

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

To: Board of County Commissioners

From: Geraldine Salazar, County Clerk and Gregory S. Shaffer, County Attorney

Date: July 6, 2017

Re: **Resolution No. 2017-____, A Resolution Concerning the Special Election on the Imposition of the Additional One-Sixteenth of the County Gross Receipts Tax; Calling for the Special Election; Issuing a Public Proclamation; and Establishing Details of the Special Election, Including the Possible Consolidation of Precincts and Designation of Polling Places**

Background. Last Tuesday, June 27, the Board of County Commissioners (Board) adopted Ordinance No. 2017-5 concerning imposition of the Additional One-Sixteenth of the County Gross Receipts Tax, subject to positive referendum. This means that Ordinance No. 2017-5 will NOT go into effect and the Additional One-Sixteenth of the County Gross Receipts Tax will not be imposed until after an election is held and a simple majority of the registered voters of Santa Fe County voting on the question votes in favor of imposing the Additional One-Sixteenth of the County Gross Receipts Tax.

The purpose of today's special meeting is to call an election on the question of imposing the Additional One-Sixteenth of the County Gross Receipts Tax and establish details concerning the election.

Issues. The matter of the positive referendum can be broken down into several subparts: (i) when to submit the tax question to the voters; (ii) what kind of election to hold; and (iii) if a traditional election, whether to consolidate precincts and create voting convenience centers at which any voter can vote on election day. Each of these subparts are addressed below.

When to submit the tax question to the voters? The Board has some flexibility in deciding when and how to submit the tax question to the voters. County staff recommends that a special election be held on September 19, 2017.

With regard to when to submit the question to the electorate, within seventy-five days of the date the ordinance imposing the tax is adopted, the Board must adopt a resolution calling for an election "on the question of imposing the tax". Section 7-20E-3(A)(2) NMSA 1978. "Such question may be submitted to the voters and voted upon as a separate question at any general election or at any special election called for that purpose by the governing body." *Id.*

County staff recommends that the tax question be submitted to the voters at a special election to be held on September 19, 2017, for several reasons. First, there is currently much public interest in the tax and services that it would fund, as evidenced by the public turnout at last Tuesday's meeting. A special election seemingly makes sense

while the public is engaged on an issue. Second, if the tax was approved by the voters at an election held on September 19, the tax could go into effect on January 1, 2018. Delaying the election until later in the year would push the effective date back until July 1, 2018. Third, a September 19 special election allows time for the County to meet the increased noticing for special elections enacted by the Legislature in 2017, which requires the public proclamation concerning a special election to be published once each week for two consecutive weeks "not less than sixty-three days before the date of the election". Section 1-24-2(B) NMSA 1978.

What kind of special election to hold? The Board could call an election to be conducted by all mailed ballots, pursuant to the Mail Ballot Election Act, NMSA 1978, Chapter 1, Article 23. Alternatively, the Board could call a traditional special election, with election day polling places, early voting, and absentee voting.

The County Clerk recommends a traditional special election, for several reasons. First, an issue as significant as a countywide tax increase seemingly justifies the increased cost of a traditional election, in which Santa Fe County voters have confidence. Second, the County Clerk recommends that the special election be held using consolidated precincts, at which any Santa Fe County voter may vote regardless of the precinct in which the voter resides. Use of these voting convenience centers will:

- Reduce the cost of the special election by reducing the number of polling places;
- Help familiarize Santa Fe County voters with voting convenience centers, which the County Clerk recommends be used in the 2018 primary and general elections; and
- Not result in delays for voters in the voting process and make voting more convenient and accessible to voters, generally, and in the consolidated precincts, because:
 - voters will be able to vote at more polling places;
 - the polling places for the consolidated precincts are centrally located within the consolidated precincts; and
 - each voting convenience center will have more capacity than polling places in non-consolidated precincts have historically had.

Whether to consolidate precincts and create voting convenience centers at which any voter can vote on election day? Consolidated precincts are authorized for countywide special elections. NMSA 1978, § 1-3-4(A)(3) provides that "precincts may be consolidated by the board of county commissioners for" enumerated elections, including "countywide special elections". In addition, Chapter 1, Article 24, which establishes procedures for special elections, provides as follows:

Special elections shall be conducted and canvassed in the same manner that regular elections are conducted in the local government or special district; provided, the governing body may, as set forth in the proclamation, consolidate precincts. A polling place shall be provided within each of the consolidated precincts.

NMSA 1978, § 1-24-3. "Precincts consolidated for a . . . special county election may allow any voter to vote in any consolidated precinct in the county, which shall be stated in the proclamation." Finally, Section 1-3-7.1 NMSA 1978 provides that, "[i]n the interest of the convenience of the voters and providing accessibility to the polling place, the board of county commissioners may create additional polling places within the precinct upon their own action"

"As a prerequisite to consolidation, the authorizing resolution must find that consolidation will make voting more convenient and accessible to voters of the consolidated precinct and does not result in delays for voters in the voting process and the consolidated precinct voting location will be centrally located within the consolidated precinct." NMSA 1978, § 1-3-4(H).

For the reasons stated above, the County Clerk recommends that all precincts be consolidated for the special election and that the prerequisites for consolidation have been met. In addition, the County Clerk recommends that every polling place for the Special Election be a voting convenience center. This means that any Santa Fe County qualified registered elector may vote at any polling place/voting convenience center on Election Day, regardless of the precinct in which the qualified registered elector resides. In other words, a voter does not have to vote at a polling place/voting convenience center located within the voter's consolidated precinct on Election Day but, rather, can vote at any polling place/voting convenience center. Finally, the County Clerk recommends that two consolidated precincts have two polling places/voting convenience centers, for the convenience of the voters and to provide accessibility to the polling place.

Here is a table showing the recommended consolidated precincts and the polling place(s)/voter convenience center(s) located in each consolidated precinct:

<u>Precincts Included in Consolidated Precinct</u>	<u>Polling Place(s)/Voting Convenience Center(s) Within Consolidated Precinct</u>
58, 79, 1, 2	Tony E. Quintana Elementary 20 E Sombrillo Road Highway 106
3, 4	Benny J Chavez Community Center 354 A Juan Medina Rd.
5, 40	San Ildefonso Pueblo Visitor Center 74 Povi Kaa Dr.
59, 60	Pojoaque Middle School 1797 State Road 502
87, 23, 61	Nambe Community Center 180 A State Road 503
6, 7, 8	Tesuque Elementary School 1555 Bishop's Lodge Rd.

82, 83, 90	La Tierra Fire Station 6 Arroyo Calabasas Rd.
10, 30, 22, 28	Montezuma Lodge 431 Paseo de Peralta
9, 48, 55, 57	Atalya Elementary 721 Camino Cabra Glorieta Fire Station 43 Fire Station Rd.
36, 44, 47	Acequia Madre Elementary School 700 Acequia Madre
11, 20, 21, 26, 27, 25, 33, 24	Gonzales Elementary School 851 W. Alameda St.
42, 43, 45, 46, 53, 52	St. John's Methodist Church 1200 Old Pecos Trail
31, 32, 34, 41	Salazar Elementary School 1231 Apache Ave.
76, 77, 51, 35, 50	Chaparral Elementary School 2451 Avenida Chaparral
54, 81, 37	Christian Life Church 121 Siringo Rd.
38, 39, 49, 74, 29, 78,	Santa Fe County Fair Building 3229 Rodeo Rd.
66, 80, 64, 67	El Camino Real Academy 2500 S Meadows Rd.
75, 86, 89	Nina Otero Community School 5901 Herrera Dr.
12, 62	La Cienega Community Center 136 Camino San Jose

14, 72, 88	Turquoise Trail Elementary School 13 A San Marcos Loop St. Joseph's Parish Hall 2 E. Waldo St.
13, 68	Hondo Fire Station # 2 645 Old Las Vegas Hwy.
17, 63, 65, 69, 71	Max Coll Corridor Community Center 16 Avenida Torreon
16, 19	Stanley Cyclone Center 22 W. Kinsell Ave.
73, 18, 15	South Mountain Elementary School 577 State Road 344
84, 85	Edgewood Elementary School 171 State Road 344
56, 70	Amy Biehl Community School 301 Avenida del Sur

Recommendation. Approve the proposed resolution, which calls for a special election on Tuesday, September 19, 2016, using consolidated precincts (a/k/a voting convenience centers) at which any voter of Santa Fe County may vote. In addition, absentee and early voting will be allowed as provided by law and as stated in the proposed resolution.

Exhibits.

A – Subject resolution

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

RESOLUTION NO. 2017-_____

**A RESOLUTION
CONCERNING THE SPECIAL ELECTION ON THE IMPOSITION OF THE
ADDITIONAL ONE-SIXTEENTH OF THE COUNTY GROSS RECEIPTS TAX;
CALLING FOR THE SPECIAL ELECTION; ISSUING A PUBLIC PROCLAMATION;
AND ESTABLISHING DETAILS OF THE SPECIAL ELECTION, INCLUDING THE
POSSIBLE CONSOLIDATION OF PRECINCTS AND DESIGNATION OF POLLING
PLACES**

WHEREAS, on June 27, 2017, the Board of County Commissioners (Board) of Santa Fe County adopted Ordinance No. 2017-5, An Ordinance Adopting A County Gross Receipts Tax, which would impose on any person engaging in business in Santa Fe County, for the privilege of engaging in business in Santa Fe County, an excise tax equal to one-sixteenth of one percent (.0625%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended; and

WHEREAS, such tax would be imposed pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and would be known as the "Additional One-Sixteenth of the County Gross Receipts Tax"; and

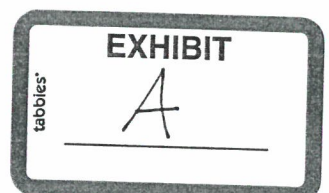
WHEREAS, in Section 5 of Ordinance No. 2017-5, the Board selected the positive referendum option in Section 7-20E-3(A)(2) NMSA 1978, pursuant to which Ordinance No. 2017-5 will not go into effect until after an election is held and a simple majority of the registered voters of Santa Fe County voting on the question votes in favor of imposing the Additional One-Sixteenth of the County Gross Receipts Tax; and

WHEREAS, Section 7-20E-3(A)(2) NMSA 1978 requires that, within 75 days of the date that Ordinance No. 2017-5 was adopted, the Board must adopt a resolution calling for an election on the question of imposing the Additional One-Sixteenth of the County Gross Receipts Tax; and

WHEREAS, Section 7-20E-3(A)(2) NMSA 1978 provides that "[s]uch question may be submitted to the voters and voted upon as a separate question at any general election or at any special election called for that purpose by the governing body"; and

WHEREAS, the Board determined that it is in the best interest of the citizens of Santa Fe County that the question of imposing the Additional One-Sixteenth of the County Gross Receipts Tax be submitted to the voters at a countywide special election (Special Election) to be held on September 19, 2017; and

WHEREAS, pursuant to NMSA 1978, Sections 1-24-2 and 7-20E-3(A)(2), the Board must by resolution issue a public proclamation calling the election, which public proclamation must specify the matters set forth in Section 1-24-2(A), must be filed with the County Clerk, and must be published in a newspaper of general circulation as provided in Section 1-24-2(B); and



WHEREAS, in order to make voting in the Special Election more convenient and accessible to voters, the Board wishes to consolidate precincts pursuant to NMSA 1978, Sections 1-3-4 and 1-24-3, as set forth herein; and

WHEREAS, it is the intent of the Board that this Resolution shall constitute the resolution calling for an election required by Section 7-20E-3(A)(2) NMSA 1978 and the resolution issuing a public proclamation calling the election required by Section 1-24-2(A) NMSA 1978.

NOW, THEREFORE IT BE RESOLVED BY THE BOARD AS FOLLOWS;

Section 1. Special Election Called. The Board hereby calls a Special Election to be held on Tuesday, September 19, 2017 ("Election Day"), for the purpose of submitting to the registered qualified electors of Santa Fe County, New Mexico, the question of whether the Additional One-Sixteenth of the County Gross Receipts Tax shall be imposed on any person engaging in business in Santa Fe County, for the privilege of engaging in business in Santa Fe County.

Section 2. Consolidation of Precincts. Precincts shall be consolidated for the Special Election as set forth hereafter in Section 3 of this Resolution, "Proclamation and Notice".

A. The Board finds that such consolidation will make voting more convenient and accessible to voters of the consolidated precinct and will not result in delays for voters in the voting process and the consolidated precinct voting locations will be centrally located within the consolidated precincts. The location and designation of each polling place is set forth hereafter in Section 3 of this Resolution, Proclamation and Notice.

B. Any voter may vote in any consolidated precinct in Santa Fe County, regardless of the precinct in which the voter resides.

C. For those consolidated precincts with two polling places, the Board finds that the interest of the convenience of the voters and providing accessibility to the polling place justifies the creation of additional polling places within the consolidated precinct.

Section 3. Proclamation and Notice. The County Clerk shall give notice of the Special Election by publishing, in both English and Spanish, once each week for two consecutive weeks and not less than sixty-three days before Election Day, a proclamation and notice substantially in the following form in one or more newspapers of general circulation within the Santa Fe County:

"SANTA FE COUNTY, NEW MEXICO

**PUBLIC PROCLAMATION CALLING AND NOTICE OF A SPECIAL ELECTION ON
SEPTEMBER 19, 2017, ON THE QUESTION OF IMPOSING THE ADDITIONAL ONE-
SIXTEENTH OF THE COUNTY GROSS RECEIPTS TAX**

NOTICE IS HEREBY GIVEN that a countywide special election (Special Election) shall be held on Tuesday, September 19, 2017 (Election Day), at which the following question shall be put to the qualified registered electors of Santa Fe County:

**THE ADDITIONAL ONE-SIXTEENTH
OF THE COUNTY GROSS RECEIPTS TAX QUESTION**

Shall there be imposed on any person engaging in business in Santa Fe County, for the privilege of engaging in business in Santa Fe County, an excise tax equal to one-sixteenth of one percent (.0625%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended and to be known as the Additional One-Sixteenth of the County Gross Receipts Tax, revenue from which shall be dedicated to the following purposes: (a) capital, maintenance, and operating expenditures for the Sheriff's Office, Fire Department, Corrections Division, and behavioral health services; and (b) the payment of the principal, interest on, and other costs, including costs of issuance, related to revenue bonds issued for any purpose?

FOR THE ADDITIONAL 1/16TH OF THE COUNTY GROSS RECEIPTS TAX _____

AGAINST THE ADDITIONAL 1/16TH OF THE COUNTY GROSS RECEIPTS TAX _____

The polls, except the absentee precinct, for the Special Election will be open between the hours of 7:00 a.m. and 7:00 p.m. on Election Day. Precincts shall be consolidated for the Special Election pursuant to NMSA 1978, Section 1-3-4(E) and Section 1-24-3. Every polling place for the Special Election is a voting convenience center. This means that any Santa Fe County qualified registered elector may vote at any polling place/voting convenience center on Election Day, regardless of the precinct in which the qualified registered elector resides. In other words, a voter does not have to vote at a polling place/voting convenience center located within the voter's consolidated precinct on Election Day but, rather, can vote at any polling place/voting convenience center.

The consolidated precincts for the Special Election and the polling place(s)/voting convenience center(s) located within the consolidated precincts are set forth in the table below.

Precincts Included in Consolidated Precinct	<u>Polling Place(s)/Voting Convenience Center(s) Within Consolidated Precinct</u>
58, 79, 1, 2	Tony E. Quintana Elementary 20 E Sombrillo Road Highway 106
3, 4	Benny J Chavez Community Center 354 A Juan Medina Rd.
5, 40	San Ildefonso Pueblo Visitor Center 74 Povi Kaa Dr.
59, 60	Pojoaque Middle School 1797 State Road 502
87, 23, 61	Nambe Community Center 180 A State Road 503
6, 7, 8	Tesuque Elementary School 1555 Bishop's Lodge Rd.

82, 83, 90	La Tierra Fire Station 6 Arroyo Calabasas Rd.
10, 30, 22, 28	Montezuma Lodge 431 Paseo de Peralta
9, 48, 55, 57	Atalya Elementary 721 Camino Cabra Glorieta Fire Station 43 Fire Station Rd.
36, 44, 47	Acequia Madre Elementary School 700 Acequia Madre
11, 20, 21, 26, 27, 25, 33, 24	Gonzales Elementary School 851 W. Alameda St.
42, 43, 45, 46, 53, 52	St. John's Methodist Church 1200 Old Pecos Trail
31, 32, 34, 41	Salazar Elementary School 1231 Apache Ave.
76, 77, 51, 35, 50	Chaparral Elementary School 2451 Avenida Chaparral
54, 81, 37	Christian Life Church 121 Siringo Rd.
38, 39, 49, 74, 29, 78,	Santa Fe County Fair Building 3229 Rodeo Rd.
66, 80, 64, 67	El Camino Real Academy 2500 S Meadows Rd.
75, 86, 89	Nina Otero Community School 5901 Herrera Dr.
12, 62	La Cienega Community Center 136 Camino San Jose

14, 72, 88	Turquoise Trail Elementary School 13 A San Marcos Loop St. Joseph's Parish Hall 2 E. Waldo St.
13, 68	Hondo Fire Station # 2 645 Old Las Vegas Hwy.
17, 63, 65, 69, 71	Max Coll Corridor Community Center 16 Avenida Torreon
16, 19	Stanley Cyclone Center 22 W. Kinsell Ave.
73, 18, 15	South Mountain Elementary School 577 State Road 344
84, 85	Edgewood Elementary School 171 State Road 344
56, 70	Amy Biehl Community School 301 Avenida del Sur

No ballot on the Additional One-Sixteenth of the County Gross Receipts Tax Question shall be received unless, on Election Day, the person offering to vote is a registered, qualified elector of Santa Fe County. The registration books of Santa Fe County shall be closed by the County Clerk at 5:00 p.m. on August 22, 2017, except as otherwise provided by law. Any person otherwise eligible to vote as a qualified elector and not currently registered may register prior to such time at the Office of the County Clerk, Santa Fe County, New Mexico.

All registered qualified electors in Santa Fe County, New Mexico, shall be entitled to vote at the Special Election.

Absentee voting shall be permitted as authorized by the Absent Voter Act, Sections 1-6-1 through 1-6-18 NMSA 1978, as amended and supplemented. Applications for absentee ballots may be obtained from the Santa Fe County Clerk's Office, 102 Grant Avenue, Santa Fe, New Mexico. Completed applications for absentee ballots must be received by the Santa Fe County Clerk's Office no later than 5:00 p.m. on Friday, September 15, 2017. Absentee ballots may be marked in person at the Santa Fe County Clerk's Office, 102 Grant Avenue, Santa Fe, New Mexico, during the regular hours and days of business beginning on August 22, 2017, and ending on Saturday, September 16, 2017. Absentee ballots may be marked in person between the hours of 10:00 a.m. and 6:00 p.m. on Saturday, September 16, 2017. With regard to absentee ballots not marked in person at the Santa Fe County Clerk's Office, completed official mailing envelopes shall be accepted by the County Clerk until 7:00 p.m. on Election Day.

On the days and times listed below, early voters may vote in person beginning on September 2, 2017, until September 16, 2017, at the Santa Fe County Clerk's Office, Santa Fe County Administrative Building, 102 Grant Avenue, Santa Fe, New Mexico, and at the following alternate early voting locations or such other alternate early voting locations as may be publicly fixed by the County Clerk: (i) the Pojoaque Satellite Office, 5 West Gutierrez, Suite 9, Pojoaque, New Mexico; (ii) the Santa Fe County Fair Building, 3229 Rodeo Rd., Santa Fe, New Mexico; (iii) Max Coll Corridor Community Center, 16 Avenida Torreon, Santa Fe, New Mexico; (iv) Edgewood Fire Station, 1 Municipal Way, Edgewood, New Mexico; and (v) Christian Life Church, 121 Siringo Rd., Santa Fe, New Mexico. The County Clerk's Office will be open for early voting during regular County business hours. Alternate early voting locations will be open for early voting from noon until 8:00 p.m. on Tuesday - Friday and from 10:00 a.m. until 6:00 p.m. on Saturdays or such other hours as may be publicly fixed by the County Clerk.

IN TESTIMONY WHEREOF, the Board of County Commissioners of Santa Fe County, New Mexico, being the governing body of Santa Fe County, has caused this proclamation and notice to be published as required by law and dated this 6th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
SANTA FE COUNTY, NEW MEXICO

/s/
Henry P. Roybal, Chairperson

ATTEST:

/s/
Geraldine Salazar, County Clerk

[End form of Proclamation and Notice]

Section 4. Paper Ballots. Paper ballots shall be used in the Special Election as required by NMSA 1978, § 1-9-7.1.

Section 5. Ballot Form. The complete question to be submitted, in English and Spanish, shall be placed on the ballot near the place of voting in plain view of the voters so that the complete question may be examined before they vote. The ballot question shall be in substantially the following form:

**THE ADDITIONAL ONE-SIXTEENTH
OF THE COUNTY GROSS RECEIPTS TAX QUESTION**

FOR
THE ADDITIONAL
1/16TH COUNTY
GROSS RECEIPTS
TAX



AGAINST
THE ADDITIONAL
1/16TH COUNTY
GROSS RECEIPTS
TAX



Shall there be imposed on any person engaging in business in Santa Fe County, for the privilege of engaging in business in Santa Fe County, an excise tax equal to one-sixteenth of one percent (.0625%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended and to be known as the Additional One-Sixteenth of the County Gross Receipts Tax, revenue from which shall be dedicated to the following purposes: (a) capital, maintenance, and operating expenditures for the Sheriff's Office, Fire Department, Corrections Division, and behavioral health services; and (b) the payment of the principal, interest on, and other costs, including costs of issuance, related to revenue bonds issued for any purpose?

Section 6. Additional Action Authorized. The Chair of the Board and County Clerk of Santa Fe County, New Mexico, be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 7. Conduct of Election. The County Clerk is authorized and directed to take any and all steps necessary for the proper conduct of the election, including the giving of any additional notice of the Special Election and compliance with the Federal Voting Rights Act.

Section 8. Prior Actions Ratified. All actions heretofore taken by the Board, the Chair of the Board, and the County Clerk not inconsistent with the provisions of this Resolution be, and the same hereby are, ratified, approved and confirmed.

Section 9. Filing with the County Clerk. A copy of this Resolution shall immediately be filed with the County Clerk, as required by Section 1-24-2(A).

PASSED, APPROVED, AND ADOPTED this 6th day of July, 2017.

**THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY**

Henry P. Roybal, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney