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AN ACT

RELATING TO ELECTIONS; PROVIDING THAT MAJOR PARTY CANDIDATES FOR LIEUTENANT GOVERNOR BE NOMINATED BY THE POLITICAL PARTY; REQUIRING A SINGLE NOMINATING PETITION FOR JOINT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR FOR NON-MAJOR PARTY CANDIDATES.

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

SECTION 1. A new section of Chapter 1, Article 8 NMSA 1978 is enacted to read:

"MAJOR POLITICAL PARTIES--NOMINATING PROCEDURES--
CANDIDATES FOR LIEUTENANT GOVERNOR.--

A. A major political party that in the primary election has nominated a candidate for governor shall designate the party's nominee for lieutenant governor for the next succeeding general election. The designation shall be made following the final certification of the results of a primary election and shall be filed with the secretary of state no later than ninety days before the general election.

B. The designee made pursuant to Subsection A of this section shall be required to meet the qualifications set forth in Subsection A of Section 1-8-18 NMSA 1978.

C. The process for making the designation pursuant to Subsection A of this section shall be as provided for in the rules of the respective party; provided that, at a

1 minimum, the committee making the designation shall include
2 the members of the state central committee of the party.

3 D. Designation of a party's candidate for
4 lieutenant governor shall be made and filed with the proper
5 filing officer using a form approved by the secretary of
6 state.

7 E. When the name of a designated lieutenant
8 governor nominee is filed as provided in this section, the
9 name shall be placed on the general election ballot as the
10 joint candidate listed with the party's candidate for
11 governor."

12 SECTION 2. Section 1-8-1 NMSA 1978 (being Laws 1969,
13 Chapter 240, Section 151, as amended by Laws 2014,
14 Chapter 40, Section 2 and by Laws 2014, Chapter 81,
15 Section 2) is amended to read:

16 "1-8-1. NOMINATING PROCEDURES--MAJOR POLITICAL
17 PARTIES--MINOR POLITICAL PARTIES.--

18 A. Any major political party in New Mexico, as
19 defined in Section 1-7-7 NMSA 1978, shall nominate its
20 candidates, other than its presidential, vice presidential
21 and lieutenant gubernatorial candidates, by secret ballot at
22 the next succeeding primary election as prescribed in the
23 Primary Election Law.

24 B. Any minor political party in New Mexico, as
25 defined in Section 1-7-7 NMSA 1978, shall nominate candidates

1 for public office in the manner prescribed in its party rules
2 and regulations and according to the provisions of the
3 Election Code."

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

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

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

12 (1) the chair and secretary of the state
13 political convention shall certify to the secretary of state
14 the names of their party's nominees for United States
15 senator, United States representative, joint candidates for
16 governor and lieutenant governor, all other elective state
17 offices, legislative offices elected from multicounty
18 districts, the public regulation commission, all elective
19 judicial officers in the judicial department and all offices
20 representing a district composed of more than one county; and

21 (2) the chair and secretary of the county
22 political convention shall certify to the county clerk the
23 names of their party's nominees for elected county offices
24 and for legislative offices elected from a district located
25 wholly within one county or that is composed of only one

1 county.

2 B. The names certified to the secretary of state
3 shall 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 nominating petitions containing the signatures
6 of voters totaling not less than one percent of the total
7 number of votes cast for governor at the last preceding
8 general election at which a governor was elected:

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

10 (2) in the district for offices other than
11 statewide offices.

12 The petition shall contain a statement that the voters
13 signing the petition are residents of the area to be
14 represented by the office for which the person being
15 nominated is a candidate. The names of the joint candidates
16 for governor and lieutenant governor shall appear on the same
17 nominating petition.

18 C. The names certified to the county clerk shall
19 be filed on the twenty-third day following the primary
20 election in the year of the general election and shall be
21 accompanied by a nominating petition containing the
22 signatures of voters totaling not less than one percent of
23 the total number of votes cast for governor at the last
24 preceding general election at which a governor was elected:

25 (1) in the county for countywide offices;

1 and

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

4 The petition shall contain a statement that the voters
5 signing the petition are residents of the area to be
6 represented by the office for which the person being
7 nominated is a candidate.

8 D. Except in the case of a political party
9 certified in the year of the election, persons certified as
10 candidates shall be members of that party on the day the
11 governor issues the primary election proclamation.

12 E. When a political party is certified in the year
13 of the general election, and after the day the governor
14 issues the primary election proclamation, a person certified
15 as a candidate shall be:

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

19 (2) a resident in the district of the office
20 for which the person is a candidate on the date of the
21 governor's proclamation for the primary election or in the
22 case of a person seeking the office of United States senator
23 or United States representative, a resident within New Mexico
24 on the date of the governor's proclamation for the primary
25 election. No person who is a candidate for a party in a

1 primary election may be certified as a candidate for a
2 different party in the general election in the same election
3 cycle.

4 F. No voter shall sign a petition prescribed by
5 this section for more persons than the number of candidates
6 necessary to fill the office at the next ensuing general
7 election."

8 SECTION 4. Section 1-8-3 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 153, as amended) is amended to read:

10 "1-8-3. NOMINATION BY MINOR POLITICAL PARTY--OTHER
11 METHODS.--If the rules and regulations of a minor political
12 party require nomination by a method other than a political
13 convention:

14 A. the state chair and the governing board of the
15 state party shall certify to the secretary of state the names
16 of their party's nominees for United States senator, United
17 States representative, joint candidates for governor and
18 lieutenant governor, all other elective state offices,
19 legislative offices elected from multicounty districts, the
20 public regulation commission, all elective judicial officers
21 in the judicial department and all offices representing a
22 district composed of more than one county;

23 B. the county chair and the governing board of the
24 county party shall certify to the county clerk the names of
25 their party's nominees for elected county offices and for

1 legislative offices elected from a district located wholly
2 within one county or that is composed of only one county; and

3 C. the names of such nominees shall be filed in
4 the same time and manner prescribed by the Election Code for
5 convention-designated nominees of minor political parties,
6 and each list of names certified shall be accompanied by the
7 petition containing a list of signatures and addresses of
8 voters as prescribed for convention-designated nominees."

9 SECTION 5. Section 1-8-17 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 166, as amended) is amended to read:

11 "1-8-17. PRIMARY ELECTION LAW--OFFICES AFFECTED--
12 QUESTIONS PROHIBITED.--

13 A. The Primary Election Law applies to major
14 political party nominations for all offices that are to be
15 filled at the general election with the exception of the
16 designation of candidates for lieutenant governor and
17 presidential electors.

18 B. The Primary Election Law does not apply to the
19 election of persons to fill municipal, school district or
20 special district offices, nor does it apply to special
21 elections to fill vacancies in any office filled at the
22 general election. No bond issue or other question shall be
23 voted upon at any primary election."

24 SECTION 6. Section 1-8-21 NMSA 1978 (being Laws 1996,
25 Chapter 20, Section 3, as amended) is amended to read:

1 "1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON
2 PRIMARY BALLOT.--

3 A. All candidates seeking primary election
4 nomination to a statewide office or the office of
5 United States representative shall file declarations of
6 candidacy with the proper filing officer. Candidates shall
7 file nominating petitions at the time of filing their
8 declarations of candidacy. Candidates who seek, but do not
9 obtain, preprimary convention designation by a major
10 political party may file new declarations of candidacy and
11 nominating petitions pursuant to Section 1-8-33 NMSA 1978.

12 B. Except as provided in Subsection C of this
13 section, candidates for any other office listed in
14 Subsection C of Section 1-8-13 NMSA 1978 shall have their
15 names placed on the primary election ballot by filing
16 declarations of candidacy and nominating petitions with the
17 proper filing officer.

18 C. Candidates for county office shall have their
19 names placed on the primary election ballot by filing
20 declarations of candidacy and paying filing fees or filing
21 the proper paupers' statements at the time of filing
22 declarations of candidacy with the proper filing officer.

23 D. The provisions of this section shall not apply
24 to the office of lieutenant governor."

25 SECTION 7. Section 1-8-21.1 NMSA 1978 (being Laws 1993, SB 178
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1 Chapter 55, Section 11, as amended) is amended to read:

2 "1-8-21.1. DESIGNATION OF CANDIDATES BY CONVENTION.--

3 A. State conventions of major political parties
4 may designate candidates for nomination to statewide office
5 or the office of United States representative.

6 B. No state convention for designating candidates
7 shall be held later than the second Sunday in March preceding
8 the primary election, and delegates to the convention shall
9 be elected according to state party rules filed in the office
10 of the secretary of state.

11 C. The state convention shall take only one ballot
12 upon candidates for each office to be filled. Every
13 candidate receiving twenty percent or more of the votes of
14 the duly elected delegates to the convention for the office
15 to be voted upon at the ensuing primary election shall be
16 certified to the secretary of state as a
17 convention-designated nominee for that office by the
18 political party. Certification shall take place no later
19 than 5:00 p.m. on the first Tuesday succeeding the state
20 convention.

21 D. The certificate of designation submitted to the
22 secretary of state shall state the name of the office for
23 which each person is a candidate, each candidate's name and
24 address and the name of the political party that each
25 candidate represents and certification that the candidate has

1 been a member of that political party for the period of time
2 required by the Election Code.

3 E. The provisions of this section shall not apply
4 to the office of lieutenant governor."

5 SECTION 8. Section 1-8-36.1 NMSA 1978 (being Laws 1981,
6 Chapter 156, Section 1, as amended) is amended to read:

7 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

8 A. Write-in candidates are permitted in the
9 primary election only for the offices of United States
10 representative, members of the legislature, district judges,
11 district attorneys, public regulation commission, public
12 education commission, magistrates and any office voted upon
13 by all voters of the state in the primary election.

14 B. A person may be a write-in candidate only for
15 nomination by the major political party with which the person
16 is affiliated as shown by the certificate of registration,
17 and such person shall have the qualifications to be a
18 candidate in the primary election for the political party for
19 which the person is a write-in candidate.

20 C. A person desiring to be a write-in candidate
21 for one of the offices listed in Subsection A of this section
22 in the primary election shall file with the proper filing
23 officer a declaration of intent to be a write-in candidate.
24 Such declaration of intent shall be filed between 9:00 a.m.
25 and 5:00 p.m. on the third Tuesday in March.

1 D. A write-in vote shall be counted and canvassed
2 only if:

3 (1) the name written in is the name of a
4 declared write-in candidate and shows two initials and last
5 name; first name, middle initial or name and last name; first
6 and last name; or the full name as it appears on the
7 declaration of intent to be a write-in candidate and
8 misspellings of the above combinations that can be reasonably
9 determined by a majority of the members of the precinct board
10 to identify a declared write-in candidate; and

11 (2) the name is written on the proper line
12 provided on the ballot for write-in votes for the office for
13 which the candidate has filed a declaration of intent and the
14 voter has followed the directions for casting a vote for the
15 write-in candidate.

16 E. At the time of filing the declaration of intent
17 to be a write-in candidate, the write-in candidate shall be
18 considered a candidate for all purposes and provisions
19 relating to candidates in the Election Code, including the
20 obligations to report pursuant to the Campaign Reporting Act,
21 except that the write-in candidate's name shall not be
22 printed on the ballot.

23 F. No unopposed write-in candidate shall have the
24 write-in candidate's nomination certified unless the write-in
25 candidate receives at least the number of write-in votes in

1 the primary election as the write-in candidate would need
2 signatures on a nominating petition pursuant to the
3 requirements set out in Section 1-8-33 NMSA 1978.

4 G. A write-in vote shall be cast by writing in the
5 name and following the directions for casting a vote for the
6 write-in candidate. As used in this section, "write-in" does
7 not include the imprinting of any name by rubber stamp or
8 similar device or the use of pre-printed stickers or labels."

9 SECTION 9. Section 1-8-45 NMSA 1978 (being Laws 1977,
10 Chapter 322, Section 1, as amended) is amended to read:

11 "1-8-45. INDEPENDENT CANDIDATES FOR GENERAL OR
12 UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--DEFINITION.--

13 A. As used in the Election Code, an independent
14 candidate means a person who:

15 (1) is a candidate for any state or county
16 office to be voted on at a general election:

17 (a) whose certificate of voter
18 registration shows affiliation with no qualified political
19 party on the date of the governor's proclamation for the
20 primary election and, if applicable, shows residence on the
21 date of the governor's proclamation for the primary election
22 in the district or county of the office for which the person
23 is a candidate; and

24 (b) who has complied with the
25 nomination procedures set forth in the Election Code for

1 independent candidates;

2 (2) is a candidate for United States senator
3 or United States representative:

4 (a) whose certificate of voter
5 registration, if any, shows affiliation with no qualified
6 political party on the date of the governor's proclamation
7 for the primary election;

8 (b) who will be a resident of
9 New Mexico when elected; and

10 (c) who has complied with the
11 nomination procedures set forth in the Election Code for
12 independent candidates; or

13 (3) is a candidate for the office of
14 president or vice president who:

15 (a) has complied with the nomination
16 procedures set forth in the Election Code for independent
17 candidates; and

18 (b) was not a major party candidate for
19 the same office on the primary election ballot.

20 B. No person shall become an independent candidate
21 for any office, and the person's name shall not be printed on
22 the general election ballot, unless the person complies with
23 the requirements of this section.

24 C. No person shall become an independent candidate
25 for governor unless, at the time of filing a declaration of

1 candidacy, the person also files a declaration of candidacy
2 designating the joint candidate for lieutenant governor. The
3 signatures collected for governor shall count toward
4 qualification of the joint candidacies and petition
5 signatures shall not be separately required for the
6 lieutenant gubernatorial candidate.

7 D. Any voter may challenge the candidacy of any
8 person seeking to become an independent candidate for any
9 office for the reason that the person does not meet the
10 requirements of this section or because the nominating
11 petitions, if required, do not meet the requirements of
12 Section 1-8-31 NMSA 1978 by filing a petition in the district
13 court within ten days after the last day for filing a
14 declaration of candidacy. The district court shall hear and
15 render a decision on the matter within ten days after the
16 filing of the petition. The decision of the district court
17 may be appealed to the supreme court within five days after
18 the decision is rendered. The supreme court shall hear and
19 render a decision on the appeal forthwith."

20 SECTION 10. EFFECTIVE DATE.--

21 A. The effective date of the provisions of
22 Sections 3, 4, 8 and 9 of this act is May 16, 2018.

23 B. The effective date of the provisions of
24 Sections 1, 2 and 5 through 7 of this act is January 1, 2019.==