

1 SENATE BILL 222

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Jacob Candelaria

5
6
7
8
9
10 AN ACT

11 RELATING TO ELECTIONS; MODIFYING NOMINATING PETITION FORMS;
12 CHANGING REQUIREMENTS FOR THE INVALIDATION OF NOMINATING
13 PETITIONS; PROVIDING PENALTIES.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 1-8-30 NMSA 1978 (being Laws 1973,
17 Chapter 228, Section 4, as amended) is amended to read:

18 "1-8-30. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--
19 NOMINATING PETITION--FILING AND FORM.--

20 A. As used in the Primary Election Law, "nominating
21 petition" means the authorized form used for obtaining the
22 required number of signatures of voters, which is signed on
23 behalf of the person wishing to become a candidate for a
24 political office in the primary election requiring a nominating
25 petition.

.190685.4

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

4 C. The nominating petition shall be on paper
5 approximately eight and one-half inches wide and eleven inches
6 long with numbered lines for signatures spaced approximately
7 three-eighths of an inch apart and shall be in the following
8 form:

9 "I confirm that I collected the signatures on this
10 nominating petition.

11 _____
12 (signature) (printed name) (address) (city or zip
13 code)

14 NOMINATING PETITION

15 I, the undersigned, a registered voter of New Mexico, and
16 a member of the _____ party, hereby nominate
17 _____ [~~who resides at _____ in the~~
18 ~~county of _____, New Mexico~~] for the party nomination
19 for the office of _____ in district or
20 division number ____ (if any), to be voted for at the next
21 primary election [~~to be held on _____~~], and I declare that I am
22 a registered voter of the [~~state, district, county or~~] area to
23 be represented by the office for which the person being
24 nominated is a candidate. I also declare that I have not
25 signed, and will not sign, any nominating petition for more

.190685.4

underscored material = new
[bracketed material] = delete

1 persons than the number of candidates necessary to fill such
2 office at the next ensuing general election.

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

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

9 D. In October of odd-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 by~~
16 ~~this section and all sheets shall be firmly secured by a staple~~
17 ~~or other suitable fastening.]"~~

18 SECTION 2. Section 1-8-31 NMSA 1978 (being Laws 1973,
19 Chapter 228, Section 5, as amended) is amended to read:

20 "1-8-31. ~~[PRIMARY ELECTION LAW]~~ NOMINATING PETITION--
21 SIGNATURES TO BE COUNTED.--

22 A. A person who signs a nominating petition shall
23 sign only one petition for the same office unless more than one
24 candidate is to be elected to that office, and in that case, a
25 person may sign not more than the number of nominating

underscored material = new
[bracketed material] = delete

1 petitions equal to the number of candidates to be elected to
2 the office.

3 B. A person who signs a nominating petition shall
4 indicate the person's registration address. If the person does
5 not have a standard street address, the person may provide the
6 mailing address as shown on the person's certificate of
7 registration.

8 C. A signature shall be counted on a nominating
9 petition unless there is evidence presented that the person
10 signing:

11 [~~(1)~~] ~~was not a registered member of the~~
12 ~~candidate's political party ten days prior to the filing of the~~
13 ~~nominating petition;~~

14 ~~(2)]~~ (1) failed to provide information
15 required by the nominating petition;

16 [~~(3)]~~ (2) is not a voter of the [~~state,~~
17 ~~district, county or~~] area to be represented by the office for
18 which the person seeking the nomination is a candidate;

19 [~~(4)]~~ (3) has signed more than one petition
20 for the same office, except as provided in Subsection A of this
21 section, or has signed one petition more than once;

22 [~~(5)]~~ (4) is not of the same political party
23 as the candidate named in the nominating petition as shown by
24 the signer's certificate of registration; or

25 [~~(6)]~~ (5) is not the person whose name appears

.190685.4

underscored material = new
[bracketed material] = delete

1 on the nominating petition.

2 D. The following information shall be listed in the
3 appropriate space at the top of the nominating petition before
4 the petition has been signed by any voter:

5 (1) the signature of the person collecting
6 signatures on the petition, along with the person's printed
7 name, address and city or zip code;

8 (2) the party affiliation of voters signing
9 the petition;

10 (3) the candidate's name [~~the candidate's~~
11 ~~address, the candidate's county of residence and~~];

12 (4) the office sought by the candidate [~~which~~
13 ~~shall include~~]; and

14 (5) the district or division of the office
15 sought, if [applicable] the office sought is a judicial
16 division office elected at large within a judicial district.

17 E. With or without a showing of bad faith, fraud or
18 reasonable opportunity for fraud, a nominating petition,
19 including all signatures on the petition page, shall be invalid
20 if any of the [~~preceding~~] information required by Subsection D
21 of this section is not listed on the petition before the
22 petition is signed by a voter or if any of the [~~preceding~~]
23 required information is altered.

24 [~~E.~~] F. The procedures set forth in this section
25 shall be used to validate signatures on any petition required

.190685.4

underscored material = new
[bracketed material] = delete

1 by the Election Code, except that [~~Paragraphs (1) and (5)~~]
2 Paragraph (4) of Subsection C of this section shall not apply
3 to petitions filed by unaffiliated candidates or petitions
4 filed by candidates of minor political parties."

5 SECTION 3. Section 1-8-50 NMSA 1978 (being Laws 1977,
6 Chapter 322, Section 6, as amended) is amended to read:

7 "1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
8 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION
9 FORM.--

10 A. As used in Sections 1-8-45 through 1-8-52 NMSA
11 1978, "nominating petition" means the authorized form used for
12 obtaining the required number of signatures of voters that is
13 signed on behalf of the person wishing to become an independent
14 candidate for a political office in a general or United States
15 representative special election requiring a nominating
16 petition.

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

20 C. The nominating petition for an independent
21 candidate for any office, except United States representative
22 in a special election or president of the United States, shall
23 be on paper approximately eight and one-half inches wide and
24 eleven inches long with numbered lines for signatures spaced
25 approximately three-eighths of an inch apart and shall be in

.190685.4

underscored material = new
[bracketed material] = delete

1 the following form:

2 "I confirm that I collected the signatures on this
3 nominating petition.

4 _____
5 (signature) (printed name) (address) (city or zip
6 code)

7 NOMINATING PETITION FOR INDEPENDENT CANDIDACY

8 I, the undersigned, a registered voter of New Mexico, hereby
9 nominate _____ [~~who resides at~~
10 _____ ~~in the county of~~ _____, ~~New~~
11 ~~Mexico~~] as an independent candidate for the office of

12 _____ in district or division number _____
13 (if any), to be voted for at the next general election, [~~or~~
14 ~~United States representative special election to be held on~~
15 _____, _____

16 ~~(month) (day) (year)~~] and I declare that I am a registered
17 voter of the state, district, county or area to be represented
18 by the office for which the person being nominated is a
19 candidate. I also declare that I have not signed, and will not
20 sign, any nominating petition for more persons than the number
21 of candidates necessary to fill the office at the next ensuing
22 general election [~~or at a United States representative special~~
23 ~~election~~].

24 1. _____
25 (usual (name printed (year of (address as (city or

signature) as registered) birth registered) zip code)

2. _____
(usual (name printed (year of (address as (city or
signature) as registered) birth registered) zip code).".

D. The nominating petition for an independent candidate for United States representative in a special election shall be on paper approximately eight and one-half inches wide and eleven inches long with numbered lines for signatures spaced approximately three-eighths of an inch apart and shall be in the following form:

"I confirm that I collected the signatures on this nominating petition.

(signature) (printed name) (address) (city or zip
code)

NOMINATING PETITION FOR INDEPENDENT CANDIDACY FOR UNITED STATES REPRESENTATIVE IN A SPECIAL ELECTION

I, the undersigned, a registered voter of New Mexico, hereby nominate _____ as an independent candidate for the office of United States representative, to be voted for at the United States representative special election to be held on _____ (month/day/year), and I declare that I am a registered voter of the district to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and

.190685.4

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 will not sign, any nominating petition for more persons than
2 the number of candidates necessary to fill the office at the
3 next ensuing United States representative special election.

4 1. _____
5 (usual (name printed (year of (address as (city or
6 signature) as registered) birth) registered) zip code)

7 2. _____
8 (usual (name printed (year of (address as (city or
9 signature) as registered) birth) registered) zip code).".

10 [D-] E. The nominating petition for an independent
11 candidate for the office of president and vice president of the
12 United States shall be on paper approximately eight and one-
13 half inches wide and eleven inches long with numbered lines for
14 signatures spaced approximately three-eighths of an inch apart
15 and shall be in the following form:

16 "I confirm that I collected the signatures on this
17 nominating petition.

18 _____
19 (signature) (printed name) (address) (city or zip
20 code)

21 NOMINATING PETITION FOR INDEPENDENT CANDIDACY FOR
22 THE OFFICE OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES
23 I, the undersigned, a registered voter of New Mexico, by
24 endorsement hereon, petition that the [~~name~~] names of
25 _____ be printed on the general election ballot as [~~an~~]

underscored material = new
[bracketed material] = delete

1 independent [~~candidate~~] candidates for the office of president
2 and vice president of the United States, respectively, to be
3 voted on at the next general election [~~to be held on November~~
4 _____, _____]. I also declare that I am that person whose
5 name appears hereon and that I have not signed, nor will I
6 sign, any nominating petition for any other candidate seeking
7 the office of president or vice president of the United States
8 at the next ensuing general election.

- 9 1. _____
10 (usual (name printed (year of (address as (city or
11 signature) as registered) birth) registered) zip code)
12 2. _____
13 (usual (name printed (year of (address as (city or
14 signature) as registered) birth) registered) zip code)."

15 [~~E.~~] F. In March of even-numbered years, the
16 secretary of state shall post on the secretary of state's web
17 site and shall furnish to each county clerk a sample of the
18 nominating petition form, a copy of which shall be made
19 available by the county clerk upon request of any candidate as
20 provided by the Election Code.

21 [~~F. When more than one sheet is required for a~~
22 ~~petition, each of the sheets shall be in the form prescribed by~~
23 ~~this section, and all sheets shall be firmly secured by a staple~~
24 ~~or other suitable fastening.]"~~

25 SECTION 4. EFFECTIVE DATE.--The effective date of the

.190685.4

underscoring material = new
~~[bracketed material] = delete~~

1 provisions of this act is July 1, 2013.

2 - 11 -

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.190685.4