

1 HOUSE BILL 163

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Thomas A. Anderson

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10 AN ACT

11 RELATING TO ELECTIONS; REQUIRING PERSONS WHO SIGN NOMINATING
12 PETITIONS TO LIST THEIR VOTER REGISTRATION ADDRESS.

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

15 SECTION 1. Section 1-8-2 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 152, as amended) is amended to read:

17 "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION-
18 DESIGNATED NOMINEES.--

19 A. If the rules of a minor political party require
20 nomination by political convention:

21 (1) the chair and secretary of the state
22 political convention shall certify to the secretary of state
23 the names of their party's nominees for United States senator,
24 United States representative, all elective state offices,
25 legislative offices elected from multicounty districts, the

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1 public regulation commission, all elective judicial officers in
2 the judicial department and all offices representing a district
3 composed of more than one county; and

4 (2) the chair and secretary of the county
5 political convention shall certify to the county clerk the
6 names of their party's nominees for elected county offices and
7 for legislative offices elected from a district located wholly
8 within one county or that is composed of only one county.

9 B. The names certified to the secretary of state
10 shall be filed on the twenty-first day following the primary
11 election in the year of the general election and shall be
12 accompanied by a petition containing a list of signatures and
13 addresses of voters totaling not less than one percent of the
14 total number of votes cast at the last preceding general
15 election for the office of governor or president of the United
16 States, as the case may be:

17 (1) in the state for statewide offices; and

18 (2) in the district for offices other than
19 statewide offices.

20 The petition shall contain a statement that the voters
21 signing the petition are residents of the state, district,
22 county or area to be represented by the office for which the
23 person being nominated is a candidate.

24 C. The names certified to the county clerk shall be
25 filed on the twenty-first day following the primary election in

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1 the year of the general election and shall be accompanied by a
2 petition containing a list of signatures and addresses of
3 voters totaling not less than one percent of the total number
4 of votes cast at the last preceding general election for the
5 office of governor or president of the United States, as the
6 case may be:

- 7 (1) in the county for countywide offices; and
8 (2) in the district for offices other than
9 countywide offices.

10 The petition shall contain a statement that the voters
11 signing the petition are residents of the state, district,
12 county or area to be represented by the office for which the
13 person being nominated is a candidate.

14 D. Persons certified as nominees shall be members
15 of that party before the day the governor issues the primary
16 election proclamation.

17 E. No voter shall sign a petition prescribed by
18 this section for more persons than the number of minor party
19 candidates necessary to fill the office at the next ensuing
20 general election.

21 F. A person who signs a petition required by this
22 section or Section 1-8-3 NMSA 1978 shall indicate the person's
23 address as shown on the person's certificate of registration.
24 If the person does not have a residential address, the person
25 may provide the person's mailing address."

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1 SECTION 2. Section 1-8-31 NMSA 1978 (being Laws 1973,
2 Chapter 228, Section 5, as amended) is amended to read:

3 "1-8-31. PRIMARY ELECTION LAW--NOMINATING PETITION--
4 SIGNATURES TO BE COUNTED.--

5 A. A person who signs a nominating petition shall
6 sign only one petition for the same office unless more than one
7 candidate is to be elected to that office, and in that case a
8 person may sign not more than the number of nominating
9 petitions equal to the number of candidates to be elected to
10 the office.

11 B. A person who signs a nominating petition shall
12 indicate [~~his residence as his~~] the person's address as shown
13 on the person's certificate of registration. If the person
14 does not have a residential address, [~~he~~] the person may
15 provide [~~his~~] the person's mailing address.

16 C. A signature shall be counted on a nominating
17 petition unless there is evidence presented that the person
18 signing:

19 (1) was not a registered member of the
20 candidate's political party ten days prior to the filing of the
21 nominating petition;

22 (2) failed to provide information required by
23 the nominating petition sufficient to determine that the person
24 is a qualified voter of the state, district, county or area to
25 be represented by the office for which the person seeking the

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1 nomination is a candidate;

2 (3) has signed more than one petition for the
3 same office, except as provided in Subsection A of this
4 section, or has signed one petition more than once;

5 (4) is not of the same political party as the
6 candidate named in the nominating petition as shown by the
7 signer's certificate of registration; or

8 (5) is not the person whose name appears on
9 the nominating petition.

10 D. The procedures set forth in this section shall
11 be used to validate signatures on any petition required by the
12 Election Code, except that Paragraphs (1) and (4) of Subsection
13 C of this section shall not apply to petitions filed by
14 unaffiliated candidates or petitions filed by candidates of
15 minor political parties."

16 SECTION 3. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2011.