AN ACT

RELATING TO ELECTIONS; CHANGING CANDIDATE NOMINATION PROCEDURES AND REQUIREMENTS; CHANGING QUALIFICATION REQUIREMENTS FOR POLITICAL PARTIES; CHANGING CERTAIN FILING DATES; REQUIRING PERSONS WHO SIGN NOMINATING PETITIONS TO LIST THEIR VOTER REGISTRATION ADDRESS.

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

SECTION 1. Section 1-1-9 NMSA 1978 (being Laws 1969, Chapter 240, Section 8, as amended) is recompiled as part of Chapter 1, Article 7 NMSA 1978 and is amended to read:

"MAJOR POLITICAL PARTY--MINOR POLITICAL PARTY.--As used in the Election Code:

A. "major political party" means any qualified political party, any of whose candidates received as many as five percent of the total number of votes cast at the last

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1   preceding general election for the office of governor or

2   president of the United States, as the case may be, and whose

3   membership totals not less than one-third of one percent of the

4   statewide registered voter file on the day of the governor's

5   primary election proclamation; and

6   B. "minor political party" means any qualified

7   political party [none of whose candidates received five percent

8   or more of the total number of votes cast at the last preceding

9   general election for the office of governor or president of the

10   United States, as the case may be] that is not qualified as a

11   major political party pursuant to Subsection A of this

12   section."

13   SECTION 2. Section 1-7-2 NMSA 1978 (being Laws 1969,

14   Chapter 240, Section 145, as amended) is amended to read:

15   "1-7-2. QUALIFICATION--REMOVAL--REQUALIFICATION.--

16   A. To qualify as a political party in New Mexico,

17   each political party through its governing body shall adopt

18   rules [and regulations] providing for the organization and

19   government of that party and shall file the rules [and

20   regulations] with the secretary of state. Uniform rules [and

21   regulations] shall be adopted throughout the state by the

22   county organizations of that party, where a county organization

23   exists, and shall be filed with the county clerks. At the same

24   time the rules [and regulations] are filed with the secretary

25   of state, the governing body of the political party shall also

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file with the secretary of state a petition containing the

hand-printed names, signatures, addresses of [residence]

registration and counties of residence of at least one-half of

one percent of the total votes cast for the office of governor

[or president] at the preceding general election who declare by

their signatures on [such] the petition that they are voters of

New Mexico and that they desire the party to be a qualified

political party in New Mexico. Blank petition forms shall be

available at any time from the secretary of state.

B. Each county political party organization may

adopt [such] supplementary rules [and regulations] insofar as

they do not conflict with the uniform state rules [and

regulations] or do not abridge the lawful political rights of

any person. Such supplementary rules shall be filed with the

county clerk and the secretary of state in the same manner as

other rules are filed.

C. [All political parties that appeared on the 1988

New Mexico general election ballot shall continue to be

qualified political parties unless disqualified in accordance

with this subsection. Beginning with the general election in

1990] A qualified political party shall cease to be qualified

for the purposes of the Election Code if two successive general

elections are held without at least one of the party's

candidates on the ballot [or if the total votes cast for the

party's candidates for governor or president of the United

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1 States, provided that the party has a candidate seeking

2 election to either of these offices, in a general election do

3 not equal at least one-half of one percent of the total votes

4 cast for the office of governor or president of the United

5 States, as applicable. After giving notice] or none of the

6 candidates on the ballot receives at least five percent of the

7 vote for the office sought in those elections. Not later than

8 March 15 of an odd-numbered year, the secretary of state shall

9 send notice of nonqualification to the state chair of any

10 political party that fails to remain qualified. The notice

11 shall be delivered by registered mail to the [state chairman of

12 the party at his] last known address [the secretary of state]

13 of the state chair of the political party, and a copy shall

14 [remove all material dealing with the political party from his]

15 be kept in the secretary of state's file of parties qualified

16 in New Mexico.

17 D. The secretary of state shall then notify all

18 county clerks of the removal and nonqualification of the

19 political party [The county clerk is then authorized to remove

20 such rules and regulations from the county files. The county

21 clerk] and shall post the notice on the web site maintained by

22 the secretary of state. The secretary of state shall

23 [immediately] within forty-five days notify by mail all voters

24 registered as members of such party of the removal and

25 nonqualification of the party.

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1   E.   To requalify, the party [must] shall again

2   comply with the provisions of the Election Code dealing with

3   filing requirements for political parties."

4   **SECTION 3.** Section 1-8-2 NMSA 1978 (being Laws 1969,

5   Chapter 240, Section 152, as amended) is amended to read:

6   "1-8-2.   NOMINATION BY MINOR POLITICAL PARTY--CONVENTION-

7   DESIGNATED NOMINEES.--

8   A.   If the rules of a minor political party require

9   nomination by political convention:

10   (1)   the chair and secretary of the state

11   political convention shall certify to the secretary of state

12   the names of their party's nominees for United States senator,

13   United States representative, all elective state offices,

14   legislative offices elected from multicounty districts, the

15   public regulation commission, all elective judicial officers in

16   the judicial department and all offices representing a district

17   composed of more than one county; and

18   (2)   the chair and secretary of the county

19   political convention shall certify to the county clerk the

20   names of their party's nominees for elected county offices and

21   for legislative offices elected from a district located wholly

22   within one county or that is composed of only one county.

23   B.   The names certified to the secretary of state

24   shall be filed [on the twenty-first day following the primary

25   election] not later than the second Tuesday in July in the year

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of the general election and shall be accompanied by a petition containing a list of signatures and addresses of voters totaling not less than one percent of the total number of votes cast at the last preceding general election for the office of governor [or president of the United States, as the case may be]:

(1) in the state for statewide offices; and

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

The petition shall contain a statement that the voters signing the petition are residents of the state, district, county or area to be represented by the office for which the person being nominated is a candidate.

C. The names certified to the county clerk shall be filed [on the twenty-first day following the primary election] not later than the second Tuesday in July in the year of the general election and shall be accompanied by a petition containing a list of signatures and addresses of voters totaling not less than one percent of the total number of votes cast at the last preceding general election for the office of governor [or president of the United States, as the case may be]:

(1) in the county for countywide offices; and

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

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1   The petition shall contain a statement that the voters

2   signing the petition are residents of the state, district,

3   county or area to be represented by the office for which the

4   person being nominated is a candidate.

5   D.   Persons certified as nominees shall be members

6   of that party before the day the governor issues the primary

7   election proclamation.

8   [E.   No voter shall sign a petition prescribed by

9   this section for more persons than the number of minor party

10 candidates necessary to fill the office at the next ensuing

11 general election.]

12   E.   A person who signs a petition required by this

13 section or Section 1-8-3 NMSA 1978 shall indicate the person's

14 address as shown on the person's certificate of registration.

15 If the person does not have a residential address, the person

16 may provide the person's mailing address."

17   **SECTION 4.**   Section 1-8-26 NMSA 1978 (being Laws 1975,

18 Chapter 295, Section 12, as amended) is amended to read:

19   "1-8-26.   PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS

20 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

21   A.   Declarations of candidacy by preprimary

22 convention designation for any statewide office or for the

23 office of United States representative [and declarations of

24 candidacy for retention of a justice of the supreme court or

25 judge of the court of appeals] shall be filed with the proper

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1   filing officer <u>beginning on the first Tuesday in February and</u>

2   <u>ending</u> on the second Tuesday in February of each even-numbered

3   year <u>on any business day</u> between the hours of 9:00 a.m. and

4   5:00 p.m.

5   B.   Declarations of candidacy for any other office

6   [and declarations of candidacy for retention for all affected

7   district judicial offices] <u>to be nominated in the primary</u>

8   <u>election</u> shall be filed with the proper filing officer

9   <u>beginning on the second Tuesday in March and ending</u> on the

10   third Tuesday of March of each even-numbered year <u>on any</u>

11   <u>business day</u> between the hours of 9:00 a.m. and 5:00 p.m.

12   C.   Certificates of designation shall be submitted

13   to the secretary of state on <u>or before</u> the first Tuesday

14   following the preprimary convention at which the candidate's

15   designation took place between the hours of 9:00 a.m. and

16   5:00 p.m.

17   <u>D.   Declarations of candidacy for retention for</u>

18   <u>all affected judicial offices shall be filed with the proper</u>

19   <u>filing officer between the hours of 9:00 a.m. and 5:00 p.m.</u>

20   <u>on the twenty-first day after the primary election.</u>

21   [D.] <u>E.</u> No candidate's name shall be placed on

22   the ballot until the candidate has been notified in writing

23   by the proper filing officer that the declaration of

24   candidacy, the petition, if required, and the certificate of

25   registration of the candidate on file are in proper order and

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1   that the candidate, based on those documents, is qualified to

2   have the candidate's name placed on the ballot. The proper

3   filing officer shall mail the notice no later than 5:00 p.m.

4   on the Tuesday following the filing date.

5   [E.] F. If a candidate is notified by the proper

6   filing officer that the candidate is not qualified to have

7   the candidate's name appear on the ballot, the candidate may

8   challenge that decision by filing a petition with the

9   district court within ten days of the notification. The

10   district court shall hear and render a decision on the matter

11   within ten days after the petition is filed. The decision of

12   the district court may be appealed to the supreme court

13   within five days after the decision is rendered. The supreme

14   court shall hear and render a decision on the appeal

15   forthwith."

16   **SECTION 5.** 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

19   CANDIDACY--NOMINATING PETITION--FILING AND FORM.--

20   A. As used in the Primary Election Law,

21   "nominating petition" means the authorized form used for

22   obtaining the required number of signatures of voters, which

23   is signed on behalf of the person wishing to become a

24   candidate for a political office in the primary election

25   requiring a nominating petition.

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

C. The nominating petition 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:

"NOMINATING PETITION

I, the undersigned, a registered voter of [the county of _____] New Mexico, and a member of the _____ party, hereby nominate _____, who resides at _____ in the county of _____, New Mexico, for the party nomination for the office of _____, to be voted for at the primary election to be held on [the first Tuesday of June, 20] _____, and I declare that I am a [resident] registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. [I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.]

1. _____ _____ _____ _____
   (usual   (name printed   (address as   (city or

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1        signature)     as registered)   registered)    [rt. no.]

2                                                        zip code)

3   2.   _____   _____   _____   _____

4        (usual        (name printed    (address as    (city or

5        signature)    as registered)   registered)    [rt. no.]

6                                                       zip code).".
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D.   In October of odd-numbered years, the

secretary of state shall <u>post on the secretary of state's web</u>

<u>site and shall</u> furnish to each county clerk a sample of a

nominating petition form, a copy of which shall be made

available by the county clerk upon request of any candidate.

E.   When more than one sheet is required for a

petition, each of the sheets shall be in the form prescribed

by this section and all sheets shall be firmly secured by a

staple or other suitable fastening."

SECTION 6.   Section 1-8-31 NMSA 1978 (being Laws 1973,

Chapter 228, Section 5, as amended) is amended to read:

"1-8-31.   PRIMARY ELECTION LAW--NOMINATING PETITION--

SIGNATURES TO BE COUNTED.--

[A.   A person who signs a nominating petition

shall sign only one petition for the same office unless more

than one candidate is to be elected to that office, and in

that case, a person may sign not more than the number of

nominating petitions equal to the number of candidates to be

elected to the office.

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1   B.] A.   A person who signs a nominating petition

2 shall indicate [his residence as his address] the person's

3 address as shown on the person's certificate of registration.

4 If the person does not have a residential address, [he] the

5 person may provide [his] the person's mailing address.

6   [C.] B.   A signature shall be counted on a

7 nominating petition unless there is evidence presented that

8 the person signing:

9   (1)   was not a registered member of the

10 candidate's political party ten days prior to the filing of

11 the nominating petition;

12   (2)   failed to provide information required

13 by the nominating petition [sufficient to determine that the

14 person];

15   (3)   is not a [qualified] voter of the state,

16 district, county or area to be represented by the office for

17 which the person seeking the nomination is a candidate;

18   [(3)   has signed more than one petition for

19 the same office, except as provided in Subsection A of this

20 section, or]

21   (4)   has signed one petition more than once;

22   [(4)] (5)   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   [(5)] (6)   is not the person whose name

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1   appears on the nominating petition.

2   C. The following information shall be listed in

3   the appropriate space at the top of the nominating petition

4   before the petition has been signed by any voter: the party

5   affiliation of voters signing the petition, the candidate's

6   name, the candidate's address, the candidate's county of

7   residence and the office sought by the candidate, which shall

8   include the district or division of the office sought, if

9   applicable. A nominating petition, including all signatures

10   on the petition page, shall be invalid if any of the

11   preceding information is not listed before the petition is

12   signed by a voter or if any of the preceding information is

13   altered.

14   D. The procedures set forth in this section shall

15   be used to validate signatures on any petition required by

16   the Election Code, except that Paragraphs (1) and [(4)] (5)

17   of Subsection [C] B of this section shall not apply to

18   petitions filed by unaffiliated candidates or petitions filed

19   by candidates of minor political parties."

20   **SECTION 7.** Section 1-8-33 NMSA 1978 (being Laws 1973,

21   Chapter 228, Section 7, as amended) is amended to read:

22   "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--

23   NUMBER OF SIGNATURES REQUIRED.--

24   A. As used in this section, "total vote" means

25   the sum of all votes cast for all of the party's candidates

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1   for governor at the last preceding primary election at which

2   the party's candidate for governor was nominated.

3   B.   Candidates who seek preprimary convention

4   designation shall file nominating petitions at the time of

5   filing declarations of candidacy. Nominating petitions for

6   those candidates shall be signed by [a number of voters equal

7   to at least two percent of the total vote of the candidate's

8   party in the state or congressional district, or] the

9   following number of voters [whichever is greater]: for

10   statewide offices, two hundred thirty voters; and for

11   congressional candidates, seventy-seven voters.

12   C.   Nominating petitions for candidates for any

13   other office to be voted on at the primary election for which

14   nominating petitions are required shall be signed by [a

15   number of voters equal to at least three percent of the total

16   vote of the candidate's party in the district or division,

17   or] the following number of voters [whichever is greater]:

18   for metropolitan court and magistrate courts, ten voters; for

19   the public regulation commission, fifty voters; for the

20   public education commission, twenty-five voters; for state

21   representative, ten voters; for state senator, seventeen

22   voters; and for district attorney and district judge, fifteen

23   voters.

24   D.   A candidate who fails to receive the

25   preprimary convention designation that the candidate sought

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1   may collect additional signatures to total at least four

2   percent of the total vote of the candidate's party in the

3   state or congressional district, whichever applies to the

4   office the candidate seeks, and file a new declaration of

5   candidacy and nominating petitions for the office for which

6   the candidate failed to receive a preprimary designation.

7   The declaration of candidacy and nominating petitions shall

8   be filed with the secretary of state either ten days

9   following the date of the preprimary convention at which the

10   candidate failed to receive the designation or on the date

11   all declarations of candidacy and nominating petitions are

12   due pursuant to the provisions of the Primary Election Law,

13   whichever is later."

14   **SECTION 8.** Section 1-8-45 NMSA 1978 (being Laws 1977,

15   Chapter 322, Section 1, as amended by Laws 1993, Chapter 314,

16   Section 49 and also by Laws 1993, Chapter 316, Section 49) is

17   amended to read:

18   "1-8-45. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED

19   STATES REPRESENTATIVE SPECIAL ELECTIONS--DEFINITION.--

20   A. As used in the Election Code, an independent

21   candidate means a person who:

22   [A.] (1) is a candidate [without party

23   affiliation for an] for any state or county office to be

24   voted on at a general election: [or any United States

25   representative special election;

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1   B. except for a candidate for the office of

2 president or vice president, is a person who will be

3 qualified to hold the office for which he is a candidate

4 under the provisions of the constitution of New Mexico and

5 the Election Code]

6   (a) whose certificate of voter

7 registration shows affiliation with no qualified political

8 party on the date of the governor's proclamation for the

9 primary election and, if applicable, shows residence on the

10 date of the governor's proclamation for the primary election

11 in the district or county of the office for which the person

12 is a candidate; and

13   (b) who has complied with the

14 nomination procedures set forth in the Election Code for

15 independent candidates;

16   (2) is a candidate for United States senator

17 or United States representative:

18   (a) whose certificate of voter

19 registration, if any, shows affiliation with no qualified

20 political party on the date of the governor's proclamation

21 for the primary election;

22   (b) who will be a resident of New

23 Mexico when elected; and

24   (c) who has complied with the

25 nomination procedures set forth in the Election Code for

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independent candidates; or

[C. except for] (3) is a candidate for the office of president or vice president [is a qualified elector registered to vote in New Mexico at the time of filing the declaration of independent candidacy and nominating petition;

D. except for a candidate for the office of president or vice president, has indicated on such person's certificate of registration a declination to designate a party affiliation;

E.] who:

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

[F.] (b) was not [a person who appeared as] a major party candidate for the same office on the primary election ballot.

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

C. Any voter may challenge the candidacy of any person seeking to become an independent candidate for any office for the reason that the person does not meet the requirements of this section or because the nominating petitions, if required, do not meet the requirements of

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1   Section 1-8-31 NMSA 1978 by filing a petition in the district

2   court within ten days after the last day for filing a

3   declaration of candidacy. The district court shall hear and

4   render a decision on the matter within ten days after the

5   filing of the petition. The decision of the district court

6   may be appealed to the supreme court within five days after

7   the decision is rendered. The supreme court shall hear and

8   render a decision on the appeal forthwith."

9   **SECTION 9.** Section 1-8-48 NMSA 1978 (being Laws 1977,

10   Chapter 322, Section 4, as amended) is amended to read:

11   "1-8-48. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED

12   STATES REPRESENTATIVE SPECIAL ELECTIONS--DECLARATION OF

13   INDEPENDENT CANDIDACY AND NOMINATING PETITION.--

14   A.   Nomination as an independent candidate shall

15   be made by filing a declaration of independent candidacy and

16   a nominating petition with the proper filing officer.

17   B.   In making a declaration of independent

18   candidacy, the candidate for an office other than that of

19   president or vice president shall submit a sworn statement in

20   the following form:

21   "DECLARATION OF INDEPENDENT CANDIDACY

22   I, _____ (candidate's

23   name [on certificate of registration]), being

24   first duly sworn, say that:

25   I reside at _____ [in

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1   the county of _____, New Mexico, and

2   that I am a voter of Precinct No. _____ of the

3   county of _____, State of New Mexico];

4   I [have declined to designate my party

5   affiliation as shown by my] did not designate any

6   current affiliation with a qualified political

7   party on my certificate of registration [and I

8   have not changed such declination subsequent to]

9   on or before the date of issuance of the

10   governor's proclamation for the primary election

11   in the year of the general election at which I

12   seek to be a candidate;

13   I meet the qualifications listed in Section

14   1-8-45 NMSA 1978 for the office that I seek;

15   I desire to become a candidate for the office of

16   _____, District_____

17   at the general election to be held on the date set

18   by law for this year; [and]

19   if the office I seek be [that of a member of

20   the legislature or public regulation commission,

21   that] a state or county district office, I

22   actually reside within the district of the office

23   for which I declare my candidacy;

24   if the office I seek be a countywide office,

25   I actually reside in the county of the office for

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which I declare my candidacy;

if the office I seek be for United States

congress, I actually reside within the state or will

reside in the state when elected;

I will be eligible and legally qualified to

hold this office at the beginning of its term;

if a candidate for any office for which a

nominating petition is required, I am submitting

with this statement a nominating petition in the

form and manner as prescribed by the Election

Code; and

I make the foregoing affidavit under oath or

affirmation knowing that any false statement

herein constitutes a felony punishable under the

criminal laws of New Mexico.

_____

(Declarant)

_____

([Mailing] Residence Address)

_____

([Residence] Mailing Address, if different)

Subscribed and sworn to or affirmed before me

this _____ day of _____, _____.

         (month)   (year)

_____

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(Notary Public)

My commission expires:

_____".

C. The secretary of state shall prescribe and

furnish the form for the declaration of independent candidacy

for the office of president and vice president."

SECTION 10. Section 1-8-50 NMSA 1978 (being Laws 1977,

Chapter 322, Section 6, as amended) is amended to read:

"1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED

STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION

FORM.--

A. As used in Sections 1-8-45 through 1-8-52 NMSA

1978, "nominating petition" means the authorized form used

for obtaining the required number of signatures of voters

that is signed on behalf of the person wishing to become an

independent candidate for a political office in a general or

United States representative special election requiring a

nominating petition.

B. In making a [determination] declaration of

candidacy, the candidate shall file a nominating petition at

the same time, which shall be on forms prescribed by law.

C. The nominating petition for an independent

candidate for any office except president of the United

States shall be on paper approximately eight and one-half

inches wide and eleven inches long with numbered lines for

underscored material = new
[bracketed material] = delete

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signatures spaced approximately three-eighths of an inch

apart and shall be in the following form:

"NOMINATING PETITION FOR INDEPENDENT CANDIDACY

[FOR ANY OFFICE EXCEPT PRESIDENT OF THE UNITED STATES]

I, the undersigned, a registered voter of [the

county of _____] New Mexico, hereby

nominate _____, who

resides at _____ in the county of

_____, New Mexico, as an independent candidate

for the office of _____, to be voted

for at the general election, or United States

representative special election to be held on

_____,_____

(month)   (day)   (year)

and I declare that I am a [resident] registered voter of

the state, district, county or area to be represented by

the office for which the person being nominated is a

candidate. [I also declare that I have not signed, and

will not sign, any nominating petition for more persons

than the number of candidates necessary to fill the

office at the next ensuing general election or at a

United States representative special election.]

1. _____ _____ _____ _____

(usual   (name printed   (address as   (city or zip

signature)   as registered) registered   code)

underscored material = new
[bracketed material] = delete

2. _____ _____ _____ _____

        (usual   (name printed   (address as   (city <u>or zip</u>

       signature)   as registered) registered   <u>code</u>).".

        D. The nominating petition for an independent candidate for the office of president of the United States 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:

        "NOMINATING PETITION FOR INDEPENDENT CANDIDACY FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES

        I, the undersigned, a registered voter of [the county of _____] New Mexico, by endorsement hereon, petition that the name of _____ be printed on the general election ballot as an independent candidate for the office of president of the United States, to be voted on at the general election to be held on November _____, _____. I also declare that I am that person whose name appears hereon [and that I have not signed, nor will I sign, any nominating petition for any other candidate seeking the office of president of the United States at the next ensuing general election].".

        E. <u>In March of even-numbered years</u>, the secretary of state shall <u>post on the secretary of state's web site and shall</u> furnish to each county clerk a sample of the nominating

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1   petition form, a copy of which shall be made available by the

2   county clerk upon request of any candidate as provided by the

3   Election Code.

4   F.   When more than one sheet is required for a

5   petition, each of the sheets shall be in the form prescribed

6   by this section, and all sheets shall be firmly secured by a

7   staple or other suitable fastening."

8   SECTION 11.   Section 1-8-51 NMSA 1978 (being Laws 1977,

9   Chapter 322, Section 7, as amended) is amended to read:

10   "1-8-51.   INDEPENDENT CANDIDATES FOR GENERAL OR UNITED

11   STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING

12   PETITIONS--REQUIRED NUMBER OF SIGNATURES.--

13   A.   The basis of percentage for the total number of

14   votes cast in each instance referred to in this section shall

15   be the total vote cast for governor at the last preceding

16   general election at which a governor was elected.

17   B.   Nominating petitions for an independent

18   candidate for president of the United States shall be signed

19   by [a number of] five hundred or more voters [equal to at

20   least three percent of the total number of votes cast in the

21   state].

22   C.   Nominating petitions for an independent

23   candidate for United States senator or any other statewide

24   elective office shall be signed by [a number of] five hundred

25   or more voters [equal to at least three percent of the total

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number of votes cast in the state].

D.   Nominating petitions for an independent candidate for United States representative shall be signed by [a number of] two hundred fifty or more voters [equal to at least three percent of the total number of votes cast in the district].

E.   Nominating petitions for an independent candidate for a member of the legislature, public regulation commission, district judge, district attorney, member of the [state board of] public education commission, magistrate or county office shall be signed by [a number of] at least fifty voters [equal to at least three percent of the total number of votes cast in the district, division or county, as the case may be.

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

SECTION 12.   Section 1-8-52 NMSA 1978 (being Laws 1977, Chapter 322, Section 8, as amended) is amended to read:

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

A.   Declarations of independent candidacy and nominating petitions shall be filed with the proper filing

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officer [during the period commencing at] between 9:00 a.m.

and 5:00 p.m. on any business day beginning on the first

Tuesday in July and ending on the [day following the primary

election] second Tuesday in July of each even-numbered year

and [ending at 5:00 p.m. on that same day and] not later than

5:00 p.m. on the fifty-sixth day preceding any United States

representative special election.

B. Declarations of independent candidacy and

nominating petitions for the office of president of the

United States shall be filed with the proper filing officer

[during the period commencing at] between 9:00 a.m. and 5:00

p.m. on any business day beginning on the first Tuesday in

July and ending on the [day following the primary election

and ending at 5:00 p.m. on the same day] second Tuesday in

July following the primary election."

SECTION 13. Section 1-12-19.1 NMSA 1978 (being Laws

1981, Chapter 156, Section 2, as amended) is amended to read:

"1-12-19.1. GENERAL ELECTIONS--SPECIAL ELECTIONS--

WRITE-IN CANDIDATES.--

A. A person desiring to be a write-in candidate in

a general election shall file with the proper filing officer

not later than 5:00 p.m. on the second Tuesday in July after

the primary election a declaration of intent to be a write-in

candidate. A person desiring to be a write-in candidate in a

special election for United States representative or a

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1   statewide special election shall file with the proper filing

2   officer [between 9:00 a.m. and] not later than 5:00 p.m. on

3   the sixty-third day immediately preceding the election a

4   declaration of intent to be a write-in candidate [The

5   declaration of intent shall be filed. A person desiring to

6   be a write-in candidate in a general election shall file the

7   declaration of intent between 9:00 a.m. and 5:00 p.m. on the

8   day after the primary election].

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

10   prescribed by the secretary of state and shall contain a

11   sworn statement by the candidate that the candidate is

12   qualified to be a candidate for and to hold the office for

13   which the candidate is filing.

14   C. At the time of filing the declaration of intent

15   to be a write-in candidate, the write-in candidate shall be

16   considered a candidate for all purposes and provisions

17   relating to candidates in the Election Code, including the

18   obligation to report under the Campaign Reporting Act, except

19   that the candidate shall not be entitled to have the

20   candidate's name printed on the ballot.

21   D. The secretary of state shall, not [less] more

22   than [forty] ten days [before] after the [general election]

23   final filing date, certify the names of the declared write-in

24   candidates to the county clerks of every county affected by

25   such candidacy.

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1   E. No person shall be a write-in candidate in the

2 general election who was a candidate in the primary election

3 immediately prior to the general election. A write-in

4 candidate for governor or lieutenant governor in the general

5 election shall have a companion write-in candidate, and they

6 shall be candidates to be elected jointly by the casting by a

7 voter of a single vote applicable to both offices.

8   F. A vote for a write-in candidate shall be counted

9 and canvassed only if:

10   (1) the name written in is the name of a

11 declared write-in candidate and shows two initials and last

12 name; first name, middle initial or name and last name; first

13 and last name; or the full name as it appears on the

14 declaration of intent to be a write-in candidate and

15 misspellings of the above combinations that can be reasonably

16 determined by a majority of the members of the precinct board

17 to identify a declared write-in candidate; and

18   (2) the name is written in the proper office

19 on the proper line provided on the ballot for write-in votes

20 for the office for which the candidate has filed a

21 declaration of intent and the voter has followed the

22 directions for casting a vote for the write-in candidate.

23   [G. No unopposed write-in candidate shall have an

24 election certified unless the candidate receives at least the

25 number of write-in votes as the candidate would need

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1   signatures on a nominating petition pursuant to the

2   requirements in Section 1-8-33 NMSA 1978.

3   H.] G. A write-in vote shall be cast by writing in

4   the name. As used in this section, "write-in" does not

5   include the imprinting of any name by rubber stamp or similar

6   device or the use of preprinted stickers or labels."

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