

HOUSE BILL 347

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO ELECTIONS; AMENDING THE ELECTION CODE TO REVISE
REQUIREMENTS FOR SIGNATURES ON NOMINATING PETITIONS FOR MINOR
PARTY, MAJOR 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) is amended to read:

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

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

(1) the chair and secretary of the state
political convention shall certify to the secretary of state
the names of their party's nominees for United States senator,
United States representative, all elective state offices,

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1 legislative offices elected from multicounty districts, all
2 elective judicial officers in the judicial department and all
3 offices representing a district composed of more than one
4 county; and

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

10 B. The names certified to the [~~secretary of state~~]
11 proper filing officer shall be filed on the twenty-third day
12 following the primary election in the year of the general
13 election and shall be accompanied by nominating petitions
14 containing the [~~signatures of voters totaling not less than one~~
15 ~~percent of the total number of votes cast for governor at the~~
16 ~~last preceding general election at which a governor was~~
17 ~~elected~~;

18 (1) ~~in the state for statewide offices; and~~

19 (2) ~~in the district for offices other than~~
20 ~~statewide offices] following number of voter signatures:~~

21 (1) for members of congress, five hundred
22 signatures;

23 (2) for statewide offices, one thousand
24 signatures;

25 (3) for the state senate, one hundred

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1 signatures;

2 (4) for the state house of representatives,
3 fifty signatures;

4 (5) for any other state office that is elected
5 from a district or division, fifty signatures;

6 (6) for countywide offices, fifty signatures;

7 and

8 (7) for county offices that are elected from a
9 district or division, fifty signatures.

10 The petition shall contain a statement that the voters
11 signing the petition are residents of the area to be
12 represented by the office for which the person being nominated
13 is a candidate.

14 ~~[C. The names certified to the county clerk shall~~
15 ~~be filed on the twenty-third day following the primary election~~
16 ~~in the year of the general election and shall be accompanied by~~
17 ~~a nominating petition containing the signatures of voters~~
18 ~~totaling not less than one percent of the total number of votes~~
19 ~~cast for governor at the last preceding general election at~~
20 ~~which a governor was elected:~~

21 ~~(1) in the county for countywide offices; and~~
22 ~~(2) in the district for offices other than~~
23 ~~countywide 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 ~~D.]~~ C. 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 secretary of state issues the general election proclamation.

7 ~~[E.]~~ D. When a political party is certified in the
8 year of the general election, and after the day the secretary
9 of state issues the general election proclamation, a person
10 certified as a 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 secretary of state's proclamation for the general election or
17 in the case of a person seeking the office of United States
18 senator or United States representative, a resident within New
19 Mexico on the date of the secretary of state's proclamation for
20 the general election. No person who is a candidate for a party
21 in a 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.]~~ E. No voter shall sign a petition prescribed
25 by 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 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 not 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.] A candidate who receives preprimary
20 convention designation is not required to submit a nominating
21 petition for the candidate's name to be placed on the primary
22 election ballot.~~

23 [~~C.]~~ B. Nominating petitions for candidates for any
24 other office to be voted on at the primary election for which
25 nominating petitions are required shall be signed by [~~a number~~

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1 ~~of voters equal to at least three percent of the total vote of~~
2 ~~the candidate's party in the district or division, or the~~
3 ~~following number of voters, whichever is greater: for~~
4 ~~metropolitan court and magistrate courts, ten voters; for the~~
5 ~~public education commission, twenty-five voters; for state~~
6 ~~representative, ten voters; for state senator, seventeen~~
7 ~~voters; and for district attorney and district judge, fifteen~~
8 ~~voters]~~ the following number of voter signatures:

9 (1) for the state senate, one hundred
10 signatures;

11 (2) for the state house of representatives,
12 fifty signatures;

13 (3) for any other state office that is elected
14 from a district or division, fifty signatures;

15 (4) for countywide offices, fifty signatures;

16 and

17 (5) for county offices that are elected from a
18 district or division, fifty signatures.

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

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1 ~~failed to receive a preprimary designation.]~~ submit a new
2 declaration of candidacy and nominating petitions signed by the
3 following number of voter signatures:

4 (1) for members of congress, five hundred
5 signatures; and

6 (2) for statewide offices, one thousand
7 signatures.

8 D. The declaration of candidacy and nominating
9 petitions for a candidate who fails to receive the preprimary
10 convention designation that the candidate sought shall be filed
11 with the secretary of state either ten days following the date
12 of the preprimary convention at which the candidate failed to
13 receive the designation or on the date all declarations of
14 candidacy and nominating petitions are due pursuant to the
15 provisions of the Primary Election Law, whichever is later."

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

18 "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
19 STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--REQUIRED
20 NUMBER OF SIGNATURES.--

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

25 ~~B. Nominating petitions for an independent~~

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1 ~~candidate for president of the United States shall be signed by~~
2 ~~a number of voters equal to the number of signatures required~~
3 ~~to form a new political party.~~

4 ~~C. Nominating petitions for an independent~~
5 ~~candidate for United States senator or any other statewide~~
6 ~~elective office shall be signed by a number of voters equal to~~
7 ~~at least two percent of the total number of votes cast in the~~
8 ~~state.~~

9 ~~D. Nominating petitions for an independent~~
10 ~~candidate for United States representative shall be signed by a~~
11 ~~number of voters equal to at least two percent of the total~~
12 ~~number of votes cast in the district.~~

13 ~~E. Nominating petitions for an independent~~
14 ~~candidate for a member of the legislature, district judge,~~
15 ~~district attorney, member of the public education commission,~~
16 ~~magistrate or county office shall be signed by a number of~~
17 ~~voters equal to at least two percent of the total number of~~
18 ~~votes cast in the district, division or county, as the case may~~
19 ~~be.]~~

20 A. Nominating petitions for an independent
21 candidate shall be signed by the following number of voter
22 signatures:

23 (1) for president of the United States, one
24 thousand signatures;

25 (2) for members of congress, five hundred

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1 signatures;

2 (3) for statewide offices, one thousand

3 signatures;

4 (4) for the state senate, one hundred

5 signatures;

6 (5) for the state house of representatives,

7 fifty signatures;

8 (6) for any other state office that is elected

9 from a district or division, fifty signatures;

10 (7) for countywide offices, fifty signatures;

11 and

12 (8) for county offices that are elected from a

13 district or division, fifty signatures.

14 [F.] B. When a vacancy for any office occurs on the
15 general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA
16 1978 in which all political parties may name a general election
17 candidate or when a vacancy occurs in the office of United
18 States representative pursuant to Section 1-15-18.1 NMSA 1978,
19 an independent candidate may file a declaration of candidacy on
20 or by the same deadline applicable to the political parties.
21 The nominating petitions for an independent candidate in such
22 circumstances shall be signed by the number of voters provided
23 in this section, unless there are fewer than:

24 (1) sixty days from the announcement of the
25 vacancy to the last day to file a declaration of candidacy, in

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1 which case an independent candidate shall submit nominating
2 petitions signed by a number of voters equal to two-thirds the
3 number of voters otherwise required by this section for an
4 independent candidate; or

5 (2) thirty days from the announcement of the
6 vacancy to the last day to file a declaration of candidacy, in
7 which case an independent candidate shall submit nominating
8 petitions signed by a number of voters equal to one-third the
9 number of voters otherwise required by this section for an
10 independent candidate.

11 ~~[G.]~~ C. A voter shall not sign a petition for an
12 independent candidate as provided in this section if the voter
13 has signed a petition for another independent candidate for the
14 same office."

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