

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. F/S O-18-39 ENACTMENT NO. D-2018-034

SPONSORED BY: Ken Sanchez

1 **ORDINANCE**

2 **AMENDING THE CITY OF ALBUQUERQUE CHARTER, CHAPTER 2, ARTICLE 4,**
3 **PART 5, ROA 1994, AND CHAPTER 2, ARTICLE 4, PART 8, ROA 1994; OPTING**
4 **IN TO LOCAL ELECTIONS.**

5 **WHEREAS, on July 1, 2018 the Local Election Act went into effect as Chapter**
6 **1, Article 22, NMSA 1978 establishing the Regular Local Election, a consolidated**
7 **election day for non-partisan local government bodies, on the first Tuesday**
8 **after the first Monday in November of each odd-numbered year; and**

9 **WHEREAS, the Local Election Act also established the Municipal Officer**
10 **Election Day on the first Tuesday of even-numbered years; and**

11 **WHEREAS, the Local Election Act provides the option for each municipality**
12 **to determine if its elective officers shall be elected on the Municipal Officer**
13 **Election Day or at the Regular Local Election; and**

14 **WHEREAS, the City of Albuquerque has considered the issues relating to**
15 **opting in, including uniformity of procedure and convenience for the voters; and**

16 **WHEREAS, the Local Elections Act allows the City Council to opt in to the**
17 **election of its officers in the Regular Local Election by ordinance.**

18 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
19 **ALBUQUERQUE:**

20 **SECTION 1. MUNICIPAL OFFICERS TO BE ELECTED AT THE REGULAR**
21 **LOCAL ELECTION; ADJUSTMENT OF TERMS OF OFFICE**

22 **A. Pursuant to Subsection B of Section 1-22-3.1 NMSA 1978, the City of**
23 **Albuquerque opts in to the election of its municipal officers in the Regular Local**
24 **Election.**

25 **SECTION 2. Article II, Section 2 of the City Charter is hereby amended as**
26 **follows:**

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1 **“Section 2. ELECTION DATES**

2 **The Councilors representing even-numbered Districts shall be elected by**
3 **the voters to four-year terms at the regular municipal election held on October**
4 **7, 1975. The Mayor and the Councilors representing odd-numbered Districts**
5 **shall be elected by the voters to four-year terms at the regular municipal**
6 **election held on October 4, 1977. Thereafter, regular municipal elections shall**
7 **be held on the first Tuesday after the first Monday in November of odd-**
8 **numbered years, provided that a regular municipal election day may be set by**
9 **election resolution on an alternate date when the first Tuesday after the first**
10 **Monday in November falls on a recognized holiday or a recognized religious**
11 **holiday or eve.”**

12 **SECTION 3. Chapter 2, Article 4, Part 5, of the Revised Ordinances of**
13 **Albuquerque is amended as follows:**

14 **“§ 2-4-5 DATES OF REGULAR, SPECIAL AND RUNOFF ELECTIONS**

15 **(A) Regular municipal elections shall he held on the first Tuesday after**
16 **the first Monday in November of odd-numbered years.**

17 **(B) Any special election that may be called by the City Council shall be**
18 **held on any day designated by the Council by resolution.**

19 **(C) Any runoff election that may be called by the City Council shall be**
20 **held on any day designated by the Council by resolution consistent with**
21 **Section 8 of Article II of the City Charter.**

22 **(D) The term of office for the elected municipal office holders seated**
23 **upon City’s opt-in to the Regular Local Election is adjusted, so that:**

24 **i. City Councilors that began their term on December 1, 2015 in**
25 **City Council Districts 2, 4, 6, and 8 shall serve until December 31, 2019. The**
26 **subsequent term of office for these Districts shall be elected at the regular local**
27 **election held in November, 2019, and the new term shall commence January 1,**
28 **2020; and**

29 **ii. The Mayor, and the City Councilors who began their term on**
30 **December 1, 2017 in City Council Districts 1, 3, 5, 7, and 9, shall serve until**
31 **December 31, 2021. The subsequent term of office for the Mayor and for these**
32 **Districts shall be elected at the regular local election in November, 2021, and the**
33 **new term shall commence January 1, 2022.”**

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1 SECTION 4. Article IV, Section 4 of the City Charter is hereby amended as
2 follows:

3 "Section 4. TERMS OF OFFICE

4 The terms of the office of a Councilor, unless sooner recalled or removed,
5 shall begin on January 1 following the candidate's election and be four years or
6 until a successor is duly elected and qualified. The Councilors may succeed
7 themselves in office. The terms of office of Councilors shall be staggered with
8 four or five districted Councilors elected every two years."

9 SECTION 5. Chapter 2, Article 4, Part 8, subsection B is amended as
10 follows:

11 "(B) The City Clerk or any other person allowed by law to administer oaths
12 shall administer the oath of office to each candidate who has provided the
13 written receipt and qualifications statement to the City Clerk. A public ceremony
14 repeating the swearing in shall also be conducted on January 1 following each
15 election. Officials shall be deemed to have taken office on January 1."

16 SECTION 6. Article V, Section 2 of the City Charter is hereby amended as
17 follows:

18 "Section 2. MAYOR'S TERM AND SALARY

19 The term of Mayor, unless sooner recalled or removed, shall begin on
20 January 1 following the candidate's election and shall be for four years or until a
21 successor is duly elected and qualified. The Mayor's salary shall be determined
22 by a citizens' independent salary commission."

23 SECTION 7. FILING WITH THE SECRETARY OF STATE

24 Following approval of this ordinance, the Municipal Clerk shall file a copy of
25 the ordinance with the Secretary of State not later than January 30, 2019.

26 SECTION 8. SEVERABILITY CLAUSE

27 If any section, paragraph, word or phrase of this ordinance is for any reason
28 held to be invalid, or unenforceable by any court of competent jurisdiction,
29 such decision shall not affect the validity of the remaining provisions of this
30 ordinance. The Council hereby declares that it would have passed this
31 ordinance and each section, paragraph, sentence, clause, word or phrase
32 thereof irrespective of any provision being declared unconstitutional or
33 otherwise invalid.

1 **SECTION 9. COMPILATION**

2 **Sections 2 through 6 of this ordinance shall amend, be incorporated in and**
3 **made part of the Albuquerque City Charter and the Revised Ordinances of**
4 **Albuquerque, New Mexico, 1994.**

5 **SECTION 10. EFFECTIVE DATE**

6 **This ordinance shall take effect ten days following publication by title and**
7 **general summary.**

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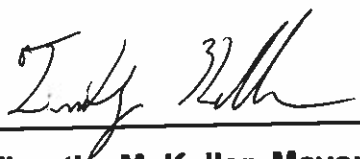
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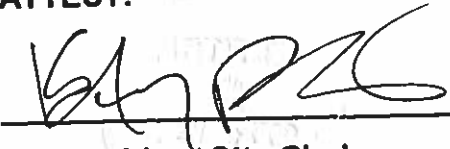
1 PASSED AND ADOPTED THIS 19th DAY OF November, 2018
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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8 Ken Sanchez, President
9 City Council

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13 APPROVED THIS 5 DAY OF December, 2018

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18 Bill No. F/S O-18-39

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23 Timothy M. Keller, Mayor
24 City of Albuquerque

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27 ATTEST:
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30 Katy Duhigg, City Clerk

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