

**CITY OF LAS VEGAS, NEW MEXICO**  
**Resolution No. 25-36**

**A RESOLUTION**  
**APPROVING PROPOSED CHARTER AMENDMENTS AND AUTHORIZING**  
**PLACEMENT OF BALLOT QUESTIONS ON THE BALLOT OF THE REGULAR**  
**LOCAL ELECTION FOR THE CITY OF LAS VEGAS IN THE COUNTY OF SAN**  
**MIGUEL ON NOVEMBER 4, 2025, FOR THE PURPOSE OF VOTING ON SUCH**  
**AMENDMENTS**

**QUESTION SIX**

WHEREAS, the City of Las Vegas ("City") Governing Body appointed a Charter Commission ("Commission") to review the City Charter pursuant to Section 1.05 of the Charter;

WHEREAS, the Commission has finished their duties and submitted their suggested Charter amendments to the Governing Body;

WHEREAS, the City adopted Ordinance 22-03 opting in to the Regular Local Election;

WHEREAS, the Governing Body has considered said suggested Charter amendments;

WHEREAS, the Governing Body has requested the City's legal counsel draft the Governing Body's proposed Charter amendments;

WHEREAS, the Governing Body, in considering the Charter revisions, may approve, deny, modify, or remand any of the proposed amendments back to the City's legal counsel for further changes;

WHEREAS, each proposed amendment receiving approval by a majority vote of the Governing Body shall be submitted to the qualified voters of the City at the November 4, 2025, Regular Local Election;

WHEREAS, the Governing Body pursuant to NMSA 1-16-3(B) shall adopt a resolution authorizing placement of ballot questions for the Regular Local Election no later than sixty-seven days before the election.

WHEREAS, according to the Charter Commission's suggested amendments, the Commission recommends or ten substantive amendments be placed on the ballot for the November 2025 election;

WHEREAS, specifically, the Commission's suggested amendments recommend that Sections 8.01 (A) through (H), 8.02(B) and (C)(7), 8.03(B) and (C)(4) and (5), 8.04(B) and (D)(3) of the City of Las Vegas Municipal Charter be amended to read as follows:

**ARTICLE VIII. — ELECTIONS, INITIATIVE, REFERENDUM AND RECALL**

### Section 8.01. City Elections.

- A. The New Mexico ~~Municipal Election Code~~ Local Election Act, Sections 1-22-1, et seq., N.M.S.A. 1978 as amended, shall apply to and govern elections of the City of Las Vegas, ~~except to the extent that the Municipal Election Code is inconsistent with the provisions of this Charter, in which case the Charter shall govern.~~
- B. The regular municipal election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, as provided by ~~applicable law~~ the New Mexico Local Election Act.
- C. Special municipal elections shall be held in accordance with the New Mexico Local Election Act and the New Mexico Special Election Act, Sections 1-24-1, et seq., N.M.S.A., as amended.
- ~~C.~~ Qualified voters are as follows:
  - ~~(1) All registered voters resident in the City shall be qualified to vote for the Mayor and Municipal Judge.~~
  - ~~(2) All registered voters resident in a district shall be qualified to vote for Councilor from that district.~~
- CD. Candidates for all municipal elective offices shall run for office without any political party designation, and no references to any slate of candidates shall be made on any ballots.
- ~~E.~~ All voting systems used in municipal elections beginning in March, 2012, shall use a paper ballot on which the voter physically or electronically marks the voter's choices on the ballot itself. Privacy booths must be provided at all polling places.
- ~~F.~~ The election of all municipal elective offices shall be by majority of the votes cast for the particular office in question. The Governing Body shall by ordinance determine the procedure for breaking tie votes.
- DH. For the purpose of preventing fraud in City elections, and such other purposes as the Governing Body may determine, the Governing Body may adopt ordinances consistent with the City Charter. Such ordinances may include a policy concerning campaign practices, candidate expenses, contribution reports and campaign ethics, among other things, as determined by the City's Governing Body.

### Section 8.02. Initiative.

- A. The power of Initiative is hereby reserved by the voters of the City.
- B. Except as otherwise provided herein, the provisions of the New Mexico ~~Municipal Election code~~ Local Election Act, the New Mexico Special Election Act, and Section 3-1-5, N.M.S.A. (1978), of the New Mexico Municipal Code relating to petitions, as they currently exist or may hereafter be amended or suspended, shall govern the exercise of the powers of Initiative.
- C. The following provisions shall govern the right of Initiative:
  - (1) The qualified electors of the City shall have the power to propose ordinances to the Governing Body.
  - (2) The power of initiative shall not extend to: the budget; the capital program; any ordinance relating to appropriation of money; the levy of taxes, unless

a referendum is specifically authorized by state law; salaries of City officers or employees; ordinances authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election; or any other ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.

- (3) Initiative shall commence by the filing of a petition with the City Clerk, which complies with the following requirements;
  - (a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City Clerk shall not accept that initiative petition for filing.
  - (b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:
    - (i) the petition contains a heading which states that the petition is for the purpose of initiative.
    - (ii) the heading sets forth in full the text of the proposed ordinance.
    - (iii) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature; and
    - (iv) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas, is guilty of a fourth degree felony.
  - (c) The signed petition shall be filed with the City Clerk and not more than sixty consecutive days following the date upon which the City Clerk approved the petition as to form.
  - (d) The petition shall be signed by not less than twenty-five (25) percent of the number of voters of the City of Las Vegas who voted at the regular municipal election immediately preceding the submission of the proposed petition to the City Clerk.
- (4) The Governing Body shall select a qualified attorney to review and render an opinion as to legality and form any proposed ordinance before it is submitted to the Governing Body for consideration.
- (5) Upon the filing of an initiative petition which has been previously approved as to form, the City Clerk shall verify the initiative petition pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.
- (6) Upon the filing of an initiative petition which has been certified as complying with the requirements of this subsection, the initiated ordinance



- shall be proposed to the Governing Body for enactment within thirty (30) days of the date of filing the petition.
- (7) If the Governing Body fails to act, acts adversely, or amends any legally proposed ordinance, then the Governing Body must enact an election resolution calling for a special election, pursuant to the special election calendar and procedures of the New Mexico ~~Municipal Election Code~~Local Election Act and New Mexico Special Election Act, for the purpose of submitting the initiated ordinance to the electorate. If the Governing Body fails to enact an election resolution, interested persons shall have recourse to the District Court. If the interested persons prevail, they shall be entitled to reasonable court costs and reasonable attorney fees.
  - (8) The ballot shall contain the initiated ordinance and the initiated ordinance as amended, if the Governing Body amends the initiated ordinance. After each version of the initiated ordinance there shall be printed the words: "FOR" and "AGAINST" with spaces for crosses after each word.
  - (9) The measure receiving a majority of the votes cast in its favor is adopted. If each measure receives a majority of the votes cast in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

#### **Section 8.03. Referendum.**

- A. The power of Referendum is hereby reserved by the voters of the City.
- B. Except as otherwise provided herein, the provisions of the Local Election Act, the New Mexico Special Election Act, ~~Election Code~~ and New Mexico, and Municipal Election Code ~~and~~ Section 3-1-5, N.M.S.A. (1978), relating to petitions, as they currently exist or may hereafter be amended or suspended, shall govern the exercise of the powers of Referendum.
- C. The following provisions shall govern the right of Referendum:
  - (1) The qualified electors of the City shall have the power to require reconsideration by the Governing Body of any adopted ordinance, except as prohibited by law or this Charter.
  - (2) The power of Referendum shall not extend to: the budget; the capital program; any ordinance relating to appropriation of money; the levy of taxes unless a referendum is specifically authorized by state law; salaries of City officers or employees; zone map amendments; ordinances authorizing bonds or other obligations, where such ordinances, bonds or other obligations previously have been approved at a City election or are revenue bonds; or any other ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.
  - (3) Referendum shall be commenced by the filing of a petition with the City Clerk which complies with the following requirements:
    - (a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form

by the City Clerk, then the City Clerk shall not accept that referendum petition for filing.

- (b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:
  - (i) the petition contains a heading which states that the petition is for the purpose of referendum;
  - (ii) the heading sets forth in full the title of the ordinance which is the subject of the referendum, the ordinance number, if any, and a brief description of the ordinance;
  - (iii) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature; and
  - (iv) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas, is guilty of a fourth degree felony.
- (c) The signed petition shall be filed with the City Clerk not more than sixty consecutive days following the date at which the Governing Body voted to approve the ordinance.
- (d) The petition shall be signed by not less than twenty-five (25) percent of the number of voters of the City of Las Vegas who voted at the regular municipal election immediately preceding the submission of the proposed petition to the City Clerk.
- (4) Upon the filing of a referendum petition which has been previously approved as to form, the City Clerk shall verify the referendum petition pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in the New Mexico Local Election Act, the New Mexico Special Election Act, and the New Mexico Recall Act, particularly Section 3-1-5 NMSA 1978, except to the extent that such shall select a qualified attorney to review and render an opinion as to legality and form before it is submitted to the Governing Body for consideration.
- (5) Upon the filing of a referendum petition, which has been certified as complying with the requirements of this subsection, the ordinance in question shall be presented to the Governing Body for the purpose of determining whether the Governing Body will repeal the ordinance. If the Governing Body fails to repeal the ordinance in question, then the Governing Body shall enact an election resolution calling for a special election, pursuant to the special election calendar and procedures of the New Mexico ~~Municipal Election Code~~ Local Election Act and New Mexico Special Election Act, for the purpose of submitting the ordinance to the electorate.
- (6) The ballot shall contain the text of the ordinance or resolution. Below the text shall be the words: "FOR" and "AGAINST" with spaces for crosses after each word.



- (7) If a majority of the votes cast are in favor of the ordinance, then it shall take effect immediately. If a majority of the votes cast are against the ordinance, it shall not take effect.
- (8) If an ordinance eligible for referendum is an emergency measure, it shall go into effect immediately; but it shall be subject to repeal by a majority vote at a referendum election.
- (9) Any ordinance subject to referendum other than an emergency ordinance shall become effective as provided in Article II herein. Upon certification that a referendum petition regarding such an ordinance complies with the provisions of this subsection, such an ordinance shall be suspended until it is repealed by the Governing Body, rejected at an election, or approved at an election.

#### **Section 8.04. Recall.**

- A. The power of recall is hereby reserved by the voters of the City.
- B. Except as otherwise provided herein, the provisions of the New Mexico Local Election Act, the New Mexico Special Election Act, Election Code and the New Mexico Recall Act, NMSA Chapter 1, Article 25 (the "Recall Act") 1-25-1, et seq., N.M.S.A. 1978, shall govern the exercise of the power of recall under the City Charter.
- C. The Mayor and all the City Councilors are subject to recall.
- D. The following provisions shall govern the right of recall:
  - (1) A written notice of intent to file a petition of recall must be submitted to the City Clerk and must contain a minimum of twenty-five (25) signatures with printed names and addresses of qualified electors residing in the particular council district, or within the city limits for the office of Mayor.
  - (2) Recall shall commence by the filing of a petition with the City Clerk, which complies with the following requirements:
    - (a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City clerk shall not accept that recall petition for filing. If the Governing Body member sought to be recalled is a City Councilor, then the proposed petition for recall may only be filed by qualified electors of that particular ward.
    - (b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:
      - (i) The petition contains a heading which states that the petition is for the purpose of recall;
      - (ii) The heading sets forth the name of the Governing Body member who is the subject of the recall;
      - (iii) The recall petition heading shall contain a clear and concise statement specifying the charges alleged to support recall of

- the named official sufficient to constitute malfeasance in office, misfeasance in office or violation of oath of office;
- (iv) The petition contains a place for the person signing the petition to write the date, name (printed), address, and signature;
  - (v) The petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas is guilty of a fourth degree felony; and
  - (vi) Each page of the petition for signatures contains the requirements as specified in subsections (i) through (v) in the heading.
- (c) The signed petition shall be filed with the City Clerk not more than sixty (60) consecutive days following the date upon which the City Clerk approved the petition as to form.
  - (d) In the case of the Mayor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted at the regular municipal election immediately preceding the filing of the Notice of Intent.
  - (e) In the case of a City Councilor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted within the Councilor's district at the regular municipal election immediately preceding the filing of the Notice of Intent.
- (3) Upon the filing of a recall petition which has been previously approved as to form, the City Clerk shall verify the recall petition, pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in the New Mexico Local Election Act, the New Mexico Special Election Act, and the New Mexico Recall Act, particularly Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.
  - (4) Upon the filing of a recall petition which has been certified as complying with the requirements of this section, the Governing Body shall enact an election resolution calling for a special election.
  - (5) If the Governing Body member sought to be recalled is a City Councilor, then the special recall election shall be held only in the election district represented by that City Councilor. Only those qualified electors residing in the same council district as the Councilor sought to be recalled shall be eligible to vote.
  - (6) At any recall election, the official holding office shall be recalled only if:
    - (a) A majority of the votes cast at the recall election are in favor of recalling the official; and
    - (b) This majority equals or exceeds the number of votes the official received when elected.



- (7) If an official is recalled, he or she shall not be eligible to seek that office through election or appointment until the next term has expired.
- (8) If a recall election results are insufficient to support a recall, the official who is the subject of the recall election shall not be subject to recall on the same grounds during the remainder of that official's term of office.

WHEREAS, the Governing Body wishes to submit the above-recommended amendments to the City's voters for approval;

WHEREAS, state law, Section 3-15-16 NMSA 1978, states that a home rule municipality may amend its Charter "by a proposal submitted to the governing body of the municipality to the qualified electors";

WHEREAS, resolution is the formal expression of the will of the Governing Body, and is used by the City to describe a proposed ballot questions and submit it to the electors;

WHEREAS, Section 1-16-3 NMSA 1978, requires the City to "file a resolution proposing the ballot question" with the county clerk, not less than seventy (70) days before the election at which the ballot question is proposed to be submitted to the voters.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS that the Governing Body hereby proposes to submit the following question on the ballot of the Regular Local Election on November 4, 2025:

#### CITY ELECTIONS

Shall the City amend Article VIII of the City of Las Vegas Municipal Charter to specify the New Mexico Local Election Act, Sections 1-22-1, et seq., N.M.S.A. 1978 as amended, as the authority over City elections, and establish the timelines for regular municipal elections?

For ☐ Against ☐

BE IT FURTHER RESOLVED that the City Clerk shall present this ballot question to the Secretary of State no later than August 29, 2025.

BE IT FURTHER RESOLVED that, if the voters approve the above ballot question, then the following amendments shall be made to the City's Charter:

#### ARTICLE VIII. — ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

##### Section 8.01. City Elections.

- A. The New Mexico ~~Municipal Election Code~~ Local Election Act, Sections 1-22-1, et seq., N.M.S.A. 1978 as amended, shall apply to and govern elections of the City of



Las Vegas, ~~except to the extent that the Municipal Election Code is inconsistent with the provisions of this Charter, in which case the Charter shall govern.~~

- B. The regular municipal election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, as provided by ~~applicable law~~ the New Mexico Local Election Act.
- C. Special municipal elections shall be held in accordance with the New Mexico Local Election Act and the New Mexico Special Election Act, Sections 1-24-1, et seq., N.M.S.A., as amended.
- ~~C. Qualified voters are as follows:~~
  - ~~(1) All registered voters resident in the City shall be qualified to vote for the Mayor and Municipal Judge.~~
  - ~~(2) All registered voters resident in a district shall be qualified to vote for Councilor from that district.~~
- CD.** Candidates for all municipal elective offices shall run for office without any political party designation, and no references to any slate of candidates shall be made on any ballots.
- ~~E. All voting systems used in municipal elections beginning in March, 2012, shall use a paper ballot on which the voter physically or electronically marks the voter's choices on the ballot itself. Privacy booths must be provided at all polling places.~~
- ~~F. The election of all municipal elective offices shall be by majority of the votes cast for the particular office in question. The Governing Body shall by ordinance determine the procedure for breaking tie votes.~~
- DH.** For the purpose of preventing fraud in City elections, and such other purposes as the Governing Body may determine, the Governing Body may adopt ordinances consistent with the City Charter. Such ordinances may include a policy concerning campaign practices, candidate expenses, contribution reports and campaign ethics, among other things, as determined by the City's Governing Body.

#### **Section 8.02. Initiative.**

- A. The power of Initiative is hereby reserved by the voters of the City.
- B. Except as otherwise provided herein, the provisions of the New Mexico ~~Municipal Election code~~ Local Election Act, the New Mexico Special Election Act, and Section 3-1-5, N.M.S.A. (1978), of the New Mexico Municipal Code relating to petitions, as they currently exist or may hereafter be amended or suspended, shall govern the exercise of the powers of Initiative.
- C. The following provisions shall govern the right of Initiative:
  - (1) The qualified electors of the City shall have the power to propose ordinances to the Governing Body.
  - (2) The power of initiative shall not extend to: the budget; the capital program; any ordinance relating to appropriation of money; the levy of taxes, unless a referendum is specifically authorized by state law; salaries of City officers or employees; ordinances authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election; or any other ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.

- (3) Initiative shall commence by the filing of a petition with the City Clerk, which complies with the following requirements;
- (a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City Clerk shall not accept that initiative petition for filing.
  - (b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:
    - (i) the petition contains a heading which states that the petition is for the purpose of initiative.
    - (ii) the heading sets forth in full the text of the proposed ordinance.
    - (iii) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature; and
    - (iv) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas, is guilty of a fourth degree felony.
  - (c) The signed petition shall be filed with the City Clerk and not more than sixty consecutive days following the date upon which the City Clerk approved the petition as to form.
  - (d) The petition shall be signed by not less than twenty-five (25) percent of the number of voters of the City of Las Vegas who voted at the regular municipal election immediately preceding the submission of the proposed petition to the City Clerk.
- (4) The Governing Body shall select a qualified attorney to review and render an opinion as to legality and form any proposed ordinance before it is submitted to the Governing Body for consideration.
- (5) Upon the filing of an initiative petition which has been previously approved as to form, the City Clerk shall verify the initiative petition pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.
- (6) Upon the filing of an initiative petition which has been certified as complying with the requirements of this subsection, the initiated ordinance shall be proposed to the Governing Body for enactment within thirty (30) days of the date of filing the petition.
- (7) If the Governing Body fails to act, acts adversely, or amends any legally proposed ordinance, then the Governing Body must enact an election resolution calling for a special election, pursuant to the special election calendar and procedures of the New Mexico ~~Municipal Election Code~~Local



Election Act and New Mexico Special Election Act, for the purpose of submitting the initiated ordinance to the electorate. If the Governing Body fails to enact an election resolution, interested persons shall have recourse to the District Court. If the interested persons prevail, they shall be entitled to reasonable court costs and reasonable attorney fees.

- (8) The ballot shall contain the initiated ordinance and the initiated ordinance as amended, if the Governing Body amends the initiated ordinance. After each version of the initiated ordinance there shall be printed the words: "FOR" and "AGAINST" with spaces for crosses after each word.
- (9) The measure receiving a majority of the votes cast in its favor is adopted. If each measure receives a majority of the votes cast in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

### **Section 8.03. Referendum.**

- A. The power of Referendum is hereby reserved by the voters of the City.
- B. Except as otherwise provided herein, the provisions of the Local Election Act, the New Mexico Special Election Act, Election Code and New Mexico, and Municipal Election Code ~~and~~ Section 3-1-5, N.M.S.A. (1978), relating to petitions, as they currently exist or may hereafter be amended or suspended, shall govern the exercise of the powers of Referendum.
- C. The following provisions shall govern the right of Referendum:
  - (1) The qualified electors of the City shall have the power to require reconsideration by the Governing Body of any adopted ordinance, except as prohibited by law or this Charter.
  - (2) The power of Referendum shall not extend to: the budget; the capital program; any ordinance relating to appropriation of money; the levy of taxes unless a referendum is specifically authorized by state law; salaries of City officers or employees; zone map amendments; ordinances authorizing bonds or other obligations, where such ordinances, bonds or other obligations previously have been approved at a City election or are revenue bonds; or any other ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.
  - (3) Referendum shall be commenced by the filing of a petition with the City Clerk which complies with the following requirements:
    - (a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City Clerk shall not accept that referendum petition for filing.
    - (b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:
      - (i) the petition contains a heading which states that the petition is for the purpose of referendum;



- (ii) the heading sets forth in full the title of the ordinance which is the subject of the referendum, the ordinance number, if any, and a brief description of the ordinance;
  - (iii) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature; and
  - (iv) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas, is guilty of a fourth degree felony.
- (c) The signed petition shall be filed with the City Clerk not more than sixty consecutive days following the date at which the Governing Body voted to approve the ordinance.
- (d) The petition shall be signed by not less than twenty-five (25) percent of the number of voters of the City of Las Vegas who voted at the regular municipal election immediately preceding the submission of the proposed petition to the City Clerk.
- (4) Upon the filing of a referendum petition which has been previously approved as to form, the City Clerk shall verify the referendum petition pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in the New Mexico Local Election Act, the New Mexico Special Election Act, and the New Mexico Recall Act, particularly Section 3-1-5 NMSA 1978, except to the extent that such shall select a qualified attorney to review and render an opinion as to legality and form before it is submitted to the Governing Body for consideration.
- (5) Upon the filing of a referendum petition, which has been certified as complying with the requirements of this subsection, the ordinance in question shall be presented to the Governing Body for the purpose of determining whether the Governing Body will repeal the ordinance. If the Governing Body fails to repeal the ordinance in question, then the Governing Body shall enact an election resolution calling for a special election, pursuant to the special election calendar and procedures of the New Mexico ~~Municipal Election Code~~ Local Election Act and New Mexico Special Election Act, for the purpose of submitting the ordinance to the electorate.
- (6) The ballot shall contain the text of the ordinance or resolution. Below the text shall be the words: "FOR" and "AGAINST" with spaces for crosses after each word.
- (7) If a majority of the votes cast are in favor of the ordinance, then it shall take effect immediately. If a majority of the votes cast are against the ordinance, it shall not take effect.
- (8) If an ordinance eligible for referendum is an emergency measure, it shall go into effect immediately; but it shall be subject to repeal by a majority vote at a referendum election.

- (9) Any ordinance subject to referendum other than an emergency ordinance shall become effective as provided in Article II herein. Upon certification that a referendum petition regarding such an ordinance complies with the provisions of this subsection, such an ordinance shall be suspended until it is repealed by the Governing Body, rejected at an election, or approved at an election.

#### **Section 8.04. Recall.**

- A. The power of recall is hereby reserved by the voters of the City.
- B. Except as otherwise provided herein, the provisions of the New Mexico Local Election Act, the New Mexico Special Election Act, Election Code and the New Mexico Recall Act, NMSA Chapter 1, Article 25 (the "Recall Act") 1-25-1, et seq., N.M.S.A. 1978, shall govern the exercise of the power of recall under the City Charter.
- C. The Mayor and all the City Councilors are subject to recall.
- D. The following provisions shall govern the right of recall:
- (1) A written notice of intent to file a petition of recall must be submitted to the City Clerk and must contain a minimum of twenty-five (25) signatures with printed names and addresses of qualified electors residing in the particular council district, or within the city limits for the office of Mayor.
- (2) Recall shall commence by the filing of a petition with the City Clerk, which complies with the following requirements:
- (a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City clerk shall not accept that recall petition for filing. If the Governing Body member sought to be recalled is a City Councilor, then the proposed petition for recall may only be filed by qualified electors of that particular ward.
- (b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:
- (i) The petition contains a heading which states that the petition is for the purpose of recall;
- (ii) The heading sets forth the name of the Governing Body member who is the subject of the recall;
- (iii) The recall petition heading shall contain a clear and concise statement specifying the charges alleged to support recall of the named official sufficient to constitute malfeasance in office, misfeasance in office or violation of oath of office;
- (iv) The petition contains a place for the person signing the petition to write the date, name (printed), address, and signature;
- (v) The petition contains a statement that any person knowingly providing, or causing to be provided, any false information



- on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas is guilty of a fourth degree felony; and
- (vi) Each page of the petition for signatures contains the requirements as specified in subsections (i) through (v) in the heading.
  - (c) The signed petition shall be filed with the City Clerk not more than sixty (60) consecutive days following the date upon which the City Clerk approved the petition as to form.
  - (d) In the case of the Mayor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted at the regular municipal election immediately preceding the filing of the Notice of Intent.
  - (e) In the case of a City Councilor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted within the Councilor's district at the regular municipal election immediately preceding the filing of the Notice of Intent.
- (3) Upon the filing of a recall petition which has been previously approved as to form, the City Clerk shall verify the recall petition, pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in the New Mexico Local Election Act, the New Mexico Special Election Act, and the New Mexico Recall Act, particularly Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.
  - (4) Upon the filing of a recall petition which has been certified as complying with the requirements of this section, the Governing Body shall enact an election resolution calling for a special election.
  - (5) If the Governing Body member sought to be recalled is a City Councilor, then the special recall election shall be held only in the election district represented by that City Councilor. Only those qualified electors residing in the same council district as the Councilor sought to be recalled shall be eligible to vote.
  - (6) At any recall election, the official holding office shall be recalled only if:
    - (a) A majority of the votes cast at the recall election are in favor of recalling the official; and
    - (b) This majority equals or exceeds the number of votes the official received when elected.
  - (7) If an official is recalled, he or she shall not be eligible to seek that office through election or appointment until the next term has expired.
  - (8) If a recall election results are insufficient to support a recall, the official who is the subject of the recall election shall not be subject to recall on the same grounds during the remainder of that official's term of office.



PASSED, APPROVED, AND ADOPTED THIS 13<sup>th</sup> DAY OF AUGUST, 2025.

  
DAVID ROMERO, MAYOR

ATTEST:

  
CASANDRA FRESQUEZ, CITY CLERK

APPROVED AS TO FORM:

  
GENO ZAMORA, ESQ., CITY'S LEGAL COUNSEL