



Office of the New Mexico  
Secretary of State  
Maggie Toulouse Oliver

# **2020 Primary Election Candidate Information Guide**

**2020 Candidate Information Guide**  
**Revision History**

<b>Revision Number</b>	<b>Date</b>	<b>Updates</b>
1.0	10/01/2019	Candidate Information Guide
1.1	11/06/2019	District Court Judge Terms (page 13 & page 18); Curry County Offices (page 14); 6 <sup>th</sup> Judicial District Court Judge petition numbers (page 25); Libertarian petition numbers (page 22) and the 11 <sup>th</sup> District Attorney petition numbers (page 26)
1.1	11/06/2019	Changes to law regarding Political Parties Appointing Watchers (page 9)

## 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 primary 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](mailto: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 both major and minor party candidates, as well as independent and write-in 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 shortly following the Primary Election (required forms will be available March 2, 2020). Information for independent and minor party candidates differs from major party candidates, that information is specified within the guide.

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](mailto:sos.elections@state.nm.us).

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## **PRIMARY ELECTION – IMPORTANT DATES**

### **October 1, 2019 - POST NOMINATING PETITIONS**

Secretary of State publishes petition forms and required signature numbers for major party candidates;

- Candidates interested in public financing may file their Declaration of Intent and may begin collecting qualifying contributions as of August 1, 2019. NMSA 1978, Section 1-8-30(D) and 1.10.27 NMAC.

### **October 15, 2019 - SECOND BIENNIAL REPORT DUE - NMSA 1978, § 1-19-29(A).**

### **January 1, 2020 - 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 these positions, or *any agent* on behalf of an elected official or candidate for these position to knowingly solicit a contribution governed by the Campaign Reporting Act.
  - "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.
- It is unlawful during the prohibited period for the governor or the lieutenant governor, or any agent on the governor's or the lieutenant governor's behalf, to knowingly solicit a contribution for a political purpose 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 the twentieth day following the adjournment of the regular or special session. NMSA 1978, § 1-19-34.1.

### **January 27, 2020 - ELECTION PROCLAMATION**

The secretary of state shall issue a public proclamation calling a general election to be held in each county and precinct of the state. The general election proclamation shall also call a primary election for the nomination of general election candidates by each major political party to be held in each county and precinct of the state on the date prescribed by the Election Code. The proclamation shall be issued by the Secretary of State on the last Monday in January of each even-numbered year. NMSA 1978, § 1-8-12.

### **Major Party Convention Information**

- Democratic Party of New Mexico - <https://nmdemocrats.org/delegate-selection-plan/>
- Republican Party of New Mexico - <http://newmexico.gop/republican-party-new-mexico-launches-convention-guide-webpage/>
- Libertarian Party of New Mexico - <https://lpm.us/wp-content/uploads/2018/06/March-2018-LPNM-CONSTITUTION-AND-BYLAWS.pdf>

### **February 4, 2020 - FILING DAY FOR PREPRIMARY CONVENTION DESIGNATION**

**CANDIDATES:** Declarations of candidacy by preprimary convention designation for any statewide office or for the office of United States Representative shall be filed with the proper filing officer on the first Tuesday in February of each even-numbered year **between the hours of 9:00 a.m. and 5:00 p.m.** NMSA 1978, § 1-8-26 (A)

- **Financial Disclosures Statements:** A candidate for legislative or statewide office who has not already filed a financial disclosure statement with the secretary of state in the same calendar year

shall file with the proper filing officer, as defined in the Election Code, a financial disclosure statement at the time of filing a declaration of candidacy. NMSA 1978, § 10-16A-3(B)

**February 10, 2020 - CERTIFY PREPRIMARY CANDIDATES**

SOS shall certify to the chairman of each state political party the names of the party's candidates for federal or statewide office who have filed their declaration of candidacy. NMSA 1978, § 1-8-39.1(A), (B).

**February 14, 2020 - DEADLINE TO CHALLENGE NOMINATING PETITIONS THAT WERE FILED ON FEBRUARY 4<sup>th</sup>**

Any voter filing any court action challenging a nominating petition provided for in the Primary Election Law shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. NMSA 1978, § 1-8-35.

**February 17, 2020 - DEADLINE FOR PRESIDENTIAL NOMINATING COMMITTEE TO NOMINATE PRESIDENTIAL PRIMARY CANDIDATES**

The committee shall nominate presidential primary candidates, and certify the candidates to the secretary of state, not later than February 15 before the presidential primary election, the names of all those generally advocated and nationally recognized or supported by any major political party in the state as candidates of the major political parties participating in the presidential primary for the office of President of the United States. NMSA 1978, § 1-15A-5.

**March 30, 2020 - LAST DAY TO FILE FOR PRESIDENT OF THE UNITED STATES FOR THE PRESIDENTIAL PRIMARY (Nomination by Petition)**

- No later than 5:00 p.m. on the thirtieth (30) day following the nominations by committee, any person seeking the endorsement by the national political party for the office of president of the United States, or any group organized in this state on behalf of, and with the consent of, such person, may submit to the secretary of state a petition on a form prescribed and furnished by the secretary of state to have such candidate's name printed on the presidential primary ballot. NMSA 1978, § 1-15A-6.

**March 2, 2020 - INDEPENDENT & MINOR PARTY CANDIDATE NOMINATING PETITIONS AVAILABLE FOR GENERAL ELECTION**

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).

**March 10, 2020 - FILING DAY FOR ALL OTHER OFFICES (*non-preprimary designation candidates*)**

- **Declarations of Candidacy for any other office** to be nominated in the primary election shall be filed with the proper filing officer between the hours of 9:00 a.m. and 5:00 p.m. NMSA 1978, § 1-8-26 (B).
- **Filing Fees For County Candidates:** The filing fee in the primary election for any county office shall be fifty dollars (\$50.00), which shall be paid at the time of the filing of the declaration of candidacy for nomination by a political party. NMSA 1978 § 1-8-41.
- **Financial Disclosures Statements:** A candidate for legislative or statewide office who has not already filed a financial disclosure statement with the secretary of state in the same calendar year shall file with the proper filing officer, a financial disclosure statement at the time of filing a declaration of candidacy. NMSA 1978, § 10-16A-3(B).

### **March 10, 2020 - FILLING DAY FOR CANDIDATES THAT FAILED TO RECEIVE PARTY DESIGNATION**

A candidate who fails to receive the preprimary convention designation that the candidate sought may collect additional signatures to total at least four (4%) percent of the total vote of the candidate's party in the state or congressional district, whichever applies to the office the candidate seeks, and file a new declaration of candidacy and nominating petitions for the office for which the candidate failed to receive a preprimary designation. The declaration of candidacy and nominating petitions shall be filed with the secretary of state either ten (10) days following the date of the preprimary convention at which the candidate failed to receive the designation or on the date all declarations of candidacy and nominating petitions are due pursuant to the provisions of the Primary Election, whichever is later. NMSA 1978, § 1-8-33(D).

### **March 17, 2020 - NOTIFICATION BY FILING OFFICER from the March 10<sup>th</sup> Filing**

No name shall be placed on the ballot until the person has been notified in writing by the proper filing officer that the certificate of registration on file, the declaration of candidacy and the petition, if required, are in proper order and that the person, based on those documents, is qualified to be a candidate. The proper filing officer shall mail the notice no later than 5:00 p.m. on the Tuesday following the filing date. NMSA 1978, § 1-8-26(D).

### **March 17, 2020 - FILING DAY FOR WRITE-IN CANDIDATES**

- Write-in candidates are permitted in the primary election only for the offices of United States representative, members of the legislature, district judges, district attorneys, public regulation commission, public education commission, magistrates and any office voted upon by all voters of the state. NMSA 1978, § 1-8-36.1(A)
- A person desiring to be a write-in candidate for one of the offices listed in Subsection A of this section in the primary election shall file with the proper filing officer a declaration of intent to be a write-in candidate. Such declaration of intent shall be filed between 9:00 a.m. and 5:00 p.m. NMSA 1978, § 1-8-36.1(C).
- *Primary Election write-in candidates are not required to file Nominating Petitions*

### **March 20, 2020 - DEADLINE TO CHALLENGE NOMINATING PETITIONS**

Any voter filing any court action challenging a nominating petition provided for in the Primary Election Law shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. NMSA 1978, § 1-8-35.

### **March 31, 2020 - CONTACT PERSONS WHO HAVE BEEN NOMINATED BY COMMITTEE OR BY PETITION**

The secretary of state shall contact each person who has been nominated by the committee or by petition and notify the person in writing by certified mail, with return receipt requested, that the person's name will be printed as a candidate on the New Mexico presidential primary ballot unless the person requests in writing otherwise at least sixty-three (63) days prior to the election. NMSA 1978, § 1-15A-7.

### **April 7, 2020 - A CANDIDATE SEEKING TO WITHDRAW FROM A PRIMARY ELECTION**

A candidate shall withdraw no later than the first Tuesday in April before that primary election by filing a signed and notarized statement of withdrawal with the proper filing officer. NMSA 1978, § 1-8-44.



### **April 13, 2020 - FIRST CAMPAIGN REPORT OR STATEMENT OF NO ACTIVITY DUE**

In an election year, instead of the biannual reports, all reporting individuals, except for public officials who are not candidates in an election that year, shall file reports of all expenditures made and contributions received or, if applicable, statements of no activity. NMSA 1978, § 1-19-29(B)(1).

- **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. NMSA 1978, § 1-19-35(E).
- **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. NMSA 1978, § 1-19-35(F).

### **April 18, 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).

### **May 5, 2020 -**

- Voter Registration closes online or by mail - NMSA 1978, § 1-4-8(A).
  - *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 May 5, 2020 until May 30, 2020.
- Absentee Voting Begins - NMSA 1978, § 1-6-5(F)
- County Clerks Begin Mailing Absentee Ballots - NMSA 1978, § 1-6-5(F)<sup>1</sup>.

### **May 11, 2020 - SECOND CAMPAIGN REPORT OR STATEMENT OF NO ACTIVITY**

No later than the second Monday in May, a report of all expenditures made and contributions received on or before the first Monday in May and not previously reported. NMSA 1978, § 1-19-29(B)(2).

### **May 16, 2020 - Early Voting Begins (Alternate Sites) NMSA 1978, § 1-6-5.7 (B)**

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

### **May 29, 2020 - LAST DAY COUNTY CLERKS MAY MAIL AN ABSENTEE BALLOT**

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<sup>1</sup> Absentee voting is primarily managed by the individual county clerks. 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](http://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.

### **May 28, 2020 - THIRD CAMPAIGN REPORT OR STATEMENT OF NO ACTIVITY**

No later than the Thursday before a primary, general or statewide special election, a report of all expenditures made and contributions received by 5:00 p.m. on the Tuesday before the election and not previously reported. NMSA 1978, § 1-19-29(B)(5).

### **May 28, 2020 – WATCHES—APPOINTMENT (Changes in law affecting Political Parties)**

- **An election-related organization may in a statewide or special election** appoint watchers in a county if the organization provides a written notice to the secretary of state at least seven (7) days prior to serving as a watcher during early voting, the election date or the ballot qualification period for mailed ballots in a statewide or a special election and specifies the names of the qualified appointees. The secretary of state shall notify the county clerk of the qualified appointees at least five (5) days before the election. NMSA 1978, § 1-2-27 (A)
- **Any group of three candidates for elected office in a statewide** election may appoint watchers in a county if the candidates provide a written notice to the secretary of state at least seven (7) days prior to serving as a watcher during early voting, the election date or the ballot qualification period for mailed ballots in a statewide or special election and specify the names of the qualified appointees. The secretary of state shall notify the county clerk of the qualified appointees at least five (5) days before the election. NMSA 1978, § 1-2-27 (B)

### **SUPPLEMENTAL REPORTS**

Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for more than one thousand dollars (\$1,000) in a non-statewide election, or more than three thousand dollars (\$3,000) in a statewide election, shall be reported to the secretary of state either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed no later than the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election. NMSA 1978, § 1-19-29(B)(5).

**May 30, 2020** - Absentee and Early Voting Ends - NMSA 1978, §§ 1-6-5(F) and 1-6-5.7(B).

### **June 2, 2020 - Primary 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).

### **July 3, 2020 - CERTIFICATE OF NOMINATION**

Upon approval of the report of the state canvass, but not sooner than the thirty-first (31) day after any primary or general election, the secretary of state shall issue to those candidates entitled by law the appropriate certificate of election or, in the case of a primary election, a certificate of nomination. NMSA 1978, § 1-13-16.

## **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](mailto:info@greenpartyofnm.org)
- Better For America Party of New Mexico – [nowinabq@msn.com](mailto:nowinabq@msn.com)
- Constitution Party of New Mexico – [chairman@constitutionpartynm.com](mailto: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 - 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)<sup>2</sup>

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<sup>2</sup> 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](http://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 PRIMARY ELECTION BALLOT

OFFICE	DISTRICT (If Applicable)	TERM	
President and Vice-President of the United States	National	4 years <i>Vice-President appears <b>only</b> 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 Term Expires 2026	Original
Supreme Court	Statewide Office Position 2	Filling Unexpired Term Original Term Expires 2026	
Court of Appeals	Statewide Office Position 1	Filling Unexpired Term Term Expires	Original
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 9	4 years	
Public Education Commissioners	District 10	4 years	
<b>PARTISAN ELECTION FOR JUDICIAL OFFICES</b>			
1 <sup>st</sup> Judicial District	Division 6	Filling Unexpired Term. Retention Election in 2026	
2 <sup>nd</sup> Judicial District	Division 6, 13, 15, 17, 22 & 23	Filling Unexpired Term. Retention Election in 2026	
5 <sup>th</sup> Judicial District	Division 2	Filling Unexpired Term. Retention Election in 2026	
6 <sup>th</sup> Judicial District	Division 3	Filling Unexpired Term. Retention Election in 2026	
8 <sup>th</sup> Judicial District	Division 2	Filling Unexpired Term. Retention Election in 2026	
11 <sup>th</sup> Judicial District	Division 4	Filling Unexpired Term. Retention Election in 2026	
13 <sup>th</sup> Judicial District	Division 4	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>			
<b>SUPREME COURT FOR RETENTION (GENERAL BALLOT ONLY)</b>			
Supreme Court	Statewide	For Retention (General Ballot Only)	
<b>DISTRICT JUDGES FOR RETENTION (GENERAL BALLOT ONLY)</b>			
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>			
<b>DISTRICT ATTORNEYS</b>			
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 <sup>th</sup> Judicial District has a separate District Attorney for McKinley County and San Juan County	

<b>COUNTY OFFICES APPEARING ON THE BALLOT</b>	
<p style="text-align: center;"><b>BERNALILLO COUNTY</b></p> <p>County Commissioner      Districts 2, 3, &amp; 4  County Clerk  Treasurer  Metropolitan Court Judge      Divisions 10, 12, 15 &amp; 16</p>	<p style="text-align: center;"><b>GUADALUPE COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>CATRON COUNTY</b></p> <p>County Commissioner      Districts 3  County Clerk  County Treasurer  County Probate</p>	<p style="text-align: center;"><b>HARDING COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>CHAVES COUNTY</b></p> <p>County Commissioner      Districts 2, 3, &amp; 4  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>HIDALGO COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>CIBOLA COUNTY</b></p> <p>County Commissioner      Districts 2, 4, &amp; 5  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>LEA COUNTY</b></p> <p>County Commissioner      Districts 1, 4, &amp; 5  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>COLFAX COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>LINCOLN COUNTY</b></p> <p>County Commissioner      Districts 1 &amp; 3  County Assessor  County Sherriff  County Probate</p>
<p style="text-align: center;"><b>CURRY COUNTY</b></p> <p>County Commissioner      Districts 1, 2, 4 &amp; 5  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>LOS ALAMOS COUNTY</b></p> <p>County Council <i>(Los Alamos County is composed of a County Council with 7 seats. Council 4, 5 &amp; 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  County Probate</p>
<p style="text-align: center;"><b>DE BACA COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>LUNA COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>DONA ANA COUNTY</b></p> <p>County Commissioner      Districts 2, 4, &amp; 5  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>MCKINLEY COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>EDDY COUNTY</b></p> <p>County Commissioner      Districts 2, 3 &amp; 5  County Treasurer  County Sheriff</p>	<p style="text-align: center;"><b>MORA COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>GRANT COUNTY</b></p> <p>County Commissioner      Districts 3, 4 &amp; 5  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>OTERO COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasure  County Magistrate      Division 1</p>
<p style="text-align: center;"><b>QUAY COUNTY</b></p> <p>County Commissioner      Districts 1 &amp; 2  County Clerk  County Treasurer</p>	<p style="text-align: center;"><b>SIERRA COUNTY</b></p> <p>County Commissioner      District 3  County Clerk  County Treasurer</p>
<p style="text-align: center;"><b>RIO ARRIBA COUNTY</b></p> <p>County Commissioner      District 3  County Clerk</p>	<p style="text-align: center;"><b>SOCORRO COUNTY</b></p> <p>County Commissioner      Districts 2, 4, &amp; 5  County Clerk</p>

County Treasurer	County Treasurer
<b>ROOSEVELT COUNTY</b> County Commissioner     Districts 1 & 2 County Clerk County Treasurer County Probate	<b>TAOS COUNTY</b> County Commissioner     Districts 3 & 4 County Clerk County Treasurer
<b>SAN JUAN COUNTY</b> County Commissioner     Districts 3, 4, & 5 County Clerk County Treasurer	<b>TORRANCE COUNTY</b> County Commissioner     District 3 County Clerk County Treasurer
<b>SAN MIGUEL COUNTY</b> County Commissioner     Districts 2, 4, & 5 County Clerk County Treasurer	<b>UNION COUNTY</b> County Commissioner     Position 3 County Clerk County Treasurer
<b>SANDOVAL COUNTY</b> County Commissioner     Districts 2, 4, & 5 County Clerk County Treasurer	<b>VALENCIA COUNTY</b> County Commissioner     Districts 2, 4 & 5 County Clerk County Treasurer
<b>SANTA FE COUNTY</b> County Commissioner     Districts 2, 4, & 5 County Clerk County Treasurer	
<b>VACANCIES IN OFFICE</b>	
<b>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.</b>	



## 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](http://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.

<b>Office</b>	<b>Statutory Reference</b>	<b>Age</b>	<b>State Residence</b>	<b>District Residence</b>	<b>U.S. Citizen</b>	<b>Years in Term</b>	<b>Term Limit</b>
<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>
<b>Office</b>	<b>Statutory Reference</b>	<b>Age</b>	<b>State Residence</b>	<b>District Residence</b>	<b>U.S. Citizen</b>	<b>Years in Term</b>	<b>Term Limit</b>
<u>Public Regulation Commissioner<sup>1</sup></u>	<u>NM Const. Art. XI, Sec 1 &amp; 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 &amp; 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 &amp; Art. VII, Sec. 2A &amp; 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:

<sup>1</sup>A 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.

Candidates who are not required to file nominating petitions, i.e. county office candidates, instead pay a \$50.00 filing fee to the County Clerk upon filing for office. In cases of financial hardship, the County Clerk may waive the fee if the candidate submits a Pauper's Statement, which is available on the Secretary of State's website.

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

### **General Information**

On October 1, 2019, the Secretary of State shall publish the form of petition and the required number of signatures required for each office on the website. At that time we also provide each County Clerk with the same information and documents.

- **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.

NMSA 1978, Section 1-1-26, requires the following information shall be listed in the appropriate space at the top of a nominating petition before the petition has been signed by a voter:

- (1) the candidate's name as it appears on the candidate's certificate of registration;
- (2) the address where the candidate resides;
- (3) the office sought by the candidate;
- (4) if the office sought is a districted office or a division within a judicial district or has been assigned a position number for purposes of the election, the district, division or position number of the office sought;
- (5) if the office sought will be on the general election ballot, the party affiliation of the candidate or that the candidate is unaffiliated with any qualified political party; and
- (6) if the office sought will be nominated at a political party primary, the party affiliation of voters permitted to sign the petition.

**Independent and Minor Party Candidates:** this is not required. Instead, voters 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.**

When circulating nominating petitions, the candidate must assure that signatures are collected from qualified, registered voters in the appropriate district or county, belonging to the candidate's political party. Voters signing petitions must sign the petition with their usual signature, print their name as registered, print their address as registered, and provide their city and/or zip code. Signatures lacking any of these items are not counted. Voters may sign only one petition per eligible office.

- **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. The number requirements are calculated and published by the Secretary of State pursuant to NMSA 1978, § 1-8-33 for major party candidates. The petition signature numbers are calculated from a required percentage of the total votes cast for all of the party's candidates for governor at the last preceding primary election at which the party's candidate for governor was nominated. Information on the calculations is available upon request from the Bureau of Elections.

- **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.

The required number of petition signatures for each required office on the 2020 primary ballot is below. It is strongly recommended that candidates obtain at least 10% more signatures than the minimum requirement in order to potentially qualify for the ballot in the event of a challenge to the petitions and some signatures being disqualified.

## **REQUIRED NUMBER OF PETITION SIGNATURES**

Spreadsheets showing the calculations used by the Secretary of State's office to determine these thresholds are available upon request from the Bureau of Elections.

Candidates required to circulate petitions must meet statutory thresholds of signatures to qualify for the ballot. Candidates who seek, but do not receive preprimary convention designation may still qualify for the ballot by collecting additional signatures.

### **United States Senate**

<b>United States Senate</b>	<b>Democrats</b>	<b>Republicans</b>	<b>Libertarians</b>
<b>Statewide</b>	3,518 (2% threshold) 7,036 (4% threshold)	1,503 (2% threshold) 3,006 (4% threshold)	230 (2% threshold) 460 (4% threshold)

### **United States House of Representatives**

<b>Congressional Districts</b>	<b>Democrats</b>	<b>Republicans</b>	<b>Libertarians</b>
<b>1</b>	1,269 (2% threshold) 2,538 (4% threshold)	410 (2% threshold) 820 (4% threshold)	88 (2% threshold) 176 (4% threshold)
<b>2</b>	758 (2% threshold) 1,515 (4% threshold)	630 (2% threshold) 1,260 (4% threshold)	77 (2% threshold) 154 (4% threshold)
<b>3</b>	1,492 (2% threshold) 2,983 (4% threshold)	463 (2% threshold) 926 (4% threshold)	77 (2% threshold) 154 (4% threshold)

### **Statewide Office**

		<b>Democrats</b>	<b>Republicans</b>	<b>Libertarians</b>
<b>Supreme Court And Court of Appeals</b>	<b>Statewide</b>	3,518 (2% threshold) 7,036 (4% threshold)	1,503 (2% threshold) 3,006 (4% threshold)	230 (2% threshold) 460 (4% threshold)

## New Mexico State Senate

Senate District	County/Counties	Democrats	Republicans	Libertarians
1	San Juan	39	96	17
2	San Juan	40	121	17
3	McKinley & San Juan	117	34	17
4	Cibola, McKinley & San Juan	139	26	17
5	Los Alamos, Rio Arriba, Sandoval & Santa Fe	268	29	17
6	Los Alamos, Rio Arriba, Santa Fe, & Taos	299	33	17
7	Curry, Quay, & Union	44	86	17
8	Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos	263	45	17
9	Bernalillo & Sandoval	176	66	17
10	Bernalillo & Sandoval	116	44	17
11	Bernalillo	69	17	17
12	Bernalillo	155	17	17
13	Bernalillo	200	34	17
14	Bernalillo	83	19	17
15	Bernalillo	138	44	17
16	Bernalillo	226	23	17
17	Bernalillo	67	19	17
18	Bernalillo	142	67	17
19	Bernalillo, Sandoval, Santa Fe & Torrance	122	98	17
20	Bernalillo	149	72	17
21	Bernalillo	130	69	17
22	Bernalillo, McKinley, Rio Arriba, San Juan & Sandoval	132	29	17
23	Bernalillo	131	50	17
24	Santa Fe	220	17	17
25	Santa Fe	370	22	17
26	Bernalillo	113	25	17
27	Chaves, Curry, De Baca, Lea & Roosevelt	37	112	17
28	Catron, Grant, & Socorro	186	89	17
29	Bernalillo & Valencia	96	50	17
30	Cibola, McKinley, Socorro & Valencia	114	54	17
31	Dona Ana	59	17	17
32	Chaves, Eddy & Otero	33	59	17
33	Chaves, Lincoln & Otero	58	129	17
34	Dona Ana, Eddy & Otero	41	87	17
35	Dona Ana, Hidalgo, Luna & Sierra	110	79	17
36	Dona Ana	99	41	17
37	Dona Ana	101	45	17
38	Dona Ana	83	24	17
39	Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance & Valencia	152	61	17
40	Sandoval	98	65	17
41	Eddy & Lea	31	46	17
42	Chaves, Eddy & Lea	29	106	17



## New Mexico House of Representatives

House District	County/Counties	Democrats	Republicans	Libertarians
1	San Juan	28	90	10
2	San Juan	20	50	10
3	San Juan	24	64	10
4	San Juan	41	35	10
5	McKinley & San Juan	99	16	10
6	Cibola & McKinley	85	16	10
7	Valencia	51	30	10
8	Valencia	64	44	10
9	McKinley & San Juan	77	11	10
10	Bernalillo	50	11	10
11	Bernalillo	145	13	10
12	Bernalillo	45	10	10
13	Bernalillo	44	10	10
14	Bernalillo	61	10	10
15	Bernalillo	93	30	10
16	Bernalillo	92	23	10
17	Bernalillo	104	19	10
18	Bernalillo	128	10	10
19	Bernalillo	106	12	10
20	Bernalillo	75	36	10
21	Bernalillo	35	10	10
22	Bernalillo, Sandoval & Santa Fe	106	67	10
23	Bernalillo & Sandoval	89	30	10
24	Bernalillo	82	37	10
25	Bernalillo	106	22	10
26	Bernalillo	42	11	10
27	Bernalillo	89	43	10
28	Bernalillo	88	45	10
29	Bernalillo	78	30	10
30	Bernalillo	82	31	10
31	Bernalillo	93	52	10
32	Grant, Hidalgo & Luna	62	36	10
33	Dona Ana	66	20	10
34	Dona Ana	36	10	10
35	Dona Ana	59	20	10
36	Dona Ana	49	21	10
37	Dona Ana	76	31	10
38	Grant, Hidalgo & Sierra	106	61	10
39	Dona Ana, Grant & Sierra	83	29	10
40	Colfax, Mora, Rio Arriba & San Miguel	192	21	10
41	Rio Arriba, Santa Fe & Taos	168	11	10
42	Taos	173	13	10
43	Los Alamos, Rio Arriba, Sandoval & Santa Fe	109	37	14
44	Sandoval	80	51	10
45	Santa Fe	135	12	10
46	Santa Fe	181	13	10
47	Santa Fe	192	12	10
48	Santa Fe	146	10	10
49	Catron, Socorro & Valencia	71	60	10
50	Bernalillo, Santa Fe, Tarrant & Valencia	105	46	10
51	Otero	31	66	10

52	Dona Ana	42	13	10
53	Dona Ana & Otero	15	14	10
54	Chaves, Eddy & Otero	26	50	10
55	Eddy	33	52	10
56	Lincoln & Otero	31	59	10
57	Sandoval	44	28	10
58	Chaves	18	32	10
59	Chaves & Lincoln	32	94	10
60	Sandoval	54	36	10
61	Lea	11	30	10
62	Lea	14	61	10
63	Curry, De Baca, Guadalupe, Roosevelt & San Miguel	60	29	10
64	Curry	16	47	10
65	Rio Arriba, San Juan & Sandoval	81	10	10
66	Chaves, Lea & Roosevelt	20	79	10
67	Colfax, Curry, Harding, Quay, Roosevelt, San Miguel &	65	64	10
68	Bernalillo	69	30	10
69	Bernalillo, Cibola, McKinley, San Juan, Socorro &	72	15	10
70	San Miguel, Santa Fe & Tarrant	134	23	10

### **Public Regulation Commission**

PRC District	Democrats	Republicans	Libertarians
1	1,304	389	67
3	1,722	329	50

### **Public Education Commission**

PEC District	Democrats	Republicans	Libertarians
1	407	99	25
4	612	269	33
8	418	389	25
9	149	330	25
10	1,138	91	25

### **Appellate and District Court Offices**

		Democrats	Republicans	Libertarians
<b>Justice of the Supreme Court and Judge of the Court of Appeals</b>	<b>Statewide</b>	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
		7,036 (4% threshold)	3,006 (4% threshold)	460 (4% threshold)
<b>1st Judicial District</b>	Division 6	1,073	115	31
<b>2nd Judicial District</b>	Divisions 13, 15, 17 & 22	1,812	546	85
<b>5th Judicial District</b>	Division 2	130	328	15
<b>6th Judicial District</b>	Division 3	198	76	15
<b>8th Judicial District</b>	Division 2	252	41	15
<b>11th Judicial District</b>	Division 4	366	276	15
<b>13th Judicial District</b>	Division 4	574	272	15

## **District Attorneys**

<b>Judicial District</b>	<b>Counties Covered</b>	<b>Democrats</b>	<b>Republicans</b>	<b>Libertarians</b>
<b>1st</b>	Los Alamos, Rio Arriba, & Santa Fe	1,073	115	31
<b>2nd</b>	Bernalillo	1,812	546	85
<b>3rd</b>	Dona Ana	368	138	15
<b>4th</b>	Guadalupe, Mora, & San Miguel	243	21	15
<b>5th</b>	Chaves, Eddy & Lea	130	328	15
<b>6th</b>	Grant, Hidalgo, & Luna	198	76	15
<b>7th</b>	Catron, Sierra, Socorro, & Torrance	113	123	15
<b>8th</b>	Colfax, Taos, & Union	252	41	15
<b>9th</b>	Curry & Roosevelt	39	106	15
<b>10th</b>	De Baca, Harding & Quay	27	34	15
<b>11th</b>	San Juan	146	247	15
<b>11th</b>	McKinley	220	30	15
<b>12th</b>	Lincoln & Otero	83	178	15
<b>13th</b>	Cibola, Sandoval & Valencia	574	272	15

## **Metropolitan and Magistrate Courts**

<b>Court</b>	<b>Division</b>	<b>Democrats</b>	<b>Republicans</b>	<b>Libertarians</b>
Bernalillo Metropolitan Court	10, 12, 15 & 16	1,812	546	85
Otero Magistrate Judge	1	60	131	10

## Nomination for Office of President of the United States

Candidates for the office of President of the United States are selected in a different manner from that of other offices. For full information on selection of presidential primary candidates in New Mexico, please review NMSA 1978, § 1-15A-1 through 11. Major party presidential candidates are selected by the parties at their national conventions based upon the party's rules.

**Nomination by Committee:** Major party candidates for president are selected by a committee who shall meet in Santa Fe and nominate presidential primary candidates no later than February 15, 2020. The committee is comprised of the following members:

- Chief Justice of the New Mexico Supreme Court (acting as committee chair);
- The Speaker of the House of Representatives;
- The Minority Floor Leader of the House of Representatives;
- The President Pro Tempore of the Senate;
- The Minority Floor Leader of the Senate; and
- The state chairmen of those major political parties participating in the presidential primary.

**Nominated by Committee:** The committee shall nominate and submit to the Secretary of State the names of all candidates generally advocated for and nationally recognized or supported by any major political party in New Mexico as candidates for the office of President of the United States. NMSA 1978, § 1-15 (A)(5).

**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.

**Nomination by Petition:** Candidates not receiving the nomination of the committee may file petitions for placement on the primary ballot. Candidates submitting petitions for the office of president of the United States must have the consent of the candidate's political party to file. The required number of signatures is equal to not less than two percent (2%) of the total number of votes for president cast in each district at the last preceding presidential election. The minimum number of valid signatures for the 2020 presidential primary are below. NMSA 1978, §1-15A-6.

<b>President of the United States</b>	
<b>District</b>	<b>Number</b>
District 1	5,703
District 2	4,674
District 3	5,874
<b>Required Signatures:</b>	<b>16,251</b>

**Independent Candidates:** Independent candidates are nominated solely by nominating petition following the primary election. The petition becomes available on March 1, 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

## **Submission of Nominating Petitions**

Nominating petitions are submitted to the appropriate filing officer simultaneously with the Declaration of Candidacy on candidate filing day. The appropriate filing officer for each office is listed on page 35. For the 2020 Primary Election, filing day is February 4, 2020 for candidates seeking preprimary convention designation. Filing day is March 10, 2020 for all other major party candidates.

- **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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## Chaves

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## Cibola

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## Eddy

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## Harding

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## Quay

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## Sandoval

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## Sierra

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## Union

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## When to File

**Preprimary Convention Designation:** Candidates for statewide or federal office who seek preprimary convention designation will file for office on February 4, 2020 in the Secretary of State's office between the hours of 9:00 a.m. and 5:00 p.m. For candidates succeeding in preprimary designation, the party is responsible for submitting certificates of designation to the Secretary of State on the first Tuesday following the party's convention at which the candidate's designation took place.

Candidates who seek but do not obtain preprimary convention designation status may still file for office pursuant to NMSA 1978, § 1-8-33(D) by collecting additional petition signatures, submitting the additional petitions to the Secretary of State, and filing a new declaration of candidacy. The newly collected petition signatures are added to the previously submitted signatures and cumulatively totaled. This filing day is either 1) ten days after the primary convention or 2) filing day for all other candidates, whichever is later. At the time this guide is published, the Secretary has not been informed by the parties as to when their statewide conventions are being held. Please check with the individual parties to obtain these dates.

**All other major party candidates:** Major party candidates for offices not eligible for receiving a preprimary party designation will file for office on March 10, 2020 between the hours of 9:00 and 5:00 p.m. Filing is completed in the office of the appropriate filing officer listed above.

**Write-in candidates<sup>3</sup>:** Write-in candidates shall file for office on March 17, 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.

**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.

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<sup>3</sup> Specific information relevant only to write-in candidates is located on page 35 herein



## **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 Information for Campaign Reporting 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 Statement<sup>4</sup> (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.

## **Filing for Office as a Write-in Candidate**

Individuals wishing to appear on the primary ballot as a write-in candidate should review NMSA 1978, Section 1-8-36.1 in its entirety. Write-in candidates are permitted in the primary election **only** for the following offices:

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<sup>4</sup> 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.

- United States Representative;
- Senate;
- House of Representatives;
- District Court Judge;
- District Attorney;
- Public Regulation Commissioner;
- Public Education Commissioner;
- Magistrate Judge; and
- Any office voted upon by all voters of the state

A write-in candidate's certificate of registration must reflect the party which is shown on his or her certificate of voter registration and meet the general and specific qualifications for the office sought. Write-in candidates shall file a declaration of intent with the filing officer.

Once the declaration of intent is filed, write-in candidates are considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the financial reporting obligations. Names of write-in candidates are *not* printed on the ballot.

## **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.

**Candidates that qualify:** Filing officers are required to notify candidates qualifying for the ballot of their qualification no later than 5:00 p.m. on the Tuesday following the filing date. The notification dates are February 11, 2020 for candidates seeking preprimary designation and March 24, 2020 for all other candidates. Qualification for the ballot requires meeting the minimum number of petition signatures (if required and presuming any challenge is overcome)<sup>5</sup> and the candidate's declaration of candidacy and certificate of voter registration are in proper order. Filing officers are required to mail notice to qualified candidates.

**Candidates that do not qualify:** Candidates who are notified that they did not qualify to have their name placed on the ballot may challenge the filing officer's decision by filing a petition with the district court within ten (10) days of the notification. Procedures for a challenge and all other information regarding notification of qualification are found in NMSA 1978, § 1-8-26.

## **Ballot Position Information**

**Preprimary Candidates:** Candidates designated and certified by state convention are placed on the ballot in the order of votes received at the convention, i.e. the candidate with the highest number of votes is listed first, followed by the remaining candidates in descending order of votes.

**All Other Candidates:** 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.

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<sup>5</sup> The timeframe to legally challenge petition signatures is outside of the notification deadline. Accordingly, it is possible for a candidate to qualify for the ballot, receive notice of qualification, and still not appear on the ballot if a court invalidates enough of the candidate's petition signatures.

## **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 Information for Campaign Reporting Form and begin reporting upon spending or receiving more than \$1,000; statewide candidates must file their Candidate Information for Campaign Reporting 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 Information for Campaign Reporting" 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/>

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## **PRIMARY ELECTION REPORT DEADLINES**

**First Primary Report:** April 13, 2020 (reporting period is October 8, 2019 through April 6, 2020)

**Second Primary Report:** May 11, 2020 (reporting period is April 7, 2020 through May 4, 2020)

**Third Primary Report:** May 28, 2020, (reporting period is May 5, 2016 through May 26, 2020)

**Fourth Primary Report:** July 2, 2020 (reporting period is May 27, 2020 through June 27, 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.

## **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)

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## **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, June 23, 2020. No sooner than thirty-one (31) days after the election, the state canvassing board shall issue certificates of nomination to the appropriate prevailing candidates. Accordingly, prevailing candidates should not expect to receive their certificates of nomination prior to July 3, 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.