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HOUSE BILL 381

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

GARY K. KING

AN ACT

**RELATING TO ELECTIONS; ESTABLISHING NOMINATING PETITION
REQUIREMENTS AND WRITE-IN REQUIREMENTS FOR THE PUBLIC
REGULATION COMMISSION; AMENDING SECTIONS OF THE PRIMARY
ELECTION LAW.**

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

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

**"1-8-33. PRIMARY ELECTION LAW - NOMINATING PETITION--
NUMBER OF SIGNATURES REQUIRED. --**

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

B. Candidates who seek preprimary convention

Underscored material = new
[bracketed material] = delete

1 designation shall file nominating petitions at the time of
2 filing declarations of candidacy. Nominating petitions for
3 those candidates shall be signed by a number of voters equal
4 to at least two percent of the total vote of the candidate's
5 party in the state or congressional district, or the following
6 number of voters, whichever is greater: for statewide
7 offices, two hundred thirty voters; and for congressional
8 candidates, seventy-seven voters.

9 C. Nominating petitions for candidates for any
10 other office to be voted on at the primary election for which
11 nominating petitions are required shall be signed by a number
12 of voters equal to at least three percent of the total vote of
13 the candidate's party in the district or division, or the
14 following number of voters, whichever is greater: for
15 metropolitan court and magistrate courts, ten voters; for the
16 public regulation commission, fifty voters; for the state
17 board of education, twenty-five voters; for state
18 representative, ten voters; for state senator, seventeen
19 voters; and for district attorney and district judge, fifteen
20 voters.

21 D. A candidate who fails to receive the preprimary
22 convention designation that he sought may collect additional
23 signatures to total at least four percent of the total vote of
24 the candidate's party in the state or congressional district,
25 whichever applies to the office he seeks, and file a new

. 121456. 1GJ

Underscored material = new
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1 declaration of candidacy and nominating petitions for the
2 office for which he failed to receive a preprimary
3 designation. The declaration of candidacy and nominating
4 petitions shall be filed with the secretary of state either
5 ten days following the date of the preprimary convention at
6 which he failed to receive the designation or on the date all
7 declarations of candidacy and nominating petitions are due
8 pursuant to the provisions of the Primary Election Law,
9 whichever is later. "

10 Section 2. Section 1-8-36.1 NMSA 1978 (being Laws 1981,
11 Chapter 156, Section 1, as amended) is amended to read:

12 "1-8-36.1. PRIMARY ELECTION LAW- WRITE-IN CANDIDATES. --

13 A. Write-in candidates are permitted in the
14 primary election only for the offices of United States
15 representative, members of the legislature, district judges,
16 district attorneys, public regulation commission, state board
17 of education, magistrates and any office voted upon by all
18 voters of the state.

19 B. A person may be a write-in candidate only for
20 nomination by the major political party with which he is
21 affiliated as shown by his certificate of registration, and
22 such person shall have the qualifications to be a candidate in
23 the primary election for the political party for which he is a
24 write-in candidate.

25 C. A person desiring to be a write-in candidate

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[bracketed material] = delete

1 for one of the offices listed in Subsection A of this section
2 in the primary election shall file with the proper filing
3 officer a declaration of intent to be a write-in candidate.
4 Such declaration of intent shall be filed before 5:00 p.m. on
5 the second Tuesday in March.

6 D. A write-in vote shall be counted and canvassed
7 only if:

8 (1) the name written in is the name of a
9 declared write-in candidate and shows two initials and last
10 name; first name, middle initial or name and last name; first
11 and last name; or the full name as it appears on the
12 declaration of intent to be a write-in candidate and
13 misspellings of the above combinations that can be reasonably
14 determined by a majority of the members of the precinct board
15 to identify a declared write-in candidate; and

16 (2) the name is written in the proper slot on
17 the voting machine or on the proper line provided on an
18 absentee ballot or emergency paper ballot for write-in votes
19 for the office for which the candidate has filed a declaration
20 of intent.

21 E. At the time of filing the declaration of intent
22 to be a write-in candidate, the write-in candidate shall be
23 considered a candidate for all purposes and provisions
24 relating to candidates in the Election Code, including the
25 obligations to report under the Campaign Reporting Act, except

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Underscored material = new
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1 that he shall not be entitled to have his name printed on the
2 ballot.

3 F. No unopposed write-in candidate shall have his
4 nomination certified unless he receives at least the number of
5 write-in votes in the primary election as he would need
6 signatures on a nominating petition pursuant to the
7 requirements set out in Section 1-8-33 NMSA 1978.

8 G. A write-in vote shall be cast by writing in the
9 name. As used in this section, "write-in" does not include
10 the imprinting of any name by rubber stamp or similar device
11 or the use of preprinted stickers or labels. "

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

14 "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
15 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING
16 PETITIONS--REQUIRED NUMBER OF SIGNATURES.--

17 A. The basis of percentage for the total number of
18 votes cast in each instance referred to in this section shall
19 be the total vote cast for governor at the last preceding
20 general election at which a governor was elected.

21 B. Nominating petitions for an independent
22 candidate for president of the United States shall be signed
23 by a number of voters equal to at least three percent of the
24 total number of votes cast in the state.

25 C. Nominating petitions for an independent

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1 candidate for United States senator or any other statewide
2 elective office shall be signed by a number of voters equal to
3 at least three percent of the total number of votes cast in
4 the state.

5 D. Nominating petitions for an independent
6 candidate for United States representative shall be signed by
7 a number of voters equal to at least three percent of the
8 total number of votes cast in the district.

9 E. Nominating petitions for an independent
10 candidate for a member of the legislature, district judge,
11 district attorney, public regulation commission, member of the
12 state board of education, magistrate or county office shall be
13 signed by a number of voters equal to at least three percent
14 of the total number of votes cast in the district, division or
15 county, as the case may be.

16 F. [The] A voter shall not sign a petition for an
17 independent candidate as provided in this section if he has
18 signed a petition for another independent candidate for the
19 same office. "

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 14, 1998
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8 Mr. Speaker:
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10 Your VOTERS AND ELECTIONS COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 381
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,
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22 _____
23 Edward C. Sandoval, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HVEC/HB 381

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4 Adopted _____ Not Adopted _____

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6 (Chief Clerk)

(Chief Clerk)

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8 Date _____

9
10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: Coll, Lujan, Lutz, Nicely, Sanchez

13 Absent: None

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