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SENATE BILL 510

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO ELECTIONS; CHANGING REQUIREMENTS FOR REPLACEMENT OF
NAMES ON A GENERAL ELECTION BALLOT.

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

Section 1. Section 1-8-7 NMSA 1978 (being Laws 1969,
Chapter 240, Section 157, as amended) is amended to read:

"1-8-7. VACANCY ON GENERAL ELECTION BALLOT--DEATH OF
CANDIDATE OR [~~RESIGNATION OR DEATH OF~~] OFFICE HOLDER BEFORE
PRIMARY.--

A. Vacancies on the general election ballot may be
filled as provided in Subsection B of this section if after a
primary election there is no nominee of a major political party
for a public office to be filled in the general election and if
the vacancy was caused by:

- (1) the death of a candidate after filing of

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1 the declaration of candidacy or after certification as a
2 convention-designated nominee and before the primary election;
3 or

4 (2) the [~~resignation or~~] death of a person
5 holding a public office after the date for filing a declaration
6 of candidacy or after the date required for certification as a
7 convention-designated nominee, and before the primary election,
8 when such office was not included in the governor's
9 proclamation and is required by law to be filled at the next
10 succeeding general election after the vacancy is created.

11 B. The vacancy may be filled subsequent to the
12 primary election by the central committee of the state or
13 county political party, as the case may be, as provided by
14 Subsection A of Section 1-8-8 NMSA 1978. The name of the
15 person to fill the vacancy on the general election ballot shall
16 be filed with the proper filing officer within fifteen days
17 after the primary election, and when so filed, it shall be
18 placed on the general election ballot as the political party's
19 nominee for such office."

20 Section 2. Section 1-8-8 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 158, as amended) is amended to read:

22 "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING
23 AFTER PRIMARY.--

24 A. If after a primary election a vacancy occurs
25 [~~for any cause, in the list of nominees~~] due to the death of a

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1 nominee of a qualified political party for any public office to
2 be filled in the general election, or a vacancy occurs because
3 of the [~~resignation or~~] death of a person holding a public
4 office not included in the governor's proclamation and which
5 office is required by law to be filled at the next succeeding
6 general election, the vacancy on the general election ballot
7 may be filled by:

8 (1) the central committee of the state
9 political party filing the name of its nominee for the office
10 with the proper filing officer when [~~such~~] the office is a
11 federal, state, district or multicounty legislative district
12 office; and

13 (2) the central committee of the county
14 political party filing the name of its nominee for the office
15 with the proper filing officer when [~~such~~] the office is a
16 magistrate, county or a legislative district office where the
17 district is entirely within the boundaries of a single county.

18 B. [~~Appointments~~] An appointment made pursuant to
19 Subsection A of this section shall be of the same political
20 party affiliation as the original nominee and reside in the
21 district from which [~~he~~] the nominee will be elected as shown
22 by [~~his~~] the nominee's certificate of registration on file in
23 the county clerk's office before the day of the governor's
24 primary election proclamation.

25 C. Appointments to fill vacancies in the list of a

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1 political party's nominees shall be made and filed at least
2 [~~fifty six days prior to the general election. If the vacancy~~
3 ~~is caused by the death of a nominee, the central committee may~~
4 ~~in like manner file the name of its nominee to fill the vacancy~~
5 ~~up until~~] five days prior to the general election.

6 D. When the name of a nominee is filed as provided
7 in this section, [~~such~~] the name shall be placed on the general
8 election ballot as the political party's candidate for that
9 office. In the case of a nominee appointed after the general
10 election ballots are printed, [~~such~~] the name shall be placed
11 on the ballot by pasting the printed name of the nominee over
12 the name of the candidate whose vacancy [~~he~~] the nominee fills
13 on the general election ballot."

14 Section 3. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2007.