

The Legislature
of the
State of New Mexico

51st Legislature, 2nd Session

LAWS 2014

CHAPTER 81

SENATE RULES COMMITTEE SUBSTITUTE FOR

SENATE BILL 125, as amended,
with emergency clause

Introduced by

EMERGENCY CLAUSE



CHAPTER 81

AN ACT

RELATING TO MINOR POLITICAL PARTIES; PROVIDING PROCEDURES AND FILING REQUIREMENTS FOR THE NOMINATION OF CANDIDATES BY MINOR POLITICAL PARTIES IN GENERAL ELECTIONS; STANDARDIZING FILING DATES FOR CANDIDATES IN GENERAL ELECTIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 1-7-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 147, as amended) is amended to read:

"1-7-4. RULES AND REGULATIONS--FILING--FEE.--

A. Each political party shall file its rules and regulations, along with petitions containing the required number of signatures, if the signature provision is applicable to the party, within thirty days after its organization and no later than twenty-three days after the primary election before any general election in which it is authorized to participate.

B. Within seven days after the filing of the political party's rules and qualifying petitions, the secretary of state shall notify the political party whether the rules and qualifying petitions are in proper order and that the party has qualified. The secretary of state shall notify all county clerks in the state of the qualification of that political party and post notice of qualification on the

1 secretary of state's web site.

2 C. Political parties filing rules and regulations
3 with the county clerk shall pay the standard filing fee."

4 SECTION 2. Section 1-8-1 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 151, as amended) is amended to read:

6 "1-8-1. NOMINATING PROCEDURES--MAJOR POLITICAL
7 PARTIES--MINOR POLITICAL PARTIES.--

8 A. Any major political party in New Mexico, as
9 defined in Section 1-7-7 NMSA 1978, shall nominate its
10 candidates, other than its presidential candidates, by secret
11 ballot at the next succeeding primary election as prescribed
12 in the Primary Election Law.

13 B. Any minor political party in New Mexico, as
14 defined in Section 1-7-7 NMSA 1978, shall nominate candidates
15 for public office in the manner prescribed in its party rules
16 and regulations and according to the provisions of the
17 Election Code."

18 SECTION 3. Section 1-8-2 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 152, as amended) is amended to read:

20 "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--
21 CONVENTION--DESIGNATED NOMINEES.--

22 A. If the rules of a minor political party require
23 nomination by political convention:

24 (1) the chair and secretary of the state
25 political convention shall certify to the secretary of state

1 the names of their party's nominees for United States
2 senator, United States representative, all elective state
3 offices, legislative offices elected from multicounty
4 districts, the public regulation commission, all elective
5 judicial officers in the judicial department and all offices
6 representing a district composed of more than one county; and

7 (2) the chair and secretary of the county
8 political convention shall certify to the county clerk the
9 names of their party's nominees for elected county offices
10 and for legislative offices elected from a district located
11 wholly within one county or that is composed of only one
12 county.

13 B. The names certified to the secretary of state
14 shall be filed on the twenty-third day following the primary
15 election in the year of the general election and shall be
16 accompanied by nominating petitions containing the signatures
17 of voters totaling not less than one percent of the total
18 number of votes cast for governor at the last preceding
19 general election at which a governor was elected:

20 (1) in the state for statewide offices; and

21 (2) in the district for offices other than
22 statewide offices.

23 The petition shall contain a statement that the voters
24 signing the petition are residents of the area to be
25 represented by the office for which the person being

1 nominated is a candidate.

2 C. The names certified to the county clerk shall
3 be filed on the twenty-third day following the primary
4 election in the year of the general election and shall be
5 accompanied by a nominating petition containing the
6 signatures of voters totaling not less than one percent of
7 the total number of votes cast for governor at the last
8 preceding general election at which a governor was elected:

9 (1) in the county for countywide offices;
10 and

11 (2) in the district for offices other than
12 countywide offices.

13 The petition shall contain a statement that the voters
14 signing the petition are residents of the area to be
15 represented by the office for which the person being
16 nominated is a candidate.

17 D. Except in the case of a political party
18 certified in the year of the election, persons certified as
19 candidates shall be members of that party on the day the
20 governor issues the primary election proclamation.

21 E. When a political party is certified in the year
22 of the general election, and after the day the governor
23 issues the primary election proclamation, a person certified
24 as a candidate shall be:

25 (1) a member of that party not later than

1 the date the political party filed its rules and qualifying
2 petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and

3 (2) a resident in the district of the office
4 for which the person is a candidate on the date of the
5 governor's proclamation for the primary election or in the
6 case of a person seeking the office of United States senator
7 or United States representative, a resident within New Mexico
8 on the date of the governor's proclamation for the primary
9 election. No person who is a candidate for a party in a
10 primary election may be certified as a candidate for a
11 different party in the general election in the same election
12 cycle.

13 F. No voter shall sign a petition prescribed by
14 this section for more persons than the number of candidates
15 necessary to fill the office at the next ensuing general
16 election."

17 SECTION 4. Section 1-8-4 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 154, as amended) is amended to read:

19 "1-8-4. SECRETARY OF STATE--CERTIFICATION OF NOMINEES--
20 MINOR POLITICAL PARTY.--

21 A. Upon receipt of certificates of nomination of
22 any minor political party and nominating petitions, and no
23 later than 5:00 p.m. on the first Tuesday following the
24 filing date, the proper filing officer shall:

25 (1) determine whether the method of

1 nomination used by the certifying political party complies
2 with the current rules of that party on file in the secretary
3 of state's office;

4 (2) determine whether the number of
5 signatures required have been submitted and all the
6 requirements of Sections 1-8-1 through 1-8-3 NMSA 1978 have
7 been complied with; and

8 (3) if such determinations are answered in
9 the affirmative, mail notice to the certifying party and the
10 candidate no later than 5:00 p.m. on the Tuesday following
11 the filing date that the certificates of nomination and
12 nominating petitions are in proper order and that the
13 candidate, based on those documents, is qualified to have the
14 candidate's name placed on the ballot.

15 B. If a minor political party candidate is
16 notified by the proper filing officer that the candidate is
17 not qualified to have the candidate's name appear on the
18 ballot, the candidate may challenge the decision by filing a
19 petition with the district court within ten days of the
20 notification. The district court shall hear and render a
21 decision on the matter within ten days after the petition is
22 filed. The decision of the district court may be appealed to
23 the supreme court within five days after the decision is
24 rendered. The supreme court shall hear and render a decision
25 no later than fifty-six days prior to the general election.

1 C. Any voter may file a court action challenging a
2 minor political party candidate's nominating petitions
3 pursuant to the provisions of Section 1-8-35 NMSA 1978."

4 SECTION 5. Section 1-8-26 NMSA 1978 (being Laws 1975,
5 Chapter 295, Section 12, as amended) is amended to read:

6 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--
7 DOCUMENTS NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

8 A. Declarations of candidacy by preprimary
9 convention designation for any statewide office or for the
10 office of United States representative shall be filed with
11 the proper filing officer on the first Tuesday in February of
12 each even-numbered year between the hours of 9:00 a.m. and
13 5:00 p.m.

14 B. Declarations of candidacy for any other office
15 to be nominated in the primary election shall be filed with
16 the proper filing officer on the second Tuesday of March of
17 each even-numbered year between the hours of 9:00 a.m. and
18 5:00 p.m.

19 C. Certificates of designation shall be submitted
20 to the secretary of state on the first Tuesday following the
21 preprimary convention at which the candidate's designation
22 took place between the hours of 9:00 a.m. and 5:00 p.m.

23 D. Declarations of candidacy for retention for all
24 affected judicial offices shall be filed with the proper
25 filing officer between the hours of 9:00 a.m. and 5:00 p.m.

1 on the second Tuesday in March of each even-numbered year.

2 E. No candidate's name shall be placed on the
3 ballot until the candidate has been notified in writing by
4 the proper filing officer that the declaration of candidacy,
5 the petition, if required, and the certificate of
6 registration of the candidate on file are in proper order and
7 that the candidate, based on those documents, is qualified to
8 have the candidate's name placed on the ballot. The proper
9 filing officer shall mail the notice no later than 5:00 p.m.
10 on the Tuesday following the filing date.

11 F. If a candidate is notified by the proper filing
12 officer that the candidate is not qualified to have the
13 candidate's name appear on the ballot, the candidate may
14 challenge that decision by filing a petition with the district
15 court within ten days of the notification. The district court
16 shall hear and render a decision on the matter within ten days
17 after the petition is filed. The decision of the district
18 court may be appealed to the supreme court within five days
19 after the decision is rendered. The supreme court shall hear
20 and render a decision on the appeal forthwith."

21 SECTION 6. A new section of the Election Code is
22 enacted to read:

23 "NOMINATING PETITION FOR CANDIDATE OF AN UNQUALIFIED
24 STATE POLITICAL PARTY--QUALIFICATION AS AN INDEPENDENT
25 CANDIDATE.--The declaration of candidacy and petition

1 signatures submitted to the proper filing officer by a
2 candidate for nomination as a minor party candidate shall be
3 counted toward the requirements for qualification as an
4 independent candidate for the same office in the same election
5 if the candidate's party files for, but does not obtain status
6 as, a qualified political party in that election cycle. To
7 qualify as an independent candidate, the candidate must meet
8 all requirements for an independent candidate in Section
9 1-8-45 NMSA 1978 and submit the required number of petition
10 signatures for an independent candidate as prescribed in
11 Section 1-8-51 NMSA 1978. No candidate may circulate
12 petitions for candidacy for more than one political party in
13 an election cycle."

14 SECTION 7. A new section of the Election Code is
15 enacted to read:

16 "MINOR POLITICAL PARTY CANDIDATES FOR GENERAL OR
17 UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING
18 PETITION FORM.--

19 A. As used in Sections 1-8-2 through 1-8-4 NMSA
20 1978, "nominating petition" means the authorized form used for
21 obtaining the required number of signatures of voters that is
22 signed on behalf of the person wishing to become a minor
23 political party candidate for a political office in a general
24 or United States representative special election requiring a
25 nominating petition.

1 B. In making a declaration of candidacy, the
2 candidate shall file a nominating petition at the same time,
3 which shall be on forms prescribed by law.

4 C. The nominating petition for a minor political
5 party candidate for any office requiring a nominating petition
6 shall be on paper approximately eight and one-half inches wide
7 and eleven inches long with numbered lines for signatures
8 approximately three-eighths inch apart and shall be in the
9 following form:

10 "NOMINATING PETITION FOR MINOR POLITICAL PARTY CANDIDACY
11 (GENERAL ELECTION)

12 I, the undersigned, a registered voter of
13 New Mexico, hereby nominate _____, who resides
14 at _____ in the county of _____,
15 New Mexico, for the _____ party nomination for the
16 office of _____ to be voted for at the
17 general election or United States representative special
18 election to be held on _____, and I declare that I am a
19 registered voter of the area to be represented by the office
20 for which the person being nominated is a candidate. I also
21 declare that I have not signed, and will not sign, any
22 nominating petition for more persons than the number of
23 candidates necessary to fill such office at the next ensuing
24 general election or at a United States representative special
25 election. I understand that if the candidate's political

1 party does not qualify as a minor political party, the
2 candidate may run as an unaffiliated independent candidate.

3 1. _____
4 (usual signature) (name printed (address as (city or zip
5 as registered) registered) code)

6 2. _____
7 (usual signature) (name printed (address as (city or zip
8 as registered) registered) code)".

9 D. In March of even-numbered years, the secretary
10 of state shall post on the secretary of state's web site and
11 shall furnish to each county clerk a sample of a nominating
12 petition form, a copy of which shall be made available by the
13 county clerk upon request of any candidate.

14 E. When more than one sheet is required for a
15 petition, each of the sheets shall be in the form prescribed
16 by this section."

17 SECTION 8. Section 1-8-52 NMSA 1978 (being Laws 1977,
18 Chapter 322, Section 8, as amended) is amended to read:

19 "1-8-52. INDEPENDENT CANDIDATES FOR GENERAL OR
20 UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING
21 PETITIONS--CIRCULATION--DATE OF FILING.--

22 A. Declarations of independent candidacy and
23 nominating petitions shall be filed with the proper filing
24 officer between 9:00 a.m. and 5:00 p.m. on the twenty-third
25 day following the primary election of each even-numbered year

1 and between 9:00 a.m. and 5:00 p.m. on the fifty-sixth day
2 preceding any United States representative special election.

3 B. Declarations of independent candidacy and
4 nominating petitions for the office of president of the
5 United States shall be filed with the proper filing officer
6 between 9:00 a.m. and 5:00 p.m. on the twenty-third day
7 following the primary election."

8 SECTION 9. Section 1-12-19.1 NMSA 1978 (being Laws
9 1981, Chapter 156, Section 2, as amended) is amended to read:

10 "1-12-19.1. GENERAL ELECTIONS--SPECIAL ELECTIONS--
11 WRITE-IN CANDIDATES.--

12 A. A person desiring to be a write-in candidate in
13 a general election shall file with the proper filing officer
14 between 9:00 a.m. and 5:00 p.m. on the twenty-third day after
15 the primary election a declaration of intent to be a write-in
16 candidate. A person desiring to be a write-in candidate in a
17 special election for United States representative or a
18 statewide special election shall file with the proper filing
19 officer between 9:00 a.m. and 5:00 p.m. on the sixty-third day
20 immediately preceding the election a declaration of intent to
21 be a write-in candidate.

22 B. The form of the declaration of intent shall be
23 prescribed by the secretary of state and shall contain a sworn
24 statement by the candidate that the candidate is qualified to
25 be a candidate for and to hold the office for which the

1 candidate is filing.

2 C. At the time of filing the declaration of intent
3 to be a write-in candidate, the write-in candidate shall be
4 considered a candidate for all purposes and provisions
5 relating to candidates in the Election Code, including the
6 obligation to report under the Campaign Reporting Act, except
7 that the candidate shall not be entitled to have the
8 candidate's name printed on the ballot.

9 D. The secretary of state shall, not more than ten
10 days after the filing date, certify the names of the declared
11 write-in candidates to the county clerks of every county
12 affected by such candidacy.

13 E. No person shall be a write-in candidate in the
14 general election who was a candidate in the primary election
15 immediately prior to the general election. A write-in
16 candidate for governor or lieutenant governor in the general
17 election shall have a companion write-in candidate, and they
18 shall be candidates to be elected jointly by the casting by a
19 voter of a single vote applicable to both offices.

20 F. A vote for a write-in candidate shall be
21 counted and canvassed only if:

22 (1) the name written in is the name of a
23 declared write-in candidate and shows two initials and last
24 name; first name, middle initial or name and last name; first
25 and last name; or the full name as it appears on the

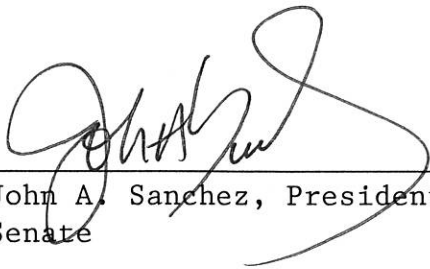
1 declaration of intent to be a write-in candidate and
2 misspellings of the above combinations that can be reasonably
3 determined by a majority of the members of the precinct board
4 to identify a declared write-in candidate; and

5 (2) the name is written in the proper office
6 on the proper line provided on the ballot for write-in votes
7 for the office for which the candidate has filed a declaration
8 of intent and the voter has followed the directions for
9 casting a vote for the write-in candidate.

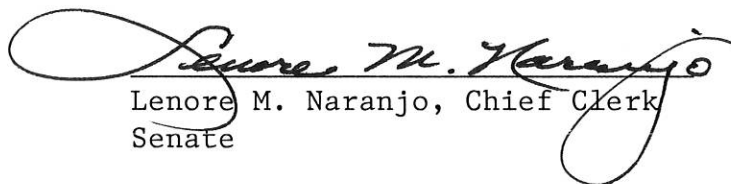
10 G. No unopposed write-in candidate shall have an
11 election certified unless the candidate receives at least the
12 number of write-in votes equal to two percent of the total
13 vote in the state, district or county in which the candidate
14 seeks election that were cast for governor in the last
15 preceding general election in which a governor was elected.

16 H. A write-in vote shall be cast by writing in the
17 name. As used in this section, "write-in" does not include
18 the imprinting of any name by rubber stamp or similar device
19 or the use of preprinted stickers or labels."

20 SECTION 10. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect
22 immediately. _____



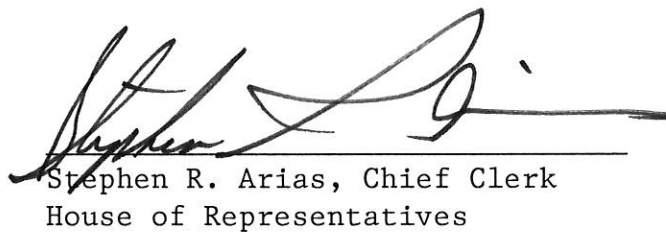
John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate

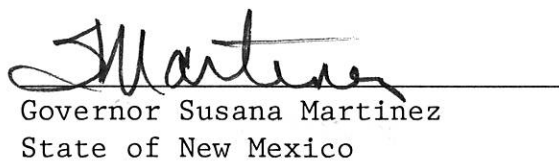


W. Ken Martinez, Speaker
House of Representatives



Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 12th day of March, 2014



Governor Susana Martinez
State of New Mexico