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HOUSE BILL 97

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Matthew McQueen

AN ACT

RELATING TO PRESIDENTIAL ELECTORS; REQUIRING ELECTORS WHO DO NOT VOTE FOR THE CANDIDATE OF THE POLITICAL PARTY THAT NOMINATED THEM TO BE DISQUALIFIED AND THE VACANCY FILLED BY GUBERNATORIAL APPOINTMENT; PRESCRIBING A PROCEDURE FOR FILLING VACANCIES; REPEALING SECTION 1-15-9 NMSA 1978 (BEING LAWS 1969, CHAPTER 240, SECTION 359).

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

SECTION 1. Section 1-15-7 NMSA 1978 (being Laws 1969, Chapter 240, Section 357) is amended to read:

"1-15-7. PRESIDENTIAL ELECTORS--WHEN GOVERNOR FILLS VACANCY.--Except as provided in Section 1-15-8 NMSA 1978, in the case of the death, [ø] absence or disqualification of any presidential elector or failure to complete the number of presidential electors by noon of the day fixed by the laws of

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1 the United States for presidential electors to cast their
2 ballots, the governor shall fill any vacancy by appointment.
3 In filling the vacancy, the governor shall appoint a [~~voter of~~
4 ~~the state~~] presidential elector from a list of names of voters
5 of the state nominated by the state [~~chairman~~] chair of the
6 same political party represented by the presidential elector
7 whose death, [~~or~~] absence or disqualification caused the
8 vacancy."

9 SECTION 2. Section 1-15-8 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 358, as amended) is amended to read:

11 "1-15-8. PRESIDENTIAL ELECTORS--ELECTORAL COLLEGE CASTING
12 BALLOTS--CERTIFICATION OF RESULTS.--

13 A. The presidential electors of the state shall
14 meet at noon in the office of the secretary of state on the day
15 fixed by the laws of the United States for presidential
16 electors to cast their ballots for president and vice president
17 [~~and~~] of the United States.

18 B. The secretary of state shall provide each
19 presidential elector with a presidential and vice presidential
20 ballot. The presidential electors shall mark their ballots for
21 the candidates of the political party that nominated them as
22 presidential electors.

23 C. Each presidential elector shall present a
24 completed ballot to the secretary of state, who shall examine
25 each ballot and accept as cast each ballot marked by a

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1 presidential elector consistent with the candidate of the
2 political party that nominated the presidential elector. The
3 secretary of state shall not accept and shall not count a
4 ballot if the presidential elector has not marked the ballot or
5 has marked the ballot for a candidate other than the candidate
6 of the political party that nominated the presidential elector.

7 D. A presidential elector who refuses to present a
8 ballot, who attempts to present an unmarked ballot or who
9 attempts to present a ballot marked for a candidate other than
10 the candidate of the political party that nominated the
11 presidential elector is disqualified as a presidential elector
12 and vacates the office of presidential elector.

13 E. The governor shall fill any vacancy by
14 appointment in accordance with the procedure prescribed by
15 Section 1-15-7 NMSA 1978. Any presidential elector appointed
16 by the governor to fill a vacancy who fails or refuses to
17 present a ballot marked for the candidate of the party that
18 nominated the presidential elector shall be disqualified, the
19 office deemed vacant and another presidential elector shall be
20 appointed by the governor.

21 F. After all vacancies are filled, the presidential
22 electors shall proceed [~~to vote by ballot for~~] with the
23 election of the president and vice president of the United
24 States and [~~to~~] shall certify the results of such election in
25 accordance with the constitution and laws of the United States.

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G. The presidential elector chosen as secretary shall keep a journal of the proceedings and deposit the journal in the office of the secretary of state, where it shall be kept on file.

H. If the Agreement Among the States to Elect the President by National Popular Vote, Section 1-15-4.1 NMSA 1978, has been adopted and is in effect in states in the United States that cumulatively add up to two hundred seventy or more electoral votes as provided in that agreement, then that agreement shall govern, notwithstanding the other provisions of this section or Section 1-15-7 NMSA 1978."

SECTION 3. REPEAL.--Section 1-15-9 NMSA 1978 (being Laws 1969, Chapter 240, Section 359) is repealed.