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HOUSE BILL 865

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

EDWARD C. SANDOVAL

FOR THE ELECTION CODE RECODIFICATION COMMITTEE

AN ACT

RELATING TO ELECTIONS; CLARIFYING FILING REQUIREMENTS FOR COUNTY OFFICE CANDIDATES; CLARIFYING NOMINATING PETITION SIGNATURE REQUIREMENTS; ELIMINATING THE OPTION OF WRITE-IN CANDIDACIES DURING A PRIMARY OR GENERAL ELECTION; PRESCRIBING CERTAIN ELECTION FORMS; AMENDING AND REPEALING SECTIONS OF THE ELECTION CODE.

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

Section 1. Section 1-3-9 NMSA 1978 (being Laws 1975, Chapter 255, Section 33, as amended) is amended to read:

"1-3-9. PRECINCTS--EXCLUSIONS.--As used in Chapter 1, Article 3 NMSA 1978, "precinct" shall not include an absent voter precinct or an early voter precinct."

Section 2. Section 1-6A-1 NMSA 1978 (being Laws 1993, Chapter 37, Section 1) is amended to read:

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1 "1-6A-1. [~~ABSENTEE-EARLY VOTING~~] EARLY VOTER ACT -- SHORT
2 TITLE. -- [~~Sections 1-6A-1 through 1-6A-9~~] Chapter 1, Article 6A
3 NMSA 1978 may be cited as the "[~~Absentee-Early Voting~~] Early
4 Voter Act". "

5 Section 3. Section 1-6A-2 NMSA 1978 (being Laws 1993,
6 Chapter 37, Section 2) is amended to read:

7 "1-6A-2. DEFINITIONS. -- As used in the [~~Absentee-Early~~
8 ~~Voting~~] Early Voter Act:

9 A. "election" means any statewide election, general
10 election, primary election or special election to fill vacancies
11 in the office of United States representative and regular or
12 special school district elections [~~except as modified by the~~
13 ~~School Election Law~~]; and

14 B. "marksense ballot" means a paper ballot card used
15 on an optical-scan vote-tabulating machine. "

16 Section 4. Section 1-6A-3 NMSA 1978 (being Laws 1993,
17 Chapter 37, Section 3) is amended to read:

18 "1-6A-3. RIGHT TO VOTE [~~ABSENTEE-EARLY~~] EARLY. --

19 A. Any voter may vote [~~absentee-early~~] early for all
20 candidates and on all questions appearing on the ballot [~~at~~] in
21 his precinct as if he were [~~able to cast~~] casting his ballot in
22 person at the polling place on election day.

23 B. Any federal [~~qualified elector~~] voter may
24 register and vote [~~absentee-early~~] early. "

25 Section 5. Section 1-6A-4 NMSA 1978 (being Laws 1993,

. 114398. 4

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1 Chapter 37, Section 4, as amended) is amended to read:

2 "1-6A-4. [~~ABSENTEE-EARLY~~] EARLY VOTER APPLICATION. --

3 Application by a voter [~~for absentee early voting~~] to vote early
4 shall be made on a form prescribed and furnished by the
5 secretary of state to the county clerk of the county in which
6 [he] the voter resides. The form shall identify the [~~applicant~~]
7 voter and contain [~~such~~] information [~~as is~~] necessary for
8 voting [~~under the Absentee Early Voting Act~~] pursuant to the
9 Early Voter Act. "

10 Section 6. Section 1-6A-5 NMSA 1978 (being Laws 1993,
11 Chapter 37, Section 5, as amended) is amended to read:

12 "1-6A-5. PROCESSING APPLICATION. --

13 A. The county clerk shall mark each completed
14 [~~absentee early~~] early voter application with the date and time
15 of receipt in the clerk's office and enter the required
16 information in the [~~absentee~~] early voter ballot register.

17 B. If the applicant has no valid [~~affidavit~~]
18 certificate of registration on file in the county and he is not
19 a federal qualified elector, he shall not be allowed to vote.
20 The county clerk shall mark the application "rejected" and file
21 the application in a separate file from those accepted.

22 C. If the applicant presents proof of identification
23 and is [~~determined~~] found to be a voter or a federal qualified
24 elector, the county clerk shall mark the application "accepted"
25 and deliver a marksense ballot or allow the voter to vote on the

. 114398. 4

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1 direct-recording electronic machine. Upon acceptance of the
2 application, an appropriate designation shall be made on the
3 [~~absentee~~] early voter register.

4 D. [~~Absentee-early~~] Early voting may be done in
5 person during the regular hours of business at the county
6 clerk's office or other locations specified by the county clerk;
7 provided that in class A counties, the county clerk shall
8 establish not less than four alternative locations as satellite
9 polling places. [~~Absentee-early~~] Early voting may be done from
10 8:00 a.m. on the twentieth day preceding the election up until
11 5:00 p.m. on the Saturday immediately prior to the date of the
12 election. In voting [~~absentee-early~~] early, the voter may be
13 assisted by one person of the voter's [~~own~~] choice.

14 E. The secretary of state and county clerk shall
15 make reasonable efforts to publicize and inform voters of the
16 times and locations for [~~absentee-early~~] early voting.

17 F. The county clerk of each county shall count, by
18 precinct, the total number of early votes received within each
19 precinct, which shall be a public record."

20 Section 7. Section 1-6A-6 NMSA 1978 (being Laws 1993,
21 Chapter 37, Section 6) is amended to read:

22 "1-6A-6. VOTING DEVICE PREPARATION. --

23 A. Five days before the [~~absentee-early~~] early
24 voting period commences, the county clerk may begin to prepare,
25 inspect and seal the voting devices in accordance with the

. 114398. 4

1 specifications for electronic voting machines adopted by the
2 secretary of state.

3 B. One day prior to the [~~absentee-early~~] early
4 voting period, the county clerk shall certify to the secretary
5 of state and all county party chairmen the type and serial
6 number of each voting machine to be used. "

7 Section 8. Section 1-6A-7 NMSA 1978 (being Laws 1993,
8 Chapter 37, Section 7, as amended) is amended to read:

9 "1-6A-7. MANNER OF VOTING. --

10 A. Any person voting an [~~absentee-early~~] early voter
11 paper ballot shall:

12 (1) receive a ballot issued by the county
13 clerk;

14 (2) take the ballot to a voting booth and, with
15 the marking instrument provided, mark it by completing the arrow
16 to the right of the candidate's name or question on which he
17 desires to vote. Only those ballots marked in accordance with
18 instructions for marksense ballots shall be counted; and

19 (3) make all selections and feed the ballot
20 into the machine to record his vote.

21 B. Any person voting [~~absentee-early~~] early on the
22 direct-recording electronic voting machine shall:

23 (1) enter the machine;

24 (2) press the square to the right of the
25 candidate's name or question on which he desires to vote; and

. 114398. 4

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1 (3) make all selections and press the vote
2 button in the lower right hand corner of the voting machine to
3 record his vote.

4 C. Any person voting [~~absentee-early~~] early in a
5 county [~~utilizing~~] using a central vote counting system shall
6 receive and complete an [~~absentee-early~~] early voter ballot and,
7 upon completion, shall place the marked ballot into a locked
8 ballot box."

9 Section 9. Section 1-6A-8 NMSA 1978 (being Laws 1993,
10 Chapter 37, Section 8) is amended to read:

11 "1-6A-8. DELIVERY OF VOTING MACHINE TO EARLY VOTER
12 PRECINCT BOARD. --At 7:00 a.m. on election day the county clerk
13 shall deliver the [~~absentee-early~~] early voting machine to the
14 [~~absentee~~] early voter precinct board. A special deputy county
15 clerk shall receipt for the voting machine. Upon delivery of
16 the [~~absentee-early~~] early voting machine, the special deputy
17 shall obtain a receipt executed by the presiding judge and each
18 election judge specifying the serial number of the machine and
19 the number of votes recorded on the machine, and he shall return
20 [~~such~~] the receipt to the county clerk for filing. Thereafter,
21 the [~~absentee~~] early voter precinct board shall proceed as
22 specified in Sections 1-6-1 through 1-6-25 NMSA 1978."

23 Section 10. Section 1-6A-9 NMSA 1978 (being Laws 1993,
24 Chapter 37, Section 9) is amended to read:

25 "1-6A-9. SECURITY.--The secretary of state shall adopt

. 114398. 4

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1 rules and regulations for protecting the integrity, security and
2 secrecy of the [~~absentee-early~~] early voter ballot."

3 Section 11. Section 1-6A-10 NMSA 1978 (being Laws 1995,
4 Chapter 165, Section 4) is amended to read:

5 "1-6A-10. [~~ABSENTEE-EARLY VOTING~~] EARLY VOTER PRECINCT
6 BOARD. --

7 A. The county clerk shall appoint [~~absentee-early~~
8 ~~voting~~] early voter election officials who shall receive
9 compensation at an hourly rate set by the county clerk.

10 B. A minimum of three board members shall be
11 appointed to the [~~absentee-early voting~~] early voter precinct
12 board with not more than two members belonging to the same
13 political party. Additional members may be appointed as the
14 county clerk deems necessary.

15 C. The county clerk of a class A county shall
16 convene the early voter precinct board one week before election
17 day to begin counting early voter ballots.

18 D. The county clerk of a county other than a class A
19 county may, if necessary, convene the early voter precinct board
20 one week before election day to begin counting early voter
21 ballots."

22 Section 12. Section 1-6A-11 NMSA 1978 (being Laws 1995,
23 Chapter 165, Section 5) is amended to read:

24 "1-6A-11. CHALLENGERS AND WATCHERS. -- Challengers and
25 watchers may be appointed in the [~~absentee-early~~] early voter

. 114398. 4

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1 precinct in the same manner as the appointment of watchers,
2 challengers and alternate challengers pursuant to the Election
3 Code. "

4 Section 13. Section 1-6A-12 NMSA 1978 (being Laws 1995,
5 Chapter 165, Section 6) is amended to read:

6 "1-6A-12. COUNTING AND CANVASSING. --The secretary of state
7 shall adopt rules and regulations regarding [~~absentee-early~~]
8 early voter ballots and voting practices, separation of
9 [~~absentee-early~~] early voter ballots from absentee ballots, use
10 of ballots rejected from voting machines, handling of, counting
11 and canvassing of [~~absentee-early~~] early voter ballots and
12 distribution of ballots by each representative district for
13 canvassing purposes. "

14 Section 14. Section 1-8-13 NMSA 1978 (being Laws 1969,
15 Chapter 240, Section 162, as amended) is amended to read:

16 "1-8-13. PRIMARY ELECTION LAW - CONTENTS OF
17 PROCLAMATION. --The proclamation calling a primary election shall
18 contain:

19 A. the names of the major political parties
20 participating in the primary election;

21 B. the offices for which each political party shall
22 nominate candidates; provided that if any law is enacted by the
23 legislature in the year in which the primary election is held
24 and [~~such~~] the law does not take effect until after the date of
25 the proclamation but prior to the date of the primary election,

. 114398. 4

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1 the proclamation shall conform to the intent of [~~such~~] the law
2 with respect to the offices for which each political party shall
3 nominate candidates;

4 C. the date on which declarations of candidacy and
5 nominating petitions for United States representative, any
6 office voted upon by all the voters of the state, a legislative
7 office, the office of district judge, district attorney, state
8 board of education or magistrate shall be filed and the places
9 where they shall be filed in order to have the candidates' names
10 printed on the official ballot of their party at the primary
11 election;

12 D. the date on and place at which declarations of
13 candidacy shall be filed for any other office and filing fees
14 paid or, in lieu thereof, a pauper's statement of inability to
15 pay;

16 ~~[E. the date on and place at which declarations of~~
17 ~~intent to be a write-in candidate for a statewide office or~~
18 ~~office of United States representative shall be filed;~~

19 ~~F. the date on and place at which declarations of~~
20 ~~intent to be a write-in candidate for any other office shall be~~
21 ~~filed;~~

22 G.] E. the final date on and place at which
23 candidates for the office of United States representative and
24 for any statewide office seeking preprimary convention
25 designation by the major parties shall file petitions and

. 114398. 4

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1 declarations of candidacy;

2 [H-] F. the final date on which the major political
3 parties shall hold state preprimary conventions for the
4 designation of candidates; and

5 [I-] G. the final date on and place at which
6 certificates of designation of primary election candidates shall
7 be filed by political parties with the secretary of state.

8 As used in the Primary Election Law, "statewide office"
9 means any office voted on by all the voters of the state."

10 Section 15. Section 1-8-21 NMSA 1978 (being Laws 1996,
11 Chapter 20, Section 3) is amended to read:

12 "1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON
13 PRIMARY BALLOT. --

14 A. [~~All candidates~~] A candidate seeking primary
15 election nomination to a statewide office or the office of
16 United States representative shall file [~~declarations~~] a
17 declaration of candidacy with the proper filing officer.
18 [~~Candidates~~] A candidate shall file a nominating [~~petitions~~]
19 petition at the time of filing [~~their declarations~~] the
20 declaration of candidacy. [~~Candidates~~] A candidate who [~~seek~~]
21 seeks, but [~~do~~] does not obtain, preprimary convention
22 designation by a major political party may file a new
23 [~~declarations~~] declaration of candidacy and a nominating
24 [~~petitions~~] petition pursuant to Section 1-8-33 NMSA 1978.

25 B. [~~Candidates~~] A candidate for [~~any other office~~] a

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1 legislative office, the office of district attorney, district
2 judge, metropolitan judge, magistrate or the state board of
3 education shall have [~~their names~~] his name placed on the
4 primary election ballot by filing [~~declarations~~] with the proper
5 filing officer a declaration of candidacy and a nominating
6 [~~petitions with the proper filing officer. Candidates for~~
7 ~~county office shall also pay filing fees or file the proper~~
8 ~~paupers' statements at the time of filing declarations of~~
9 ~~candidacy]~~ petition.

10 C. A candidate for a county office shall have his
11 name placed on the primary election ballot by filing with the
12 proper filing officer a declaration of candidacy accompanied by
13 the appropriate filing fee or a pauper's statement. "

14 Section 16. Section 1-8-30 NMSA 1978 (being Laws 1973,
15 Chapter 228, Section 4, as amended) is amended to read:

16 "1-8-30. PRIMARY ELECTION LAW - DECLARATION OF
17 CANDIDACY - - NOMINATING PETITION - - FILING AND FORM - -

18 A. As used in the Primary Election Law, "nominating
19 petition" means the authorized form used for obtaining the
20 required number of signatures of voters, which is signed on
21 behalf of the person wishing to become a candidate for a
22 political office in the primary election requiring a nominating
23 petition.

24 B. In making a declaration of candidacy, the
25 candidate at the same time shall file a nominating petition,

. 114398. 4

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1 which shall be on forms prescribed by law.

2 C. The nominating petition shall be on paper
3 approximately eight and one-half inches wide and fourteen inches
4 long with numbered lines for signatures spaced approximately
5 three-eighths of an inch apart and shall be in the following
6 form:

7 "NOMINATING PETITION

8 I, the undersigned, a registered voter of the
9 county of _____, New Mexico, and a member of
10 the _____ party, hereby nominate _____,
11 who resides at _____ in the county of
12 _____, New Mexico, for the party nomination
13 for the office of _____, to be voted for
14 at the primary election to be held on the first Tuesday
15 of June, 19 ____, and I declare that I am a resident of
16 the state, district, county or area to be represented by
17 the office for which the person being nominated is a
18 candidate. I also declare that I have not signed, and
19 will not sign, any nominating petition for more persons
20 than the number of candidates necessary to fill such
21 office at the next ensuing general election.

- 22 1. _____
- 23 (usual (name printed (address as (city or
- 24 signature) as registered) registered) rt. no.)
- 25 2. _____

. 114398. 4

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1 (usual (name printed (address as (city or
2 signature) as registered) registered) rt. no.)".

3 D. In October of odd-numbered years, the secretary of
4 state shall furnish to each county clerk a sample of a
5 nominating petition form, a copy of which shall be made
6 available by the county clerk upon request of any candidate.

7 ~~[E. The signature of the voter shall not be counted~~
8 ~~unless the voter was a registered member of the candidate's~~
9 ~~party ten days prior to the filing of the nominating petition.~~
10 ~~The signature of the voter shall not be counted unless the~~
11 ~~entire line indicates the voter's usual signature, his name~~
12 ~~printed as registered and his address as registered and his city~~
13 ~~or route number and is upon the form furnished by the secretary~~
14 ~~of state to the county clerks or a duplicate thereof.~~

15 ~~F.]~~ E. When more than one sheet is required for a
16 petition, each of the sheets shall be in the form prescribed by
17 this section and all sheets shall be firmly secured by a staple
18 or other suitable fastening. "

19 Section 17. Section 1-8-31 NMSA 1978 (being Laws 1973,
20 Chapter 228, Section 5, as amended by Laws 1993, Chapter 314,
21 Section 47 and also by Laws 1993, Chapter 316, Section 47) is
22 amended to read:

23 "1-8-31. PRIMARY ELECTION LAW - NOMINATING PETITION - -
24 SIGNATURES TO BE COUNTED. - -

25 A. ~~[Each signer of]~~ A person who signs a nominating

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1 petition shall sign but one petition for the same office unless
2 more than one candidate is to be elected to [~~such~~] that office,
3 and in that case a person may sign not more than the number of
4 nominating petitions equal to the number of candidates to be
5 elected to the office [~~shall be signed~~].

6 B. A person who signs a nominating petition shall
7 indicate his residence as his address. If the person does not
8 have a residential address, he may list his address as a post
9 office box.

10 [~~B.-~~] C. A signature shall be counted on a nominating
11 petition unless there is evidence presented that the person
12 signing:

13 (1) was not a registered member of the
14 candidate's political party ten days prior to the filing of the
15 nominating petition;

16 [~~(1) is not a~~] (2) failed to provide information
17 required by the nominating petition sufficient to determine that
18 the person is a qualified voter of the state, district, county
19 or area to be represented by the office for which the person
20 seeking the nomination is a candidate;

21 [~~(2)-~~] (3) has signed more than one petition for
22 the same office, except as provided in Subsection A of this
23 section, or has signed one petition more than once;

24 [~~(3)-~~] (4) is not of the same political party as
25 the candidate named in the nominating petition as shown by the

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1 signer's certificate of registration [~~or~~] unless the person
2 signing or the candidate in the petition is registered as an
3 independent or as a member of a minor party; or

4 [~~(4)~~] (5) is not the person whose name appears on
5 the nominating petition.

6 [~~C.~~] D. The procedures set forth in this section shall
7 be used to validate signatures on any petition required by the
8 Election Code. "

9 Section 18. Section 1-8-44 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 182, as amended) is amended to read:

11 "1-8-44. PRIMARY ELECTION LAW - WITHDRAWAL OF CANDIDATES - -
12 DATE OF WITHDRAWAL. - - [~~No~~] A candidate [shalt] seeking to
13 withdraw from a primary election [unless he withdraws] shall
14 withdraw no later than the first [Friday after the filing date]
15 Tuesday in April before that primary election. "

16 Section 19. Section 1-8-49 NMSA 1978 (being Laws 1977,
17 Chapter 322, Section 5) is amended to read:

18 "1-8-49. INDEPENDENT CANDIDATES FOR GENERAL [~~OR UNITED~~
19 ~~STATES REPRESENTATIVE SPECIAL]~~ ELECTIONS - - CANDIDATES FOR
20 PRESIDENT AND VICE PRESIDENT. - - [~~If the person filing the~~
21 ~~declaration of independent candidacy is a candidate for~~
22 ~~president of the United States, he shall also file the names and~~
23 ~~addresses of the required number of presidential electors who~~
24 ~~intend to vote for such independent candidate in the electoral~~
25 ~~college.]~~

. 114398. 4

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A. Nomination as an independent candidate for president or vice president shall be made by filing a declaration of independent candidacy with the proper filing officer. The candidate for president shall also file a nominating petition with the required number of signatures.

B. In making a declaration of independent candidacy for president, the candidate shall submit a sworn statement in the following form:

"DECLARATION OF INDEPENDENT CANDIDACY FOR PRESIDENT

I, _____ (candidate's name), being duly sworn, say that I am a citizen of the United States, have been a resident of the United States for at least fourteen years and have attained the age of thirty-five.

I desire to become a candidate for the office of president of the United States at the general election to be held on the date set by law for this year. I will be eligible and legally qualified to hold this office at the beginning of its term.

The name of my vice presidential running mate, whom I selected, is _____. The names and addresses of the required number of presidential electors who intend to vote for me and for my vice presidential running mate in the electoral college are:

_____	_____
<u>name</u>	<u>name</u>
_____	_____

. 114398. 4

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1	<u>residence address</u>	<u>residence address</u>
2	_____	_____
3	<u>mailing address</u>	<u>mailing address</u>
4	_____	_____
5	<u>city</u>	<u>city</u>
6	_____	_____
7	<u>state and zip code</u>	<u>state and zip code</u>
8	_____	_____
9	<u>name</u>	<u>name</u>
10	_____	_____
11	<u>residence address</u>	<u>residence address</u>
12	_____	_____
13	<u>mailing address</u>	<u>mailing address</u>
14	_____	_____
15	<u>city</u>	<u>city</u>
16	_____	_____
17	<u>state and zip code</u>	<u>state and zip code</u>
18	_____	_____
19	<u>name</u>	
20	_____	
21	<u>residence address</u>	
22	_____	
23	<u>mailing address</u>	
24	_____	
25	<u>city</u>	

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state and zip code

I submit with this statement a nominating petition in the form and manner as prescribed by the Election Code and regulations of the secretary of state. I make the foregoing affidavit under oath, knowing that any false statement herein constitutes a felony punishable in accordance with the criminal laws of New Mexico.

declarant

residence address

mailing address

city

state and zip code

Subscribed and sworn to before me this _____ day of

_____, 19 _____

notary public

My commission expires:

_____".

C. In making a declaration of independent candidacy

. 114398. 4

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1 for vice president, the candidate shall submit a sworn statement
2 in the following form:

3 "DECLARATION OF INDEPENDENT CANDIDACY FOR VICE PRESIDENT

4 I, _____ (candidate's name), being duly sworn, say
5 that I am a citizen of the United States, have been a resident
6 of the United States for at least fourteen years and have
7 attained the age of thirty-five.

8 I have been selected by independent presidential candidate
9 _____ as his vice presidential running mate and
10 desire to be that candidate for vice president. I will be
11 eligible and legally qualified to hold this office at the
12 beginning of its term.

13 I make the foregoing affidavit under oath, knowing that any
14 false statement herein constitutes a felony punishable in
15 accordance with the criminal laws of New Mexico.

16 _____
17 declarant

18 _____
19 residence address

20 _____
21 mailing address

22 _____
23 city

24 _____
25 _____

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state and zip code

Subscribed and sworn to before me this _____ day of _____

_____, 19____

notary public

My commission expires:

_____".

D. The independent presidential electors whom the independent candidate for president is required to name shall be registered voters of New Mexico; they may or may not be affiliated with a political party in New Mexico. United States senators, United States representatives and persons holding federal offices of trust or profit are not eligible to be electors.

E. When independent candidates for president and vice president appear on the general election ballot, a vote for that pair of nominees is a vote for that presidential candidate's electors.

F. If the independent candidates for president and vice president receive the highest number of votes at the general election, the independent presidential candidate's electors shall be the presidential electors of the state of New Mexico. As such, each elector shall be granted a certificate of election by the state canvassing board, and each elector shall be subject to the provisions of Sections 1-15-5 through 1-15-10

. 114398. 4

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1 NMSA 1978."

2 Section 20. Section 1-8-50 NMSA 1978 (being Laws 1977,
3 Chapter 322, Section 6) is amended to read:

4 "1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
5 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION
6 FORM --

7 A. As used in Sections [~~3-8-27.1 through 3-8-27.8 NMSA~~
8 ~~1953~~] 1-8-45 through 1-8-52 NMSA 1978, "nominating petition"
9 means the authorized form [~~or forms~~] used for obtaining the
10 required number of signatures of voters [~~which~~] that is signed
11 on behalf of the person wishing to become an independent
12 candidate for a political office in a general or United States
13 representative special election requiring a nominating petition.

14 B. In making a declaration of candidacy, the candidate
15 at the same time shall file a nominating petition, which shall
16 be on forms prescribed by law.

17 [~~B.-~~] C. The nominating petition for an independent
18 candidate for any office except president of the United States
19 shall be on paper approximately eight and one-half inches wide
20 and fourteen inches long with numbered lines for signatures
21 spaced approximately three-eighths of an inch apart and shall be
22 in the following form:

23 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY
24 FOR ANY OFFICE EXCEPT PRESIDENT OF THE UNITED STATES

25 I, the undersigned, a registered voter of the

. 114398. 4

Underscored material = new
[bracketed material] = delete

1 county of _____, New Mexico, hereby
2 nominate _____, who
3 resides at _____ in the county of
4 _____, New Mexico, as an independent candidate
5 for the office of _____, to be voted
6 for at the general election (United States
7 representative special election) to be held on November
8 _____, 19 _____, and I declare that I am a resident of
9 the state, district, county or area to be represented by
10 the office for which the person being nominated is a
11 candidate. I also declare that I have not signed, and
12 will not sign, any nominating petition for more persons
13 than the number of candidates necessary to fill such
14 office at the next ensuing general election.

- 15 1. _____
16 (usual (name printed (address as (city)
17 signature) as registered) registered)
18 2. _____
19 (usual (name printed (address as (city)".
20 signature) as registered) registered)

21 D. The nominating petition for an independent
22 candidate for the office of president of the United States shall
23 be on paper approximately eight and one-half inches wide and
24 fourteen inches long with numbered lines for signatures spaced
25 approximately three-eighths of an inch apart and shall be in the

. 114398. 4

Underscored material = new
[bracketed material] = delete

1 following form:

2 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY FOR THE
3 OFFICE OF PRESIDENT OF THE UNITED STATES

4 I, the undersigned, a registered voter of the
5 county of _____, New Mexico, by endorsement
6 hereon, petition that the name of _____
7 be printed on the general election ballot as an
8 independent candidate for the office of president of the
9 United States, to be voted on at the general election to
10 be held on November _____, 19 ____ . I also declare that
11 I am that person whose name appears hereon and that I
12 have not signed, nor will I sign, any nominating
13 petition for any other candidate seeking the office of
14 president of the United States at the next ensuing
15 general election.

- 16 1. _____
17 (usual (name printed (address as (city or
18 signature) as registered) registered) rt. no.)
19 2. _____
20 (usual (name printed (address as (city or
21 signature) as registered) registered) rt. no.)".

22 [~~C.~~] E. The secretary of state shall furnish to each
23 county clerk a sample of the nominating petition form, a copy of
24 which shall be made available by the county clerk upon request
25 of any candidate as provided by the Election Code.

. 114398. 4

Underscored material = new
[bracketed material] = delete

1 ~~[D. The signature of the voter shall not be counted~~
2 ~~unless the entire line is filled out in full and is upon the~~
3 ~~form prescribed by this section.~~

4 E.] F. When more than one sheet is required for a
5 petition, each of the sheets shall be in the form prescribed by
6 this section, and all sheets shall be firmly secured by a staple
7 or other suitable fastening. "

8 Section 21. Section 1-12-7 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 246, as amended by Laws 1993, Chapter 314,
10 Section 54 and also by Laws 1993, Chapter 316, Section 54) is
11 amended to read:

12 "1-12-7. CONDUCT OF ELECTION-- PERSONS NOT PERMITTED TO
13 VOTE. --

14 A. No person shall vote in any primary, general or
15 statewide special election unless he is a voter of the precinct
16 in which he offers to vote. A valid original certificate of
17 registration in the county register is prima facie evidence of
18 being a voter in the precinct.

19 B. No person shall vote in any primary election whose
20 party affiliation is not designated on his original certificate
21 of registration.

22 ~~[C. No voter at any primary election shall be~~
23 ~~permitted to vote for the candidate of any party other than the~~
24 ~~party designated on his original certificate of registration at~~
25 ~~the time the governor issues the primary election proclamation.~~

. 114398. 4

Underscored material = new
[bracketed material] = delete

1 ~~D. No person shall vote in any primary, general or~~
2 ~~statewide special election whose name and certificate of~~
3 ~~registration number appears on the list of voters purged from~~
4 ~~the rolls. The list shall be placed with the signature rosters~~
5 ~~and delivered to the polls with the other election supplies by~~
6 ~~the county clerk and shall consist of those voters in the~~
7 ~~precinct purged since the last preceding general election.]"~~

8 Section 22. Section 1-15-23 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 373) is amended to read:

10 "1-15-23. EXPIRING TERM AND NEXT SUCCEEDING TERM [~~BALLOT~~
11 ~~WRITE-IN]~~. -- [A.] If the same individual is a candidate at a
12 general election for both the expiring term and the next
13 succeeding term, his name shall appear but once on the ballot,
14 and the name of the office, followed by the words, "full and
15 expiring terms".

16 ~~[B. Provisions shall be made in the general election~~
17 ~~to permit any voter to write in a separate name for the expiring~~
18 ~~term and a separate name for the next succeeding term. A voter~~
19 ~~may write in the name of any candidate he chooses for either~~
20 ~~term, and such vote shall be valid and counted even though the~~
21 ~~candidate's name is printed on the paper ballot or ballot~~
22 ~~label.]"~~

23 Section 23. Section 1-22-2 NMSA 1978 (being Laws 1985,
24 Chapter 168, Section 4, as amended) is amended to read:

25 "1-22-2. DEFINITIONS. -- As used in the School Election Law:
 . 114398. 4

Underscored material = new
[bracketed material] = delete

1 A. "board" means the governing authority of the local
2 school district;

3 B. "county clerk" means the clerk of each county in
4 which the school district is situate;

5 C. "proper filing officer" means the county clerk or,
6 in the case of a multicounty school district, the clerk of the
7 county in which the administrative office of the school district
8 is situate;

9 D. "magistrate" means the magistrate whose office is
10 situated in the municipality where the administrative office of
11 the school district is located or in close proximity to the
12 municipality;

13 E. "school district election" means [~~any~~] a regular or
14 special school district election [~~except~~] but does not include a
15 recall election; and

16 F. "superintendent" means the superintendent of
17 schools of the local school district. "

18 Section 24. Section 1-22-7 NMSA 1978 (being Laws 1985,
19 Chapter 168, Section 9) is amended to read:

20 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--PENALTY.--

21 A. [~~A declaration of candidacy for membership on the~~
22 ~~board to~~] A candidate for a school board position that will be
23 filled at a regular school district election shall [~~be filed~~]
24 file a declaration of candidacy with the proper filing officer
25 during the period commencing at 9:00 a.m. on the third Tuesday

. 114398. 4

Underscored material = new
[bracketed material] = delete

1 in December of the even-numbered year immediately preceding the
2 date of the regular school district election and ending at 5:00
3 p.m. on the same day.

4 B. ~~[A declaration of candidacy for membership on the~~
5 ~~board to]~~ A candidate for a school board position that will be
6 filled at a special school district election shall [be filed]
7 file a declaration of candidacy with the proper filing officer
8 during the period commencing at 9:00 a.m. on the forty-eighth
9 day before the election and ending at 5:00 p.m. on the same day.

10 C. A candidate shall file for only one school board
11 position during each filing period.

12 ~~[C. Any person knowingly making]~~ D. A person who
13 knowingly makes a false statement in his declaration of
14 candidacy is guilty of a fourth degree felony and shall be
15 sentenced pursuant to the provisions of Section 31-18-15 NMSA
16 1978. "

17 Section 25. Section 1-22-19 NMSA 1978 (being Laws 1985,
18 Chapter 168, Section 21, as amended) is amended to read:

19 "1-22-19. ABSENTEE VOTING. --

20 A. ~~[Any registered qualified elector of the school~~
21 ~~district who cannot be present at his precinct polling place on~~
22 ~~the day of the school district election because of illness,~~
23 ~~injury or disability; who will be absent from his school~~
24 ~~district of residence because his duties, occupation, business~~
25 ~~or vacation requires him to be elsewhere; or who cannot attend~~

. 114398. 4

Underscored material = new
[bracketed material] = delete

1 ~~his precinct polling place because of the tenets of his~~
2 ~~religion]~~ A voter may vote in a school district election by
3 absentee ballot for all candidates and on all questions
4 appearing on the ballot ~~[at the election]~~ in his precinct as if
5 he were ~~[able to cast]~~ casting his ballot in person at the
6 ~~[precinct]~~ polling place on election day.

7 B. The provisions of the Absent Voter Act of the
8 Election Code apply to absentee voting in school district
9 elections, provided that absentee ballots may be marked in
10 person during the regular hours and days of business at the
11 county clerk's office from 8:00 a. m. on the twenty-fifth day
12 preceding the election until 5:00 p. m. on the Friday immediately
13 prior to the date of the election. Absentee ballots shall be
14 printed at least thirty days prior to the date of the election.

15 C. A voter may vote early in a school district
16 election as provided by the Early Voter Act for all candidates
17 and on all questions appearing on the ballot in his precinct as
18 if he were casting his ballot in person at the polling place on
19 election day.

20 ~~[C.]~~ D. A regular precinct board may be designated to
21 serve as the absent voter precinct board, ~~[Members]~~ the early
22 voter precinct board or both. A member of the absent voter
23 precinct board or the early voter precinct board shall receive
24 the same compensation as ~~[other]~~ a regular precinct board
25 ~~[members, but in no case shall]~~ member. A regular precinct

. 114398. 4

Underscored material = new
[bracketed material] = delete

1 board member who also serves as a member of the absent voter
2 precinct board or early voter precinct board shall not be
3 entitled to extra compensation for serving on [~~the absent voter~~
4 ~~precinct~~] more than one board. "

5 Section 26. REPEAL. -- Sections 1-8-36. 1, 1-12-19. 1 and
6 1-12-47 NMSA 1978 (being Laws 1981, Chapter 156, Sections 1 and
7 2 and Laws 1977, Chapter 222, Section 50, as amended) are
8 repealed.

9 - 29 -

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 8, 1997

Mr. Speaker:

**Your VOTERS AND ELECTIONS COMMITTEE, to whom has
been referred**

HOUSE BILL 865

**has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that**

**HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 865**

**DO PASS, and thence referred to the APPROPRIATIONS
AND FINANCE COMMITTEE.**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

hvec/cshb 865

Page 31

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Respectfully submitted,

Edward C. Sandoval, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 3 Against

Yes: 7

No: Bird, Buffett, Lutz

Excused: Nicely, Sanchez

Absent: None

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[bracketed material] = delete

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 865

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO ELECTIONS; EXPANDING THE ABSENT VOTER ACT AND
REPEALING THE ABSENTEE- EARLY VOTER ACT; CLARIFYING FILING
REQUIREMENTS FOR COUNTY OFFICE CANDIDATES; CLARIFYING NOMINATING
PETITION SIGNATURE REQUIREMENTS; ELIMINATING THE OPTION OF
WRITE-IN CANDIDACIES DURING A PRIMARY OR GENERAL ELECTION;
PRESCRIBING CERTAIN ELECTION FORMS; AMENDING, REPEALING AND
ENACTING SECTIONS OF THE ELECTION CODE.

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

Section 1. Section 1-6-2 NMSA 1978 (being Laws 1987,
Chapter 327, Section 6, as amended) is amended to read:

"1-6-2. DEFINITIONS. --As used in the Absent Voter Act:

A. "absent uniformed services voter" means:

(1) a member of a uniformed service on active
duty who, by reason of such active duty, is absent from the
place of residence where the member is otherwise qualified to
vote;

(2) a member of the merchant marine who, by

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[bracketed material] = delete

reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

1 (3) a spouse or dependent of a member referred to
2 in Paragraphs (1) and (2) of this subsection who, by reason of
3 the active duty or service of the member, is absent from the
4 place of residence where the spouse or dependent is otherwise
qualified to vote;

5 B. "election" means any statewide election, general
6 election, primary election or special election to fill vacancies
7 in the office of United States representative and regular or
8 special school district elections [~~except as modified by the~~
~~school election law~~];

9 C. "electronic ballot" means a paper ballot or ballot
10 face designed to be used on an electronic voting machine to cast
11 votes;

12 D. "electronic voting machine" means a computer-
13 controlled machine designed to electronically record and
14 tabulate votes cast;

15 [~~C.-~~] E. "federal office" means the office of
16 president, vice president or [~~of a~~] senator or representative in
17 congress;

18 [~~D.-~~] F. "federal qualified elector" means:

19 (1) an absent uniformed services voter; or
20 (2) an absent uniformed [~~servicee~~] services voter
21 who, by reason of active duty or service, is absent from the
22 United States on the date of the election involved;

23 [~~E.-~~] ~~"marksense ballot" means a paper ballot card used~~
~~on an optical scan vote tabulating machine;~~

24 F.] G. "member of the merchant marine" means an
25 individual other than a member of a uniformed service or an
individual employed, enrolled or maintained on the Great Lakes

1 or the inland waterways who:

2 (1) is employed as an officer or crew member of a
3 vessel documented under the laws of the United States, a vessel
4 owned by the United States or a vessel of a foreign-flag registry
5 under charter to or control of the United States; or

6 (2) is enrolled with the United States for
7 employment or training for employment or maintained by the United
8 States for emergency relief service as an officer or crew member of
9 any such vessel;

10 [G.] H. "overseas voter" means:

11 (1) a person who resides outside the United States
12 and is qualified to vote in the last place in which the person was
13 domiciled before leaving the United States; or

14 (2) a person who resides outside the United States
15 and, but for such residence, would be qualified to vote in the last
16 place in which the person was domiciled before leaving the United
17 States; and

18 [H.] I. "uniformed services" means the army, navy, air
19 force, marine corps and coast guard and the commissioned corps of
20 the national oceanic and atmospheric administration."

21 Section 2. Section 1-6-3 NMSA 1978 (being Laws 1969, Chapter
22 240, Section 129, as amended by Laws 1993, Chapter 19, Section 1
23 and also by Laws 1993, Chapter 21, Section 1) is amended to read:

24 "1-6-3. RIGHT TO VOTE BY ABSENTEE BALLOT[~~—RIGHT TO VOTE~~]. --

25 A. Any voter may vote by absentee ballot for all
candidates and on all questions appearing on the ballot [~~at his~~
~~precinct poll~~] as if he were able to cast his ballot in person at
[~~the precinct poll~~] his regular polling place on election day.

1 B. Any federal qualified elector may register absentee
2 and vote by an absentee ballot for any federal office."

3 Section 3. Section 1-6-4 NMSA 1978 (being Laws 1969, Chapter
4 240, Section 130, as amended by Laws 1993, Chapter 19, Section 2
5 and by Laws 1993, Chapter 20, Section 1 and by Laws 1993, Chapter
6 21, Section 2 and by Laws 1993, Chapter 314, Section 42 and also by
7 Laws 1993, Chapter 316, Section 42) is amended to read:

8 "1-6-4. ABSENTEE BALLOT APPLICATION. --

9 A. Application by a federal qualified elector for an
10 absentee ballot shall be made on the official postcard form
11 prescribed or authorized by the federal government to the county
12 clerk of the county of his residence.

13 B. Application by a voter for an absentee ballot shall be
14 made only on a form prescribed, printed and furnished by the
15 secretary of state to the county clerk of the county in which [he]
16 the voter resides. The form shall identify the applicant and
17 contain information to establish his qualification for issuance of
18 an absentee ballot under the Absent Voter Act.

19 C. Each application for an absentee ballot shall be
20 subscribed by the applicant."

21 Section 4. Section 1-6-4.1 NMSA 1978 (being Laws 1987,
22 Chapter 327, Section 9) is amended to read:

23 "1-6-4.1. FEDERAL WRITE-IN ABSENTEE BALLOT FOR OVERSEAS
24 VOTERS IN GENERAL ELECTIONS FOR FEDERAL OFFICES. --

25 A. Except as provided in Subsection C of this section, a
federal write-in absentee ballot for federal offices in a general
election shall be processed in the same manner as provided by law
for other absentee ballots.

1 B. In completing the ballot, the overseas voter may
2 designate a candidate by writing in the name of the candidate or by
3 writing in the name of a political party, in which case the ballot
4 shall be counted for all candidates of that political party for
5 federal office. Any abbreviation, misspelling or other minor
6 variation in the form of the name of a candidate or a political
7 party shall be disregarded in determining the validity of the
8 ballot if the intention of the overseas voter can be ascertained.

9 C. A federal write-in absentee ballot of an overseas
10 voter shall not be counted if:

11 (1) the ballot is submitted from any location in the
12 United States;

13 (2) the application of the overseas voter for [~~a New~~
14 ~~Mexico~~] an absentee ballot is received by the county clerk less
15 than thirty days before the election; or

16 (3) the [~~New Mexico~~] absentee ballot of the overseas
17 voter is received by the county clerk later than [~~seven~~] 7:00 p. m.
18 on election day. "

19 Section 5. Section 1-6-5 NMSA 1978 (being Laws 1969, Chapter
20 240, Section 131, as amended by Laws 1993, Chapter 314, Section 43
21 and also by Laws 1993, Chapter 316, Section 43) is amended to read:

22 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT-- [~~MAKING~~
23 MARKING AND DELIVERY OF BALLOT IN PERSON. --

24 A. The county clerk shall mark each completed absentee
25 ballot application with the date and time of receipt in the clerk's
office and enter the required information in the absentee ballot
register. The county clerk shall then determine if the applicant
is a voter, an absent uniformed services voter or an overseas

1 voter.

2 B. If the applicant has no valid certificate of
3 registration on file in the county and he is not a federal
4 qualified elector or if the applicant states he is a federal
5 qualified elector but his application indicates he is not a federal
6 qualified elector, no absentee ballot shall be issued. [~~and~~] The
7 county clerk shall mark the application "rejected" and file the
8 application in a separate file from those accepted.

9 C. The county clerk shall notify in writing each
10 applicant of the fact of acceptance or rejection of his application
11 and, if rejected, shall explain why the application was rejected.

12 D. If the county clerk finds that the applicant is
13 [~~determined to be~~] a voter or a federal qualified elector, the
14 county clerk shall mark the application "accepted" and deliver an
15 absentee ballot to the voter in the county clerk's office or mail
16 to the applicant an absentee ballot and the required envelopes for
17 use in returning the ballot. Acceptance of an application of a
18 federal qualified elector constitutes registration for the election
19 in which the ballot is to be cast. Acceptance of an application
20 from an overseas voter who is not an absent uniformed services
21 voter constitutes a request for changing information on the
22 certificate of registration of any such voter. No absent voter
23 shall be permitted to change his party affiliation during those
24 periods when change of party affiliation is prohibited by the
25 Election Code. Upon delivery of an absentee ballot to a voter in
the county clerk's office or mailing of an absentee ballot to any
applicant who is a voter, an appropriate designation shall be made
on the signature line of the signature roster next to the name of

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1 the ~~[person]~~ voter who has been ~~[sent]~~ provided or mailed an
2 absentee ballot.

3 E. If an application for an absentee ballot is delivered
4 in person to the county clerk and is accepted, the county clerk
5 shall ~~[deliver the]~~ provide the voter an absentee ballot and it
6 shall be marked by the applicant in a voting booth of a type
7 prescribed by the secretary of state ~~[in the courthouse]~~, sealed in
8 the proper envelopes and otherwise properly executed and returned
9 to the county clerk or his authorized representative before the
10 ~~[applicant]~~ voter leaves the office of the county clerk. The act
11 of marking the absentee ballot in the office of the county clerk
12 shall be a convenience to the voter in the delivery of the absentee
13 ballot and does not make the office of the county clerk a polling
14 place subject to the requirements of a polling place in the
15 Election Code other than is provided in this subsection. It shall
16 be unlawful to solicit votes, display or otherwise make accessible
17 any posters, signs or other forms of campaign literature whatsoever
18 in the clerk's office. Absentee ballots may be marked in person
19 during the regular hours and days of business at the county clerk's
20 office from 8:00 a.m. on the fortieth day preceding the election up
21 until 5:00 p.m. on the Saturday immediately prior to the date of
22 the election.

23 F. Commencing with the twentieth day prior to an
24 election, an absent voter may vote in person at the county clerk's
25 office or on an electronic voting machine at an alternate location
established by the county clerk. In class A counties, the county
clerk shall establish not less than four alternate locations as a
convenience to the voters. Absentee voting may be done at the

1 county clerk's office or alternate location during the regular
 2 hours of business from 8:00 a.m. on the twentieth day prior to the
 3 election until 5:00 p.m. on the Saturday immediately prior to the
 4 election. The county clerk shall ensure that procedures
 5 established for processing an absent voter application and for
 6 voting by absentee ballot are complied with at an alternate
 7 location.

8 G. In marking the absentee ballot, the voter may be
 9 assisted by one person of the voter's ~~[own]~~ choice ~~[upon the~~
 10 ~~execution with the county clerk of an affidavit for assistance~~
 11 ~~stating therein that the voter meets at least one of the conditions~~
 12 ~~for receiving such assistance as is set forth by the provisions of~~
 13 ~~Section 1-12-12 NMSA 1978].~~

14 ~~[F.]~~ H. Absentee ballots shall be air mailed to
 15 applicants temporarily domiciled inside or outside the continental
 16 limits of the United States not later than on the Thursday
 17 immediately prior to the date of the election.

18 ~~[G.]~~ I. No absentee ballot shall be delivered or mailed
 19 by the county clerk to any person other than the applicant for such
 20 ballot.

21 ~~[H.]~~ J. The county clerk shall accept and process with
 22 respect to a primary or general election for any federal office,
 23 any otherwise valid voter registration application from an absent
 24 uniformed services voter or overseas voter if the application is
 25 received not less than thirty days before the election. The county
 clerk shall also accept and process federal write-in absentee
 ballots from overseas voters in general elections for federal
 offices in accordance with the provisions of Section 103 of the

1 federal Uniformed and Overseas Citizens Absentee Voting Act.

2 K. The secretary of state and each county clerk shall
3 make reasonable efforts to publicize and inform voters of the times
4 and locations for absentee voting."

5 Section 6. A new section of the Absent Voter Act is enacted
6 to read:

7 "[NEW MATERIAL] PREPARATION OF ELECTRONIC VOTING MACHINES. --

8 A. Five days before an electronic voting machine is used
9 for absentee voting as provided in Section 1-6-9.1 NMSA 1978, the
10 county clerk may begin to prepare, inspect and seal the voting
11 machine in accordance with the specifications for electronic voting
12 machines adopted by the secretary of state.

13 B. One day before any electronic voting machine is used
14 for absentee voting, the county clerk shall certify to the
15 secretary of state and all county party chairmen the type and
16 serial number of each voting machine to be used."

17 Section 7. Section 1-6-5.2 NMSA 1978 (being Laws 1991,
18 Chapter 105, Section 11) is amended to read:

19 "1-6-5.2. SECRETARY OF STATE--EMERGENCY AUTHORITY. -- [~~Because~~
20 ~~of the activation of the New Mexico national guard and reserve~~
21 ~~units and the call to active duty of many individual reservists for~~
22 ~~military duty overseas and in order to prevent such citizens from~~
23 ~~being technically disenfranchised] The secretary of state shall
24 have emergency authority to prescribe by regulation:~~

25 A. procedures to accommodate the special absentee ballot
requirements brought on by [~~operation desert storm in providing~~
absentee ballots] activation of the New Mexico national guard and
reserve units or for individuals who are overseas voters;

1 B. provisions for a special write-in absentee ballot
2 available at least ninety days prior to an election to cover
3 candidates for federal [~~and state~~] offices; and

4 C. provisions to allow one absentee ballot request to
5 cover the automatic mailing of absentee ballots for each primary,
6 general or statewide election during the same election year. "

7 Section 8. Section 1-6-6 NMSA 1978 (being Laws 1969, Chapter
8 240, Section 132, as amended) is amended to read:

9 "1-6-6. ABSENTEE BALLOT REGISTER. --

10 A. For each election, the county clerk shall keep an
11 "absentee ballot register", in which he shall enter:

12 (1) the name and [~~county~~] address of each absentee
13 ballot applicant;

14 (2) the date and time of receipt of the application;

15 (3) whether the application was accepted or
16 rejected;

17 (4) the date of delivery of an absentee ballot in
18 the county clerk's office or at an alternate location or the
19 mailing of an absentee ballot to the applicant;

20 (5) the applicant's precinct;

21 (6) whether the applicant is a voter, a federal
22 voter, a federal qualified elector or an overseas citizen voter;
23 and

24 (7) the date and time the completed absentee ballot
25 was received from the applicant by the county clerk, or the absent
voter voted in the county clerk's office or at an alternate
location.

B. Within twenty-four hours after receipt of a voter's

Underscored material = new
[bracketed material] = delete

1 application for an absentee ballot, the county clerk shall mail
2 either the ballot or a notice of rejection to the applicant.

3 C. The absentee ballot register is a public record open
4 to public inspection in the county clerk's office during regular
5 office hours.

6 D. The county clerk shall deliver to the [~~absentee~~]
7 absent voter precinct board on election day a complete list of all
8 absentee ballot applicants with applicable information shown in the
9 absentee ballot register for each applicant up to noon of the day
10 preceding the election. The county clerk shall deliver a signature
11 roster containing the same information as the lists to the
12 [~~absentee~~] absent voter precinct board.

13 E. The county clerk shall transmit to the secretary of
14 state and to the county chairman of each of the major political
15 parties in the county a complete copy of entries made in the
16 absentee ballot register. Such transmissions shall be made once
17 each week beginning four weeks immediately prior to the election.
18 A final copy shall be transmitted on the Friday immediately
19 following the election. "

20 Section 9. Section 1-6-7 NMSA 1978 (being Laws 1969, Chapter
21 240, Section 133, as amended) is amended to read:

22 "1-6-7. FORM OF ABSENTEE BALLOT. --As soon as candidates and
23 questions to be voted upon have been determined for each election,
24 the county clerk shall procure a supply of suitable absentee
25 ballots. The absentee [~~ballot~~] ballots shall be numbered and shall
be, as nearly as practicable, in the same form as prescribed by the
secretary of state for emergency ballots. However, to reduce
weight and bulk for transport of absentee ballots, the size and

1 weight of the paper for envelopes, ballots and instructions shall
 2 be reduced as much as possible. Absentee ballots shall be printed
 3 at least forty days prior to the date of a primary election and
 4 forty-nine days prior to the date of a general election. Absentee
 5 ballots for any other election shall be printed at least thirty-
 6 five days prior to the date of the election."

7 Section 10. Section 1-6-8 NMSA 1978 (being Laws 1969, Chapter
 8 240, Section 134, as amended) is amended to read:

9 "1-6-8. ABSENTEE BALLOT ENVELOPES. --

10 A. The secretary of state shall prescribe the form of,
 11 procure and distribute to each county clerk a supply of:

12 (1) official inner envelopes for use in sealing the
 13 completed absentee ballot;

14 (2) official mailing envelopes for use in returning
 15 the official inner envelope to the county clerk;

16 (3) absentee ballot instructions, describing proper
 17 methods for completion of the absentee ballot and returning it; and

18 (4) official transmittal envelopes for use by the
 19 county clerk in mailing absentee ballot materials.

20 B. Official transmittal envelopes and official mailing
 21 envelopes for transmission of absentee ballot materials to and from
 22 the county clerk and federal qualified electors shall be printed in
 23 red in the form prescribed by the federal Uniformed and Overseas
 24 Citizens Absentee Voting Act. Official transmittal envelopes and
 25 official mailing envelopes for transmission of absentee ballot
 materials to and from the county clerk and voters shall be printed
 in black in substantially similar form. All official inner
 envelopes shall be printed in black.

1 C. The reverse of each official mailing envelope shall
2 contain a form to be executed by the person completing the absentee
3 ballot. The form shall identify the ~~[person]~~ voter and shall
4 contain the following statement: "I will not vote in this election
5 other than by the enclosed ballot. I will not receive or offer any
6 compensation or reward for giving or withholding any vote."."

7 Section 11. Section 1-6-9 NMSA 1978 (being Laws 1969, Chapter
8 240, Section 135, as amended) is amended to read:

9 "1-6-9. MANNER OF VOTING BY ABSENTEE BALLOT. --

10 A. Any person voting under provisions of the Absent Voter
11 Act shall secretly mark his absentee ballot in the manner provided
12 in the Election Code for marking emergency paper ballots, place it
13 in the official inner envelope and securely seal the envelope. The
14 voter shall then place the official inner envelope inside the
15 official mailing envelope and securely seal the envelope. The
16 voter shall then complete the form on the reverse of the official
17 mailing envelope, which shall include an affirmation by the voter
18 under penalty of perjury that the facts stated in the form are
19 true.

20 B. Federal qualified electors shall either deliver or
21 mail the official mailing envelope to the county clerk of their
22 county of residence or deliver it to a person designated by federal
23 authority to receive executed ballots for transmission to the
24 county clerk of the county of residence or former residence as the
25 case may be. Voters shall either deliver or mail the official
mailing envelope to the county clerk of their county of residence."

Section 12. Section 1-6-9.1 NMSA 1978 (being Laws 1991,
Chapter 105, Section 13, as amended) is amended to read:

1 "1-6-9.1. ~~[USING THE MARKSENSE]~~ VOTING BY ELECTRONIC BALLOT. -
 2 - ~~[Any person]~~ An absent voter voting on ~~[the marksense]~~ an
 3 electronic ballot shall secretly mark the ballot ~~[by completing the~~
 4 ~~arrow () () in pencil directly to the right of the candidate's~~
 5 ~~name or the proposed question. The voter shall then place the~~
 6 ~~marked ballot in the official inner envelope and securely seal the~~
 7 ~~envelope and then place the official inner envelope inside the~~
 8 ~~official mailing envelope and securely seal the envelope. The~~
 9 ~~voter shall then complete the form on the reverse of the official~~
 10 ~~mailing envelope]~~ in accordance with the instructions on that
 11 ballot, and any votes cast shall be recorded on an electronic
 12 voting machine.

12 Section 13. Section 1-6-10 NMSA 1978 (being Laws 1969,
 13 Chapter 240, Section 136, as amended) is amended to read:

14 "1-6-10. RECEIPT OF ABSENTEE BALLOTS BY CLERK. --

15 A. The county clerk shall mark on each completed official
 16 mailing envelope the date and time of receipt in the clerk's
 17 office, record this information in the absentee ballot register and
 18 safely keep the official mailing envelope unopened in a locked
 19 ballot box, except as provided in Subsection H of Section 1-6-14
 20 NMSA 1978, until it is delivered on election day to the proper
 21 absent voter precinct board or until it is canceled and destroyed
 22 in accordance with law.

23 B. The county clerk shall accept completed official
 24 mailing envelopes until 7:00 p.m. on election day. Any completed
 25 official mailing envelope received after that time shall not be
 delivered to a precinct board but shall be preserved by the county
 clerk until the time for election contests has expired. In the

. 118091.3

1 absence of a restraining order after expiration of the time for
2 election contests, the county clerk shall destroy all late official
3 mailing envelopes without opening or permitting the contents to be
4 examined, cast, counted or canvassed. Before their destruction,
5 the county clerk shall count the numbers of late absentee ballots
6 from voters, federal voters, overseas citizen voters and federal
7 qualified electors and report the number from each category to the
8 secretary of state.

9 C. At 5:00 p.m. on the Monday immediately preceding the
10 date of election, the county clerk shall record the numbers of the
11 unused absentee ballots and shall publicly destroy in the county
12 clerk's office all such unused ballots. The county clerk shall
13 execute a certificate of [~~such~~] destruction, which shall include
14 the numbers on the absentee ballots destroyed. A copy of the
15 certificate of destruction shall be sent to the secretary of
16 state."

17 Section 14. Section 1-6-11 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 137, as amended) is amended to read:

19 "1-6-11. DELIVERY OF ABSENTEE BALLOTS TO ABSENT VOTER
20 PRECINCTS. --

21 A. On election day, the county clerk shall deliver the
22 absentee ballots received by him prior to 7:00 p.m. on election day
23 to the special deputy county clerks for delivery to the absent
24 voter precinct boards. The absentee ballots for each absent voter
25 precinct shall be separately wrapped, and the special deputy county
clerk shall receipt for all ballots taken by him for the county
clerk. Upon delivery of the absentee ballots to the absent voter
precinct board, the special deputy county clerk shall remain in the

1 polling place of the absent voter precinct until he has observed
 2 the opening of the official mailing envelope, the deposit of the
 3 ballot in the locked ballot box and the listing of the names on the
 4 official mailing envelope in the signature rosters. Upon such
 5 delivery of absentee ballots, the special deputy county clerk shall
 6 obtain a receipt executed by the presiding judge and each election
 7 judge and he shall return such receipt to the county clerk for
 8 filing. The receipts shall specify the number of envelopes
 9 received by the special deputy county clerk from the county clerk
 10 for each absent voter precinct and the number of envelopes received
 11 by the absent voter precinct board from the special deputy county
 12 clerk.

12 B. At 7:00 a.m. on election day the county clerk shall
 13 deliver any electronic voting machine used for absentee voting to
 14 the absent voter precinct board. A special deputy county clerk
 15 shall issue a receipt for the voting machine. Upon delivery of any
 16 voting machine, the special deputy shall obtain a receipt executed
 17 by the presiding judge and each election judge specifying the
 18 serial number of the machine and the number of votes recorded on
 19 the machine, and he shall return the receipt to the county clerk
 20 for filing. Thereafter, the absent voter precinct board shall
 21 proceed as specified in Sections 1-6-1 through 1-6-25 NMSA 1978."

21 Section 15. Section 1-6-14 NMSA 1978 (being Laws 1971,
 22 Chapter 317, Section 11, as amended) is amended to read:

23 "1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER PRECINCT
 24 BOARDS. --

25 A. Before opening any official mailing envelope, the
 presiding election judge and the election judges shall determine

1 that the required information has been completed on the reverse
2 side of the official mailing envelope.

3 B. If the voter's signature is missing, the presiding
4 election judge shall write "Rejected" on the front of the official
5 mailing envelope. The election clerks shall enter the voter's name
6 in the signature rosters and shall write the notation "Rejected--
7 Missing Signature" in the "Notations" column of the signature
8 rosters. The presiding election judge shall place the official
9 mailing envelope unopened in an envelope provided for rejected
10 ballots, seal the envelope and write the voter's name on the front
of the envelope and deposit it in the locked ballot box.

11 C. The accredited challengers may examine the official
12 mailing envelope and may challenge the ballot of any absent voter
13 for the following reasons:

14 (1) the official mailing envelope has been opened
prior to being received by the absent voter precinct board; or

15 (2) the person offering to vote is not a federal
16 voter, federal qualified elector, overseas citizen voter or voter
17 as provided in the Election Code.

18 Upon the challenge of an absentee ballot, the election judges
19 and the presiding election judge shall follow the same procedure as
20 when ballots are challenged when a person attempts to vote in
21 person. If a challenge is upheld, the official mailing envelope
22 shall not be opened but shall be placed in an envelope provided for
23 challenged ballots. The same procedure shall be followed in
24 canvassing and determining the validity of challenged absentee
ballots as with other challenged ballots.

25 D. If the official mailing envelopes have been properly

1 subscribed and the voters have not been challenged:

2 (1) the election judges shall open the official
3 mailing envelopes and deposit the ballots in their still-sealed
4 official inner envelopes in the locked ballot box; and

5 (2) the election clerks shall enter the absent
6 voter's name and residence address as shown on the official mailing
7 envelope in the signature rosters and shall mark the notation "AB"
8 opposite the voter's name in the "Notations" column of the
9 signature rosters.

10 E. Prior to the closing of the polls, the election judges
11 and the presiding election judge may either remove the absentee
12 ballots from the official inner envelopes and count and tally the
13 results of absentee balloting or, under the personal supervision of
14 the presiding election judge and one election judge from each
15 party, ~~[register the results of each absentee ballot on a]~~ count
16 and tally the absentee ballots on an electronic voting machine the
17 same as if the absent voter had been present and voted in person.
18 It ~~[shall be]~~ is unlawful for any person to disclose the results of
19 ~~[such]~~ a count and tally ~~[or such registration on a voting machine]~~
of absentee ballots prior to the closing of the polls.

20 F. Absentee ballots shall be counted and tallied ~~[or~~
21 ~~registered]~~ on ~~[a lever voting machine or]~~ an electronic voting
22 machine as provided in the Election Code ~~[provided that any county~~
23 ~~with a population in excess of one hundred thousand shall count and~~
24 ~~tally or register absentee ballots on an electronic voting~~
25 ~~machine].~~

G. Absent voter precinct polls shall close at the time

1 prescribed by the Election Code for other polling places, and the
2 results of the election shall be certified as prescribed by the
3 secretary of state.

4 H. The county clerk may convene the absent voter precinct
5 board no more than seven days before the day of the election to
6 begin processing absentee ballots; provided that the absent voter
7 precinct board shall open only the official mailing envelopes and
8 sort the absentee ballots by legislative district and shall not
9 open any official inner envelope or count and canvass any absentee
10 ballot prior to the day of the election."

11 Section 16. Section 1-6-15 NMSA 1978 (being Laws 1977,
12 Chapter 222, Section 13, as amended) is amended to read:

13 "1-6-15. CANVASS--RECOUNT OR RECHECK--DISPOSITION. -- [~~where~~
14 ~~no~~] If voting machines are not used to register absentee ballots,
15 [such] the absentee ballots shall be canvassed, recounted and
16 disposed of in the manner provided by the Election Code for the
17 canvassing, recounting and disposition of emergency paper ballots.
18 [Where] If voting machines are used to register absentee ballots,
19 such ballots shall be canvassed and rechecked in the manner
20 provided by the Election Code for the canvassing and recheck of
21 ballots cast on a voting machine; provided, in the event of a
22 contest, voting machines used to register absentee ballots shall
23 not be rechecked, but the absentee ballots shall be recounted in
24 the manner provided by the Election Code for the recounting of
25 emergency paper ballots. As used in this section, "voting
machines" means [never voting machines or] electronic voting
machines as provided in the Election Code."

Section 17. Section 1-6-16 NMSA 1978 (being Laws 1969,

1 Chapter 240, Section 141, as amended by Laws 1989, Chapter 368,
2 Section 2 and also by Laws 1989, Chapter 392, Section 15) is
3 amended to read:

4 "1-6-16. VOTING IN PERSON PROHIBITED. --

5 A. Except as provided in Section 1-6-16.1 NMSA 1978, no
6 person who has been issued an ~~[absent voter]~~ absentee ballot shall
7 vote in person at his precinct poll.

8 B. At any time prior to 5:00 p.m. on the Monday
9 immediately preceding the date of the election, any person whose
10 absentee ballot application has been accepted and who was mailed an
11 absentee ballot but who has not received the absentee ballot may
12 execute, in the office of the county clerk of the county where he
13 is registered to vote, a sworn affidavit stating that he did not
14 receive or vote his absentee ballot. Upon receipt of the sworn
15 affidavit, the county clerk shall issue the voter a replacement
16 absentee ballot.

17 C. The secretary of state shall prescribe the form of the
18 affidavit and the manner in which the county clerk shall void the
19 first ballot mailed to the applicant. "

20 Section 18. Section 1-6-16.1 NMSA 1978 (being Laws 1989,
21 Chapter 368, Section 1, as amended) is amended to read:

22 "1-6-16.1. ABSENTEE BALLOT--CONDUCT OF ELECTION--WHEN NOT
23 TIMELY RECEIVED--EMERGENCY PROCEDURE FOR VOTING AND COUNTING. --

24 A. Any applicant for an absentee ballot who has not
25 received ~~[the]~~ an absentee ballot by mail as of the date of the
election may present himself at his assigned ~~[preeci-net]~~ polling
place and, after executing an affidavit of nonreceipt of absentee
ballot, shall be permitted to vote on an emergency paper ballot ~~[or~~

. 118091.3

1 ~~a marksense ballot~~].

2 B. The completed ballot shall be placed in an official
3 inner envelope substantially as prescribed by Section 1-6-8 NMSA
4 1978 and sealed. The official inner envelope shall then be placed
5 in an official envelope substantially as prescribed for a
6 transmittal envelope or mailing envelope in Section 1-6-8 NMSA
7 1978. This envelope shall contain a form on its back that
8 identifies the voter by name and signature roster number and ~~[the]~~
9 a printed statement to the effect that the voter made application
10 for an absentee ballot but had not received it as of the date of
11 the election and is permitted to vote by emergency paper ballot ~~[or~~
12 ~~a marksense ballot~~].

13 C. The presiding election judge shall put all ~~[such]~~
14 absentee ballots in a special envelope provided for that purpose by
15 the county clerk, seal it and return it to the county clerk along
16 with the machine tally sheets. The sealed envelope shall not be
17 put in the locked ballot box.

18 D. Upon receipt of the envelope containing ~~[such]~~
19 absentee ballots, the county clerk, no later than forty-eight hours
20 after the close of the election, shall remove the transmittal
21 envelopes and, without removing or opening the inner envelopes,
22 determine ~~[that]~~:

23 (1) ~~[such]~~ if a voter did in fact make application
24 for an absentee ballot; and

25 (2) ~~[no such]~~ if an absentee ballot was received by
the county clerk from ~~[the]~~ that voter by 7:00 p.m. on election
day.

E. Upon making such determination, the county clerk shall

1 remove the inner envelope without opening it, destroy the
 2 transmittal envelope and place the inner envelope in a secure place
 3 to be transmitted to the county canvassing board to be tallied and
 4 included in the canvass of that county for the appropriate
 5 precinct.

6 F. The secretary of state shall prescribe and furnish the
 7 necessary envelopes for purposes of this section and shall adopt
 8 rules and regulations deemed necessary to preserve the secrecy of
 9 the ~~[ballot]~~ emergency paper ballots. "

10 Section 19. Section 1-6-16.2 NMSA 1978 (being Laws 1993,
 11 Chapter 353, Section 1) is amended to read:

12 "1-6-16.2. ADDITIONAL EMERGENCY PROCEDURE FOR VOTING. --

13 A. After the close of the period for requesting absentee
 14 ~~[voter]~~ ballots by mail, any voter who is unable to go to the polls
 15 due to unforeseen illness or disability resulting in his
 16 confinement in a hospital, sanatorium, nursing home or residence
 17 and who is unable to vote at his polling place, voting booth or
 18 voting apparatus or machinery may request in writing that an
 19 alternative ballot be made available to him. The written request
 20 shall be signed by the voter and a health care provider under
 21 penalty of perjury.

22 B. The alternative ballot shall be made available by the
 23 clerk of the county in which the voter resides to any authorized
 24 representative of the voter who through his representative has
 25 presented the written request to the office of the clerk.

C. Before releasing the alternative ballot, the county
 clerk shall compare the signature on the written request with the
 signature on the voter's affidavit of registration. If the county

1 clerk determines that the signature on the written request is not
2 the signature of the voter, he shall reject the request for an
3 alternative ballot.

4 D. The voter shall mark the alternative ballot, place it
5 in an identification envelope similar to that used for absentee
6 ballots, fill out and sign the envelope and return the ballot to
7 the office of the clerk of the county in which the voter resides no
8 later than the time of closing of the polls on election day. The
9 voter's name shall be compared to the roster of voters and the
10 alternative ballot shall only be counted if there is no signature
11 for that voter on the roster of the precinct where that voter's
12 name appears.

13 E. Alternative ballots shall be processed and counted in
14 the same manner as absentee ballots.

15 F. The secretary of state shall prescribe the form of
16 alternative ballots and shall distribute an appropriate number of
17 alternative ballots to each county clerk. "

18 Section 20. Section 1-6-17 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 142) is amended to read:

20 "1-6-17. CANCELLATION OF ABSENTEE BALLOT AT DEATH. -- If any
21 person voting under the provisions of the Absent Voter Act dies
22 after mailing or delivering his absentee ballot to the county clerk
23 but before the absentee ballot is ~~[delivered to the deceased~~
24 ~~person's precinct board, his]~~ counted, the official outer envelope
25 shall be marked [~~"cancelled by board of registration"~~] "cancel
26 ed" and preserved by the county clerk in the same manner as provided
27 for other uncast ballots in Subsection B of Section [3-6-10B NMSA
28 1953] 1-6-10 NMSA 1978. "

1 Section 21. Section 1-6-21 NMSA 1978 (being Laws 1975,
2 Chapter 255, Section 93, as amended) is amended to read:

3 "1-6-21. CONSOLIDATION OF ABSENT VOTER PRECINCTS. -- Absent
4 voter precincts may be consolidated ~~[if]~~ by the governing authority
5 if it deems it desirable and so directs by resolution. "

6 Section 22. Section 1-6-23 NMSA 1978 (being Laws 1975,
7 Chapter 255, Section 95, as amended) is amended to read:

8 "1-6-23. ABSENT VOTER PRECINCT POLLING PLACE-- HOURS ON
9 ELECTION DAY. -- The county clerk or statutorily appointed supervisor
10 of the election shall determine the hours in which the absent voter
11 precinct polling place shall be open for delivery and counting of
12 ballots ~~[shall be set by the county clerk or statutorily appointed~~
13 ~~supervisor of the election]~~ on election day. "

14 Section 23. Section 1-6-24 NMSA 1978 (being Laws 1969,
15 Chapter 54, Section 5, as amended) is amended to read:

16 "1-6-24. ABSENT VOTER PRECINCT BOARD APPOINTMENT. --

17 A. The county clerk of each county shall appoint ~~[and~~
18 ~~compensate]~~ absent voter precinct board members and their
19 respective alternates for each absent voter precinct ~~[in the manner~~
20 ~~specified in the Election Code for other precinct board members]~~
21 and shall compensate them at an hourly rate set by the county
22 clerk.

23 B. A minimum of three precinct board members shall be
24 appointed to the absent voter precinct board with no more than two
25 members belonging to the same political party. "

Section 24. A new section of the Absent Voter Act is enacted
to read:

"[NEW MATERIAL] SECURITY-- COUNTING AND CANVASSING. -- The

1 secretary of state shall adopt rules and regulations for protecting
2 the integrity, security and secrecy of the absentee ballots;
3 procedures for voting by absentee ballot; separation of absentee
4 ballots voted on electronic voting machines twenty days before the
5 election from those received through the mail; disposition of
6 absentee ballots rejected by a voting machine; handling of,
7 counting and canvassing of absentee ballots; and sorting of
8 absentee ballots by representative district for canvassing
purposes. "

9 Section 25. Section 1-8-13 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 162, as amended) is amended to read:

11 "1-8-13. PRIMARY ELECTION LAW--CONTENTS OF
12 PROCLAMATION.--The proclamation calling a primary election shall
13 contain:

14 A. the names of the major political parties participating
in the primary election;

15 B. the offices for which each political party shall
16 nominate candidates; provided that if any law is enacted by the
17 legislature in the year in which the primary election is held and
18 [~~such~~] the law does not take effect until after the date of the
19 proclamation but prior to the date of the primary election, the
20 proclamation shall conform to the intent of [~~such~~] the law with
21 respect to the offices for which each political party shall
nominate candidates;

22 C. the date on which declarations of candidacy and
23 nominating petitions for United States representative, any office
24 voted upon by all the voters of the state, a legislative office,
25 the office of district judge, district attorney, state board of

1 education or magistrate shall be filed and the places where they
 2 shall be filed in order to have the candidates' names printed on
 3 the official ballot of their party at the primary election;

4 D. the date on and place at which declarations of
 5 candidacy shall be filed for any other office and filing fees paid
 6 or, in lieu thereof, a pauper's statement of inability to pay;

7 ~~[E. the date on and place at which declarations of intent
 8 to be a write-in candidate for a statewide office or office of
 9 United States representative shall be filed;~~

10 ~~F. the date on and place at which declarations of intent
 11 to be a write-in candidate for any other office shall be filed;~~

12 ~~G.] E.~~ the final date on and place at which candidates
 13 for the office of United States representative and for any
 14 statewide office seeking preprimary convention designation by the
 15 major parties shall file petitions and declarations of candidacy;

16 ~~[H.] E.~~ the final date on which the major political
 17 parties shall hold state preprimary conventions for the designation
 18 of candidates; and

19 ~~[I.] G.~~ the final date on and place at which certificates
 20 of designation of primary election candidates shall be filed by
 21 political parties with the secretary of state.

22 As used in the Primary Election Law, "statewide office" means
 23 any office voted on by all the voters of the state. "

24 Section 26. Section 1-8-21 NMSA 1978 (being Laws 1996,
 25 Chapter 20, Section 3) is amended to read:

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

A. ~~[All candidates]~~ A candidate seeking primary election

1 nomination to a statewide office or the office of United States
2 representative shall file ~~[declarations]~~ a declaration of candidacy
3 with the proper filing officer. ~~[Candidates]~~ A candidate shall
4 file a nominating ~~[petitions]~~ petition at the time of filing ~~[their~~
5 ~~declarations]~~ the declaration of candidacy. ~~[Candidates]~~ A
6 candidate who ~~[seek]~~ seeks, but ~~[do]~~ does not obtain, preprimary
7 convention designation by a major political party may file a new
8 ~~[declarations]~~ declaration of candidacy and a nominating
9 ~~[petitions]~~ petition pursuant to Section 1-8-33 NMSA 1978.

9 B. ~~[Candidates]~~ A candidate for ~~[any other office]~~ a
10 legislative office, the office of district attorney, district
11 judge, metropolitan judge, magistrate or the state board of
12 education shall have ~~[their names]~~ his name placed on the primary
13 election ballot by filing ~~[declarations]~~ with the proper filing
14 officer a declaration of candidacy and a nominating ~~[petitions with~~
15 ~~the proper filing officer. Candidates for county office shall also~~
16 ~~pay filing fees or file the proper paupers' statements at the time~~
17 ~~of filing declarations of candidacy]~~ petition.

17 C. A candidate for a county office shall have his name
18 placed on the primary election ballot by filing with the proper
19 filing officer a declaration of candidacy accompanied by the
20 appropriate filing fee or a pauper's statement."

21 Section 27. Section 1-8-30 NMSA 1978 (being Laws 1973,
22 Chapter 228, Section 4, as amended) is amended to read:

23 "1-8-30. PRIMARY ELECTION LAW-DECLARATION OF
24 CANDIDACY--NOMINATING PETITION--FILING AND FORM --

24 A. As used in the Primary Election Law, "nominating
25 petition" means the authorized form used for obtaining the required

Underscored material = new
[bracketed material] = delete

1 number of signatures of voters, which is signed on behalf of the
2 person wishing to become a candidate for a political office in the
3 primary election requiring a nominating petition.

4 B. In making a declaration of candidacy, the candidate at
5 the same time shall file a nominating petition, which shall be on
6 forms prescribed by law.

7 C. The nominating petition shall be on paper
8 approximately eight and one-half inches wide and fourteen inches
9 long with numbered lines for signatures spaced approximately
10 three-eighths of an inch apart and shall be in the following form:

"NOMINATING PETITION

11 I, the undersigned, a registered voter of the
12 county of _____, New Mexico, and a member of
13 the _____ party, hereby nominate _____,
14 who resides at _____ in the county of
15 _____, New Mexico, for the party nomination
16 for the office of _____, to be voted for
17 at the primary election to be held on the first Tuesday
18 of June, 19 ____, and I declare that I am a resident of
19 the state, district, county or area to be represented by
20 the office for which the person being nominated is a
21 candidate. I also declare that I have not signed, and
22 will not sign, any nominating petition for more persons
23 than the number of candidates necessary to fill such
24 office at the next ensuing general election.

- 25 1. _____
(usual (name printed (address as (city or
signature) as registered) registered) rt. no.)

Underscored material = new
[bracketed material] = delete

2. _____
(usual (name printed (address as (city or
signature) as registered) registered) rt. no.)".

D. In October of odd-numbered years, the secretary of state shall furnish to each county clerk a sample of a nominating petition form, a copy of which shall be made available by the county clerk upon request of any candidate.

~~E. The signature of the voter shall not be counted unless the voter was a registered member of the candidate's party ten days prior to the filing of the nominating petition. The signature of the voter shall not be counted unless the entire line indicates the voter's usual signature, his name printed as registered and his address as registered and his city or route number and is upon the form furnished by the secretary of state to the county clerks or a duplicate thereof.~~

F.] E. When more than one sheet is required for a petition, each of the sheets shall be in the form prescribed by this section and all sheets shall be firmly secured by a staple or other suitable fastening. "

Section 28. Section 1-8-31 NMSA 1978 (being Laws 1973, Chapter 228, Section 5, as amended by Laws 1993, Chapter 314, Section 47 and also by Laws 1993, Chapter 316, Section 47) is amended to read:

"1-8-31. PRIMARY ELECTION LAW - NOMINATING PETITION - -
SIGNATURES TO BE COUNTED. - -

A. ~~[Each signer of]~~ A person who signs a nominating petition shall sign but one petition for the same office unless more than one candidate is to be elected to ~~[such]~~ that office,

Underscored material = new
[bracketed material] = delete

1 and in that case a person may sign not more than the number of
 2 nominating petitions equal to the number of candidates to be
 3 elected to the office [~~shall be signed~~].

4 B. A person who signs a nominating petition shall
 5 indicate his residence as his address. If the person does not
 6 have a residential address, he may provide his mailing address.

7 [~~B-~~] C. A signature shall be counted on a nominating
 8 petition unless there is evidence presented that the person
 9 signing:

10 (1) was not a registered member of the
 11 candidate's political party ten days prior to the filing of the
 12 nominating petition;

13 [~~(1) is not a~~] (2) failed to provide information
 14 required by the nominating petition sufficient to determine that
 15 the person is a qualified voter of the state, district, county
 16 or area to be represented by the office for which the person
 17 seeking the nomination is a candidate;

18 [~~(2)~~] (3) has signed more than one petition for
 19 the same office, except as provided in Subsection A of this
 20 section, or has signed one petition more than once;

21 [~~(3)~~] (4) is not of the same political party as
 22 the candidate named in the nominating petition as shown by the
 23 signer's certificate of registration; or

24 [~~(4)~~] (5) is not the person whose name appears on
 25 the nominating petition.

[~~C-~~] D. The procedures set forth in this section shall
 be used to validate signatures on any petition required by the
 Election Code, except that Paragraphs (1) and (4) of Subsection

1 C of this section shall not apply to petitions filed by
2 unaffiliated candidates or petitions filed by candidates of
3 minor political parties. "

4 Section 29. Section 1-8-44 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 182, as amended) is amended to read:

6 "1-8-44. PRIMARY ELECTION LAW- WITHDRAWAL OF CANDIDATES--
7 DATE OF WITHDRAWAL. -- ~~[No]~~ A candidate [shall] seeking to
8 withdraw from a primary election [unless he withdraws] shall
9 withdraw no later than the first [Friday after the filing date]
10 Tuesday in April before that primary election. "

11 Section 30. Section 1-8-49 NMSA 1978 (being Laws 1977,
12 Chapter 322, Section 5) is amended to read:

13 "1-8-49. INDEPENDENT CANDIDATES FOR GENERAL ~~[OR UNITED~~
14 ~~STATES REPRESENTATIVE SPECIAL]~~ ELECTIONS-- CANDIDATES FOR
15 PRESIDENT AND VICE PRESIDENT. -- ~~[If the person filing the~~
16 ~~declaration of independent candidacy is a candidate for~~
17 ~~president of the United States, he shall also file the names and~~
18 ~~addresses of the required number of presidential electors who~~
19 ~~intend to vote for such independent candidate in the electoral~~
20 ~~college.]~~

21 A. Nomination as an independent candidate for
22 president or vice president shall be made by filing a
23 declaration of independent candidacy with the proper filing
24 officer. The candidate for president shall also file a
25 nominating petition with the required number of signatures.

B. In making a declaration of independent candidacy
for president, the candidate shall submit a sworn statement in
the following form:

"DECLARATION OF INDEPENDENT CANDIDACY FOR PRESIDENT"

I, _____ (candidate's name), being duly sworn, say that I am a citizen of the United States, have been a resident of the United States for at least fourteen years and have attained the age of thirty-five.

I desire to become a candidate for the office of president of the United States at the general election to be held on the date set by law for this year. I will be eligible and legally qualified to hold this office at the beginning of its term.

The name of my vice presidential running mate, whom I selected, is _____. The names and addresses of the required number of presidential electors who intend to vote for me and for my vice presidential running mate in the electoral college are:

_____	_____
<u>name</u>	<u>name</u>
_____	_____
<u>residence address</u>	<u>residence address</u>
_____	_____
<u>mailing address</u>	<u>mailing address</u>
_____	_____
<u>city</u>	<u>city</u>
_____	_____
<u>state and zip code</u>	<u>state and zip code</u>
_____	_____
<u>name</u>	<u>name</u>
_____	_____
<u>residence address</u>	<u>residence address</u>

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HVEC/HB 865

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mailing address

city

state and zip code

name

residence address

mailing address

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state and zip code

I submit with this statement a nominating petition in the form and manner prescribed by the Election Code. I make the foregoing affidavit under oath, knowing that any false statement herein constitutes a felony punishable in accordance with the criminal laws of New Mexico.

mailing address

city

state and zip code

name

residence address

mailing address

city

state and zip code

declarant

residence address

mailing address

. 118091.3

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state and zip code

Subscribed and sworn to before me this _____ day of _____, 19_____

notary public

My commission expires: _____".

C. In making a declaration of independent candidacy for vice president, the candidate shall submit a sworn statement in the following form:

"DECLARATION OF INDEPENDENT CANDIDACY FOR VICE PRESIDENT

I, _____ (candidate's name), being duly sworn, say that I am a citizen of the United States, have been a resident of the United States for at least fourteen years and have attained the age of thirty-five.

I have been selected by independent presidential candidate _____ as his vice presidential running mate and desire to be that candidate for vice president. I will be eligible and legally qualified to hold this office at the beginning of its term.

I make the foregoing affidavit under oath, knowing that any false statement herein constitutes a felony punishable in accordance with the criminal laws of New Mexico.

declarant

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residence address

mailing address

city

state and zip code

Subscribed and sworn to before me this _____ day of

_____, 19_____

notary public

My commission expires:
_____".

D. The independent presidential electors whom the independent candidate for president is required to name shall be registered voters of New Mexico; they may or may not be affiliated with a political party in New Mexico. United States senators, United States representatives and persons holding federal offices of trust or profit are not eligible to be electors.

E. When independent candidates for president and vice president appear on the general election ballot, a vote for that pair of nominees is a vote for that presidential candidate's electors.

F. If the independent candidates for president and vice president receive the highest number of votes at the general election, the independent presidential candidate's

Underscored material = new
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1 electors shall be the presidential electors of the state of New
 2 Mexico. As such, each elector shall be granted a certificate of
 3 election by the state canvassing board, and each elector shall
 4 be subject to the provisions of Sections 1-15-5 through 1-15-10
 5 NMSA 1978."

6 Section 31. Section 1-8-50 NMSA 1978 (being Laws 1977,
 7 Chapter 322, Section 6) is amended to read:

8 "1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
 9 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION
 10 FORM --

11 A. As used in Sections [~~3-8-27.1 through 3-8-27.8 NMSA~~
 12 ~~1953]~~ 1-8-45 through 1-8-52 NMSA 1978, "nominating petition"
 13 means the authorized form [~~or forms~~] used for obtaining the
 14 required number of signatures of voters [~~which~~] that is signed
 15 on behalf of the person wishing to become an independent
 16 candidate for a political office in a general or United States
 17 representative special election requiring a nominating petition.

18 B. In making a declaration of candidacy, the candidate
 19 at the same time shall file a nominating petition, which shall
 20 be on forms prescribed by law.

21 [~~B.-]~~ C. The nominating petition for an independent
 22 candidate for any office except president of the United States
 23 shall be on paper approximately eight and one-half inches wide
 24 and fourteen inches long with numbered lines for signatures
 25 spaced approximately three-eighths of an inch apart and shall be
in the following form:

"NOMINATING PETITION FOR INDEPENDENT CANDIDACY
FOR ANY OFFICE EXCEPT PRESIDENT OF THE UNITED STATES

1 I, the undersigned, a registered voter of the
 2 county of _____, New Mexico, hereby
 3 nominate _____, who
 4 resides at _____ in the county of
 5 _____, New Mexico, as an independent candidate
 6 for the office of _____, to be voted
 7 for at the general election [~~United States~~
~~representative special election~~] to be held on November
 8 _____, 19 _____, or United States representative special
 9 election to be held on _____ 19 _____, and I declare that
 10 I am a resident of the state, district, county or area
 11 to be represented by the office for which the person
 12 being nominated is a candidate. I also declare that I
 13 have not signed, and will not sign, any nominating
 14 petition for more persons than the number of candidates
 15 necessary to fill [~~such~~] the office at the next ensuing
 16 general election or at a United States representative
special election.

- 17 1. _____
 18 (usual (name printed (address as (city)
 19 signature) as registered) registered)
 20 2. _____
 21 (usual (name printed (address as (city)".
 22 signature) as registered) registered)

23 D. The nominating petition for an independent
 24 candidate for the office of president of the United States shall
 25 be on paper approximately eight and one-half inches wide and
fourteen inches long with numbered lines for signatures spaced

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1 approximately three-eighths of an inch apart and shall be in the
2 following form:

3 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY FOR THE
4 OFFICE OF PRESIDENT OF THE UNITED STATES

5 I, the undersigned, a registered voter of the
6 county of _____, New Mexico, by endorsement
7 hereon, petition that the name of _____
8 be printed on the general election ballot as an
9 independent candidate for the office of president of the
10 United States, to be voted on at the general election to
11 be held on November _____, 19____. I also declare that
12 I am that person whose name appears hereon and that I
13 have not signed, nor will I sign, any nominating
14 petition for any other candidate seeking the office of
15 president of the United States at the next ensuing
16 general election.

- 17 1. _____
18 (usual (name printed (address as (city or
19 signature) as registered) registered) rt. no.)
20 2. _____
21 (usual (name printed (address as (city or
22 signature) as registered) registered) rt. no.)".

23 [~~E.~~] E. The secretary of state shall furnish to each
24 county clerk a sample of the nominating petition form, a copy of
25 which shall be made available by the county clerk upon request
of any candidate as provided by the Election Code.

~~[D. The signature of the voter shall not be counted
unless the entire line is filled out in full and is upon the~~

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[bracketed material] = delete

1 ~~form prescribed by this section.~~

2 ~~E.]~~ F. When more than one sheet is required for a
3 petition, each of the sheets shall be in the form prescribed by
4 this section, and all sheets shall be firmly secured by a staple
5 or other suitable fastening. "

6 Section 32. Section 1-12-7 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 246, as amended by Laws 1993, Chapter 314,
8 Section 54 and also by Laws 1993, Chapter 316, Section 54) is
9 amended to read:

10 "1-12-7. CONDUCT OF ELECTION--PERSONS NOT PERMITTED TO
11 VOTE. --

12 A. No person shall vote in any primary, general or
13 statewide special election unless he is a voter of the precinct
14 in which he offers to vote. A valid original certificate of
15 registration in the county register is prima facie evidence of
16 being a voter in the precinct.

17 B. No person shall vote in any primary election whose
18 party affiliation is not designated on his original certificate
19 of registration.

20 C. No voter at any primary election shall be permitted
21 to vote for the candidate of any party other than the party
22 designated on his ~~[original]~~ current certificate of
23 registration. ~~[at the time the governor issues the primary
24 election proclamation.]~~

25 ~~D. No person shall vote in any primary, general or
statewide special election whose name and certificate of
registration number appears on the list of voters purged from
the rolls. The list shall be placed with the signature rosters~~

1 ~~and delivered to the polls with the other election supplies by~~
 2 ~~the county clerk and shall consist of those voters in the~~
 3 ~~precinct purged since the last preceding general election.]"~~

4 Section 33. Section 1-15-23 NMSA 1978 (being Laws 1969,
 5 Chapter 240, Section 373) is amended to read:

6 "1-15-23. EXPIRING TERM AND NEXT SUCCEEDING TERM [~~BALLOT--~~
 7 ~~WRITE-IN]. -- [A.] If the same individual is a candidate at a~~
 8 general election for both the expiring term and the next
 9 succeeding term, his name shall appear but once on the ballot,
 10 and the name of the office, followed by the words, "full and
 11 expiring terms".

12 [~~B. Provisions shall be made in the general election~~
 13 ~~to permit any voter to write in a separate name for the expiring~~
 14 ~~term and a separate name for the next succeeding term. A voter~~
 15 ~~may write in the name of any candidate he chooses for either~~
 16 ~~term, and such vote shall be valid and counted even though the~~
 17 ~~candidate's name is printed on the paper ballot or ballot~~
 18 ~~label.]"~~

19 Section 34. Section 1-22-2 NMSA 1978 (being Laws 1985,
 20 Chapter 168, Section 4, as amended) is amended to read:

21 "1-22-2. DEFINITIONS. -- As used in the School Election Law:

22 A. "board" means the governing authority of the local
 23 school district;

24 B. "county clerk" means the clerk of each county in
 25 which the school district is situate;

C. "proper filing officer" means the county clerk or,
 in the case of a multicounty school district, the clerk of the
 county in which the administrative office of the school district

1 is situate;

2 D. "magistrate" means the magistrate whose office is
3 situated in the municipality where the administrative office of
4 the school district is located or in close proximity to the
5 municipality;

6 E. "school district election" means ~~[any]~~ a regular or
7 special school district election ~~[except]~~ but does not include a
8 recall election; and

9 F. "superintendent" means the superintendent of
10 schools of the local school district."

11 Section 35. Section 1-22-7 NMSA 1978 (being Laws 1985,
12 Chapter 168, Section 9) is amended to read:

13 "1-22-7. DECLARATION OF CANDIDACY-- FILING DATE-- PENALTY. --

14 A. ~~[A declaration of candidacy for membership on the~~
15 ~~board to]~~ A candidate for a school board position that will be
16 filled at a regular school district election shall ~~[be filed]~~
17 file a declaration of candidacy with the proper filing officer
18 during the period commencing at 9:00 a.m. on the third Tuesday
19 in December of the even-numbered year immediately preceding the
20 date of the regular school district election and ending at 5:00
21 p.m. on the same day.

22 B. ~~[A declaration of candidacy for membership on the~~
23 ~~board to]~~ A candidate for a school board position that will be
24 filled at a special school district election shall ~~[be filed]~~
25 file a declaration of candidacy with the proper filing officer
during the period commencing at 9:00 a.m. on the forty-eighth
day before the election and ending at 5:00 p.m. on the same day.

C. A candidate shall file for only one school board

1 position during each filing period.

2 ~~[C. Any person knowingly making]~~ D. A person who
 3 knowingly makes a false statement in his declaration of
 4 candidacy is guilty of a fourth degree felony and shall be
 5 sentenced pursuant to the provisions of Section 31-18-15 NMSA
 6 1978. "

7 Section 36. Section 1-22-19 NMSA 1978 (being Laws 1985,
 8 Chapter 168, Section 21, as amended) is amended to read:

9 "1-22-19. ABSENTEE VOTING. - -

10 A. ~~[Any registered qualified elector of the school~~
 11 ~~district who cannot be present at his precinct polling place on~~
 12 ~~the day of the school district election because of illness,~~
 13 ~~injury or disability; who will be absent from his school~~
 14 ~~district of residence because his duties, occupation, business~~
 15 ~~or vacation requires him to be elsewhere; or who cannot attend~~
 16 ~~his precinct polling place because of the tenets of his~~
 17 ~~religion]~~ A voter may vote in a school district election by
 18 absentee ballot for all candidates and on all questions
 19 appearing on the ballot [at the election] in his precinct as if
 20 he were [able to cast] casting his ballot in person at the
 21 [precinct] polling place on election day.

22 B. The provisions of the Absent Voter Act of the
 23 Election Code apply to absentee voting in school district
 24 elections, provided that absentee ballots may be marked in
 25 person during the regular hours and days of business at the
 county clerk's office from 8:00 a. m. on the twenty-fifth day
 preceding the election until 5:00 p. m. on the Friday immediately
 prior to the date of the election. Provisions may be made by

. 118091.3

1 the board in the proclamation for absentee voting by electronic
2 voting machine from 8:00 a.m. on the twentieth day preceding an
3 election until 5:00 p.m. on the Friday immediately prior to the
4 date of the election. Absentee ballots shall be printed at
5 least thirty days prior to the date of the election.

6 C. A regular precinct board may be designated to serve
7 as the absent voter precinct board. [~~Members~~] A member of the
8 absent voter precinct board shall receive the same compensation
9 as [~~other~~] a regular precinct board [~~members, but in no case~~
10 ~~shall~~] member. A regular precinct board member who also serves
11 as a member of the absent voter precinct board shall not be
12 entitled to extra compensation for serving on [~~the absent voter~~
13 ~~precinct~~] more than one board. "

14 Section 37. REPEAL. -- Sections 1-6A-1 through 1-6A-12,
15 1-8-36.1, 1-12-19.1 and 1-12-47 NMSA 1978 (being Laws 1993,
16 Chapter 37, Sections 1 through 9, Laws 1995, Chapter 165,
17 Sections 4 through 6, Laws 1981, Chapter 156, Sections 1 and 2
18 and Laws 1977, Chapter 222, Section 50, as amended) are
19 repealed.

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 13, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 865

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 28, between lines 13 and 14, insert the following
new section:

"Section 25. Section 1-8-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 158, as amended) is amended to read:

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

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HVEC/HB 865

HAF/HVEC/HB 865

Page 76

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2 A. If after a primary election a vacancy occurs, for any
3 cause, in the list of nominees of a qualified political party for
4 any public office to be filled in the general election, or a
5 vacancy occurs because of the resignation or death of a person
6 holding a public office not included in the governor's
7 proclamation and which office is required by law to be filled at
8 the next succeeding general election, the vacancy on the general
9 election ballot may be filled by:

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

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

19 B. If a vacancy occurs, for any cause, in the list of
20 nominees of a major political party for a public office subject to
21 convention designation as provided in Section 1-8-21.1 NMSA 1978
22 and there is no nominee on the general election ballot for that
23 office from any major political party, each major political party
24 may nominate a candidate for that office in accordance with the
25 provisions of Subsection A of this section.

. 118091.3

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAF C/HVEC/HB 865

Page 77

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2 ~~[B.]~~ C. Appointments made pursuant to Subsection A of
3 this section shall be of the same party affiliation as the
4 original nominee, if any, or affiliated with the major political
5 party, and shall reside in the district from which he will be
6 elected as shown by his certificate of registration on file in the
7 county clerk's office before the day of the governor's primary
8 election proclamation.

9 ~~[C.]~~ D. Appointments to fill vacancies in the list of a
10 party's nominees shall be made and filed at least fifty-six days
11 prior to the general election. If the vacancy is caused by the
12 death of a nominee, the central committee may in like manner file
13 the name of its nominee to fill the vacancy up until five days
14 prior to the general election.

15 ~~[D.]~~ E. When the name of a nominee is filed as provided
16 in this section, ~~[such]~~ the name shall be placed on the general
17 election ballot as the party's candidate for that office. In the
18 case of a nominee appointed after the general election ballots are
19 printed, ~~[such]~~ the name shall be placed on the ballot by pasting
20 the printed name of the nominee over the name of the candidate
21 whose vacancy he fills on the general election ballot. "".

22 2. Renumber the succeeding sections accordingly..
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HVEC/HB 865

Page 78

HAF C/HVEC/HB 865

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Respectfully submitted,

Max Coll, Chairman

Adopted _____

Not Adopted _____
(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAF C/HVEC/HB 865

Page 79

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The roll call vote was 14 For 1 Against

Yes: 14

No: Pearce

Excused: Saavedra, Varela

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HVEC/HB 865

1 HAF/HVEC/HB 865

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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March 20, 1997

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10 Mr. President:

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Your RULES COMMITTEE, to whom has been referred

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13

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 865, as amended

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has had it under consideration and reports same with

17

recommendation that it DO PASS.

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Respectfully submitted,

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Gloria Howes, Chairman

24

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Adopted _____ Not Adopted _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HAF C/HVEC/HB 865

Page 81

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: 0

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Excused: Altamirano

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Absent: None

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