

ORDINANCE NO. 2009-01**AN ORDINANCE ESTABLISHING TWO SINGLE MEMBER
MAGISTRATE COURT DISTRICTS FOR CURRY COUNTY**

WHEREAS, Curry County presently has two Magistrate Court Districts and the Judges for each District are elected at-large; and

WHEREAS, the United States Federal Court for the District of New Mexico, in the case of *Johnny Chavez and Terry Martin v. Ben Lujan, in his capacity as Speaker of the New Mexico House of Representatives, Timothy Z. Jennings, in his capacity as President Pro Tem of the New Mexico Senate, and the State of New Mexico* has entered an Order requiring that Curry County create two separate, single member districts within Curry County and that for any and all future elections, Magistrate Judges must reside in and be elected from the district in which they run; and

WHEREAS, after consultation with the New Mexico Attorney General's office as well as the New Mexico Secretary of State's office and the Director of the Administrative Office of the Courts for the State of New Mexico, authority for the redistricting process for Magistrate Judicial positions pursuant to the Federal Court Order is the responsibility of Curry County.

NOW, THEREFORE, BE IT ENACTED BY THE DULY ELECTED COUNTY COMMISSIONER'S OF THE COUNTY OF CURRY, NEW MEXICO.

Section 1. Title.

This Ordinance will be referred to as An Ordinance Establishing Two Single Member Magistrate Court Districts for Curry County.

Section 2. Magistrate Court Districts.

There are hereby created two separate, and distinct, Single Member Magistrate Court Districts within Curry County. These districts shall be referred to as Magistrate Court District 1

and Magistrate Court District 2. The Districts are hereby designated and defined by the Curry County voter precincts which they encompass.

Magistrate Court District 1 will include and be defined by the following Curry County election precinct:

Curry County voting precinct nos. 5, 6, 7, 8, 9, 11, 12, 20, 21, 22, 25, 26, 27, 28, 30, and 33.

Magistrate Court District 2 will include and be defined by the following Curry County election precinct:

Curry County voting precinct nos. 1, 2, 3, 4, 10, 13, 14, 15, 16, 17, 18, 19, 23, 24, 29, 31, 32, 34, 35, 36, and 37.

Section 3. Elections.

Only those qualified registered voters in Curry County Magistrate Court District 1 shall be entitled to cast a ballot and vote for a Magistrate Court Judge in District 1.

Only those qualified registered voters in Curry County Magistrate Court District 2 shall be entitled to cast a ballot and vote for a Magistrate Court Judge in District 2.

To be eligible to run and submit a notice of candidacy to run for Magistrate Judge in Curry County Magistrate Court District 1, in addition to any and all other criteria and qualifications as may be required by law, a candidate must at the time the governor signs the proclamation calling for the election, maintain residency in District 1.

To be eligible to run and submit a notice of candidacy to run for Magistrate Judge in Curry County Magistrate Court District 2, in addition to any and all other criteria and qualifications as may be required by law, a candidate must at the time the governor signs the proclamation calling for the election, maintain residency in District 2.

Section 4. Powers.

Nothing herein shall be deemed to affect the jurisdiction and powers of the Magistrates under current law and practice. Magistrate Judges elected from these Districts will continue to have county-wide jurisdiction as provided under current law and practice.

Section 5. Titles.

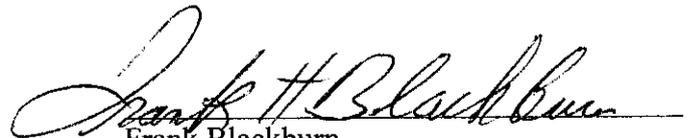
The Magistrate Judge elected from District 1 will be assigned to Curry County Magistrate Judge, Division 1.

The Magistrate Judge elected from District 2 will be assigned to Curry County Magistrate Judge, Division 2.

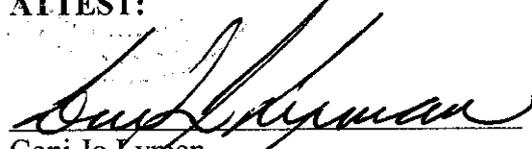
Section 6. Effective Date.

This Ordinance and the provisions set forth herein shall become effective upon approval by the Curry County Board of Commissioner's. The process and procedure set forth herein shall be utilized in any and all Magistrate Court Judge elections occurring after the effective date of this Ordinance.

IN WITNESS WHEREOF, this Ordinance No. 2009-01 was passed and adopted by the Curry County Board of Commissioner's on this 18th day of August, 2009.


Frank Blackburn
Commission Chairman

ATTEST:


Coni Jo Lynman
Curry County Clerk