



Office of the New Mexico
Secretary of State
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**2020 General Election
Minor Party and Independent
Information Guide**

2020 Candidate Information Guide
Revision History

Revision Number	Date	Updates
1.0	03/02/2020	Minor Party and Independent Information Guide
1.1	03/10/2020	Table of Contents & Independent Signature for President

About This Guide

This publication has been prepared by the Bureau of Elections to serve as an easy to use reference for candidates who are seeking office in the 2020 general election cycle, as well as for anyone interested in the election process in New Mexico. We recommend that even the most experienced candidates take the time to review this guide, as laws, rules, policies, and procedures may have changed over the years. It is also important to refresh your memories as you embark upon campaign season.

Please note, this guide is intended merely as a handy reference, not as a legal authority on the elections process. Despite our good faith effort and multiple reviews, this guide may contain inadvertent errors. Please email sos.elections@state.nm.us immediately if you notice an error. Also, please remember this guide is not a substitute for legal research or for the advice of an attorney.

Copies of the New Mexico Election Code and other applicable laws are available in the *2019 Election Handbook of the State of New Mexico*, which is published on our website. It is also important that users of this guide read it in conjunction with the law referenced herein.

This guide contains information for minor party and independent candidates. While independent and minor party candidates do not participate in the Primary Election, they are required to circulate petitions and file declarations of candidacy on June 25, 2020.

For candidates interested in public financing, please refer to the Secretary of State's website for any information, as this guide does not provide information, other than financial reporting dates, about the Voter Action Act.

If you have any questions about the information in this guide or if you have questions regarding elections that are not provided in this guide, please feel free to call the Bureau of Elections at 1-800-477-3632 or (505) 827-3600 or email sos.elections@state.nm.us.

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GENERAL ELECTION – IMPORTANT DATES

March 2, 2020 - INDEPENDENT & MINOR PARTY CANDIDATE NOMINATING PETITIONS AVAILABLE

Secretary of State publishes petition forms and the required number of signatures for independent and minor party candidates, who may then begin circulating petitions, NMSA 1978, § 1-8-50(E).

June 25, 2020 - FILING DAY FOR INDEPENDENT CANDIDATE FOR PRESIDENT OF THE UNITED STATES

Declarations of independent candidacy and nominating petitions for the office of president of the United States shall be filed with the proper filing officer between 9:00 a.m. and 5:00 p.m. NMSA § 1978, 1-8-52(B).

June 25, 2020 - INDEPENDENT CANDIDATE, MINOR PARTY CANDIDATE, JUDICIAL RETENTION CANDIDATE AND GENERAL ELECTION WRITE-IN CANDIDATE

- **Independent candidates** for office shall file declarations of candidacy and nominating petitions, if required, with the proper filing officer between 9:00 a.m. and ending at 5:00 p.m. NMSA 1978, § 1-8-52(A).
- **Minor Party candidate** for office shall file declarations of candidacy and nominating petitions, if required, with the proper filing officer between 9:00 a.m. and ending at 5:00 p.m. NMSA 1978, §§ 1-8-2 to -3.
 - Candidates for statewide and legislative offices must also file a Financial Disclosure Statement, NMSA 1978, § 10-16A-3.
- **Declarations of intent to be a write-in candidate for the general election** shall file the declaration of intent between 9:00 a.m. and ending at 5:00 p.m. on the twenty-third (23) day following the primary election. NMSA 1978, § 1-8-66(A).
 - *No person shall be a write-in candidate in the general election who was a candidate or who filed a declaration of candidacy in the primary election immediately prior to the general election.* NMSA 1978, § 1-8-66(E).
 - *Candidates for statewide and legislative offices must also file a Financial Disclosure Statement,* NMSA 1978, § 10-16A-3.
- **Declarations of candidacy for nonpartisan judicial retention** for the Supreme Court, Court of Appeals, District Court or Metropolitan Court shall be filed with the proper filing officer between 9:00 a.m. and 5:00 p.m. NMSA 1978, § 1-26-2(C).
 - *Candidates for statewide and legislative offices must also file a Financial Disclosure Statement,* NMSA 1978, § 10-16A-3.

NOTE: Minor party nominations for President of the United States shall be nominated through their respective political convention and must be provided to the Secretary of State after the party convention.

New Mexico Minor Party Information

- Green Party of New Mexico – info@greenpartyofnm.org
- Better For America Party of New Mexico – nowinabq@msn.com
- Constitution Party of New Mexico – chairman@constitutionpartynm.com

June 25, 2020 - LAST DAY TO FILE AS A NEW POLITICAL PARTY TO PARTICIPATE IN THE PRIMARY OR GENERAL ELECTION

To qualify as a political party in New Mexico, each political party through its governing body shall adopt rules providing for the organization and government of that party and shall file the rules with the secretary of state... At the same time the rules are filed with the secretary of state, the governing body of the political party shall also file with the secretary of state a petition containing the hand-printed names, signatures, addresses of registration and counties of residence of at least one-half of one percent of the total votes cast for the office of governor at the preceding general election who declare by their signatures on the petition that they are voters of New Mexico and that they desire the party to be a qualified political party in New Mexico. Blank petition forms shall be available at any time from the secretary of state. Minor parties shall certify to the proper filing officer the names of their party's nominees with nominating petitions. Persons certified as nominees shall be members of that party before the secretary of state issues the general election proclamation, NMSA 1978, §§ 1-7-2 to 1-7-3.

September 1, 2020 - VACANCY ON GENERAL BALLOT; OCCURRING AFTER PRIMARY

A. If after a primary election, but seventy (70) or more days before the general election, a vacancy occurs, for any cause, in the list of the nominees of a qualified political party for any public office to be filled in the general election, or a vacancy occurs because of the resignation or death of a person holding a public office not included in the secretary of state's general election proclamation and which office is required by law to be filled at the next succeeding general election, or a vacancy occurs because a new public office is created and was not included in the secretary of state's general election proclamation but is capable by law of being filled at the next succeeding general election, the vacancy on the general election ballot may be filled by:

(1) the central committee of the state political party filing the name of its nominee for the office with the proper filing officer when the office is a federal office, state office, district office or multicounty legislative district office; and

(2) the central committee of the county political party filing the name of its nominee for the office with the proper filing officer when the office is a magistrate office, county office or legislative district office where the district is entirely within the boundaries of a single county.... NMSA 1978, § 1-8-8.

September 19, 2020 - TRANSMISSION OF UNVOTED MILITARY-OVERSEAS BALLOTS TO FEDERAL QUALIFIED ELECTORS

Not later than forty-five (45) days before an election, even if the forty-fifth (45) day before an election falls on a weekend or a holiday, the county clerk shall transmit a ballot and balloting materials to all federal qualified electors who by that date submit a valid military-overseas ballot application. NMSA 1978, § 1-6B-7(A).

October 6, 2020 -

- Voter registration closes by mail and online, NMSA 1978, § 1-4-8
 - *Note* however, a qualified elector may register to vote or update an existing certification of registration *in person* at the county clerk's office, or an alternative voting location, if applicable, during the regular hours and days of business beginning October 6, 2020 until October 31, 2020.
- Absentee Voting Begins, NMSA 1978, § 1-6-5(F)¹

¹ Anyone wishing to vote by absentee ballot must apply for that ballot. Applications are available from the county clerks and from the on-line application on our website at www.state.nm.us. While voters may apply for their ballots at any time, the county clerks have a strict timeline under which they may issue and accept absentee ballots.

- County Clerks Begin Mailing Absentee Ballots, NMSA 1978, § 1-6-5(F).

October 17, 2020 - Early Voting Begins, NMSA 1978, § 1-6-5.7(A).

- **Early voting sites are searchable by navigating to:**
<https://www.sos.state.nm.us/voting-and-elections/voter-information/>

October 30, 2020 - Last Day County Clerks May Mail an Absentee Ballot; NMSA 1978, § 1-6-5(F).

October 31, 2020 - Absentee and Early Voting Ends; NMSA 1978, §§ 1-6-5 (F) and 1-6-5.7(A).

November 3, 2020 - General Election Day

- Polls are open from 7:00 a.m. to 7:00 p.m. NMSA 1978, § 1-12-1.
- Absentee ballots are due to the County Clerk's Office by 7:00 p.m. NMSA 1978, § 1-6-10(C).
- A voter who requested and received an absentee ballot shall be allowed to deliver the official mailing envelope containing the voter's absentee ballot on Election Day to any polling location in the county in which the voter is registered if the voter presents the official mailing envelope to the presiding judge before the polls close on Election Day. NMSA 1978, § 1-12-8.2(A).

November 24, 2020 – CANVASSING BOARD MEETS TO CERTIFY RESULTS

The state canvassing board shall also meet in the state capitol on the third Tuesday after each statewide election or special state election to approve the report of the canvass and declare the result of the vote on any constitutional amendment or any ballot question voted upon by the voters of more than one county. NMSA 1978, § 1-13-15.

December 4, 2020 - CERTIFICATES OF ELECTION TO WINNING CANDIDATES

On the thirty-first (31) day after any primary or general election, the secretary of state shall issue to those candidates entitled by law election certificates, or certificate of nomination in the case of the primary election, to all county officers, magistrates and to members of the legislature elected from districts wholly within the county. In addition, the county canvassing board, immediately after completion of the canvass, shall declare the results of the election and of all ballot questions affecting only precincts within the county. NMSA 1978 § 1-13-13(C).

OFFICES APPEARING ON THE 2020 GENERAL ELECTION BALLOT

OFFICE	DISTRICT (If Applicable)	TERM
President and Vice-President of the United States	National	4 years <i>Vice-President appears only on the General Ballot</i>
United States Senator	Statewide Office	6 years
United States Representative	District 1	2 years
United States Representative	District 2	2 years
United States Representative	District 3	2 years
State Senator	All 42 Districts	4 years
State Representative	All 70 Districts	2 years
Supreme Court	Statewide Office Position 1	Filling Unexpired Term
Supreme Court	Statewide Office Position 2	Filling Unexpired Term
Court of Appeals	Statewide Office Position 1	Filling Unexpired Term
Court of Appeals	Statewide Office Position 2	Filling Unexpired Term
Public Regulation Commissioners	District 1	4 years
Public Regulation Commissioners	District 3	4 years
Public Education Commissioners	District 1	4 years
Public Education Commissioners	District 4	4 years
Public Education Commissioners	District 8	4 years
Public Education Commissioners	District 9	4 years
Public Education Commissioners	District 10	4 years
PARTISAN ELECTION FOR JUDICIAL OFFICES		
1 st Judicial District	Division 3 & 6	Filling Unexpired Term. Retention Election in 2026
2 nd Judicial District	Division 6, 13, 15, 17, 22 & 23	Filling Unexpired Term. Retention Election in 2026
5 th Judicial District	Divisions 2 & 8	Filling Unexpired Term. Retention Election in 2026
6 th Judicial District	Division 3	Filling Unexpired Term. Retention Election in 2026
8 th Judicial District	Division 2	Filling Unexpired Term. Retention Election in 2026
11 th Judicial District	Division 4	Filling Unexpired Term. Retention Election in 2026
13 th Judicial District	Division 4, 5 & 7	Filling Unexpired Term. Retention Election in 2026
<i>Appointed judges must run in a contested, partisan election in the first general election following their appointment. Thereafter, the judge runs in nonpartisan retention elections</i>		
SUPREME COURT FOR RETENTION (GENERAL BALLOT ONLY)		
Supreme Court	Statewide	For Retention (General Ballot Only)
DISTRICT JUDGES FOR RETENTION (GENERAL BALLOT ONLY)		
All Judicial District	Except for Divisions listed above	For Retention (General Ballot Only)
<i>After running in a partisan election in the first general election following appointment, judges run in nonpartisan retention elections</i>		
DISTRICT ATTORNEYS		
Judicial District	All	District Attorneys from all 13 Judicial Districts in New Mexico serve 4 year terms. There are a total of 14 District Attorneys as the 11 th Judicial District has a separate District Attorney for McKinley County and San Juan County

COUNTY OFFICES APPEARING ON THE BALLOT	
<p style="text-align: center;">BERNALILLO COUNTY</p> <p>County Commissioner Districts 2, 3, & 4 County Clerk Treasurer Metropolitan Court Judge Divisions 10, 12, 15 & 16</p>	<p style="text-align: center;">GUADALUPE COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">CATRON COUNTY</p> <p>County Commissioner Districts 3 County Clerk County Treasurer County Probate</p>	<p style="text-align: center;">HARDING COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">CHAVES COUNTY</p> <p>County Commissioner Districts 2, 3, & 4 County Clerk County Treasurer</p>	<p style="text-align: center;">HIDALGO COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">CIBOLA COUNTY</p> <p>County Commissioner Districts 2, 4, & 5 County Clerk County Treasurer</p>	<p style="text-align: center;">LEA COUNTY</p> <p>County Commissioner Districts 1, 4, & 5 County Clerk County Treasurer</p>
<p style="text-align: center;">COLFAX COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>	<p style="text-align: center;">LINCOLN COUNTY</p> <p>County Commissioner Districts 1 & 3 County Assessor County Sherriff County Probate</p>
<p style="text-align: center;">CURRY COUNTY</p> <p>County Commissioner Districts 1, 2, 4 & 5 County Clerk County Treasurer</p>	<p style="text-align: center;">LOS ALAMOS COUNTY</p> <p>County Council <i>(Los Alamos County is composed of a County Council with 7 seats. Council 4, 5 & 7 will run in the 2020 election. Los Alamos has positions which run at large instead of by commission districts.)</i></p> <p>County Clerk</p>
<p style="text-align: center;">DE BACA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>	<p style="text-align: center;">LUNA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">DONA ANA COUNTY</p> <p>County Commissioner Districts 2, 4, & 5 County Clerk County Treasurer</p>	<p style="text-align: center;">MCKINLEY COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">EDDY COUNTY</p> <p>County Commissioner Districts 2, 3 & 5 County Treasurer County Sheriff</p>	<p style="text-align: center;">MORA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">GRANT COUNTY</p> <p>County Commissioner Districts 3, 4 & 5 County Clerk County Treasurer</p>	<p style="text-align: center;">OTERO COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasure</p>
<p style="text-align: center;">QUAY COUNTY</p> <p>County Commissioner Districts 1 & 2 County Clerk County Treasurer</p>	<p style="text-align: center;">SIERRA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>

<p align="center">RIO ARRIBA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>	<p align="center">SOCORRO COUNTY</p> <p>County Commissioner Districts 2, 4, & 5 County Clerk County Treasurer</p>
<p align="center">ROOSEVELT COUNTY</p> <p>County Commissioner Districts 1 & 2 County Clerk County Treasurer County Probate</p>	<p align="center">TAOS COUNTY</p> <p>County Commissioner Districts 3 & 4 County Clerk County Treasurer County Magistrate Division 2</p>
<p align="center">SAN JUAN COUNTY</p> <p>County Commissioner Districts 3, 4, & 5 County Clerk County Treasurer</p>	<p align="center">TORRANCE COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p align="center">SAN MIGUEL COUNTY</p> <p>County Commissioner Districts 2, 4, & 5 County Clerk County Treasurer</p>	<p align="center">UNION COUNTY</p> <p>County Commissioner Position 3 County Clerk County Treasurer</p>
<p align="center">SANDOVAL COUNTY</p> <p>County Commissioner Districts 2, 4, & 5 County Clerk County Treasurer</p>	<p align="center">VALENCIA COUNTY</p> <p>County Commissioner Districts 2, 4 & 5 County Clerk County Treasurer County Magistrate At-Large Position 1</p>
<p align="center">SANTA FE COUNTY</p> <p>County Commissioner Districts 2, 4, & 5 County Clerk County Treasurer</p>	
<p>VACANCIES IN OFFICE</p> <p>Any office that becomes vacant because of resignation or death after the publication of this guide may also appear on the ballot. NMSA 1978, § 1-8-7.</p>	

General Eligibility Requirements for All Offices

Party Affiliation: In New Mexico, only major political party candidates will appear on the Primary Election ballot. The three major political parties are the New Mexico Democratic Party, the New Mexico Republican Party and the Libertarian Party of New Mexico.

The minor political parties are the Green Party of New Mexico, the Better for America Party of New Mexico and the Constitution Party of New Mexico. Minor party candidates are nominated for office pursuant to the party rules on file with the Secretary of State and pursuant to NMSA 1978, §§ 1-8-2 and 1-8-3.

Information and deadlines for qualifying as a new minor party in New Mexico can be found on the Secretary of State's website at www.sos.state.nm.us and in NMSA 1978, §§ 1-7-2 to -4.

Independent candidates, in general, are candidates whose certificate of voter registration shows affiliation with no qualified political party on the date of the secretary of state's general election proclamation and, if applicable, shows residence on the date of the secretary of state's proclamation in the district or county of the office for which the person is a candidate. Please *see*, NMSA 1978, Section 1-8-45, for specific qualifications for independent candidates.

U.S. Citizenship: U.S. Citizenship is a prerequisite to register to vote as well as a requirement in holding elective public office in New Mexico. N.M. Const. Art. VII, Sec. 2 (a).

Minimum Age: The Twenty-Sixth Amendment of the United States Constitution grants the elective franchise to persons eighteen years old or older and supersedes the minimum age requirements for voter registration in the New Mexico Constitution. Please note that some elected offices have specific age eligibility age requirements beyond the minimum age requirements established by the Constitution. For that information, please see the Specific Eligibility Requirements section below.

New Mexico Requirements: New Mexico law outlines certain requirements for candidates to have their name printed on a ballot based upon the candidate's voter registration information. Specifically, the candidate's voter registration must show:

- Affiliation with the political party as of the date of the Secretary of State's General Election Proclamation on January 27, 2020. NMSA 1978, § 1-8-12;
 - **Independent Candidates:** their voter registration must show no affiliation with any qualified political party on the date of the Election Proclamation. NMSA 1978, § 1-8-45(A)(1)(a).
 - **Minor Party Candidates:** their voter registration must show the candidate was registered as a member of their minor party *before* the day the secretary of state issues the general election proclamation. NMSA 1978, § 1-8-2(D).

Notice to Minor Party and Independent Candidates: If a minor political party seeks, but does not obtain, qualified status, its candidates may instead run as independent candidates in the general

election, if they individually meet the requirements for independent candidacy. An individual who has collected signatures for the purpose of running as a minor party candidate may, if that party fails to qualify, apply his or her collected signatures toward the total required of an independent candidate for the same position. He or she, upon collecting the number of signatures required to file as an independent, may then run as an independent candidate. The candidate must meet the residency requirements set forth for independent candidates and must not have been a member of a qualified political party on the date of the secretary of state's general election proclamation. NMSA 1978, § 1-8-3.1.

- Residence in the district or county of the office for which the candidate is running on the date of the Secretary of State's General Election Proclamation. NMSA 1978, § 1-8-18(A)(2). Residence is determined by the place shown on the certificate of voter registration as the candidate's permanent address, provided that the candidate resides on the premises NMSA 1978, § 1-1-7.1; and
- The candidate's name will appear on the ballot to match the voter registration record on file. NMSA 1978, § 1-4-16(B). The candidate shall provide the appropriate filing officer with their name as registered when they file for their office. Any changes to voter registration must be effective on the date of the Secretary of State's General Election Proclamation. Attempted changes to ballot name appearance at the time of candidate filing is *not* allowed.

Felony Convictions: A person convicted of a felony shall not hold an office of the public trust for the state, county, municipality, or a district, unless the person has presented the governor with a certificate verifying the completion of the sentence and confirming the person was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship. NMSA 1978, § 31-13-1(E).

Specific Eligibility Requirements

President of the United States

Pursuant to U.S. Const. Art. II Sec. 1, the President must be:

- A natural born citizen of the United States;
- A resident within the United States for fourteen years; and
- At least thirty-five years of age.

Independent Candidates: the candidate cannot have been a major party candidate for the office on the primary election ballot. NMSA 1978, § 1-8-45 (A)(3)(b).

Vice President of the United States

Pursuant to U.S. Const. Art. II Sec. 1 and Amend. XII, the Vice President must be:

- A natural born citizen of the United States;
- A resident within the United States for fourteen years; and
- At least thirty-five years of age.

Office	Statutory Reference	Age	State Residence	District Residence	U.S. Citizen	Years in Term	Term Limit
<u>U.S. Senator</u>	<u>U.S. Const. Art. I Sec. 3</u>	<u>30</u>	<u>Yes</u>	<u>N/A</u>	<u>9 years</u>	<u>6</u>	<u>No</u>
<u>U.S. Representative</u>	<u>U.S. Const. Art. I, Sec. 2, cl.</u>	<u>25</u>	<u>Yes</u>	<u>N/A</u>	<u>7 years</u>	<u>2</u>	<u>No</u>
<u>State Senator</u>	<u>NM Const. Art. IV, Sec 3</u>	<u>25</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>No</u>
<u>State Representative</u>	<u>NM Const. Art. IV, Sec 3</u>	<u>21</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>	<u>No</u>
Office	Statutory Reference	Age	State Residence	District Residence	U.S. Citizen	Years in Term	Term Limit
<u>Public Regulation Commissioner¹</u>	<u>NM Const. Art. XI, Sec 1 & Sec 2</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>Public Education Commission</u>	<u>NM Const. Art. XII, Sec 6</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>District Attorney</u>	<u>NM Const. Art. VI, Sec. 24</u>	<u>18</u>	<u>3 years</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>No</u>
<u>*District Court Judge</u>	<u>NM Const. Art. VI, Sec. 14</u>	<u>35</u>	<u>3 years</u>	<u>Yes</u>	<u>Yes</u>	<u>6</u>	<u>Retention Election</u>
<u>*Justice of the Supreme Court</u>	<u>NM Const. Art. VI, Sec. 8</u>	<u>35</u>	<u>3 years</u>	<u>N/A</u>	<u>Yes</u>	<u>8</u>	<u>Retention Election</u>
<u>*Judge of the Court of Appeals</u>	<u>NM Const. Art. VI, Sec. 8 and Sec. 28</u>	<u>35</u>	<u>3 years</u>	<u>N/A</u>	<u>Yes</u>	<u>8</u>	<u>Retention Election</u>
<u>*Metropolitan Court Judge</u>	<u>NM Const. Art. VI, Sec. 26 & NMSA 1978 § 35-2-1</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>Retention Election</u>
<u>County Commissioner</u>	<u>NM Const. Art. V, Sec. 13 & Art. VII, Sec. 2A & NMSA 1978 § 4-38-3</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>County Clerk</u>	<u>NMSA 1978 § 4-40-2 to 4-40-10</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>County Treasurer</u>	<u>NMSA 1978 § 4-43-2</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>County Assessor</u>	<u>NMSA 1978 § 4-39-2 through 6</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>County Sheriff</u>	<u>NMSA 1978 § 4-41-2 to 4-41-22</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>Probate Judge</u>	<u>NM Const. Art. VI Sec. 23 and NMSA 1978 § 34-7-1 to 34-7-225</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>2</u>
<u>Magistrate Judge</u>	<u>NM Const. Art. VI, Sec. 26 and NMSA 1978 § 35-2-1</u>	<u>18</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>4</u>	<u>No</u>

Note:

¹A voter may also challenge the candidacy of someone for Public Regulation Commissioner alleging that the candidate fails to meet these statutory requirements. NMSA 1978, § 8-8-3.1(D).

**Unless the office is on the ballot to fill an unexpired term.*

NOMINATING PETITIONS

Offices that Require Nominating Petitions

Candidates for United States Representative, any statewide office (including Supreme Court Justice and Court of Appeals Judge), all state legislative offices, district court judge, metropolitan court judge, district attorney, magistrate court judge, public regulation commission, and public education commission are required to file nominating petitions upon filing for office with the appropriate filing officer, listed below. Candidates who are required to file nominating petitions do not pay a filing fee.

Nominating petitions for presidential candidates are different from that of other candidates and are explained separately on page 32.

General Information

- **Independent and Minor Party:** In March 2020 the Secretary of State will publish petition forms for independent and minor party candidates on the website, along with the signature numbers, and provide the forms and signature numbers to each County Clerk.
- Minor party nominations for President of the United States shall be nominated through their respective political convention and must be provided to the Secretary of State after the party convention.

The form of petition is outlined in New Mexico law. Candidates must collect signatures on nominating petitions that are in the form prescribed by the Secretary of State. The form provided online and to the County Clerks is the only acceptable form; other forms are not accepted on filing day. Candidates may make as many copies as necessary of the form. Petition forms must be on 8.5” x 11” sized normal weight copy paper and must be copied on only one side of the paper.

The provided form is an electronically fillable form and **all** information at the top of the form must be completed. Candidates not electronically filling the form must assure that forms are filled in with blue or black ink and are legible.

Independent and Minor Party Candidates: Any registered voter signing petitions nominating independent and minor party candidates must be registered to vote in the applicable district, county, or state, depending on the office. NMSA 1978, § 1-8-50.

Circulating Nominating Petitions

For candidates circulating petitions, *it is extremely important that individuals assisting the candidate with collecting petition signatures are adequately trained and appropriately informed.* Candidates are ultimately responsible for the contents of the petitions and for the actions of the individuals representing them in the public. However, both candidates and the individuals assisting them risk significant implications for failing to follow the law regarding petitions. Specifically:

- A person knowingly falsifying any information on a nominating petition is guilty of falsifying an election document. *See* NMSA 1978, § 1-8-32. Falsifying an election document is a fourth degree felony. *See* NMSA 1978, § 1-20-9(F).
- It is a misdemeanor to knowingly circulate, present, or offer to present a nominating petition for the signature of a voter that does not contain the information specified under the law. *See* NMSA 1978, § 1-8-32(B).
- Petitions submitted not in compliance with the law are not counted, which invalidates the signatures on those petitions, therefore not counting towards the candidate's required number of signatures.
- The law provides for legal challenges to petitions. If a challenge is filed in district court, candidates must defend their collection of signatures and risk a finding of invalid signatures by a district court judge or the New Mexico Supreme Court. If enough signatures are invalidated, the candidate could fail to appear on the ballot. NMSA 1978, § 1-8-35(A).

Candidates must avoid the use of white out, overtyping, using strikeouts or strikethroughs, cutting, pasting, or erasure when filling out the top portion of the petition form.

- **Independent and Minor Party candidates:** Voters signing petitions for independent and minor party candidates are not required to be registered in the minor candidate's political party. Instead, the voters certify that they are residents of the state, district, county, or area to be represented by the office for which the person seeking nomination is a candidate. NMSA 1978, §§ 1-8-2(B).

Independent and minor party candidates MUST ensure they are circulating the correct nominating petition form which will be published March 2020 on the Secretary of State's website.

Minimum Number of Signatures: Candidates required to collect petition signatures have a minimum number of valid signatures they must collect in order to qualify for the ballot.

- **Minor Party Candidates:** the minimum required number of signatures is based upon the number of voters for the office of governor or president, as the case may be. NMSA 1978, § 1-8-2.
- **Independent Candidates:** The basis of percentage for the total number of votes cast in each instance referred to in this section shall be the total vote cast for governor at the last preceding general election at which a governor was elected. NMSA 1978, § 1-8-51.

Independent and Minor Party Required Number of Petition Signatures

President of the United States

President of the United States	Independent
	3,483

United States Senate

United States Senate	Minor Party	Independent
	6,965	13,930

United States House of Representatives

Congressional Districts	Minor Party	Independent
1	2,498	4,996
2	2,006	4,012
3	2,461	4,922

Statewide Office

		Minor Party	Independent
Supreme Court & Court of Appeal	Statewide	6,965	13,930

New Mexico State Senate

Senate District	County/Counties	Minor	Independent
1	San Juan	129	259
2	San Juan	146	292
3	McKinley & San Juan	128	257
4	Cibola, McKinley & San Juan	129	258
5	Los Alamos, Rio Arriba, Sandoval & Santa Fe	185	370
6	Los Alamos, Rio Arriba, Santa Fe, & Taos	220	440
7	Curry, Quay, & Union	126	252
8	Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos	172	344
9	Bernalillo & Sandoval	234	468
10	Bernalillo & Sandoval	190	379
11	Bernalillo	94	188
12	Bernalillo	146	293
13	Bernalillo	202	403
14	Bernalillo	108	216

15	Bernalillo	185	369
16	Bernalillo	202	404
17	Bernalillo	98	196
18	Bernalillo	219	437
19	Bernalillo, Sandoval, Santa Fe & Torrance	226	452
20	Bernalillo	229	459
21	Bernalillo	235	470
22	Bernalillo, McKinley, Rio Arriba, San Juan & Sandoval	146	293
23	Bernalillo	216	433
24	Santa Fe	192	383
25	Santa Fe	321	642
26	Bernalillo	135	271
27	Chaves, Curry, De Baca, Lea & Roosevelt	124	248
28	Catron, Grant, & Socorro	191	383
29	Bernalillo & Valencia	143	286
30	Cibola, McKinley, Socorro & Valencia	155	310
31	Dona Ana	106	212
32	Chaves, Eddy & Otero	92	185
33	Chaves, Lincoln & Otero	165	330
34	Dona Ana, Eddy & Otero	128	257
35	Dona Ana, Hidalgo, Luna & Sierra	155	310
36	Dona Ana	157	314
37	Dona Ana	189	377
38	Dona Ana	121	242
39	Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance & Valencia	175	349
40	Sandoval	206	413
41	Eddy & Lea	93	186
42	Chaves, Eddy & Lea	148	297

New Mexico House of Representatives

House District	County/Counties	Minor	Independent
1	San Juan	105	211
2	San Juan	68	136
3	San Juan	81	163
4	San Juan	79	158
5	McKinley & San Juan	84	168
6	Cibola & McKinley	81	161
7	Valencia	79	158
8	Valencia	108	216
9	McKinley & San Juan	66	132
10	Bernalillo	66	132
11	Bernalillo	120	240
12	Bernalillo	57	115
13	Bernalillo	62	124
14	Bernalillo	67	134
15	Bernalillo	128	256
16	Bernalillo	106	211
17	Bernalillo	109	219
18	Bernalillo	114	229
19	Bernalillo	100	200
20	Bernalillo	118	236
21	Bernalillo	55	111
22	Bernalillo, Sandoval & Santa Fe	164	328

23	Bernalillo & Sandoval	129	259
24	Bernalillo	118	235
25	Bernalillo	120	240
26	Bernalillo	59	119
27	Bernalillo	145	290
28	Bernalillo	138	277
29	Bernalillo	137	273
30	Bernalillo	118	236
31	Bernalillo	168	335
32	Grant, Hidalgo & Luna	76	153
33	Dona Ana	89	179
34	Dona Ana	63	126
35	Dona Ana	90	181
36	Dona Ana	88	175
37	Dona Ana	131	261
38	Grant, Hidalgo & Sierra	123	246
39	Dona Ana, Grant & Sierra	92	184
40	Colfax, Mora, Rio Arriba & San Miguel	107	215
41	Rio Arriba, Santa Fe & Taos	102	205
42	Taos	126	252
43	Los Alamos, Rio Arriba, Sandoval & Santa Fe	135	271
44	Sandoval	150	300
45	Santa Fe	116	232
46	Santa Fe	140	281
47	Santa Fe	174	349
48	Santa Fe	126	253
49	Catron, Socorro & Valencia	103	207
50	Bernalillo, Santa Fe, Tarrant & Valencia	133	265
51	Otero	86	172
52	Dona Ana	69	138
53	Dona Ana & Otero	46	91
54	Chaves, Eddy & Otero	87	174
55	Eddy	95	190
56	Lincoln & Otero	89	179
57	Sandoval	104	207
58	Chaves	51	101
59	Chaves & Lincoln	108	215
60	Sandoval	117	234
61	Lea	46	92
62	Lea	77	153
63	Curry, De Baca, Guadalupe, Roosevelt & San Miguel	60	119
64	Curry	73	145
65	Rio Arriba, San Juan & Sandoval	75	150
66	Chaves, Lea & Roosevelt	83	166
67	Colfax, Curry, Harding, Quay, Roosevelt, San Miguel & Union	95	190
68	Bernalillo	121	242
69	Bernalillo, Cibola, McKinley, San Juan, Socorro & Valencia	76	153
70	San Miguel, Santa Fe & Tarrant	91	182

Public Regulation Commission

PRC District	Minor	Independent
1	1,657	3,314
3	1,796	3,592

Public Education Commission

PEC District	Minor	Independent
1	531	1,062
4	947	1,894
8	612	1,224
9	497	994
10	871	1,742

District Court Judges

Judicial District	Division	Minor	Independent
1 st Judicial District	Division 3	901	1,802
1 st Judicial District	Division 6	901	1,802
2 nd Judicial District	Division 6	2,407	4,814
2 nd Judicial District	Division 13	2,407	4,814
2 nd Judicial District	Division 15	2,407	4,814
2 nd Judicial District	Division 17	2,407	4,814
2 nd Judicial District	Division 22	2,407	4,814
2 nd Judicial District	Division 23	2,407	4,814
5 th Judicial District	Division 2	464	928
5 th Judicial District	Division 8	464	928
6 th Judicial District	Division 3	196	392
8 th Judicial District	Division 2	206	412
8 th Judicial District	Division 3	206	412
11 th Judicial District	Division 4	557	1,114
13 th Judicial District	Division 4	867	1,434
13 th Judicial District	Division 5	867	1,434
13 th Judicial District	Division 7	867	1,434

District Attorneys

Judicial District	Counties Covered	Minor	Independent
1 st	Los Alamos, Rio Arriba, & Santa Fe	901	1,803
2 nd	Bernalillo	2,407	4,814
3 rd	Dona Ana	609	1,219
4 th	Guadalupe, Mora, & San Miguel	133	266
5 th	Chaves, Eddy & Lea	464	928
6 th	Grant, Hidalgo, & Luna	196	392
7 th	Catron, Sierra, Socorro, & Torrance	182	364
8 th	Colfax, Taos, & Union	206	413
9 th	Curry & Roosevelt	149	298
10 th	De Baca, Harding & Quay	44	88
11 th	San Juan	373	746
11 th	McKinley	184	368
12 th	Lincoln & Otero	249	498
13 th	Cibola, Sandoval & Valencia	867	1,735

Metropolitan and Magistrate Courts

Court	Division	Minor	Independent
Bernalillo Metropolitan Court	10	2,407	4,814
Bernalillo Metropolitan Court	12	2,407	4,814
Bernalillo Metropolitan Court	15	2,407	4,814
Bernalillo Metropolitan Court	16	2,407	4,814
Valencia Magistrate Judge	At-Large	244	488

Minor Party calculation of signatures: 1-8-2 (B), NMSA 1978

- The twenty-third (23) day following the primary election in the year of the general election nominating petitions containing the signatures of voters totaling not less than one (1) percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected.

Independent calculation of signatures: 1-8-51 (C), NMSA 1978

- Nominating petitions for an independent candidate shall be signed by a number of voters equal to at least two (2) percent of the total number of votes cast in the district, division or county.

Nomination for Office of President of the United States

Minor party nominations for President of the United States shall be nominated through their respective political convention and must be provided to the Secretary of State after the party convention.

Independent Candidates: Independent candidates are nominated solely by nominating petition following the primary election. The petition becomes available on March 2, 2020 for circulation and are filed with the Secretary of State on June 25, 2020 between the hours of 9:00 a.m. and 5:00 p.m., along with the Declaration of Candidacy. NMSA 1978 §1-8-51.

Submission of Nominating Petitions

- **Independent and Minor Party Candidates: Filing day is June 25, 2020.**

Only signatures on original petition pages are counted. Copied, reproduced, or electronically stored petitions are not counted by the filing officer and signatures contained on those petitions are not counted toward the number of required signatures.

Number of signatures: Individual petition pages may contain one (1) to twenty (20) signatures. All necessary information is required for each signature to count. Signatures and accompanying information must be legible to the filing officer in order to count. The total number of petition forms must contain enough valid signatures to qualify the candidate for the ballot.

Petitions with incomplete individual voter information, as outlined above, are not counted. For example, if a petition contains 20 voter signatures, but 3 of those voters failed to provide the required information or are illegible, those 3 signatures are not counted, but the remaining 17 are counted.

No alterations to submitted petitions. A nominating petition when filed shall not be withdrawn nor added to, nor shall any person be permitted to revoke his signature thereon. A nominating petition shall be complete when filed. The proper filing officer shall not permit additions to or withdrawals from a nominating petition after it is filed nor shall any person be permitted to revoke his signature on a petition after it has been filed. The original nominating petition shall remain in the filing officer's office and copies shall be made available by the filing officer for a nominal cost. NMSA 1978, § 1-8-34.

Challenges to Petitions. Challenges to petitions primarily occur when a voter files an action in district court challenging the validity of the petitions. Individuals wishing to challenge a petition shall file a court action challenging petitions within ten days after the declaration of candidacy and petitions are filed. See NMSA 1978 § 1-8-35 regarding the requirements of a petition challenge for major party candidates and NMSA 1978 § 1-8-45 for independent candidates.

All nominating petitions submitted to the filing officer are public records. The filing officer retains the original nominating petitions and shall make copies available to the public upon request for a fee. The request form for petitions is on the Secretary of State's website. *Candidates are encouraged to make copies of their petitions prior to filing them for the candidate's own records.*

FILING DAY (Where to file)

Candidates for the following offices shall file with the Secretary of State:

- President of the United States
- United States Senator
- United States Representative
- Justice of the Supreme Court
- Judge of the Court of Appeals
- Statewide Office

Candidates for the following offices shall file with the appropriate County Clerk:

- State Senator
- State Representative
- Public Regulation Commission
- Public Education Commission

- County Commissioner
- County Councilor
- County Clerk
- County Treasurer
- County Sheriff
- Probate Judge
- Metropolitan Court Judge
- Magistrate Court Judge
- District Court Judge
- District Attorney

NEW MEXICO COUNTY CLERKS

Bernalillo

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When to File

Minor party, independent, and write-in candidates for the general election: Filing day is June 25, 2020 between the hours of 9:00 a.m. and 5:00 p.m. Filing is completed in the office of the appropriate filing officer as listed above.

What to File

Candidates are required to file the appropriate information with the appropriate filing officer on the filing day designated for their office.

Each candidate must come to the filing officer during the designated hours with the following information:

- Declaration of Candidacy (completed prior to arrival);
- Candidate Campaign Committee Registration Form (completed prior to arrival);
 - Not for federal candidates
- Nominating Petitions (if required);
- Filing Fee or pauper's statement (for county candidates only);
- Financial Disclosure Statement² (if required);
- Affidavit of PRC Qualification (for PRC candidates only);
- Affidavit of Designee for Filing (if someone is filing on behalf of candidate).

Filing Day Tips

- Do not expect early service. Filing officers will not accept filings prior to 9:00 a.m.
- Do not wait until the last minute. Candidates not appearing by 5:00 p.m. in the appropriate filing officer's office cannot file.
- Candidates must file in the office of the appropriate filing officer. Be certain of who your appropriate filing officer is and the location of their office.
- Be prepared with all necessary information and have all forms completed.
- All required forms for filing day are available on the Secretary of State's website.
- Candidates must file in person, either themselves or via a proxy showing written authorization from the candidate permitting the individual to act on the candidate's behalf. Further, filing officers may accept one and only one declaration of candidacy from any individual, i.e. candidates may file for only one office in an election cycle. NMSA 1978 § 1-8-27.

² Financial disclosures are required of all candidates for legislative or statewide office. They are filed at the time the declaration of candidacy is filed and must be on the correct form. The Financial Disclosure Act, NMSA 1978 § 10-16A-1 through 8, governs this requirement as well as subsequent disclosures required for certain elected officials.

Filing for Office as a Write-in Candidate

- A person desiring to be a write-in candidate in a general election shall file with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day after the primary election a declaration of intent to be a write-in candidate.
- The form of the declaration of intent shall be prescribed by the secretary of state and shall contain a sworn statement by the person that the person is qualified to be a candidate for and to hold the office for which the person is filing.
- At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the obligation to report under the Campaign Reporting Act [1-19-25 through 1-19-36 NMSA 1978], except that the candidate shall not be entitled to have the candidate's name printed on the ballot.
- The secretary of state shall, not more than ten days after the filing date, certify the names of the declared write-in candidates to the county clerks of every county affected by such candidacy.
- No person shall be a write-in candidate in the general election who was a candidate or who filed a declaration of candidacy in the primary election immediately prior to the general election. A write-in candidate for governor or lieutenant governor in the general election shall have a companion write-in candidate, and they shall be candidates to be elected jointly by the casting by a voter of a single vote applicable to both offices. NMSA 1978, § 1-8-66

Notification of Ballot Qualification

Filing officers are required to notify candidates whether they are or are not qualified to have their name appear on the ballot.

Ballot Position Information

Candidates for statewide office or federal office who are not designated by convention, but qualified by declaration of candidacy are placed on the ballot in the order determined by rule as prescribed by the SOS in accordance with NMSA 1978, § 1-10-8.1.

CAMPAIGN FINANCE REQUIREMENTS

It is important to note first that the Office of the New Mexico Secretary of State publishes a 2019 Candidate Campaign Finance Reporting Guide intended to serve as an easy-to-use reference for current and former candidates and elected officials who are required to comply with the Campaign Reporting Act (NMSA 1978, §§1-19-25 through 1-19-376) (2019) and the Campaign Finance Rule (NMAC 1.10.13.1 to 1.10.13.32 NMAC) included in the New Mexico Administrative Code, as well as for anyone interested in the campaign finance disclosure process in New Mexico. In addition to this guide, our office provides webinar trainings regarding filing campaign and lobbyist reports. Please visit our website for more information on trainings or to download the 2019 Candidate Campaign Finance Reporting Guide.

Getting started with your campaign

In the beginning stages of your campaign, you will want to open a bank account if you do not already have a separate campaign account. You will also want to complete the form, available on the Secretary of State's website, and submit it to the Bureau of Elections. Non-statewide candidates must file their Candidate Campaign Committee Registration Form and begin reporting upon spending or receiving more than \$1,000; statewide candidates must file their Candidate Campaign Committee Registration Form and begin reporting upon spending or receiving \$3,000. NMSA 1978, § 1-19-26(G).

Once we receive the form, we will create an account for the candidate in the Campaign Finance Information System ("CFIS"). **CFIS is the online computer program where candidates must report their campaign finances. A valid email address is required for use of CFIS.** Once a CFIS account has been created, the candidate will be emailed a username and password to gain access to the system located at <https://www.cfis.state.nm.us>.

Please be aware, when opening a campaign bank account, certain financial institutions may require proof that the bank account is tied to a political campaign and proof that the candidate is in fact running for office. If your financial institution requires written confirmation that you are in fact a candidate for office, the "Candidate Campaign Committee Registration Form" is the only item available to demonstrate the campaign is active until the declaration of candidacy is filed.

Some financial institutions have requested that candidates produce a declaration of candidacy in order to open a campaign account. This form is not available until the legal filing day. Such issues are typically a confusion in terminology and can be alleviated with an explanation from the candidate regarding the filing day form and requirements.

CAMPAIGN REPORTS

CANDIDATES--POLITICAL OR CAMPAIGN COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS CONTRIBUTIONS - CONTRIBUTIONS FROM SPECIAL EVENTS--CREDIT AND DEBIT CARD CONTRIBUTIONS. NMSA 1978, § 1-19-34

A. A political or campaign committee or a candidate shall ensure that:

(1) a treasurer has been appointed and is constantly maintained; provided, however, that when a duly appointed treasurer is unable for any reason to continue as treasurer, the candidate or committee shall appoint a successor and notify the secretary of state within ten days; and provided further that a candidate may serve as the candidate's own treasurer;

(2) all disbursements of money and receipts of contributions are authorized by and through the candidate or treasurer;

(3) a bank account has been established and all receipts of money contributions are deposited in and all expenditures of money are disbursed from one or more bank accounts maintained by the treasurer in the name of the candidate or committee; provided that nothing in this section shall prohibit investments from a bank account to earn interest as long as the investments and earnings are fully reported. All disbursements except for disbursements made from a petty cash fund of one hundred dollars (\$100) or less shall be made in a form such that the date, amount and payee of the transaction are automatically recorded or by check made payable to the person or entity receiving the disbursement and not to "cash" or "bearer"; and

(4) the treasurer upon disbursing or receiving money or other things of value immediately enters and thereafter keeps a proper record preserved by the treasurer, including a full, true and itemized statement and account of each sum disbursed or received, the date of such disbursement or receipt, to whom disbursed or from whom received and the object or purpose for which it was disbursed or received.

B. No anonymous contributions shall be accepted for more than one hundred dollars (\$100). The aggregate amount of anonymous contributions received by a reporting individual during a primary or general election or a statewide special election shall not exceed two thousand dollars (\$2,000) for statewide races and five hundred dollars (\$500) for all other races.

C. Cash contributions received at special events that are unidentifiable as to specific contributor but identifiable as to the special event are not subject to the anonymous contribution limits provided for in this section so long as no single special event raises, after expenses, more than one thousand dollars (\$1,000) in such cash contributions. For those contributions, due diligence and best efforts shall be made to disclose on a special prescribed form the sponsor, date, place, total amount received, expenses incurred, estimated number of persons in attendance and other identifiable factors that describe the special event. For purposes of this subsection, "special event" includes an event such as a barbecue or similar fundraiser where tickets costing twenty-five dollars (\$25.00) or less are sold or an event such as a coffee, tea or similar reception; provided that no candidate shall accept contributions of more than twenty-five dollars (\$25.00) in cash at a special event from any one contributor.

D. Any contributions received pursuant to this section in excess of the limits established in Subsections B and C of this section shall be donated to the state general fund or an organization

to which a federal income tax deduction would be available under Subparagraph (A) of Paragraph (1) of Subsection (b) of Section 170 of the federal Internal Revenue Code of 1986, as amended.

- E. A candidate or political committee shall not accept a contribution made by a credit card or a debit card via the internet or where the card is not physically present unless, at the time the contribution is made, the contributor provides the card security code assigned to and printed or imprinted on the card and the billing address associated with the card.

Further, NMSA 1978, § 2-11-8.1 prohibits lobbyists from serving as a campaign chairman, treasurer, or fundraising chairman for a candidate for the legislature or statewide office.

The CRA requires candidates to file reports in CFIS on specific dates with specific reporting periods. Candidates who fail to file timely or correctly, or who violate the CRA risk negative implications, including complaints, fines, and administrative, civil, and/or criminal penalties.

REPORTS AND STATEMENTS-LATE FILING PENALTY-FAILURE TO FILE – NMSA 1978, § 1-19-35

A. Except for the report required to be filed and delivered the Thursday prior to the election ... if a statement of no activity or a report of expenditures and contributions contains false or incomplete information or is filed after any deadline imposed by the Campaign Reporting Act, the responsible reporting individual or political committee, in addition to any other penalties or remedies prescribed by the Election Code, shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required by the Campaign Reporting Act for the filing of statements of no activity or reports of expenditures and contributions until the complete or true statement or report is filed, up to a maximum of five thousand dollars (\$5,000).

B. If any reporting individual files a false, intentionally incomplete or late report of expenditures and contributions due on the Thursday prior to the election, the reporting individual or political committee shall be liable and pay to the secretary of state five hundred dollars (\$500) for the first working day and fifty dollars (\$50.00) for each subsequent working day after the time required

....

D. All sums collected for the penalty shall be deposited in the state general fund. A report or statement of no activity shall be deemed timely filed only if it is received by the secretary of state by the date and time prescribed by law.

E. Any candidate who fails or refuses to file a report of expenditures and contributions or statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not, in addition to any other penalties provided by law:

- (1) have the candidate's name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or
- (2) be issued a certificate of nomination or election, if the violation occurs after the final date for

withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.

- F. Any candidate who loses an election and who failed or refused to file a report of expenditures and contributions or a statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not be, in addition to any other penalties provided by law, permitted to file a declaration of candidacy or nominating petition for any future election until the candidate satisfies all reporting requirements of that act and pays all penalties owed.

Disclaimers in Advertisements

(Campaign Signs and Campaign Materials)

- A. A person who makes a campaign expenditure, a coordinated expenditure or an independent expenditure for an advertisement in an amount that exceeds one thousand dollars (\$1,000), or in an amount that, when added to the aggregate amount of the campaign expenditures, coordinated expenditures and independent expenditures for advertisements made by the same person during the election cycle, exceeds one thousand dollars (\$1,000), shall ensure that the advertisement contains the name of the candidate, committee or other person who authorized and paid for the advertisement.
- B. The requirements of Subsection A of this section do not apply to the following:
- (1) bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed; or
 - (2) skywriting, water towers, wearing apparel or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.
- C. The disclaimer statements required by Subsection A of this section shall be set forth legibly on any advertisement that is disseminated or displayed by visual media. If the advertisement is transmitted by audio media, the statement shall be clearly spoken during the advertisement. If the advertisement is transmitted by audiovisual media, the statement shall be both written legibly and spoken clearly during the advertisement. NMSA 1978, § 1-19-26.4

FUNDRAISING NOTES

Legislative Session Fundraising Prohibition: It is unlawful during the prohibited period for a state legislator, the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor or a candidate for state legislator, attorney general, secretary of state, state treasurer, commissioner of public lands or state auditor, or any agent on behalf of the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor or a candidate for attorney general, the secretary of state, state treasurer, commissioner of public lands or state auditor, to knowingly solicit a contribution governed by the Campaign Reporting Act. For purposes of this subsection, "prohibited period" means that period beginning January 1 prior to any regular session of the legislature or, in the case of a special session, after the proclamation has been issued, and ending on adjournment of the regular or special session. NMSA 1978, § 1-19-34.1.

Additionally, No lobbyist may serve as a campaign chair, treasurer or fundraising chair for a candidate for the legislature or other state office. B. It is unlawful during the prohibited period for any lobbyist or lobbyist's employer to contribute to or act as an agent or intermediary for political contributions to or arrange for the making of political contributions to the campaign funds of any statewide elected official or legislator or any candidate for those offices. NMSA 1978, § 2-11-8.1.

- While not specifically prohibited in the Election Code, upon guidance from the **New Mexico Gaming Control Board (“GCB”)**, the **Secretary of State cautions candidates against holding a raffle for fundraising purposes.** <https://www.nmgcb.org/>

For other issues regarding appropriate contributions and expenditures, please refer to the CRA and any administrative rules related to campaign finance at <https://www.sos.state.nm.us/candidate-and-campaigns/> AND <https://www.sos.state.nm.us/legislation-and-lobbying/legal-resources/nm-administrative-rules/>

GENERAL ELECTION REPORT DEADLINES

First General Report: September 14, 2020 (reporting period is June 30 – September 7, 2020)

Second General Report: October 12, 2020 (reporting period is September 8 – October 5, 2020)

Third General Report: October 29, 2020 (reporting period is October 6 – October 27, 2020)

Forth General Report: January 7, 2021 (reporting period is October 28 – December 31, 2020)

Candidates are required to file reports or a statement of no activity according to the schedule prescribed in NMSA 1978 § 1-19-29 until the reporting individual files a “Final” report in CFIS indicating that:

- There is no outstanding campaign debts (balance of \$0);
- All money has been expended in accordance with the provisions of Section 1-19-29.1; and
- The bank account has been closed.

This applies to candidates that receive a certificate of nomination as well as to candidates who DO NOT receive a certificate of nomination after completion of the primary.

Fines and penalties will continue to accrue for each report or statement of no activity not filed until a final CFIS report is received and the CFIS account is closed.

PUBLIC FINANCING INFORMATION

NMSA 1978, §§ 1-19A-1 to 1-19A-17

The Voter Action Act (VAA) provides individuals seeking candidacy for covered offices with an opportunity to apply for public funds to finance the candidate's campaign. The funds are held by the state treasury in the Public Election Fund and disbursed to candidates once they are certified by the Office of the Secretary of State (SOS).

Candidates for the Public Regulation Commission (PRC) and statewide judicial offices (New Mexico Supreme Court Justice and Court of Appeals Judge) are eligible to apply for public financing under the VAA. The VAA specifically excludes judicial retention elections from public financing.

The following covered offices are eligible to apply for public financing in the 2020 election cycle:

1. Supreme Court Justice – Position 1
2. Supreme Court Justice – Position 2
3. Court of Appeals – Position 1
4. Public Regulation Commissioner – District 1
5. Public Regulation Commissioner – District 3

Participation in public financing is optional, however, candidates that opt to participate are required to follow the application process prescribed by the SOS in order to meet all requirements for certification as set forth in the VAA.

*All applicable forms and the 2020 Public Financing Guide are available for download at our website at:

<https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/2020-new-mexico-public-financing-information/>

ELECTION RESULTS AND CANVASS INFORMATION

To the extent possible, county clerks will provide unofficial election results on election night. However, the results are not official until the canvasses are completed. Please contact the county clerk for information regarding their election night reporting procedures. The Secretary of State will publish election night results on our website in as near real time as possible as the results are received from the individual counties.

The individual county canvassing boards must meet within three days of the election to canvass the election results and complete the canvass within ten days of the election.

The state canvassing board shall meet in the State Capitol on the third Tuesday after the election, November 24, 2020.

OTHER IMPORTANT INFORMATION

Title 1, Article 20 NMSA 1978 outlines some offenses and penalties associated with the Election Code. However, other parts of the Election Code also provide for offenses and penalties. It is important that all candidates are familiar with these and train any campaign staff accordingly. Some important items which are frequently asked about include:

THIRD PARTY AGENTS COLLECTING APPLICATIONS - NMSA 1978, § 1-6-4.3

- A person or organization that is not part of a government agency and that collects applications for mailed ballots shall submit the applications to the appropriate office for filing within forty-eight hours of their completion or the next business day if the appropriate office is closed for that forty-eight-hour period.
- A person who collects applications for mailed ballots and fails to submit a voter's completed application is guilty of a petty misdemeanor.
- A person who intentionally alters another voter's completed application for a mailed ballot is guilty of a fourth degree felony.

ABSENTEE BALLOT-DELIVERY TO COUNTY CLERK - NMSA 1978, § 1-6-10.1

- A voter, caregiver to that voter or member of that voter's **immediate family** may deliver that voter's absentee ballot to the county clerk in person or by mail; provided that the voter has subscribed the official mailing envelope of the absentee ballot. **As used in this section, "immediate family" means the spouse, children, parents or siblings of a voter.**
- Unlawful possession of an absentee ballot is a fourth degree felony. NMSA 1978, § 1-20-7

If the voter's signature or the required voter identification is missing, the presiding judge shall write "Rejected" on the front of the official mailing envelope. The judge or election clerk shall enter the voter's name in the signature rosters or register and shall write the notation "Rejected--Missing Signature" or "Rejected—Missing Required Voter Identification" in the "Notations" column of the register. The presiding judge shall place the official mailing envelope unopened in a container provided for rejected ballots. NMSA 1978, § 1-6-14 (B).

ELECTIONERING TO CLOSE TO POLLING PLACE - NMSA 1978, § 1-20-16

Campaigning is prohibited within 100 feet of the building containing a polling place within a school, church, or private residence. Campaigning within 100 feet of the door through which voters enter if the polling place is in the clerk's office, an alternate voting location, a mobile voting site, or any other location used as a polling place on election day that is not a school, church or private residence is also prohibited.

OBSTURCTION OF THE POLLING PLACE - NMSA 1978, § 1-20-17

Willfully blocking the entrance to a polling place or being within 50 feet of the polling place while not conducting lawful non-election business or taking part in the elective process is obstructing the polling place.