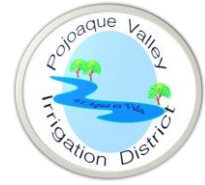




Pojoaque Valley Irrigation District
9 Cities of Gold Road
Santa Fe, New Mexico 87506
(505) 455-2693
Email: kathym@pvidnm.org
"Water is Life"



PVID Election Policy
As Adopted By the PVID Board of Directors September 26, 2024
As Prepared From NMSA 73-10
September 26, 2024

"The procedures described herein may be modified by the Board of Directors at any time."

1. Notice and Publication:

- a. Both English and Spanish [73-10-4]
- b. Last publication 3 days before election [73-10-4]
- c. Shall contain the time and place thereof and of the matters submitted to the vote of the electors. [73-10-6. A.]
- d. The notice and order shall be published once each week for four consecutive weeks prior to the election in a newspaper of general circulation in the county in which there are any lands proposed to be embraced in the district. [73-10-6. A.]

2. Qualified Electors:

- a. All resident freeholders who have reached the age of majority and who are owners of one-half acre or more of agricultural land within the district, or of evidence of title to such lands, or a purchaser under contract for the purchase of such lands from the state and who are citizens of the United States; [73-10-6. A. (1)] and [73-10-7. (1)]
 - i. Where multiple persons own a single portion of agricultural land, they shall be considered as a single Qualified Elector and shall be entitled to one vote.
 - ii. Where a single person or multiple persons own(s) multiple portions of agricultural land within a Division, they shall be considered as a single Qualified Elector and they shall be entitled to one vote.
 - iii. Where a single person or multiple persons own(s) portions of agricultural land in more than one Division, they shall be considered as a single Qualified Elector and they shall be entitled to one vote per Division.
 - iv.
- b. A corporation organized under the laws of the state of New Mexico and owning one-half acre or more of agricultural land within the district shall be entitled to one vote which shall be exercised by the president of the corporation or the person designated by the board of directors via email or letter, delivered to the District at least 45 days prior to the election. [73-10-6. A. (3)]
- c. Pueblos of Nambe, Pojoaque or San Ildefonso, owning fee-simple properties with attached OSE water rights and not held in trust with the BIA, and owning one-half acre or more of agricultural land within the district shall be entitled to one vote, which shall be exercised by the Governor of the Pueblo or the person designated by

the Governor via email or letter, delivered to the District at least 45 days prior to the election.

- d. Qualified electors shall have a registered water right with the New Mexico Office of the State Engineer of at least one-half acre of irrigable land and:
 - i. Shall have a surface Point of Diversion defining the Division of the District wherein the water right is attached per Article 4,
 - ii. Is eligible to vote only for candidates in that Division,
 - iii. May vote in director elections in more than one division if he/she owns multiple water rights in different Divisions,
 - iv. Be currently listed on the rolls of the Pojoaque Valley Irrigation District,
 - v. Be no more than 12 months in arrears with the District's annual assessment,
 - vi. Be a member in good standing with the Acequia attached to their water right, and be no more than 12 months in arrears with the Acequia's annual assessment
 - vii. Have not applied for an exclusion to assessment with the District.
 - viii. The district shall confirm the eligibility of all electors. The Office Manager will confirm the eligibility of qualified electors 45 days prior to the election. Should an elector not meet the qualifications above by the established deadline, they will not be able to vote or petition for candidacy. The Office Manager shall prepare the Eligible Qualified Elector Rolls (Attachment A) and print Official Ballots (Attachment B).

3. Qualified Candidates for Directorship:

- a. A qualified candidate for a director position for a Division must be a qualified elector as defined above, and,
 - i. Must complete and submit a PVID Director Nominating Petition (Attachment C), signed by at least ten (10) qualified electors of the Division for which he/she seeks office.
 - ii. Petitions must be received by the District at least 45 days prior to the election via the following forms of transmission:
 - 1. Via electronic mail delivered to KathyM@pvidnm.org or,
 - 2. Hand carried directly to the PVID Office at 9 Cities of Gold Rd., Santa Fe NM 87506 or,
 - 3. Via US Postal Service, post marked at least 45 days prior to the election, addressed to PVID Office at 9 Cities of Gold Rd., Santa Fe NM 87506.
- b. Candidate Verification:
 - i. The Office Manager will confirm the qualification credentials of each candidates' nominating petition(s) and verify that the candidate may represent the Division stated within 7 days of receipt of petitions. Any

candidate petition that does not meet the aforementioned requirements will be referred to the Board of Directors who will decide eligibility at a Special Meeting to be held no later than 31 days prior to the election.

4. Divisions:

- a. PVID has five divisions and 18 acequias as follows:

Division:	Irrigable Acreage per 2024 NMWRRS:
Division 1:	
Acequia del Medio	17.580
Acequia de los Indios	85.270
Acequia del Rancho	69.760
Acequia Otra Vanda	197.424
Total Division 1 Acres:	368.359
Division 2:	
Acequia Barranco	72.283
Acequia Ancon de Jacona	24.918
Acequia Larga de Jacona	133.092
Acequia Barranco Alto	72.283
Total Division 2 Acres:	331.208
Division 3:	
Acequia de los Trujillos	74.071
Acequia de las Joyas (including Ancon)	204.849
Acequia del Rincon (excluding Pojoaque Pueblo)	112.461
Total Division 3 Acres:	391.381
Division 4:	
Acequia del Caño	189.050
Acequia de Jose G. Ortiz (including Juan Sena)	20.002
Acequia de los Garduños (including Bernardino)	21.044
Acequia de las Ortizes	144.170
Total Division 4 Acres:	374.266
Division 5:	
Acequia de la Comunidad	215.765
Acequia del Llano	97.616
Acequia Nueva	167.740
Total Division 3 Acres:	481.121

5. Ballots:

- a. Each elector may vote for one director from their respective Division and shall indicate his/her vote by placing a marginal cross upon the ballot for or against any question submitted and opposite thereto at any election held under this act. [73-10-6. B.]
- b. Separate ballots for the election of directors shall be used and shall be substantially as follows: [73-10-6. B.]

"OFFICIAL BALLOT FOR THE ELECTION FOR DIRECTOR FOR THE POJOAQUE VALLEY IRRIGATION DISTRICT, DIVISION" (Insert number of Division)

CANDIDATES – IN ALPHABETICAL ORDER – VOTE FOR ONLY ONE:

1. (Insert Name)
2. (Insert Name)
3. Etc.
4. WRITE IN CANDIDATE: _____

-END OF BALLOT-

- a. At all elections for directors, the persons receiving a plurality of the votes cast by qualified electors for directors from the several divisions, respectively, shall be declared elected. Plurality – when a candidate or proposition polls more votes than any other but does not receive more than half of all votes cast. [73-10-6.C.]
- b. Thirty days prior to any election under this act the board of directors shall cause to be printed a sufficient number of ballots for the purpose of the election, as defined by the quantity of eligible electors per the Eligible Qualified Elector Rolls, plus a quantity of 10 extra ballots, marked "Sample", and within five days prior to the election, shall cause a sufficient number of ballots to be delivered to one of the election judges of each division or precinct. Provided, that at all times during the period of thirty days there shall be in the hands of the secretary of the district a sufficient number of ballots for distribution among qualified electors desiring to vote by mail at elections wherein such voting is authorized.

6. Election of Officers; oath of affirmation; bonds of Directors:

- a. An election shall be held in December 2024 for Directorships for Divisions 2, 3, 4 and 5. For 2024. The Division 1 Director, Dave Neal will serve as an incumbent. The Division 2 and 4 elected Directors shall serve a term of four years; the Division 3 and 5 elected Directors shall serve a term of two years. The incumbent Division 1 Director's term expires in December 2025 at which time an election shall occur for the Division 1 Directorship, who will serve a 4-year term.
- b. Thence, all Directors shall serve a 4-year term. [73-10-9]

Election Years:				
Division 1	Division 2	Division 3	Division 4	Division 5
	2024	2024	2024	2024
2025	2026	2028	2026	2028
2029	2030	2032	2030	2032
2033	2034	2036	2034	2036
Etc.....				

- c. The regular election of said district shall be held on the first Tuesday after the first Monday in December, at which said officers shall be elected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto. [73-10-10]
- d. Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath or affirmation and file the same in the office of the county clerk of the county where the organization was effected, and thereupon immediately assume the duties of their respective offices. [73-10-10]
- e. Each member of said board of directors shall execute an official bond in the sum of three thousand dollars (\$3,000), which bond shall be approved by the chairman of the board of county commissioners of said county where such organization was effected, and shall be recorded in the office of the county clerk thereof. All official bonds herein provided for shall be in form prescribed by law for official bonds for county officials, except that the obligee named in said bond shall be the said district. Premiums upon bonds of directors and also the premium upon the extra amount of the bond required to be given by the treasurer and ex-officio collector acting as district treasurer under the provisions of this act shall be paid by the district. [73-10-10]

7. Office of directors; notice of election; judges; time and place.

- a. The office of the PVID board of directors is 9 Cities of Gold Rd., Santa Fe (Pojoaque) New Mexico 87506 and shall be the only polling place for all elections.
- b. Fifteen days before any election held under this chapter, the Secretary, who shall be appointed by the board of directors, shall cause notice specifying the office of the PVID board of directors as the polling places for any election. The notice shall be posted at:
 - i. The PVID Office
 - ii. The Pojoaque Pueblo Supermarket
 - iii. The Nambe Community Center
 - iv. The El Rancho Community Center
 - v. Such other places as the board of directors may consider
- c. The notice shall contain the following information:
 - i. Notice! The Pojoaque Valley Irrigation District hereby serves notice that an election for PVID Board of Directors, Division [1 - 5] shall take place on [date] at the PVID Office, 9 Cities of Gold Rd. (Across from Cities of Gold Casino) Polls will open promptly at 8:00 AM and shall close at 6:00 PM. Absentee ballots may be obtained at the office 30 days prior to the election during normal business hours.
- d. Prior to the time for posting the notices, said board must appoint from a Division not participating in the election, from the electors thereof, three judges, one of whom shall act as clerk, who shall constitute a board of election for such Division. If the board fails to appoint a board of election, or the members appointed do not attend the opening of the polls on the morning of election, the electors of the District present at the hour may appoint the board or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the hour and the place in the precinct where the election must be held. [73-10-11]

8. Oaths or Affirmations of judges; opening and closing of polls; returns.

- a. One of the judges shall be chairman of the election board and may: first, administer all oaths or affirmations required (Attachment D) in the progress of any election; second, appoint judges and clerks, if during the progress of the election any judge or clerk ceases to act. Any member of the board of election, or any clerk thereof, may administer and certify the oaths or affirmations required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath or affirmation to faithfully perform the duties imposed on them [him/her] by law. An elector of the precinct may administer and certify such oath or affirmation. The polls must be opened at 8 o'clock in the morning of the election and be kept open until 6 o'clock p.m. of the same day. It shall be the duty of the clerk of the board of election to forthwith deliver the return duly certified by the board of directors of the district. [73-10-12]

9. Absentee voting permitted [73-10—13]

- a. In any election of officers of the irrigation district, a qualified elector shall be entitled to vote by absent ballot. Absent ballots shall be furnished by the Office Manager during normal business hours and such ballots shall be in a form prescribed by the board of directors. The Office Manager shall verify that the person requesting an absent ballot is listed on the Eligible Qualified Elector Rolls and the ballot recipient shall sign their name and date the roll. In addition to the absent ballot, the secretary of the board of directors shall furnish each qualified elector requesting an absent ballot an official inner envelope for use in sealing the completed absent ballot and an official outer envelope for use in returning the inner envelope to the Office Manager.
- b. A qualified elector voting by absent ballot shall secretly mark his ballot, place it in the official inner envelope and securely seal the envelope. He shall then place the inner envelope inside the outer envelope and securely seal the envelope. The qualified elector shall then sign his name and address on the outer envelope and deliver or mail it to the Office Manager any time prior to the opening of the polls on election day.
- c. Upon receipt of an absent ballot, the Office Manager shall remove the outer envelope and enter in a register the name and address of the qualified elector and the date and time the ballot was received. The Office Manager shall keep the inner envelope sealed and unmarked or unidentified in any manner as to the qualified elector and place it in a safe place until the opening of the polls on election day. At the time the polls close on election day, the secretary shall deliver all the sealed inner envelopes to the chairman of the election board of the precinct nearest to the office of the district. The sealed inner envelopes shall be accompanied by a signed affidavit setting forth the number of ballots dispensed, received, the number of ballots delivered and a statement to the effect that the ballots delivered are in the same condition as when received. (Absentee Affidavit – Attachment E)
- d. Absent ballots shall be counted, tallied and canvassed as are other ballots.
- e. Absent ballots will be available for pick up at the PVID office 30 days prior to the election.
- f. Absent ballots must be received by the Office Manager no later than 6:00 PM on election day. Electronic transmission of a ballot is not acceptable.

10. Canvass of votes when all returns received; procedure; declaration of result of election:

- a. No lists, tally paper or certificates returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after the election and canvass the returns. If at the time of meeting the returns from each precinct in the district in which the polls were open have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and counting the votes of the districts for each person voted for and declaring the results thereof. The board shall declare elected the person receiving the highest number of votes so returned for each office and also declare the result of any question submitted. [73-10-14]

11. Statement of results; certificates of election; vacancy in office of director:

- a. The secretary of the board of directors must, as soon as the result of any election held under the provisions of this act is declared, enter in the records of such board and file with the county clerk of the county in which the office of said district is located a statement of such results (Attachment G), which statements must show:
 - i. a copy of the published notice of said election
 - ii. the names of the judges of said election
 - iii. the whole number of votes cast in the district and in each precinct of the district
 - iv. the names of the persons voted for
 - v. the number of votes given in each precinct for such persons
 - vi. the number of votes given in the districts for each of such persons
 - vii. the names of the persons declared elected
 - viii. the result declared on any question submitted in accordance with the majority of the votes cast for or against such question
 - ix. The board of directors must declare elected the person having the highest number of votes given for each office, and also the result of any question submitted.
- b. The secretary must immediately make out and deliver to such person a certificate of election (Attachment G), signed by him/her and authenticated with the seal of the board. In case of a vacancy in the board of directors, by death, removal or inability, from any cause, to properly discharge the duties of such director, the vacancy shall be filled by appointment by the remaining members of the board, and upon their failure or inability to act within thirty days after such vacancy occurs, then upon petition of five electors of said district the board of county commissioners of the county where the office of said board of directors is situate, shall fill such vacancy or vacancies. Any

director appointed as above provided shall hold his office until the next general election of said district, and until his successor is elected and qualified. [73-10-15]

12. Board of directors; organization; powers and duties:

- a. The directors, having duly qualified, at the next Quarterly Meeting, shall elect a president from their number and appoint a secretary. The board shall have power, and it shall be their duty to adopt a seal, manage and conduct the affairs and business of the district, make and execute all necessary contracts, employ such agents, attorneys, officers and employes [employees] as may be required and prescribe their duties and establish equitable rules and regulations for the distribution and use of water among the owners of said land. [76-10-16]

13. Redivision of district after addition of lands; election of directors:

- a. In the case of the inclusion of any land within any district by proceedings under this act, the board of directors shall, at least thirty days prior to the next succeeding general election, make an order redividing such district into divisions, as nearly equal in size as may be practicable, being in number as in Section 5 [73-10-5 NMSA 1978] of this act provided and which shall be numbered consecutively, and one director shall thereafter be elected from each division. For the purposes of election the board of directors shall establish a convenient number of election precincts in said district, and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary. [73-10-35]

14. Election Day Procedures:

- a. The Office Manager, District Manager, a designated Board Member, and three appointed election judges shall meet at the PVID office at 7:30AM on the day of election.
- b. Oaths or affirmations shall be administered per Article 8 above.
- c. Three Sample Ballots shall be posted: One outside the entrance to the office, one on the bulletin board in the office and one on the inside of the garage door visible when entering the garage from the office.
- d. Tables shall be set in the garage and two stations shall be set to receive electors and verify they appear on the Eligible Qualified Elector Rolls. An election judge and one other shall be stationed at each elector roll station. Upon checking off a qualified elector on the rolls, an Official Ballot shall be issued to the qualified elector and they shall be directed to a table to mark their ballot and place it in the ballot box. A judge may decide to man only one station during times of minimal activity.
- e. Tables, chairs and pens shall be set for electors to mark ballots.
- f. A table with a secured ballot box shall be set near the exit. A judge or designee shall man this table at all times when electors are present in the garage.
- g. Polls will open precisely at 8:00 AM and will close precisely at 6:00 PM. If there is a line of electors waiting to secure their ballots at 6:00 PM, a judge will then monitor the end of the line and allow those in front of him/her to secure and cast their ballots. Anyone arriving after 6:00 PM will not be allowed to cast a ballot.
- h. Meal breaks and the like may be scheduled for all election personnel, however, at least two election judges and one PVID employee shall be present in the building during the polling process. A board member having taken the oath may substitute for either an election judge or employee.
- i. At 6:01 PM, or after all qualified electors arriving prior to 6:00 PM have cast their ballots, the office shall be vacated of persons other than the election judges, employees and sworn board members.
- j. The Office Manager shall present the absent ballots from their secure location, with the signed Absentee Affidavit – Attachment E).
- k. The secure ballot box shall then be opened and all ballots shall be counted and tallied on the PVID Election Result Tally Sheets (Attachment F).
- l. Counting and tallying of ballots shall be performed by pairs of individuals including a sworn judge and one other sworn individual.
- m. When all ballots have been counted and tallied, the total number of ballots cast shall be compared to the total number of ballots issued on the Eligible Qualified Elector Rolls. Any discrepancy shall be noted on the PVID Election Result Tally Sheets (Attachment F) indicating the number of ballots unaccounted for, both absentee and election day ballots.
- n. Election Return Package: The judges shall prepare all the election materials in a package for delivery to the board of directors. It shall contain the following information:

- i. The invoice from the Santa Fe New Mexican indicating the 4 days of publication of notice of election
- ii. A copy of the notice posted in the valley
- iii. The Eligible Qualified Elector Rolls
- iv. A copy of the ballot marked "Sample"
- v. A signed affidavit from the Office Manager attesting to the distribution of absentee ballots Absentee Affidavit – Attachment E).
- vi. All ballots cast
- vii. The PVID Election Result Talley Sheets (Attachment F)

END OF POLICY