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HOUSE BILL 350

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Javier Martínez

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE PRESIDENTIAL PRIMARY
ELECTION TO BE HELD ON THE SECOND TUESDAY IN JANUARY IN THE
YEAR IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED;
AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 1-10-8 NMSA 1978 (being Laws 2019,
Chapter 212, Section 103) is amended to read:

"1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT
QUESTIONS.--

A. In the year in which the president of the United
States is elected, the ballot in a primary election and general
election shall contain, when applicable, partisan offices to be
voted on in the following order:

~~[(1) in a presidential primary, president;~~

1 ~~(2)~~ (1) in a general election, president and
2 vice president as a ticket;

3 ~~(3)~~ (2) United States senator;

4 ~~(4)~~ (3) United States representative;

5 ~~(5)~~ (4) state senator;

6 ~~(6)~~ (5) state representative;

7 ~~(7)~~ (6) supreme court;

8 ~~(8)~~ (7) court of appeals;

9 ~~(9)~~ (8) public regulation commission
10 districts with odd-numbered designations;

11 ~~(10)~~ (9) public education commission
12 districts with odd-numbered designations;

13 ~~(11)~~ (10) district court;

14 ~~(12)~~ (11) metropolitan court;

15 ~~(13)~~ (12) county clerk;

16 ~~(14)~~ (13) county treasurer; and

17 ~~(15)~~ (14) county commission districts and
18 positions with odd-numbered designations.

19 B. In the year in which the governor is elected,
20 the ballot in a primary election and general election shall
21 contain, when applicable, partisan offices to be voted on in
22 the following order:

23 (1) United States senator;

24 (2) United States representative;

25 (3) in a major political party primary,

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- 1 governor;
- 2 (4) in a major political party primary,
- 3 lieutenant governor;
- 4 (5) in a general election, governor and
- 5 lieutenant governor as a ticket;
- 6 (6) secretary of state;
- 7 (7) attorney general;
- 8 (8) state auditor;
- 9 (9) state treasurer;
- 10 (10) commissioner of public lands;
- 11 (11) state representative;
- 12 (12) supreme court;
- 13 (13) court of appeals;
- 14 (14) public regulation commission districts
- 15 with even-numbered designations;
- 16 (15) public education commission districts
- 17 with even-numbered designations;
- 18 (16) district court;
- 19 (17) district attorney;
- 20 (18) metropolitan court;
- 21 (19) magistrate court;
- 22 (20) county sheriff;
- 23 (21) county assessor;
- 24 (22) county commission districts and positions
- 25 with even-numbered designations; and

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1 (23) probate judge.

2 C. The ballot in a regular local election shall
3 contain, when applicable, nonpartisan offices to be voted on in
4 the following order:

5 (1) municipal, with elective executive
6 officers listed first, governing board members listed second
7 and judicial officers listed third;

8 (2) board of education of a school district;

9 (3) community college, branch community
10 college, technical and vocational institute district or
11 learning center district; and

12 (4) special districts listed in order by
13 voting population of each special district, with the most
14 populous listed first and the least populous listed last.

15 D. The ballot in a statewide election shall
16 contain, when applicable, nonpartisan judicial retention and in
17 a statewide or special election, when applicable, ballot
18 questions to be voted on in the following order, unless a
19 different order is prescribed by the secretary of state:

20 (1) judicial retention;

21 (2) proposed state constitutional amendments;

22 (3) other state ballot questions;

23 (4) county ballot questions; and

24 (5) local government ballot questions listed

25 in the same order as the list of local governments in

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1 Subsection C of this section.

2 E. When multiple positions for the same nonjudicial
3 office are listed on the same ballot and each position is to be
4 elected individually:

5 (1) offices designated by district number
6 shall appear on the ballot in ascending numerical order of the
7 districts;

8 (2) offices not designated by district number
9 shall appear on the ballot in ascending numerical order of the
10 position; provided that the secretary of state shall
11 numerically designate the positions on the ballot as "position
12 one", "position two" and such additional consecutively numbered
13 positions as are necessary, and only one member shall be
14 elected for each position; and

15 (3) whenever two or more positions for the
16 same office are to be elected to represent the same area with
17 terms of different lengths of time, the secretary of state
18 shall first group the offices with the shorter length of time
19 and shall designate each position with "for a term expiring
20 ___", specifying the date the term expires.

21 F. When multiple positions for the same judicial
22 office are listed on the same ballot and each position is to be
23 elected or voted on individually:

24 (1) district, metropolitan and magistrate
25 court positions, either for partisan election or for

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1 nonpartisan judicial retention, shall appear on the ballot in
2 ascending numerical order of the division number assigned to
3 each position;

4 (2) supreme court and court of appeals for
5 partisan election shall appear on the ballot in ascending
6 numerical order of the position number designated by the
7 secretary of state for that election, based on the date of the
8 vacancy causing the position to be listed on the ballot;
9 provided that if multiple vacancies occurred on the same day,
10 the positions shall appear on the ballot based on the order of
11 seniority of the justice or judge who vacated the position,
12 with the highest seniority listed first; and

13 (3) supreme court and court of appeals for
14 nonpartisan judicial retention shall appear on the ballot in
15 ascending numerical order of the position number designated by
16 the secretary of state for that election, based on the
17 seniority of the justice or judge seeking retention, with the
18 highest seniority listed first."

19 **SECTION 2.** Section 1-15A-2 NMSA 1978 (being Laws 1977,
20 Chapter 230, Section 2, as amended) is amended to read:

21 "1-15A-2. PRESIDENTIAL PRIMARY--DATE OF ELECTION.--In the
22 year in which the president and vice president of the United
23 States are to be elected, the registered voters of this state
24 shall be given an opportunity to express their preference for
25 the person to be the presidential candidate of their political

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1 party in either a presidential primary election or in
2 accordance with the selection procedure for presidential
3 candidates of each voter's party. The presidential primary
4 election shall be held on the [~~same date as the primary~~
5 ~~election is held in this state~~] second Tuesday in January in
6 the year in which the president and vice president of the
7 United States are to be elected."

8 SECTION 3. Section 1-15A-3 NMSA 1978 (being Laws 2003,
9 Chapter 300, Section 3, as amended) is amended to read:

10 "1-15A-3. SELECTION OF NATIONAL CONVENTION DELEGATES BY
11 MAJOR POLITICAL PARTIES--USE OF ALTERNATE SELECTION
12 PROCEDURES--CERTIFICATION.--

13 A. If a major political party chooses not to
14 participate in the presidential primary, it shall:

15 (1) notify the secretary of state at least
16 thirty days before the [~~governor~~] secretary of state is
17 required to issue the proclamation of the presidential primary
18 election; and

19 (2) allow anyone who would otherwise be
20 qualified to vote in that party's primary to participate in the
21 party's selection procedure.

22 B. The state chair of a major political party that
23 does not participate in the presidential primary shall certify
24 to the secretary of state the names of the state party's
25 delegates to the party's national convention, and those

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1 delegates shall file a declaration of acceptance in accordance
2 with Section 1-15A-10 NMSA 1978."

3 SECTION 4. Section 1-15A-4 NMSA 1978 (being Laws 1977,
4 Chapter 230, Section 3) is amended to read:

5 "1-15A-4. PROCLAMATION--CONDUCT OF ELECTION.--

6 A. The secretary of state shall issue a public
7 proclamation calling a presidential primary election to be held
8 in each county and precinct of the state on the date prescribed
9 by Section 1-15A-2 NMSA 1978. The proclamation shall be filed
10 by the secretary of state in the office of the secretary of
11 state on the last Monday in August of each odd-numbered year
12 preceding the year in which the presidential primary election
13 is conducted.

14 B. The presidential primary election shall be
15 conducted and canvassed [~~along with and~~] in the manner provided
16 by law for the conduct and canvassing of the primary election."

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

19 "1-15A-5. NOMINATION BY COMMITTEE.--There shall be
20 convened in Santa Fe a committee consisting of the chief
21 justice of the supreme court, as [~~chairman~~] chair, the speaker
22 of the house of representatives, [~~and~~] the minority floor
23 leader of the house of representatives, the president pro
24 tempore of the senate, the minority floor leader of the senate
25 and the state [~~chairmen~~] chairs of those major political

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1 parties participating in the presidential primary. The
2 committee shall nominate as presidential primary candidates,
3 and certify to the secretary of state, not later than ~~[February~~
4 ~~15]~~ September 15 before the presidential primary election, the
5 names of all those generally advocated and nationally
6 recognized or supported by any major political party in the
7 state as candidates of the major political parties
8 participating in the presidential primary for the office of
9 president of the United States."

10 SECTION 6. Section 1-15A-8 NMSA 1978 (being Laws 1977,
11 Chapter 230, Section 7, as amended) is amended to read:

12 "1-15A-8. VOTING IN PRESIDENTIAL PRIMARY--BALLOT
13 POSITION.--

14 A. ~~[All candidates in the presidential primary~~
15 ~~shall appear with the candidates for other offices of their~~
16 ~~respective parties at an appropriate place on the ballot.]~~
17 Candidates who are nominated by committee and by petition shall
18 be placed first as a group on the presidential primary ballot
19 with each candidate's respective position ~~[in that group~~
20 ~~determined by the provisions of the Ballot Positioning Act]~~ as
21 provided in Section 1-10-8.1 NMSA 1978. The ballot position
22 for the uncommitted category shall be placed last on the
23 presidential primary ballot.

24 B. The voter shall be able to cast ~~[his]~~ a ballot
25 for one of the presidential candidates of ~~[his]~~ the voter's

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1 party or for an uncommitted delegation. A vote of the latter
2 kind shall express the preference for an uncommitted delegation
3 from New Mexico to the national convention of that voter's
4 party."

5 SECTION 7. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2020.