

# 2010 CANDIDATE GUIDE

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Compiled by the Bureau of Elections

State Capitol Annex

325 Don Gaspar, Suite 300

Santa Fe, New Mexico 87503



STATE OF NEW MEXICO  
MARY HERRERA  
SECRETARY OF STATE

## **An important note about using 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 2010 election cycle. Please note, however, **that this guide is intended merely as a reference, not as the ultimate legal authority on the elections process.** For more details, please consult the *Election Handbook of the State of New Mexico, 2009 Edition*; the pertinent sections of *New Mexico Statutes Annotated 1978*; and any of the other sources noted in this guide. If you would like additional copies of the *2010 Candidate Guide* or of the *2009 Election Handbook*, please contact the Bureau of Elections at the address below.

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If you have any questions about the information contained in this guide, please feel free to call the Bureau of Elections at these numbers:

**1-800-477-3632 or 505-827-3600**

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## **NOTICE TO CANDIDATES**

### ***Section 1-19-35(E)(F) NMSA 1978***

**E.** Any candidate who fails or refuses to file a report of expenditures and contributions or statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not, in addition to any other penalties provided by law: **(1)** have the candidate's name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or **(2)** be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.

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

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# 2010 ELECTION CALENDARS

<b>PRIMARY ELECTION ACTIVITY</b> <i>(applicable statutory references in italics)</i>	
<b>2009</b>	
<b>Candidates may obtain and commence circulation of Nominating Petitions.</b> <i>(1-8-30(D) NMSA 1978)</i>	<b>Thursday, October 1</b>
<b>2010</b>	
<b>Governor Issues Primary Election Proclamation</b> - Last day candidate may change party affiliation. <i>(1-8-12 &amp; 1-4-16(B) NMSA 1978)</i>	<b>Monday, January 25</b>
<b>FILING DAY for Pre-Primary Convention Designation</b> - Nominating petition, declaration of candidacy by pre-primary convention designation for any statewide or federal office or for the office of U.S. Representative.  Declaration of candidacy for retention of a justice of the supreme court or judge of the court of appeals shall be filed with the proper filing officer from 9:00 a.m. until 5:00 p.m. <i>(1-8-26(A) NMSA 1978)</i>	<b>Tuesday, February 9</b>
<b>Last Day to Certify Pre-Primary Candidates</b> - 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>(1-8-26(D) NMSA 1978)</i>	<b>Tuesday, February 16</b>
<b>FILING DAY for Write-in Candidates for the Primary Election</b> - 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, state board of education, magistrate and any office voted on by all voters of the state. Such declaration of intent shall be filed before 5:00 p.m. on the second Tuesday in March. <i>(1-8-36.1(C) NMSA 1978)</i>	<b>Tuesday, March 9</b>
<b>FILING DAY For all other offices</b> - Nominating petitions and declaration of candidacy for legislative, district judge, magistrate judge, district attorney, public regulation commission, public education commission and all county offices shall be filed with the proper filing officer from 9:00 a.m. until 5:00 p.m. Candidates for county office shall have their names placed on the primary election ballot by filing declaration of candidacy and paying filing fees or filing the proper paupers' statements at the time of filing declarations of candidacy with the proper filing officer. <i>(1-8-26(B) &amp; 1-8-21(C) NMSA 1978)</i>	<b>Tuesday, March 16</b>
<b>Last Day to Hold Pre-Primary Convention.</b> <i>(1-8-21.1(B) NMSA 1978)</i>	<b>Sunday, March 21</b>
<b>Notification of Candidacy by Filing Officer</b> - 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 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 place 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(D) NMSA 1978)</i>	<b>Tuesday, March 23</b>

<p><b>Deadline for Challenging Nominating Petitions</b> - 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 NMSA 1978)</i></p>	<p><b>Friday, March 26</b></p>
<p><b>Last Possible Filing Day for Candidates Who Did Not Receive Preprimary Designation</b> - A Candidate who fails to receive the pre-primary 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 pre-primary designation. The declaration of candidacy and nominating petitions shall be filed with the secretary of state either ten (10) days following the date of the pre-primary 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(B) NMSA 1978)</i> (SEE IMPORTANT NOTE ON PAGE )</p>	<p><b>Wednesday, March 31</b></p>
<p><b>Filing Day For New Political Parties</b> - Last day for any new political party to file rules, regulations and petitions (4,148) to participate in the general election. <i>(1-7-2 &amp; 1-7-4 NMSA 1978)</i></p>	<p><b>Tuesday, April 6</b></p>
<p><b>Candidate Withdrawal from Primary Election</b> - A candidate seeking to withdraw shall withdraw no later than the first Tuesday in April before that primary election. <i>(1-8-44 NMSA 1978)</i></p>	<p><b>Tuesday, April 6</b></p>
<p><b>1<sup>st</sup> Campaign Report Due</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through April 5, and not previously reported. <i>(1-19-29(B)1 NMSA 1978)</i></p> <p><b>Section 1-19-35(E)(F) NMSA 1978</b></p> <p>E. Any candidate who fails or refuses to file a report of expenditures and contributions or statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not, in addition to any other penalties provided by law: <b>(1)</b> have the candidate's name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or <b>(2)</b> be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.</p> <p>F. Any candidate who loses an election and who failed or refused to file a report of expenditures and contributions or a statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not be, in addition to any other penalties provided by law, permitted to file a declaration of candidacy or nominating petition for any future election until the candidate satisfies all reporting requirements of that act and pays all penalties owed.</p>	<p><b>Monday, April 12</b></p>
<p><b>Absentee Voting For Primary Election Begins</b> <i>(1-6-5(E) NMSA 1978)</i></p> <p><b>Voter Registration for Primary Election Closes at 5:00 p.m.</b> - Voter Registration for the primary election closes at 5:00 p.m. <i>(1-4-8(A) NMSA 1978)</i></p>	<p><b>Tuesday, May 4</b></p>

<p><b>2<sup>nd</sup> Campaign Report or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through May 3, and not previously reported. <i>(1-19-29(B)2 NMSA 1978)</i></p> <p><b>REPEALED 1-19-33 NMSA 1978; STATEMENT OF EXCEPTION</b></p>	<p><b>Monday, May 10</b></p>
<p><b>Early In Person Voting For Primary Election Begins.</b> An early voter may vote in person at an alternate voting location established by the county clerk. Alternate locations are available in certain counties. <i>(1-6-5.7 NMSA 1978)</i></p> <p><i>Please contact your county clerk for availability of alternate locations in your county. County Clerk information can be found on Page 21</i></p>	<p><b>Saturday, May 15</b></p>
<p><b>3<sup>rd</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through May 25, and not previously reported. <i>(1-19-29(B)5 NMSA 1978)</i></p> <p><i>(Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for five hundred dollars (\$500) or more in a legislative or non-statewide judicial election, or two thousand five hundred dollars (\$2,500) or more in a statewide election, shall be reported to the proper filing officer either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed by 5:00 p.m. on the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election.)</i></p>	<p><b>Thursday, May 27</b></p>
<p><b>Early In-Person Voting Ends for the Primary Election.</b> <i>(1-6-5.7(A) NMSA 1978)</i></p> <p><b>Absentee Voting Ends.</b> <i>(1-6-5(F) NMSA 1978)</i></p>	<p><b>Saturday, May 29</b></p>
<p><b>Primary Election Day-</b> Polls open from 7:00 a.m. to 7:00 p.m. County clerk shall accept completed official mailing envelopes containing absentee ballots until 7:00 p.m. <i>(1-8-11&amp; 1-6-10(B) NMSA 1978)</i></p>	<p><b>Tuesday, June 1</b></p>
<p><b>4<sup>th</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through June 25, and not previously reported. <i>(1-19-29(B)6 NMSA 1978)</i></p>	<p><b>Thursday, July 1</b></p>
<p><b>DEADLINE FOR CHALLENGING NOMINATING PETITIONS:</b> Any voter filing any court action challenging a nominating petition provided for in the Primary Election Law <i>(1-8-10 NMSA 1978)</i> 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(A) NMSA 1978)</i></p>	

# GENERAL ELECTION ACTIVITY

*(applicable statutory references in italics)*

**2010**

<p><b>Filing Day for Independent Candidates</b> - Independent party nominees shall file declarations of candidacy and nominating petitions with the proper filing officer during the period commencing at 9:00 a.m. and ending at 5:00 p.m. <i>(1-8-52(A) NMSA 1978)</i></p> <p><b>Filing Day for Write-in Candidates</b> - 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 5:00 p.m. on the day after the primary election. <i>(1-12-19.1(A) NMSA 1978)</i></p>	<p><b>Wednesday, June 2</b></p>
<p><b>Voter Registration Re-opens.</b> <i>(1-4-8(A)(2) NMSA 1978)</i></p>	<p><b>Monday, June 7</b></p>
<p><b>Filing Day for Minor Party Candidates</b> - Minor party nominees shall file a nominating petition and declaration of candidacy with the proper filing officer during the period commencing at 9:00 a.m. and ending at 5:00 p.m. <i>(1-8-2 NMSA 1978)</i></p>	<p><b>Tuesday, June 22</b></p>
<p><b>Last Day to Amend Party Rules and Regulations</b> - No party amendments shall be made less than one hundred twenty days prior to any general election, nor shall any amendment be effective until thirty days after being filed. Amendments shall be filed in the same manner as original party rules and regulations are filed. <i>(1-7-5 NMSA 1978)</i></p>	<p><b>Monday, July 5</b></p>
<p><b>Candidate Withdrawal from General Election</b> - No candidate shall withdraw from a general election unless the candidate withdraws at least sixty-three days prior to that election. <i>(1-8-9 NMSA 1978)</i></p> <p><b>Drawing by Lot for Ballot Position of Political Parties</b> - Drawing by lot for ballot position for political parties by the party chair or designated representative in the Office of the Secretary of State. <i>(1-10-8.1A NMSA 1978 &amp; 1.10.6 NMAC)</i></p>	<p><b>Tuesday, August 30</b></p>
<p><b>Last day to fill vacancies for General Election</b> - Appointment to fill vacancy in the list of a party's nominees shall be made and filed by this date. If the vacancy is caused by death of a nominee, the central committee may in like manner file the name of its nominee to fill the vacancy up until five days prior to the general election (<b>October 28, 2010</b>). <i>(1-8-8C NMSA 1978)</i></p>	<p><b>Tuesday, September 7</b></p>
<p><b>1<sup>st</sup> Campaign Report Due for the General Election</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through September 8, and not previously reported. <i>(1-19-29(B)3 NMSA 1978)</i></p>	<p><b>Monday, September 13</b></p>
<p><b>Voter Registration for General Election closes at 5:00 p.m.</b> <i>(1-4-8 NMSA 1978)</i></p> <p><b>Absentee Voting for General Election begins.</b> <i>(1-6-5E NMSA 1978)</i></p>	<p><b>Tuesday, October 5</b></p>
<p><b>2<sup>nd</sup> Campaign Report or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through October 4, and not previously reported. <i>(1-19-29(B)4 NMSA 1978)</i></p>	<p><b>Monday, October 11</b></p>

<p><b>Early In-Person voting for General Election begins</b> - An early voter may vote in person at an alternate voting location established by the county clerk. Alternate locations are available in certain counties. <i>(1-6-5.7 NMSA 1978)</i></p> <p><i>Please contact your county clerk for availability of alternate location in your county. County Clerk information can be found on page 21</i></p>	<p><b>Saturday, October 16</b></p>
<p><b>3<sup>rd</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through October 26, and not previously reported. <i>(1-19-29(B)5 NMSA 1978)</i></p> <p><i>(Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for five hundred dollars (\$500) or more in a legislative or non-statewide judicial election, or two thousand five hundred dollars (\$2,500) or more in a statewide election, shall be reported to the proper filing officer either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed by 5:00 p.m. on the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election.)</i></p>	<p><b>Thursday, October 28</b></p>
<p><b>Early In-Person voting for General Election ends.</b> <i>(1-6-5.7(A)NMSA 1978)</i></p>	<p><b>Saturday, October 30</b></p>
<p><b>General Election Day!</b></p> <p>Last day county clerk shall accept completed office mailing envelopes containing absentee ballots until 7:00 p.m. <i>(NM Const. Art. XX, Sec. 6 &amp; 1-6-5E NMSA 1978)</i></p>	<p><b>Tuesday, November 2</b></p>
<p><b>Voter Registration reopens.</b> <i>(1-4-8A2 NMSA 1978)</i></p>	<p><b>Monday, November 8</b></p>
<p><b>4<sup>th</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through November 27, and not previously reported. <i>(1-19-29(B)5 NMSA 1978)</i></p>	<p><b>Thursday, December 2</b></p>

## OFFICES APPEARING ON THE BALLOT

OFFICE	DISTRICT (if applicable)	TERM
<b>FEDERAL OFFICES</b>		
U.S. Representative	District 1	2 year
U.S. Representative	District 2	2 year
U.S. Representative	District 3	2 year
<b>STATEWIDE OFFICES</b>		
Governor		4 year
Lieutenant Governor		4 year
Secretary of State		4 year
State Auditor		4 year
State Treasurer		4 year
Attorney General		4 year
Commissioner of Public Lands		4 year
Justice of the Supreme Court* (3 for retention)		8 year
Judge of the Court of Appeals (1 for retention) (3 for election)		8 year
<b>STATE DISTRICT OFFICES</b>		
Public Regulation Commission	District 2	4 year
Public Regulation Commission	District 4	4 year
Public Regulation Commission	District 5	4 year
Public Education Commission	District 2	4 year
Public Education Commission	District 3	4 year
Public Education Commission	District 5	4 year
Public Education Commission	District 6	4 year
Public Education Commission	District 7	4 year
<b>LEGISLATIVE OFFICES</b>		
State Representatives	All 70 Districts	2 year
<b>JUDICIAL DISTRICT OFFICES</b>		
District Judges	1 <sup>st</sup> Judicial District, Div. V (election) 2 <sup>nd</sup> Judicial District, Div. IV (election) 2 <sup>nd</sup> Judicial District, Div. XV (election) 3 <sup>rd</sup> Judicial District, Div. I (retention) 12 <sup>th</sup> Judicial District, Div. IV (election)	6 year
Metropolitan Court Judges (Bernalillo County Only)	Division 1 thru 13 (retention) Division 14 (election) Division 15 thru 19 (retention)	4 year
<p>Certain judicial offices shall be subject to non-partisan retention election in the 2010 general election. See N.M. Constitution, Article VI, Section 33, for more information.</p>		

# COUNTY OFFICES APPEARING ON THE BALLOT

<p style="text-align: center;"><b>BERANILLO COUNTY</b></p> <p>County Commissioner    District 1, 3 &amp; 5            County Assessor            County Sheriff            Probate Judge</p>	<p style="text-align: center;"><b>GRANT COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge                    Division 1 &amp; 2</p>
<p style="text-align: center;"><b>CATRON COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Magistrate Judge</p>	<p style="text-align: center;"><b>GUADALUPE COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge</p>
<p style="text-align: center;"><b>CHAVES COUNTY</b></p> <p>County Commissioner    District 1 &amp; 5            County Assessor            County Sheriff            Probate Judge            Magistrate Judge                    Division 1 &amp; 2</p>	<p style="text-align: center;"><b>HARDING COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge</p>
<p style="text-align: center;"><b>CIBOLA COUNTY</b></p> <p>County Commissioner    District 1 &amp; 3            County Assessor            County Sheriff            Probate Judge            Magistrate Judge                    Division 1 &amp; 2</p>	<p style="text-align: center;"><b>HILDALGO COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge</p>
<p style="text-align: center;"><b>COLFAX COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Magistrate Judge                    Division 1 &amp; 2</p>	<p style="text-align: center;"><b>LEA COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge                    Division 1, 2, 3 &amp; 4</p>
<p style="text-align: center;"><b>CURRY COUNTY</b></p> <p>County Commissioner    District 1 &amp; 3            County Assessor            County Sheriff            Probate Judge            Magistrate Judge                    Division 1 &amp; 2</p>	<p style="text-align: center;"><b>LINCOLN COUNTY</b></p> <p>County Commissioner    District 2, 4 &amp; 5            County Clerk            County Treasurer            Magistrate Judge                    Division 1 &amp; 2</p>
<p style="text-align: center;"><b>DE BACA COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            Probate Judge            Magistrate Judge</p>	<p style="text-align: center;"><b>LOS ALAMOS COUNTY</b></p> <p>County Council (<u>instead of commission districts, Los Alamos County is composed of a County Council with 7 seats, 4 of which are on the ballot in 2010</u>)            County Assessor            County Sheriff            Probate Judge            Magistrate Judge            Municipal Judge</p>
<p style="text-align: center;"><b>DONA ANA COUNTY</b></p> <p>County Commissioner    District 1 &amp; 3            County Assessor            County Sheriff            Probate Judge            Magistrate Judge                    Division 1, 2, 3 &amp; 4</p>	<p style="text-align: center;"><b>LUNA COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge</p>
<p style="text-align: center;"><b>EDDY COUNTY</b></p> <p>County Commissioner    District 1 &amp; 4            County Clerk            County Assessor            Probate Judge            Magistrate Judge                    Division 1 &amp; 2</p>	<p style="text-align: center;"><b>MCKINLEY COUNTY</b></p> <p>County Commissioner    District 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge                    Division 1 &amp; 3</p>

<p align="center"><b>MORA COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1</p>	<p align="center"><b>OTERO COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1 &amp; 2</p>
<p align="center"><b>QUAY COUNTY</b></p> <p>County Commissioner District 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1</p>	<p align="center"><b>SIERRA COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge</p>
<p align="center"><b>RIO ARRIBA COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1 &amp; 2</p>	<p align="center"><b>SOCORRO COUNTY</b></p> <p>County Commissioner District 1 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge</p>
<p align="center"><b>ROOSEVELT COUNTY</b></p> <p>County Commissioner District 3, 4 &amp; 5  County Assessor  County Sheriff  Magistrate Judge Division 1</p>	<p align="center"><b>TAOS COUNTY</b></p> <p>County Commissioner District 1, 2 &amp; 5  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1 &amp; 2</p>
<p align="center"><b>SAN JUAN COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1, 2, 3, 4, 5 &amp; 6</p>	<p align="center"><b>TORRANCE COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge</p>
<p align="center"><b>SAN MIGUEL COUNTY</b></p> <p>County Commissioner District 1 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1 &amp; 2</p>	<p align="center"><b>UNION COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge</p>
<p align="center"><b>SANDOVAL COUNTY</b></p> <p>County Commissioner District 1 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1, 2 &amp; 3</p>	<p align="center"><b>VALENCIA COUNTY</b></p> <p>County Commissioner District 1 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1, 2 &amp; 3</p>
<p align="center"><b>SANTA FE COUNTY</b></p> <p>County Commissioner District 1 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1, 2, 3 &amp; 4</p>	

## VACANCIES IN OFFICE

Offices that become vacant because of resignation or death may appear on the ballot. (1-8-6 NMSA 1978)

## GENERAL ELIGIBILITY REQUIREMENTS THAT APPLY TO ALL OFFICES

Section 1-8-18(A) and 1-4-16(B) NMSA 1978

No person shall become a candidate for nomination by a political party or have his/her name printed on the election ballot unless the record of voter registration shows:

- Affiliation with that political party on the date of the governor's proclamation for the primary election (the 2010 primary election proclamation will be issued on January 25, 2010);
- Residence in the district or county of the office for which he/she is a candidate on the date of the governor's proclamation for the primary election, or in the case of a person seeking the office of United State Representative, residence within New Mexico on the date of the governor's proclamation for the primary election;
- Every person appearing as a candidate on the primary or general election ballot shall be a candidate only under the name and party affiliation indicated on the certificate of voter registration on the date of the governor's proclamation; and
- The certificate of voter registration is the only document or means by which the REQUIREMENTS shall be satisfied. *(1-1-7.1 NMSA 1978)*
- A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality or a district, unless the person has presented the governor with a certificate verifying the completion of his/her sentence and was granted a pardon or a certificate by the governor restoring his/her full rights of citizenship. *(31-13-1(C) NMSA 1978)*

**U.S. Citizenship:** Note that United States citizenship is a prerequisite to registering to vote and a general requirement for holding elective public office in New Mexico (*NM Const. Art. VII, Sec. 1 & 2(A)*).

**Eighteen Years of Age or Older:** Furthermore, the 26<sup>th</sup> Amendment to the United States Constitution grants the elective franchise to persons eighteen years or older and supersedes the minimum age requirements for voter registration in the NM. Const. Art. VII, Sec.1.

### DUTIES OF EACH ELECTED OFFICE

The duties of each elected office in New Mexico are specified in the state constitution; state statutes; or in the case of federal offices, the Constitution of the United States. For details beyond those that appear on pages 13 to 18, see "Duties of Elected Officials in New Mexico," available from the Office of the Secretary of State.

# **SPECIFIC ELIGIBILITY REQUIREMENTS AND DUTIES**

## **United States Representative**

In addition to the general requirements, to serve as a U.S. Representative a person:

Émust be at least twenty-five years of age;

Émust have been a citizen of the United States for seven years; and

Émust be a resident of New Mexico. (U.S. Const., Art. I, Sec. 2, cl.2)

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.

## **Governor**

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

Émust be at least thirty years of age;

Émust be a citizen of the United States; and

Émust have resided continuously in New Mexico for five years next preceding his election (N.M.Const., Art V, Sec. 3)

In addition to other duties prescribed by law or dictated by custom, the person in this office holds the ōsupreme executive power of the stateö; nominates and, with the consent of the state senate, appoints all officers whose appointments or election is not otherwise provided for; grants reprieves or pardons; issues executive orders; and serves as commander in chief of the state militia.

## **Lieutenant Governor**

In addition to the general requirements, to serve as Lieutenant Governor a person:

Émust be at least thirty years of age;

Émust be a citizen of the United States; and

Émust have resided continuously in New Mexico for five years next preceding his election. (N.M. Const., Art V, Sec. 3)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office acts as Governor if the Governor is absent from the state or unable to perform his duties; serves as president of the state senate; and promotes cooperation and understanding between the people of New Mexico and the various state agencies.

## **Secretary of State**

In addition to the general requirements, to serve as Secretary of State a person:

Émust be at least thirty years of age;

Émust be a citizen of the United States; and

Émust have resided continuously in New Mexico for five years next preceding his election. (N.M. Const., Art. V, Sec. 3)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office is second in succession to the Office of the Governor, after the Lieutenant Governor; is the keeper of the Great Seal of the state; serves as the chief election officer of the state; provides the depository for legislative journals and all bills passed and signed into law; and records, certifies, and files numerous business-related documents.

### **State Auditor**

In addition to the general requirements, to serve as State Auditor a person:  
Émust be at least thirty years of age;  
Émust be a citizen of the United States; and  
Émust have resided continuously in New Mexico for five years next preceding his election (N.M. Const., Art. V, Sec. 3)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office produces a complete written report of each annual or special audit of a state agency and examines all reports of audits state agencies conducted by independent auditors under contract,

### **State Treasurer**

In addition to the general requirements, to serve as State Treasurer a person:  
Émust be at least thirty years of age;  
Émust be a citizen of the United States; and  
Émust have resided continuously in New Mexico for five years next preceding his election. (N.M. Const., Art. V, Sec. 3)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office receives and keeps all monies of the state, except as otherwise provided; disburses state money according to law; and keeps an accurate accounting of money received and disbursed.

### **Attorney General**

In addition to the general requirements, to serve as Attorney General a person:  
Émust be at least thirty years of age;  
Émust be a citizen of the United States; and  
Émust have resided continuously in New Mexico for five years next preceding his election. (N.M. Const., Art. V, Sec. 3)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office represents the legal interest of the state and provides, upon request, written legal opinions to the legislature, any state official, or any district attorney.

### **Commissioner of Public Lands**

In addition to the general requirements, to serve as Commissioner of Public Lands a person:  
Émust be at least thirty years of age;  
Émust be a citizen of the United States; and  
Émust have resided continuously in New Mexico for five years next preceding his election. (N.M. Const., Art. V, Sec. 3)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office makes rules governing the management and disposition of state lands and reviews all applications for the lease or purchase of state lands and timber.

### **Justice of the Supreme Court**

In addition to the general requirements, to serve as Supreme Court Justice a person:  
Émust be at least thirty-five years of age;  
Émust have been in actual practice of law for at least ten years preceding assumption of office; and

Must have resided in the state 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, the person in this office 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**

In addition to the general requirements, to serve as a Court of Appeals Judge a person:

Must be at least thirty-five years of age;

Must have been engaged in actual practice of law for at least ten years preceding assumption of office; and

Must have resided in the state for at least three years immediately preceding the assumption of office. (N.M. Const., Art. VI, Sec. 8)

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

### **State Representative**

In addition the general requirements to serve as a State Representative a person:

Must be at least twenty-one years of age;

Must be resident of the district from which elected. (N.M. Const. Art. IV, Sec. 3(A) and Art. VII. Sec. 2 (A))

**NOTE:** No person shall be eligible to serve in the state legislature who, at the time of qualifying, holds 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 office, 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.

### **Public Regulation Commissioner**

In addition to the general requirements, to serve as Public Regulation Commissioner a person:

Must be at least eighteen years of age;

Must be a United States citizen; and

Must reside in the district he or she represents. (N.M. Const. Art. VII, Sec. 2A and Art. XI, Sec 1)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office, together with other members of the Commission, shall have responsibility for chartering and regulating business corporation in such manner as the legislature shall provide, regulating public utilities including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline 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**

In addition to the general requirements, to serve as a member of the Public Education Commission a person:

Émust be at least eighteen years of age;

Émust be a United States citizen; and

Émust reside in the district he or she represents. (N.M. Const. Art. VII, Sec 2A, and Art. XII, Sec. 6B)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office, together with other member 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 Judge**

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

Émust be at least thirty-five years of age;

Émust have been engaged in actual practice of law for at least six years preceding assumption of office;

Émust have resided in the state for at least three years immediately preceding assumption of office; and

Émust be a resident of the district from which elected. (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.

### **County Commissioner**

In addition to the general requirements, to serve as County Commissioner a person:

Émust be at least eighteen years of age; and

Émust be a resident of the district (or county) from which elected.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office, 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**

In addition to the general requirements, to serve as County Clerk a person:

Émust be at least eighteen years of age; and (Section 4-38-6 NMSA 1978 establishes the office of county clerk. See also N.M. Const. Art. VII, Sec. 2A)

Émust be a resident of the county.

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**

In addition to the general requirements, to serve as County Treasurer a person:  
Must be at least eighteen years of age; and (Section 4-38-6) NMSA 1978 establishes the office of county treasurer. See also N.M. Const. Art. VII Sec. 2!  
Must be a resident of the county.

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 and an account of all county monies received and disbursed and an account of warrants drawn on the treasury and paid.

### **County Assessor**

In addition to the general requirements, to serve as County Assessor a person:  
Must be at least eighteen years of age; and (Section 4-38-6) NMSA 1978 establishes the office of the county assessor. See also N.M. Const. Art. VII Sec. 2A)  
Must be a resident of the county.

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**

In addition to the general requirements, to serve as County Sheriff a person:  
Must be at least eighteen years of age; (Section 4-41-1) NMSA 1978 establishes the office of county sheriff. See also N.M. Const. Art. VII Sec. 2A)  
Must be a resident of the county.

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 a magistrate judges and certain others directed by municipal judges.

### **Probate Judge**

In addition to the general requirements, to serve as Probate Judge a person:  
Must be at least eighteen years of age; and  
Must be a resident of the county.

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, and § 23; Section 4-41-1, 34-7-2) NMSA 1978). See also N.M. Const. Art. VII, Sec. 2A

### **Metropolitan Court Judge (Bernalillo County Only)**

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

Must be at least eighteen years of age;  
Must be a member of the New Mexico bar;  
Must have practiced in the state for a period of three years; and (N.M. Const. Art. VI, Sec. 1 and 26 and Art. VII, Sec. 2A;  
§34-8A-2 and 34-8A-4B) NMSA 1978  
Must be a resident of the county.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office has jurisdiction within the county boundaries over certain

offenses and complaints under county or municipal ordinances, certain civil actions, and contested violations of parking.

**Magistrate Judge**

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

É must be at least eighteen years of age;

É must reside in the district from which elected;

É 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;

É 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 practice of law during tenure in office. (N.M. Const. Art. VI, Sec. 1 and 26 establish the office of magistrate judge and authorize the legislature to set qualifications of office. See also §35-2-1 NMSA 1978 and N.M. Const. Art. VII, Sec. 2A)

# MANNER OF FILING THE DECLARATION OF CANDIDACY

Each declaration of candidacy, nominating petition or by pre-primary convention designation, shall be delivered for filing **in person by the candidate therein named or by a person acting, by virtue of written notarized authorization, solely on the candidate's behalf.** The proper filing officer shall not accept for filing more than one declaration of candidacy from any one individual. (1-8-27 NMSA 1978)

## WHERE DO I FILE? LOCATIONS WHERE CANDIDATES MUST FILE FOR OFFICE

### **SECRETARY OF STATE**

The Secretary of State is the proper filing officer for the following Offices:

**U.S. Representative  
Governor  
Lieutenant Governor  
Secretary of State  
State Auditor  
State Treasurer  
Attorney General  
Commissioner of Public Lands  
Justice of the Supreme Court  
Judge of the Court of Appeals  
District Judges (Appointed Seats Only)  
State Representative: (Multi-County Districts Only)  
Public Regulation Commission  
Public Education Commission**

### **COUNTY CLERK**

The appropriate County Clerk is the proper filing officer for the following offices:

**State Representative in those districts wholly within one county  
Metropolitan Judge  
Magistrate Judge  
Probate Judge  
County Commissioner  
County Councilor  
County Clerk  
County Treasurer  
County Assessor  
County Sheriff**

# NEW MEXICO COUNTY CLERKS

## **Bernalillo**

Maggie Toulouse-Oliver (D)  
One Civic Plaza, NW, 6<sup>TH</sup>  
Floor  
Albuquerque, NM 87102  
(505) 468-1290  
[clerk@bernco.gov](mailto:clerk@bernco.gov)

## **Catron**

Sharon Armijo (D)  
Catron County Courthouse  
Box 197  
Reserve, NM 87830  
(575) 533-6400  
[cclerk2@gilnet.com](mailto:cclerk2@gilnet.com)

## **Chaves**

Rhoda Goodloe Coakley (R)  
Box 580  
Roswell, NM 88202  
(575) 624-6614  
[coclerk@co.chaves.nm.us](mailto:coclerk@co.chaves.nm.us)

## **Cibola**

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Box 190  
Grants, NM 87020  
(505) 285-2535  
[elisa.bro@co.cibola.nm.us](mailto:elisa.bro@co.cibola.nm.us)

## **Colfax**

Rayetta M. Ledoux Trujillo  
(D)  
Box 159  
Raton, NM 87740  
(575) 445-5551  
[clerk@co.colfax.nm.us](mailto:clerk@co.colfax.nm.us)

## **Curry**

Coni Jo Lyman (R)  
P.O Box 1168  
Clovis, NM 88102  
(575) 763-5591  
[clyman@currycounty.org](mailto:clyman@currycounty.org)

## **De Baca**

Laurie A. Pettigrew (R)  
Box 347  
Fort Sumner, NM 88119  
(575) 355-2601  
[DBCLP@plateautel.net](mailto:DBCLP@plateautel.net)

## **Doña Ana**

Lynn J. Ellins (D)  
Doña Ana County  
Government Center  
845 N. Motel Blvd.  
Las Cruces, NM 88007  
(575) 525-6134  
[lynnje@donaanacounty.org](mailto:lynnje@donaanacounty.org)

## **Eddy**

Darlene Rosprim (D)101 W.  
Greene, Suite 312  
Carlsbad, NM 88220  
(575) 885-3383  
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## **Grant**

Robert Zamarripa (D)  
Box 898  
Silver City, NM 88062  
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[grantzamari@cybermesa.com](mailto:grantzamari@cybermesa.com)

## **Guadalupe**

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1448 Historic Route 66  
Santa Rosa, NM 82376  
(575) 472-3791  
[agallegos@guadco-nm.us](mailto:agallegos@guadco-nm.us)

## **Harding**

Marie J. Atencio (D)  
Harding County Courthouse  
35 Pine Street  
Mosquero, NM 87733  
(575) 673-2301  
[hardingcc@plateautel.net](mailto:hardingcc@plateautel.net)

## **Hidalgo**

Carmen Acosta (D)  
Hidalgo County Courthouse  
300 S. Shakespeare St.  
Lordsburg, NM 88045  
(575) 542-9213  
[hidclk@aznexus.net](mailto:hidclk@aznexus.net)

## **Lea**

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

## **Lincoln**

Tammie J. Maddox (R)  
Box 338  
Carrizozo, NM 88301  
(575) 648-2394  
[tammiemaddox@lincolncountynm.net](mailto:tammiemaddox@lincolncountynm.net)

## **Los Alamos**

Mary Pat Kraemer (D)  
Los Alamos Co. Municipal  
Bldg.  
133 Central Park Square  
Los Alamos, NM 87544  
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[clerks@lacnm.us](mailto:clerks@lacnm.us)

## **Luna**

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## **McKinley**

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Box 1268  
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## **Mora**

JoAnne Elaine Padilla (D)  
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Mora, NM 87732  
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## **Otero**

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Alamogordo, NM 88310  
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## **Quay**

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## **Rio Arriba**

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Española, NM 87532  
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[mamorales@rio-arriba.org](mailto:mamorales@rio-arriba.org)

## **Roosevelt**

E. Janet Collins (D)  
Roosevelt County Courthouse,  
Rm. 106  
Portales, NM 88130  
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[jcollins@rooseveltcounty.com](mailto:jcollins@rooseveltcounty.com)

## **San Juan**

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Aztec, NM 87410  
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## **San Miguel**

Melanie Y. Rivera (D) San Miguel  
County Courthouse  
500 West National Ave. Suite 113  
Las Vegas, NM 87701  
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## **Sandoval**

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## **Santa Fe**

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## **Sierra**

Connie Greer (R)  
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Truth or Consequences, NM  
87901  
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## **Socorro**

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## **Taos**

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## **Torrance**

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## **Union**

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## **Valencia**

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# Procedures for Determining Candidate Ballot Positions

## Primary Election

**1. Preprimary Convention Candidates:** Candidates designated and certified by state convention for a statewide or federal office shall be placed on the Primary Election ballot in the order of the votes received at the state convention. The candidate receiving the highest vote shall be placed first in order on the ballot, followed by the candidate receiving the next highest vote, and so on until all candidates designated for that office have been placed on the ballot, provided that the names of two or more candidates receiving an equal number of votes for designation by convention for the same office shall be placed on the Primary ballot in an order determined by lot. *(1-8-43A NMSA 1978)*

**2. “Declaration of Candidacy” Candidates:** The names of candidates who are candidates by declaration of candidacy shall be arranged on the ballot as determined by lot. The determination by lot shall be made immediately following the closing time for filing declarations of candidacy, and all candidates or their agents shall be entitled to be present at such time. If a candidate cannot be present at the time the drawing for office takes place, the candidate can designate another to draw for him. If no one appears for the candidate, the proper filing officer will draw for the candidate’s ballot position. *(1-8-43B NMSA 1978)*

## General Election

**1. Drawing for Party Position:** For the General Election, a drawing for party position by political parties takes place in the Office of the Secretary of State on the first Wednesday in September *(1-10-8.1 NMSA 1978, & 1.10.6 NMAC)*. The major political parties draw first, followed by minor parties for the subsequent positions.

**2. Independent Candidates:** Unaffiliated or independent candidates follow political party candidates. In the event two or more independent candidates run for the same office, their names shall be located on the ballot in alphabetical order. *(1.10.6.8G NMAC)*

## **Requirements and Instructions: NOMINATING PETITIONS**

**Where to obtain authorized nominating petition:** Nominating petition forms are available at the Secretary of State's office in Santa Fe and in the Office of the County Clerk in each county. Persons must use a nominating petition form prescribed by the Secretary of State or use an exact reproduction of the form authorized for use by the Secretary of State. Petitions are also available online at <http://www.sos.state.nm.us>. (*Section 1-2-1(B) NMSA 1978, 1-8-30(E) NMSA 1978*)

**When nominating petitions can be circulated:** Nominating petitions may be circulated for signatures beginning October 1, 2009. (*1-8-30(D) NMSA 1978*)

**Filling in the information at the top of each petition page:** For clarity and accuracy, the general information and candidate information contained in the top one-third of the petition page should be completed in printed form or in black ballpoint pen. **The top line shall list only one county.**

**Misdemeanor offense for knowingly circulating petition without proper information filled in at the top:**

All general information and candidate information required in the top one-third of the page must be completely filled in prior to circulating. Signatures on a page will not be counted by the filing office at the time the petition is filed if all general information and candidate information in the top one-third of each page has not been completely filled in prior to circulation.

Any person knowingly circulating a nominating petition page that does not clearly show the name of the candidate, the address at which the candidate resides, the candidate's county of residence, and the office for which the candidate seeks nomination is guilty of a misdemeanor under Section 1-8-32(B) NMSA 1978.

**Felony offense for knowingly altering the general or candidate information at the top of the petition page:** The general information and candidate information contained in the top one-third of the petition page cannot be altered, modified or otherwise changed after the petition page has started circulating. Any person knowingly altering any of the general information or candidate information contained in the top one-third of the petition page may be guilty of falsifying information on a nominating petition under *Sections 1-8-32(A) and 1-20-9(F) NMSA 1978*. **Knowingly falsifying any information on a nominating petition is a fourth degree felony.**

In order to avoid creating an issue as to whether a particular petition page was improperly altered, it is recommended that persons filing a petition avoid the use of white-out, over-typing, strikeouts or visible erasure when filling out the top one-third of the petition page.

**Only original petition pages shall be filed; reproduced copies will not be accepted or counted:** At the time of filing the petition, the completed original of each petition page must be submitted to the filing officer. Reproduced copies of petition pages containing copies of the signatures and other information required of the registered voter are not permitted, and none of the signatures on that page shall be counted by the filing officer at the time the petition is filed. (*1-8-34(B) NMSA 1978*)

**No additions or withdrawals of petition pages and signatures will be accepted after filing:** All petitions shall be submitted to the filing officer at one time. The filing officer shall not accept any additional pages after the candidate has first submitted the petition to the filing officer. The filing officer shall retain all pages submitted whether the petition or signatures on the petition are counted or not. *(1-8-34(A) NMSA 1978)*

## **IMPORTANT**

### **GROUND FOR WHICH PETITION AND SIGNATURES MAY BE REJECTED**

**Litigation may be filed to require rejection (see Sec. 1-8-35 NMSA 1978) of filed primary nominating petitions and signatures on various grounds, including but not limited to, proof that:**

É a signature is not that of a registered voter; *(1-8-31C.4 NMSA 1978)*

É a signature is not that of a voter of the county named at the top of the petition; *(1-8-31C.2 NMSA 1978)*

É a signature is not that of a voter in the area to be represented by the office for which the person filing the nominating petition seeks to be a candidate; *(1-8-31C.2 NMSA 1978)*

É the person signing the petition has signed more than one petition for the same office where only one candidate is to be elected for such office *(1-8-31C.3 NMSA 1978)* and;

É the voter signing is not of the same political party as the candidate named in the nominating petition; *(1-8-31C.1 NMSA 1978)*

**See also Section 1-8-31 NMSA 1978**, to avoid risking disqualification through failure to file a sufficient number of qualifying signatures, the candidate should act carefully to obtain only qualified signatures.

Also, the filing officer may reject the entire Primary nominating petition if the original petition containing original signatures has not been filed, and in its place a reproduction of the petition and signatures is filed. *(1-8-34B NMSA 1978)*

**It is recommended that the candidate obtain additional signatures.** As a precaution, the candidate may find it appropriate to obtain more signatures than are required by law, in the event some of the signatures are rejected by the filing officer or are subsequently rejected by the courts.

## REQUIRED NUMBER OF SIGNATURES

### Compilation of Statutory Provisions Major Party Provisions:

**Basis for calculation of signature requirements:** "Total vote" means the sum of all 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. *(1-8-33A NMSA 1978)*

**Signature requirements for offices subject to preprimary convention designation:** Candidates who seek preprimary convention designation shall file a nominating petition at the time of filing a declaration of candidacy. The nominating petition for those candidates shall be signed by a number of voters equal to the greater of; **(1)** at least two percent (2%) of the total vote of the candidate's party in the state or congressional district, or for statewide offices, two hundred thirty voters (230); **(2)** for congressional candidates, seventy-seven (77) voters. *(1-8-33B NMSA 1978)*

**Collecting additional signatures only if candidate fails to achieve ballot status at preprimary convention:** 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. 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. *(1-8-33 NMSA 1978)*

**NOTE:** The dates of the preprimary conventions are determined by each political party and are not available for publishing at this time. The filing date given in this book is the last possible filing day provided by law to file the additional signatures. The actual filing date is **ten (10) days** following the date of the preprimary convention for your respective party.

**Signature requirement for offices not subject to preprimary convention designation:** Nominating petitions for candidates for any other office to be voted on at the Primary Election for which a nominating petition is required shall be signed by a number of voters equal to the greater of: **(1)** at least three percent (3%) of the total vote of the candidate's party in the district or division, or **(2)** for Metropolitan Court and Magistrate Courts, ten (10) voters; for the Public Regulation Commission, fifty (50) voters; for the Public Education Commission, twenty-five (25) voters; for State Representative, ten (10) voters; for State Senator, seventeen (17) voters; and for District Attorney and District Judge, fifteen (15) voters. *(1-8-33C NMSA 1978)*

**Time for appeals of validity of a nominating petition:** Any voter filing any court action challenging a nominating petition provided for in the Primary Election Law *(1-8-10 to 1-8-52 NMSA 1978)* shall do so within ten (10) days after the date of filing the declaration of candidacy with which the nominating petition was filed.

**Within ten (10) days after the filing of an action, the District Court shall hear and render a decision on the matter. The decision shall be appealable only to the Supreme Court and notice of appeal shall be filed within five days after the decision of the District Court. The Supreme Court shall hear and render a decision on the appeal forthwith. (1-8-35A NMSA 1978)**

### **Provisions for Qualifying as a New (Minor) Party**

**Number of signatures needed to qualify as a political party:** To qualify as a political party in New Mexico each political party shall file rules, regulations, and a petition containing the hand-printed names, signatures, addresses of residence and counties of residence of at least one-half of one percent of the total votes cast for the Office of Governor or President at the preceding General Election. (1-7-2 NMSA 1978)

**Number of signatures needed by a minor party candidate:** Nominating petition for minor party candidates shall be signed by a number of voters totaling not less than one percent (1%) of the total number of votes cast for Governor or President of the United States at the last preceding General Election in the state, district, division, or county, as the case may be. (1-8-2 and 1-8-3 NMSA 1978)

### **INDEPENDENT CANDIDATE PROVISIONS**

**Number of signatures needed by an independent party candidate:** Nominating petition for independent candidates shall be signed by a number of voters equal to at least three (3%) percent of the total number of votes cast for Governor at the last preceding General Election in the state, district, division, or county, as the case may be. (1-8-51 NMSA 1978)

**Required Number of Signatures for  
NEW PARTIES, FEDERAL, STATEWIDE OFFICES & PUBLIC REGULATION COMMISSION**

Final version of candidate guide will be available October 1, 2009, pursuant to Section 1-8-30D, NMSA 1978.

**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

**New (Minor) Political Party (1-7-2 NMSA 1978)**

To qualify for general election ballot status as a new (minor) political party:      **4,148V**

**Candidates for Statewide Office**

**Statewide Offices on the 2010 Election Ballot are:** United States Representative, Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Commissioner of Public Lands, Justice of the Supreme Court, Judge of the Court of Appeals

<b><u>DEMOCRAT</u></b> Primary Election (2% threshold) <b>2,162 P</b> (4% threshold) <b>4,324 P</b>	<b><u>REPUBLICAN</u></b> Primary Election (2% threshold) <b>1,062 P</b> (4% threshold) <b>2,124 P</b>	<b><u>INDEPENDENT</u></b> General Election <b>16,775 V</b>	<b><u>MINOR</u></b> General Election <b>8,295 V</b>
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**Candidate for U.S. Representative (District 1)**

**DISTRICT 1** is composed of Torrance County and certain precincts of Bernalillo, Sandoval, Santa Fe and Valencia Counties.

<b><u>DEMOCRAT</u></b> Primary Election (2% threshold) <b>607 P</b> (4% threshold) <b>1,214 P</b>	<b><u>REPUBLICAN</u></b> Primary Election (2% threshold) <b>329 P</b> (4% threshold) <b>658 P</b>	<b><u>INDEPENDENT</u></b> General Election <b>6,320 V</b>	<b><u>MINOR</u></b> General Election <b>3,035 V</b>
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**Candidate for U.S. Representative (District 2)**

**DISTRICT 2** is composed of Catron, Cibola, Chaves, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Lea, Lincoln, Luna, Otero, Sierra, and Socorro Counties and certain precincts of Bernalillo, McKinley, and Valencia Counties.

<b><u>DEMOCRAT</u></b> Primary Election (2% threshold) <b>592 P</b> (4% threshold) <b>1,184 P</b>	<b><u>REPUBLICAN</u></b> Primary Election (2% threshold) <b>402 P</b> (4% threshold) <b>804 P</b>	<b><u>INDEPENDENT</u></b> General Election <b>4,676 V</b>	<b><u>MINOR</u></b> General Election <b>2,362 V</b>
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**Candidate for U.S. Representative (District 3)**

**DISTRICT 3** is composed of Colfax, Curry, Harding, Los Alamos, Mora, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Taos and Union Counties and certain precincts of Bernalillo, McKinley, Sandoval, and Santa Fe Counties.

<b><u>DEMOCRAT</u></b> Primary Election (2% threshold) <b>959 P</b> (4% threshold) <b>1,918 P</b>	<b><u>REPUBLICAN</u></b> Primary Election (2% threshold) <b>328 P</b> (4% threshold) <b>656 P</b>	<b><u>INDEPENDENT</u></b> General Election <b>5,779 V</b>	<b><u>MINOR</u></b> General Election <b>2,898 V</b>
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**Candidate for Public Regulation Commission (District 2)**

**DISTRICT 2** is composed of Chaves, Curry, Eddy, Lea, Quay and Roosevelt Counties and certain precincts of Bernalillo, De Baca, Guadalupe, Lincoln, Otero, Santa Fe and Torrance Counties.

<b><u>DEMOCRAT</u></b> Primary Election <b>396 P</b>	<b><u>REPUBLICAN</u></b> Primary Election <b>465 P</b>	<b><u>INDEPENDENT</u></b> General Election <b>2,695V</b>	<b><u>MINOR</u></b> General Election <b>1,326 V</b>
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**Candidate for Public Regulation Commission (District 4)**

**DISTRICT 4** is composed of Cibola, McKinley and San Juan Counties and certain precincts of Bernalillo, Rio Arriba, Sandoval, Santa Fe, Socorro and Valencia Counties.

<b><u>DEMOCRAT</u></b> Primary Election <b>661 P</b>	<b><u>REPUBLICAN</u></b> Primary Election <b>247 P</b>	<b><u>INDEPENDENT</u></b> General Election <b>2,944 V</b>	<b><u>MINOR</u></b> General Election <b>1,479 V</b>
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**Candidate for Public Regulation Commission (District 5)**

**DISTRICT 5** is composed of Catron, Grant, Hidalgo, Luna and Sierra Counties and certain precincts of Dona Ana, Lincoln, Otero, Socorro, Torrance and Valencia Counties.

<b><u>DEMOCRAT</u></b> Primary Election <b>534 P</b>	<b><u>REPUBLICAN</u></b> Primary Election <b>298 P</b>	<b><u>INDEPENDENT</u></b> General Election <b>2,833 V</b>	<b><u>MINOR</u></b> General Election <b>1,449 V</b>
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**Required Number of Signatures for  
PUBLIC EDUCATION COMMISSION**

Final version of candidate guide will be available October 1, 2009, pursuant to Section 1-8-30D, NMSA 1978.

**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

**Candidate for Public Education Commission (District 2)  
DISTRICT 2 is composed of certain precincts of Bernalillo County**

<u><b>DEMOCRAT</b></u> Primary Election 235 P	<u><b>REPUBLICAN</b></u> Primary Election 241 P	<u><b>INDEPENDENT</b></u> General Election 2,296 V	<u><b>MINOR</b></u> General Election 1,038 V
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**Candidate for Public Education Commission (District 3)  
DISTRICT 3 is composed of certain precincts of Bernalillo County**

<u><b>DEMOCRAT</b></u> Primary Election 308 P	<u><b>REPUBLICAN</b></u> Primary Election 115 P	<u><b>INDEPENDENT</b></u> General Election 1860 V	<u><b>MINOR</b></u> General Election 890 V
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**Candidate for Public Education Commission (District 5)  
DISTRICT 5 is composed of McKinley County and certain precincts of San Juan and Sandoval Counties.**

<u><b>DEMOCRAT</b></u> Primary Election 303 P	<u><b>REPUBLICAN</b></u> Primary Election 152 P	<u><b>INDEPENDENT</b></u> General Election 1,364 V	<u><b>MINOR</b></u> General Election 637 V
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**Candidate for Public Education Commission (District 6)  
DISTRICT 6 is composed of Catron, Cibola, Grant, Hidalgo, Luna, Socorro and Valencia Counties and certain precincts of Bernalillo County.**

<u><b>DEMOCRAT</b></u> Primary Election 462 P	<u><b>REPUBLICAN</b></u> Primary Election 158 P	<u><b>INDEPENDENT</b></u> General Election 1,577 V	<u><b>MINOR</b></u> General Election 732 V
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**Candidate for Public Education Commission (District 7)  
DISTRICT 7 is composed of Dona Ana County and certain precincts of Otero County.**

<u><b>DEMOCRAT</b></u> Primary Election 128 P	<u><b>REPUBLICAN</b></u> Primary Election 72 P	<u><b>INDEPENDENT</b></u> General Election 1,172 V	<u><b>MINOR</b></u> General Election 697 V
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**Required Number of Signatures for  
DISTRICT JUDGES**

<b>JUDICIAL DISTRICT</b>	<b>COUNTY</b>	<u><b>DEMOCRAT</b></u> Primary Election	<u><b>REPUBLICAN</b></u> Primary Election	<u><b>INDEPENDENT</b></u> General Election	<u><b>MINOR</b></u> General Election
1 <sup>st</sup>	Los Alamos, Rio Arriba & Santa Fe Counties Division V	534 P	77 P	2,004 V	1,001 V
2 <sup>nd</sup>	Bernalillo County Division IV & XV	816 P	449 P	5,862 V	2,856 V
12 <sup>th</sup>	Lincoln & Otero Counties Division IV	69 P	132 P	630 V	315 V

**Required Number of Signatures for  
MAGISTRATE & METROPOLITAN COURT JUDGES  
(Nominating petitions required only if vacancy occurs)**

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<b>COUNTY</b>	<b><u>DEMOCRAT</u> Primary Election</b>	<b><u>REPUBLICAN</u> Primary Election</b>	<b><u>INDEPENDENT</u> General Election</b>	<b><u>MINOR</u> General Election</b>
<b>Bernalillo Metropolitan Judge</b>	816 P	449 P	5862 V	2856 V
Catron	10 P	12 P	51 V	21 V
Chaves				
Division 1	21 P	24 P	116 V	83 V
Division 2	29 P	83 P	297 V	138 V
Cibola	87 P	16 P	186 V	91 V
Colfax	50 P	19 P	146 V	64 V
Curry*****	Numbers Pending	approval of County	Commission Resolution	On August 4th
Division 1	P	P	V	V
Division 2	P	P	V	V
De Baca	10 P	10 P	27 V	10 V
Dona Ana	128 P	72 P	1165 V	692 V
Eddy				
Division 1	34 P	10 P	97 V	46 V
Division 2	45 P	25 P	182 V	84 V
Division 3	24 P	14 P	146 V	71 V
Grant	102 P	21 P	310 V	137 V
Guadalupe	36 P	10 P	55 V	22 V
Harding	10 P	10 P	18 V	10 V
Hidalgo	12 P	10 P	44 V	20 V
Lea				
Division 1	11 P	26 P	98 V	50 V
Division 2	10 P	10 P	40 V	23 V
Division 3	10 P	12 P	64 V	35 V
Division 4	11 P	18 P	70 V	35 V
Lincoln	16 P	42 P	201 V	97 V
Los Alamos	19 P	15 P	258 V	111 V
Luna	55 P	24 P	183 V	83 V
McKinley	172 P	25 P	522 V	232 V
Mora	43 P	10P	71 V	28 V
Otero	52 P	90 P	429 V	218 V
Quay	32 P	10 P	97 V	40 V
Rio Arriba	182 P	11 P	317 V	169 V
Roosevelt	12 P	34 P	123 V	67 V
San Juan				
Division 1	15 P	35 P	174 V	90 V
Division 2	38 P	21 P	178 V	80 V
Division 3	18 P	46 P	198 V	102 V
Division 4	31 P	15 P	148 V	66 V
Division 5	11 P	15 P	110 V	53 V
Division 6	14 P	22 P	132 V	74 V
San Miguel	151 P	13 P	262 V	129 V
Sandoval	148 P	67P	1096 V	586 V
Santa Fe	334 P	51 P	1428 V	721 V
Sierra	25 P	26 P	128 V	55
Socorro	57 P	27 P	188 V	79 V
Taos	139 P	13 P	344 V	168 V
Torrance	25 P	21 P	162 V	69 V
Union	17 P	10 P	44 V	17 V
Valencia	137 P	54 P	595 V	289 V

**Required Number of Signatures for  
STATE HOUSE OF REPRESENTATIVES**

**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

<b>HOUSE DISTRICT</b>	<b>COUNTY</b>	<b><u>DEMOCRAT</u> Primary Election</b>	<b><u>REPUBLICAN</u> Primary Election</b>	<b><u>INDEPENDENT</u> General Election</b>	<b><u>MINOR</u> General Election</b>
1	San Juan	23 P	49 P	248 V	125 V
2	San Juan	18 P	35 P	188 V	99V
3	San Juan	20 P	40 P	211 V	112 V
4	San Juan	44 P	24 P	214 V	99V
5	McKinley & San Juan	73 P	11 P	212 V	92 V
6	Cibola & McKinley	72 P	14 P	196 V	91 V
7	Valencia	58 P	25 P	241 V	114 V
8	Valencia	56 P	19 P	236 V	112V
9	McKinley & San Juan	57 P	10 P	175 V	78 V
10	Bernalillo & Valencia	30 P	10 P	165 V	85 V
11	Bernalillo	55 P	10 P	252 V	119 V
12	Bernalillo	30 P	10 P	176 V	99 V
13	Bernalillo	35 P	10 P	201 V	126 V
14	Bernalillo	43 P	10 P	182 V	89 V
15	Bernalillo	43 P	23 P	325 V	151 V
16	Bernalillo	54 P	14 P	255 V	128 V
17	Bernalillo	60 P	17 P	319 V	151 V
18	Bernalillo	50 P	10 P	264 V	130 V
19	Bernalillo	37 P	13 P	207 V	103 V
20	Bernalillo	31 P	45 P	335 V	155 V
21	Bernalillo	23 P	14 P	187 V	93 V
22	Bernalillo, Sandoval & Santa Fe	39 P	31 P	395 V	181 V
23	Bernalillo & Sandoval	41 P	23 P	341 V	167 V
24	Bernalillo	40 P	34 P	324 V	143 V
25	Bernalillo	49 P	21 P	283 V	128 V
26	Bernalillo	24 P	12 P	152 V	77 V
27	Bernalillo	32 P	37 P	394 V	177 V
28	Bernalillo	34 P	33 P	323 V	145 V
29	Bernalillo	38 P	28 P	403 V	239 V
30	Bernalillo	38 P	40 P	302 V	139 V
31	Bernalillo	34 P	36 P	392 V	177 V
32	Luna	55 P	24 P	183 V	83 V
33	Dona Ana	23 P	12 P	186 V	104 V
34	Dona Ana	10 P	10 P	98 V	68 V
35	Dona Ana	20 P	10 P	144 V	90 V
36	Dona Ana	23 P	12 P	190 V	105 V
37	Dona Ana	28 P	21 P	284 V	158 V
38	Grant, Hidalgo & Sierra	57 P	37 P	265 V	115 V
39	Grant & Hidalgo	81 P	14 P	216 V	96 V
40	Mora, Rio Arriba, San Miguel, Santa Fe & Taos	113 P	10 P	206 V	108 V
41	Rio Arriba, Sandoval & Taos	104 P	10 P	208 V	106 V

**Required Number of Signatures for  
STATE HOUSE OF REPRESENTATIVES**

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**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

<b>HOUSE DISTRICT</b>	<b>COUNTY</b>	<b>DEMOCRAT Primary Election</b>	<b>REPUBLICAN Primary Election</b>	<b>INDEPENDENT General Election</b>	<b>MINOR General Election</b>
42	Taos	113 P	10 P	289 V	143 V
43	Los Alamos, Sandoval & Santa Fe	34 P	20 P	321 V	141 V
44	Sandoval	34 P	26 P	390 V	222 V
45	Santa Fe	56 P	10 P	199 V	111 V
46	Santa Fe	69 P	10 P	294 V	148 V
47	Santa Fe	86 P	15 P	414 V	195 V
48	Santa Fe	88 P	10 P	297 V	145 V
49	Catron, Socorro & Valencia	77 P	44 P	298 V	135V
50	Bernalillo, Santa Fe & Torrance	44 P	24 P	267 V	131 V
51	Otero	18 P	25 P	132 V	72 V
52	Dona Ana	18 P	11 P	158 V	89 V
53	Dona Ana & Otero	13 P	17 P	156 V	103 V
54	Eddy & Otero	32 P	12 P	155 V	77 V
55	Eddy	67 P	25 P	228 V	106 V
56	Lincoln & Otero	23 P	49 P	212 V	104 V
57	Chaves, Lincoln & Otero	27 P	66 P	282 V	130 V
58	Chaves	18 P	16 P	145 V	69 V
59	Chaves, Lincoln & Otero	24 P	58 P	218 V	102 V
60	Sandoval	21 P	19 P	289 V	170 V
61	Lea	18 P	22 P	124 V	68 V
62	Lea	23 P	49 P	202 V	105 V
63	Curry, De Baca, Guadalupe & Roosevelt	44 P	19 P	141 V	69 V
64	Curry	26 P	53 P	182 V	95 V
65	Bernalillo, McKinley, Rio Arriba & Sandoval	60 P	10 P	187 V	94 V
66	Chaves, Eddy, Lea & Roosevelt	22 P	45 P	197 V	99 V
67	Curry, Harding, Quay, Roosevelt, San Miguel & Union	62 P	41 P	232 V	102 V
68	Colfax, Guadalupe, Mora, San Miguel & Taos	125 P	26 P	275 V	117 V
69	Cibola, McKinley & San Juan	77 P	12 P	197 V	90 V
70	San Miguel & Torrance	128 P	13 P	219 V	107 V

**STATE HOUSE OF REPRESENTATIVES**

**Single County Districts file at the County Clerk's Office.  
Multi-County Districts file at the Office of the Secretary of State.**

# 2010 NOMINATING PETITION

I, the undersigned, a registered voter of the county of \_\_\_\_\_, New Mexico, and a member of the \_\_\_\_\_ party, hereby nominate \_\_\_\_\_, who resides at \_\_\_\_\_ in the county of \_\_\_\_\_, New Mexico, for the party nomination for the office of \_\_\_\_\_, to be voted for at the primary election to be held on the first Tuesday of June, 2010, and I declare that I am a resident of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

1.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
2.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
3.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
4.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
5.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
6.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
7.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
8.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
9.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
10.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
11.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
12.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
13.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
14.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
15.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
16.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
17.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
18.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
19.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)
20.	_____	_____	_____	_____
	(usual signature)	(name printed as registered)	(address as registered)	(city or rt. no.)

## **FILING FEES**

**A Candidate for county office is not required to file a nominating petition:** A candidate for a county office shall have his/her name placed on the primary election ballot by filing with the proper filing officer (**County Clerk's Office**) a declaration of candidacy accompanied by the appropriate filing fee or a pauper's statement. *(1-8-21B NMSA 1978)*

## **PLEASE TAKE NOTE:**

### **PRINTING AND DISTRIBUTING SAMPLE AND OTHER BALLOTS**

*Section 1-20-9(B) NMSA 1978* prohibits printing, causing to be printed, distribution or display of any official ballot, sample ballot, facsimile diagram, ballot label or pretended ballot which includes the name of any person not entitled by law to be on the ballot, or omits the name of any person entitled by law to be on the ballot, or otherwise contains false or misleading information or headings. **The Falsification of Election Documents is a Fourth Degree Felony.** *(1-20-9 NMSA 1978)*

# 2010 CAMPAIGN REPORTING SCHEDULE

## Candidates

Reports shall be required (Win or Lose) until the reporting individual delivers a report to the proper filing officer (Office of the Secretary of State) stating that: (1) there are no outstanding campaign debts; (2) all money has been expended in accordance with the provisions of Section 1-19-29.1 NMSA 1978; and (3) the bank account has been closed. **\*\*THIS WILL BE YOUR ONLY REMINDER!!\*\***

### PRIMARY ELECTION CYCLE

FIRST PRIMARY REPORT: <b>April 12, 2010</b>	For previously unreported transactions through April 5, 2010
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SECOND PRIMARY REPORT: <b>May 10, 2010</b>	For previously unreported transactions through May 3, 2010, <b>OR</b> Statement of No Activity
--	--

THIRD PRIMARY REPORT: <b>May 27, 2010</b>	For previously unreported transactions through May 25, 2010, <b>OR</b> Statement of No Activity
---	---

### PRIMARY ELECTION JUNE 1, 2010

FOURTH PRIMARY REPORT: <b>July 1, 2010</b>	For previously unreported transactions through June 25, 2010, <b>OR</b> Statement of No Activity
--	--

### GENERAL ELECTION CYCLE

FIRST GENERAL REPORT: <b>September 13, 2010</b>	For previously unreported transactions through September 6, 2010
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SECOND GENERAL REPORT: <b>October 11, 2010</b>	For previously unreported transactions through October 4, <b>OR</b> Statement of No Activity
--	--

THIRD GENERAL REPORT: <b>October 28, 2010</b>	For previously unreported transactions through October 26, 2010, <b>OR</b> Statement of No Activity
---	---

### GENERAL ELECTION NOVEMBER 2, 2010

FOURTH GENERAL REPORT: <b>December 2, 2010</b>	For previously unreported transactions through November 27, 2010, <b>OR</b> Statement of No Activity
--	--

### **NON-CERTIFIED CANDIDATES** - Refer to the Voter Action Act (1-19A-9E NMSA 1978).

In addition to the campaign contribution and expenditure reports specified in the Election Code, all non certified candidates who have as an opponent a certified candidate shall report to the secretary ten (10) days before the primary and general elections the amount of money spent by that no certified candidate. This report shall include all previously unreported transactions through 5:00 p.m. two (2) days before the report is due.

**SUPPLEMENTAL REPORT FILING** - Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election (**May 25, 2010 for the Primary Election**) and that is for five hundred dollars (\$500) or more in a legislative or non-statewide judicial election, or two thousand five hundred dollars (\$2,500) or more in a statewide election, shall be reported to the proper filing officer either in a supplemental report on a prescribed form within twenty four (24) hours of receipt or in the report to be filed by 5:00 p.m. on the Thursday (**May 27, 2010 for the Primary Election**) and (**October 28, 2010 for the General Election**) before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election (**May 31, 2010 for the Primary Election**) and (**November 1, 2010 for the General Election**).

# CAMPAIGN REPORTING ACT

## Sections 1-19-25 through 1-19-37 NMSA 1978

### *The Regulation and Disclosure of Campaign Contributions and Expenditures*

#### **Overview:**

The Campaign Reporting Act provides for the public disclosure of contributions and expenditures made for a political purpose by public officials and candidates seeking or considering election to offices on a Primary, General or Statewide Special Election ballot. It provides also for registration and disclosure by political committees that contribute or expend funds for a political purpose. Disclosure is accomplished by filing reports of contributions and expenditures in election and non-election years.

The Act specifies permissible expenditures from candidates' campaign accounts, prohibits certain fundraising activities by incumbents in or candidates for a regulatory office limits the amount of anonymous and special event contributions that may be retained, and prohibits the solicitation of campaign contributions by legislators or legislative candidates and the Governor (or their agents) before, during, and after a legislative session.

Furthermore, it establishes a filing schedule for all reports and prescribes monetary penalties for failure to file timely, complete or accurate reports or statements of no activity and provides for civil and criminal enforcement. Moreover, it prohibits the placement of a candidate's name on an election ballot, or the issuance of a certificate of nomination or election, for failure to comply with the reporting requirements or failure to pay any monetary penalty imposed.

#### **Definition of "Candidate":**

“Candidate” means an individual who seeks or considers an office in an election covered by the Campaign Reporting Act, including a public official, who either has filed a declaration of candidacy or nominating petition or:

1. for a non-statewide office, has received contributions or made expenditures of one thousand dollars (\$1,000) or more, or authorized another person or campaign committee to receive contributions or make expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to the office; or
2. for a statewide office, has received contributions or made expenditures of two thousand five hundred dollars (\$2,500) or more, or authorized another person or campaign committee to receive contributions or make expenditures of two thousand five hundred dollars (\$2,500) or more for the purpose of seeking election to the office or for candidacy exploration purposes in the years prior to the year of the election.

#### **Definition of "Contribution":**

"Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for a political purpose, including payment of a debt incurred in an election campaign, but “contribution” does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

#### **Definition of "Expenditure":**

"Expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value for a political purpose, including payment of a debt incurred in an election campaign or pre-primary convention, but does not include the administrative or

solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**Definition of “Public Official”:**

“Public official” means a person elected to an office in an election covered by the Campaign Reporting Act or a person appointed to an office that is subject to an election covered by that act.

**Definition of “Reporting Individual”:**

“Reporting individual” means every public official, candidate or treasurer of a campaign committee and every treasurer of a political committee.

**Specific information that must be reported:**

Individuals or entities who contribute \$250 or more, candidates must itemize each contribution and expenditure and provide the full name and address of each contributor or payee, unless the contribution was made anonymously. In addition, if an individual or entity contributes \$250 or more in the aggregate in either the Primary or General Election, the candidate must report the occupation or type of business engaged in by the individual or entity. *(1-19-31A NMSA 1978)*

**Unpaid debts:**

Each report shall specify the amount of each unpaid debt and the identity of the persons to whom the debt is owed.

**Anonymous contributions:**

No single anonymous contribution may be accepted and deposited into a campaign account in excess of \$100. Furthermore, a statewide candidate may not legally accept, in the aggregate, more than two-thousand dollars (\$2,000) in anonymous contributions during a Primary, General or Statewide Special Election. Similarly, non-statewide candidates may only accept (in the aggregate) anonymous contributions totaling \$500 per election.

**Unidentifiable Cash Contributions from Special Events:**

Cash contributions received at or from special events that are unidentifiable as to a specific contributor are not subject to the limits placed on anonymous contributions if the special event raises, after expenses, no more than \$1,000 in unidentifiable contributions. *(1-19-35 NMSA 1978)*

ÉA special event includes a barbecue or similar event where a ticket costs \$15 or less. A coffee, tea or similar reception is also classified as a special event.

**Campaign funds; limitation on use:**

It is unlawful for any candidate or his agent to make an expenditure of contributions received, except for the following purposes:

1. expenditures of the campaign;
2. expenditures of legislators that are reasonably related to performing the duties of the office held, including mail, telephone and travel expenditures to serve constituents, but excluding personal and legislative session living expenses;
3. donations to the state general fund;
4. donation to an organization to which a federal income tax deduction would be permitted under Subparagraph (A) of Paragraph (1) of Subsection (b) of Section 170 of the Internal Revenue Code of 1986; as amended;

5. expenditures to eliminate the campaign debt of the candidate for the office sought or expenditures incurred by the candidate when seeking election to another public office covered by the Campaign Reporting Act;
6. donations to a political party or to another candidate seeking election to public office; or
7. disbursements to return unused funds pro rata to the contributors if no campaign debt exists.

**Section 1-19-33 NMSA 1978 exclusion of certain candidates from reporting; statement of exception, was repealed during the 2009 legislative session.**

If a candidate has not received any contributions and has not made any expenditures since the candidate's last report was filed with the proper filing officer, the candidate shall only be required to file a "STATEMENT OF NO ACTIVITY," which shall not be required to be notarized, in lieu of a full report when that report would otherwise be due and shall not be required to file a full report until the next required filing date occurring after an expenditure is made or a contribution received.

**Proper filing officer for filing reports of expenditures and contributions or statements of no activity is the Secretary of State for all candidates and public officials.**

**Reporting Dates: (Refer to page 34 for the 2010 Reporting Schedule)**

1. Candidates must file an initial report.
2. Candidates may choose to file a statement of no activity if they did not receive any contributions or have not made any expenditures since the last report was filed.
2. Reports required by this section shall be filed electronically by all reporting individuals.
3. Reporting individuals may apply to the Secretary of State for exemption from electronic filing in case of "hardship," which shall be defined by the Secretary of State.
4. All reports are due on the following dates as stated in the 2010 Filing Schedule unless a final report is filed.

**Candidates May Stop Filing Reports ONLY After Filing a Final Report:** (Candidates may file a final report at any time using the Candidate Electronic Filing System.) Except for candidates who file a statement of no activity, each reporting individual shall file a report of expenditures and contributions annually pursuant to the filing schedule set forth in this section, regardless of whether any expenditures were made or contributions were received during the reporting period. **Reports shall be required until the reporting individual delivers a report to the proper filing officer stating that:**

**(1) there are no outstanding campaign debts;**

**(2) all money has been expended in accordance with the provisions of Section 1-19-29.1 NMSA 1978; and**

**(3) the bank account has been closed.**

**A judge subject to a nonpartisan retention election or a candidate for judicial office shall solicit or accept campaign funds and return unused funds in accordance with the provisions of the Code of Judicial Conduct. Please refer to Sections 21-700 and 21-800 of the New Mexico Code of Judicial Conduct.**

The Secretary of State shall at all times seek to ensure voluntary compliance with the provisions of the Campaign Reporting Act. If the Secretary of State determines that a provision of that act for which a penalty may be imposed has been violated, the Secretary of State shall by written notice set forth the violation and the fine imposed and inform the reporting individual that he has ten (10) working days from the date of the letter to correct the matter and to provide a written explanation, under penalty of perjury, stating any reason why the violation occurred. If a timely explanation is filed and the Secretary of State determines that good cause exists to waive the fine imposed, the Secretary of State may by a written notice of final action partially or fully waive any fine imposed for any late, incomplete, or false report or statement of exception. (1-19-34.4 NMSA 1978)

### **1-19-35. Reports and statements; late filing penalty; failure to file.**

**A.** Except for the report required to be filed and delivered the Thursday prior to the election and any supplemental report, as required in Paragraph (5) of Subsection B of Section 1-19-29 NMSA 1978, that is due prior to the election, and subject to the provisions of Section 1-19-34.4 NMSA 1978, if a statement of no activity or a report of expenditures and contributions contains false or incomplete information or is filed after any deadline imposed by the Campaign Reporting Act, the responsible reporting individual or political committee, in addition to any other penalties or remedies prescribed by the Election Code, shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required by the Campaign Reporting Act for the filing of statements of no activity or reports of expenditures and contributions until the complete or true statement or report is filed, up to a maximum of five thousand dollars (\$5,000).

**B.** If any reporting individual files a false, intentionally incomplete or late report of expenditures and contributions due on the Thursday prior to the election, the reporting individual or political committee shall be liable and pay to the secretary of state five hundred dollars (\$500) for the first working day and fifty dollars (\$50.00) for each subsequent working day after the time required for the filing of the report until the true and complete report is filed, up to a maximum of five thousand dollars (\$5,000).

**C.** If a reporting individual fails to file or files a late supplemental report of expenditures and contributions as required in Paragraph (5) of Subsection B of Section 1-19-29 NMSA 1978, the reporting individual or political committee shall be liable for and pay to the secretary of state a penalty equal to the amount of each contribution received or pledged after the Tuesday before the election that was not timely filed.

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

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

**(1) have his name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or**

**(2) be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.**

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

**Written Complaints Alleging Violations to the Campaign Reporting Act:**

Any person who reasonably believes that a provision of the Act has been violated, or is about to be violated, may file a written complaint. The complaint must state specific facts. If a determination is made that a violation has, or is about to occur, an initial inquiry may be conducted, thereafter, the matter may be referred for further investigation or enforcement to the attorney general or a district attorney.

*(1-19-34.4B NMSA 1978)*

**Reports and statements of no activity are Public Records:**

All reports and statements of no activity are public records open to inspection during regular office hours.

**VOTER ACTION ACT**  
**1-19A-1 through 1-19A-17 NMSA 1978**

The New Mexico Legislature passed the Voter Action Act in 2003 for those candidates seeking public funding for a seat for the Public Regulation Commission. During the 2007 Legislative Special Session the "Voter Action Act" was amended. The provisions of this amended act expanded public funding of elections to the judicial branch of government. In Judicial races the funding will be available only for contested Primaries and General Elections for the Court of Appeals and Justice of the Supreme Court. As such, judicial retention elections are not eligible for this fund.

The New Mexico Secretary of State staff will be meeting with candidates and their campaign treasurer to discuss public financing for those seeking office for the Public Regulation Commission, Districts 2, 4, 5 and statewide judicial elected offices. You may contact Paula Templeton at 800.477.3632 to arrange for an appointment. During this appointment Ms. Templeton will provide you with a Voter Action Act packet which will contain the necessary forms for the applicant candidate, present a brief overview of the Voter Action Act and answer any question regarding public financing.

The information listed below is provided for the applicant candidate requesting public campaign finance funding.

**Declaration of Intent** 6 A candidate choosing to obtain financing pursuant to the Voter Action Act shall *first file with the Secretary of State a declaration of intent to participate in that act as an applicant candidate for a state covered office. The declaration of intent* shall be filed with the secretary prior to or during the qualifying period. (1-19A-3 NMSA 1978)

- An applicant candidate choosing to participate in the Voter Action Act shall submit a declaration of intent prior to collecting any qualifying contributions and make explicit in the declaration that the candidate has complied with, and will continue to comply with, that act's contribution and expenditure limits and all other requirements set forth in that act and rules issued by the secretary.
- A candidate shall not be eligible to become an applicant candidate if the candidate has accepted contributions totaling five hundred dollars (\$500) or more, or made expenditures totaling five hundred dollars (\$500) or more between the beginning of the qualifying period and filing a declaration of intent.
- See attached sample #1.

**EXPLORATORY PERIOD BEGINS** ó The exploratory period is August 1, 2009 ó October 1, 2009. During this time applicant candidate may begin collecting *seed money*.

*Seed money* is a contribution raised for the primary purpose of enabling applicant candidates to collect qualifying contributions and petition signatures. (1-19A-2(K) NMSA 1978)

- An applicant candidate may collect seed money from individual donors and political action committees in amounts of no more than one hundred (\$100) per donor or committee. (1-19A-5(A) NMSA 1978)
- An applicant candidate may contribute an amount of seed money from his own funds up to the limit of \$5,000. (1-19A-5(H) NMSA 1978)
- Applicant candidate **may not** collect seed money from a corporation, association or partnership formed under state law or from labor organizations. (1-19A-5(C) NMSA 1978)
- Applicant candidate **may not** collect or spend seed money for any purpose after certification and before the end of the election cycle for which the candidate was certified, but after the election cycle may carry forward to the next election cycle any unspent seed money to be used as seed money. (1-19A-5(D) NMSA 1978)
- If a certified candidate is defeated or is elected and decides not to run again as an applicant candidate, any unspent seed money shall be forfeited to the fund. (1-19A-5(E) NMSA 1978)
- After becoming an applicant candidate and prior to certification, an applicant candidate shall not accept contributions, except for seed money or qualifying contributions. (1-19A-5(F) NMSA 1978)
- See attached sample #2.

**QUALIFYING PERIOD** means:

- for major party applicant candidates for covered offices, the period beginning October 1 immediately preceding the election year and ending at 5:00 p.m. on the third Tuesday of March of the election year; and
- for independent and minor party candidates, the period beginning February 1 of the election year and ending that year at 5:00 p.m. on the filing date for independent or minor party candidates for the office for which the candidate is running. (1-19A-2(I) NMSA 1978)

<b>Covered Office</b>	<b>Qualifying period begins</b>	<b>Qualifying period ends</b>
Judge major party	October 1, 2009	March 16, 2010
PRC major party	October 1, 2009	March 16, 2010
Judge or PRC independent candidate	February 1, 2010	June 2, 2010
Judge or PRC minor party	February 1, 2010	June 22, 2010

**“Qualifying Contribution”** means a donation of five dollars (\$5.00) in the form of cash, check or money order payable to the fund in support of an applicant candidate that is:

- made by a registered voter who is eligible to vote for the covered office that the applicant candidate is seeking;
  - made during the designated qualifying period and obtained through efforts made with the knowledge and approval of the applicant candidate; and
  - acknowledge by a receipt that identified the contributor’s name and residential address on forms provided by the Secretary of State and that is **signed** by the contributor, one copy of which is attached to the list of contributors and sent to the Secretary of State.
- See attached sample #3.

**CERTIFICATION** may occur after the following is completed prior to or during the Qualifying Period of October 1, 2009 ó March 16, 2010 for major parties; and for Independent and Minor parties beginning February 1, 2010 ó June 22, 2010.

The applicant candidate will be **required** to contact Paula Templeton at 505.827.3600 to arrange for an appointment to submit his/her qualifying contributions and the application for certification. Upon receipt of final submittal of qualifying contributions by the applicant candidate, the Secretary of State shall determine whether the applicant candidate has:

- signed and filed a declaration of intent to obtain financing pursuant to the Voter Action Act in accordance with the requirements of that act;
- submitted the appropriate number of qualifying contributions;
- qualified as a candidate pursuant to other applicable state election laws;
- complied with seed money contribution and expenditure restrictions;
- met the requirements for obtaining financing pursuant to the Voter Action Act (*1-19A-6 NMSA 1978*)
- The secretary shall certify applicant candidates complying with the requirements as a certified candidate as soon as possible and no later than **ten days** after final submittal of qualifying contributions.
- Applicant candidate will receive a confirmation letter from the Secretary of State stating that they have or have not qualified for public finance funds.
- A certified candidate shall comply with all requirements of the Voter Action Act after certification and throughout the Primary and General election cycles.

- A certified candidate who accepts public campaign funds for the primary election shall comply with all the requirements of the Voter Action Act for the remainder of the election cycle in question, even if he decides not to accept such funds for the general election. *(1-19A-6 NMSA 1978)*

### **APPEALS**

The procedure for challenging a certification decision by the Secretary of State is as follows:

- a person aggrieved by a certification decision or a decision regarding the distribution of matching funds may appeal to the Secretary of State within three (3) days of the decision. The appeal shall be in writing and shall set forth the reasons for appeal;
- within five (5) days after an appeal is properly made, and after due notice is given to the parties in dispute, the Secretary of State shall hold a hearing whereby:
  1. the appellant has the burden of providing evidence to demonstrate that the Secretary of State's decision was improper, and
  2. the Secretary of State shall rule on the appeal within three (3) days after the completion of the hearing;
- the parties in dispute may appeal the decision of the Secretary of State by commencing an action in district court; and
- certified candidates whose certification is revoked on appeal shall return to the Secretary of State any unspent money distributed from the fund. If the Secretary of State or court finds that an appeal was made frivolously or to result in delay or hardship, the Secretary of State or court may sanction the moving party by requiring the party to pay costs of the administrative hearing, the court hearing and the opposing parties.

### **RESTRICTIONS FOR CONTRIBUTIONS TO AND EXPENDITURES OF CERTIFIED CANDIDATES**

- All money distributed to a certified candidate shall be used for that candidate's campaign related purposes in the election cycle in which the money was distributed.
- Certified candidate shall return to the fund any amount that is unspent or unencumbered at the time the person ceases to be a candidate before a Primary or General Election for which money was distributed.
- Certified candidate shall limit total campaign expenditures and debts to the amount of money distributed to that candidate from the fund.

- Certified candidate shall not accept contributions or loan from any other source except the certified candidate's political party, as specified in Section (1-19A-8 NMSA 1978).
- Within thirty days after the Primary election, a certified candidate shall return to the Secretary of State any amount that is unspent or unencumbered by the date of the Primary election for direct deposit into the fund. (1-19A-7 NMSA 1978)
- Within thirty days after the General election, a certified candidate shall return to the Secretary of State any amount that is unspent or unencumbered by the date of the General election for direct deposit into the fund. (1-19A-7 NMSA 1978)

**POLITICAL PARTY EXPENDITURES; CONTRIBUTIONS TO CERTIFIED CANDIDATES**

- Certified candidate may accept monetary or in-kind contributions from a political party; provided that the aggregate amount of such contributions from all political party committees combined does not exceed the equivalent of ten percent (10%) of the value of that candidate's aggregate public financing per election cycle.
- All in-kind contributions from a political party distributed to certified candidates shall be used for campaign-related purposes only.
- Nothing in this section shall prevent political party funds from being used for general operating expenses of the party; conventions; nominating and endorsing candidates; identifying, researching and developing the party's position on issues; party platform activities; non candidate-specific voter registration; non candidate-specific get-out-the-vote drives; travel expenses for non candidate party leaders and staff; and other non candidate-specific party building activities. (1-19A-8 NMSA 1978)

**CANDIDATE REPORTING REQUIREMENTS**

- Applicant candidates shall file a report listing seed money contributions and expenditures with their application for certification.
- Applicant candidates shall file qualifying contributions with the Secretary of State during the qualifying period according to procedures developed by the Secretary of State. In developing these procedures, the Secretary of State shall use existing campaign reporting procedures and deadlines whenever practical.
- Certified candidates shall report expenditures according to the campaign reporting requirements specified in the Election Code (1-1-1 NMSA 1978)

- In addition to the campaign contribution and expenditure reports specified in the Election Code, all non-certified candidates who have as an opponent a certified candidate shall report to the Secretary of State ten days before the primary and general elections the amount of money spent by that non-certified candidate. This report shall include all previously unreported transactions through 5:00 p.m. two days before the report is due.
- A person or political committee that makes expenditures to influence a race involving a certified candidate shall report to the Secretary of State the amount that person or political committee has spent. These reports shall include all previously unreported transactions through 5:00 p.m. two days before the report is due, and shall be submitted as follows:
  1. for the Primary election, by 5:00 p.m. on the second Monday in May; by 5:00 p.m. on the eleventh day before the election; and, by 5:00 p.m. on the Thursday before the election; and
  2. for the General election, by 5:00 p.m. the first Tuesday in October; by 5:00 p.m. on the eleventh day before the election; and, by 5:00 p.m. on the Thursday before the election.

### **PENALTIES**

- In addition to other penalties that may be applicable, a person who violates a provision of the Voter Action Act (*1-19A-1 NMSA 1978*) is subject to a civil penalty of up to ten thousand dollars (\$10,000) per violation. In addition to a fine, a certified candidate found in violation of that act may be required to return to the fund all amounts distributed to the candidate from the fund. If the Secretary of State makes a determination that a violation of that act has occurred, the Secretary of State shall impose a fine or transmit the funding to the attorney general for prosecution. In determining whether a certified candidate is in violation of the expenditure limits of the act, the Secretary of State may consider as a mitigating factor any circumstances out of the candidate's control.
- A person who willfully or knowingly violates the provisions of the Voter Action Act or rules of the Secretary of State or knowingly makes a false statement in a report required by that act is guilty of a fourth degree felony and, if he is a certified candidate, shall return to the fund all money distributed to that candidate.



# SAMPLE # 1

**NM SECRETARY OF STATE  
VOTER ACTION ACT  
2010 ELECTION  
PRC OFFICE OR JUDICIAL JUDGE  
APPLICATION FOR DECLARATION OF INTENT  
PARTICIPATING CANDIDATE**

<b>PLEASE TYPE</b>	<b>FILER ID NUMBER (AGENCY USE ONLY)</b>		
<b>CANDIDATE NAME</b>	<b>DISTRICT NUMBER OR POSITION SOUGHT</b>		
<b>ADDRESS (NUMBER &amp; STREET)</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
<b>MAILING ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
<b>CANDIDATE'S PHONE #</b>	<b>CANDIDATE'S CELL #</b>	<b>CANDIDATE'S FAX #</b>	
<b>CANDIDATE'S PARTY AFFILIATION</b>	<b>CANDIDATE'S E-MAIL ADDRESS</b>		
<b>PLEASE LIST THE FINANCIAL INSTITUTION FROM WHICH THE CANDIDATE WILL CONDUCT ALL FINANCIAL ACTIVITY FOR THE CANDIDATE'S CAMPAIGN ACCOUNT. (ACCOUNT NUMBER IS NOT NECESSARY)</b>			
<b>FINANCIAL INSTITUTION NAME AND ADDRESS:</b>			

# SAMPLE # 1

## Application of Declaration DECLARATION OF INTENT CANDIDATE STATEMENT

I the undersigned, upon my oath and under penalty of perjury, certify that the following statements are true and accurate to the best of my knowledge; I have complied with and will continue to comply with the act's contribution and expenditure limits and all other requirements set forth in the act and rules issued by the Secretary of State:

- use all money distributed for campaign related purposes in the election cycle in which the money was distributed;
- return to the fund any amount that is unspent or unencumbered at the time I cease to be a candidate before a primary or general election for which the fund money was distributed;
- limit total campaign expenditures and debts to the amount of money distributed to that candidate from the fund.
- shall not accept the contributions or loans from any other source except his/her political party, as specified in Section 1-19A-8 of the Voter Action Act
- return to the secretary, within thirty days after the primary election, any amount that is unspent or unencumbered by the date of the primary election for direct deposit into the fund. 1-19A-7[D] NMSA 1978
- return to the secretary within thirty days after the general election, any amount that is unspent or unencumbered by the date of the general election for direct deposit into the fund. 1-19A-7[E] NMSA 1978
- shall not be eligible to become an applicant candidate if the candidate has accepted contributions or made expenditures totaling five hundred dollars (\$500) or more between the beginning of the qualifying period (October 1, 2009 for major party or February 1, 2010 for independent candidate or minor party) and filing this declaration of intent.

I have complied with and will continue to comply with the following reporting requirements:

- file qualifying contributions with the secretary during the qualifying period according to procedures developed by the secretary.
- report expenditures according to the campaign reporting requirements specified in the Election Code [Chapter 1 NMSA 1978].

\_\_\_\_\_  
Candidate's Signature

State of New Mexico  
County of \_\_\_\_\_

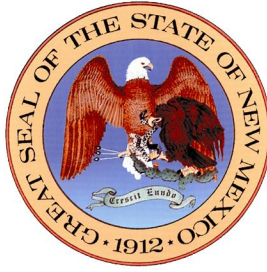
Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Signature  
Commission Expires: \_\_\_\_\_







**SAMPLE # 3**

**NM SECRETARY OF STATE  
VOTER ACTION ACT  
QUALIFYING CONTRIBUTION FORM**

**A \$5.00 contribution cash, check, or money order is payable to the “Public Election Fund” in support of applicant candidate.**

**Contributions are accepted during the “Qualifying Period,” October 1, 2009 – March 16, 2010 for major parties. Pursuant to Section 1-19A-2 NMSA 1978, February 1, 2010 – June 22, 2010 for minor parties; for Judicial Office (Major Party) October 1, 2009 – March 16, 2010; Pursuant to 1-8-52 NMSA 1978, Independent Candidate February 1, 2010 – June 2, 2010**

CANDIDATE'S NAME (please print) _____		
PRC DISTRICT _____	OR	
JUDICIAL CANDIDATE'S OFFICE _____		
CONTRIBUTOR'S NAME (please print) _____		
VOTER REGISTRATION ADDRESS		
_____	_____	_____
STREET	CITY	ZIP
SIGNATURE OF CONTRIBUTOR _____		
I hereby swear or affirm under penalty of law that I received a \$5.00 contribution from the above contributor, who is to the best of my information and knowledge, a qualified elector of this state.		
Cash		Check/Money Order

**Qualifying contributions must be made by a registered voter who is eligible to vote for the Public Regulation Office or Judicial Office that the applicant is seeking in accordance with 1-19A-2 NMSA 1978**



**2010 FILING SCHEDULE FOR CAMPAIGN REPORTS  
CANDIDATES AND POLITICAL COMMITTEES**

**PRIMARY ELECTION: JUNE 1, 2010**

**PRIMARY ELECTION 2010**

- April 12, 2010
- May 10, 2010
- May 27, 2010
- July 1, 2010

**GENERAL ELECTION: NOVEMBER 2, 2010**

**GENERAL ELECTION 2010**

- September 13, 2010
- October 11, 2010
- October 28, 2010
- December 2, 2010

**NONCERTIFIED CANDIDATES ó Refer to the Voter Action Act 1-19A-9(E) NMSA 1978**

In addition to the campaign contribution and expenditure reports specified in the Election Code, all noncertified candidates who have as an opponent a certified candidate shall report to the Secretary of State **ten (10) days** before the Primary and General Elections the amount of money spent by that noncertified candidate. This report shall include all previously unreported transactions through 5:00 p.m. two days before the report is due.

**SUPPLEMENTAL REPORT FILING**

Any contribution or pledge to contribute that is received after 5:00pm on the Tuesday before the election (**May 25, 2010 for the Primary Election**) and that is for five hundred dollars (\$500) or more in a legislative or non state-wide judicial election, or two thousand five hundred (\$2,500) or more in a state-wide election, shall be reported to the proper filing officer either in a supplemental report on a prescribed form within 24 hours of receipt or in the report to be filed by 5:00pm on the Thursday (**May 27, 2010 for the Primary Election**) and (**October 28, 2010 for the General Election**) before a Primary, General or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00pm on the Friday before the election may be reported by 12:00pm Noon on the Monday before the election (**May 31, 2010**).

## **Campaign Reporting Software for 2010**

**“Reports required by this section shall be filed electronically by all reporting individuals.”  
(1-19-29J NMSA 1978)**

Reporting individuals may apply to the Secretary of State for an exemption from electronic filing in case of “HARDSHIP,” which shall be defined by the Secretary of State.

Go to [www.sos.state.nm.us](http://www.sos.state.nm.us) proceed to Ethics Administration and click on Candidate On-Line Electronic Reporting System for logon password application.

**Fill out and mail the application for On-Line Electronic Reporting System to:**

Office of the Secretary of State  
325 Don Gaspar, Suite 300  
Santa Fe, New Mexico 87503

If you do not have a computer at your home or office, most libraries have computers that you may access to file your report electronically. If further assistance is needed, call the Information Systems staff at the Secretary of State’s Office at 505-827-3600.

**To run the On-Line Electronic Reporting System you need the following:**

• A computer running either:

Microsoft Internet Explorer v 6.0 (or later)

Netscape v 6.2.3 (or later)

**The advantages of an Internet-based application are:**

• You don’t have to load any software on your computer;

• If we find a problem or a bug in the software, we can fix it and everyone will automatically have the new version;

• For those of you who don’t have a computer, you may visit your local library and enter your report information over the Internet.