

June 7, 2016 Primary Election Candidate Guide

Compiled by the Bureau of Elections
State Capitol North Annex
325 Don Gaspar, Suite 300
Santa Fe, New Mexico 87501
www.sos.state.nm.us



**STATE OF NEW MEXICO
DIANNA J. DURAN
SECRETARY OF STATE**

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 2016 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 efforts and multiple reviews, this guide may contain inadvertent errors. Please email sos.elections@state.nm.us immediately if you notice an error. Also, please remember this guide is not a substitute for legal research or for the advice of an attorney.

Copies of the New Mexico Election Code and other applicable laws are available in the *Election Handbook of the State of New Mexico*, which is published on our website. The 2015 Edition of the Handbook is expected to be released sometime in October by the New Mexico Compilation Commission. Once available, we will update our website. Please note, prior Handbooks will not contain updated, applicable law, enacted by the legislature in the 2014 and 2015 sessions and became effective following publication of the prior Handbook. 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. Information for independent and minor party candidates that differ from major party candidates 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 election that are not provided in this guide, please feel free to call the Bureau of Elections at 1-800-477-3632 or (505) 827-3600 or email sos.elections@state.nm.us.

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**June 7, 2016
Primary Election**

IMPORTANT DATES

October 1, 2015: 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 begin collecting qualifying contributions thereafter. For further information on the Voter Action Act and public financing please refer to the Secretary of State's website.

October 13, 2015: Second Biannual Report due (reporting period is April 7, 2015 to October 5, 2015)

January 25, 2016: Governor Issues Primary Election Proclamation NMSA 1978 § 1-8-12

February 2, 2016: Filing Day for Preprimary Convention Designation Candidates § 1-8-26(A)

March 1, 2016: Secretary of State publishes petition forms and the required number of signatures for independent and minor party candidates, who may then begin circulating petitions § 1-8-50(E)

March 8, 2016: Filing Day for all other offices (non-preprimary designation candidates) § 1-8-26(B)

April 11, 2016: First Primary Financial Report Due (reporting period is October 6, 2015 to April 4, 2016)

May 10, 2016: Voter Registration Closes NMSA 1978 § 1-4-8
Absentee Voting Begins¹ NMSA 1978 § 1-6-5 (E) and (F)
County Clerks Begin Mailing Absentee Ballots NMSA 1978 § 1-6-5 (E)

May 21, 2016: Early Voting Begins NMSA 1978 § 1-6-5.7(A)²

June 3, 2016: Last Day County Clerks May Mail an Absentee Ballot NMSA 1978 § 1-6-5 (H)

June 4, 2016: Absentee and Early Voting Ends NMSA 1978 § 1-6-5 (H) and 1-6-5.7(A)

June 7, 2016: Primary Election

Polls are open from 7:00 a.m. to 7:00 p.m.

Check with individual County Clerks for polling locations

Absentee ballots are due to the County Clerks by 7:00 p.m.

¹ 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 on our website. 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.

² Each county's Election Resolution will contain the early voting sites and Election Day polling places for each individual county. County clerks will have this information available in their offices or websites, and will publish the information pursuant to law. Information will also be made available on our website at www.sos.state.nm.us.

2016 PRIMARY ELECTION CALENDAR

(applicable statutory references in italics)

2015	
<p>POST NOMINATING PETITION</p> <p>First day that the Secretary of State shall post on the Secretary of State’s website and shall furnish to each county clerk a sample of the nominating petition form. <i>(1-8-30(d))</i></p> <p>Candidates may commence circulation of nominating petitions.</p>	<p><i>On</i></p> <p>Thursday, October 1</p>
2016	
<p>Governor Issues Primary Election Proclamation <i>(1-8-12)</i></p> <p>Last day a candidate may change party affiliation, appearance of name, or residence on his record of voter registration. <i>(1-8-18 and 1-10-6 (A))</i></p>	<p><i>On</i></p> <p>Monday, January 25</p>
<p>FILING DAY for Preprimary Convention Designation</p> <p>Nominating petitions, declarations of candidacy by preprimary convention designation for any statewide or federal office or for the office of U.S. Representative. <i>(1-8-26(A))</i></p>	<p><i>On</i></p> <p>Tuesday, February 2</p> <p>9:00 am – 5:00 pm</p>
<p>Financial Disclosures Due by Certain Candidates</p> <p>For statewide office, financial disclosures must be filed at the time of filing the declaration of candidacy and nominating petition. <i>(10-16A-3)</i></p>	<p><i>On</i></p> <p>Tuesday, February 2</p>
<p>Last Day to Certify Preprimary Candidates</p> <p>The Secretary of State shall certify to the chair of each state political party the names of that party's candidates for statewide or federal office who have filed their declaration of candidacy. <i>(1-8-39.1(A)(B))</i></p>	<p><i>No Later Than</i></p> <p>Monday, February 8</p>
<p>Deadline for Challenging Nominating Petitions that were Filed on February 2nd</p> <p>Any voter filing any court action challenging a nominating petition shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. <i>(1-8-35)</i></p>	<p><i>No Later Than</i></p> <p>Friday, February 12</p>

<p>Last Date for Presidential Nominating Committee to Nominate Presidential Primary Candidates</p> <p>A committee meeting shall be convened in Santa Fe of the Chief Justice of the Supreme Court, Speaker of the House of Representatives, Minority Floor Leader of the House of Representatives, President Pro Tem of the Senate, Minority Floor Leader of the Senate and state chairmen of the major political parties participating in the presidential primary to nominate presidential primary candidates and certify to the Secretary of State 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. (1-15A-5)</p>	<p><i>No Later Than</i></p> <p>Monday, February 15</p>
<p>Independent and Minor Party Candidate Nominating Petitions</p> <p>First day that the Secretary of State shall post the independent candidate nominating petitions on the Secretary of State’s website and shall furnish to each county clerk a sample of the independent nominating petition form. (1-8-50(E))</p>	<p><i>On</i></p> <p>Tuesday, March 1</p>
<p>FILING DAY for all other Offices</p> <p>Declarations of candidacy for any other office to be nominated in the primary election shall be filed with the proper filing officer. (1-8-26 (B))</p>	<p><i>On</i></p> <p>Tuesday, March 8 9:00 am – 5:00 pm</p>
<p>Declarations of candidacy and Filing Fees for all county offices shall be filed with the proper filing officer (county clerk) from 9:00 a.m. until 5 p.m. (County primary candidates are not required to file Nominating Petitions). (1-8-26(B))</p>	<p><i>On</i></p> <p>Tuesday, March 8</p>
<p>Financial Disclosure Statements Due By Certain Candidates</p> <p>Financial disclosure statements are due on this day between 9:00 a.m. and 5:00 p.m. for legislative candidates. (10-16A-3)</p>	<p><i>On</i></p> <p>Tuesday, March 8</p>

<p>Last Possible Filing Day for Candidates Who Did Not Receive Preprimary Designation</p> <p>A Candidate who fails to receive the preprimary convention designation that the candidate sought may collect additional signatures to total at least four percent (4%) 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.</p> <p>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 Law, whichever is later. <i>(1-8-33(D))</i></p>	<p>Tuesday, March 8</p> <p>9:00 am – 5:00 pm</p> <p><i>(10 Days following the preprimary convention <u>or</u> on March 8)</i></p>
<p>Set order of candidates on ballot</p> <p>For those candidates whose order on the ballot will be determined by lot, this will be done by the appropriate filing officer immediately following closing time on filing day and all candidates or their agents shall be entitled to be present at such time. <i>(1-8-43)</i></p>	<p>Tuesday, March 8</p> <p>5:15 pm</p>
<p>Notification of Candidacy by Filing Officer</p> <p>No candidate’s name shall be placed on the ballot until the candidate has been notified in writing by the proper filing officer that the declaration of candidacy, the petitions, if required, and the certificate of registration of the candidate on file are in proper order and that the candidate, based on such documents is qualified to have his/her name placed on the ballot. The proper filing officer shall mail such notice not later than 5:00 p.m. on the Tuesday following the filing date. <i>(1-8-26(E))</i></p>	<p><i>No Later Than</i></p> <p>Tuesday, March 15</p>
<p>FILING DAY for Write-in Candidates for the Primary Election</p> <p>Declaration of intent to be a write-in candidate for the primary election shall be filed with the proper filing officer for the office of U.S. Representative, members of the legislature, district judges, district attorneys, public regulation commission, public education commission, magistrate and any office voted on by all voters of the state. <i>(1-8-36.1(A)(C))(Primary Election write-in candidates are not required to file Nominating Petitions)</i></p>	<p><i>On</i></p> <p>Tuesday, March 15</p> <p>9:00 am – 5:00 pm</p>

<p>Last Possible Filing Day for President of the United States</p> <p>No later than 5:00 p.m. on the thirtieth 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. (1-15A-6)</p>	<p><i>No Later Than</i></p> <p>Wednesday, March 16</p>
<p>Deadline for Challenging Nominating Petitions that were filed on March 8th</p> <p>Any voter filing any court action challenging a nominating petition shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. (1-8-35)</p>	<p><i>No Later Than</i></p> <p>Friday, March 18</p>
<p>Candidate Withdrawal from Primary Election</p> <p>A candidate seeking to withdraw shall withdraw no later than the first Tuesday in April before that primary election by filing a signed and notarized statement of withdrawal. (1-8-44)</p>	<p><i>No Later Than</i></p> <p>Tuesday, April 5</p>
<p>1st CAMPAIGN FINANCE REPORT OR STATEMENT OF NO ACTIVITY DUE</p> <p>All reporting individuals shall file an electronic report of <i>all expenditures made and contributions received between October 6, 2015 and April 4, 2016 and not previously reported</i> or, if applicable, a statement of no activity.</p> <p>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, have the candidate's name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates (1-19-29(B)(1))</p>	<p><i>On or Before</i></p> <p>Monday, April 11</p>

<p>Last Day the Presidential Nominees May Withdraw From the Primary</p> <p>The Secretary of State shall contact each person who has been nominated by the committee or by petition and notify him in writing by certified mail, with return receipt requested, that his name will be printed as a candidate on the New Mexico presidential primary ballot unless he requests in writing otherwise at least fifty days prior to the election. (1-15A-7)</p>	<p><i>No Later Than</i> Monday, April 18</p>
<p>2nd CAMPAIGN FINANCE REPORT OR STATEMENT OF NO ACTIVITY DUE</p> <p>In an election year, instead of the biannual reports provided for in the campaign reporting act, all reporting individuals, except for public officials who are not candidates in an election that year, shall file reports of <i>all expenditures made and contributions received between April 5, 2016 through May 2, 2016</i> or, if applicable, a statement of no activity. (1-19-29 (B)(2))</p>	<p><i>On or before</i> Monday, May 9</p>
<p>Voter registration closes for primary election (1-4-8)</p>	<p><i>On</i> Tuesday, May 10</p>
<p>Absentee voting begins (1-6-5(E)(D))</p>	<p><i>On</i> Tuesday, May 10</p>
<p>Early in-person absentee voting begins at alternate sites (1-6-5.7)</p> <p>Please contact your county clerk for times and locations.</p>	<p><i>On</i> Saturday, May 21</p>
<p>3rd CAMPAIGN FINANCE REPORT OR STATEMENT OF NO ACTIVITY DUE</p> <p>All reporting individuals shall file an electronic report of <i>all expenditures made and contributions received between May 3, 2016 through May 31, 2016</i>, that were not reported on a supplemental report or previously reported or, if applicable, a statement of no activity (1-19-29 (B)(5))</p>	<p><i>On or before</i> Thursday, June 2</p>
<p>Last day county clerks shall mail absentee ballots (1-6-5 (H))</p>	<p><i>No Later Than</i> Friday, June 3</p>
<p>Absentee in person and early in-person voting ends (1-6-5 (F))</p>	<p><i>On</i> Saturday, June 4</p>

<p>Last day to accept absentee ballots</p> <p><i>Completed official mailing envelopes shall be accepted until 7:00 p.m.</i></p>	<p><i>On</i></p> <p>TUESDAY, JUNE 7</p>
<p><u>PRIMARY ELECTION DAY</u></p> <p><u>Polls open from 7:00 a.m.-7:00 p.m.</u></p>	<p><u>TUESDAY,</u></p> <p><u>JUNE 7TH</u></p>
<p>FILING DAY for Independent Candidates, Minor Party Candidates, and Write-In Candidates for the General Election</p> <p>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. on the twenty-third day following the primary election. Candidates for statewide and legislative offices must also file a financial disclosure statement. (1-8-52 (A) and 10-16A-3)</p> <p>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 day following the primary election. No person shall be a write-in candidate in the general election who was a candidate during the primary election. (1-12-19.1 (A))</p> <p>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 day the Governor issues the proclamation. (1-8-2 to 1-8-3)</p>	<p><i>On</i></p> <p>Thursday, June 30</p> <p>9:00 am – 5:00 pm</p>
<p>4th CAMPAIGN FINANCE REPORT OR STATEMENT OF NO ACTIVITY DUE</p> <p>All reporting individuals shall file an electronic report of <i>all expenditures made and contributions received between June 1, 2016 through July 2, 2016</i>, that were not reported on a supplemental report or previously reported or, if applicable, a statement of no activity. (1-19-29 (B)(5))</p>	<p><i>On or Before</i></p> <p>Thursday, July 7</p>

OFFICES APPEARING ON THE 2016 PRIMARY ELECTION BALLOT

OFFICE	DISTRICT (If Applicable)	TERM
FEDERAL OFFICES		
President and Vice-President of the United States (<i>Vice-President appears only on the General Election Ballot</i>)	National	4 years
United States Representative	District 1	2 years
United States Representative	District 2	2 years
United States Representative	District 3	2 years
STATEWIDE OFFICES		
Justice of the Supreme Court	Statewide office	Filling unexpired term; retention election in 2020
Judge of the Court of Appeals	Statewide office	Filling unexpired term; retention election in 2022
LEGISLATIVE & STATE DISTRICT OFFICES		
State Senators	All 42 Districts	4 years
State Representatives	All 70 Districts	2 years
Public Regulation Commissioners	District 3	4 years
Public Education Commissioners	District 1	4 years
Public Education Commissioners	District 4	4 years
Public Education Commissioners	District 8	4 years
Public Education Commissioners	District 9	4 years
Public Education Commissioners	District 10	4 years
PARTISAN ELECTION FOR JUDICIAL OFFICES		
1 st Judicial District	Division V	Filling unexpired term; retention election in 2020
2 nd Judicial District	Division XXIV	Filling unexpired term; retention election in 2020
8 th Judicial District	Division I	Filling unexpired term; retention election in 2020
9 th Judicial District	Division I	Filling unexpired term; retention election in 2020
10 th Judicial District	Division I	Filling unexpired term; retention election in 2020
11 th Judicial District	Division I & V	Filling unexpired term; retention election in 2020
13 th Judicial District	Division IV	Filling unexpired term; retention election in 2020
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.		
PARTISAN ELECTION FOR DISTRICT ATTORNEYS		
Judicial District	All	District Attorneys from all 13 judicial districts in New Mexico serve 4 year terms. There are a total of 14 District Attorneys as the 11 th judicial district has a separate District Attorney for McKinley County and San Juan County.

COUNTY OFFICES APPEARING ON THE BALLOT	
<p style="text-align: center;">BERNALILLO COUNTY</p> <p>County Commissioner Districts 2, 3, & 4 County Clerk Treasurer Metropolitan Court Judge Division II & III</p>	<p style="text-align: center;">GUADALUPE COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">CATRON COUNTY</p> <p>County Commissioner Districts 1 & 3 County Clerk Treasurer Probate Judge</p>	<p style="text-align: center;">HARDING COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer Magistrate Judge</p>
<p style="text-align: center;">CHAVES COUNTY</p> <p>County Commissioner Districts 2, 3 & 4 County Clerk County Treasurer</p>	<p style="text-align: center;">HIDALGO COUNTY</p> <p>County Commissioner Position 3 County Clerk County Treasurer</p>
<p style="text-align: center;">CIBOLA COUNTY</p> <p>County Commissioner Districts 2,4 &5 County Clerk County Treasurer</p>	<p style="text-align: center;">LEA COUNTY</p> <p>County Commissioner Districts 1, 4 &5 County Clerk County Treasurer</p>
<p style="text-align: center;">COLFAX COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>	<p style="text-align: center;">LINCOLN COUNTY</p> <p>County Commissioner Districts 1 & 3 County Assessor County Sheriff Probate Judge</p>
<p style="text-align: center;">CURRY COUNTY</p> <p>County Commissioner Districts 2, 4 & 5 County Clerk County Treasurer</p>	<p style="text-align: center;">LOS ALAMOS COUNTY</p> <p>County Council (<i>Los Alamos County is composed of a County Council with 7 seats, 3 of which are on the ballot in 2016. Los Alamos has positions which run at large instead of by commission districts.</i>)</p> <p>County Clerk</p>
<p style="text-align: center;">DE BACA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>	<p style="text-align: center;">LUNA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">DONA ANA COUNTY</p> <p>County Commissioner Districts 2,4 & 5 County Clerk County Treasurer Magistrate Judge Division III</p>	<p style="text-align: center;">MCKINLEY COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">EDDY COUNTY</p> <p>County Commissioner Districts 2, 3, 4 & 5 County Treasurer County Sheriff</p>	<p style="text-align: center;">MORA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>

<p style="text-align: center;">GRANT COUNTY</p> <p>County Commissioner Districts 3, 4 & 5 County Clerk County Treasurer Probate Judge</p>	<p style="text-align: center;">OTERO COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">QUAY COUNTY</p> <p>County Commissioner Districts 1 & 2 County Clerk County Treasurer</p>	<p style="text-align: center;">SIERRA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">RIO ARRIBA COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>	<p style="text-align: center;">SOCORRO COUNTY</p> <p>County Commissioner Districts 2, 4 & 5 County Clerk County Treasurer</p>
<p style="text-align: center;">ROOSEVELT COUNTY</p> <p>County Commissioner Districts 1, 2 & 5 County Clerk County Treasurer Probate Judge</p>	<p style="text-align: center;">TAOS COUNTY</p> <p>County Commissioner Districts 3 & 4 County Clerk County Treasurer Magistrate Judge Division II</p>
<p style="text-align: center;">SAN JUAN COUNTY</p> <p>County Commissioner Districts 3, 4 & 5 County Clerk County Treasurer County Assessor Magistrate Judge Divisions IV & V</p>	<p style="text-align: center;">TORRANCE COUNTY</p> <p>County Commissioner District 3 County Clerk County Treasurer</p>
<p style="text-align: center;">SAN MIGUEL COUNTY</p> <p>County Commissioner District 2, 4 & 5 County Clerk County Treasurer</p>	<p style="text-align: center;">UNION COUNTY</p> <p>County Commissioner Position 3 County Clerk County Treasurer</p>
<p style="text-align: center;">SANDOVAL COUNTY</p> <p>County Commissioner District 2, 4 & 5 County Clerk County Treasurer</p>	<p style="text-align: center;">VALENCIA COUNTY</p> <p>County Commissioner Districts 2, 4 & 5 County Clerk County Treasurer</p>
<p style="text-align: center;">SANTA FE COUNTY</p> <p>County Commissioner District 2, 4 & 5 County Clerk County Treasurer</p>	
<p>VACANCIES IN OFFICE</p> <p>Any office that becomes vacant because of resignation or death after the publication of this guide may also appear on the ballot.</p> <p>(NMSA 1978, § 1-8-7)</p>	

General Eligibility Requirements for All Offices

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

The minor political parties are the Constitution Party of New Mexico, the Independent American Party of New Mexico, the Libertarian Party of New Mexico, and the Green 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 and in NMSA 1978 § 1-7-2.

Independent candidates, in general, are candidates whose certificate of registration shows affiliation with no qualified political party on the date of the election proclamation and reside in the district, county, or state of New Mexico, depending on the office sought. In addition to the specific qualifications for each office, see NMSA 1978 § 1-8-45 for specific qualifications for office applicable to 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. 1 7 2(a)).

Minimum Age: The 26th 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 Governor's Election Proclamation for the Primary Election, January 25, 2016 (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.
 - **Minor Party Candidates:** their voter registration must show the candidate was registered as a member of their minor party *before* the day the governor issues the 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 governor's proclamation.

- Residence in the district or county of the office for which the candidate is running on the date of the Election Proclamation; (NMSA 1978 § 1-8-18(A)). 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 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(C))

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)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office serves as commander in chief of the Army and the Navy and of the militia of individual states; has the power to grant reprieves and pardons for offenses against the United States, except in the cases of impeachment; has the power to make treaties, with the concurrence of two-thirds of the Senators present; with the consent of the Senate, nominates and appoints ambassadors, justices of the Supreme Court, and other federal officers whose appointments are not otherwise provided for; has the power to fill vacancies that occur during the recess of the Senate; describes the state of the union to Congress "from time to time;" on extraordinary occasions, may convene

both houses of Congress or either one of them; receives ambassadors and other public ministers; ensures that the laws of the United States are faithfully executed; and commissions all the officers of the United States. (U.S. Const. Art. II, Sec. 2 & 3)

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.

In addition to performing other duties prescribed by law or dictated by custom, the Vice President presides over the U.S. Senate, and assumes the powers and duties of the President upon the President's death, resignation, or inability to serve, and becomes President upon the death of the President-Elect at the beginning of the term. (U.S. Const. Art. II Sec 1; see also Amends. XX and XXV)

United States Representative

Pursuant to U.S. Const., Art. I, Sec. 2, cl. 2, a United States Representative must be:

- At least twenty-five years of age;
- A citizen of the United States for seven years; and
- A resident of New Mexico.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office represents the interests of constituents in his or her district, serves as an ombudsman between the citizens and federal government, and helps set national policy.

State Senator

To serve as State Senator a person must be:

- At least twenty-five years of age; and
- At the time of qualifying does not hold any office of trust or profit with the state, county, or national governments, except for notaries public and officers of the militia who receive no salary.

In addition to other duties prescribed by law or dictated by custom, the person in either of these legislative offices, together with other representative and senators, enacts "reasonable and appropriate laws," represents the constituents in his or her district, and serves on standing or interim committees.

State Representative

To serve as a State Representative a person must be:

- At least twenty-one years of age; and
- At the time of qualifying does not hold any office of trust or profit with the state, county, or national governments, except for notaries public and officers of the militia who receive no salary.

In addition to other duties prescribed by law or dictated by custom, the person in either of these legislative offices, together with other representative and senators, enacts “reasonable and appropriate laws,” represents the constituents in his or her district, and serves on standing or interim committees.

Justice of the Supreme Court

To serve as a Justice of the New Mexico Supreme Court a person must be:

- At least thirty-five years of age;
- Engaged in actual practice of law for at least ten years preceding assumption of office; and
- A resident of New Mexico for at least three years immediately preceding assumption of office. (N.M. Const., Art. VI, Sec. 8)

In addition to performing other duties prescribed by law or dictated by custom, a Supreme Court Justice, together with other justices, acts as a conservator of the peace; has original jurisdiction in certain cases against state officers, boards and commissions, and has superintending control over all inferior courts, including the authority to review any civil or criminal matter in which the decision of the court of appeals meets certain condition prescribed by law.

Judge of the Court of Appeals

To serve as a Court of Appeals Judge a person must be:

- At least thirty-five years of age;
- Engaged in actual practice of law for at least ten years preceding assumption of office; and
- A resident of New Mexico for at least three years immediately preceding the assumption of office. (N.M. Const., Art. VI, Secs. 8 and 28)

In addition to performing other duties prescribed by law or dictated by custom, a judge of Court of Appeals, together with other the judges, exercises appellate jurisdiction in a number of actions and decisions specified by law.

Public Regulation Commissioner

Pursuant to NMSA 1978 § 8-8-3.1 there are additional requirements of a person holding the office of Public Regulation Commissioner³. Those requirements are:

- Having at least ten years of professional experience in an area regulated by the commission or in the energy sector and involving a scope of work that includes accounting, public or business administration, economics, finance, statistics, engineering or law;
- Having a total of ten years of combined professional experience as described above and higher education resulting in at least a professional license or a baccalaureate degree from an institution of higher education that has been accredited by a regional or national accrediting body in an area regulated by the commission, including accounting, public or business administration, economics, finance, statistics, engineering or law; or
- Holding the office of commissioner on January 1, 2013.

In addition to performing other duties prescribed by law or dictated by custom, a Public Regulation Commissioner, together with other members of the Commission, shall have responsibility for regulating public utilities including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies including telephone, telegraph and information transmission companies; and others engaged in risk assumption; and other public service companies in such manner as the legislature shall provide. (Adopted November 5, 1996)

Public Education Commission

To serve as a member of the Public Education Commission a person must meet the general requirements for candidacy.

The Public Education Commission is described generally in NMSA 1978 § 22-2-2.2. In addition, a Public Education Commissioner, together with other members of the Board, act as the governing authority that controls, manages and directs all public schools, except as otherwise provided by law; appoints a state superintendent of schools; and determines the qualification for teachers, counselors, and administrators in the public schools.

District Attorney

To serve as District Attorney a person must be:

- A resident of New Mexico for three years prior to his or her election; and
- Learned in the law (N.M. Const. Art. VI, Sec. 24 and Art. VII, Sec. 2A)

The duties and responsibilities of District Attorneys are described in NMSA 1978 § 36-1-1 through 28.

³ A voter may also challenge the candidacy of someone for Public Regulation Commissioner alleging that the candidate fails to meet these statutory requirements.

District Court Judge

To serve as District Court Judge a person must be:

- At least thirty-five years of age;
- Engaged in actual practice of law for at least six years preceding assumption of office; and
- A resident of New Mexico for at least three years immediately preceding assumption of office. (N.M. Const. Art. VI, Sec. 14, as amended in 1988)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office acts as a conservator of the peace, holds preliminary examinations in criminal cases, abides by the rules of criminal and civil procedure.

Metropolitan Court Judge

To serve as a metropolitan court judge, a person must be:

- A resident of the metropolitan court district he or she represents;
- A member of the New Mexico bar and have practiced law in New Mexico for a period of three years. (N.M. Const. Art. VI, Sec. 26 & 34-8A-4 NMSA 1978)

County Commissioner

To serve as a County Commissioner, a person must meet the general eligibility requirements for all candidates.

In addition to performing other duties prescribed by law or dictated by custom, a County Commissioner, together with other members of the Board of County Commissioners, represents the county in all its interests in all cases not otherwise provided by law, and appoints election officials to fill vacancies. (Section 4-38-1 NMSA 1978 establishes the office of county commissioner. See also Section 4-38-3 NMSA 1978; N.M. Const. Art. V, Section 13 and Art. VII, Sec. 2A).

County Clerk

To serve as County Clerk a person must meet the general eligibility requirements for all candidates.

The duties of a County Clerk are outlined in NMSA 1978 § 4-40-2 through 10. In addition to performing other duties prescribed by law or dictated by custom, the person in this office serves as voter registration officer for his or her county, serves as ex-officio clerk of the Board of County Commissioners, and supervises the elections process in his or her county.

County Treasurer

To serve as County Treasurer a person must meet the general eligibility requirements for all candidates.

The duties of a County Treasurer are outlined in NMSA 1978 § 4-43-2. In addition to performing other duties prescribed by law or dictated by custom, the person in this office keeps an account of all monies received and disbursed; regular accounts of all checks and warrants drawn on the treasury and paid; and the books papers and money pertaining to the office ready for inspection by the board of county commissioners at all times.

County Assessor

To serve as County Assessor a person must meet the general eligibility requirements for all candidates.

The duties of a County Assessor are outlined in NMSA 1978 § 4-39-2 through 6. In addition to performing other duties prescribed by law or dictated by custom, the person in this office is responsible for the tax-related valuation of all county property, with certain exceptions, and prepares a periodic property tax schedule.

County Sheriff

To serve as County Sheriff a person must meet the general eligibility requirements for all candidates.

The duties of a County Sheriff are outlined in NMSA 1978 § 4-41-2 through 22. In addition to performing other duties prescribed by law or dictated by custom, the person in this office enforces the provisions of all county ordinances; aids in the arrest and detention of escaped prisoners; and serves and executes all process, writs, and orders directed to him or her by magistrate judges and certain others directed by municipal judges.

Probate Judge

To serve as Probate Judge a person must meet the general eligibility requirements for all candidates.

The duties and responsibilities of a Probate Judge are outlined in NMSA 1978 § 34-7-1 through 225. In addition to performing other duties prescribed by law or dictated by custom, the person in this office may take acknowledgement of any instrument of writing and may issue process and make rules to discharge the duties and business of his or her office. (N.M. Const. Art. VI Secs. 23)

Magistrate Judge

In addition to the general requirements, to serve as Magistrate Judge a person:

- Must have graduated from high school or have attained the equivalent of a high school education as indicated by possession of a certificate of equivalence issued by the state Department of Public Education based upon the record made on the general educational development test; and
- In magistrate districts with a population of more than 200,000 persons in the last federal decennial census, must be a member of the New Mexico Bar licensed to practice law in this state but shall not engage in the private practice of law during tenure in office.

Magistrate Courts are established by N.M. Const. Art. VI, Sec. 26. The duties and responsibilities of a Magistrate Judge are established in NMSA 1978 Section 34, Article 35.

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 at the end of this section.

General Information

On October 1, 2015, 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 2016 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.

The form of petition is outlined in New Mexico law. (NMSA 1978 § 1-8-30 for major parties, § 1-8-50 for independent candidates, and § 1-8-2 for minor parties) Candidates must collect signatures on nominating petitions that are in the form prescribed by the Secretary of State. (NMSA 1978 § 1-2-1(B)). 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. For candidates in multi-county districts, the petition may only contain one county in the top of the form and must have only residents from that county sign that petition. Petitions submitted without this information completed or with more than one county listed are not counted by the filing officer.

NMSA 1978 § 1-8-30 requires the following information on all nominating petitions:

- The party affiliation of the voter signing 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)
- The candidate's name (as it appears on the candidate's certificate of registration);
- The candidate's address (as it appears on the candidate's certificate of registration);
- The candidate's county of residence;
- The office the candidate seeks, along with the correct district or division number, if applicable. For Justices of the Supreme Court and Judges of the Court of Appeals, see Rule 1.10.9.8 NMAC and Rules 21-400 through 406 NMRA for petition information specific to these offices; and
- The date of the primary election (this is provided on the form and may not be altered).

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 (NMSA 1978 § 1-8-32). Falsifying an election document is a fourth degree felony (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 (this is the information contained in the bullet points above pursuant to NMSA 1978 § 1-8-30) (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.

Candidates are urged to avoid the use of white out, overtyping, using strikeovers 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 and 1-8-50)

Independent and minor party candidates MUST ensure they are circulating the correct nominating petition form which will be published March 2016 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 minimum required number of signatures is based upon the number of total votes cast for governor at the last preceding general election where a governor was elected. (NMSA 1978 § 1-8-51)

The required number of petition signatures for each required office on the 2016 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 House of Representatives

Congressional District	Democrats	Republicans
1	(2% threshold) 704 (4% threshold) 1,408	(2% threshold) 420 (4% threshold) 839
2	(2% threshold) 628 (4% threshold) 1,255	(2% threshold) 489 (4% threshold) 979
3	(2% threshold) 1,180 (4% threshold) 2,359	(2% threshold) 375 (4% threshold) 751

New Mexico State Senate

Senate District	County/Counties	Democrats	Republicans
1	San Juan	23	76
2	San Juan	27	98
3	McKinley & San Juan	106	28
4	Cibola, McKinley & San Juan	135	25
5	Los Alamos, Rio Arriba, Sandoval & Santa Fe	225	31
6	Los Alamos, Rio Arriba, Santa Fe, & Taos	239	34
7	Curry, Quay, & Union	52	70
8	Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos	272	40
9	Bernalillo & Sandoval	101	50
10	Bernalillo & Sandoval	53	45
11	Bernalillo	39	17
12	Bernalillo	87	17
13	Bernalillo	116	36
14	Bernalillo	56	20
15	Bernalillo	81	56
16	Bernalillo	122	27
17	Bernalillo	38	21
18	Bernalillo	74	73
19	Bernalillo, Sandoval, Santa Fe & Torrance	66	80
20	Bernalillo	80	85
21	Bernalillo	67	78
22	Bernalillo, McKinley, Rio Arriba, San Juan & Sandoval	120	21
23	Bernalillo	62	48
24	Santa Fe	159	17
25	Santa Fe	274	19
26	Bernalillo	61	23
27	Chaves, Curry, De Baca, Lea & Roosevelt	36	80
28	Catron, Grant, & Socorro	189	77
29	Bernalillo & Valencia	88	39
30	Cibola, McKinley, Socorro & Valencia	116	44
31	Dona Ana	35	17
32	Chaves, Eddy & Otero	24	46
33	Chaves, Lincoln & Otero	40	114
34	Dona Ana, Eddy & Otero	28	58
35	Dona Ana, Hidalgo, Luna & Sierra	96	64
36	Dona Ana	60	29
37	Dona Ana	52	30
38	Dona Ana	50	17
39	Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance & Valencia	113	55
40	Sandoval	44	40
41	Eddy & Lea	29	31
42	Chaves, Eddy & Lea	24	78

New Mexico House of Representatives

House District	County/Counties	Democrats	Republicans
1	San Juan	17	77
2	San Juan	13	37
3	San Juan	16	52
4	San Juan	30	23
5	McKinley & San Juan	90	16

6	Cibola & McKinley	86	14
7	Valencia	46	22
8	Valencia	57	34
9	McKinley & San Juan	79	12
10	Bernalillo	37	12
11	Bernalillo	82	13
12	Bernalillo	32	10
13	Bernalillo	21	10
14	Bernalillo	35	10
15	Bernalillo	51	34
16	Bernalillo	50	21
17	Bernalillo	58	21
18	Bernalillo	68	11
19	Bernalillo	59	14
20	Bernalillo	40	44
21	Bernalillo	19	11
22	Bernalillo, Sandoval & Santa Fe	52	48
23	Bernalillo & Sandoval	49	29
24	Bernalillo	46	36
25	Bernalillo	62	26
26	Bernalillo	21	10
27	Bernalillo	50	55
28	Bernalillo	48	53
29	Bernalillo	32	28
30	Bernalillo	46	40
31	Bernalillo	45	59
32	Grant, Hidalgo & Luna	63	30
33	Dona Ana	38	15
34	Dona Ana	24	10
35	Dona Ana	37	14
36	Dona Ana	29	13
37	Dona Ana	38	23
38	Grant, Hidalgo & Sierra	90	46
39	Dona Ana, Grant & Sierra	74	20
40	Colfax, Mora, Rio Arriba & San Miguel	170	17
41	Rio Arriba, Santa Fe & Taos	153	10
42	Taos	143	13
43	Los Alamos, Rio Arriba, Sandoval & Santa Fe	68	43
44	Sandoval	36	34
45	Santa Fe	91	10
46	Santa Fe	133	10
47	Santa Fe	142	10
48	Santa Fe	115	10
49	Catron, Socorro & Valencia	80	60
50	Bernalillo, Santa Fe, Tarrant & Valencia	75	35
51	Otero	18	47
52	Dona Ana	23	10
53	Dona Ana & Otero	10	10
54	Chaves, Eddy & Otero	23	35
55	Eddy	28	29
56	Lincoln & Otero	21	60
57	Sandoval	21	16
58	Chaves	13	24
59	Chaves & Lincoln	25	83
60	Sandoval	22	23
61	Lea	11	21

62	Lea	10	47
63	Curry, De Baca, Guadalupe, Roosevelt & San Miguel	66	18
64	Curry	16	43
65	Rio Arriba, San Juan & Sandoval	74	10
66	Chaves, Lea & Roosevelt	17	63
67	Colfax, Curry, Harding, Quay, Roosevelt, San Miguel & Union	77	47
68	Bernalillo	32	30
69	Bernalillo, Cibola, McKinley, San Juan, Socorro & Valencia	76	13
70	San Miguel, Santa Fe & Torrance	146	19

Public Regulation Commission

PRC District	Democrats	Republicans
1	718	444
3	1197	273

Public Education Commission

PEC District	Democrats	Republicans
1	228	94
4	342	204
8	382	321
9	150	241
10	906	77

Appellate and District Court Offices

		Democrats	Republicans
Justice of the Supreme Court and Judge of the Court of Appeals	Statewide	(2% threshold) 2,507	(2% threshold) 1,288
		(4% threshold) 5,015	(4% threshold) 2,577
1st Judicial District Court Judge	Division V	809	100
2nd Judicial District Court Judge	Division XXIV	984	589
8th Judicial District Court Judge	Division I	212	33
9th Judicial District Court Judge	Division I	35	81
10th Judicial District Court Judge	Division I	43	26
11th Judicial District Court Judge	Division I	315	228
11th Judicial District Court Judge	Division V	315	228
13th Judicial District Court Judge	Division IV	429	197

District Attorneys

Judicial District	Counties Covered	Democrats	Republicans
1 st	Los Alamos, Rio Arriba, & Santa Fe	809	100
2 nd	Bernalillo	984	589
3 rd	Dona Ana	213	95
4 th	Guadalupe, Mora, & San Miguel	252	18
5 th	Chaves, Eddy & Lea	109	246
6 th	Grant, Hidalgo, & Luna	191	57
7 th	Catron, Sierra, Socorro, & Torrance	115	109
8 th	Colfax, Taos, & Union	212	33
9 th	Curry & Roosevelt	35	81
10 th	De Baca, Harding & Quay	43	26
11 th	San Juan	107	198
11 th	McKinley	208	30
12 th	Lincoln & Otero	54	153
13 th	Cibola, Sandoval & Valencia	429	197

Metropolitan and Magistrate Courts

Court	Division	Democrats	Republicans
Bernalillo Metropolitan Court	II & III	984	589
Dona Ana Magistrate Court	III	213	95
Grant Magistrate Court	I & II	128	26
Hidalgo Magistrate Court	IV	22	10
Lea Magistrate Court	IV	10	22
Otero Magistrate Court	I & II	36	91
San Juan Magistrate Court	IV	36	22
San Juan Magistrate Court	V	11	25
Taos Magistrate Court	II	160	14

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, 2016. 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.

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 § 1-15A-5)

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 2016 presidential primary are below. (NMSA 1978 §1-15A-6)

- **Independent Candidates:** Independent candidates are nominated solely by nominating petition following the primary election. The petition becomes available on March 1, 2016 for circulation and are filed with the Secretary of State on June 30, 2016 between the hours of 9:00 a.m. and 5:00 p.m., along with the Declaration of Candidacy. (NMSA 1978 §1-8-51)
- **Minor Party Candidates:** Minor Party candidates use the petition process.

President of the United States

District	Number
District 1	5644
District 2	4605
District 3	5425
Required Signatures:	15,674

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 below. For the 2016 Primary Election, filing day is **February 2, 2016 for candidates seeking preprimary convention designation**. Filing day is **March 8, 2016 for all other major party candidates**. Please review the “FILING FOR OFFICE” section below for further information on filing day requirements.

- **Independent and Minor Party Candidates:** Filing day is **June 30, 2016**.

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. Additions to or withdrawals of petitions are not permitted following submission to the filing officer. Once the petitions are filed, no person is permitted to revoke their signature. (NMSA 1978 § 1-8-34)

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.

Submit all petitions when filing for office. Candidates make one and only one submission of petitions, with the exception for preprimary convention candidates who do not receive their party’s nomination. Detailed information on this scenario is included below. When submitting petitions, candidates must submit all original petitions. (NMSA 1978 §1-8-30(E))

Review of and Challenges to Petitions

The filing officer will review each candidate's submitted petitions, along with all other required documents and information on filing day. In reviewing the petitions, the filing officer will verify the candidate submitted petitions containing the minimum number of required signatures, based upon the face of the petitions submitted. The Election Code requires that signatures are counted on a nominating petition unless there is evidence presented that the signatures do not comply with NMSA 1978 § 1-8-31(C).⁴ Specifically, the evidence must show that the person signing:

- 1) was not a registered member of the candidate's political party ten days prior to the filing of the nominating petition;
 - **Independent and Minor Party Candidates:** this provision does not apply
- (2) failed to provide information required by the nominating petition;
- (3) is not a voter of the state, district, county or area to be represented by the office for which the person seeking the nomination is a candidate;
- (4) has signed more than one petition for the same office, except as provided in Subsection A of this section, or has signed one petition more than once;
- (5) is not of the same political party as the candidate named in the nominating petition as shown by the signer's certificate of registration; or
 - **Independent and Minor Party Candidates:** this provision does not apply
- (6) is not the person whose name appears on the nominating petition.

Challenges to petitions primarily occur when a voter files an action in district court challenging the validity of the petitions. The filing officer may not count signatures if the petition on its face demonstrates that the person signing failed to provide required information. 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.

⁴ For petitions submitted by presidential candidates, the Secretary of State shall count the signatures unless it is determined that the person signing is not a registered voter of New Mexico, has signed more than one petition, or is not the person whose name appears on the nominating petition.

FILING DAY

Where to file

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

- President of the United States
- United States Representative
- Justice of the Supreme Court
- Judge of the Court of Appeals
- State Senator (multi-county districts only)
- State Representative (multi-county districts only)
- Public Regulation Commission
- Public Education Commission
- District Court Judge
- District Attorney

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

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

NEW MEXICO COUNTY CLERKS

Bernalillo

Maggie Toulouse-Oliver (D)
One Civic Plaza, NW, 6TH Fl.
Albuquerque, NM 87102
(505) 468-1290
clerk@bernco.gov

Catron

M. Keith Riddle (R)
P.O. Box 197
Reserve, NM 87830
(575) 533-6400
keith.riddle@catroncountynm.gov

Chaves

Dave Kunko (R)
P.O. Box 580
Roswell, NM 88202
(575) 624-6614
dkunko@co.chaves.nm.us

Cibola

Elisa Bro (D)
515 W. High Street
Grants, NM 87020
(505) 285-2535
elisa.bro@co.cibola.nm.us

Colfax

Freda L. Baca (D)
P.O. Box 159
Raton, NM 87740
(575) 445-5551
clerk@co.colfax.nm.us

Curry

Rosalie L. Riley (R)
700 N. Main St., Suite 7
Clovis, NM 88102
(575) 763-5591
currycountyboe@gmail.com

De Baca

Rosalie A. Gonzales-Joiner (D)
P.O. Box 347
Fort Sumner, NM 88119
(575) 355-2601
rosaliej@plateautel.net

Doña Ana

Lynn J. Ellins (D)
845 N. Motel Blvd.
Las Cruces, NM 88007
(575) 647-7428
elections@donaanacounty.org

Eddy

Robin VanNatta (D)
325 S. Main Street
Carlsbad, NM 88220
(575) 885-3383
robbin@co.eddy.nm.us

Grant

Robert Zamarripa (D)
P.O. Box 898
Silver City, NM 88062
(575) 574-0042
grantrzamari@cybermesa.com

Guadalupe

Patrick Z. Martinez (D)
1448 Historic Route 66 Ste 1
Santa Rosa, NM 88435
(575) 472-3791
pmartinez@guadco-nm.us

Harding

Barbara Shaw (D)
35 Pine Street
Mosquero, NM 87733
(575) 673-2301
hardingcc@plateautel.net

Hidalgo

Melissa K. DeLaGarza (D)
300 S. Shakespeare St.
Lordsburg, NM 88045
(575) 542-9213
hidclck@aznexus.net

Lea

Pat Snipes Chappelle (R)
Box 1507
Lovington, NM 88260
(575) 396-8623
pchappelle@leacounty.net

Lincoln

Rhonda Burrows (R)
Box 338
Carrizozo, NM 88301
(575) 648-2394 ext. 6
rburrows@lincolncountynm.net

Los Alamos

Sharon Stover (R)
1000 Central Avenue, Suite 240
Los Alamos, NM 87544
505-662-8010
clerks@lacnm.us

Luna

Andrea Rodriguez (D)
P.O. Box 1838
Deming, NM 88031
(575) 546-0491
andrea_rodriguez@lunacountynm.us

McKinley

Harriett K. Becenti (D)
P.O. Box 1268
Gallup, NM 87305
(505) 863-6866
clerk@co.mckinley.nm.us

Mora

JoAnne E. Padilla-Salas (D)
Box 360
Mora, NM 87732
(575) 387-2448
mora_clerk@yahoo.com

Otero

Denise Y. Guerra (R)
1104 N. White Sands Blvd., Ste. C
Alamogordo, NM 88310
(575) 437-4942
dguerra@co.otero.nm.us

Quay

Veronica Olguin Marez (D)
300 S. Third St.
Tucumcari, NM 88401
(575) 461-0510
veronica.marez@quaycounty-nm.gov

Rio Arriba

Moises A. Morales Jr. (D)
1122 Industrial Park Rd.
Española, NM 87532
(505) 753-1780
mamorales@rio-arriba.org

Roosevelt

DeAun Searl (R)
109 W. First St.
Portales, NM 88130
(575) 356-8562
dsearl@rooseveltcounty.com

San Juan

Debbie A. Holmes (R)
100 S. Oliver Dr., Ste. 200
Aztec, NM 87410
(505) 334-9471
dholmes@sjcounty.net

San Miguel

Geraldine E. Gutierrez (D)
500 West National Ave. Suite 113 Las
Vegas, NM 87701
(505) 425-9331
mrivera@smcounty.net

Sandoval

Eileen (Moreno) Garbagni (D)
P.O. Box 40
Bernalillo, NM 87004
(505) 867-7572
egarbagni@sandovalcountynm.gov

Santa Fe

Geraldine Salazar (D)
102 Grant Ave.
Santa Fe, NM 87501
(505) 986-6280
gsalazar@santafecountynm.gov

Sierra

Connie Greer (R)
100 N. Date Street, Suite 6
Truth or Consequences, NM
87901
(575) 894-2840
cgreerclerk@sierracountynm.gov

Socorro

Rebecca (Becky) Vega (D)
P.O. Box 1
Socorro, NM 87801
(575) 835-0423
rvega@co.socorro.nm.us

Taos

Anna Martinez (D)
105 Albright St., Suite D
Taos, NM 87571
(575) 737-6380
anna.martinez@taoscounty.org

Torrance

Linda Jaramillo (R)
P.O. Box 767
Estancia, NM 87016
(505) 246-4735
ljaramillo@tcnm.org

Union

Mary Lou Harkins (D)
P.O. Box 430
Clayton, NM 88415
(575) 374-9491
unioncountyclerk@hotmail.com

Valencia

Peggy Carabajal (R)
P.O. Box 969
Los Lunas, NM 87031
(505) 866-2073
peggy.carabajal@co.valencia.nm.us

When to File

Preprimary Convention Designation: Candidates for statewide or federal office who seek preprimary convention designation will file for office on **February 2, 2016** 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 8, 2016 between the hours of 9:00 a.m. and 5:00 p.m.** Filing is completed in the office of the appropriate filing officer listed above.

Write-in candidates⁵: Write-in candidates shall file for office on **March 15, 2016 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 30, 2016 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.

⁵ Specific information relevant only to write-in candidates is located on page 37 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);
- Nominating Petitions (if required);
- Filing Fee or pauper's statement (for county candidates only);
- Financial Disclosure Statement⁶ (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. If you have any questions about who your appropriate filing officer is please call the Bureau of Elections.
- 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)

⁶ Financial disclosures are required of all candidates for legislative or statewide office. They are filed at the time the declaration of candidacy is filed and must be on the correct form. The Financial Disclosure Act, NMSA 1978 § 10-16A-1 through 8, governs this requirement as well as subsequent disclosures required for certain elected officials.

Filing for Office as a Write-in Candidate

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

- United States Representative;
- Senate;
- House of Representatives;
- District Court Judge;
- District Attorney;
- Public Regulation Commissioner;
- Public Education Commissioner;
- Magistrate Judge; and
- any statewide office (Justice of the Supreme Court and Judge of the Court of Appeals).

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 9, 2016 for candidates seeking preprimary designation** and **March 15, 2016 for all other candidates**. Qualification for the ballot requires meeting the minimum number of petition signatures (if required and presuming any challenge is overcome⁷) 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. Candidates with a tie convention vote are determined by lot.

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 by lot below the convention designated candidates.

Candidates for any other office, qualified by declaration of candidacy are arranged on the ballot by lot. Determination by lot occurs immediately following the closing time for filing declarations of candidacy. All candidates or their agents are entitled to be present and have the option of each making one draw from the lot. (NMSA 1978 § 1-8-43)

Ballot Order by Office: A proposed rule on ballot order is scheduled for hearing on October 23, 2015. Please visit our website to review the proposed rule.

⁷ 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

A note about 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 “Candidate Information for Campaign Reporting” 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 \$1,000; Statewide candidates must file their Candidate Information for Campaign Reporting Form and begin reporting upon spending or receiving \$2,500.

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 Practices Act and Campaign Reporting Act

The Campaign Practices Act NMSA 1978 § 1-19-1 through 17 and the Campaign Reporting Act § 1-19-25 through 36 govern the financial aspects of running for office. These acts are referred to herein collectively as “the CRA.” All candidates are urged to study the CRA, become familiar with CFIS, and have an experienced treasurer track the campaign’s finances. The CRA does not apply to candidates subject to the provisions of the federal law pertaining to campaign practices and finance. While NMSA 1979 § 1-19-26 (D) and (E) defines both campaign committee and candidate, in general if you are running in the primary and are not subject to federal campaign practices law, you will report under and shall comply with the CRA.

Candidates should also be aware that the Financial Disclosures Act, a law which only applies to some entities including statewide and legislative candidates, is wholly different than the CRA.

NMSA 1978 § 1-19-34 requires candidates to appoint and consistently maintain a campaign treasurer. The candidate is permitted to act as his or her own treasurer. The CRA makes it unlawful for a candidate to make any expenditures or solicit or accept any contribution unless a treasurer has been appointed and:

- all disbursements of money and receipts of contributions are authorized by and through the candidate or treasurer;
- the campaign has a separate bank account in which all contributions are deposited and from which all expenditures are made; and
- the treasurer makes and maintains a proper record of the account.

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.

CAMPAIGN REPORTS

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.

Failure to File Reports: Candidates who fail to file timely reports will receive written notification from the Bureau of Elections. The notices are sent to the mailing address recorded in your CFIS account. It is the responsibility of the candidate to ensure that the mail is regularly checked at the provided address, and to update any contact information when necessary. Address and/or committee treasurer changes, should be updated in CFIS and submitted to the Bureau of Elections by completing an updated ‘Candidate Information for Campaign Reporting’ form. The CRA also requires that some notifications be sent via certified mail. Failure to retrieve mail is not a valid explanation for failing to file reports or comply with notices sent pursuant to the CRA. To the extent possible, the Bureau of Elections will also provide a copy of any correspondence via email to the address associated with the candidate’s CFIS account.

Notification Process for Failure to File Reports

- The day following a reporting deadline the Bureau of Elections will mail a letter to any candidate who did not file a timely report. That letter will provide a ten (10) day curing period for the candidate to file the report, and provide a written explanation, under penalty of perjury, as to why the report was late. The letter will also notify the candidate that they have incurred a \$50.00 statutory fine for filing late, and that the fine will continue to accumulate daily until the report is filed. CFIS will not accept the report for filing if the space for the written explanation is blank.
- If the candidate fails to file the report within the prescribed timeframe, they will receive a second letter imposing the fine accumulated to date, a reminder of the continual accruing fine, and providing another opportunity to file the report.
- If the candidate then files the report and pays the fine as stated in the second letter, they will bring the account current and into compliance.
- If the candidate does not file the report prior to reaching the maximum fine, they will receive a Notice of Final Action after the maximum fine of \$5,000.00 has accumulated.
- Upon receiving a Notice of Final Action, the candidate may request binding arbitration. However, if the fine is not paid within the prescribed timeframe and arbitration is not requested, the candidate may be referred to the Attorney General for enforcement.

Penalties for failure to comply: As stated above, candidates who are noncompliant with the CRA are subject to administrative, civil, and/or criminal action.

- Administrative action:
 - If the violation occurs before and through the final date of withdrawal of candidacy, **the candidate's name shall not appear on the ballot.**
 - If the violation occurs after the final date for withdrawal of candidacy or after the election, **the candidate will not receive the certificate of nomination or election,** until they come into compliance with the CRA and pay any outstanding fines.
- Civil action:
 - The Attorney General or District Attorney may file a case against the candidate in district court, which can result in a permanent or temporary injunction, a restraining order, or any other penalty deemed appropriate, including a fine of \$250 per violation. The court may also elect to order the return of contributions received due to unlawful solicitation or an unlawful contribution.
 - The Attorney General or District Attorney may also file a case to prevent violations of the CRA from occurring.
- Criminal action:
 - The Attorney General or District Attorney may prosecute a candidate for any knowing and willful violation of the CRA.
 - The violation is a misdemeanor punishable by a fine up to \$1,000.00 or by imprisonment for one year, or both.

Fundraising notes:

- **Prohibited Periods for State Legislators or Candidates for the Legislature:** NMSA 1978 § 1-19-34.1 establishes a prohibited period wherein legislators and candidates for legislature **may not** knowingly solicit a contribution for a political purpose. The prohibited period begins January 1, 2016 and ends upon adjournment of the legislative session. In the event of a special session, the prohibited period begins after issuance of the proclamation. Additionally, during the prohibited period, it is unlawful for any lobbyist or lobbyist's employer to contribute to or act as an agent or intermediary for political contributions for legislators or legislative candidates. 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. It is the position of the GCB that political candidates and their campaign committees do not meet the definition of a "qualified organization" under the New Mexico Bingo & Raffle Act ("NMBRA"). Violations of the NMBRA are misdemeanor criminal acts, the first offense punishable with a fine of up to \$1,000 and not more than six (6) months in jail, and subsequent offenses a fine of up to \$2,500 and not more than one (1) year in jail. Due to the criminal implications of this law, any complaints received regarding candidate raffles are referred to the appropriate District Attorney or to the Attorney General.

For other issues regarding appropriate contributions and expenditures, please refer to the CRA and any administrative rules related to campaign finance.

The Office of the Secretary of State is in the process of rulemaking with regard to creation of a campaign finance rule. Please see our homepage for information regarding the rulemaking process and the scheduled hearing(s). Once finalized, we will publish the rule in the New Mexico Register as Rule 1.10.13 NMRA. It is extremely important that candidates and treasurers are well versed in both the statute and the rule.

Primary Election Report Deadlines

First Primary Report: April 11, 2016 (reporting period is October 6, 2015 through April 4, 2016)

Second Primary Report: May 9, 2016 (reporting period is April 5, 2016 through May 2, 2016)

Third Primary Report: June 2, 2016 (reporting period is May 3, 2016 through May 31, 2016)

Fourth Primary Report: July 7, 2016 (reporting period is June 1, 2016 through July 2, 2016)

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.

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 28, 2016. 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 8, 2016.

LAST BUT NOT LEAST

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 parties collecting absentee ballot applications must submit the collected applications to the appropriate county clerk within 48 hours of receiving the completed application. (NMSA 1978 § 1-6-4.3)
- Only the voter, the voter's immediately family member, or the voter's care provider may deliver or be in possession of the voter's absentee ballot. (NMSA 1978 § 1-6-10.1) This means well intended individuals who collect absentee ballots to assist voters are actually violating the Election Code. Unlawful possession of an absentee ballot is a fourth degree felony. (NMSA 1978 § 1-20-7)
- Absentee voters must sign the outer mailing envelope prior to returning the ballot or it is rejected by the absentee precinct board. (NMSA 1978 § 1-6-14)
- 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. (NMSA 1978 § 1-20-16)
- 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. (NMSA 1978 § 1-20-17)