

# Primary & General Election Candidacy FAQs

*Home > Candidate and Pac > Primary & General Election Candidacy FAQs*

## How to Become a Primary or General Election Candidate FAQs

### Are you thinking of running for office?

The Primary Election Candidate Guide – along with the required forms that must be completed and filed – will be published and available on our website in **October** of each odd-numbered year.

The guidance for minor party and independent candidates will be published and available on our website in **March** of each even-numbered year.

In the meantime, please review the FAQs below for answers to frequently asked questions.

### What are the general eligibility requirements to run for office?

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 record, as of the date of the Governor's Primary Election Proclamation, must match the candidacy filing documents including:

- Political party;
- Residence in the district or county of the office for which the candidate is running. 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; and,
- The candidate's name will appear on the ballot to match the voter registration record on file.

By law, the Governor's Election Proclamation is issued on the last Monday in January of the even-numbered year (the year in which the General Election takes place). Any changes to voter registration must be effective on the date of the Election Proclamation. Attempted changes to ballot name appearance at the time of candidate filing is NOT allowed.

Additionally, in order to appear on the ballot, the candidate must not have any outstanding campaign finance compliance issues or fines with our office.

Finally, a person who has been convicted of a felony shall not be permitted to hold an office of public trust unless the person has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship. (NMSA 1978 §31-13-1(E))

There may be additional eligibility requirements depending upon the office being sought. More information on these office-specific requirements will be provided in the candidate guide that is published in October of odd-numbered years.

## What are the required forms in order to file for office?

### Each candidate must file the following forms:

- Declaration of Candidacy (all candidates);
- Candidate Information for Campaign Reporting Form (all candidates);
- Nominating Petitions (if required, see below);
- Filing fee or pauper's statement (for county offices only);
- Financial Disclosure Statement (legislative and statewide candidates only);
- Affidavit of PRC Qualification (for PRC candidates only);
- Affidavit of Designee for Filing (if someone is filing on behalf of candidate).

Only forms prescribed by the Office of the New Mexico Secretary of State will be accepted on filing day. Forms from previous election years may not be used and will not be accepted. All candidacy forms provided by the Office of the New Mexico Secretary of State will be labeled with the current election year information.

## How many nominating petition signatures do I need in order to qualify for office?

Candidates for US representative, US senator, 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. **Candidates who are required to file nominating petitions do not pay a filing fee.**

Candidates required to collect petition signatures have a minimum number of valid signatures they must collect in order to qualify for the ballot and the number is different depending on whether the candidate is registered as a Democrat, Republican, Independent, or is affiliated with a minor party.

Additionally, the number is different for candidates filing for US representative and statewide office, depending upon whether the candidate is nominated at a state pre-primary convention held by the major political parties.

The required number of signatures will be published with the candidate guide in October of odd-numbered years for major party candidates and March of even-numbered years for independent and minor party candidates.

Nominating petition signature requirements are set by law and a summary is outlined below:

- **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. (NMSA 1978 § 1-8-33)
- **Minor Party Candidates:** the minimum required number of signatures is 1% of the total number of votes cast for governor at the last preceding general election at which a governor was elected. (NMSA 1978 § 1-8-2)
- **Independent Candidates:** the minimum required number of signatures is 3% of the total number of votes cast for governor at the last preceding general election where a governor was elected. (NMSA 1978 § 1-8-51)

## Is there a filing fee?

Candidates who are not required to file nominating petitions, i.e. county office candidates, 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 New Mexico Secretary of State's website beginning in October of each odd-numbered year.

## When and where do I file for office?

Filing day for the **Primary Election** is the second Tuesday in March of each even-numbered year from 9:00 AM to 5:00 PM.

Filing day for retention judges, minor party candidates, and independent candidates is the twenty-third day following the Primary Election in June of each even-numbered year from 9:00 AM to 5:00 PM.

### **Candidates for the following offices shall file, in-person, with the Secretary of State:**

- United States Representative and Senator
- All Statewide Offices
- State Legislators (multi-county districts only)
- Public Regulation Commission
- Public Education Commission
- District Court Judge
- District Attorney

### **Candidates for the following offices shall file, in-person, with the appropriate County Clerk:**

- State Legislators (single county districts)
- County Commissioner
- County Councilor
- County Clerk
- County Assessor
- County Treasurer
- County Sheriff
- Probate Judge
- Metropolitan Court Judge
- Magistrate Court Judge

## Is there anything I need to do before filing day?

If the candidate themselves cannot be present to file their campaign documents on the appointed filing day, they may designate a representative to do so in advance by filling out an affidavit designating the representative and having it notarized. This form is made available on the website of the Office of the New Mexico Secretary of State each October of odd-numbered years.

Candidates must register and begin filing campaign finance disclosure reports with the Office of the New Mexico Secretary of State upon raising or spending \$1,000 or more for a non-statewide race or \$2,500 or more for a statewide race, or at the time they file a Declaration of Candidacy, **whichever occurs earlier**.

The registration form and more information including reporting deadlines is available on our [Campaign Finance Reporting Information](#) page. Fines are stiff for candidates who do not comply with the campaign reporting regulations so it is important to read the [Campaign Reporting Act](#) and become familiar with all reporting requirements and deadlines. The Office of the New Mexico Secretary of State provides online webinar training sessions prior to each report deadline. Check our website or call our office for more details.

Once we receive the registration 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 for public review and transparency. 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.

## **When can I start posting my campaign signs?**

The Office of the New Mexico Secretary of State does not maintain information regarding when a county or local municipality allows campaign signs to be posted. Please inquire with the local governments in each jurisdiction in which you want to place signs for specific county and city zoning ordinances and restrictions.

## **Are there any opportunities for public financing of my campaign?**

New Mexico law currently provides for public financing for candidates running for Public Regulation Commissioner, Justice of the Supreme Court, and Judge of the Court of Appeals.

The “Voter Action Act” Guide will be published and available on our website each August of odd-numbered years. This guide will provide comprehensive information regarding all of the additional forms and requirements for candidates who wish to pursue public financing.

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### **Disclaimer - A Word of Warning**

Despite our good faith efforts to be accurate, these pages and our databases may contain inadvertent errors. Please email us immediately if you notice an error. Also, please remember that website information is not a substitute for researching the law or for the advice of a competent *attorney*.

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