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SENATE BILL 125

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Daniel A. Ivey-Soto

AN ACT

RELATING TO MINOR POLITICAL PARTIES; PROVIDING PROCEDURES,  
FILING REQUIREMENTS OR FORMS FOR THE NOMINATION OF CANDIDATES  
BY MINOR PARTIES IN CERTAIN ELECTIONS AND RECOGNIZED NATIONAL  
PARTY CANDIDATES IN PRESIDENTIAL ELECTIONS; DECLARING AN  
EMERGENCY.

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

SECTION 1. A new section of the Election Code is enacted  
to read:

"[NEW MATERIAL] NOMINATING PETITION FOR CANDIDATE OF AN  
UNQUALIFIED STATE POLITICAL PARTY--QUALIFICATION AS AN  
INDEPENDENT CANDIDATE.--The declaration of candidacy and  
petition signatures submitted to the proper filing officer by a  
candidate for nomination as a minor party candidate shall be  
counted toward the requirements for qualification as an

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1 independent candidate for the same office in the same election  
2 if the candidate's party is not qualified to participate in  
3 that election cycle. To qualify as an independent candidate,  
4 the candidate must meet all requirements for an independent  
5 candidate in Section 1-8-45 NMSA 1978 and submit the required  
6 number of petition signatures for an independent candidate as  
7 prescribed in Section 1-8-51 NMSA 1978."

8 SECTION 2. A new section of the Election Code is enacted  
9 to read:

10 "[NEW MATERIAL] RECOGNIZED NATIONAL PARTY CANDIDATES FOR  
11 GENERAL ELECTIONS--CANDIDATES FOR PRESIDENT AND VICE  
12 PRESIDENT--NOMINEES OF A NATIONAL PARTY THAT IS NOT A QUALIFIED  
13 STATE POLITICAL PARTY--DECLARATION OF CANDIDACY--NOMINATING  
14 PETITION REQUIREMENTS.--

15 A. For the purposes of this section, "recognized  
16 national party" means a nationally organized political party  
17 whose candidates for president and vice president have  
18 qualified to appear on the next general election ballot in at  
19 least ten other states and that is not a qualified political  
20 party in New Mexico in the current election cycle.

21 B. Nomination as a candidate for president or vice  
22 president for a recognized national party shall be made by  
23 filing a declaration of candidacy with the proper filing  
24 officer. The candidate for president shall also at the same  
25 time file a nominating petition signed by a number of voters

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1 equal to at least one percent of the total number of votes cast  
2 in the state for governor at the last preceding general  
3 election at which a governor was elected. The candidate shall  
4 not have been a major party candidate in New Mexico for the  
5 same office in the current election cycle.

6 C. In making a declaration of candidacy for  
7 president, the candidate shall submit a sworn statement in the  
8 following form:

9 "DECLARATION OF CANDIDACY FOR PRESIDENT

10 I, \_\_\_\_\_ (candidate's name), being duly sworn,  
11 say that I desire to become the \_\_\_\_\_ party  
12 candidate for the office of president of the United States at  
13 the general election to be held on the date set by law for this  
14 year. I will be eligible and legally qualified to hold this  
15 office at the beginning of its term.

16 The name of my vice presidential running mate is  
17 \_\_\_\_\_. The names and addresses of the required  
18 number of presidential electors who intend to vote for me and  
19 for my vice presidential running mate in the electoral college  
20 are:

21 _____	_____
22 (name)	(name)
23 _____	_____
24 (residence address)	(residence address)
25 _____	_____

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1	(mailing address)	(mailing address)
2	_____	_____
3	(city)	(city)
4	_____	_____
5	(state and zip code)	(state and zip code)
6	_____	_____
7	(name)	(name)
8	_____	_____
9	(residence address)	(residence address)
10	_____	_____
11	(mailing address)	(mailing address)
12	_____	_____
13	(city)	(city)
14	_____	_____
15	(state and zip code)	(state and zip code)
16	_____	_____
17	(name)	
18	_____	
19	(residence address)	
20	_____	
21	(mailing address)	
22	_____	
23	(city)	
24	_____	
25	(state and zip code)	

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1 I submit with this statement a nominating petition in the  
2 form and manner prescribed by the Election Code. I make the  
3 foregoing affidavit under oath, knowing that any false  
4 statement herein constitutes a felony punishable in accordance  
5 with the criminal laws of New Mexico.

6 \_\_\_\_\_  
7 (declarant)

8 \_\_\_\_\_  
9 (residence address)

10 \_\_\_\_\_  
11 (mailing address)

12 \_\_\_\_\_  
13 (city)

14 \_\_\_\_\_  
15 (state and zip code)

16 Subscribed and sworn to me this \_\_\_\_\_ day of

17 \_\_\_\_\_, \_\_\_\_\_  
18 (year)

19 \_\_\_\_\_  
20 notary public

21 My commission expires:  
22 \_\_\_\_\_".

23 D. In making a declaration of candidacy for vice  
24 president, the candidate shall submit a sworn statement in the  
25 following form:

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1 "DECLARATION OF CANDIDACY FOR VICE PRESIDENT

2 I, \_\_\_\_\_ (candidate's name), being duly sworn, say  
3 that I have been selected by the \_\_\_\_\_ party as the  
4 vice presidential running mate for \_\_\_\_\_ and desire to  
5 be that candidate for vice president. I will be eligible and  
6 legally qualified to hold this office at the beginning of its  
7 term.

8 I make the foregoing affidavit under oath, knowing that  
9 any false statement herein constitutes a felony punishable in  
10 accordance with the criminal laws of New Mexico.

11 \_\_\_\_\_

12 (declarant)

13 \_\_\_\_\_

14 (residence address)

15 \_\_\_\_\_

16 (mailing address)

17 \_\_\_\_\_

18 (city)

19 \_\_\_\_\_

20 (state and zip code)

21 Subscribed and sworn to me this \_\_\_\_\_ day of

22 \_\_\_\_\_,

23 (year)

24 \_\_\_\_\_

25 (notary public)

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1 My commission expires:

2 \_\_\_\_\_".

3 E. The presidential electors whom the candidate for  
4 president is required to name shall be registered voters of New  
5 Mexico; they may or may not be affiliated with a political  
6 party in New Mexico. United States senators, United States  
7 representatives and persons holding federal offices of trust or  
8 profit are not eligible to be electors.

9 F. When candidates for president and vice president  
10 appear on the general election ballot, a vote for that pair of  
11 nominees is a vote for that presidential candidate's electors.

12 G. If the candidates for president and vice  
13 president receive the highest number of votes at the general  
14 election, the presidential candidate's electors shall be the  
15 presidential electors of the state of New Mexico. As such,  
16 each elector shall be granted a certificate of election by the  
17 state canvassing board, and each elector shall be subject to  
18 the provisions of Sections 1-15-5 through 1-15-10 NMSA 1978."

19 SECTION 3. A new section of the Election Code is enacted  
20 to read:

21 "[NEW MATERIAL] RECOGNIZED NATIONAL PARTY CANDIDATES FOR  
22 PRESIDENT AND VICE PRESIDENT--NOMINEES OF A NATIONAL PARTY THAT  
23 IS NOT A QUALIFIED STATE POLITICAL PARTY--NOMINATING PETITION  
24 FORM.--

25 A. As used in this section, "recognized national

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1 party" means a nationally organized political party whose  
2 candidates for president and vice president have qualified to  
3 appear on the next general election ballot in at least ten  
4 other states and that is not a qualified political party in New  
5 Mexico in the current election cycle.

6 B. The nominating petition for a recognized  
7 national party candidate for the office of president of the  
8 United States shall be on paper approximately eight and one-  
9 half inches wide and eleven inches long with numbered lines for  
10 signatures spaced approximately three-eighths of an inch apart  
11 and shall be in the following form:

12 "NOMINATING PETITION FOR CANDIDACY  
13 FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES

14 I, the undersigned, a registered voter of New  
15 Mexico, petition that the name of \_\_\_\_\_ be printed  
16 on the general election ballot as a candidate of the  
17 \_\_\_\_\_ party for the office of president of  
18 the United States, to be voted on at the general election  
19 to be held in November of this year. I also declare that  
20 I am that person whose name appears hereon and that I have  
21 not signed, nor will I sign, any nominating petition for  
22 any other candidate seeking the office of president of the  
23 United States at the next ensuing general election.

24 1. \_\_\_\_\_  
25 (usual (name printed (address as (city or zip

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1           signature)           as registered)           registered)           code)  
2       2.       \_\_\_\_\_       \_\_\_\_\_       \_\_\_\_\_       \_\_\_\_\_  
3           (usual                   (name printed           (address as           (city or zip  
4           signature)           as registered)           registered)           code)".

5           C.    In March of even-numbered years, the secretary  
6 of state shall post on the secretary of state's web site and  
7 shall furnish a copy of the nomination petition form upon  
8 request of any candidate as provided by the Election Code.

9           D.    When more than one sheet is required for a  
10 petition, each of the sheets shall be in the form prescribed by  
11 this section, and all sheets shall be firmly secured by a  
12 staple or other suitable fastening."

13           SECTION 4.   Section 1-7-1 NMSA 1978 (being Laws 1969,  
14 Chapter 240, Section 144) is amended to read:

15           "1-7-1.   POLITICAL PARTIES--CONDITIONS FOR USE OF  
16 BALLOT.--All nominations of candidates for public office in New  
17 Mexico made by political parties shall be made pursuant to the  
18 Election Code.   Except for its candidates for president and  
19 vice president, no political party shall be permitted to have  
20 the names of its candidates printed on any election ballot  
21 unless and until it has qualified as provided in the Election  
22 Code."

23           SECTION 5.   Section 1-7-2 NMSA 1978 (being Laws 1969,  
24 Chapter 40, Section 145, as amended) is amended to read:

25           "1-7-2.   QUALIFICATION--REMOVAL--REQUALIFICATION.--

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1           A. To qualify as a political party in New Mexico,  
2 each political party through its governing body shall adopt  
3 rules providing for the organization and government of that  
4 party and shall file the rules with the secretary of state.  
5 Uniform rules shall be adopted throughout the state by the  
6 county organizations of that party, where a county organization  
7 exists, and shall be filed with the county clerks. At the same  
8 time the rules are filed with the secretary of state, the  
9 governing body of the political party shall also file with the  
10 secretary of state a petition containing the hand-printed  
11 names, signatures, addresses of registration and counties of  
12 residence of at least one-half of one percent of the total  
13 votes cast for the office of governor at the preceding general  
14 election who declare by their signatures on the petition that  
15 they are voters of New Mexico and that they desire the party to  
16 be a qualified political party in New Mexico. Blank petition  
17 forms shall be available at any time from the secretary of  
18 state.

19           B. Each county political party organization may  
20 adopt supplementary rules insofar as they do not conflict with  
21 the uniform state rules or do not abridge the lawful political  
22 rights of any person. Such supplementary rules shall be filed  
23 with the county clerk and the secretary of state in the same  
24 manner as other rules are filed.

25           C. A qualified political party shall cease to be

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1 qualified for the purposes of the Election Code if two  
2 successive general elections are held without at least one of  
3 the party's candidates on the ballot or if the total votes cast  
4 for the party's candidates for governor or president of the  
5 United States, provided that the party has a candidate seeking  
6 election to either of these offices, in a general election do  
7 not equal at least one-half of one percent of the total votes  
8 cast for the office of governor or president of the United  
9 States, as applicable. No later than March 15 of ~~an~~ the  
10 odd-numbered ~~[years]~~ year in each election cycle, the secretary  
11 of state shall send notice of nonqualification to the state  
12 chair of any political party that fails to remain qualified.  
13 The notice shall be delivered by registered mail to the last  
14 known address of the state chair of the political party, and a  
15 copy shall be kept in the secretary of state's file of parties  
16 qualified 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 and shall post the notice on the web site  
20 maintained by the secretary of state. The secretary of state  
21 shall within forty-five days notify by mail all voters  
22 registered as members of such party of the removal and  
23 nonqualification of the party.

24 E. To requalify, the party shall again comply with  
25 the provisions of the Election Code dealing with filing

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1 requirements for political parties."

2 SECTION 6. Section 1-7-4 NMSA 1978 (being Laws 1969,  
3 Chapter 240, Section 147, as amended) is amended to read:

4 "1-7-4. RULES AND REGULATIONS--FILING--FEE.--

5 A. Each political party shall file its rules and  
6 regulations within thirty days after its organization and no  
7 later than the [~~first Tuesday in April~~] day after the primary  
8 election before any general election in which it is authorized  
9 to participate.

10 B. Political parties filing rules and regulations  
11 with the county clerk shall pay the standard filing fee."

12 SECTION 7. Section 1-8-1 NMSA 1978 (being Laws 1969,  
13 Chapter 240, Section 151, as amended) is amended to read:

14 "1-8-1. NOMINATING PROCEDURES--MAJOR POLITICAL  
15 PARTIES--MINOR POLITICAL PARTIES.--

16 A. Any major political party in New Mexico, as  
17 defined in Section [~~1-1-9~~] 1-7-7 NMSA 1978, shall nominate its  
18 candidates, other than its presidential candidates, by secret  
19 ballot at the next succeeding primary election as prescribed in  
20 the Primary Election Law.

21 B. Any minor political party in New Mexico, as  
22 defined in Section [~~1-1-9~~] 1-7-7 NMSA 1978, shall nominate  
23 candidates for public office in the manner prescribed in its  
24 party rules and regulations and according to the provisions of  
25 the Election Code."

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

3           "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--  
4 DESIGNATED NOMINEES.--

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

7                   (1) the chair and secretary of the state  
8 political convention shall certify to the secretary of state  
9 the names of their party's nominees for United States senator,  
10 United States representative, all elective state offices,  
11 legislative offices elected from multicounty districts, the  
12 public regulation commission, all elective judicial officers in  
13 the judicial department and all offices representing a district  
14 composed of more than one county; and

15                   (2) the chair and secretary of the county  
16 political convention shall certify to the county clerk the  
17 names of their party's nominees for elected county offices and  
18 for legislative offices elected from a district located wholly  
19 within one county or that is composed of only one county.

20           B. The names certified to the secretary of state  
21 shall be filed on the twenty-first day following the primary  
22 election in the year of the general election and shall be  
23 accompanied by a petition containing a list of signatures and  
24 addresses of voters totaling not less than one percent of the  
25 total number of votes cast at the last preceding general

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1 election for the office of governor [~~or president of the United~~  
2 ~~States, as the case may be~~]:

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

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

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

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

18 (1) in the county for countywide offices; and

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

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

25 D. Except in the case of a political party

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1 certified the year of the election, persons certified as  
2 nominees shall be members of that party before the day the  
3 governor issues the primary election proclamation. When a  
4 political party is certified the year of the election, persons  
5 certified as nominees shall be members of that party before the  
6 day the petition is filed pursuant to Sections 1-7-2 and 1-7-4  
7 NMSA 1978 and shall not have been a candidate in a primary  
8 election in the same election cycle.

9 E. No voter shall sign a petition prescribed by  
10 this section for more persons than the number of minor party  
11 candidates necessary to fill the office at the next ensuing  
12 general election."

13 SECTION 9. TEMPORARY PROVISION--FINDINGS AND PURPOSE.--

14 Whereas, the legislature of the state of New Mexico, being  
15 aware of the memorandum opinion and order issued by the United  
16 States district court for the district of New Mexico in *The*  
17 *Constitution Party of New Mexico v. Duran*, Civ. No.

18 1:12-00325-KG/LFG, (D.N.M. Dec. 9, 2013), passes this  
19 legislation with the following findings and stated purpose:

20 A. the first Tuesday in April deadline for  
21 submission of petitions to form a political party having been  
22 found unconstitutional, the legislature sets the filing  
23 deadline as the day after the primary election for the  
24 following reasons:

25 (1) the filing day for general election

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1 candidates to file their nominating petitions is twenty-one  
2 days after the primary. This includes minor party candidates,  
3 as provided in Subsection B of Section 1-8-2 NMSA 1978;  
4 independent candidates, as provided in Subsection A of Section  
5 1-8-52 NMSA 1978; and general election write-in candidates, as  
6 provided in Subsection A of Section 1-12-19.1 NMSA 1978;

7 (2) in order for a political party to select  
8 its candidates by convention or other rules, it must first be  
9 constituted. The April 1 deadline permitted ample time for new  
10 political parties to hold a convention or implement another  
11 nomination process prior to the filing deadline for candidates.  
12 As the April 1 deadline is unconstitutional, a deadline of the  
13 day after the primary still permits twenty days for new  
14 political parties to select their candidates. The planning for  
15 this selection process may begin prior to the submission of  
16 qualification petitions, as the new political party may already  
17 be in the organizational process prior to filing its qualifying  
18 petitions. The legislature also notes that although the  
19 deadline to qualify is the last day a nascent political party  
20 may file its qualifying petitions, qualifying petitions may be  
21 filed at any time. To ensure that those seeking to organize a  
22 minor party could begin at any time, the legislature further  
23 notes that, in 2011, it amended Subsection A of Section 1-7-2  
24 NMSA 1978 and added the following language at the end of the  
25 subsection: "Blank petition forms shall be available at any

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1 time from the secretary of state."; and

2 (3) by fixing the new deadline to be the day  
3 after the primary, the legislature is providing maximum  
4 opportunity for those seeking to organize a minor party to  
5 collect signatures during the early voting and election day  
6 voting process for the primary election, which also allows  
7 circulators to gather within fifty feet of the door where  
8 voters enter and exit for the primary election to obtain  
9 petition signatures to qualify as a political party, as  
10 provided in Section 1-20-17 NMSA 1978;

11 B. the legislature has adopted new sections of the  
12 Election Code to permit those seeking to be minor party  
13 candidates to qualify as independent candidates should their  
14 party not be qualified for the following reasons:

15 (1) previously, because qualifying petitions  
16 were due the first Tuesday in April, a candidate seeking to  
17 qualify for the general election ballot as a minor party  
18 candidate would know if the candidate's political party had  
19 been qualified prior to submission of the nominating petitions  
20 to the proper filing officer. With the qualification deadline  
21 being moved to the day after the primary, a candidate  
22 collecting signatures to qualify as a minor party candidate  
23 might not know if the candidate's political party will be  
24 qualified at the time of submitting nominating petitions; and

25 (2) in light of this new problem, and desiring

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1 to ensure that any potential candidate is not blocked from  
2 being able to appear on a ballot during an election cycle, the  
3 legislature has amended the Election Code so that if a person  
4 files a declaration of candidacy and nominating petitions  
5 seeking to be nominated as a minor party candidate for a party  
6 that is ultimately not qualified, the declaration of candidacy  
7 and nominating petitions will be counted toward qualification  
8 as an independent candidate; provided that the person has  
9 otherwise qualified to be an independent candidate and has  
10 submitted the requisite number of signatures for qualification  
11 as an independent candidate;

12 C. the legislature has adopted new sections of the  
13 Election Code to permit nationally recognized minor party  
14 candidates for president and vice president to be placed on the  
15 ballot in New Mexico even if the minor party is not qualified  
16 in this state for the following reasons:

17 (1) the plaintiffs in the case discussed the  
18 organizational challenges of qualifying their party's  
19 presidential and vice presidential candidates, who were chosen  
20 at a convention in late April 2012;

21 (2) recognizing that national candidacy  
22 movements often occur before state party organizations are in  
23 place, the legislature has adopted new sections of the Election  
24 Code to allow a national candidate of a political party to  
25 appear on the ballot in New Mexico even if the political party

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1 is not organized or recognized in this state; and

2 (3) this not only streamlines the process for  
3 the nationally recognized candidate, but also provides an  
4 additional twenty days before nominating petitions must be  
5 filed with the proper filing officer; and

6 D. the legislature expresses concern and opposition  
7 to moving the filing deadline for any general election  
8 candidates to any date later than twenty-one days after the  
9 primary election for the following reasons:

10 (1) although the court's order struck only the  
11 deadline for filing qualifying petitions to create a new  
12 political party, if that deadline were to be set in July as  
13 requested by the plaintiff, that would create an illogical  
14 sequence within the Election Code, as the deadline for  
15 candidates would then precede the deadline for creation of the  
16 political party;

17 (2) in 2009, congress passed the federal  
18 Military and Overseas Voter Empowerment Act, which, among other  
19 requirements, mandates that ballots be sent to military and  
20 overseas voters no later than forty-five days before an  
21 election. In 2010, New Mexico was deemed noncompliant with the  
22 new deadline, resulting in a consent decree being entered  
23 between the secretary of state and the United States department  
24 of justice;

25 (3) as a result of the new federal deadline,

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1 in 2011, the legislature mandated that ballots be prepared not  
2 less than fifty-six days before each election, as provided in  
3 Section 1-10-4 NMSA 1978;

4 (4) the secretary of state is permitted  
5 thirty-five days to qualify a minor party candidate, as this  
6 requires verifying that the candidate is qualified pursuant to  
7 the rules of the minor political party and verifying the  
8 signatures and addresses on the petitions, as provided in  
9 Subsection A of Section 1-8-4 NMSA 1978;

10 (5) the thirty-fifth day following the filing  
11 deadline for general election candidates is just forty-two days  
12 before the deadline for preparation of ballots;

13 (6) a normal part of candidacy qualification  
14 is litigation following certification by the proper filing  
15 officer. Even before having a hearing in the New Mexico  
16 supreme court, allowing ten days for filing a complaint  
17 following certification, ten days for holding a hearing in the  
18 district court, five days to appeal directly to the supreme  
19 court and five days for filing a docketing statement creates a  
20 period of time equal to thirty-three calendar days only if  
21 every part of the state court system follows Section 1-1-22  
22 NMSA 1978 for calculation of time. Should the court system  
23 follow Rule 1-006 NMRA of the Rules of Civil Procedure for the  
24 District Courts, the period of time created through litigation  
25 is forty-two days;

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1                   (7) in either event, the times calculated  
2 above do not include the determination by the New Mexico  
3 supreme court as to when to hold a hearing or the time the  
4 supreme court may take to issue a decision because it is beyond  
5 the legislature's authority to determine court rules. (See  
6 *Ammerman v. Hubbard Broadcasting, Inc.*, 1976-NMSC-031,  
7 Paragraph 19, 89 N.M. 307, 551 P.2d 1354.);

8                   (8) should the federal court determine to move  
9 the filing deadline for submitting qualifying petitions to  
10 establish a new political party to a date later than the day  
11 after the primary election, the minor political party will not  
12 have sufficient time to invoke its own nomination process to  
13 certify candidates to submit nominating petitions on the  
14 twenty-first day following the primary election;

15                   (9) should the federal court determine to move  
16 the filing deadline for submitting qualifying petitions to  
17 establish a new political party to a date after the  
18 twenty-first day following the primary election, the court  
19 would create an illogical sequence in the Election Code,  
20 requiring candidates to file before their political party is  
21 created, or the federal court would have to then also move the  
22 filing deadline for minor party candidates to a later date, as  
23 well; and

24                   (10) should the federal court determine to  
25 move the filing deadline for any general election candidates to

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~~[bracketed material] = delete~~

1 a date later than twenty-one days following the primary  
2 election, the state might not be able to comply with the  
3 deadline to prepare ballots at least fifty-six days before an  
4 election and will be in grave danger of failing to comply with  
5 federal deadlines for sending votable ballots to military and  
6 overseas voters forty-five days before the general election.

7 SECTION 10. EMERGENCY.--It is necessary for the public  
8 peace, health and safety that this act take effect immediately.