

## PROPOSED AMENDMENTS TO THE NMAR BYLAWS

### **Article III Membership**

7.3.1 Applicants for Individual REALTOR® membership shall be granted provisional membership immediately upon submission of a completed application and the remittance of applicable NEW MEXICO ASSOCIATION OF REALTORS®'s dues, fees, and assessments. Provisional members shall be considered REALTORS® and shall be subject to all of the same privileges and obligations of membership. Provisional membership is granted subject to completion within 90 days from the date that provisional membership was granted of an orientation program on the Code of Ethics that meets the learning objectives and minimum criteria established from time to time by the NATIONAL ASSOCIATION OF REALTORS® of not less than two hours and thirty minutes instructional time and effective January 1, 2025, Fair Housing training conducted by this or any other REALTOR® association or the Institutes, Societies, and Councils which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS®-from time to time of not less than two (2) hours of instructional time. Fair Housing training approved by a state licensing authority for an existing Fair Housing requirement to gain or maintain licensure shall also fulfill this requirement, provided it also meets the minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. If an individual fails to complete an orientation program on the Code of Ethics or Fair Housing training within 90 days from the date that provisional membership was granted, their membership shall automatically terminate. ~~These~~ requirements ~~does~~ not apply to applicants who submit documentation which demonstrates that they have completed comparable orientation/training in another REALTOR® association, provided that REALTOR® membership has been continuous, or that any break in membership is for one year or less.

7.4 Effective January 1, 2025 through December 31, 2027 and for successive three year periods thereafter, each Individual REALTOR® member of the association (with the exception of REALTOR® members granted REALTOR® Emeritus status by the National Association) shall be required to complete Fair Housing training of not less than two (2) hours of instructional time. This requirement will be satisfied upon presentation of documentation that the member has completed a course of instruction conducted by this or another REALTOR® association, the NATIONAL ASSOCIATION OF REALTORS®, or the Institutes, Societies, and Councils, which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. Fair Housing training approved by a state licensing authority for an existing Fair Housing requirement to maintain licensure shall also fulfill this requirement, provided it also meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. REALTOR® members who have completed Fair Housing training as a requirement of membership in another association shall not be required to complete additional Fair Housing training until a new three year cycle commences. Failure to satisfy the required periodic Fair Housing training shall be considered a violation of a membership duty. Failure to meet the requirement in any three year cycle will result in suspension of membership for the first two months (January and February) of the year following the end of any three year cycle or until requirement is met, whichever occurs sooner. On March 1 of that year, the membership who is still suspended as of that date will be automatically terminated.

7.5 Application for membership as a Secondary REALTOR® Member and application for Institute Affiliate or Affiliate Membership . . .

*RATIONALE: NAR Mandated Membership Requirements*

## **Article IV MEMBERSHIP DUES AND FEES**

3.2 The dues, if any, of all other classes of membership shall be established annually by the Board of Directors and such dues may vary depending on the class and type of membership, provided however that no dues shall be required for Honorary Members, and provided further that the dues for Institute Affiliate Members shall be as established in Article II of the Bylaws of the NATIONAL ASSOCIATION OF REALTORS®.

NOTE: The Institutes, Societies and Councils of the National Association shall be responsible for collecting and remitting dues to the National Association for Institute Affiliate Members. [The annual dues of each Institute Affiliate member shall be established in Article II of the Bylaws of the NATIONAL ASSOCIATION OF REALTORS and t](#)~~he~~ National Association shall credit ~~\$35.00~~ [the established state portion](#) to the account of the NEW MEXICO ASSOCIATION OF REALTORS® for each Institute Affiliate Member whose office address is located with the territorial jurisdiction of the NEW MEXICO ASSOCIATION OF REALTORS®. The NEW MEXICO ASSOCIATION OF REALTORS® may not establish any additional entrance, initiation fees or dues for Institute Affiliate Members, but may provide service packages to which Institute Affiliate Members may voluntarily subscribe.

*RATIONALE: Change means NMAR does not have to change Bylaws when NAR changes amount of ISC dues payable to state association.*

### **Section 4. Fees**

4.1 The Board of Directors, as an order of business at any Regular or Special Meeting, may authorize fees for services ~~to cover administrative costs.~~

*RATIONALE: Fees may cover additional items beyond administrative costs.*

### **Section 7. Payment of Dues and Fees**

7.4 Failure of Member Boards to remit all Member Board dues and all late fees imposed thereon on or before February 15<sup>th</sup> at 5:00 p.m. shall result in the deactivation of all members of the Member Board for whom the NEW MEXICO ASSOCIATION OF REALTORS® has not received dues and late fees. In the event of deactivation, membership status shall not be reinstated until all Member Board dues, [late fees](#) and re-instatement fees in an amount approved by the Board of Directors and set forth in the annual budget are paid in full to the NEW MEXICO ASSOCIATION OF REALTORS® for each member of the Member Board whose membership was deactivated for non-payment.

7.5 On or before November 1<sup>st</sup> of each year, the NEW MEXICO ASSOCIATION OF REALTORS® shall mail dues renewal notices to Individual REALTOR® Members, Secondary REALTOR® Members, and other classes of membership not under the jurisdiction of Member Boards. Dues shall be due in full on or before January 31<sup>st</sup> of each year ("Due Date"). Dues not received in the NEW MEXICO ASSOCIATION OF REALTORS® office by 5:00 p.m. on or before the Due Date shall be deemed delinquent and a late fee in an amount approved by the Board of Directors and set forth in the annual budget shall be assessed. Failure to remit dues and all late fees imposed thereon by 5:00 p.m. on February 15<sup>th</sup> shall result in the deactivation of the member. In the event of deactivation, membership status shall not be reinstated until dues, [late fees](#), and a re-instatement fee in an amount approved by the Board of Directors and set forth in the annual budget are paid to the NEW MEXICO ASSOCIATION OF REALTORS® in full.

*RATIONALE: Addition of "late fees" clarifies if any member is deactivated for non-payment of dues, dues, late fees, and reinstatement fees must be paid before the member is reinstated. This is current practice.*

## ARTICLE V OFFICERS

### **Section 1. Elected Officers**

The elected officers of the NEW MEXICO ASSOCIATION OF REALTORS® shall be the President, President-Elect, First Vice President, Treasurer, and a Vice President from each District of the State ~~and an District Vice President from the New Mexico Commercial Association of REALTORS (CARNM). District and CARNM Vice Presidents~~ shall be singularly referred to as “District Vice President” and collectively referred to as “DVP’s”. In the absence of the President, the President-Elect shall perform the President’s duties. All officers shall be members of the Board of Directors. The President shall not be eligible to serve a second successive term.

*RATIONALE: The six districts in the state (NE, NW<SE, SW, Central, CARNM) are defined in Article XV.*

## ARTICLE VI DIRECTORS AND REGIONAL VICE PRESIDENTS OF THE NATIONAL ASSOCIATION OF REALTORS

### **Section 1. Directors**

In addition to the officers of the NEW MEXICO ASSOCIATION OF REALTORS®, there shall be State Directors of the NATIONAL ASSOCIATION OF REALTORS®, nominated from the REALTOR® Members of the NEW MEXICO ASSOCIATION OF REALTORS®.

Under NAR’s Bylaws, the NEW MEXICO ASSOCIATION OF REALTORS® is entitled to NAR Directors positions as follows:

- a) The President of NEW MEXICO ASSOCIATION OF REALTORS®;
- b) One (1) Director based on NEW MEXICO ASSOCIATION OF REALTORS® membership. This is determined by dividing the number of NEW MEXICO ASSOCIATION OF REALTORS® members as of July 31<sup>st</sup> of the year prior to service by the number of primary members in NAR as of that same date and multiplying by 261;
- c) One (1) Director who is a primary member in a local association with 500 to 1,999 members; and
- d) One(1) Director who is a primary member in a local association with 499 members or less members. Applicants for the position of NAR Director MUST meet criteria as established by the NATIONAL ASSOCIATION OF REALTORS®.

Nominations for State Directors of the National Association shall be voted on by the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS® upon notification of a vacancy by the NATIONAL ASSOCIATION OF REALTORS®. NAR Director terms shall be for three-years, commencing on December 1 and ending on November 30, as per NAR policy. Nominees must be elected by a majority vote of the directors voting. In the event there are more than two nominees and no one nominee receives a majority vote of the directors voting on the first ballot, there will be a runoff election between the two nominees receiving the most votes. Voting in the runoff election shall be by secret written ballot. If there are two or more nominees who receive the same number of votes, the outcome will be determined by lot. In the event a vacancy occurs due to a State Director’s inability or unwillingness to continue serving, the Executive Committee shall nominate a qualified member to complete the term. The Board of Directors will vote whether to confirm the nomination at their next regularly scheduled meeting, at a special meeting, or as provided for in Section 6, Action without Meeting, of Article VII.

*RATIONALE: Brings NMAR into compliance with NAR policy*

## Section 2. Regional Vice President

REALTOR® Members who seek the position of Regional Vice President shall meet the criteria established by the Region and by the NATIONAL ASSOCIATION OF REALTORS® ~~and shall obtain the endorsement of the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS®. Endorsement shall be sought at a meeting held prior to June 1 of the NEW MEXICO ASSOCIATION OF REALTORS®'s Board of Directors to correspond with Region XI timeline for submitting candidates to NAR.~~

*RATIONALE: Brings NMAR into compliance with NAR policy*

## ARTICLE VII BOARD OF DIRECTORS

### Section 2. Composition

The Board of Directors shall be comprised of:

- (a) one director for every two hundred (200) members or portion thereof in each Member Board, herein referred to as Member Board Directors, provided however that each Member Board shall be entitled to at least one Member Board Director, irrespective of its size;
- (b) one Individual REALTOR® Director Representative for every two hundred (200) Individual REALTOR® Members or portion thereof;
- (c) the elected officers of the NEW MEXICO ASSOCIATION OF REALTORS®, each of whom shall serve as directors only during their terms of office;
- (d) the Immediate Past President;
- (e) the Directors of the NATIONAL ASSOCIATION OF REALTORS® (NAR Directors) from New Mexico;
- (f) the NAR Regional Vice President when said individual is from New Mexico; and
- (g) ~~up to five directors, not more than two of whom shall be from any one Member Board,~~ Up to six Directors, one from each District, each of whom is either a Primary Member from a Board in the District they are representing or an Individual Member in the District they are representing. The six Directors shall serve, each serving one-year terms, ~~who and~~ shall be ~~nominated~~ appointed no later than December 31st by the incoming President, subject to the approval of the Board of Directors, from among the following groups:
  - 1) Past or current Presidents of a New Mexico Member Board,
  - 2) Past Presidents of the NEW MEXICO ASSOCIATION OF REALTORS®,
  - 3) Past or current Presidents or Chairs of a New Mexico REALTOR®-owned MLS,
  - 4) Graduates or current participants of a REALTOR® Leadership Program,
  - 5) Individuals who have served or are currently serving as State or National Presidents or Presidents-elect of NAR Institutes, Societies, or Councils,
  - ~~6) Managers of large brokerage firms,~~
  - ~~67~~ 7) Individuals who have served or are currently serving in the following NAR leadership positions: President, President-elect, First Vice President, Treasurer, Committee Liaisons, Committee Chair or Vice Chair, Global Regional Coordinator or President's Liaison,
  - ~~78~~ 8) Recipients of the NEW MEXICO ASSOCIATION OF REALTORS® REALTOR® of the Year or Peggy Comeau Leadership Award,
  - ~~89~~ 9) Individuals who are currently serving or have served as committee chairs for at least two committees of the NEW MEXICO ASSOCIATION OF REALTORS® in the previous five years,
  - ~~949~~ 10) Individuals who have served on the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS® in the previous five years.

*RATIONALE: Changes number and criteria for appointed Directors. Allows for one appointed Director from each District.*

### **Section 10. Removal of Officers and Directors**

Elected officers and all directors may be removed from office with or without cause, by vote, conducted by secret ballot, of ~~three fourths (3/4)~~ two thirds (2/3) of the directors ~~then serving~~ present at a Special Meeting of the Board of Directors called for that purpose, or at a Regular Meeting of the Board of Directors, provided that the directors have been notified at least fifteen (15) days in advance of the meeting.

*RATIONALE: Lowers number of votes necessary to remove an Officer or Director from their position.*

## **ARTICLE VIII. COMMITTEES**

### **Section 1. Executive Committee**

If an elected or appointed Member of the Executive Committee misses any two consecutive meetings of the Executive Committee or a meeting to which they are assigned as a liaison without an excuse deemed valid by the President and President Elect, the removal of the Executive Committee member shall be considered per Article VII, Section 10 of these Bylaws.

## **ARTICLE IX MEMBERSHIP MEETINGS**

### **Section 1. Annual Membership Meeting**

The NEW MEXICO ASSOCIATION OF REALTORS® shall hold an annual membership meeting in conjunction with the ~~Fall~~ **Annual** Meeting of the Board of Directors. Said meeting shall be noticed to the membership at least thirty (30) days in advance of the meeting. All REALTOR® Members present at any meeting of the NEW MEXICO ASSOCIATION OF REALTORS® shall be delegates, entitled to participate in all discussions and deliberations and to vote. No proxy voting shall be permitted.

*RATIONALE: Changes name of meeting from "fall" to "Annual" since meeting is held in August.*

## **ARTICLE X ELECTION OF OFFICERS AND DIRECTORS**

### **Section 3. Election of Officers**

~~3.1 At the 2020 Annual Meeting of the Board of Directors, the Directors shall elect a President Elect and a First Vice President. Thereafter a~~ At the Annual Meeting of the Board of Directors, the Directors shall elect a First Vice President. During odd numbered years, the Directors shall elect a Vice President from the Northwest District of the State, and a Vice President from Southeast District of the State, and a Vice President from CARNM. During even numbered years, the Directors shall elect a Treasurer, a Vice President from the Northeast District of the State, a Vice President from the Southwest District of the State, and a Vice President from the Central District of the state.

### **Section 5. Slate of Candidates**

**5.1** On or before January 1, of each year, the Chief Executive Officer shall place a notice in the official publication of the NEW MEXICO ASSOCIATION OF REALTORS® to notify the membership of forthcoming vacancies in the positions of First Vice President, Treasurer, District Vice Presidents, Individual REALTOR® Director Representative(s), and National Director. Said notice shall also include the requirements for applicants, duties of the position, requirements for submitting an application, and the deadline for applying. Applications must be received at the NEW MEXICO

ASSOCIATION OF REALTORS®'s office on or before 5:00 p.m. Mountain-~~Standard~~ Time May 15.  
("Application Deadline")

#### **Section 5. Slate of Candidates**

5.4 The Chief Executive Officer shall ~~mail~~ distribute the list of the names of all candidates to each member of the Board of Directors and to each Member Board President no later than June 30 of each year ("Notification Deadline") and shall cause the names of all candidates to be published in an official publication of the NEW MEXICO ASSOCIATION OF REALTORS®.

*RATIONALE: Housekeeping – When CARNM was added as a District Section 3.1 was not changed to indicate whether DVP was to be elected in odd or even numbered year.*

#### **Section 6. Election Procedures**

6.4 After the votes have been tabulated, the President will announce only the names of the winners ~~will be announced~~. If there is a need for a runoff, the President will announce only the names of candidates in the runoff ~~will be announced~~.

*RATIONALE: Clarifies President announces results of elections.*

### **ARTICLE XV DISTRICTS**

The Board of Directors may divide the state into Districts. Districts will be: -Northwest, Northeast, Central, Southeast, Southwest, and CARNM which will include all CARNM Primary Members throughout the state. A vice president shall be elected from each of the Districts.

*RATIONALE: Clarifies that CARNM is a District..*

### **ARTICLE XXII DISSOLUTION**

Upon the dissolution of the NEW MEXICO ASSOCIATION OF REALTORS®, the Board of Directors, after providing for payment of all obligations, shall distribute any remaining assets without consideration to the ~~Stanley H. Mathis Foundation~~ NM Real Estate Education Foundation, or such other non-profit, educational or charitable institution or organization as may be determined to be in the best position to carry out and serve the original purposes of this organization. Such conveyance shall be for the unrestricted use and disposition of such institution or organization.

*RATIONALE: Reflects name change of Foundation.*