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AN ACT

RELATING TO ELECTIONS; CLARIFYING THE METHOD OF PLACING NAMES
ON PRIMARY ELECTION BALLOTS FOR CANDIDATES FOR COUNTY OFFICE.

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

Section 1. Section 1-8-21 NMSA 1978 (being Laws 1996,
Chapter 20, Section 3) is amended to read:

"1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON
PRIMARY BALLOT.--

A. All candidates seeking primary election
nomination to a statewide office or the office of United
States representative shall file declarations of candidacy
with the proper filing officer. Candidates shall file
nominating petitions at the time of filing their declarations
of candidacy. Candidates who seek, but do not obtain,
preprimary convention designation by a major political party
may file new declarations of candidacy and nominating
petitions pursuant to Section 1-8-33 NMSA 1978.

B. Except as provided in Subsection C of this
section, candidates for any other office listed in
Section 1-8-13C shall have their names placed on the primary
election ballot by filing declarations of candidacy and
nominating petitions with the proper filing officer.

C. Candidates for county office shall have their
names placed on the primary election ballot by filing

1 declarations of candidacy and paying filing fees or filing
2 the proper paupers' statements at the time of filing
3 declarations of candidacy with the proper filing officer."

4 Section 2. Section 1-8-26 NMSA 1978 (being Laws 1975,
5 Chapter 295, Section 12, as amended) is amended to read:

6 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--
7 DOCUMENTS NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

8 A. Declarations of candidacy by preprimary
9 convention designation for any statewide office or for the
10 office of United States representative and declarations of
11 candidacy for retention of a justice of the supreme court or
12 judge of the court of appeals shall be filed with the proper
13 filing officer on the second Tuesday in February of each
14 even-numbered year between the hours of 9:00 a.m. and 5:00
15 p.m.

16 B. Declarations of candidacy for any other office
17 and declarations of candidacy for retention for all affected
18 district judicial offices shall be filed with the proper
19 filing officer on the third Tuesday of March of each
20 even-numbered year between the hours of 9:00 a.m. and 5:00
21 p.m.

22 C. Certificates of designation shall be submitted
23 to the secretary of state on the first Tuesday following the
24 preprimary convention at which the candidate's designation
25 took place between the hours of 9:00 a.m. and 5:00 p.m.

1 D. No candidate's name shall be placed on the
2 ballot until the candidate has been notified in writing by
3 the proper filing officer that the declaration of candidacy,
4 the petition, if required, and the certificate of
5 registration of the candidate on file are in proper order and
6 that the candidate, based on those documents, is qualified to
7 have the candidate's name placed on the ballot. The proper
8 filing officer shall mail the notice no later than 5:00 p.m.
9 on the Tuesday following the filing date.

10 E. If a candidate is notified by the proper filing
11 officer that the candidate is not qualified to have the
12 candidate's name appear on the ballot, the candidate may
13 challenge that decision by filing a petition with the district
14 court within ten days of the notification. The district court
15 shall hear and render a decision on the matter within ten days
16 after the petition is filed."