



GERALDINE SALAZAR
COUNTY CLERK
(505) 986-6280
gsalazar@santafecountynm.gov

VICTORIA L. TRUJILLO
Chief Deputy Clerk
505-995-6535
vltrujillo@santafecountynm.gov

MEMORANDUM

DATE: February 3, 2015
TO: Board of County Commissioners
VIA: Katherine Miller, County Manager
FROM: Geraldine Salazar, Santa Fe County Clerk
RE: **Resolution No. 2015-_____, A Resolution Appointing Three Members and Two Alternates to the Board of Registration**

ISSUE: At its first regular scheduled meeting in February of each odd-numbered year, state law requires the Board of County Commissioners (BCC) to appoint (i) three voters, who shall constitute the Board of Registration for the County, and (ii) two alternates. Appointments are made from ranked lists of candidates provided by the county chairs of qualified political parties.

BACKGROUND:

What the Board of Registration does. The purpose of the Board of Registration is to carry out the list maintenance provisions of the Election Code and The National Voter Registration Act of 1993. That is, to delete any voter who has not appeared to vote in at least one statewide or local election in approximately four years after being designated as "inactive". A voter is initially designated as "inactive" based on a mailing to confirm the voter's address.

New Mexico conducts its list maintenance procedures through the Office of the Secretary of State, which contracts with a National Change of Address (NCOA) program vendor. The entire state voter file is run against the Postal Service's records. Any registered voter whose name appears on the Postal Service records is sent a confirmation card.

The confirmation card ensures that the postal records are correct. If the voter has moved, they are flagged on the county file as "inactive". Only after a voter has been inactive from the date of the confirmation notice until after the second general election, not appeared to vote in any election (including school, municipal and special elections) and failed to reregister during that period of time, are they deleted from the file. If a voter reregisters to vote at a new address, or appears to vote in any election, they are restored to active status.

Voters are never deleted from the voter registration files solely for non-voting. The intent of Congress when it passed the National Voter Registration Act was that, once registered, a voter stays registered for life, unless they move to another county or state, have not been released from the obligations imposed by the court as a result of a felony conviction or have been declared incompetent by a court. Also, voters who are scheduled for deletion from the file are noticed sixty days prior to deletion, so they may be restored to active status if there is an error, or if they need to update their registration.

Continued.

Page two, Clerk's BCC Memorandum, February 3, 2015.

How Board of Registration members and alternates are appointed; limits on the number of members and alternates that may be of the same political party. Santa Fe County's political party chairs were notified and asked to submit names for consideration by the BCC. As required by law, the chairs indicated their preference for appointment "by placing the number 1, 2, 3 or 4 opposite the name of each person on his list respectively." NMSA 1978, § 1-4-34(B). Exhibit A contains the Democratic and Republican Party's nominations for the Board of Registration in order of preference.

The BCC is required to appoint members and alternates "from the lists of the county chairmen" and to "give preference to the names in the order indicated by the numbers on the list." NMSA 1978, § 1-4-34(D). In addition:

- "No more than two of the three persons appointed to the board of registration shall be members of the same major political party at the time of their appointment"; and
- The two alternates "shall not belong to the same political party at the time of their appointment."

NMSA 1978, § 1-4-34(B)-(C).

REQUESTED ACTION: Santa Fe County Clerk Geraldine Salazar respectfully requests that the BCC appoint three members and two alternates to the Board of Registration and adopt the subject resolution with the members and alternates names added to the signed and recorded version of the resolution.

Exhibits:

Exhibit A – Party Nominations for the Board of Registration

Exhibit B – State Statutes Concerning Board of Registration

Exhibit C – Proposed Resolution Appointing Three Members and Two Alternates to the Board of Registration

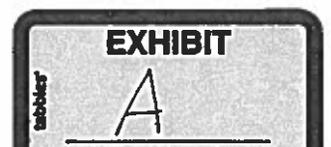
Party Nominations for the Board of Registration

Democratic Party

1. Donna M. Connolly
2. Clifford M. Rees, JD
3. Rand Levitt
4. Julia Barnes

Republican Party

1. Samuel LeDoux
2. Ignacio Padilla
3. Joseph Kelley
4. Bob Alexander



B. In such a proceeding, the court shall determine the cost of the investigation, and if it finds that the board of registration or the county clerk did not cancel certificates of registration in the manner provided by law, shall enter judgment against the county for the cost of the investigation.

History: 1953 Comp., § 3-4-27, enacted by Laws 1975, ch. 255, § 47; 1979, ch. 24, § 3; 1993, ch. 314, § 25; 1993, ch. 316, § 25.

1-4-30. Cancellation of registration; voter's request.

A. The county clerk shall cancel a certificate of registration upon the request of a voter only for the following reasons:

- (1) when the voter changes the voter's registered residence address to another county within the state;
- (2) when the voter moves to another state; and
- (3) upon the written request of the voter.

B. A written request by a voter to cancel the voter's registration shall be in writing and subscribed before a registration officer or a person authorized to administer oaths or on a form prescribed by the secretary of state.

C. The voter's certificate of registration shall be deemed canceled upon receipt by the county clerk of the request when the request is for the reasons specified in Subsection A of this section.

History: 1953 Comp., § 3-4-28, enacted by Laws 1969, ch. 240, § 86; 1975, ch. 255, § 48; 1993, ch. 314, § 26; 1993, ch. 316, § 26; 2011, ch. 137, § 37.

1-4-31. Repealed.

1-4-32. Cancellation of registration; duties of county clerk; retention of records.

A. When a registration is canceled, the county clerk shall remove, endorse and file the original certificate of registration according to procedures prescribed by the secretary of state.

B. Canceled original certificates of registration along with any written application of the voter for cancellation or other pertinent orders or certificates shall be retained for six years and then may be destroyed; provided that such records may be destroyed prior to the expiration of the six-year period with the approval of the state records administrator and upon their being properly microfilmed and stored.

History: 1953 Comp., § 3-4-30, enacted by Laws 1969, ch. 240, § 88; 1975, ch. 255, § 50; 1979, ch. 24, § 5; 1987, ch. 249, § 12; 1993, ch. 314, § 28; 1993, ch. 316, § 28.

1-4-33. Board of registration; county chairman's list.

A. On or before the first Monday of February of each odd-numbered year the county chairman of each of the qualified political parties may furnish the board of county commissioners the names of four voters in the county, each of whom is able to read and write legibly and is otherwise competent to perform the duties required of a member of a board of registration.

B. Each county chairman who submits the list provided for in Subsection A of this section shall indicate his preference for appointment to the board of registration by placing the number 1, 2, 3 or 4 opposite the name of each person on his list respectively.

History: 1953 Comp., § 3-4-31, enacted by Laws 1969, ch. 240, § 89; 1975, ch. 255, § 51.

1-4-34. Board of registration; county commissioners; appointment.

A. The board of county commissioners shall at its first regular scheduled meeting in February of each odd-numbered year appoint three voters who shall constitute the board of registration for the county.

B. No more than two of the three persons appointed to the board of registration shall be members of the same major political party at the time of their appointment; provided that if a major party has no registered, qualified elector who is able to fill the position, a registered, qualified elector from another major party may be chosen by the county clerk.

C. In addition, the board of county commissioners shall appoint two alternates who shall not belong to the same political party at the time of their appointment.

D. In making all appointments to the board of registration or as alternates to the board of registration from the lists of the county chairmen, the board of county commissioners shall give preference to the names in the order indicated by the numbers on the list.

History: 1953 Comp., § 3-4-32, enacted by Laws 1969, ch. 240, § 90; 1975, ch. 255, § 52; 1981, ch. 136, § 1; 1995, ch. 124, § 5.

1-4-35. Board of registration; secretary.

The county clerk or his authorized deputy shall be secretary to the board of registration and shall serve without additional compensation.

History: 1953 Comp., § 3-4-33, enacted by Laws 1969, ch. 240, § 91.

1-4-36. Board of registration; compensation.

Each member of the board of registration shall be paid per diem and mileage as provided in the Per Diem and Mileage Act [Chapter 10, Article 8 NMSA 1978] for nonsalaried public officers. Such compensation shall be included as an item in the regular county budget.

History: 1953 Comp., § 3-4-34, enacted by Laws 1969, ch. 240, § 92; 1973, ch. 4, § 2; 1975, ch. 255, § 53.

1-4-37. Board of registration; term; qualification.

A. Members of the board of registration shall hold office until their successors are appointed and qualified.

B. Members of the board of registration shall qualify by taking and filing in the office of the county clerk the oath required of county officials.

History: 1953 Comp., § 3-4-35, enacted by Laws 1969, ch. 240, § 93.

1-4-38. Board of registration; place of meetings.

The board of registration shall meet at the office of the county clerk.

History: 1953 Comp., § 3-4-36, enacted by Laws 1969, ch. 240, § 94; 1975, ch. 255, § 54.

1-4-39 to 1-4-45. Repealed.

1-4-46. Clerical assistance for county clerk.

The board of county commissioners shall provide for necessary clerical assistance to the county clerk to perform work pertaining to registration. Such clerical assistance shall be paid for by order of the board of county commissioners. Such expenditure shall be included as an item in the regular county budget.

History: 1953 Comp., § 3-4-44, enacted by Laws 1969, ch. 240, § 102; 1973, ch. 4, § 3.

1-4-47. Driver's license voter registration.

A. Every person who is a qualified elector and is applying for a driver's license, to renew a driver's license or for an identification card shall, if qualified to register to vote, with the consent of the applicant be simultaneously registered to vote.

B. The secretary of taxation and revenue shall select certain employees of the motor vehicle division of the taxation and revenue department or employees of entities on contract to provide for services to the motor vehicle division to provide assistance to any applicant requesting voter registration assistance.

C. Every motor vehicle division office, field office or contract field office of the division shall display within the offices clearly visible signs stating "voter registration assistance available" and:

(1) personnel in each office shall advise each person who is a qualified elector and an applicant for licensure or renewal or for an identification card that initial voter registration or a change of address for voter registration may be made simultaneously with the motor vehicle application;

(2) voter registration shall be conducted in a manner such that the applicant completes the full certificate of registration electronically; and

(3) the applicant's digital signature shall be affixed to the certificate of registration using an electronic signature in conformance with the Electronic Authentication of Documents Act [Chapter 14, Article 15 NMSA 1978] and the Uniform Electronic Transactions Act [Chapter 14, Article 16 NMSA 1978].

D. A motor vehicle division employee or contractor shall not intentionally influence the prospective registrant in the selection of political party, or independent status, by word or act. A motor vehicle division employee or contractor shall not reveal the existence of or the nature of the voter registration to anyone other than a registration officer.

E. Any voter registration made or accepted at a motor vehicle division office or motor vehicle division field office shall be transmitted to the secretary of state and the appropriate registration officer within seven calendar days.

F. The secretary of state shall work with the motor vehicle division to:

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2015 - _____

**A RESOLUTION APPOINTING THREE MEMBERS AND TWO ALTERNATES
TO THE BOARD OF REGISTRATION**

WHEREAS, the New Mexico Election Code (NMSA 1978, Sections 1-1-1 to 1-24-4) creates the position of Board of Registration consisting of three (3) voters in each county who shall serve for at least two (2) years in odd-numbered years commencing in February of a year;

WHEREAS, the federal National Voter Registration Act of 1993 ("NVRA") (42 U.S.C. Sections 1973gg to 1973gg-10) was enacted in part to require states to permit eligible persons to register to vote in federal elections when applying for an initial or renewed driver's license;

WHEREAS, the NVRA was also enacted to enhance voter participation in elections, to increase the number of registered voters, to ensure that states maintained accurate voter rolls, and to protect the integrity of elections;

WHEREAS, the Election Code establishes the duties of a county's Board of Registration, which include but are not limited to:

- a. reviewing the list of eligible voters following a general election in satisfaction of the NVRA;
- b. directing the county clerk, in satisfaction of the NVRA to cancel the registration of any voter who has been sent notice in conformance with Section 1-4-28(E) of the Election Code, where the voter has failed to respond to the notice and has not voted, or has confirmed a change of residence to a place outside of the county; and
- c. carrying out other list maintenance provisions of the NVRA and the Election Code;

WHEREAS, the Election Code authorizes the county chairman of each qualified political party to furnish their respective board of county commissioners with a list of the names of four (4) voters in the county and indicate that chairman's preference by placing the numbers 1 to 4 opposite the name of each person on the list;

WHEREAS, Santa Fe County's major political party chairs were notified and asked to submit names for consideration of appointment by the Board of County Commissioners ("BCC") to serve on the Board of Registration;



WHEREAS, the BCC shall appoint a three-member board of which no more than two members shall be of the same party, and shall also appoint two alternates who shall not belong to the same political party at the time of their appointment;

WHEREAS, the Election Code requires the BCC to give preference to the names in the order indicated by the numbers on the list submitted by the party chair;

WHEREAS, the Election Code requires a board of county commissioners to appoint three (3) voters to constitute its Board of Registration at the first regularly scheduled meeting in February of each odd-numbered year;

WHEREAS, membership on the Board of Registration shall be for two years but members shall hold office until their successors are appointed and qualified; and

WHEREAS, members of the Board of Registration shall qualify by taking and filing in the Office of the County Clerk the oath required of county officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. Three (3) voters, of which no more than two members shall be of the same party, and two (2) alternates of different political parties, are hereby appointed to serve on the Board of Registration. The three appointees are:

- a. _____ Party _____
- b. _____ Party _____
- c. _____ Party _____

The two alternate appointees are:

- a. _____ Party _____
- b. _____ Party _____

2. The three (3) voters appointed to the Board of Registration and two (2) alternates were selected in accordance with the preference indicated on the lists provided by political party chairs.
3. The members appointed to the Board of Registration shall carry out the duties required of them by the National Voter Registration Act and the Election Code.
4. The members appointed to the Board of Registration shall serve for two years, but each member shall hold their office until their successor is appointed and qualified.

PASSED, APPROVED, AND ADOPTED this _____ day of February, 2015.

Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

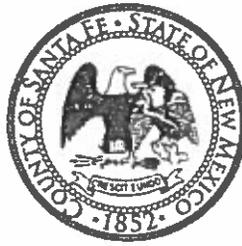
Gregory S. Shaffer, County Attorney



Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: February 2, 2015

TO: Board of County Commissioners

FROM: Vicki Lucero, Building and Development Services Manager *VL*

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Katherine Miller, County Manager *KM*

REF.: Appointment of 1 Member to the County Development Review Committee from Commission District 1

SUMMARY:

Article II, Section 1.2. (County Development Review Committee) of the County Land Code Development Code, gives the BCC the authority to appoint members of the CDRC. Section 1.2 states: "The Board shall appoint a County Development Review Committee consisting of not less than seven (7) members" (Exhibit A).

The terms of four CDRC members expired in January of 2015. These members represented Commission Districts 1, 3, 4, and 5. On January 13, 2015 the BCC reappointed Filandro Anaya (District 3) and Frank Katz (District 4) to serve another 2-year term on the CDRC. On January 27, 2015 the BCC appointed Renea Gray from District 5 to serve a two-year term on the CDRC. We have received a letter of interest and resume from a resident of Commission District 1 who is interested in serving on the CDRC.

The Applicant's name is Leroy Lopez. His resume is included in Exhibit B.

STAFF RECOMMENDATION:

Staff recommends appointment of the following member to serve on the CDRC:

- District 1 – Leroy Lopez-Two year term expiring Jan 2017

ATTACHMENTS:

Exhibit A— Article II, Section 1.2. (County Development Review Committee) of the County Code
Exhibit B – Applicant’s Resume

ARTICLE II - ADMINISTRATION

SECTION 1 - APPOINTMENTS AND AUTHORITY

1.1 Code Administrator

1.1.1 Appointment

The County Manager shall recommend to the Board of County Commissioners (hereinafter referred to as the "Board") any person to be considered for employment as the Code Administrator. The Board shall appoint a Code Administrator, pursuant to the County Personnel Ordinance and Regulations, after considering the recommendations of the County Manager.

1.1.2 Duties

The Code Administrator shall:

- 1.1.2a Perform the duties that are assigned throughout the Code to the Code Administrator and such other duties as may be determined by the Board or the County Manager.
- 1.1.2b Keep copies of each application filed, each plat submitted, and each development permit issued, filed by legal description of the land to which the development permit applies and also by name of applicant.
- 1.1.2c Make recommendations to the Board for amendments to the Code.
- 1.1.2d Give written reports as directed by the Board or as requested by the County Development Review Committee and approved by the Board, listing all applications, Code Administrator decisions and recommendations, County Development Review Committee decisions, and appeals from Code Administrator or County Development Review Committee decisions that have been filed since the last Code Administrator report; provided, however, that such reports shall be made at least once a month and shall be submitted to the Board and the County Development Review Committee.

1.2 County Development Review Committee

1.2.1 Appointment

The Board shall appoint a County Development Review Committee consisting of not less than seven (7) members. The residence requirements shall be as follows: At least one member shall reside within the limits of the City of Santa Fe. These members should reside in different areas of the County, in order to provide diversity of representation. The other six (6) members shall be residents of the County of Santa Fe. Terms of members, all appointments by the Committee, and removal of members shall be made by the Board as set forth in Section 3-19-2 N.M.S.A., 1978, as it may be amended. The County Development Review Committee shall establish policies concerning notice and conduct of its meetings and a copy of such policies shall be posted in the Code Administrator's office. Election of chairperson, meetings, and keeping of records, shall be as set forth in Section 3-19-3 N.M.S.A., 1978, as it may be amended. A majority of the members shall constitute a quorum at any meeting of the County Development Review Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the County Development Review Committee, unless otherwise required by law. There shall be no proxy voting.

History. 1980 Comp. 1980-6. Section 1.2.1 was amended by County Ordinance 1981-2, changing the membership of the County Development Review Committee from five (5) to seven (7) members.

1.2.2 Authority

The County Development Review Committee shall have the authority provided for in the Code and other authority as determined from time to time by the Board. The County Development Review Committee is hereby established as a planning commission, and is hereby delegated the power, authority, jurisdiction and duty as set forth in the Code to exercise the County's legal authority relating to the matters regulated by the Code, including without limitation, planning, platting, zoning and subdivision regulation. The County Development Review Committee is designated to act as a zoning commission, pursuant to Section 3-21-7, N.M.S.A., 1978, as it may be amended.

1.3 Local Development Review Committee

1.3.1 Appointment

1.3.1a If the Board approves a local Land Use and Utility Plan as provided for in Article VI, Section 5 of the Code for a traditional community or any other approved region within the County, or if the Board declares by ordinance any village, community, neighborhood or village to be an Historic Traditional Community under State law, the Board shall appoint a Local Development Review Committee for the traditional community, region or Historic Traditional Community or village.

1.3.1b A Local Development Review Committee shall consist of not less than five (5) members. All members of a Local Development Review Committee shall either be residents, operate a business or own property within the geographic boundaries of the traditional community district or region or of the traditional historic community or village for which the Local Development Review Committee was formed, and a majority of members shall be residents living within such geographic boundaries. A majority of the members of the Committee shall be appointed for one-year terms and the balance of the members shall be appointed for two-year terms. Each subsequent term of a member of the Local Development Review Committee shall be for two years or less in order to maintain the original staggering of terms of membership. A vacancy in the membership of the Local Development Review Committee shall be filled for the remainder of the unexpired term. Members shall serve at the pleasure of the Board. A majority of the members shall constitute a quorum at any meeting of the Local Development Review Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the Local Development Review Committee, unless otherwise required by law. There shall be no proxy voting.

1.3.2 Authority

A Local Development Review Committee shall have the same authority as the County Development Review Committee with respect to development within the geographic boundaries of the traditional community district or region or the traditional historic community or village for which the Local Development Review Committee was formed. With regard to any application for a development permit within the jurisdiction of a Local Development Review Committee, the Local Development Review Committee shall exercise all powers and perform all duties which would otherwise be exercised or

RESUME

NAME: LeRoy E. Lopez

ADDRESS: PO Box 219
Santa Cruz, New Mexico 87567
CR 88 Calle Lopez #11
Española, New Mexico 87532

1963 to Present: Longtime resident of Santa Fe County

Attended Santa Cruz High School Graduated 1963

Attended Mt. Diablo Valley College, Concord California: Political Science and
General Business

U.S. Army Veteran 1966 to 1968, Viet Nam Era, received Honorable Discharge
Member Disabled American Veteran, Service connected.

Electrical and General Contractor: EE98 and GB98, License No. 84940, 30 years'
experience.

FAMILY: Married to Celina Lopez

CHILDREN: Cerina L. Armijo, Scott Lopez, Jolene Martinez and Edwina Roybal

