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HOUSE BILL 468

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

William B. Pratt

AN ACT

RELATING TO ELECTIONS; AMENDING THE REQUIREMENTS FOR NOMINATING  
PETITIONS FOR MAJOR PARTY, MINOR PARTY AND INDEPENDENT  
CANDIDATES.

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

SECTION 1. Section 1-8-2 NMSA 1978 (being Laws 1969,  
Chapter 240, Section 152, as amended by Laws 2014, Chapter 40,  
Section 3 and by Laws 2014, Chapter 81, Section 3) is amended  
to read:

"1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--  
DESIGNATED NOMINEES--NOMINATING PETITION--REQUIRED NUMBER OF  
SIGNATURES.--

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

- (1) the chair and secretary of the state

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1 political convention shall certify to the secretary of state  
2 the names of their party's nominees for United States senator,  
3 United States representative, all elective state offices,  
4 legislative offices elected from multicounty districts, the  
5 public regulation commission, all elective judicial officers in  
6 the judicial department and all offices representing a district  
7 composed of more than one county; and

8 (2) the chair and secretary of the county  
9 political convention shall certify to the county clerk the  
10 names of their party's nominees for elected county offices and  
11 for legislative offices elected from a district located wholly  
12 within one county or that is composed of only one county.

13 B. The names certified to the secretary of state or  
14 county clerk, as required by Subsection A of this section,  
15 shall be filed on the twenty-third day following the primary  
16 election in the year of the general election and shall be  
17 accompanied by nominating petitions containing the signatures  
18 of voters totaling not less than: [~~one percent of the total~~  
19 ~~number of votes cast for governor at the last preceding general~~  
20 ~~election at which a governor was elected:~~

21 ~~(1) in the state for statewide offices; and~~  
22 ~~(2) in the district for offices other than~~  
23 ~~statewide offices.~~

24 ~~The petition shall contain a statement that the voters~~  
25 ~~signing the petition are residents of the area to be~~

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1 ~~represented by the office for which the person being nominated~~  
2 ~~is a candidate.~~

3 G. ~~The names certified to the county clerk shall be~~  
4 ~~filed on the twenty-third day following the primary election in~~  
5 ~~the year of the general election and shall be accompanied by a~~  
6 ~~nominating petition containing the signatures of voters~~  
7 ~~totaling not less than one percent of the total number of votes~~  
8 ~~cast for governor at the last preceding general election at~~  
9 ~~which a governor was elected:~~

- 10 ~~(1) in the county for countywide offices; and~~
- 11 ~~(2) in the district for offices other than~~  
12 ~~countywide offices.]~~

13 (1) one hundred for the public education  
14 commission or state representative;

15 (2) two hundred for district attorney,  
16 district judge or state senator;

17 (3) five hundred for the public regulation  
18 commission or United States representative; and

19 (4) one thousand for statewide office, United  
20 States senator or the office of president of the United States.

21 The petition shall contain a statement that the voters  
22 signing the petition are residents of the area to be  
23 represented by the office for which the person being nominated  
24 is a candidate.

25 C. A nominating petition is not required for the

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1 office of metropolitan court judge or for an elected county  
2 office, including the office of magistrate court judge.

3 D. Except in the case of a political party  
4 certified in the year of the election, persons certified as  
5 candidates shall be members of that party on the day the  
6 governor issues the primary election proclamation.

7 E. When a political party is certified in the year  
8 of the general election, and after the day the governor issues  
9 the primary election proclamation, a person certified as a  
10 candidate shall be:

11 (1) a member of that party not later than the  
12 date the political party filed its rules and qualifying  
13 petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and

14 (2) a resident in the district of the office  
15 for which the person is a candidate on the date of the  
16 governor's proclamation for the primary election or in the case  
17 of a person seeking the office of United States senator or  
18 United States representative, a resident within New Mexico on  
19 the date of the governor's proclamation for the primary  
20 election. No person who is a candidate for a party in a  
21 primary election may be certified as a candidate for a  
22 different party in the general election in the same election  
23 cycle.

24 F. No voter shall sign a petition prescribed by  
25 this section for more persons than the number of candidates

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1 necessary to fill the office at the next ensuing general  
2 election."

3 SECTION 2. Section 1-8-33 NMSA 1978 (being Laws 1973,  
4 Chapter 228, Section 7, as amended) is amended to read:

5 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--  
6 REQUIRED NUMBER OF SIGNATURES [REQUIRED].--

7 ~~[A. As used in this section, "total vote" means the~~  
8 ~~sum of all votes cast for all of the party's candidates for~~  
9 ~~governor at the last preceding primary election at which the~~  
10 ~~party's candidate for governor was nominated.~~

11 B.] A. Candidates who seek preprimary convention  
12 designation shall file nominating petitions at the time of  
13 filing declarations of candidacy. ~~[Nominating petitions for~~  
14 ~~those candidates shall be signed by a number of voters equal to~~  
15 ~~at least two percent of the total vote of the candidate's party~~  
16 ~~in the state or congressional district, or the following number~~  
17 ~~of voters, whichever is greater: for statewide offices, two~~  
18 ~~hundred thirty voters; and for congressional candidates,~~  
19 ~~seventy-seven voters.~~

20 ~~C. Nominating petitions for candidates for any~~  
21 ~~other office to be voted on at the primary election for which~~  
22 ~~nominating petitions are required shall be signed by a number~~  
23 ~~of voters equal to at least three percent of the total vote of~~  
24 ~~the candidate's party in the district or division, or the~~  
25 ~~following number of voters, whichever is greater: for~~

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1 ~~metropolitan court and magistrate courts, ten voters; for the~~  
2 ~~public regulation commission, fifty voters; for the public~~  
3 ~~education commission, twenty-five voters; for state~~  
4 ~~representative, ten voters; for state senator, seventeen~~  
5 ~~voters; and for district attorney and district judge, fifteen~~  
6 ~~voters.]~~

7 B. A nominating petition shall contain the  
8 signatures of voters totaling not less than:

9 (1) one hundred for the public education  
10 commission or state representative;

11 (2) two hundred for district attorney,  
12 district judge or state senator;

13 (3) five hundred for the public regulation  
14 commission or United States representative; and

15 (4) one thousand for statewide office, United  
16 States senator or the office of president of the United States.

17 ~~[D.]~~ C. A candidate who fails to receive the  
18 preprimary convention designation that the candidate sought may  
19 collect additional signatures [~~to total at least four percent~~  
20 ~~of the total vote of the candidate's party in the state or~~  
21 ~~congressional district, whichever applies to the office the~~  
22 ~~candidate seeks]~~ and file a new declaration of candidacy and  
23 nominating petitions for the office for which the candidate  
24 failed to receive a preprimary designation. The declaration of  
25 candidacy and nominating petitions shall be filed with the

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1 secretary of state either ten days following the date of the  
2 preprimary convention at which the candidate failed to receive  
3 the designation or on the date all declarations of candidacy  
4 and nominating petitions are due pursuant to the provisions of  
5 the Primary Election Law, whichever is later. A nominating  
6 petition filed pursuant to this subsection shall contain the  
7 signatures of voters totaling not less than:

8 (1) one hundred for the public education  
9 commission or state representative;

10 (2) two hundred for district attorney,  
11 district judge or state senator;

12 (3) five hundred for the public regulation  
13 commission or United States representative; and

14 (4) one thousand for statewide office, United  
15 States senator or the office of president of the United States.

16 D. A nominating petition is not required for a  
17 candidate for the office of metropolitan court judge or for an  
18 elective county office, including the office of magistrate  
19 court judge.

20 E. The petition shall contain a statement that the  
21 voters signing the petition are residents of the area to be  
22 represented by the office for which the person being nominated  
23 is a candidate.

24 F. A voter who signs a nominating petition for a  
25 major party candidate shall be a member of the same political

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1 party as the candidate."

2 SECTION 3. Section 1-8-51 NMSA 1978 (being Laws 1977,  
3 Chapter 322, Section 7, as amended) is amended to read:

4 "1-8-51. INDEPENDENT CANDIDATES [~~FOR GENERAL OR UNITED~~  
5 ~~STATES REPRESENTATIVE SPECIAL ELECTIONS]~~--NOMINATING  
6 PETITIONS--REQUIRED NUMBER OF SIGNATURES.--

7 [~~A. The basis of percentage for the total number of~~  
8 ~~votes cast in each instance referred to in this section shall~~  
9 ~~be the total vote cast for governor at the last preceding~~  
10 ~~general election at which a governor was elected.~~

11 [~~B. Nominating petitions for an independent~~  
12 ~~candidate for president of the United States shall be signed by~~  
13 ~~a number of voters equal to at least three percent of the total~~  
14 ~~number of votes cast in the state.~~

15 [~~C. Nominating petitions for an independent~~  
16 ~~candidate for United States senator or any other statewide~~  
17 ~~elective office shall be signed by a number of voters equal to~~  
18 ~~at least three percent of the total number of votes cast in the~~  
19 ~~state.~~

20 [~~D. Nominating petitions for an independent~~  
21 ~~candidate for United States representative shall be signed by a~~  
22 ~~number of voters equal to at least three percent of the total~~  
23 ~~number of votes cast in the district.~~

24 [~~E. Nominating petitions for an independent~~  
25 ~~candidate for a member of the legislature, public regulation~~

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1 ~~commission, district judge, district attorney, member of the~~  
2 ~~state board of education, magistrate or county office shall be~~  
3 ~~signed by a number of voters equal to at least three percent of~~  
4 ~~the total number of votes cast in the district, division or~~  
5 ~~county, as the case may be.]~~

6 A. A nominating petition for an independent  
7 candidate shall contain the signatures of voters totaling not  
8 less than:

9 (1) one hundred for the public education  
10 commission or state representative;

11 (2) two hundred for district attorney,  
12 district judge or state senator;

13 (3) five hundred for the public regulation  
14 commission or United States representative; and

15 (4) one thousand for statewide office, United  
16 States senator or the office of president of the United States.

17 B. A nominating petition is not required for a  
18 candidate for the office of metropolitan court judge or for an  
19 elected county office, including the office of magistrate court  
20 judge.

21 C. The petition shall contain a statement that the  
22 voters signing the petition are residents of the area to be  
23 represented by the office for which the person being nominated  
24 is a candidate.

25 ~~[F-]~~ D. A voter shall not sign a petition for an

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1 independent candidate as provided in this section if ~~[he]~~ the  
2 voter has signed a petition for another ~~[independent]~~ candidate  
3 for the same office."

4 SECTION 4. Section 1-15A-6 NMSA 1978 (being Laws 1977,  
5 Chapter 230, Section 5) is amended to read:

6 "1-15A-6. NOMINATION BY PETITION.--No later than 5:00  
7 p.m. on the thirtieth day following the nominations by  
8 committee, any person seeking the endorsement by the national  
9 political party for the office of president of the United  
10 States, or any group organized in this state on behalf of, and  
11 with the consent of, such person, may submit to the secretary  
12 of state a petition on a form prescribed and furnished by the  
13 secretary of state to have such candidate's name printed on the  
14 presidential primary ballot. The petition shall be signed by  
15 ~~[a number of registered voters in each of the congressional~~  
16 ~~districts equal to not less than two percent of the total~~  
17 ~~number of votes for president cast in each district at the last~~  
18 ~~preceding presidential election]~~ not less than one thousand  
19 registered voters. Each signer of such petition shall sign but  
20 one such petition. In verifying the petition, the secretary of  
21 state shall count each signature unless it is determined that  
22 the person signing is not a registered voter of this state, has  
23 signed more than one petition or is not the person whose name  
24 appears on the nominating petition."