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SENATE BILL 41

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Joseph J. Carraro

AN ACT

**RELATING TO ELECTIONS; ENLARGING THE TIME FRAME FOR FILING AS A
CANDIDATE IN PRIMARY AND GENERAL ELECTIONS, MUNICIPAL
ELECTIONS, SCHOOL DISTRICT ELECTIONS AND COMMUNITY COLLEGE
BOARD ELECTIONS.**

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

**Section 1. Section 1-8-13 NMSA 1978 (being Laws 1969,
Chapter 240, Section 162, as amended) is amended to read:**

**"1-8-13. PRIMARY ELECTION LAW - CONTENTS OF
PROCLAMATION. --The proclamation calling a primary election
shall contain:**

**A. the names of the major political parties
participating in the primary election;**

**B. the offices for which each political party shall
nominate candidates; provided that if any law is enacted by the**

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1 legislature in the year in which the primary election is held
2 and the law does not take effect until after the date of the
3 proclamation but prior to the date of the primary election, the
4 proclamation shall conform to the intent of the law with
5 respect to the offices for which each political party shall
6 nominate candidates;

7 C. the [~~date~~] dates on which declarations of
8 candidacy and nominating petitions for United States
9 representative, any office voted upon by all the voters of the
10 state, a legislative office, the office of district judge,
11 district attorney, state board of education, public regulation
12 commission or magistrate shall be filed and the places where
13 they shall be filed in order to have the candidates' names
14 printed on the official ballot of their party at the primary
15 election;

16 D. the [~~date~~] dates on and place at which
17 declarations of candidacy shall be filed for any other office
18 and filing fees paid or, in lieu thereof, a pauper's statement
19 of inability to pay;

20 E. the final date on and place at which candidates
21 for the office of United States representative and for any
22 statewide office seeking preprimary convention designation by
23 the major parties shall file petitions and declarations of
24 candidacy;

25 F. the final date on which the major political

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1 parties shall hold state preprimary conventions for the
2 designation of candidates; and

3 G. the final date on and place at which
4 certificates of designation of primary election candidates
5 shall be filed by political parties with the secretary of
6 state.

7 As used in the Primary Election Law, "statewide office"
8 means ~~[any]~~ an office voted on by all the voters of the state."

9 Section 2. Section 1-8-26 NMSA 1978 (being Laws 1975,
10 Chapter 295, Section 12, as amended) is amended to read:

11 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS
12 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE. --

13 A. Declarations of candidacy by preprimary
14 convention designation for any statewide office or for the
15 office of United States representative and declarations of
16 candidacy for retention of a justice of the supreme court or
17 judge of the court of appeals shall be filed with the proper
18 filing officer on the second ~~[Tuesday]~~ Monday in February of
19 each even-numbered year or on the following day between the
20 hours of 9:00 a. m. and 5:00 p. m.

21 B. Declarations of candidacy for any other office
22 and declarations of candidacy for retention for all affected
23 district judicial offices shall be filed with the proper filing
24 officer on the third ~~[Tuesday]~~ Monday of March of each even-
25 numbered year or on the following day between the hours of 9:00

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1 a. m. and 5:00 p. m.

2 C. Certificates of designation shall be submitted
3 to the secretary of state on the first Tuesday following the
4 preprimary convention at which the candidate's designation took
5 place between the hours of 9:00 a. m. and 5:00 p. m.

6 D. No candidate's name shall be placed on the
7 ballot until the candidate has been notified in writing by the
8 proper filing officer that the declaration of candidacy, the
9 petition and the certificate of registration of the candidate
10 on file are in proper order and that the candidate, based on
11 those documents, is qualified to have his name placed on the
12 ballot. The proper filing officer shall mail the notice no
13 later than 5:00 p. m. on the Tuesday following the final filing
14 date.

15 E. If a candidate is notified by the proper filing
16 officer that he is not qualified to have his name appear on the
17 ballot, the candidate may challenge that decision by filing a
18 petition with the district court within ten days of the
19 notification. The district court shall hear and render a
20 decision on the matter within ten days after the petition is
21 filed. "

22 Section 3. Section 1-8-33 NMSA 1978 (being Laws 1973,
23 Chapter 228, Section 7, as amended) is amended to read:

24 "1-8-33. PRIMARY ELECTION LAW - NOMINATING PETITION - -
25 NUMBER OF SIGNATURES REQUIRED. - -

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1 A. As used in this section, "total vote" means the
2 sum of all votes cast for all of the party's candidates for
3 governor at the last preceding primary election at which the
4 party's candidate for governor was nominated.

5 B. Candidates who seek preprimary convention
6 designation shall file nominating petitions at the time of
7 filing declarations of candidacy. Nominating petitions for
8 those candidates shall be signed by a number of voters equal to
9 at least two percent of the total vote of the candidate's party
10 in the state or congressional district, or the following number
11 of voters, whichever is greater: for statewide offices, two
12 hundred thirty voters; and for congressional candidates,
13 seventy-seven voters.

14 C. Nominating petitions for candidates for any
15 other office to be voted on at the primary election for which
16 nominating petitions are required shall be signed by a number
17 of voters equal to at least three percent of the total vote of
18 the candidate's party in the district or division, or the
19 following number of voters, whichever is greater: for
20 metropolitan court and magistrate courts, ten voters; for the
21 public regulation commission, fifty voters; for the state board
22 of education, twenty-five voters; for state representative, ten
23 voters; for state senator, seventeen voters; and for district
24 attorney and district judge, fifteen voters.

25 D. A candidate who fails to receive the preprimary

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1 convention designation that [~~he~~] the candidate sought may
2 collect additional signatures to total at least four percent of
3 the total vote of the candidate's party in the state or
4 congressional district, whichever applies to the office [~~he~~]
5 the candidate seeks, and file a new declaration of candidacy
6 and nominating petitions for the office for which [~~he~~] the
7 candidate failed to receive a preprimary designation. The
8 declaration of candidacy and nominating petitions shall be
9 filed with the secretary of state either ten days following the
10 date of the preprimary convention at which [~~he~~] the candidate
11 failed to receive the designation or on the [~~date~~] dates all
12 declarations of candidacy and nominating petitions are due
13 pursuant to the provisions of the Primary Election Law,
14 whichever is later. "

15 Section 4. Section 1-8-39.1 NMSA 1978 (being Laws 1993,
16 Chapter 55, Section 10) is amended to read:

17 "1-8-39.1. DECLARATION OF PREPRIMARY DESIGNATION--
18 CERTIFICATION BY SECRETARY OF STATE. --

19 A. Not later than six days after the [~~dates~~] last
20 date for filing declarations of candidacy by preprimary
21 convention designation, the secretary of state shall certify to
22 the [~~chairman~~] chair of each state political party the names of
23 that party's candidates for office of United States
24 representative or for other statewide office who have filed
25 their declarations of candidacy by convention designation and

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1 have otherwise complied with the requirements of the Primary
2 Election Law.

3 B. No person shall be placed in nomination at the
4 convention unless ~~[he]~~ that person has been certified by the
5 secretary of state. "

6 Section 5. Section 1-8-43 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 180, as amended) is amended to read:

8 "1-8-43. PRIMARY ELECTION LAW - ORDER OF CANDIDATES ON
9 BALLOT. --

10 A. Candidates designated and certified by state
11 convention for a statewide office or the office of United
12 States representative shall be placed on the primary election
13 ballot in the order of the vote received at the state
14 convention. The candidate receiving the highest vote shall be
15 placed first in order on the ballot, followed by the candidate
16 receiving the next highest vote, and so on until all the
17 candidates designated for that office have been placed on the
18 ballot, provided that the names of two or more candidates
19 receiving an equal number of votes for designation by
20 convention for the same office shall be placed on the primary
21 ballot in the order determined by lot. Names of candidates for
22 statewide office or the office of United States representative
23 who do not receive preprimary convention designation but who
24 are qualified candidates by declaration of candidacy shall be
25 placed on the ballot as determined by lot following convention

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1 designated candidates.

2 B. The names of candidates for any other office in
3 the primary election who are candidates by declaration of
4 candidacy shall be arranged on the ballot as determined by lot.

5 C. The determination by lot shall be made
6 immediately following the closing time on the last date for
7 filing declarations of candidacy and all candidates or their
8 agents shall be entitled to be present at such time.

9 D. The order of preference for position on the
10 ballot shall be first, the top name position on the left-hand
11 column for each office, and thereafter, consecutively down each
12 name position in that column to the last name position. If the
13 number of candidates filing for the office so requires, the
14 order of preference shall continue consecutively from the top
15 name position on the left-hand column to the top name position
16 on the right-hand column, thence to the second name position on
17 the left-hand column, then to the second name position on the
18 right-hand column and thereafter continuing in the same manner
19 until all the candidates are positioned on the ballot."

20 Section 6. Section 1-8-52 NMSA 1978 (being Laws 1977,
21 Chapter 322, Section 8, as amended) is amended to read:

22 "1-8-52. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
23 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITIONS--
24 CIRCULATION--DATE OF FILING.--

25 A. Declarations of independent candidacy and

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1 nominating petitions shall be filed with the proper filing
2 officer [~~during the period commencing at 9:00 a.m.~~] on the
3 second [~~Tuesday~~] Monday of July of each even-numbered year [~~and~~
4 ~~ending at~~] or on the following day between the hours of 9:00
5 a.m. and 5:00 p.m. [~~on that same day~~] and not later than 5:00
6 p.m. on the fifty-sixth day preceding any United States
7 representative special election.

8 B. Declarations of independent candidacy and
9 nominating petitions for the office of president of the United
10 States shall be filed with the proper filing officer [~~during~~
11 ~~the period commencing at 9:00 a.m.~~] on the fifty-seventh or
12 fifty-sixth day prior to the general election [~~and ending at~~]
13 between the hours of 9:00 a.m. and 5:00 p.m. [~~on the same~~
14 ~~day~~]. "

15 Section 7. Section 1-12-19.1 NMSA 1978 (being Laws 1981,
16 Chapter 156, Section 2, as amended) is amended to read:

17 "1-12-19.1. GENERAL ELECTIONS--WRITE-IN CANDIDATES.--

18 A. A person desiring to be a write-in candidate in
19 a general election, a special election for United States
20 representative or a statewide special election shall file with
21 the proper filing officer a declaration of intent to be a
22 write-in candidate. The declaration of intent shall be filed
23 between 9:00 a.m. and 5:00 p.m. on the sixty-fourth or sixty-
24 third day immediately preceding the election.

25 B. The form of the declaration of intent shall be

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1 prescribed by the secretary of state and shall contain a sworn
2 statement by the candidate that [~~he~~] the candidate is qualified
3 to be a candidate for and to hold the office for which [~~he~~] the
4 candidate is filing.

5 C. At the time of filing the declaration of intent
6 to be a write-in candidate, the write-in candidate shall be
7 considered a candidate for all purposes and provisions relating
8 to candidates in the Election Code, including the obligation to
9 report under the Campaign Reporting Act, except that [~~he~~] the
10 write-in candidate shall not be entitled to have [~~his~~] the
11 candidate's name printed on the ballot.

12 D. The secretary of state shall, not less than ten
13 days before the general election, certify the names of the
14 declared write-in candidates to the county clerks of every
15 county affected by such candidacy.

16 E. No person shall be a write-in candidate in the
17 general election who was a candidate in the primary election
18 immediately prior to the general election.

19 F. A vote for a write-in candidate shall be counted
20 and canvassed only if:

21 (1) the name written in is the name of a
22 declared write-in candidate and shows two initials and last
23 name; first name, middle initial or name and last name; first
24 and last name; or the full name as it appears on the
25 declaration of intent to be a write-in candidate and

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1 misspellings of the above combinations that can be reasonably
2 determined by a majority of the members of the precinct board
3 to identify a declared write-in candidate; and

4 (2) the name is written in the proper office
5 or entered upon the keyboard on the voting machine or on the
6 proper line provided on a marksense ballot, absentee ballot or
7 emergency paper ballot for write-in votes for the office for
8 which the candidate has filed a declaration of intent.

9 G. No unopposed write-in candidate shall have [~~his~~]
10 an election certified unless [~~he~~] the candidate receives at
11 least the number of write-in votes as [~~he~~] the candidate would
12 need signatures on a nominating petition pursuant to the
13 requirements in Section 1-8-33 NMSA 1978.

14 H. A write-in vote shall be cast by writing in the
15 name. As used in this section, "write-in" does not include the
16 imprinting of any name by rubber stamp or similar device or the
17 use of preprinted stickers or labels. "

18 Section 8. Section 1-22-4 NMSA 1978 (being Laws 1985,
19 Chapter 168, Section 6, as amended) is amended to read:

20 "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION. --

21 A. The board shall by resolution issue a public
22 proclamation in Spanish and English calling a regular school
23 district election within the school district on the date
24 prescribed by the School Election Law. The proclamation shall
25 be filed by the superintendent with the county clerk of record

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1 on the last Friday in November of the even-numbered year
2 immediately preceding the date of the election.

3 B. The proclamation shall specify:

- 4 (1) the date when the election will be held;
5 (2) the positions on the board to be filled;
6 (3) the ~~[date]~~ dates on which declarations of
7 candidacy are to be filed;
8 (4) the ~~[date]~~ dates on which declarations of
9 intent to be a write-in candidate are to be filed;
10 (5) the questions to be submitted to the
11 voters;
12 (6) the precincts in each county in which the
13 election is to be held and the location of each polling place;
14 (7) the hours each polling place will be open;
15 and
16 (8) the date and time of the closing of the
17 registration books by the county clerk of record as required by
18 law.

19 C. After filing the proclamation with the county
20 clerk of record and not less than fifty days before the date of
21 the election, the county clerk of record shall publish the
22 proclamation at least once in a newspaper of general
23 circulation within the school district. The publication of the
24 proclamation shall conform to the requirements of the federal
25 Voting Rights Act of 1965, as amended. "

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1 Section 9. Section 1-22-5 NMSA 1978 (being Laws 1985,
2 Chapter 168, Section 7, as amended) is amended to read:

3 "1-22-5. SPECIAL ELECTION--PROCLAMATION--PUBLICATION.--

4 A. Whenever a special school district election is
5 to be called or is required by law, the board shall by
6 resolution issue a public proclamation in Spanish and English
7 calling the election. The proclamation shall forthwith be filed
8 by the superintendent with the county clerk of record.

9 B. The proclamation shall specify:

10 (1) the date on which the special election
11 will be held;

12 (2) the positions on the board to be filled;

13 (3) the [~~date~~] dates on which declarations of
14 candidacy are to be filed;

15 (4) the [~~date~~] dates on which declarations of
16 intent to be a write-in candidate are to be filed;

17 (5) the questions to be submitted to the
18 voters;

19 (6) the precincts in each county in which the
20 election is to be held and the location of each polling place;

21 (7) the hours each polling place will be open;
22 and

23 (8) the date and time of the closing of the
24 registration books by the county clerk of record as required by
25 law.

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1 C. After filing the proclamation with the county
2 clerk of record and not less than fifty days before the date of
3 the election, the county clerk of record shall publish the
4 proclamation at least twice in a newspaper of general
5 circulation in the school district. The publication of the
6 proclamation shall conform to the requirements of the federal
7 Voting Rights Act of 1965, as amended. "

8 Section 10. Section 1-22-7 NMSA 1978 (being Laws 1985,
9 Chapter 168, Section 9, as amended) is amended to read:

10 "1-22-7. DECLARATION OF CANDIDACY-- FILING DATE--
11 PENALTY. --

12 A. A candidate for a school board position that
13 will be filled at a regular school district election shall file
14 a declaration of candidacy with the proper filing officer
15 [~~during the period commencing at 9:00 a.m.~~] on the third
16 [~~Tuesday~~] Monday in December of the even-numbered year
17 immediately preceding the date of the regular school district
18 election [~~and ending at~~] or on the following day between the
19 hours of 9:00 a.m. and 5:00 p.m. [~~on the same day~~].

20 B. A candidate for a school board position that
21 will be filled at a special school district election shall file
22 a declaration of candidacy with the proper filing officer
23 [~~during the period commencing at 9:00 a.m.~~] on the forty-ninth
24 or forty-eighth day before the election [~~and ending at~~] between
25 the hours of 9:00 a.m. and 5:00 p.m. [~~on the same day~~].

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1 C. A candidate shall file for only one school board
2 position during a filing period.

3 D. Whoever knowingly makes a false statement in
4 [~~his~~] a declaration of candidacy is guilty of a fourth degree
5 felony and shall be sentenced pursuant to the provisions of
6 Section 31-18-15 NMSA 1978. "

7 Section 11. Section 1-24-2 NMSA 1978 (being Laws 1989,
8 Chapter 295, Section 2) is amended to read:

9 "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--
10 PUBLICATION.--

11 A. Whenever a special election is to be called or
12 is required by law, the governing body shall by resolution
13 issue a public proclamation calling the election. The
14 proclamation shall forthwith be filed with the county clerk.

15 B. The proclamation shall specify:

16 (1) the date on which the special election
17 will be held;

18 (2) the purpose for which the special election
19 is called;

20 (3) if officers are to be elected or positions
21 on the governing body are to be filled, the [~~date~~] dates on
22 which declarations of candidacy are to be filed;

23 (4) if a question is to be voted upon, the
24 [~~test~~] text of that question;

25 (5) the precincts in each county in which the

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1 election is to be held and the location of each polling place
2 in the precinct;

3 (6) the hours that each polling place will be
4 open; and

5 (7) the date and time of closing the
6 registration books by the county clerk as required by law.

7 C. After filing the proclamation with the county
8 clerk and not less than fifty days before the date of the
9 election, the governing body shall publish the proclamation
10 once each week for two consecutive weeks in a newspaper of
11 general circulation within the boundaries of the local
12 government or special district. The proclamation shall conform
13 to the requirements of the federal Voting Rights Act of 1965,
14 as amended. "

15 Section 12. Section 3-8-27 NMSA 1978 (being Laws 1965,
16 Chapter 300, Section 14-8-8, as amended) is amended to read:

17 "3-8-27. REGULAR MUNICIPAL ELECTION--DECLARATION OF
18 CANDIDACY--WITHDRAWING NAME FROM BALLOT--PENALTY FOR FALSE
19 STATEMENT.--

20 A. Candidate filing [~~day~~] days shall be between the
21 hours of 8:00 a.m. and 5:00 p.m. on the fifty-seventh and
22 fifty-sixth [~~day~~] days preceding the day of election. On a
23 candidate filing day, a candidate for municipal office shall
24 personally appear at the office of the municipal clerk to file
25 all documents required by law in order to cause a person to be

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1 certified as a candidate. Alternatively, on a candidate filing
2 day, a person acting solely on the candidate's behalf, by
3 virtue of a written affidavit of authorization signed by the
4 candidate, notarized and presented to the ~~municipal~~ clerk by
5 such person, shall file in the office of the ~~municipal~~ clerk
6 all documents required by law in order to cause a person to be
7 certified as a candidate.

8 B. On a candidate filing day, each candidate shall
9 cause to be filed in the office of the ~~municipal~~ clerk a
10 declaration of candidacy, a certified copy of the candidate's
11 current affidavit of voter registration on file with the county
12 clerk, which has been certified by the office of the county
13 clerk on a date not earlier than the adoption of the election
14 resolution, and, in a home rule or charter ~~municipality~~ that
15 requires a nominating petition to be submitted by a candidate
16 for ~~municipal~~ office, a nominating petition that has the
17 required number of signatures.

18 C. All candidates shall cause their affidavits of
19 voter registration to show their address as a street address or
20 rural route number and not as a post office box.

21 D. The ~~municipal~~ clerk shall provide a form for the
22 declaration of candidacy and shall accept only those
23 declarations of candidacy which contain:

24 (1) the identical name and the identical
25 resident street address as shown on the affidavit of

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1 registration of the candidate submitted with the declaration of
2 candidacy;

3 (2) the office and term to which the candidate
4 seeks election and district designation, if appropriate;

5 (3) a statement that the candidate is eligible
6 and legally qualified to hold the office for which the
7 candidate is filing;

8 (4) a statement that the candidate has not
9 been convicted of a felony or, if the candidate has been
10 convicted of a felony, a statement that the candidate's
11 elective franchise has been restored;

12 (5) a statement that the candidate or the
13 candidate's authorized representative shall personally appear
14 at the office of the municipal clerk during normal business
15 hours on the fifty-fourth day before the election to ascertain
16 whether the municipal clerk has certified the declaration of
17 candidacy as valid;

18 (6) a telephone number at which the candidate
19 or the candidate's authorized representative can be reached for
20 purposes of giving telephone notice;

21 (7) a statement to the effect that the
22 declaration of candidacy is an affidavit under oath and that
23 any false statement knowingly made in the declaration of
24 candidacy constitutes a fourth degree felony under the laws of
25 New Mexico; and

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1 (8) the notarized signature of the candidate
2 on the declaration of candidacy.

3 E. The municipal clerk shall not accept a
4 declaration of candidacy for more than one municipal elected
5 office per candidate, so that each candidate declares for only
6 one municipal elected office.

7 F. Once filed, the declaration of candidacy is a
8 public record.

9 G. Not later than the fifty-fifth day preceding the
10 day of the election, the municipal clerk shall determine
11 whether the declaration of candidacy shall be certified. In
12 order to be certified as a candidate, the documents submitted
13 to the municipal clerk shall prove that the individual is a
14 qualified elector as defined in Subsection K of Section 3-1-2
15 NMSA 1978 and, if appropriate, that the individual resides in
16 and is registered to vote in the municipal election district
17 from which the individual seeks election. In the event that an
18 individual fails to submit to the municipal clerk on a
19 candidate filing day the documents listed in Subsection B of
20 this section in the form and with the contents as required by
21 this section, the municipal clerk shall not certify that
22 individual as a candidate for municipal office.

23 H. The municipal clerk shall post in the clerk's
24 office a list of the names of those individuals who have been
25 certified as candidates. The municipal clerk shall also post

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1 in the clerk's office the names of those individuals who have
2 not been certified as candidates, along with the reasons
3 therefor. The posting shall occur no later than 9:00 a.m. on
4 the fifty-fourth day preceding the election.

5 I. Not later than 5:00 p.m. on the forty-ninth day
6 before the day of the election, a candidate for municipal
7 office may file an affidavit on the form provided by the
8 municipal clerk in the office of the municipal clerk stating
9 that ~~[he]~~ the candidate is no longer a candidate for municipal
10 office. A municipal clerk shall not place on the ballot the
11 name of any person who has filed an affidavit as provided in
12 this subsection.

13 J. Not later than 10:00 a.m. on the forty-eighth
14 day preceding the election, the municipal clerk shall confirm
15 with the printer on contract with the municipality and the
16 county clerk the names of the candidates and their position on
17 the ballot.

18 K. Any person knowingly making a false statement in
19 the declaration of candidacy is guilty of a fourth degree
20 felony.

21 L. No person shall be elected to municipal office
22 as a write-in candidate unless that person has been certified
23 as a declared write-in candidate by the municipal clerk, as
24 follows:

(1) write-in candidates filing ~~[day]~~ days

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1 shall be on the forty-third and forty-second [~~day~~] days
2 preceding the election between the hours of 8:00 a.m. and 5:00
3 p.m. ;

4 (2) write-in candidates shall file a
5 declaration of write-in candidacy with the same documents and
6 satisfy the same requirements as established in this section
7 for candidates;

8 (3) the municipal clerk shall, on the forty-
9 first day preceding the election, certify those individuals who
10 have satisfied the requirements of this section as declared
11 write-in candidates;

12 (4) not later than 9:00 a.m. on the fortieth
13 day preceding the election, the municipal clerk shall, in the
14 office of the municipal clerk:

15 (a) post the names of those individuals
16 who have been certified as declared write-in candidates; and

17 (b) post the names of those individuals
18 who have not been certified as declared write-in candidates
19 along with the reasons therefor; and

20 (5) not later than 5:00 p.m. on the twenty-
21 eighth day preceding the election, a declared write-in
22 candidate may file an affidavit that he is no longer a write-in
23 candidate for municipal office. In the event that a declared
24 write-in candidate files an affidavit of withdrawal, votes for
25 that candidate shall not be counted and canvassed. "

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1 Section 13. Section 21-13-18.1 NMSA 1978 (being Laws
2 1993, Chapter 75, Section 3) is amended to read:

3 "21-13-18.1. REGULAR COMMUNITY COLLEGE ELECTION--
4 RESOLUTION-- PUBLICATION. --

5 A. The community college board shall issue a
6 resolution in English and Spanish calling for a regular
7 community college election within the community college
8 district on the date prescribed by the Community College Act.
9 The resolution shall be filed with each county clerk in the
10 community college district on the third Friday in December of
11 each even-numbered year.

12 B. The resolution shall specify:

- 13 (1) the date the election will be held;
- 14 (2) the positions on the board to be filled;
- 15 (3) the ~~[date]~~ dates on which declarations of
16 candidacy are to be filed;
- 17 (4) the ~~[date]~~ dates on which declarations of
18 intent to be a write-in candidate are to be filed;
- 19 (5) any questions to be submitted to the
20 voters;
- 21 (6) the precincts in each county in which the
22 election is to be held and the location of each polling place;
- 23 (7) the hours each polling place will be open;
- 24 and
- 25 (8) the date and time of the closing of the

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1 registration books by the county clerks as required by law.

2 C. In the event that only one candidate files a
3 declaration of candidacy for each position to be filled at an
4 election and no declared write-in candidates have filed for any
5 position in which there is any other candidate and there are no
6 questions or bond issues on the ballot, only one polling place
7 for the election shall be designated and it shall be in the
8 office of the county clerk of the county in which the community
9 college is located.

10 D. In any election held under the Community College
11 Act, the county clerk shall perform the duties of the precinct
12 board and no other precinct board shall be appointed. "

13 Section 14. Section 21-13-18.2 NMSA 1978 (being Laws
14 1993, Chapter 75, Section 4) is amended to read:

15 "21-13-18.2. DECLARATION OF CANDIDACY--WRITE-IN
16 CANDIDATES-- FILING DATE-- PENALTY. --

17 A. A declaration of candidacy for membership on the
18 community college board shall be filed with the proper filing
19 officer [~~during the period commencing at 9:00 a.m.~~] on the
20 forty-ninth or forty-eighth day before an election [~~and ending~~
21 ~~at~~] between the hours of 9:00 a.m. and 5:00 p.m. [~~on the same~~
22 ~~day~~].

23 B. Write-in candidates for the office of board
24 member shall be permitted in community college district
25 elections.

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C. A person ~~may~~ be a write-in candidate only if
[~~he~~] the person has the qualifications to be a candidate for
membership on the board as provided in the Community College
Act.

D. A person desiring to be a write-in candidate for
the office of board member shall file with the proper filing
officer a declaration of intent to be a write-in candidate.
The declaration shall be filed before 5:00 p.m. on the thirty-
fifth day preceding the date of the election.

E. Any person knowingly making a false statement in
[~~his~~] a declaration of candidacy is guilty of a fourth degree
felony.

F. As used in this section, "proper filing officer"
means the county clerk of the county in which the community
college is situated. "