

HOUSE BILL 226

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

James E. Smith

AN ACT

RELATING TO ELECTIONS; SETTING THE NUMBER OF SIGNATURES
REQUIRED FOR NOMINATING PETITIONS FOR MINOR PARTY CANDIDATES
AND INDEPENDENT CANDIDATES.

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

SECTION 1. Section 1-8-2 NMSA 1978 (being Laws 1969,
Chapter 240, Section 152, as amended by Laws 2014, Chapter 40,
Section 3 and by Laws 2014, Chapter 81, Section 3) is amended
to read:

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

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

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

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1 the names of their party's nominees for United States senator,
2 United States representative, all elective state offices,
3 legislative offices elected from multicounty districts, the
4 public regulation commission, all elective judicial officers in
5 the judicial department and all offices representing a district
6 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 and
10 for legislative offices elected from a district located wholly
11 within one county or that is composed of only one county.

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

20 ~~(1) in the state for statewide offices; and~~
21 ~~(2) in the district for offices other than~~
22 ~~statewide offices] the average of the sum of the total number~~

23 of signatures required to be submitted by a candidate of each

24 major party for the office sought in that primary election.

25 The petition shall contain a statement that the voters signing

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1 the petition are residents of the area to be represented by the
2 office for which the person being nominated is a candidate.

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

10 ~~(1) in the county for countywide offices; and~~
11 ~~(2) in the district for offices other than~~
12 ~~countywide offices]~~ the average of the sum of the total number
13 of signatures required to be submitted by a candidate of each
14 major party for the office sought in that primary election.

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

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

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

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1 (1) a member of that party not later than the
2 date the political party filed its rules and qualifying
3 petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and

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

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

18 SECTION 2. Section 1-8-51 NMSA 1978 (being Laws 1977,
19 Chapter 322, Section 7, as amended) is amended to read:

20 "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
21 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING
22 PETITIONS--REQUIRED NUMBER OF SIGNATURES.--

23 ~~[A. The basis of percentage for the total number of~~
24 ~~votes cast in each instance referred to in this section shall~~
25 ~~be the total vote cast for governor at the last preceding~~

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1 ~~general election at which a governor was elected.~~

2 ~~B.]~~ A. Nominating petitions for an independent
3 candidate for president of the United States shall be signed by
4 ~~[a number of voters equal to at least three]~~ the number of
5 registered qualified electors in each of the congressional
6 districts equal to not less than two percent of the total
7 number of votes for president cast in [the state] each district
8 at the last preceding presidential election.

9 ~~[G.]~~ B. Nominating petitions for an independent
10 candidate for United States senator or any other statewide
11 elective office, United States representative, member of the
12 legislature, public regulation commission, district judge,
13 district attorney, member of the public education commission,
14 magistrate or county office shall be signed by a number of
15 voters equal to ~~[at least three percent of the total number of~~
16 ~~votes cast in the state]~~ no less than the average of the sum of
17 the total number of signatures required to be submitted by each
18 major party candidate for the office sought in the immediately
19 preceding primary election.

20 ~~[D.]~~ ~~Nominating petitions for an independent~~
21 ~~candidate for United States representative shall be signed by a~~
22 ~~number of voters equal to at least three percent of the total~~
23 ~~number of votes cast in the district.~~

24 ~~E.~~ ~~Nominating petitions for an independent~~
25 ~~candidate for a member of the legislature, public regulation~~

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1 ~~commission, district judge, district attorney, member of the~~
2 ~~state board of education, magistrate or county office shall be~~
3 ~~signed by a number of voters equal to at least three percent of~~
4 ~~the total number of votes cast in the district, division or~~
5 ~~county, as the case may be.~~

6 F.] C. A voter shall not sign a petition for an
7 independent candidate as provided in this section if ~~[he]~~ the
8 voter has signed a petition for another independent candidate
9 for the same office."