1.10.6.1  ISSUING AGENCY: Office of the Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, New Mexico, 87503.
[12-15-97; 1.10.6.1 NMAC – Rn & A, 1 NMAC 10.6.1, 09-14-00]

1.10.6.2  SCOPE: This rule applies to any general election.
[12-15-97; 1.10.6.2 NMAC – Rn, 1 NMAC 10.6.2, 09-14-00]

1.10.6.3  STATUTORY AUTHORITY: Election Code, Section 1-10-8 NMSA 1978; Election Code, Section 1-2-1A(2) NMSA 1978.
[12-15-97; 1.10.6.3 NMAC – Rn, 1 NMAC 10.6.3, 09-14-00]

1.10.6.4  DURATION: Permanent.
[12-15-97; 1.10.6.4 NMAC – Rn, 1 NMAC 10.6.4, 09-14-00]

1.10.6.5  EFFECTIVE DATE: December 15, 1997 unless a later date is cited at the end of a section.
[12-15-97; 1.10.6.5 NMAC – Rn & A, 1 NMAC 10.6.5, 09-14-00]

1.10.6.6  OBJECTIVE: To determine by lot the order of preference for position on the voting machines and all ballots of the candidates of political parties in a general election.
[12-15-97; 1.10.6.6 NMAC – Rn, 1 NMAC 10.6.6, 09-14-00]

1.10.6.7  DEFINITIONS: [Reserved]
[12-15-97; 1.10.6.7 NMAC – Rn, 1 NMAC 10.6.7, 09-14-00]

1.10.6.8  PROCEDURES FOR DETERMINING BALLOT POSITION:

A. The names of the candidates of each political party qualified to participate in a general election shall be placed by party on the general election ballot in the order of preference as determined by lot at a drawing held for that purpose.

B. Notice shall be sent to each chairman of a qualified political party by certified mail, return receipt requested, not less than two weeks prior to such drawing.

C. On the first Wednesday in the month of September in the year in which a general election is to be held, the state chairman of each political party qualified to participate in the election, or his designated representative with written authorization by such chairman, shall meet in the office of the Secretary of State at a time specified in a notice sent by the Secretary of State. At this time the chairman or his designated representative shall proceed to draw by lot for the position of his party on the general election ballot.

D. There shall be placed in a suitable container, capsules containing numbers one through the number that is equivalent to the total number of major political parties participating in the general election. The number drawn by each major party state chairman or his designated representative shall determine the position on the general election ballot that his party and its candidates shall occupy, with number one being the first position on the ballot, number two being the second, number three being the third, and so on down the ballot until all major parties are placed on the ballot. The same procedure shall be followed in a separate drawing for minor parties’ ballot positions. In the event no state chairman or his designated representative appears as notified for such drawing, the Secretary of State shall draw for that political party.

E. The order of preference of major political parties for purposes of this section shall be: first, the top row, with the offices proceeding from left to right across the machine or paper ballot; second, the second row, with the offices proceeding from left to right across the machine or paper ballot; and thereafter, consecutively down each row in the same manner until all major parties and their candidates are positioned on the ballot.

F. The order of preference of minor political parties for purposes of this section in the positions below the major parties on the machine or ballot shall be: first, the top row with the offices proceeding from left to right across the machine or paper ballot; second, the second row, with the offices proceeding from left to right across the machine or paper ballot; and thereafter consecutively down each row in the same manner until all minor parties and their candidates are positioned on the ballot.
G. The names of all unaffiliated candidates, or candidates who decline to state a party affiliation shall be printed on the ballot as “Independent”, or abbreviated as “Ind.” and shall be positioned on the ballot below or after candidates affiliated with a political party, if any. In the event two or more independent candidates run for the same office, their names shall be located on the ballot in alphabetical order.

H. The sample ballot posted in each polling place and all sample ballots distributed to each polling place shall reflect the actual positioning of parties on the voting machine in that precinct.

I. When electronic vote recording and tabulating machines or electronic vote tabulating machines are used, the offices and candidates shall be printed on the ballot sheet or ballot card in a vertical position with the order of preference being from top to bottom.

J. When paper ballots are used in a general election, such ballots shall be printed and bound so that the ballots for each precinct shall reflect the actual positioning of parties as they appear on the voting machines in that precinct.

[12-15-97; 1.10.6.8 NMAC – Rn & A, 1 NMAC 10.6.8, 09-14-00]

HISTORY OF 1.10.6 NMAC:
Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives under:
SOS Rule No. 79-2, Rule for Determination of Ballot Position in General Elections, 7-27-79.
SOS Rule No. 79-2, Amendment No. 1, 2-9-82.