



STATE OF NEW MEXICO  
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SECRETARY OF STATE

## Special Election: US House of Representatives

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# FAQs for Prospective Candidates

*Disclaimer: Under the New Mexico Constitution, Article 20, § 2, every public officer, unless removed, is deemed to hold their office until their successor qualifies. The effective date of a resignation will trigger the Secretary of State's duty under the Election Code to announce the vacant office and call for a special election.*

### 1. What are the minimum requirements to run for this office?

The US Constitution requires that Members of the US House of Representatives be at least twenty-five (25) years old, have been a US citizen for at least seven (7) years, and live in the state they represent (not necessarily in the same district with a vacant seat). Prospective candidates must be registered to vote in the state of New Mexico, by the date that the proclamation calling for the election is issued.

### 2. I want to run for this office as:

- **A member of the \_\_\_\_\_ party, what do I need to do?**

During a special election to fill a vacancy in the US House of Representatives, qualified political parties will nominate a candidate based on the party's rules. Each political party's nominee will file their declaration of candidacy with the SOS on the fifty-sixth (56) day before the election. The SOS will have ten (10) days to process and qualify nominees; a written notice will be provided regarding qualification status. Qualified candidates will appear on the ballot, in the order designated by the "New Mexico Election Alphabet."

- **An independent candidate (no political affiliation), what do I need to do?**

Independent candidates will file their declaration of candidacy and nominating petitions (signed by eligible voters residing within the congressional district), with the SOS on the fifty-sixth (56) day before the election. The SOS will have ten (10) days to process and qualify nominees; a written notification will be provided regarding qualification status. Qualified candidates will appear on the ballot, in the order designated by the "New Mexico Election Alphabet."

- **A write-in candidate, what do I need to do?**

Write-in candidates will file their declaration of intent to be a write-in candidate with the SOS on the fifty-sixth day before the election. The SOS will have ten (10) days to process and qualify nominees; a written notification will be provided regarding qualification status. The names of write-in candidates will not appear on the ballot.

**3. How many petition signatures are required to run as an independent candidate?**

If a vacancy were to occur, the number of signatures needed for an independent candidate would be based on the timing between the announcement of the vacancy, and the filing date to submit ones declaration of candidacy:

- If there are less than sixty (60) days, pursuant to 1-8-51 (F)(1), “two-thirds of the number of voters otherwise required” to sign for independent candidates would be 3,322.
- If there are fewer than thirty (30) days, pursuant to 1-8-51 (F)(2), “one-third of the number of voters otherwise required” to sign for independent candidates would be 1,661.

**4. How do I set up a campaign committee / file financial reports? Can I start fundraising now?**

Campaign reporting for this office is overseen by the Federal Election Commission (FEC). The FEC website contains pertinent information: <https://www.fec.gov/help-candidates-and-committees/>.

**5. When and where do I file my declaration of candidacy / declaration of intent to run as a write-in candidate?**

The actual candidate filing date will be determined once there is an official vacancy (fifty-six (56) days after a vacancy occurs). All candidates will file with the SOS, between the hours of 9:00am and 5:00pm. Documents cannot be pre-filed or filed at a later time. Candidates may file using a designee; the designee will need to bring a signed copy of the “Affidavit of Designee for Filing” form when they file on behalf of a candidate. Forms will not be available until a proclamation is issued.

**6. Do I have to live in / be registered to vote in the Congressional District in order to run in that district?**

The US Constitution requires that Members of the House of Representative live in the state they represent, but not necessarily the Congressional District with a vacancy.

**7. If I don't receive my party's nomination, can I run as an independent or write-in candidate?**

An independent candidate must not be affiliated with a qualified political party on or before the date of the issuance of the Special Election proclamation. Any candidate may be a write-in candidate if they otherwise comply with the election code in becoming a write-in candidate.