

Section 1: An Act to Establish Signature Thresholds for Independent Candidate Ballot Access

Section 2: Amendments to NM Stat § 1-8-51

1-8-51. Independent candidates for general or United States representative elections; nominating petitions; required number of signatures.

A. The basis of percentage for the total number of votes cast in each instance referred to in this section shall be the total vote cast for governor at the last preceding general election at which a governor was elected.

B. Nominating petitions for an independent candidate for president of the United States shall be signed by a number of voters equal to the number of signatures required to form a new political party.

C. Nominating petitions for an independent candidate for United States senator or any other statewide elective office shall be signed by a number of voters equal to at least ~~two~~ one percent of the total number of votes cast in the state, or three thousand voters registered in this state, whichever is less.

D. Nominating petitions for an independent candidate for United States representative shall be signed by a number of voters equal to at least ~~two~~ one percent of the total number of votes cast in the district, or three thousand voters registered in this state, whichever is less.

E. Nominating petitions for an independent candidate for a member of the legislature, district judge, district attorney or county office shall be signed by a number of voters equal to at least ~~two~~ one percent of the total number of votes cast in the district, division or county, as the case may be; provided that for the public education commission, nominating petitions shall be signed by at least two-thirds of the number of signatures that would otherwise be required, and for a judicial office, nominating petitions shall be signed by at least two-thirds of the number of signatures that would otherwise be required, but no petition shall require more than three thousand signatures.

F. When a vacancy for any office occurs on the general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA 1978 in which all political parties may name a general election candidate or when a vacancy occurs in the office of United States representative pursuant to Section 1-15-18.1 NMSA 1978, an independent candidate may file a declaration of candidacy on or by the same deadline applicable to the political parties. The nominating petitions for an independent candidate in such circumstances shall be signed by the number of voters provided in this section, unless there are fewer than:

(1) sixty days from the announcement of the vacancy to the last day to file a declaration of candidacy, in which case an independent candidate shall submit nominating petitions signed by a number of voters equal to two-thirds the number of voters otherwise required by this section for an independent candidate; or

(2) thirty days from the announcement of the vacancy to the last day to file a declaration of candidacy, in which case an independent candidate shall submit nominating petitions signed by a number of voters equal to one-third the number of voters otherwise required by this section for an independent candidate.

G. A voter shall not sign a petition for an independent candidate as provided in this section if the voter has signed a petition for another independent candidate for the same office.

Section 3. If any provision of this act is found to be invalid, the remaining provisions shall remain in full force and effect.

Section 4. This act shall take effect upon passage.