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AN ACT
RELATING TO ELECTIONS; CHANGING THE TIME FOR FILING
DECLARATIONS OF CANDIDACY AND NOMINATING PETITION SIGNATURES
TO ALLOW TIME FOR JUDICIAL RESOLUTION OF NOMINATING PETITION
AND OTHER CANDIDACY CHALLENGES.

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

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

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

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

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

C. The state convention shall take only one ballot
upon candidates for each office to be filled. Every
candidate receiving twenty percent or more of the votes of
the duly elected delegates to the convention for the office
to be voted upon at the ensuing primary election shall be
certified to the secretary of state as a
convention-designated nominee for that office by the

1 political party. Certification shall take place no later
2 than 5:00 p.m. on the first Tuesday succeeding the state
3 convention.

4 D. The certificate of designation submitted to the
5 secretary of state shall state the name of the office for
6 which each person is a candidate, each candidate's name and
7 address and the name of the political party that each
8 candidate represents and certification that the candidate has
9 been a member of that political party for the period of time
10 required by the Election Code."

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

13 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--
14 DOCUMENTS NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

15 A. Declarations of candidacy by preprimary
16 convention designation for any statewide office or for the
17 office of United States representative shall be filed with
18 the proper filing officer on the first Tuesday in February of
19 each even-numbered year between the hours of 9:00 a.m. and
20 5:00 p.m.

21 B. Declarations of candidacy for any other office
22 to be nominated in the primary election shall be filed with
23 the proper filing officer on the second Tuesday of March of
24 each even-numbered year between the hours of 9:00 a.m. and
25 5:00 p.m.

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

5 D. Declarations of candidacy for retention for all
6 affected judicial offices shall be filed with the proper
7 filing officer between the hours of 9:00 a.m. and 5:00 p.m.
8 on the twenty-first day after the primary election.

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

18 F. If a candidate is notified by the proper filing
19 officer that the candidate is not qualified to have the
20 candidate's name appear on the ballot, the candidate may
21 challenge that decision by filing a petition with the district
22 court within ten days of the notification. The district court
23 shall hear and render a decision on the matter within ten days
24 after the petition is filed. The decision of the district
25 court may be appealed to the supreme court within five days

1 after the decision is rendered. The supreme court shall hear
2 and render a decision on the appeal forthwith." _____

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