



Office of the New Mexico  
Secretary of State  
Maggie Toulouse Oliver

# **2018 Candidate Information Guide**

## **How to Run for Federal, State or County Office in New Mexico**

Version 1.2 – Published November 28, 2017

## 2018 Candidate Information Guide Revision History

<b>Revision Number</b>	<b>Date</b>	<b>Updates</b>
1.0	10/2/2017	Original Publication Date
1.1	10/5/2017	McKinley County Commissioner District 3: Removed Office is not appearing on the 2018 ballot.
1.2	11/28/2017	<ul style="list-style-type: none"><li>• Page 20: Information added regarding position number on nominating petition for judicial office.</li><li>• Page 24: Format update to county column to ensure that house district information is complete.</li></ul>

## About This Guide

This publication has been prepared by the Office of the New Mexico Secretary of State's Bureau of Elections to serve as an easy to use reference for candidates who are seeking federal, state or county office in the 2018 Primary or General Election, as well as for anyone interested in the election process in New Mexico. We recommend that even the most experienced candidates take the time to review this guide, as laws, rules, policies, and procedures may have changed over the years.

**Please note, this guide is intended to be a reference on the elections process-not a legal authority.** Despite our good faith efforts and multiple reviews, this guide may contain inadvertent errors. Please email [sos.elections@state.nm.us](mailto:sos.elections@state.nm.us) immediately if you notice an error. Also, please remember that this guide is not a substitute for legal research or for the advice of an attorney.

Copies of the New Mexico Election Code and other applicable laws are available in the [2017 Election Handbook of the State of New Mexico](#), which is published on our website. It is also important that users of this guide read it in conjunction with the laws referenced herein.

This guide contains information for both major and minor party candidates, as well as independent and write-in candidates. While independent and minor party candidates do not participate in the Primary Election, they are required to circulate petitions and file declarations of candidacy shortly following the Primary Election. Information for independent and minor party candidates that differ from major party candidates is specified within the guide.

If you have any questions about the information in this guide or if you have questions regarding running for office that are not provided in this guide, please feel free to call the Bureau of Elections at (800) 477-3632 or (505) 827-3600 or email [sos.elections@state.nm.us](mailto:sos.elections@state.nm.us).

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# 2018 CAMPAIGN FINANCE REPORTING SCHEDULE FOR CANDIDATES, CAMPAIGN COMMITTEES AND POLITICAL ACTION COMMITTEES

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*Primary Election Date: June 5, 2018*  
**REQUIRED PRIMARY ELECTION REPORTS**

	<u>First Primary Report</u>	<u>Second Primary Report</u>	<u>Third Primary Report</u>	<u>Fourth Primary Report</u>
<b>Due Date</b>	April 9, 2018	May 14, 2018	May 31, 2018	July 5, 2018
<b>Reporting Period</b>	October 3, 2017 - April 2, 2018	April 3, 2018 - May 7, 2018	May 8, 2018 - May 29, 2018	May 30, 2018 - June 30, 2018

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*General Election Date: November 6, 2018*  
**REQUIRED GENERAL ELECTION REPORTS**

	<u>First General Report</u>	<u>Second General Report</u>	<u>Third General Report</u>	<u>Fourth General Report</u>
<b>Due Date</b>	September 10, 2018	October 8, 2018	November 1, 2018	December 6, 2018
<b>Reporting Period</b>	July 1, 2018 - September 3, 2018	September 4, 2018 - October 1, 2018	October 2, 2018 - October 30, 2018	October 31, 2018 - December 1, 2018

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## Primary Election – Important Dates

**October 9, 2017:** Second Biannual Campaign Finance Report due (reporting period is April 4, 2017 to October 2, 2017)

**January 1, 2018 until regular legislative session adjourns:** Prohibited Period for raising campaign funds for the Governor<sup>1</sup>, State Legislators and Legislative Candidates, *NMSA 1978 § 1-19-34.1*

**January 29, 2018:** Governor Issues Primary Election Proclamation, *NMSA 1978 § 1-8-12*

**February 6, 2018:** Filing Day for Preprimary Convention Designation Candidates (Statewide offices and US Representative), *NMSA 1978 § 1-8-26(A)*

**March 13, 2018:** Primary Candidate Filing Day for all other offices (non-preprimary designation candidates), *NMSA 1978 § 1-8-26(B)*

**March 13, 2018:** Drawing to determine candidate position on the Primary Election ballot, *NMSA 1978 § 1-8-43*

**March 20, 2018:** Filing day for Primary Election Write-In Candidates, *NMSA 1978 § 1-8-36.1(C)*

**April 3, 2018:** Deadline for a candidate to withdraw from appearing on the Primary Election ballot, *NMSA 1978 § 1-8-44*

**May 8, 2018:** Voter Registration Closes, *NMSA 1978 § 1-4-8*  
Absentee Voting Begins<sup>2</sup>, *NMSA 1978 § 1-6-5 (E) and (F)*  
County Clerks Begin Mailing Absentee Ballots, *NMSA 1978 § 1-6-5 (E)*

**May 19, 2018:** Early Voting Begins<sup>3</sup>, *NMSA 1978 § 1-6-5.7(A)*

**June 1, 2018:** Last Day County Clerks May Mail an Absentee Ballot, *NMSA 1978 § 1-6-5(H)*

**June 2, 2018:** Early Voting Ends, *NMSA 1978 § 1-6-5(H) and 1-6-5.7(A)*

**June 5, 2018: Primary Election Day, *NMSA 1978 § 1-8-11***  
Polls are open from 7:00 a.m. to 7:00 p.m.  
Absentee ballots are due to the County Clerks by 7:00 p.m.

**July 6, 2018:** Issuance of Certificates of Nomination to Winning Candidates, *NMSA 1978 § 1-13-13(B)*

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<sup>1</sup> The prohibited period ends 20 days after the adjournment of the legislative session for the Governor.

<sup>2</sup> Absentee voting is primarily managed by the individual county clerks. Anyone wishing to vote by absentee ballot must apply for that ballot. Applications are available from the county clerks and on the [Secretary of State's website](#).

<sup>3</sup> Each county's Election Resolution will contain the early voting sites and Election Day polling places for each individual county. The location of early voting sites and Election Day polling places for each county will be made available by the county clerks and on the [Secretary of State's website](#).

## General Election – Important Dates

**March 1, 2018:** Secretary of State publishes petition forms and the required number of signatures for Independent and Minor Party Candidates, *NMSA 1978 § 1-8-50 (E)*

**June 28, 2018:** Filing Day for Independent Candidates, Minor Party Candidates, Judicial Retention Candidates, and General Election Write-In Candidates, *NMSA 1978 §§ 1-8-2, 1-8-26 (D), 1-8-52 (A), and 1-12-19.1 (A)*

**August 28, 2018:** Deadline for a candidate to withdraw from appearing on the General Election ballot, *NMSA 1978 § 1-8-9*

**September 5, 2018:** Drawing for Party Position on the General Election ballot, *1.10.6 NMAC*

**October 9, 2018:** Voter Registration Closes, *NMSA 1978 § 1-4-8*  
Absentee Voting Begins<sup>4</sup>, *NMSA 1978 § 1-6-5 (E) and (F)*  
County Clerks Begin Mailing Absentee Ballots, *NMSA 1978 § 1-6-5 (E)*

**October 20, 2018:** Early Voting Begins,<sup>5</sup> *NMSA 1978 § 1-6-5.7 (A)*

**November 2, 2018:** Last Day County Clerks May Mail an Absentee Ballot, *NMSA 1978 § 1-6-5 (H)*

**November 3, 2018:** Early Voting Ends, *NMSA 1978 § 1-6-5 (H) and 1-6-5.7 (A)*

**November 6, 2018:** **General Election Day**  
Polls are open from 7:00 a.m. to 7:00 p.m.  
Absentee ballots are due to the County Clerks by 7:00 p.m.

**December 7, 2018:** Issuance of Certificates of Election to Winning Candidates, *NMSA 1978 § 1-13-13 (B)*

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<sup>4</sup> See footnote 2 on page 7

<sup>5</sup> See footnote 3 on page 7



## 2018 OFFICES APPEARING ON THE BALLOT<sup>6</sup>

OFFICE	DISTRICT (If Applicable)	TERM
<b>FEDERAL OFFICES</b>		
United States Senator		6 years
United States Representative	District 1	2 years
United States Representative	District 2	2 years
United States Representative	District 3	2 years
<b>STATEWIDE OFFICES</b>		
Governor		4 years
Lt. Governor		4 years
Secretary of State		4 years
State Auditor		4 years
State Treasurer		4 years
Attorney General		4 years
Commissioner of Public Lands		4 years
Judge of the Court of Appeals Position 1 (vacated by Michael Bustamante) Position 2 (vacated by Roderick Kennedy) Position 3 (vacated by James Wechsler)		Filling unexpired terms
<b>LEGISLATIVE &amp; STATE DISTRICT OFFICES</b>		
State Representatives	All 70 Districts	2 years
Public Regulation Commissioner	District 2	4 years
Public Regulation Commissioner	District 4	4 years
Public Regulation Commissioner	District 5	4 years
Public Education Commissioner	District 2	4 years
Public Education Commissioner	District 3	4 years
Public Education Commissioner	District 5	4 years
Public Education Commissioner	District 6	4 years
Public Education Commissioner	District 7	4 years
Public Education Commissioner	District 8	Filling unexpired term; 2 years
<b>DISTRICT ATTORNEYS</b>		
11 <sup>th</sup> Judicial District Attorney	Division 2	Filling unexpired term
<b>PARTISAN ELECTION FOR JUDICIAL OFFICES</b>		
1st Judicial District	Division 2	Filling unexpired term; retention election in 2020
2nd Judicial District	Division 25	Filling unexpired term; retention election in 2020
3rd Judicial District	Division 3	Filling unexpired term; retention election

<sup>6</sup> Vacancies in Office - Any office that becomes vacant because of resignation or death after the publication of this guide may also appear on the ballot (NMSA 1978 §§ 1-8-6 and 1-8-7 and 1-8-8).

		in 2020
6th Judicial District	Division 1	Filling unexpired term; retention election in 2020
7th Judicial District	Division 3	Filling unexpired term; retention election in 2020
12 <sup>th</sup> Judicial District	Division 1	Filling unexpired term; retention election in 2020

<b>COUNTY OFFICES APPEARING ON THE BALLOT</b>	
<p style="text-align: center;"><b>BERNALILLO COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 5  County Assessor  County Sheriff  Probate Judge  Metropolitan Court Judge Division 1 through 19 (retention election)</p>	<p style="text-align: center;"><b>CURRY COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3  County Commissioner District 4 (<i>to fill an unexpired term</i>)  County Clerk (<i>to fill unexpired term</i>)  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 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>DE BACA COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1</p>
<p style="text-align: center;"><b>CHAVES COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 5  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 &amp; 2</p>	<p style="text-align: center;"><b>DONA ANA COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 through 7</p>
<p style="text-align: center;"><b>CIBOLA COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 &amp; 2</p>	<p style="text-align: center;"><b>EDDY COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 4  County Clerk  County Assessor  Probate Judge  Magistrate Judge Divisions 1 through 3</p>
<p style="text-align: center;"><b>COLFAX COUNTY</b></p> <p>County Commissioner District 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 &amp; 2</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 Divisions 1 &amp; 2</p>

<b>COUNTY OFFICES APPEARING ON THE BALLOT</b>	
<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 Division 1</p>	<p style="text-align: center;"><b>MCKINLEY COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 through 3</p>
<p style="text-align: center;"><b>HARDING COUNTY</b></p> <p>County Commissioner Position 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1</p>	<p style="text-align: center;"><b>MORA COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge</p>
<p style="text-align: center;"><b>HIDALGO COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Division 1</p>	<p style="text-align: center;"><b>OTERO COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 &amp; 2</p>
<p style="text-align: center;"><b>LEA COUNTY</b></p> <p>County Commissioner Districts 2 &amp; 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 through 4</p>	<p style="text-align: center;"><b>QUAY COUNTY</b></p> <p>County Commissioner District 3  County Assessor  County Sheriff  Probate Judge  Magistrate Judge</p>
<p style="text-align: center;"><b>LINCOLN COUNTY</b></p> <p>County Commissioner Districts 2, 4 &amp; 5  County Clerk  County Treasurer  Magistrate Judge Divisions 1 &amp; 2</p>	<p style="text-align: center;"><b>RIO ARRIBA COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 &amp; 2</p>
<p style="text-align: center;"><b>LOS ALAMOS COUNTY</b></p> <p>County Council<sup>7</sup>  County Assessor  County Sheriff  Probate Judge  Magistrate Judge  Municipal Judge</p>	<p style="text-align: center;"><b>ROOSEVELT COUNTY</b></p> <p>County Commissioner Districts 3, 4 &amp; 5  County Assessor  County Sheriff  Magistrate Judge</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>SAN JUAN COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2  County Assessor  County Sheriff  Probate Judge  Magistrate Judge Divisions 1 through 6</p>

<sup>7</sup> Los Alamos County is composed of a County Council with seven seats, four of which are on the ballot in 2018. Los Alamos has positions which run at large instead of by commission districts.

<b>COUNTY OFFICES APPEARING ON THE BALLOT</b>	
<p align="center"><b>SAN MIGUEL COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3            County Assessor            County Sheriff            Probate Judge            Magistrate Judge Division 1 &amp; 2</p>	<p align="center"><b>TAOS COUNTY</b></p> <p>County Commissioner Districts 1, 2 &amp; 5            County Assessor            County Sheriff            Probate Judge            Magistrate Judge Divisions 1 &amp; 2</p>
<p align="center"><b>SANDOVAL COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3            County Assessor            County Sheriff            Probate Judge            Magistrate Judge Division 1 through 3</p>	<p align="center"><b>TORRANCE COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge Division 1</p>
<p align="center"><b>SANTA FE COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3            County Assessor            County Sheriff            Probate Judge            Magistrate Judge Divisions 1 through 4</p>	<p align="center"><b>UNION COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge</p>
<p align="center"><b>SIERRA COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 2            County Assessor            County Sheriff            Probate Judge            Magistrate Judge</p>	<p align="center"><b>VALENCIA COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3            County Commissioner District 2 (<i>to fill an unexpired term</i>)            County Assessor            County Sheriff            Probate Judge            Magistrate Judge Divisions 1 through 3</p>
<p align="center"><b>SOCORRO COUNTY</b></p> <p>County Commissioner Districts 1 &amp; 3            County Assessor            County Sheriff            Probate Judge            Magistrate Judge</p>	

## Step 1: Meet the Eligibility Requirements for Office

### General Eligibility Requirements for All Offices

To become a candidate for an office on the ballot, a person must be a registered voter and possess the qualifications specified by law.

**Party Affiliation:** In New Mexico, only major political party candidates will appear on the Primary Election ballot. As of the date of publication of this guide, the major political parties are:

- New Mexico Democratic Party; and,
- New Mexico Republican Party.

As of the date of publication of this guide, the qualified minor political parties that may appear on the general election ballot include:

- Better for America Party of New Mexico;
- Libertarian Party of New Mexico; and,
- Green Party of New Mexico.

Affiliation must be established with the political party as of the date of the Governor's Election Proclamation for the Primary Election, January 29, 2018 (NMSA 1978 § 1-8-12).

- **Independent Candidates:** the voter registration must indicate no affiliation with any qualified political party on the day the governor issues the Primary Election proclamation.
- **Minor Party Candidates:** Except in the case of a political party that becomes certified in the year of the election, persons certified as minor party candidates shall be members of that minor party on the day the governor issues the Primary Election proclamation.

No person who is a candidate for a party in a Primary Election may be certified as a candidate for a different party in the general election in the same election cycle.

**U.S. Citizenship:** U.S. Citizenship is a prerequisite to register to vote as well as a requirement to hold elective public office in New Mexico (N.M. Const. Art. VII, Sec. 1 (A) and 2 (A)).

**Voter Registration Requirements:** New Mexico law outlines certain requirements for candidates to have their name printed on a ballot based upon the candidate's voter registration information. Specifically, the candidate's voter registration must show:

- Affiliation must be established with the political party as of the date of the Governor's Primary Election Proclamation for the Primary Election, January 29, 2018 (NMSA 1978 § 1-8-12).
- For offices with [district or county residency requirements](#), eligibility is determined by reviewing the candidate's voter registration address as of the date of the Election Proclamation (NMSA 1978 § 1-8-18(A)).

- Residency is determined by the place shown on the certificate of voter registration as the candidate's permanent address, provided that the candidate resides on the premises (NMSA 1978 § 1-1-7.1).
- The candidate's name will appear on the ballot to match the voter registration record on file (NMSA 1978 § 1-4-16(B)). If a candidate's voter registration includes a middle name or initial that will be included on the ballot.
- The candidate shall provide the [appropriate filing officer](#) with the same name as registered when they file for office. Any changes to voter registration must be effective on or before the date of the Election Proclamation. Attempted changes to ballot name appearance at the time of candidate filing is NOT allowed.

Candidates may review their current voter registration information by looking up their voter registration record on the [Secretary of State's website](#) or by contacting their proper filing officer for a copy of their voter registration certificate.

**Notice to Minor Party and Independent Candidates:** When a political party is certified in the year of the general election, and after the day the governor issues the Primary Election proclamation, a person certified by the proper filing officer as a candidate shall be:

- A member of that party not later than the date the political party filed its rules and qualifying petitions pursuant to NMSA 1978 Sections 1-7-2 and 1-7-4; and
- A resident in the district of the office for which the person 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 States Senator or United States Representative, a resident within New Mexico on the date of the governor's proclamation for the Primary Election.

More information and deadlines for qualifying as a new minor party in New Mexico can be found on [the Secretary of State's website](#) and in NMSA 1978 § 1-7-2.

**Failure of a Minor Party to Qualify:** If a minor political party seeks, but does not obtain, qualified status, its candidates may instead run as independent candidates in the general election, if they individually meet the requirements for independent candidacy.

An individual who has collected signatures for the purpose of running as a minor party candidate may, if that party fails to qualify, apply his or her collected signatures toward the total required of an independent candidate for the same position. He or she, upon collecting the number of signatures required to file as an independent, may then run as an independent candidate. The candidate must meet the residency requirements set forth for independent candidates and must not have been a member of a qualified political party on the date of the governor's proclamation.

**Felony Convictions:** A person convicted of a felony shall not hold an office of the public trust for the state, county, municipality, or a district, unless the person was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship (NMSA 1978 § 31-13-1(E)).

### Specific Eligibility Requirements

Office	Statutory Reference	Age	State Residence	District Residence	U.S Citizen	Years in Term <sup>8</sup>	Term Limit
<b>US Senator</b>	US Const. Art. I Sec. 3	30	Yes	N/A	9 years	6	No
<b>US Representative</b>	US Const., Art. I, Sec. 2, cl. 2	25	Yes	N/A	7 years	2	No
<b>Governor</b>	NM Const. Art V, Sec. 3	30	5 years	N/A	Yes	4	2
<b>Lt. Governor</b>	NM Const. Art V, Sec. 3	30	5 years	N/A	Yes	4	2
<b>Secretary of State</b>	NM Const. Art V, Sec. 3	30	5 years	N/A	Yes	4	2
<b>State Auditor</b>	NM Const. Art V, Sec. 3	30	5 years	N/A	Yes	4	2
<b>State Treasurer</b>	NM Const. Art V, Sec. 3	30	5 years	N/A	Yes	4	2
<b>Attorney General</b>	NM Const. Art V, Sec. 3	30	5 years	N/A	Yes	4	2
<b>Commissioner of Public Lands</b>	NM Const. Art V, Sec. 3	30	5 years	N/A	Yes	4	2
<b>State Representative</b>	NM Const. Art. IV, Sec 3	21	Yes	Yes	Yes	2	No
<b>Public Regulation Commissioner</b>	NM Const. Art. XI, Sec 1 and Sec 2	18	Yes	Yes	Yes	4	2
<b>Public Education Commissioner</b>	NM Const. Art. XII, Sec 6	18	Yes	Yes	Yes	4	2
<b>District Attorney</b>	NM Const. Art. VI, Sec. 24	18	3 years	Yes	Yes	4	No
<b>Justice of the Supreme Court</b>	NM Const. Art. VI, Sec. 8	35	3 years	N/A	Yes	8	Retention Election
<b>Judge of the Court of Appeals</b>	NM Const. Art. VI, Secs. 8 and 28	35	3 years	N/A	Yes	8	Retention Election
<b>District Court Judge</b>	NM Const. Art. VI, Secs. 8 and 14	35	3 years	Yes	Yes	6	Retention Election
<b>Metropolitan Court Judge</b>	NM Const. Art. VI, Sec. 26 & NMSA 1978 § 34-8A-4(B)	18	Yes	Yes	Yes	4	Retention Election
<b>Magistrate Judge</b>	NM Const. Art. VI, Sec. 26 and NMSA 1978 § 35-2-1	18	Yes	Yes	Yes	4	No

<sup>8</sup> Unless the office is on the ballot to fill an unexpired term.

<b>Office</b>	<b>Statutory Reference</b>	<b>Age</b>	<b>State Residence</b>	<b>District Residence</b>	<b>U.S Citizen</b>	<b>Years in Term<sup>8</sup></b>	<b>Term Limit</b>
<b>County Commissioner</b>	NM Const. Art. V, Section 13 and Art. VII, Sec. 2A and NMSA 1978 § 4-38-3	18	Yes	Yes	Yes	4	2
<b>County Clerk</b>	NMSA 1978 § 4-40-2 through 10	18	Yes	Yes	Yes	4	2
<b>County Treasurer</b>	NMSA 1978 § 4-43-2	18	Yes	Yes	Yes	4	2
<b>County Assessor</b>	NMSA 1978 § 4-39-2 through 6	18	Yes	Yes	Yes	4	2
<b>County Sheriff</b>	NMSA 1978 § 4-41-2 through 22	18	Yes	Yes	Yes	4	2
<b>Probate Judge</b>	NM Const. Art. VI Secs. 23 and NMSA 1978 § 34-7-1 through 225	18	Yes	Yes	Yes	4	2



## **Special Eligibility Requirements**

In addition to meeting the age, residency, and other general requirements, some offices have additional eligibility requirements outlined below.

### **State Representative**

At the time of qualifying to serve as a State Representative, a person must not hold any office of trust or profit with state, county, or national governments, except for notaries public and officers of the militia who receive no salary, *NM Const. Art. IV, Sec 3*.

### **Public Regulation Commissioner**

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

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

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

### **District Attorney**

To serve as District Attorney a person must be a licensed attorney, *NM Const. Art. VI, Sec. 24*.

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

To serve as a Justice of the Supreme Court, a person must have engaged in the actual practice of law for at least ten years preceding assumption of office, *NM Const. Art. VI, Sec. 8*.

### **Judge of the Court of Appeals**

To serve as a Court of Appeals Judge, a person must have engaged in the actual practice of law for at least ten years preceding assumption of office, *NM Const. Art. VI, Secs. 8 and 28*.

### **District Court Judge**

To serve as a District Court Judge, a person must have engaged in the actual practice of law for at least six years preceding assumption of office, *NM Const. Art. VI, Secs. 8 and 14*.

### **Metropolitan Court Judge**

To serve as a Metropolitan Court Judge, a person must be a member of the New Mexico Bar and have practiced law in New Mexico for a period of three years, *NMSA 1978 § 34-8A-4(B)*.

### **Magistrate Judge**

Pursuant to NMSA 1978 § 35-2-1, to serve as Magistrate Judge a person:

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

## Step 2: Circulate Nominating Petitions

### Offices that Require Nominating Petitions

All candidates, except those filing for county office, are required to collect nominating petitions to secure a position on the Primary Election ballot. Candidates who are required to file nominating petitions do not pay a filing fee.

County office candidates are not required to file nominating petitions and instead pay a \$50.00 filing fee to the County Clerk upon filing for office. In cases of financial hardship, the County Clerk may waive the fee if the candidate submits a [Pauper's Statement](#), which is a prescribed form available on the Secretary of State's website.

- **Independent and Minor Party:** All candidates including those filing for county offices are required to submit nominating petitions for appearance on the general election ballot. New Mexico law does not allow for these candidates to submit a filing fee in lieu of nominating petitions.

### General Information about Nomination Petitions

**Minimum Number of Signatures:** Candidates required to collect petition signatures have a minimum number of valid signatures they must collect in order to qualify for the ballot. Requirements differ for major party, minor party, and independent candidates.

Major Party candidates appearing on the Primary Election ballot may begin circulating petitions in October, when signature requirements and forms are made available by the Secretary of State.

- **Minor Party and Independent Candidates:** In March 2018 the Secretary of State will publish candidacy forms and petition signature requirements for independent and minor party candidates on the website.

The form used to collect petition signatures is outlined in New Mexico law (*NMSA 1978 §§ 1-8-30, 1-8-50 and 1-8-65*) and the form provided by the Secretary of State is the only acceptable form. Candidates may make as many copies as necessary of the form. Petition forms must be on 8.5" x 11" sized normal weight copy paper and must be copied on only one side of the paper. Submitting previous versions of the petition form or alternative versions of the form is not allowable and will not be accepted.

A nominating petition shall be considered invalid if the required information is not listed on the petition **before** the petition is signed by a voter or if any of the required information is altered. Do not scratch out, use white out, or otherwise alter the items filled in on the header of the petition form.

The petition form is an electronically fillable form and **all** information at the top of the form must be completed **before** signatures are collected. Candidates not electronically filling the form must assure that forms are filled in with blue or black ink and are legible.

The Secretary of State recommends that a candidate accurately fills in the required information and make copies of the properly filled form to collect all signatures in order to avoid candidacy challenges.

NMSA 1978 §§ 1-8-30(C) and 1-8-31 (D) requires the following information on all nominating petitions:

- The party affiliation of voters signing the petition;
- The candidate's name (as it appears on the candidate's certificate of registration);
- The candidate's address (as it appears on the candidate's certificate of registration);
- The candidate's county of residence;
- The office the candidate seeks; and,
- The district of the office sought, if the office sought is a judicial division office within a judicial district, the judicial division number or, if the judicial office sought is to the supreme court or court of appeals the position number must be included.
  - **Independent and Minor Party Candidates:** you are not required to include party affiliation on the petition. Instead, voters signing petitions nominating independent and minor party candidates must be registered to vote in the applicable district, county, or state, depending on the office. (NMSA 1978 § 1-8-50)

### **Circulating Nominating Petitions**

For candidates circulating petitions, it is extremely important that individuals assisting the candidate with collecting petition signatures are adequately trained and appropriately informed. Candidates and the individuals assisting them risk significant implications for failing to follow the law regarding petitions. Specifically:

- A person knowingly falsifying any information on a nominating petition is guilty of falsifying an election document (NMSA 1978 § 1-8-32). Falsifying an election document is a fourth degree felony (NMSA 1978 § 1-20-9(F)).
- It is a misdemeanor to knowingly circulate, present, or offer to present a nominating petition for the signature of a voter that does not contain the information specified under the law (NMSA 1978 § 1-8-32(B)).
- Petitions submitted that are not in compliance with the law are not counted, which invalidates the signatures on those petitions, therefore not counting towards the candidate's required number of nominating signatures.

- The law provides for legal challenges to petitions if filed in District Court within 10 days after filing a declaration of candidacy. If a challenge is filed in district court, candidates must defend their collection of signatures and risk a finding of invalid signatures by a district court or the New Mexico Supreme Court. If the candidate fails to obtain the minimum number of **valid** nominating signatures, the candidate will not be qualified to appear on the ballot.

A person who signs a nominating petition shall sign only one petition for the same office unless more than one candidate is to be elected to that office, and in that case, a person may sign not more than the number of nominating petitions equal to the number of candidates to be elected to the office.

A person who signs a nominating petition shall indicate the person's registration address. If the person does not have a standard street address, the person may provide the mailing address as shown on the person's certificate of registration.

A signature shall be counted on a nominating petition unless there is evidence presented that the person signing:

- failed to provide information required by the nominating petition;
- is not a voter of the state, district, county or area to be represented by the office for which the person seeking the nomination is a candidate;
- has signed more than one petition for the same office, or has signed one petition more than once;
- is not of the same political party as the candidate named in the nominating petition as shown by the signer's certificate of registration; or,
- is not the person whose name appears on the nominating petition.

#### **Independent and Minor Party candidates:**

- Voters signing petitions for independent and minor party candidates are not required to be registered in the minor candidate's political party.
- Independent and minor party candidates **MUST** ensure they are circulating the correct nominating petition form which will be published in **March 2018** on the Secretary of State's website. The major party form will not be accepted.

## MAJOR PARTY PETITION SIGNATURE REQUIREMENTS

The required number of petition signatures for each required office on the 2018 Primary Election ballot is listed below.

Candidates required to circulate petitions must meet statutory thresholds of signatures to qualify to appear on the Primary Election ballot. Statewide and Congressional candidates who seek preprimary convention designation collect the equivalent of two percent (2%) of total votes cast for governor in the 2014 Primary Election for the candidate’s party in the state or congressional district.

Candidates who seek, but do not receive preprimary convention designation, may still qualify to appear on the Primary Election ballot by collecting the four percent (4%) threshold and submitting the additional signatures and a new declaration of candidacy. For more information, see preprimary convention designation candidate filing day under [When to File](#).

### Federal and Statewide Offices

Statewide	District	Democrats	Republicans
<b>United States Senator</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
<b>United States House of Representative</b>	<b>1</b>	(2% threshold) <b>704</b> (4% threshold) <b>1,408</b>	(2% threshold) <b>420</b> (4% threshold) <b>839</b>
<b>United States House of Representative</b>	<b>2</b>	(2% threshold) <b>623</b> (4% threshold) <b>1,246</b>	(2% threshold) <b>492</b> (4% threshold) <b>983</b>
<b>United States House of Representative</b>	<b>3</b>	(2% threshold) <b>1,180</b> (4% threshold) <b>2,360</b>	(2% threshold) <b>377</b> (4% threshold) <b>754</b>
<b>Governor</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
<b>Lt. Governor</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
<b>Secretary of State</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
<b>State Auditor</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
<b>State Treasurer</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
<b>Attorney General</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
<b>Commissioner of Public Lands</b>		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>

## New Mexico House of Representatives

House District	County/Counties	Democrats	Republican
1	San Juan	17	77
2	San Juan	13	37
3	San Juan	16	52
4	San Juan	30	23
5	McKinley & San Juan	90	16
6	Cibola & McKinley	86	14
7	Valencia	46	22
8	Valencia	57	34
9	McKinley & San Juan	79	12
10	Bernalillo	37	12
11	Bernalillo	82	13
12	Bernalillo	32	10
13	Bernalillo	21	10
14	Bernalillo	35	10
15	Bernalillo	51	34
16	Bernalillo	50	21
17	Bernalillo	58	21
18	Bernalillo	68	11
19	Bernalillo	59	14
20	Bernalillo	40	44
21	Bernalillo	19	11
22	Bernalillo, Sandoval & Santa Fe	52	48
23	Bernalillo & Sandoval	49	29
24	Bernalillo	46	36
25	Bernalillo	62	26
26	Bernalillo	21	10
27	Bernalillo	50	55
28	Bernalillo	48	53
29	Bernalillo	32	28
30	Bernalillo	46	40
31	Bernalillo	45	59
32	Grant, Hidalgo & Luna	63	30
33	Dona Ana	38	15
34	Dona Ana	24	10
35	Dona Ana	37	14
36	Dona Ana	29	13
37	Dona Ana	38	23
38	Grant, Hidalgo & Sierra	90	46
39	Dona Ana, Grant & Sierra	74	20
40	Colfax, Mora, Rio Arriba & San Miguel	170	17
41	Rio Arriba, Santa Fe & Taos	153	10
42	Taos	143	13
43	Los Alamos, Rio Arriba, Sandoval & Santa Fe	68	43
44	Sandoval	36	34
45	Santa Fe	91	10
46	Santa Fe	133	10
47	Santa Fe	142	10
48	Santa Fe	115	10
49	Catron, Socorro & Valencia	80	60
50	Bernalillo, Santa Fe, Tarrant & Valencia	75	35
51	Otero	18	47

House District	County/Counties	Democrats	Republican
52	Dona Ana	23	10
53	Dona Ana & Otero	10	10
54	Chaves, Eddy & Otero	23	35
55	Eddy	28	29
56	Lincoln & Otero	21	60
57	Sandoval	21	16
58	Chaves	13	24
59	Chaves & Lincoln	25	83
60	Sandoval	22	23
61	Lea	11	21
62	Lea	10	47
63	Curry, De Baca, Guadalupe, Roosevelt & San Miguel	66	18
64	Curry	16	43
65	Rio Arriba, San Juan & Sandoval	74	10
66	Chaves, Lea & Roosevelt	17	63
67	Colfax, Curry, Harding, Quay, Roosevelt, San Miguel & Union	77	48
68	Bernalillo	32	30
69	Bernalillo, Cibola, McKinley, San Juan, Socorro & Valencia	76	13
70	San Miguel, Santa Fe & Tarrant	146	19

### Public Regulation Commission

PRC District	Democrats	Republicans
2	547	543
4	659	300
5	641	373

### Public Education Commissioner

PEC District	Democrats	Republicans
2	313	316
3	392	126
5	332	229
6	505	229
7	211	94
8	382	321

### District Attorney

DA District	Democrats	Republicans
11 <sup>th</sup> Judicial District, Division 2	208	30



## Appellate and District Court Offices

Judge of the Court of Appeals	Statewide	Democrats	Republicans
		(2% threshold) <b>2,507</b> (4% threshold) <b>5,015</b>	(2% threshold) <b>1,288</b> (4% threshold) <b>2,577</b>
1st Judicial District Court Judge	Division 2	809	100
2nd Judicial District Court Judge	Division 25	984	589
3rd Judicial District Court Judge	Division 3	213	95
6th Judicial District Court Judge	Division 1	191	57
7th Judicial District Court Judge	Division 3	115	109
12 <sup>th</sup> Judicial District Court Judge	Division 1	54	153

## Magistrate Courts

Court	Division	Democrats	Republicans
Catron		10	19
Chaves	1	16	32
Chaves	2	23	85
Cibola	1	81	16
Cibola	2	81	16
Colfax	1	41	13
Colfax	2	41	13
Curry	1	11	13
Curry	2	14	41
De Baca	10	10	10
Dona Ana	1	213	95
Dona Ana	2	213	95
Dona Ana	3	213	95
Dona Ana	4	213	95
Dona Ana	5	213	95
Dona Ana	6	213	95
Dona Ana	7	213	95
Eddy	1	15	10
Eddy	2	19	22
Eddy	3	12	23
Grant	1	128	26
Grant	2	128	26
Guadalupe		45	10
Harding		10	10
Hidalgo		22	10
Lea	1	10	30
Lea	2	10	10
Lea	3	10	20
Lea	4	10	22
Lincoln	1	17	62
Lincoln	2	17	62
Los Alamos		43	36
Luna		41	22
McKinley	1	208	30
McKinley	2	208	30
McKinley	3	208	30

<b>Court</b>	<b>Division</b>	<b>Democrats</b>	<b>Republicans</b>
<b>Mora</b>		47	10
<b>Otero</b>	1	36	91
<b>Otero</b>	2	36	91
<b>Quay</b>	1	28	19
<b>Rio Arriba</b>	1	222	14
<b>Rio Arriba</b>	2	222	14
<b>Roosevelt</b>	1	10	27
<b>San Juan</b>	1	14	54
<b>San Juan</b>	2	26	15
<b>San Juan</b>	3	12	54
<b>San Juan</b>	4	36	22
<b>San Juan</b>	5	11	25
<b>San Juan</b>	6	10	28
<b>San Miguel</b>	1	161	10
<b>San Miguel</b>	2	161	10
<b>Sandoval</b>	1	211	107
<b>Sandoval</b>	2	211	107
<b>Sandoval</b>	3	211	107
<b>Santa Fe</b>	1	544	50
<b>Santa Fe</b>	2	544	50
<b>Santa Fe</b>	3	544	50
<b>Santa Fe</b>	4	544	50
<b>Sierra</b>		18	27
<b>Socorro</b>		63	33
<b>Taos</b>	1	160	14
<b>Taos</b>	2	160	14
<b>Torrance</b>		26	29
<b>Union</b>		12	10
<b>Valencia</b>	1	138	74
<b>Valencia</b>	2	138	74
<b>Valencia</b>	3	138	74

## Submission of Nominating Petitions

Nominating petitions are submitted to the [appropriate filing officer](#) simultaneously with the Declaration of Candidacy on candidate filing day. The appropriate filing date and filing officer for each office is listed within Step 3: Filing for Candidacy.

**Only signatures on original petition pages are counted.** Copied, reproduced, or electronically stored petitions are not counted by the filing officer and signatures contained on those petitions are not counted toward the number of required signatures.

**Number of signatures:** Individual petition pages may contain one (1) to twenty (20) signatures. The total number of petition forms must contain enough valid signatures to qualify the candidate for the ballot.

**Petitions with incomplete voter information are not counted.** Each signature line requires the signature of the voter, the voter's name printed as **registered**, the address as **registered**, and the city or zip code. For example, if a petition contains 20 voter signatures, but 3 of those voters failed to provide the required information, those 3 signatures are not counted, but the remaining 17 are counted.

**No alterations to submitted petitions.** Additions to or withdrawals of petitions are not permitted following acceptance by the filing officer. Additionally, once the petitions are submitted, no person is permitted to revoke their signature. (NMSA 1978 § 1-8-34)

**All nominating petitions submitted to the filing officer are public records.** The filing officer retains the original nominating petitions and shall make copies available to the public for a fee upon request. The [request form for petitions](#) is on the Secretary of State's website. Candidates are encouraged to make copies of their petitions prior to filing them for the candidate's own records. Copies will not be provided at the time of filing for office.

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

## Step 3: Filing for Candidacy

### When to File

#### **Preprimary Convention Designation Candidates File for Office: February 6, 2018**

State conventions of major political parties may designate candidates for nomination to statewide office or the office of United States Representative.

Candidates who seek preprimary convention designation will file for office on **February 6, 2018**, in the Secretary of State's office **between the hours of 9:00 a.m. and 5:00 p.m.** For candidates succeeding in preprimary designation, the party is responsible for submitting certificates of designation to the Secretary of State by 5:00 p.m. on the first Tuesday following the party's convention at which the candidate's designation took place.

Candidates who seek but do not obtain preprimary convention designation status may still file for office pursuant to NMSA 1978 § 1-8-33(D) by collecting additional petition signatures, submitting the additional petitions to the Secretary of State, and filing a new declaration of candidacy. The newly collected petition signatures are added to the previously submitted signatures and cumulatively totaled. **This filing day is either 1) ten days after the primary convention or 2) March 13, 2018, whichever is later.**

At the time this guide is published, the Secretary of State has not been informed by the parties as to when their statewide conventions are being held. Please check with the individual parties to obtain these dates.

#### **All Other Major Party Candidates File for Office: March 13, 2018**

Major party candidates for offices not eligible for receiving a preprimary party designation will file for office on **March 13, 2018, between the hours of 9:00 and 5:00 p.m.** in the office of the appropriate filing officer.

#### **Primary Election Write-in Candidate Filing Day: March 20, 2018**

Major party write-in candidates filing to appear on the Primary Election ballot shall file for office on **March 20, 2018, between the hours of 9:00 a.m. and 5:00 p.m.** in the office of the appropriate filing officer.

#### **Filing Day for Minor Party, Independent, and Write-in Candidates for the General Election: June 28, 2018**

Filing day for Minor Party, Independent, and Write-in Candidates for the General Election is **June 28, 2018, between the hours of 9:00 a.m. and 5:00 p.m.** in the office of the appropriate filing officer.

## **Judicial Retention Candidates File for Office: June 28, 2018**

Filing day for judges required to run for a non-partisan retention election is **June 28, 2018, between the hours of 9:00 a.m. and 5:00 p.m.** in the office of the appropriate filing officer.

### **Where to file**

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

- United States Senator
- United States Representative
- Governor
- Lieutenant Governor
- Secretary of State
- State Auditor
- State Treasurer
- Attorney General
- Commissioner for Public Lands
- State Representative ([multi-county districts only](#))
- Public Regulation Commission
- Public Education Commission
- District Attorney
- Justice of the Supreme Court
- Judge of the Court of Appeals
- District Court Judge

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

- State Representative ([single county districts](#))
- County Commissioner
- County Councilor (Los Alamos County only)
- County Clerk
- County Assessor
- County Treasurer
- County Sheriff
- Probate Judge
- Metropolitan Court Judge (Bernalillo County only)
- Magistrate Court Judge
- Municipal Judge (Los Alamos County only)

Information on the location of the [County Clerk Offices](#) can be found on the Secretary of State's website.

Candidates who file paperwork with the wrong filing office will not be qualified for appearance on the ballot.

## What to File

**Candidates are required to file the appropriate forms with the proper filing officer on the specific date designated for filing for their office.**

Each candidate filing to appear on the Primary Election ballot must submit the following completed forms to the proper filing officer during the designated hours:

- Declaration of Candidacy<sup>9</sup>;
- Candidate Campaign Committee Registration Form;
- Nominating Petitions (if required);
- Filing Fee or Pauper's Statement (for county candidates only);
- Financial Disclosure Statement (legislative and statewide candidates only);
- Affidavit of PRC Qualification (for PRC candidates only);
- Affidavit of Designee for Filing (only if someone is filing on behalf of candidate).

### **Minor Party Candidates:**

Minor party candidates filing to appear on the General Election ballot must submit the following completed forms to the proper filing officer during the designated hours:

- Declaration of Candidacy for Minor Political Party Candidacy;
- Nominating Petition for Minor Political Party Candidacy;
- Candidate Campaign Committee Registration Form;
- Financial Disclosure Statement (legislative and statewide candidates only);
- Affidavit of PRC Qualification (for PRC candidates only);
- Affidavit of Designee for Filing (only if someone is filing on behalf of candidate).

**Minor Party nomination by party rules:** Minor party candidates are nominated for office pursuant to the party rules on file with the Secretary of State and pursuant to NMSA 1978 §§ 1-8-2 and 1-8-3.

In addition to the required petition signatures and forms, if the rules of a minor political party require nomination by political convention, then along with the required petitions, the names of the candidates must be certified to the appropriate filing officer on June 28, 2018 as follows:

- The chair and secretary of the state political convention shall certify to the Secretary of State the names of their party's nominees for United States Senator, United States Representative, all state offices, legislative offices elected from multicounty districts, the Public Regulation Commission, all judicial offices in the judicial department and all offices representing a district composed of more than one county; and,

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<sup>9</sup> Since there are multiple vacancies for Judge of the Court of Appeals, candidates must include the applicable **position number** on their Declaration of Candidacy.

- The chair and secretary of the county political convention shall certify to the County Clerk the names of their party's nominees for elected county offices and for legislative offices elected from a district located wholly within one county or that is composed of only one county.

If the rules and regulations of a minor political party require nomination by a method other than a political convention:

- the state chairman and the governing board of the state party shall certify to the Secretary of State the names of their party's nominees for United States Senator, United States Representative, all elective state offices, legislative offices elected from multicounty districts, Public Regulation Commission, all elective judicial officers in the judicial department and all offices representing a district composed of more than one county;
- the county chairman and the governing board of the county party shall certify to the county clerk the names of their party's nominees for elected county offices and for legislative offices elected from a district located wholly within one county or that is composed of only one county; and,
- the names of such nominees shall be filed in the same time and manner prescribed for convention-designated nominees of minor political parties, listed above, and each list of names certified shall be accompanied by the petition containing a list of signatures and addresses of voters as prescribed for convention-designated nominees.

Minor party petition signature requirements and candidacy forms will be available on the Secretary of State's website in March 2018.

### **Independent Candidates:**

Independent candidates filing to appear on the General Election ballot must submit the following completed forms to the proper filing officer during the designated hours:

- Declaration of Independent Candidacy;
- Nominating Petition for Independent Candidacy;
- Candidate Campaign Committee Registration Form;
- Financial Disclosure Statement (legislative and statewide candidates only);
- Affidavit of PRC Qualification (for PRC candidates only);
- Affidavit of Designee for Filing (only if someone is filing on behalf of candidate).

Petition signature requirements and candidacy forms for independent candidates will be available on the Secretary of State's website in March 2018.

## **Judicial Retention:**

Judges for the Supreme Court, Court of Appeals, District Court, and Metropolitan Court must run in a contested, partisan election, thereafter, the judge runs in nonpartisan retention elections and must receive at least 57 percent (57%) of the vote cast to be retained, *NM Const. Article VI, Sec. 33 (A)*.

Judges required to run for a non-partisan retention election must submit the following completed forms to the proper filing officer during the designated hours:

- Declaration of Candidacy for Retention;
- Candidate Campaign Committee Registration Form;
- Financial Disclosure Statement (statewide judges only).

## **Filing as a Primary Election Write-in Candidate**

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

- United States Senator;
- United States Representative;
- Governor;
- Lt. Governor;
- Secretary of State;
- State Treasurer;
- State Auditor;
- Attorney General;
- Commissioner of Public Lands;
- State Representative;
- Judge of the Court of Appeals;
- District Court Judge;
- District Attorney;
- Public Regulation Commissioner;
- Public Education Commissioner;
- Magistrate Judge.

A write-in candidate's Declaration of Intent to be a Write-In Candidate must reflect the party which is shown on his or her certificate of voter registration and meet the general and specific qualifications for the office sought. Write-in candidates filing for the Primary Election are required to be affiliated with a major party as of the date of the Governor's Primary Election proclamation.



Write-in candidates must provide the following completed forms on filing day, March 20, 2018:

- Declaration of Intent to be a Write-In Candidate;
- Candidate Campaign Committee Registration Form;
- Financial Disclosure Statement (legislative and statewide candidates only);
- Affidavit of PRC Qualification (for PRC candidates only); and,
- Affidavit of Designee for Filing (if someone is filing on behalf of candidate).

Once the declaration of intent form is filed, write-in candidates are considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the campaign finance reporting obligations as described in the Campaign Reporting Act. Names of write-in candidates are **not** printed on the ballot.

### **Filing as a General Election Write-In Candidate**

Individuals wishing to run for office on the general election ballot as a write-in candidate should review NMSA 1978 § 1-12-19.1 in its entirety. New Mexico law allows General Election write-in candidates for all offices appearing on the ballot.

Forms required to file as a General Election write-in candidate will be made available on the Secretary of State's website in March 2018. Write-in candidates must provide the following completed forms on filing day, June 28, 2018:

- Declaration of Intent to be a Write-In Candidate (General Election);
- Candidate Campaign Committee Registration Form;
- Financial Disclosure Statement (legislative and statewide candidates only);
- Affidavit of PRC Qualification (for PRC candidates only); and,
- Affidavit of Designee for Filing (if someone is filing on behalf of candidate).

Once the declaration of intent form is filed, write-in candidates are considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the campaign finance reporting obligations as described in the Campaign Reporting Act. Names of write-in candidates are **not** printed on the ballot.

No person shall be a write-in candidate in the General Election who was a candidate in the Primary Election immediately prior to the General Election. (NMSA 1978 § 1-12-19.1 (E))

## **Filing Day Tips**

- Do not expect early service. Filing officers will not accept filings prior to 9:00 a.m.
- Do not wait until the last minute. Candidates not appearing by 5:00 p.m. in the appropriate filing officer's office cannot file.
- Candidates must file in the office of the appropriate filing officer. Be certain of who your appropriate filing officer is and the location of their office. If you have any questions about who your appropriate filing officer is please call the Bureau of Elections at ( 800) 477-3632 or (505) 827-3600 or email [sos.elections@state.nm.us](mailto:sos.elections@state.nm.us).
- Be prepared with all necessary information and have all forms completed. Please keep in mind that some of the forms will require a notarized signature.
- All required forms for filing day are available on the [Secretary of State's website](#).
- Candidates must file in person, either themselves or via a proxy with written authorization from the candidate permitting the individual to act on the candidate's behalf. Further, filing officers may accept one and only one declaration of candidacy from any individual, i.e. candidates may only file for one office in an election cycle. (NMSA 1978 § 1-8-27)

## **Candidate Challenges**

Any voter may challenge the candidacy of any person seeking to appear on the ballot for the following reasons:

- Not being affiliated with the political party used on filing documents on the date of the Governor's Primary Election proclamation.
- Not residing in the district of the office for which he is a candidate on the date of the Governor's Primary Election proclamation or in the case of a person seeking the office of United States Senator or United States Representative, his residence within New Mexico on the date of the Governor's Primary Election proclamation.
- Non-compliance with nominating procedures.
- Challenge to the Affidavit of PRC Qualifications.

Individuals wishing to challenge a candidate must file a petition in district court within ten days after the declaration of candidacy and petitions are filed (NMSA 1978 §§ 1-8-18 and 1-8-45). The district court shall hear and render a decision on the matter within ten days after the filing of the petition. The decision of the district court may be appealed to the Supreme Court within five days after the decision is rendered.

## Step 4: Notification of Ballot Qualification

Filing officers are required to notify candidates whether they have qualified to have their name appear on the ballot no later than 5:00 p.m. on the Tuesday following the filing date.

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 petition, if required, and the certificate of registration of the candidate on file are in proper order and that based on those documents, the candidate is qualified to appear on the ballot.

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

### Primary Ballot Position Information

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

**Court of Appeals:** Since there is more than one vacancy on the Court of Appeals in 2018, each vacant seat will be designated on the ballot by numerical position (Position 1, Position 2, Position 3, etc.) in the order in which it became vacant.

**All Other Candidates:** Candidates for statewide office or federal office who are not designated by convention, but qualified by declaration of candidacy, are placed on the ballot by lot below the convention designated candidates.

Candidates for any other office, qualified by declaration of candidacy, are arranged on the ballot by lot. Determination by lot occurs immediately following the closing time for filing declarations of candidacy on **March 13, 2018 at 5:00 pm**. All candidates or their agents are entitled to be present and have the option of each making one draw from the lot **as described in NMSA 1978 § 1-8-43**.

### General Ballot Position Information

Party and candidate position for the general election ballot is established in accordance with [1.10.6 NMAC](#).

A drawing for party position will be determined by lot at a drawing held in the Office of the Secretary of State on Wednesday, September 5, 2018. The Secretary of State shall post notice of the drawing on the website and send notice to the chairs of the political parties participating in the general election regarding the date and time of the drawing.

A drawing for the major parties will be held first, followed by the qualified minor parties. If there are any independent candidates qualified for appearance on the ballot, those candidates will follow the minor party positions and will be listed alphabetically if there is more than one candidate running for the same office.

### **Withdrawing Candidacy**

Candidates who decide to withdraw their candidacy must submit a signed and notarized statement by the withdrawal deadline with the proper filing officer.

Deadline to withdraw from Primary Election: **April 3, 2018**

Deadline to withdraw from General Election: **August 28, 2018**

Candidates who withdraw candidacy are still obligated to file a final campaign finance report no later than the next report deadline or continue to file reports as described in the Campaign Reporting Act. Failure to comply with these requirements will result in monetary fines.

### **Filling a Vacancy on the Ballot**

This guide will continue to be updated to include vacancies in offices that arise and are eligible to appear on the Primary Election ballot. This includes vacancies that occur before the date candidates file a declaration of candidacy or the date major parties file a certificate of designation by state convention. (NMSA 1978 § 1-8-6)

Vacancies on the general election ballot that occur **before the primary election**, but after filing day, may be filled subsequent to the primary election by the central committee of the state or county political party, as the case may be, if caused by:

- the death of a candidate after filing of the declaration of candidacy or after certification as a convention-designated nominee and before the primary election; or,
- the resignation or death of a person holding a public office after the last Friday before the first Tuesday in March, when such office was not included in the Governor's Proclamation and is required by law to be filled at the next succeeding general election after the vacancy is created. (NMSA 1978 § 1-8-7)

The name of the person to fill the vacancy on the general election ballot occurring before the primary election shall be provided to the proper filing officer on a form prescribed by the Secretary of State. The party nomination form may be found on the Secretary of State's website, and must be filed no later than fifteen (15) days after the primary election. If the proper form is received and filed timely, the party's nominee shall be placed on the general election ballot for such office.

If a vacancy occurs **after a primary election**, but seventy (70) or more days before the general election, for any cause, the vacancy on the general election ballot may be filled by:

- the central committee of the state political party filing the name of its nominee for the office with the proper filing officer when the office is a federal office, state office, district office or multicounty legislative district office; and
- the central committee of the county political party filing the name of its nominee for the office with the proper filing officer when the office is a magistrate office, county office or legislative district office where the district is entirely within the boundaries of a single county. (NMSA 1978 § 1-8-8)

The county or state central committee members making the appointment to fill a vacancy on the ballot shall be as provided for in the rules of the respective party; provided that, at a minimum, the committee shall include those members residing within the boundaries of the area to be represented by the public office. Please inquire with the respective political party for more information.

The name of the person to fill the vacancy on the general election ballot occurring after the primary election shall be filed with the proper filing officer on a form prescribed by the Secretary of State. The party nomination form can be found on the Secretary of State's website, and must be filed at least sixty three (63) days prior to the general election. If the proper form is received and filed timely, the party's nominee shall be placed on the general election ballot for such office.

**Candidates appointed to fill vacancies on the ballot must meet all eligibility requirements for the office in which they are appointed.**

# Campaign Finance Disclosure Requirements

Pursuant to the Campaign Reporting Act (CRA), NMSA 1978 §§ 1-19-25 through 1-19-36, **ALL candidates, including write-in candidates, appearing on the primary election ballot and/or general election ballot have campaign finance disclosure requirements.** Failure to meet reporting deadlines or to report expenditures and contributions, even if a candidate is funding his/her own campaign, can result in significant fines (of up to \$5,000 per required report) as well as other criminal and civil penalties.

The Office of the Secretary of State is committed to assisting candidates with compliance with the CRA and strongly urge every candidate to read the CRA, the Campaign Finance Rule ([1.10.13 NMAC](#)), visit the [Secretary of State's website](#) for updated training guides and attend a live training webinar.

## Federal Candidates

If you are running for a federal office, contact the Federal Election Commission at 1-800-424-9530 or [www.fec.gov](http://www.fec.gov) for information about announcing your candidacy and reporting donations and expenditures. Federal candidates do not file campaign finance documents with the Office of the Secretary of State.

## State and County Candidates

Non-statewide candidates must file a [Candidate Campaign Committee Registration Form](#) and begin filing disclosure reports upon spending or receiving \$1,000 or upon filing a Declaration of Candidacy; whichever occurs first.

Statewide candidates must file a [Candidate Campaign Committee Registration Form](#) and begin filing disclosure reports upon spending or receiving \$2,500 or upon filing a Declaration of Candidacy; whichever occurs first.

**All candidates who raise funds must open a separate campaign bank account.**

**Even candidates who do not raise or spend funds or candidates who use only personal funds MUST file disclosure reports with the Office of the Secretary of State using the online Campaign Finance Information System (“CFIS”).**

Once we receive the Candidate Campaign Committee Registration Form, we will create an account for the candidate in CFIS. CFIS is the online computer program where candidates must report their campaign finances. A valid email address is required for use of CFIS. Once a CFIS account has been created, the candidate will be emailed a username and password to gain access to the system located at <https://www.cfis.state.nm.us>.

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

**ALL Candidates, regardless of whether they win or lose an election, are required to file reports or a statement of no activity until the reporting individual files a “Final” report in CFIS indicating that:**

- There are no outstanding campaign debts (balance of \$0);
- All money has been expended in accordance with the provisions of NMSA 1978 § 1-19-29.1; and,
- The bank account has been closed.

The deadlines for required reports in 2018 are listed in the schedule found on page six of this guide. Candidates must continue to report until the final report is filed regardless of the outcome of the election, i.e. regardless of whether a candidate wins or loses.

Fines and penalties will continue to accrue for each report or statement of no activity not filed until a final CFIS report is received and the CFIS account is closed.

**Failure to File Reports:** Candidates who fail to file timely reports will receive written notification from the Secretary of State. The notices are sent to the email and mailing address recorded in your CFIS account. It is the responsibility of the candidate to ensure that CFIS contains updated contact information at all times.

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

- Administrative action:
  - If the violation occurs before and through the final date of withdrawal of candidacy, **the candidate’s name shall not appear on the ballot.**
  - If the violation occurs after the final date for withdrawal of candidacy or after the election, **the candidate will not receive the certificate of nomination or election,** until they come into compliance with the CRA and pay any outstanding fines.
- Civil action:
  - The Attorney General or District Attorney may file a case against the candidate in district court, which can result in a permanent or temporary injunction, a restraining order, or any other penalty deemed appropriate, including a fine of \$250 per violation. The court may also elect to order the return of contributions

received due to unlawful solicitation or an unlawful contribution.

- The Attorney General or District Attorney may also file a case to prevent violations of the CRA from occurring.
- Criminal action:
  - The Attorney General or District Attorney may prosecute a candidate for any knowing and willful violation of the CRA.
  - The violation is a misdemeanor punishable by a fine up to \$1,000 or by imprisonment for one year, or both.

**Legislative session fundraising prohibition (NMSA 1978 § 1-19-34.1):**

The Governor, legislators and candidates for legislative office **may not** knowingly solicit a contribution for a political purpose during the prohibited period. The prohibited period for the Governor begins on January 1, 2018, and ends 20 days after the adjournment of the legislative session. For legislators and legislative candidates, the prohibited period begins January 1, 2018 and ends upon adjournment of the legislative session. In the event of a special session, the prohibited period begins after issuance of the proclamation.

**Special Note for Judges:** Judicial candidates have specific requirements prescribed by the Judicial Code of Conduct (“Code”) regarding the handling of campaign finance funds. The SOS is not responsible for the administration of the Code and questions should be referred to the [Judicial Standards Commission](#).

## Compliance with the Financial Disclosure Act

Candidates should also be aware of the Financial Disclosures Act (NMSA 1978 §§ 10-16A-1 to 10-16A-8), a law which only applies to some entities including statewide and legislative candidates. Requirements of the Financial Disclosure Act are wholly different than those included in the CRA.

Who Must Disclose	When to Submit Disclosure Statement
Candidates for legislative and statewide offices.	At the time a declaration of candidacy or nominating petition is filed.
Incumbents in legislative and statewide offices.	During the month of January.
A state agency head or official whose appointment to a board or commission is subject to senate confirmation.	Within 30 days of appointment and during the month of January every year thereafter.
Member of the insurance nominating committee.	
State employees and public officials with financial interests that may be affected by their employment or service, but who are otherwise not required to file.	Prior to entering employment or assuming office and during the month of January every year thereafter.



The Financial Disclosures Act requires disclosure of the personal income of elected officials, candidates and their spouse on a form prescribed by the Secretary of State. Disclosure requirements identified by the Financial Disclosures Act include:

- the full name, mailing address and residence address of the elected official or candidate;
- the name and address of the elected official's/candidate's and spouse's employer and the title or position held; and a brief description of the nature of the business or occupation;
- all sources of gross income of more than five thousand dollars (\$5,000) to each person covered in the disclosure statement, identified by general category descriptions that disclose the nature of the income source, in the following broad categories:
  - law practice or consulting operation or similar business,
  - finance and banking,
  - farming and ranching,
  - medicine and health care,
  - insurance (as a business and not as payment on an insurance claim),
  - oil and gas,
  - transportation,
  - utilities,
  - general stock market holdings,
  - bonds,
  - government,
  - education,
  - manufacturing,
  - real estate.
- In describing a law practice, consulting operation or similar business of the person or spouse, the major areas of specialization or income sources shall be described, and if the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was during the reporting calendar year or the prior calendar year a registered lobbyist under the Lobbyist Regulation Act [Chapter 2, Article 11 NMSA 1978], the names and addresses of all clients represented for lobbying purposes during those two years shall be disclosed;
- A general description of the type of real estate owned in New Mexico, other than a personal residence, and the county where it is located;
- All other New Mexico business interests not otherwise listed of ten thousand dollars (\$10,000) or more in a New Mexico business or entity, including any position held and a general statement of purpose of the business or entity;
- All memberships held by the reporting individual and the individual's spouse on boards of for-profit businesses in New Mexico;
- All New Mexico professional licenses held;

- Each state agency that was sold goods or services in excess of five thousand dollars (\$5,000) during the prior calendar year by a person covered in the disclosure statement;
- Each state agency, other than a court, before which a person covered in the disclosure statement represented or assisted clients in the course of the person's employment during the prior calendar year; and,
- All other financial interest or additional information the person believes should be noted to describe potential areas of interest that should be disclosed.

## Campaign Public Financing

The Voter Action Act (“VAA”) (NMSA 1978 §§ 1-19A-1 to 1-19A-17) provides individuals seeking candidacy for eligible offices with an opportunity to apply for public funds to finance the candidate’s campaign. The funds are held by the state treasury in the Public Election Fund and disbursed to candidates once they are certified by the Secretary of State.

Candidates for the Public Regulation Commission (PRC) and statewide judicial offices (New Mexico Supreme Court Justice and Court of Appeals Judge) are eligible to apply for public financing under the VAA. The VAA specifically excludes judicial retention elections from public financing.

For more information about applying for public financing, please visit the Secretary of State’s website for relevant forms and for a copy of the [New Mexico Public Financing Guide](#).

## Election Results and Canvass Information

To the extent possible, county clerks will provide unofficial election results on election night. However, the results are not official until the post-election canvass process is completed. Please contact the county clerk for information regarding their election night reporting procedures. The Secretary of State will publish election night results on our website in as near real time as possible as the results are received from the individual counties.

Results are not official until after they are certified by the proper canvassing board. The individual county canvassing boards must meet within three days of the election to canvass the election results and complete the canvass within ten days of the election, except Bernalillo County, who receives 13 days to canvass.

The state canvassing board shall meet in the State Capitol on the third Tuesday after the election to certify the results:

- Primary Election: June 26, 2018
- General Election: November 27, 2018

No sooner than thirty-one (31) days after the election, the proper canvassing board shall issue certificates of nomination or certificates of election to the appropriate prevailing candidates.

## Last But Not Least

Title 1, Article 20 NMSA 1978 outlines some offenses and penalties associated with the Election Code. However, other parts of the Election Code also provide for offenses and penalties. It is important that all candidates are familiar with these and train any campaign staff accordingly.

Some important items which are frequently asked about include:

- Third parties collecting absentee ballot applications must submit the collected applications to the appropriate county clerk within 48 hours of receiving the completed application. (NMSA 1978 § 1-6-4.3)
- Only the voter, the voter's immediately family member, or the voter's care provider may deliver or be in possession of the voter's absentee ballot. (NMSA 1978 § 1-6-10.1) This means well intended individuals who collect absentee ballots to assist voters are actually violating the Election Code. Unlawful possession of an absentee ballot is a fourth degree felony. (NMSA 1978 § 1-20-7)
- Absentee voters must sign the outer mailing envelope prior to returning the ballot or it is rejected by the absentee precinct board. (NMSA 1978 § 1-6-14)
- Campaigning is prohibited within 100 feet of the building containing a polling place within a school, church, or private residence. Campaigning within 100 feet of the door through which voters enter if the polling place is in the clerk's office, an alternate voting location, a mobile voting site, or any other location used as a polling place on election day that is not a school, church or private residence is also prohibited. (NMSA 1978 § 1-20-16)
- Willfully blocking the entrance to a polling place or being within 50 feet of the polling place while not conducting lawful non-election business or taking part in the elective process is obstructing the polling place. (NMSA 1978 § 1-20-17)

## Useful Links

[New Mexico Secretary of State's Website](#)

[County Clerk Information](#)

[Check your Voter Registration Information](#)

[Online Voter Registration](#)

[2017 Election Handbook of the State of New Mexico](#)

[2017 Constitution of the State of New Mexico](#)

[Campaign Finance Information and CFIS](#)

[Candidate Public Financing Information](#)