

Henry P. Roybal
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Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

TE: April 5, 2020
TO: Board of County Commissioners
VIA: Geraldine Salazar, Santa Fe County Clerk
FROM: Steve Fresquez, BOE Chief Deputy

RE: REQUEST AUTHORIZATION FOR THE COUNTY ATTORNEY'S OFFICE TO FILE A PETITION WITH THE DISTRICT COURT SEEKING TO CHANGE PRECINCT BOUNDARIES AND TO DESIGNATE A NEW POLLING PLACE/VOTER CONVENIENCE CENTER FOR A CONSOLIDATED PRECINCT. (Bureau of Elections/Steve Fresquez and County Attorney's Office/Cristella Valdez

BACKGROUND: On July 30, 2019, the Santa Fe County (County) Board of County Commissioners (Board) adopted Resolution 2019-96, which 1) designated polling places in each precinct in the County, 2) consolidated precincts, 3) divided or adjusted boundaries of certain precincts pursuant to NMSA 1978, Sections 1-3-1, 1-3-4 and 1-3-5. The County Clerk's Office has recently been informed that Legacy Church, which was designated by the Board to serve as the polling place/voting convenience center for consolidated Precincts 15, 18, 73, 84, 85, 115, 125, and 148, is no longer available. In addition, boundary adjustments and divisions inadvertently resulted in modifications to New Mexico House and Senate Boundaries. Such modifications are prohibited by NMSA, Section 1-3-1(D).

Pursuant to NMSA 1978, Section 1-3-5(b), NMSA, no precinct shall be created, divided, abolished or combined or the boundaries adjusted less than four months prior to a statewide election, except by order of the district court. Accordingly, the County Attorney's Office is seeking authorization to file a petition with the District Court seeking to change precinct boundaries and to designate a new polling place/voter convenience center for a consolidated precinct.

ISSUE:

Adjustment of Precinct Boundaries: The County Clerk recommends that certain precinct boundaries be changed for the 2020 Election Cycle as depicted in Exhibits A through F (attached). In July 2019, the County Clerk's Office determined that several precincts were required to be divided or have their boundaries adjusted pursuant to NMSA 1978, Section 1-3-

1(B). Such adjustments were accomplished in accordance with Section 1-3-1(A), which requires that all precinct boundaries “be composed of contiguous and compact areas having clearly definable boundaries” and comply with the provisions of the Precinct Boundary Adjustment Act, NMSA 1978, Sections 1-3-10 through 1-3-14. The Precinct Boundary Act provides that “[b]efore each federal decennial census, every precinct shall comply with the requirements of Section 1-3-1 NMSA 1978, and if necessary its boundary shall be adjusted to coincide with a feature or a boundary that is:

(1) shown on the standard base maps developed pursuant to Subsection B of this section;

(2) a designated census block boundary on the proposed federal PL 94-171 2020 census block maps; or

(1) approved by the secretary of state and the United States bureau of the census.

Pursuant to NMSA 1978, Section 1-3-5, the precinct adjustments adopted Resolution 2019-96 are in effect from January 1, 2019 through December 31, 2021.

The precinct boundaries adjustments adopted by Resolution 2019-96, moved boundaries in favor of clearer more defined features in order to comply with U.S. Census redistricting standards. Although the newly defined boundaries for the precincts depicted in Exhibits A through F satisfy the U.S. Census requirements, they cannot be utilized during the 2020 cycle because these changes inadvertently resulted in the modification of current New Mexico House and Senate District boundaries.

Legislative Reapportionment. The modification to the New Mexico House and Senate District boundaries was impermissible because modification of House and Senate District boundaries can only be accomplished through Legislative Reapportionment. NM Const. art.IV, § 3(d). In 2021, the New Mexico Legislature will be undertaking Legislative Reapportionment, consistent with the U.S. Census redistricting standards. Accordingly, the adjustments adopted by Resolution 2019-96 will likely be consistent with anticipated Legislative Reapportionment in 2021. If this is the case, the County may have to seek an additional order from the District Court in 2021 to revert the precinct boundaries back to those originally designated in Resolution 12019-96 for the 2021 election cycle. In order to avoid seeking an additional District Court order, the County Clerk requests that the County Attorney’s Office ask the District Court to allow the boundary adjustments depicted in Exhibits A through F to revert to those originally adopted in Resolution 2019-96 on January 1, 2021 or for the 2021 Election Cycle, if such adjustments are consistent with Legislative Reapportionment in 2021.

Change of a Polling Place: Santa Fe County Resolution 2019-96 designated that the Legacy Church, 379 State Rd, 344, Edgewood, NM as a Voting Convenience Center for the 2020 Election Cycle. On March 2 we were informed by a representative of the Legacy Church that they “would not be able to host the election voting activities here this year”. The Town of Edgewood Administrative Offices, 171A State Road 344, Edgewood, NM, has agreed to allow

the County to utilize their facilities as a Voting Convenience Center for voting in the 2020 Election cycle.

REQUEST ACTION:

Santa Fe County Clerk Geraldine Salazar respectfully requests that the Board of County Commissioners support this agenda item and approve Authorization for the County Attorney's Office to file a Petition with the District Court to change Precinct Boundaries and designate the Town of Edgewood Administrative Offices as the new polling place/voting convenience center for consolidated Precincts 15,18, 73, 84, 85, 115, 125, and 148.