



Legislation Text

File #: R-14-109, Version: 1

**CITY of ALBUQUERQUE**  
**TWENTY FIRST COUNCIL**

COUNCIL BILL NO. R-14-109 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa Peña & Diane Gibson

**SPECIAL ELECTION RESOLUTION**

To Submit The Following Proposition To The Voters Of The City Of Albuquerque: A Proposition To Impose A 1/8 Gross Receipts Tax For Essential Services; And Prescribing Other Details In Connection With The Special Municipal Election (Peña, Gibson)

WHEREAS, Section 3-8-9 NMSA 1978 allows a municipal special election to be held concurrently with any statewide general election, and a statewide general election is scheduled to be held on November 4, 2014; and

WHEREAS, the City Council approved P-14-5 proposing to impose a 1/8<sup>th</sup> percent gross receipts tax for the purpose of funding accessible inpatient and outpatient mental health services and services related to homelessness, the developmentally disabled, substance abuse and at-risk populations; and 50% for services and capital improvements related to mental health, homelessness, the developmentally disabled, substance abuse and at-risk populations; and

WHEREAS, P-14-5 specified that the City Clerk is required to coordinate with the Bernalillo County Clerk to prepare and file any necessary documents and agreements for a special municipal election on P-14-5 to be held on November 4, 2014, concurrently with the statewide general election; and

WHEREAS, Section 3-8-35 NMSA 1978, a portion of the Municipal Election Code, states that when a special election is required by law, an election resolution shall be adopted by the governing body calling for the election and shall state, in part, the purpose for calling the election, the date of the election, the questions to be submitted to the voters, and whether paper ballots or

voting machines will be used in the election.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. SPECIAL ELECTION PROCESS. The applicable provisions of the New Mexico Municipal Election Code, including but not limited to those provisions relating to special, concurrent elections, shall govern the Special Election.

(A) PURPOSE & DATE OF ELECTION. A special municipal election shall be held in Albuquerque, New Mexico on Tuesday, November 4, 2014 (the "Special Election") for the purpose of submitting the questions described in this Resolution to the registered, qualified voters in the City of Albuquerque.

(B) CLOSING OF REGISTRATION. Any person who is otherwise qualified to vote and who is not currently registered to vote may register at the office of the Clerk of the County of Bernalillo, 6th Floor, One Civic Plaza, Albuquerque, New Mexico, or at the office of any duly appointed deputy registration officer on or before 5:00 p.m., on October 7, 2014.

(C) QUESTION TO BE SUBMITTED.

PROPOSITION. At the Special Election, the City Clerk is instructed to submit the following proposition to the City's qualified, registered voters who shall be permitted to vote "for" or "against:"

#### PROPOSITION

Proposing to impose a one-eighth of one percent municipal gross receipts tax for essential services, dedicated specifically and only to the following purposes: 50% to provide funding for accessible inpatient and outpatient mental health services and services related to homelessness, the developmentally disabled, substance abuse and at-risk populations; and 50% for services or capital improvements related to mental health, homelessness, the developmentally disabled, substance abuse and at-risk populations.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

(D) POLLING LOCATIONS & CONSOLIDATION OF PRECINCTS. A list of polling locations and consolidation of precincts for the Special Election is attached to this Resolution as Exhibit 'A'. Polls for the Special Election shall open at 7:00 a.m. and shall close at 7:00 p.m. on November 4, 2014.

(E) BALLOTS. Voters shall mark paper ballots. Ballots cast Absentee, during Early

Voting and Election Day Voting shall be electronically tabulated. Applications for absentee ballots and information on early voting may be obtained from the Bernalillo County Clerk's Office, 6<sup>th</sup> Floor, One Civic Plaza NW, Albuquerque, New Mexico or at [www.bernco.gov/clerk](http://www.bernco.gov/clerk).

SECTION 2. COMBINED ACTIONS. The City Clerk may combine any required actions with the Bernalillo County Clerk as authorized by law, including but not limited to those authorized pursuant to NMSA 1978 § 3-8-9(C).

SECTION 3. RATIFICATION OF PRIOR ACTIONS. All actions, not inconsistent with the provisions of this Resolution, heretofore taken by the Council and the officers of the City directed toward the Bond Election Question, including, without limiting the generality of the foregoing, is hereby ratified, approved, and confirmed.

SECTION 4. PUBLICATION. This Resolution shall be published in English and in Spanish once each week for four consecutive weeks. The first publication of the election resolution shall be between fifty and sixty days before the day of the election. The election resolution shall be posted in the office of the municipal clerk within twenty-four hours from the date of adoption until the date of the election. For information purposes and coordination, one copy of the election resolution shall be mailed to the secretary of state and the Bernalillo County Clerk.

SECTION 5. FURTHER ACTIONS & COOPERATION. The officers and agents of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including but not limited to providing this Resolution to the Bernalillo County Clerk and cooperating with the Bernalillo County Clerk, the Bernalillo County Commission and the New Mexico Secretary of State regarding all election matters including but not limited to the completion of any memorandums of agreement as may be required, the preparation of affidavits, instructions and elections supplies, and the publication of notices.

SECTION 6. SEVERABILITY. If any section, paragraph, sentence, word, or phrase of this Resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution. The Council hereby declares that it would have passed this Resolution and each section, paragraph, sentence, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

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