-26];
20. regulate planting, transplanting, growing, trimming, pruning, preservation and protection of trees, shrubs and vines or create a commission for the purpose of such regulation [§3-18-27];
21. enter into contracts with private insurance companies to establish a retirement system for its employees [§3-18-28];
22. with proper authority, establish, operate and maintain a foreign-trade zone [§3-18-29];
23. adopt a master plan and exercise planning, platting, subdivision and zoning authority within geographic limits defined by statute, including historic zones [§§3-19-1, 5 & 6 -1-1, 3-22-3];
24. acquire, construct, operate and maintain municipal water, sewer, electric, natural gas and solid waste utilities, charge and collect fees for service and assess fees for maintenance [Chapter 3, Articles 23 through 29];
25. register and collect a business registration fee for each business location within the municipality except businesses licensed by the municipality (mandatory) [§3-38-3];
26. license and regulate businesses operating within the municipality (including liquor licenses) except for businesses whose licensing and regulation has been preempted by the State or federal government [§3-38-1];

27. establish, operate and maintain a municipal airport [§3-39-4];
28. annex additional contiguous territory not within the boundaries of another municipality [Chapter 3, Article 7];
29. control, regulate, construct, own, operate and maintain hospitals and clinics [§3-44-1];
30. create and operate a municipal housing authority [§3-45-4];
31. undertake and carry out urban renewal and land development projects [§3-46-31];
32. layout, establish, open, vacate, alter, repair and improve streets, alleys, bridges, culverts, medians, sidewalks, curbs, gutters and public grounds [§3-49-1];
33. own and operate parking facilities and install, maintain and repair parking meters on public streets [§3-50-5];
34. own and operate municipal transit systems [§3-52-3];
35. acquire, construct, modify, control and regulate water courses, canals and ditches [§3-53-1];
36. control, reduce, abate or prevent pollution of land, air or water within or within fifteen miles, outside the municipality [§3-59-4];
37. plan and provide for community development, including the elimination of slums and urban blight [§3-60-26];
38. impose a lodgers tax (occupancy tax) [§3-38-15];
39. as provided by statute, impose municipal gross receipts taxes [Chapter 7, Articles 19D].
40. as provided by statute, impose property taxes by budget adoption [§3-37-7B(3)];
41. enter into franchise agreements with public utilities for the use of streets and public ways and collect an appropriate franchise fee [§3-42-1];
42. establish improvement districts and impose property tax assessments for street and municipal utility projects as provided by statute [Chapter 3, Articles 33 & 34];
43. accept and expend grants and loans from the State or federal government [various State statutes, §3-37-6];
44. as provided by statute, impose and collect liens on real property [§3-36-1 through 7];
45. issue general obligation bonds, revenue bonds, and industrial revenue bonds as provided by statute [Chapter 3, Articles 30 through 32];
46. lease-purchase personal property using legislatively dedicated revenue sources [N.M. Constitution, Article IX, Sections 12 & 13; Letter of Attorney General dated 4/11/89]; 19C];
47. sell, exchange or lease personal property and utilities [Chapter 3, Article 54];
48. enter into Joint Powers Agreement with other governmental entities for providing various services [§11-1-3];
49. establish a penalty assessment program [§66-8-130];
50. establish a Community Services sentencing program [§35-15-14]; and
51. adopt, amend or repeal a municipal charter by referendum [§3-15-2].

Most of these powers are exercised by ordinance, although a few may be exercised by resolution. Check the specific statute for what is required.

Additional powers are conferred on various classes of municipalities by county location (Class A or Class H counties, for example) or by population size.

There may also be a few other powers given to municipalities by specific statutes we have not remembered, but this is a rather long list in itself.

**PROHIBITION ON
MUNICIPAL TAXING POWER
[§3-18-2, NMSA 1978]**

Unless otherwise provided by law (a specific statute), no municipality may impose:

- A. an income tax;
- B. a tax on property measured on an ad valorem, per unit or other basis; or
- C. any excise tax including but not limited to:
 - (1) sales taxes;
 - (2) gross receipts; and
 - (3) excise taxes on any incident relating to:
 - (a) tobacco;
 - (b) liquor;
 - (c) motor fuels; and
 - (d) motor vehicles

However, many of the taxes mentioned **are authorized by specific statutes**, as cited in the Additional Powers of Municipalities.

Fall-Spring 2019-2020

Dear Candidate for Office of Municipal Judge:

The Administrative Office of the Courts (AOC), in cooperation with the New Mexico Judicial Education Center (JEC) and the New Mexico Municipal League, is responsible for certifying to the Supreme Court that all newly elected municipal court judges have satisfied the educational prerequisites to begin their service on the bench. This letter is to advise you of those requirements should you be elected as municipal judge.

All municipal judges who are elected for the first time (and also including those who: 1) previously have been municipal judges but have not served within the last 4 years, or 2) were appointed and have not yet attended in-person the New Municipal Judges Orientation), **must attend the next available offering of an initial week-long orientation program to qualify for judicial office.**

JEC is responsible for providing the orientation for new municipal judges and has scheduled the orientation in Albuquerque as follows:

- **Mon., Dec. 9, through Fri., Dec. 13, 2019 (for those elected/appointed prior to Dec. 9)**
- **Mon., Mar. 16, through Fri., Mar. 20, 2020 (for those elected/appointed after Dec. 9, but before Mar. 16)**

As needed, JEC will pay the costs of this program, including mileage, lodging and per diem, for the week of instruction. **Attendance is mandatory.**

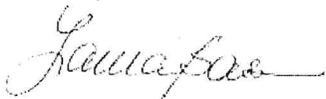
If you win the November or March election, you **must contact Laura Bassein at JEC immediately** at bassein@law.unm.edu or 505-277-1083 to register for the new judge orientation program. You also should contact the New Mexico Municipal League, 1-800-432-2036, to confirm your election and be added to their mailing list.

The following legal provisions apply to municipal judge training:

1. Supreme Court Rule 25-102 requires new municipal court judges to initially qualify for office by attending a judicial qualification training course approved by the AOC. The approved course is the one offered by JEC as described above. This rule also requires new municipal court judges to notify AOC of their initial election or appointment. You may fulfill this obligation by calling AOC at 505-827-4800 in Santa Fe.
2. Supreme Court Rule 25-103 requires all municipal court judges to attend an annual continuing judicial education program. JEC is responsible for providing this program. The next annual Municipal Judges Conference is scheduled for **May 6-8, 2020** in Albuquerque. The annual education requirement is available at <http://jec.unm.edu/education/training-requirements-in-nm-1>.
3. Supreme Court Rule 25-104 provides that the Supreme Court may suspend or remove any municipal court judge who fails to attend the initial training or to meet the continuing education requirement.
4. Section 35-14-10 of the New Mexico Statutes requires municipal court judges to annually complete a judicial training program and states that no municipal judge "shall receive any salary until he has successfully completed, or been exempted from, the required judicial training program."
5. New municipal judges are also assigned a mentor and will have a follow-up educational program in Albuquerque on **September 10-11, 2020**.
6. These four components (November or March Orientation, May Annual Conference, Mentor, and September Follow-up) constitute the 2019/2020 new municipal judge training program.

As a candidate for judicial office, you must adhere to the campaign and fundraising restrictions found in the Code of Judicial Conduct. Please be aware that the Code of Judicial Conduct applies to incumbents and challengers alike. The Code of Judicial Conduct is available from the New Mexico Compilation Commission (<https://www.nmcompcomm.us/>) as described on the following page.

Sincerely,

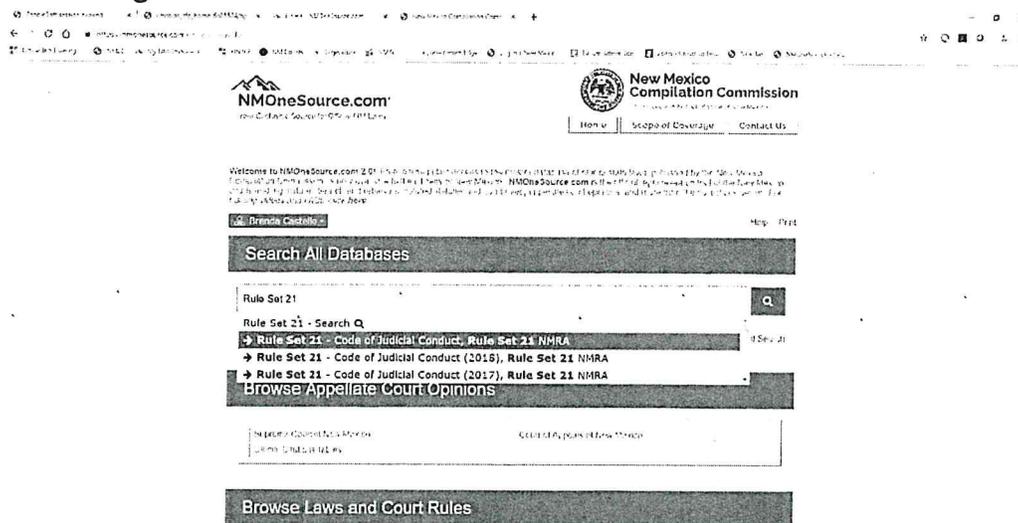


Laura Bassein, New Mexico Judicial Education Senior Attorney
Email: bassein@law.unm.edu • Phone: 505-277-1083

New Mexico Code of Judicial Conduct

The Code of Judicial Conduct applies to all municipal judges and all candidates for municipal judge. To locate the Code of Judicial Conduct take the following steps:

1. Go to the NMOneSource website at: <https://nmonesource.com>.
2. Scroll to: "Search All Databases".
3. Type in: "Rule Set 21".
4. Do **NOT** press Enter.
5. Choose the first autosuggestion – highlight it and click.
6. See image below:



7. "Rule Set 21 – Code of Judicial Conduct" will open.
8. Read the entire Code of Judicial Conduct from Rule 21-001 through Rule 21-406.

It is very important for judges and candidates for judicial office to understand the entire Code of Judicial Conduct. Canon 4 (and all associated rules under Canon 4) provides particularly important requirements for election related activity for both sitting judges and candidates for judicial office.