HOUSE BILL 120

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Matthew McQueen

AN ACT

RELATING TO PRESIDENTIAL ELECTORS; REQUIRING ELECTORS WHO DO

NOT VOTE FOR THE CANDIDATE OF THE POLITICAL PARTY THAT

NOMINATED THEM TO BE DISQUALIFIED AND THE VACANCY FILLED BY

GUBERNATORIAL APPOINTMENT; PRESCRIBING A PROCEDURE FOR FILLING

VACANCIES; REPEALING SECTION 1-15-9 NMSA 1978 (BEING LAWS 1969,

CHAPTER 240, SECTION 359).

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

SECTION 1. Section 1-15-7 NMSA 1978 (being Laws 1969,

Chapter 240, Section 357) is amended to read:

"1-15-7. PRESIDENTIAL ELECTORS--WHEN GOVERNOR FILLS

VACANCY.--In the case of the death, [or] absence or

disqualification of any presidential elector or failure to

complete the number of presidential electors by noon of the day

fixed by the laws of the United States for presidential

1   electors to cast their ballots, the governor shall fill any

2   vacancy by appointment. In filling the vacancy, the governor

3   shall appoint a [voter of the state] presidential elector from

4   a list of names of voters of the state nominated by the state

5   [chairman] chair of the same political party represented by the

6   presidential elector whose death, [or] absence or

7   disqualification caused the vacancy."

8   SECTION 2. Section 1-15-8 NMSA 1978 (being Laws 1969,

9   Chapter 240, Section 358, as amended) is amended to read:

10   "1-15-8. PRESIDENTIAL ELECTORS--ELECTORAL COLLEGE CASTING

11   BALLOTS--CERTIFICATION OF RESULTS.--

12   A. The presidential electors of the state shall

13   meet at noon in the office of the secretary of state on the day

14   fixed by the laws of the United States for presidential

15   electors to cast their ballots for president and vice president

16   [and] of the United States.

17   B. The secretary of state shall provide each

18   presidential elector with a presidential and vice presidential

19   ballot. The presidential electors shall mark their ballots for

20   the candidates of the political party that nominated them as

21   presidential electors.

22   C. Each presidential elector shall present a

23   completed ballot to the secretary of state, who shall examine

24   each ballot and accept as cast each ballot marked by a

25   presidential elector consistent with the candidate of the

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1   political party that nominated the presidential elector. The

2   secretary of state shall not accept and shall not count a

3   ballot if the presidential elector has not marked the ballot or

4   has marked the ballot for a candidate other than the candidate

5   of the political party that nominated the presidential elector.

6   D. A presidential elector who refuses to present a

7   ballot, who attempts to present an unmarked ballot or who

8   attempts to present a ballot marked for a candidate other than

9   the candidate of the political party that nominated the

10   presidential elector is disqualified as a presidential elector

11   and vacates the office of presidential elector.

12   E. The governor shall fill any vacancy by

13   appointment in accordance with the procedure prescribed by

14   Section 1-15-7 NMSA 1978. Any presidential elector appointed

15   by the governor to fill a vacancy who fails or refuses to

16   present a ballot marked for the candidate of the party that

17   nominated the presidential elector shall be disqualified, the

18   office deemed vacant and another presidential elector shall be

19   appointed by the governor.

20   F. After all vacancies are filled, the presidential

21   electors shall proceed [to vote by ballot for] with the

22   election of the president and vice president of the United

23   States and [to] shall certify the results of such election in

24   accordance with the constitution and laws of the United States.

25   G. The presidential elector chosen as secretary

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1   shall keep a journal of the proceedings and deposit the journal

2   in the office of the secretary of state, where it shall be kept

3   on file."

4   **SECTION 3.** REPEAL.--Section 1-15-9 NMSA 1978 (being Laws

5   1969, Chapter 240, Section 359) is repealed.

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