

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 485

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO ELECTIONS; CHANGING THE TIME FOR FILING
DECLARATIONS OF CANDIDACY AND NOMINATING PETITION SIGNATURES TO
ALLOW TIME FOR JUDICIAL RESOLUTION OF NOMINATING PETITION AND
OTHER CANDIDACY CHALLENGES.

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

SECTION 1. Section 1-8-21.1 NMSA 1978 (being Laws 1993,
Chapter 55, Section 11) is amended to read:

"1-8-21.1. DESIGNATION OF CANDIDATES BY CONVENTION.--

A. State conventions of major political parties may
designate candidates for nomination to statewide office or the
office of United States representative.

B. No state convention for designating candidates
shall be held later than the ~~[third]~~ second Sunday in March
preceding the primary election, and delegates to the convention

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1 shall be elected according to state party rules filed in the
2 office of the secretary of state.

3 C. The state convention shall take only one ballot
4 upon candidates for each office to be filled. Every candidate
5 receiving twenty percent or more of the votes of the duly
6 elected delegates to the convention for the office to be voted
7 upon at the ensuing primary election shall be certified to the
8 secretary of state as a convention-designated nominee for that
9 office by the political party. Certification shall take place
10 no later than 5:00 p.m. on the first Tuesday succeeding the
11 state convention.

12 D. The certificate of designation submitted to the
13 secretary of state shall state the name of the office for which
14 each person is a candidate, [~~his~~] each candidate's name and
15 address and the name of the political party that [~~the~~] each
16 candidate represents and [~~shall certify~~] certification that the
17 candidate has been a member of that political party for the
18 period of time required by the Election Code."

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

21 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS
22 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

23 A. Declarations of candidacy by preprimary
24 convention designation for any statewide office or for the
25 office of United States representative shall be filed with the

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1 proper filing officer on the [~~second~~] first Tuesday in February
2 of each even-numbered year between the hours of 9:00 a.m. and
3 5:00 p.m.

4 B. Declarations of candidacy for any other office
5 to be nominated in the primary election shall be filed with
6 the proper filing officer on the [~~third~~] second Tuesday of
7 March of each even-numbered year between the hours of 9:00
8 a.m. and 5:00 p.m.

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

13 D. Declarations of candidacy for retention for
14 all affected judicial offices shall be filed with the proper
15 filing officer between the hours of 9:00 a.m. and 5:00 p.m.
16 on the twenty-first day after the primary election.

17 E. No candidate's name shall be placed on the
18 ballot until the candidate has been notified in writing by
19 the proper filing officer that the declaration of candidacy,
20 the petition, if required, and the certificate of
21 registration of the candidate on file are in proper order and
22 that the candidate, based on those documents, is qualified to
23 have the candidate's name placed on the ballot. The proper
24 filing officer shall mail the notice no later than 5:00 p.m.
25 on the Tuesday following the filing date.

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1 F. If a candidate is notified by the proper
2 filing officer that the candidate is not qualified to have
3 the candidate's name appear on the ballot, the candidate may
4 challenge that decision by filing a petition with the
5 district court within ten days of the notification. The
6 district court shall hear and render a decision on the matter
7 within ten days after the petition is filed. The decision of
8 the district court may be appealed to the supreme court
9 within five days after the decision is rendered. The supreme
10 court shall hear and render a decision on the appeal
11 forthwith."

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