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HOUSE BILL 328

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Edward C. Sandoval

AN ACT

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

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

SECTION 1. A new section of the Election Code is enacted  
to read:

"[NEW MATERIAL] MINOR POLITICAL PARTY CANDIDATES FOR  
GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--  
NOMINATING PETITION FORM.--

A. As used in Sections 1-8-2 through 1-8-4 NMSA  
1978, "nominating petition" means the authorized form used for  
obtaining the required number of signatures of voters that is  
signed on behalf of the person wishing to become a minor  
political party candidate for a political office in a general

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1 or United States representative special election requiring a  
2 nominating petition.

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

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

12 "NOMINATING PETITION FOR MINOR POLITICAL PARTY CANDIDACY  
13 (GENERAL ELECTION)

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

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- 1 1. \_\_\_\_\_  
2 (usual signature) (name printed (address as (city or zip  
3 as registered) registered) code)  
4 2. \_\_\_\_\_  
5 (usual signature) (name printed (address as (city or zip  
6 as registered) registered) code)".

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

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

15 SECTION 2. Section 1-7-4 NMSA 1978 (being Laws 1969,  
16 Chapter 240, Section 147, as amended) is amended to read:

17 "1-7-4. RULES AND REGULATIONS--FILING--FEE.--

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

25 B. Within twenty-eight days after the filing of the

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1 political party's rules and qualifying petitions, the secretary  
2 of state shall notify the political party whether the rules and  
3 qualifying petitions are in proper order and that the party has  
4 qualified. The secretary of state shall notify all county  
5 clerks in the state of the qualification of that political  
6 party and post notice of qualification on the secretary of  
7 state's web site.

8 [B-] C. Political parties filing rules and  
9 regulations with the county clerk shall pay the standard filing  
10 fee."

11 SECTION 3. Section 1-8-1 NMSA 1978 (being Laws 1969,  
12 Chapter 240, Section 151, as amended) is amended to read:

13 "1-8-1. NOMINATING PROCEDURES--MAJOR POLITICAL  
14 PARTIES--MINOR POLITICAL PARTIES.--

15 A. Any major political party in New Mexico, as  
16 defined in Section [~~1-1-9~~] 1-7-7 NMSA 1978, shall nominate its  
17 candidates, other than its presidential candidates, by secret  
18 ballot at the next succeeding primary election as prescribed in  
19 the Primary Election Law.

20 B. Any minor political party in New Mexico, as  
21 defined in Section [~~1-1-9~~] 1-7-7 NMSA 1978, shall nominate  
22 candidates for public office in the manner prescribed in its  
23 party rules and regulations and according to the provisions of  
24 the Election Code."

25 SECTION 4. Section 1-8-2 NMSA 1978 (being Laws 1969,  
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1 Chapter 240, Section 152, as amended) is amended to read:

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

4 A. If the rules of a minor political party require  
5 nomination by political convention:

6 (1) the chair and secretary of the state  
7 political convention shall certify to the secretary of state  
8 the names of their party's nominees for United States senator,  
9 United States representative, all elective state offices,  
10 legislative offices elected from multicounty districts, the  
11 public regulation commission, all elective judicial officers in  
12 the judicial department and all offices representing a district  
13 composed of more than one county; and

14 (2) the chair and secretary of the county  
15 political convention shall certify to the county clerk the  
16 names of their party's nominees for elected county offices and  
17 for legislative offices elected from a district located wholly  
18 within one county or that is composed of only one county.

19 B. The names certified to the secretary of state  
20 shall be filed on the [~~twenty-first day~~] second Tuesday in July  
21 following the primary election in the year of the general  
22 election and shall be accompanied by [~~a petition containing a~~  
23 ~~list of signatures and addresses of voters~~] nominating  
24 petitions containing the signatures of voters totaling not less  
25 than one percent of the total number of votes cast at the last

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1 preceding general election for the office of governor or  
2 president of the United States, as the case may be:

- 3 (1) in the state for statewide offices; and  
4 (2) in the district for offices other than  
5 statewide offices.

6 The petition shall contain a statement that the voters  
7 signing the petition are residents of the state, district,  
8 county or area to be represented by the office for which the  
9 person being nominated is a candidate.

10 C. The names certified to the county clerk shall be  
11 filed on the [~~twenty-first day following the primary election~~]  
12 second Tuesday in July in the year of the general election and  
13 shall be accompanied by a nominating petition containing [~~a~~  
14 ~~list of~~] the signatures [~~and addresses~~] of voters totaling not  
15 less than one percent of the total number of votes cast at the  
16 last preceding general election for the office of governor or  
17 president of the United States, as the case may be:

- 18 (1) in the county for countywide offices; and  
19 (2) in the district for offices other than  
20 countywide offices.

21 The petition shall contain a statement that the voters  
22 signing the petition are residents of the state, district,  
23 county or area to be represented by the office for which the  
24 person being nominated is a candidate.

25 D. Except in the case of a political party

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1 certified in the year of the election, persons certified as  
2 [~~nominees~~] candidates shall be members of that party [~~before~~]  
3 on the day the governor issues the primary election  
4 proclamation. When a political party is certified in the year  
5 of the general election, and after the day the governor issues  
6 the primary election proclamation, persons certified as  
7 candidates shall be members of that party not later than the  
8 date the political party filed its rules and qualifying  
9 petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978. No  
10 person who is a candidate for a party in a primary election may  
11 be certified as a candidate for a different party in the  
12 general election in the same election cycle.

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

17 SECTION 5. 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 [~~thirty-fifth day~~] first Tuesday  
24 following the filing date, the [~~secretary of state~~] proper  
25 filing officer shall:

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1                   [A.] (1) determine whether the method of  
2 nomination used by the certifying political party complies with  
3 the current rules of that party on file in the secretary of  
4 state's office;

5                   [B.] (2) determine whether the number of  
6 signatures required have been submitted and all the  
7 requirements of Sections 1-8-1 through 1-8-3 NMSA 1978 have  
8 been complied with [~~and that the petition and list of~~  
9 ~~signatures and addresses of voters are valid and comply with~~  
10 ~~law~~]; and

11                   [G.] (3) if such determinations are answered  
12 in the affirmative, [~~within forty-two days following the filing~~  
13 ~~date certify the names of each minor party's nominees as~~  
14 ~~candidates for the office for which each is nominated to each~~  
15 ~~county clerk in the state] mail notice to the certifying party  
16 and the candidate no later than 5:00 p.m. on the Tuesday  
17 following the filing date that the certificates of nomination  
18 and nominating petitions are in proper order and that the  
19 candidate, based on those documents, is qualified to have the  
20 candidate's name placed on the ballot.~~

21                   B. If a minor political party candidate is notified  
22 by the proper filing officer that the candidate is not  
23 qualified to have the candidate's name appear on the ballot,  
24 the candidate may challenge the decision by filing a petition  
25 with the district court within ten days of the notification.

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1 The district court shall hear and render a decision on the  
2 matter within ten days after the petition is filed. The  
3 decision of the district court may be appealed to the supreme  
4 court within five days after the decision is rendered. The  
5 supreme court shall hear and render a decision no later than  
6 fifty-six days prior to the general election.

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

10 SECTION 6. EMERGENCY.--It is necessary for the public  
11 peace, health and safety that this act take effect immediately.