



Office of the New Mexico
Secretary of State
Maggie Toulouse Oliver

2022 Candidate Information Guide

About This Guide

This publication has been prepared by the Bureau of Elections to serve as a reference for candidates seeking office in the 2022 Primary Election, as well as for anyone interested in the election process in New Mexico. It is recommended that all candidates, including those with experience, review this guide as the laws that govern this process continue to change.

Please note, this guide is intended as a reference. It is not intended as a legal authority on the elections process. This guide is not a substitute for statutory research or for the advice of an attorney.

Copies of the New Mexico Election Code and other applicable laws are available in the [*2021 Election Handbook of the State of New Mexico*](#), which is published on our website and can be found on the following webpage: <https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/nm-election-handbook/>. Users of this guide should read it in conjunction with the law referenced herein.

This guide contains information for all candidate types. While independent and minor party candidates do not participate in the Primary Election, they may be required to circulate petitions and file declarations of candidacy shortly following the Primary Election (required forms will be available in March 2022). When the information provided in this guide for independent and minor party candidates differs from major party candidates, it is specified.

For candidates interested in public financing, please refer to the information on the Secretary of State's website: <https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/2022-new-mexico-public-financing-information/>

Please contact the Bureau of Elections at (505) 827-3600, and select option 2, or email the office at SOS.Elections@state.nm.us with additional questions.

2022 Candidate Information Guide
Revision History

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PRIMARY ELECTION – IMPORTANT DATES

The New Mexico Secretary of State's office is committed to providing the most helpful and practical information for candidates seeking public office. One of the first steps candidates take to get on the ballot is gathering signatures on petition forms from registered voters in their district. Petition signatures must be gathered on the prescribed form published by our Office.

IMPORTANT NOTICE REGARDING NOMINATING PETITIONS (1-3-13, NMSA 1978)

Forms used by candidates seeking districted office will be delayed this year, due to delays in census data gathering and the redistricting process (1-3-13(G), NMSA 1978). Receipt of valid signatures on a petition form are based on the official district boundaries set by the legislature and, by law, our Office cannot publish petition forms for districted offices until the legislature has completed its work. We expect to publish petition forms for districted offices as soon as is practicable after the redistricting process has been completed.

To ensure that candidates are collecting valid signatures from the proper district, it is essential that districted office candidates use the correct forms published by our Office. While we cannot provide an exact timeline at this point, we anticipate publishing the official nominating petition forms for districted offices in January of 2022. We encourage candidates or their representatives to contact our Office with any questions about this process.

August 31, 2021: PUBLIC FINANCING PERIOD BEGINS

Candidates interested in public financing may file their Declaration of Intent and may begin collecting qualifying contributions as of August 31, 2021. *For further information on the Voter Action Act and public financing please refer to Section 1-19A-3, NMSA 1978 and 1.10.27 NMAC.*

October 1, 2021: POST NOMINATING PETITIONS

Secretary of State publishes petition forms and required signature numbers for major party candidates. *Refer to Section 1-8-30 (D), NMSA 1978. Please see note on redistricting timeline above.*

October 11, 2021: SECOND BIENNIAL REPORT DUE

Reporting period is April 6, 2021, to October 4, 2021. *Refer to Section 1-19-29 (A), NMSA 1978.*

INFORMATION REGARDING CAMPAIGN REPORTS

All candidates must file the proper campaign finance reports on the dates established by law. Federal candidates will file reports through the Federal Elections Commission (FEC), and all other candidates have a filing obligation through the state. With the exception of federal candidates, all other candidates vying for office during the 2022 election cycle will use the Campaign Finance Information System (CFIS) to file their campaign finance reports. All campaigns (with the exception of federal offices filing with the FEC) are required to register and file reports online at <https://login.cfis.sos.state.nm.us/>. Once a CFIS registration form has been approved by the SOS, the candidate will receive an email with instructions to setup a password and gain access to the system. Please check junk and spam folders if you haven't received the email within about 24 hours from the time the registration is submitted. Additional resources to register and file reports can be found on the Secretary of State's website.

January 1, 2022: LEGISLATIVE SESSION FUNDRAISING PROHIBITION

- It is unlawful during the prohibited period for a state legislator, the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor or a candidate for these positions, or any agent on behalf of an elected official or candidate for these positions, to knowingly solicit a contribution governed by the Campaign Reporting Act.
- It is unlawful during the prohibited period for the governor or the lieutenant governor, or any agent on the governor's or the lieutenant governor's behalf, to knowingly solicit a contribution governed by the Campaign Reporting Act.
- As explained in NMSA 1978, Section 1-19-34.1, the Prohibited Period refers to the period of time before and during any session of the New Mexico State Legislature during which it is unlawful for certain elected officials, candidates for office, and their agents to knowingly solicit a contribution for any campaign or committee governed by the Campaign Reporting Act. The parties to whom the Prohibited Period applies are as follows:
 1. A state legislator, the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor.
 2. A candidate for state legislator, attorney general, secretary of state, state treasurer, commissioner of public lands or state auditor.
 3. Any agent on behalf of the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor.
 4. Any agent on behalf of a candidate for attorney general, the secretary of state, state treasurer, commissioner of public lands or state auditor.
- In a regular legislative session, the Prohibited Period begins on January 1 prior to the start of the session and lasts through the adjournment of the session. In a special legislative session, the Prohibited Period begins after the proclamation declaring the special session has been issued and lasts through the adjournment of the session.
- In the case of the following parties:
 1. The governor or the lieutenant governor.
 2. Any agent on the governor's or the lieutenant governor's behalf.
- The fundraising restrictions imposed by the Prohibited Period function are the same, but the duration of the Prohibited Period is longer.
- In a regular legislative session, the Prohibited Period begins on January 1 prior to the start of the session and ends on the twentieth day following the adjournment of the session. In a special legislative session, the Prohibited Period begins after the proclamation declaring the special session has been issued and ends on the twentieth day following the adjournment of the session.
- **Note:** In a **special legislative session**, the Prohibited Period begins after the proclamation declaring the special session has been issued and lasts through the adjournment of the session.

January 31, 2022: ELECTION PROCLAMATION

The secretary of state shall issue a public proclamation calling a general election to be held in each county and precinct of the state, on the date prescribed by Article 20, Section 6 of the constitution of New Mexico. **The general election proclamation shall also call for a primary election to nominate the general election candidates for each major political party, to be held in each county and precinct of the state, on the date prescribed in statute.** The proclamation shall be filed by the secretary of state in the office of the secretary of state on the last Monday in January of each even-numbered year. *Refer to Section 1-8-12, NMSA 1978.*

January 26 – January 31, 2022: PREPRIMARY CONVENTIONS TO BE HELD BY MAJOR POLITICAL PARTIES

Major political parties may designate candidates for nomination to statewide office at their state convention. These conventions will take place prior to the filing date established for preprimary designated candidates (set to occur on February 1, 2022) and no later than the second Sunday in March, preceding the primary election. Delegates to the state convention shall be elected according to state party rules filed in the office of the secretary of state. The state convention shall take only one ballot upon candidates for each office to be filled. Every candidate receiving twenty percent (20%) or more of the votes of the duly elected delegates to the convention for the office to be voted upon at the ensuing primary election shall be certified to the secretary of state as a convention-designated nominee for that office by the political party. Certification shall take place no later than 5:00 p.m. on the first Tuesday succeeding the state convention. *Refer to Section 1-8-21.1, NMSA 1978*

MAJOR PARTY CONVENTION INFORMATION

- Democratic Party of New Mexico – <https://nmdemocrats.org/>
- Republican Party of New Mexico – <https://newmexico.gop/>
- Libertarian Party of New Mexico – <https://lpnm.us/>

February 1, 2022: FILING DAY FOR PREPRIMARY CONVENTION DESIGNATION CANDIDATES

Declarations of candidacy by preprimary convention designation for any statewide office or for the office of United States representative shall be filed with the secretary of state on the first Tuesday in February of each even-numbered year **between the hours of 9:00 a.m. and 5:00 p.m.** *Refer to Section 1-8-26 (A), NMSA 1978.*

- **Nominating Petition Signatures:** Candidates who seek preprimary convention designation shall file nominating petitions at the time of filing declarations of candidacy. Nominating petitions for those candidates shall be signed by a number of voters equal to at least two percent (2%) of the total vote of the candidate's party in the state or congressional district (based on the total votes cast for all of the party's candidates for governor, at the last preceding primary election in which the party's candidate for governor was nominated), or whichever is greater: for statewide offices, two hundred and thirty (230) voters; and for congressional candidates, seventy-seven (77) voters. *Refer to Section 1-8-33 (A)(B), NMSA 1978.*
- **Financial Disclosures Statements (FDS):** A candidate for legislative or statewide office who has not already filed a financial disclosure statement with the secretary of state in the same calendar year shall file a financial disclosure statement at the time of filing a declaration of candidacy. Financial disclosure statements must be filed online, using the Campaign Finance Information System: <https://login.cfis.sos.state.nm.us/#/index>. Pursuant to Section 10-16A-2(H) NMSA 1978, a candidate for legislative or statewide offices who does not file a FDS before the date for qualification of the person as a candidate shall be disqualified by the proper filing officer as a candidate.

February 8, 2022: CERTIFICATION OF PREPRIMARY CANDIDATES

SOS shall certify to the chairman of each state political party the names of that party's candidates for federal or statewide office who have filed their declaration of candidacy. *Refer to Section 1-8-39.1, NMSA 1978.*

February 11, 2022: DEADLINE TO CHALLENGE NOMINATING PETITIONS THAT WERE FILED ON PREPRIMARY CONVENTION FILING DAY (FEBRUARY 1, 2022)

Any voter filing any court action challenging a nominating petition provided for in the Primary Election Law shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. *Refer to Section 1-8-35, NMSA 1978.*

March 1, 2022: INDEPENDENT & MINOR PARTY CANDIDATE NOMINATING PETITIONS AVAILABLE FOR GENERAL ELECTION

Secretary of State publishes petition forms and the required number of signatures for independent and minor party candidates, who may then begin circulating petitions. *Refer to Section 1-8-50 (E), NMSA 1978.*

March 8, 2022: FILING DAY FOR ALL OTHER OFFICES (NON-PREPRIMARY DESIGNATION CANDIDATES) – AND FIRST FILING OPPORTUNITY FOR CANDIDATES THAT FAILED TO RECEIVE PARTY DESIGNATION

- **Declarations of Candidacy for any other office** to be nominated in the primary election shall be filed with the county clerk in which the candidate resides (except for federal and statewide offices), **between the hours of 9:00 a.m. and 5:00 p.m.** *Refer to Section 1-8-26 (B), NMSA 1978.*
- **Filing Fees for County Candidates:** The filing fee in the primary election for any county office shall be fifty dollars (\$50.00), which shall be paid at the time of the filing of the declaration of candidacy for nomination by a political party. *Refer to Section 1-8-41, NMSA 1978.*
- **Declarations of Candidacy and additional nominating petitions for candidates that failed to receive party designation** shall be filed with the secretary of state either ten (10) days following the date of the preprimary convention at which the candidate failed to receive the designation, or on the date all declarations of candidacy and nominating petitions are due pursuant to the provisions of the Primary Election Law, whichever is later. A candidate who fails to receive the preprimary convention designation that the candidate sought may collect additional signatures to total at least four percent (4%) of the total vote of the candidate's party in the state. *Refer to Section 1-8-33 (D), NMSA 1978.*
- **Financial Disclosures Statements (FDS):** A candidate for legislative or statewide office who has not already filed a financial disclosure statement with the secretary of state in the same calendar year shall file a financial disclosure statement at the time of filing a declaration of candidacy. Financial disclosure statements must be filed online, using the Campaign Finance Information System: <https://login.cfis.sos.state.nm.us/#/index>. Pursuant to Section 10-16A-2(H) NMSA 1978, a candidate for legislative or statewide offices who does not file a FDS before the date for qualification of the person as a candidate shall be disqualified by the proper filing officer as a candidate.

March 13, 2022: LAST DAY MAJOR PARTIES CAN HOLD PREPRIMARY CONVENTIONS

Major political parties may designate candidates for nomination to statewide office at their state convention. These conventions will take place prior to the filing date for preprimary designated candidates (which occurs on February 1, 2022), and no later than the second Sunday in March, preceding the primary election. *Refer to Section 1-8-21.1, NMSA 1978.*

March 15, 2022: NOTIFICATION BY FILING OFFICER (FOR THE MARCH 8TH FILING)

No name shall be placed on the ballot until the person has been notified in writing by the proper filing officer that the certificate of registration on file, the declaration of candidacy and the petition, if required, are in proper order and that the person, based on those documents, is qualified to be a candidate. The proper filing officer shall mail the notice no later than 5:00 p.m. on the Tuesday following the filing date. *Refer to Section 1-8-26 (D), NMSA 1978.*

March 15, 2022: FILING DAY FOR WRITE-IN CANDIDATES AND FINAL FILING OPPORTUNITY FOR PREPRIMARY CONVENTION CANDIDATES THAT RECEIVED PARTY DESIGNATION

- Write-in candidates are permitted in the primary election only for the offices of United States representative, members of the legislature, district judges, district attorneys, public education commission, magistrates and any office voted upon by all voters of the state. *Refer to Section 1-8-36.1 (A), NMSA 1978.*
- A person desiring to be a write-in candidate for one of the offices listed in Subsection A of 1-8-36.1, NMSA 1978 in the primary election, shall file with the proper filing officer a declaration of intent to be a write-in candidate. **Such declaration of intent shall be filed between 9:00 a.m. and 5:00 p.m.** *Refer to Section 1-8-36.1 (C), NMSA 1978.*
- *Primary Election write-in candidates are not required to file Nominating Petitions.*
- Certification of candidates that received party designation shall take place no later than 5:00 p.m. on the first Tuesday succeeding the state convention.

March 18, 2022: DEADLINE TO CHALLENGE NOMINATING PETITIONS FILED ON MARCH 8TH

Any voter filing any court action challenging a nominating petition provided for in the Primary Election Law shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. *Refer to Section 1-8-35, NMSA 1978.*

March 24, 2022: FINAL FILING OPPORTUNITY FOR CANDIDATES THAT FAILED TO RECEIVE PARTY DESIGNATION

A candidate who fails to receive the preprimary convention designation that the candidate sought may collect additional signatures to total at least four percent (4%) of the total vote of the candidate's party in the state or congressional district, whichever applies to the office the candidate seeks, and file a new declaration of candidacy and nominating petitions for the office for which the candidate failed to receive a preprimary designation. **The declaration of candidacy and nominating petitions shall be filed with the secretary of state either ten (10) days following the date of the preprimary convention at which the candidate failed to receive the designation** or on the date all declarations of candidacy and nominating petitions are due, pursuant to the provisions of the Primary Election Law, whichever is later. *Refer to Section 1-8-33 (D), NMSA 1978.*

April 5, 2022: LAST DAY TO WITHDRAW CANDIDACY AHEAD OF THE PRIMARY ELECTION

A candidate shall withdraw no later than the first Tuesday in April before that primary election by filing a signed and notarized statement of withdrawal with the proper filing officer. *Refer to Section 1-8-44, NMSA 1978.*

April 11, 2022: FIRST PRIMARY CAMPAIGN REPORT OR STATEMENT OF NO ACTIVITY DUE

In an election year, instead of the biannual reports, all reporting individuals (except for public officials who are not candidates in an election that year), shall file campaign reports containing all expenditures

made and contributions received or, if applicable, statements of no activity. *Refer to Section 1-19-29 (B)(1), NMSA 1978.*

- **Any candidate who fails or refuses to file a campaign report** or statement of no activity or to pay a penalty imposed by the secretary of state (as required by the Campaign Reporting Act), shall not, in addition to any other penalties provided by law: (1) have the candidate's name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or (2) be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed. *Refer to Section 1-19-35 (F), NMSA 1978.*
- **Any candidate who loses an election and who failed or refused to file a report of expenditures and contributions**, or a statement of no activity, or to pay a penalty imposed by the secretary of state (as required by the Campaign Reporting Act) shall not be, in addition to any other penalties provided by law, permitted to file a declaration of candidacy or nominating petition for any future election until the candidate satisfies all reporting requirements of that act and pays all penalties owed. *Refer to Section 1-19-35 (G), NMSA 1978.*

April 23, 2022: TRANSMISSION OF UNVOTED MILITARY-OVERSEAS BALLOTS TO FEDERAL QUALIFIED ELECTORS

Not later than forty-five (45) days before an election, even if the forty-fifth (45) day before an election falls on a weekend or a holiday, the county clerk shall transmit a ballot and balloting materials to all federal qualified electors who by that date submit a valid military-overseas ballot application. *Refer to Section 1-6B-7 (A), NMSA 1978.*

May 9, 2022: SECOND PRIMARY CAMPAIGN REPORT OR STATEMENT OF NO ACTIVITY

No later than the second Monday in May, a report is due for all expenditures made, and contributions received on or before the first Monday in May and not previously reported. *Refer to Section 1-19-29 (B)(2), NMSA 1978.*

May 10, 2022:

- **VOTER REGISTRATION BY MAIL OR ONLINE CLOSES**
Refer to Section 1-4-8 (A), NMSA 1978.
- **EARLY IN-PERSON VOTING BEGINS (OFFICES OF THE COUNTY CLERK)**
Refer to Section 1-6-5.7 (F), NMSA 1978.
- **COUNTY CLERKS BEGIN MAILING ABSENTEE BALLOTS**
Refer to Section 1-6-5 (F), NMSA 1978¹.

May 21, 2022: EXPANDED EARLY VOTING BEGINS (ALTERNATE SITES)

Commencing on the third Saturday prior to a statewide election and ending on the Saturday immediately prior to the date of the election, an early voter may vote in person on a voting system at alternate voting locations that may be established by the county clerk. *Refer to Section 1-6-5.7 (B), NMSA 1978.*

¹ Absentee voting is primarily managed by the individual county clerks. Voters who wish to vote absentee must apply for an absentee ballot. Applications are available from the county clerks and from the on-line application on our website at nmvote.org. Voters may apply for an absentee ballot at any time but should note that the county clerks have a strict timeline under which they may issue and accept them.

Information related to early voting sites and sample ballots will be available on the Secretary of State's website: <https://www.sos.state.nm.us/voting-and-elections/voter-information/>

June 2, 2022: LAST DAY FOR VOTERS TO SUBMIT A TIMELY ABSENTEE APPLICATION

Refer to Section 1-6-5 (F), NMSA 1978.

June 2, 2022: THIRD PRIMARY CAMPAIGN REPORT OR STATEMENT OF NO ACTIVITY

No later than the Thursday before a primary, general or statewide special election, a report of all expenditures made and contributions received by 5:00 p.m. on the Tuesday before the election and not previously reported. *Refer to Section 1-19-29 (B)(5), NMSA 1978.*

SUPPLEMENTAL REPORTS

Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for more than one thousand dollars (\$1,000) in a non-statewide election, or more than three thousand dollars (\$3,000) in a statewide election, shall be reported to the secretary of state either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed no later than the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election. *Refer to Section 1-19-29 (B)(5), NMSA 1978.*

June 3, 2022: LAST DAY COUNTY CLERKS MAY MAIL AN ABSENTEE BALLOT

Refer to Section 1-6-5 (F), NMSA 1978.

June 4, 2022: EARLY VOTING ENDS

Refer to Section 1-6-5.7 (B), NMSA 1978.

June 7, 2022: Primary Election Day

- **POLLS OPEN FROM 7:00 A.M. TO 7:00 P.M.**

Refer to Section 1-12-1, NMSA 1978.

- **ABSENTEE BALLOTS DUE BY 7:00 P.M. IN THE OFFICE OF THE COUNTY CLERK**

A voter who requested and received an absentee ballot shall be allowed to deliver the official mailing envelope containing the voter's absentee ballot on Election Day to any polling location in the county in which the voter is registered if the voter presents the official mailing envelope to the presiding judge before the polls close on Election Day. *Refer to Sections 1-6-10 (C), and 1-12-8.2 (A), NMSA 1978.*

July 8, 2022: CERTIFICATE OF NOMINATION

Upon approval of the report of the state canvass, but not sooner than the thirty-first (31) day after any primary or general election, the secretary of state shall issue to those candidates entitled by law the appropriate certificate of election or, in the case of a primary election, a certificate of nomination. *Refer to Section 1-13-16, NMSA 1978.*

GENERAL ELECTION – IMPORTANT DATES

March 1, 2022: INDEPENDENT & MINOR PARTY CANDIDATE NOMINATING PETITIONS AVAILABLE

Secretary of State publishes petition forms and the required number of signatures for independent and minor party candidates, who may then begin circulating petitions. *Refer to Section 1-8-50 (E), NMSA 1978.*

June 30, 2022: INDEPENDENT CANDIDATE, MINOR PARTY CANDIDATE, JUDICIAL RETENTION CANDIDATE AND GENERAL ELECTION WRITE-IN CANDIDATE

- **Independent candidates** shall file declarations of candidacy and nominating petitions, if required, with the proper filing officer **between 9:00 a.m. and 5:00 p.m.** on the twenty-third (23) day following the primary election of each even-numbered year. *Refer to Section 1-8-52 (A), NMSA 1978.*
- **Minor Party candidates** shall file declarations of candidacy and nominating petitions, if required, with the proper filing officer **between 9:00 a.m. and 5:00 p.m.** on the twenty-third (23) day following the primary election. *Refer to Sections 1-8-2 and 1-8-3, NMSA 1978.*
- **Write-in candidates** shall file declarations of intent to be a write-in candidate **between 9:00 a.m. and 5:00 p.m.** on the twenty-third (23) day following the primary election. *Refer to Section 1-8-66 (A), NMSA 1978.* No person shall be a write-in candidate in the general election who was a candidate or who filed a declaration of candidacy in the primary election immediately prior to the general election. *Refer to Section 1-8-66 (E), NMSA 1978.*
- **Declarations of candidacy for nonpartisan judicial retention** for the Supreme Court, Court of Appeals, District Court or Metropolitan Court shall be filed with the proper filing officer **between 9:00 a.m. and 5:00 p.m.** *Refer to Section 1-26-2 (C), NMSA 1978.*
- Candidates for legislative or statewide office who have not already filed a financial disclosure statement with the secretary of state in the same calendar year shall file a financial disclosure statement at the time of filing a declaration of candidacy. Financial disclosure statements must be filed online, using the Campaign Finance Information System: <https://login.cfis.sos.state.nm.us/#/index>. Pursuant to Section 10-16A-2(H) NMSA 1978, a candidate for legislative or statewide offices who does not file a FDS before the date for qualification of the person as a candidate shall be disqualified by the proper filing officer as a candidate.

NEW MEXICIO MINOR PARTY INFORMATION

- New Mexico Working Families Party: <https://workingfamilies.org/state/new-mexico/>

June 30, 2022: VACANCY ON GENERAL ELECTION BALLOT; DEATH OF CANDIDATE OR RESIGNATION OR DEATH OF OFFICE HOLDER BEFORE PRIMARY

Vacancies on the general election ballot may be filled as provided in Subsection B of 1-8-7, NMSA 1978, if:

- After a primary election, there is no nominee of a major political party for a public office to be filled in the general election and if the vacancy was caused by: (1) 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; (2) the failure of a major political party to nominate a candidate for lieutenant governor; provided that the major political party nominated a candidate for governor; or (3) 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 general election proclamation and is required by law to be filled at the next succeeding general election after the vacancy is created. The vacancy may be filled subsequent to the primary election by the central committee of the state or county political party, as the case may be, as provided by Subsection A of 1-8-8, NMSA 1978.

- If after a primary election, but seventy or more days before the general election, a vacancy occurs, for any cause, in the list of the nominees of a qualified political party for any public office to be filled in the general election, or a vacancy occurs because of the resignation or death of a person holding a public office not included in the secretary of state's general election proclamation and which office is required by law to be filled at the next succeeding general election, or a vacancy occurs because a new public office is created and was not included in the secretary of state's general election proclamation but is capable by law of being filled at the next succeeding general election, 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, state, district office, or a multicounty legislative 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.
- The name of the person to fill the vacancy on the general election ballot shall be filed with the proper filing officer on a form approved by the secretary of state on the twenty-third (23) day after the primary election, along with a declaration of candidacy subscribed and sworn by the selected nominee. The nominee shall also register and begin filing reports pursuant to the Campaign Reporting Act. Upon being nominated, the candidate shall fill out the online registration form located at <https://login.cfis.sos.state.nm.us/>. Upon approval of the registration by the SOS, the candidate will receive an email with instructions to complete the setup of the CFIS account. *Refer to Sections 1-19-25 through 1-19-36, NMSA 1978.*
- The subscribed Declaration of Candidacy to fill a vacancy on the general election ballot will be available **AFTER** the primary election.

June 30, 2022: LAST DAY TO FILE AS A NEW POLITICAL PARTY TO PARTICIPATE IN THE PRIMARY OR GENERAL ELECTION

To qualify as a political party in New Mexico:

- Each political party through its governing body shall adopt rules providing for the organization and government of that party and shall file the rules with the secretary of state. Uniform rules shall be adopted throughout the state by the county organizations of that party, where a county organization exists, and shall be filed with the county clerks. At the same time the rules are filed with the secretary of state, the governing body of the political party shall also file with the secretary of state a petition containing the hand-printed names, signatures, addresses of registration and counties of residence of at least one-half (1/2) of one percent (1%) of the total votes cast for the office of governor at the preceding general election, who declare by their signatures on the petition that they are voters of New Mexico and that they desire the party to be a qualified political party in New Mexico. Blank petition forms shall be available at any time from the secretary of state. *Refer to Sections 1-7-2 and 1-7-3, NMSA 1978.*

- Organized state and county committees are required to register as a political action committee under the Campaign Reporting Act (CRA) and file campaign reports. *Refer to Article 19, NMSA 1978.*
- Except in the case of a political party certified in the year of the election, persons certified as candidates shall be members of that party on the day the secretary of state issues the general election proclamation. When a political party is certified in the year of the general election, and after the day the secretary of state issues the general election proclamation, a person certified 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 Sections 1-7-2 and 1-7-4, NMSA 1978); and
 - A resident in the district of the office for which the person is a candidate on the date of the secretary of state's proclamation for the general election or in the case of a person seeking the office of United States representative, a resident within New Mexico on the date of the secretary of state's proclamation for the general election. 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. *Refer to Section 1-8-2 (D)(E), NMSA 1978.*

July 5, 2022: CERTIFICATION OF NOMINEES; MINOR PARTY & INDEPENDENT CANDIDATES

- Upon receipt of certificates of nomination of any minor political party and nominating petitions, and no later than 5:00 p.m. on the first Tuesday following the filing date, the proper filing officer shall: (1) determine whether the method of nomination used by the certifying political party complies with the current rules of that party on file in the secretary of state's office; (2) determine whether the number of signatures required have been submitted and all the requirements of Sections 1-8-1 through 1-8-3 NMSA 1978 have been complied with; and (3) if such determinations are answered in the affirmative, mail notice to the certifying party and the candidate no later than 5:00 p.m. on the Tuesday following the filing date that the certificates of nomination and nominating petitions are in proper order and that the candidate, based on those documents, is qualified to have the candidate's name placed on the ballot. *Refer to Section 1-8-4 (A), NMSA 1978.*
- No name shall be placed on the ballot until the person has been notified in writing by the proper filing officer that the certificate of registration on file, the declaration of candidacy and the petition, if required, are in proper order and that the person, based on those documents, is qualified to be a candidate. The proper filing officer shall mail the notice no later than 5:00 p.m. on the Tuesday following the filing date. *Refer to Section 1-8-26 (D), NMSA 1978.*

July 7, 2022: FOURTH PRIMARY CAMPAIGN REPORT OR STATEMENT OF NO ACTIVITY (primary candidates)

No later than the thirtieth (30) day after a primary election, a report by all reporting individuals, except those individuals that become candidates after the primary election, of all expenditures made and contributions received on or before the twenty-fifth (25) day after the primary election and not previously reported. *Refer to Section 1-19-29 (B)(6), NMSA 1978.*

September 6, 2022: LAST DAY TO NOMINATE A CANDIDATE TO FILL A VACANCY ON GENERAL BALLOT (OCCURRING AFTER PRIMARY)

Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the proper filing officer using a form approved by the secretary of state at least sixty-three (63) days prior to the general election, along with a declaration of candidacy subscribed and sworn by the selected nominee. The nominee shall also register and begin filing reports pursuant to the Campaign Reporting Act. Upon being nominated, the candidate shall fill out the online registration form located at <https://login.cfis.sos.state.nm.us/>. Upon approval of the registration by the SOS, the candidate will receive an email with instructions to complete the setup of the CFIS account [1-19-25 through 1-19-36 NMSA 1978].

September 24, 2022: TRANSMISSION OF UNVOTED MILITARY-OVERSEAS BALLOTS TO FEDERAL QUALIFIED ELECTORS

Not later than forty-five (45) days before an election, even if the forty-fifth (45) day before an election falls on a weekend or a holiday, the county clerk shall transmit a ballot and balloting materials to all federal qualified electors who by that date submit a valid military-overseas ballot application. *Refer to Section 1-6B-7 (A), NMSA 1978.*

October 11, 2022:

- **VOTER REGISTRATIAON BY MAIL OR ONLINE CLOSES**
Refer to Section 1-4-8 (A), NMSA 1978.
- **EARLY IN-PERSON VOTING BEGINS (OFFICES OF THE CLERKS)**
Refer to Section 1-6-5.7 (F), NMSA 1978.
- **COUNTY CLERKS BEGIN MAILING ABSENTEE BALLOTS**
Refer to Section 1-6-5 (F), NMSA 1978².

October 15, 2022: EXPANDED EARLY VOTING BEGINS (ALTERNATE SITES)

Commencing on the third Saturday prior to a statewide election and ending on the Saturday immediately prior to the date of the election, an early voter may vote in person on a voting system at alternate voting locations that may be established by the county clerk. *Refer to Section 1-6-5.7 (B), NMSA 1978.*

- Information related to early voting sites and sample ballots will be available on the Secretary of State's website: <https://www.sos.state.nm.us/voting-and-elections/voter-information/>

November 3, 2022: LAST DAY FOR VOTERS TO SUBMIT A TIMELY ABSENTEE APPLICATION

Refer to Section 1-6-5 (F), NMSA 1978.

November 4, 2022: LAST DAY COUNTY CLERKS MAY MAIL AN ABSENTEE BALLOT

Refer to Section 1-6-5 (F), NMSA 1978.

November 5, 2022: EARLY VOTING ENDS

Refer to Section 1-6-5.7 (B), NMSA 1978.

² Absentee voting is primarily managed by the individual county clerks. Voters who wish to vote absentee must apply for an absentee ballot. Applications are available from the county clerks and from the on-line application on our website at nmvote.org. Voters may apply for an absentee ballot at any time but should note that the county clerks have a strict timeline under which they may issue and accept them.

November 8, 2022: General Election Day

- **POLLS OPEN FROM 7:00 A.M. TO 7:00 P.M.**

Refer to Section 1-12-1, NMSA 1978.

- **ABSENTEE BALLOTS DUE BY 7:00 P.M. IN THE OFFICE OF THE COUNTY CLERK** A voter who requested and received an absentee ballot shall be allowed to deliver the official mailing envelope containing the voter's absentee ballot on Election Day to any polling location in the county in which the voter is registered if the voter presents the official mailing envelope to the presiding judge before the polls close on Election Day. *Refer to Sections 1-6-10 (C), and 1-12-8.2 (A), NMSA 1978.*

November 29, 2022: CERTIFICATION OF ELECTION RESULTS

The individual county canvassing boards must meet within three days of the election to canvass the election results and no later than ten days from the date of the election. A county canvassing board in a county with more than one hundred fifty thousand voters (150,000) shall meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than thirteen days from the date of the election.

The state canvassing board shall also meet in the state capitol on the third Tuesday after each statewide election or special state election to approve the report of the canvass and declare the result of the vote on any constitutional amendment or any ballot question voted upon by the voters of more than one county. *Refer to Section 1-13-15, NMSA 1978.*

December 9, 2022: CERTIFICATES OF ELECTION TO WINNING CANDIDATES

On the thirty-first (31) day after any primary or general election, the secretary of state shall issue to those candidates entitled by law election certificates, or certificate of nomination in the case of the primary election, to all county officers, magistrates and to members of the legislature elected from districts wholly within the county. In addition, the county canvassing board, immediately after completion of the canvass, shall declare the results of the election and of all ballot questions affecting only precincts within the county. *Refer to Section 1-13-13 (C), NMSA 1978.*

OFFICES APPEARING ON THE 2022 PRIMARY ELECTION BALLOT

OFFICE	DISTRICT (If Applicable)	TERM
United States Representative	District 1	2 years
United States Representative	District 2	2 years
United States Representative	District 3	2 years
Governor	Statewide Office	4 years
Lieutenant Governor	Statewide Office	4 years
Secretary of State	Statewide Office	4 years
Attorney General	Statewide Office	4 years
State Auditor	Statewide Office	4 years
State Treasurer	Statewide Office	4 years
Commissioner of Public Lands	Statewide Office	4 years
State Senator	District 28 & 35	To Fill Unexpired Term Original Term Expires 2024
State Representative	All 70 Districts	2 years
Supreme Court	Statewide Office Position 1	Filling Unexpired Term Original Term Expires 2024
Supreme Court	Statewide Office Position 2	Filling Unexpired Term Original Term Expires 2024
Court of Appeals	Statewide Office Position 1	Filling Unexpired Term Original Term Expires 2026
Court of Appeals	Statewide Office Position 2	8 years
Court of Appeals	Statewide Office Position 3	8 years
Public Education Commissioners	District 2	4 years
Public Education Commissioners	District 3	4 years
Public Education Commissioners	District 5	4 years
Public Education Commissioners	District 6	4 years
Public Education Commissioners	District 7	4 years
PARTISAN ELECTION FOR JUDICIAL OFFICES		
2 nd Judicial District	Division 7, 8, 10, 12, 16, 20 & 26	Filling Unexpired Term. Retention Election in 2026
3 rd Judicial District	Division 5	Filling Unexpired Term. Retention Election in 2026
4 th Judicial District	Division 1 & 3	Filling Unexpired Term. Retention Election in 2026
5 th Judicial District	Division 1	Filling Unexpired Term. Retention Election in 2026
7 th Judicial District	Division 2	Filling Unexpired Term. Retention Election in 2026
9 th Judicial District	Division 1	Filling Unexpired Term. Retention Election in 2026
12 th Judicial District	Division 2	Filling Unexpired Term. Retention Election in 2026.
<i>Appointed judges must run in a contested, partisan election in the first general election following their appointment. Thereafter, the judge runs in nonpartisan retention elections</i>		
<i>After running in a partisan election in the first general election following appointment, judges run in nonpartisan retention elections</i>		

DISTRICT ATTORNEYS		
12 th Judicial District	12 th Judicial District Attorney	To Fill Unexpired Term. Original Term Expires 2024
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, § 1-8-7		

COUNTY OFFICES APPEARING ON THE BALLOT	
<p align="center">BERNALILLO COUNTY</p> <p>County Commissioner (<i>Districts 1 & 5</i>) County Assessor County Sheriff County Probate Metropolitan Court Judge (<i>Division 4</i>) Metropolitan Court Judge (<i>Divisions 1 through 3 and 5 through 19, retention election</i>)</p>	<p align="center">GUADALUPE COUNTY</p> <p>County Commissioner (<i>Districts 1 & 2</i>) County Assessor County Sheriff County Probate Magistrate Judge</p>
<p align="center">CATRON COUNTY</p> <p>County Commissioner (<i>Districts 1 & 2</i>) County Assessor County Sheriff Magistrate Judge</p>	<p align="center">HARDING COUNTY</p> <p>County Commissioner (<i>Districts 1 & 2</i>) County Assessor County Sheriff County Probate Magistrate Judge</p>
<p align="center">CHAVES COUNTY</p> <p>County Commissioner (<i>Districts 1 & 5</i>) County Assessor County Sheriff County Probate Magistrate Judge (<i>Division 1 & 2</i>)</p>	<p align="center">HIDALGO COUNTY</p> <p>County Commissioner (<i>Districts 1 & 2</i>) County Assessor County Sheriff County Probate Magistrate Judge</p>
<p align="center">CIBOLA COUNTY</p> <p>County Commissioner (<i>Districts 1 & 3</i>) County Assessor County Sheriff County Probate Magistrate Judge (<i>Division 1 & 2</i>)</p>	<p align="center">LEA COUNTY</p> <p>County Commissioner (<i>Districts 2 & 3</i>) County Assessor County Sheriff County Probate Magistrate Judge (<i>Divisions 1, 2, 3 & 4</i>)</p>
<p align="center">COLFAX COUNTY</p> <p>County Commissioner (<i>Districts 1 & 2</i>) County Assessor County Sheriff County Probate Magistrate Judge (<i>Divisions 1 & 2</i>)</p>	<p align="center">LINCOLN COUNTY</p> <p>County Commissioner (<i>Districts 2, 4 & 5</i>) County Clerk County Treasurer Magistrate Judge (<i>Divisions 1 & 2</i>)</p>
<p align="center">CURRY COUNTY</p> <p>County Commissioner (<i>Districts 1 & 3</i>) County Assessor County Sheriff County Probate Magistrate Judge (<i>Divisions 1 & 2</i>)</p>	<p align="center">LOS ALAMOS COUNTY</p> <p>County Council (<u><i>Los Alamos County is composed of a County Council with 7 seats. Council 1, 2, 3 & 6 will run in the 2022 election. Los Alamos has positions which run at large instead of by commission districts.</i></u>) County Assessor County Sheriff County Probate Magistrate Judge Municipal Judge</p>

<p align="center">DE BACA COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge</p>	<p align="center">LUNA COUNTY</p> <p>County Commissioner <i>(District 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge</p>
<p align="center">DONA ANA COUNTY</p> <p>County Commissioner <i>(Districts 1 & 3)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1, 2, 3, 4, 5, 6 & 7)</i></p>	<p align="center">MCKINLEY COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1, 2 & 3)</i></p>
<p align="center">EDDY COUNTY</p> <p>County Commissioner <i>(Districts 1 & 4)</i> County Clerk County Assessor County Probate Magistrate Judge <i>(Divisions 1, 2 & 3)</i></p>	<p align="center">MORA COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate</p>
<p align="center">GRANT COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1 & 2)</i></p>	<p align="center">OTERO COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1 & 2)</i></p>
<p align="center">QUAY COUNTY</p> <p>County Commissioner <i>(District 3)</i> County Assessor County Sheriff County Probate Magistrate Judge</p>	<p align="center">SIERRA COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge</p>
<p align="center">RIO ARRIBA COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1 & 2)</i></p>	<p align="center">SOCORRO COUNTY</p> <p>County Commissioner <i>(Districts 1 & 3)</i> County Assessor County Sheriff County Probate Magistrate Judge</p>
<p align="center">ROOSEVELT COUNTY</p> <p>County Commissioner <i>(Districts 3 & 5)</i> County Assessor County Sheriff Magistrate Judge</p>	<p align="center">TAOS COUNTY</p> <p>County Commissioner <i>(Districts 1, 2 & 5)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Division 1)</i></p>
<p align="center">SAN JUAN COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Division 1, 2, 3, 4, 5 & 6)</i></p>	<p align="center">TORRANCE COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge</p>

<p style="text-align: center;">SAN MIGUEL COUNTY</p> <p>County Commissioner <i>(Districts 1 & 3)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1 & 2)</i></p>	<p style="text-align: center;">UNION COUNTY</p> <p>County Commissioner <i>(Districts 1 & 2)</i> County Assessor County Sheriff County Probate Magistrate Judge</p>
<p style="text-align: center;">SANDOVAL COUNTY</p> <p>County Commissioner <i>(Districts 1 & 3)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1, 2 & 3)</i></p>	<p style="text-align: center;">VALENCIA COUNTY</p> <p>County Commissioner <i>(Districts 1 & 3)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1, 2 & 3)</i></p>
<p style="text-align: center;">SANTA FE COUNTY</p> <p>County Commissioner <i>(Districts 1 & 3)</i> County Assessor County Sheriff County Probate Magistrate Judge <i>(Divisions 1, 2, 3 & 4)</i></p>	<p style="text-align: center;">VACANCIES IN OFFICE</p> <p>Any office that becomes vacant because of resignation or death after the publication of this guide may also appear on the ballot. Refer to Sections 1-8-7 & 1-8-8, NMSA 1978</p>

GENERAL ELIGIBILITY REQUIREMENTS FOR ALL OFFICES

Party Affiliation: In New Mexico, only major political party candidates will appear on the Primary Election ballot. The three major political parties are the New Mexico Democratic Party, the New Mexico Republican Party, and the Libertarian Party of New Mexico.

The only minor political party in New Mexico is the New Mexico Working Families Party. Minor party candidates are nominated for office according to the party rules on file with the Secretary of State and pursuant to Sections 1-8-2 and 1-8-3, NMSA 1978.

Information and deadlines for qualifying as a new minor party in New Mexico can be found beginning on page 14 of this guide, on the Secretary of State's website at <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/nm-political-party-information/> and in Sections 1-7-2 & 1-7-4, NMSA 1978.

Independent candidates are candidates whose certificate of voter registration shows affiliation with no qualified political party on the date of the secretary of state's general election proclamation and, if applicable, shows residence on the date of the secretary of state's proclamation in the district or county of the office for which the person is a candidate. Please see 1-8-45, NMSA 1978 for specific qualifications for independent candidates.

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

Minimum Age: The Twenty-Sixth Amendment of the United States Constitution grants the elective franchise to persons eighteen years old or older and supersedes the minimum age requirements for voter registration in the New Mexico Constitution. Please note that some elected offices have specific age eligibility requirements beyond the minimum age requirements established by the Constitution. For that information, please see the Specific Eligibility Requirements section below.

New Mexico 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 with the political party as of the date of the Secretary of State's general election proclamation on January 31, 2022. *Refer to Section 1-8-12, NMSA 1978.*
 - **Independent Candidates:** Voter registration must show no affiliation with any qualified political party on the date of the Election Proclamation. *Refer to Section 1-8-45 (A)(1)(a), NMSA 1978.*
 - **Minor Party Candidates:** Voter registration must show the candidate was registered as a member of their minor party before the day the secretary of state issues the general election proclamation. *Refer to Section 1-8-2 (D), NMSA 1978.*

Notice to Minor Party and Independent Candidates: If a minor political party seeks but does not obtain qualified status, its candidates may instead run as an independent candidate 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 apply their collected signatures toward the total required of an independent candidate for the same position if the party fails to qualify. Upon collecting the number of signatures required to file as such, the candidate may then run as an independent. To do this, 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 Secretary of State’s general election proclamation. *Refer to Section 1-8-3.1, NMSA 1978.*

- Residence in the district or county of the office for which the candidate is running on the date of the Secretary of State’s General Election Proclamation (see 1-8-18 (A)(2), NMSA 1978). Residence 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 (see 1-1-7.1, NMSA 1978); and
- The candidate’s name will appear on the ballot to match the voter registration record on file (see 1-4-16 (B), NMSA 1978). The candidate shall provide the appropriate filing officer with their name as registered when they file for their office. Any changes to voter registration must be effective on the date of the Secretary of State’s General Election Proclamation. Attempted changes to ballot name appearance at the time of candidate filing is *not* allowed.

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 has presented the governor with a certificate verifying the completion of the sentence and confirming the person was granted a pardon or a certificate by the governor restoring the person’s full rights of citizenship. *Refer to Section 31-13-1, NMSA 1978.*

SPECIFIC ELIGIBILITY REQUIREMENTS

Office	Statutory Reference	Age	State Residence	District Residence	U.S. Citizen	Years in Term	Term Limit
U.S. Representative	U.S. Const. Art. I, Sec. 2, cl.	25	Yes	N/A	7 years	2	No
Governor	NM Const. Art. V, Sec. 3	30	5 years	N/A	YES	4	2
Lieutenant Governor	NM Const. Art. V, Sec. 3	30	5 years	N/A	YES	4	2
Secretary of State	NM Const. Art. V, Sec. 3	30	5 years	N/A	YES	4	2
Attorney General	NM Const. Art. V, Sec. 3	30	5 years	N/A	YES	4	2
State Auditor	NM Const. Art. V, Sec. 3	30	5 years	N/A	YES	4	2
State Treasurer	NM Const. Art. V, Sec. 3	30	5 years	N/A	YES	4	2
Commissioner of Public Lands	NM Const. Art. V, Sec. 3	30	5 years	N/A	YES	4	2
State Senator	NM Const. Art. IV, Sec 3	25	Yes	Yes	Yes	4	No
State Representative	NM Const. Art. IV, Sec 3	21	Yes	Yes	Yes	2	No
Public Education Commission	NM Const. Art. XII, Sec 6	18	Yes	Yes	Yes	4	2
District Attorney	NM Const. Art. VI, Sec. 24	18	3 years	Yes	Yes	4	No
*District Court Judge	NM Const. Art. VI, Sec. 14	35	3 years	Yes	Yes	4	Retention Election
*Justice of the Supreme Court	NM Const. Art. VI, Sec. 8	35	3 years	N/A	Yes	8	Retention Election
*Judge of the Court of Appeals	NM Const. Art. VI, Sec. 8 and Sec. 28	35	3 years	N/A	Yes	8	Retention Election
*Metropolitan Court Judge	NM Const. Art. VI, Sec. 26 & NMSA 1978 § 35-2-1	18	Yes	Yes	Yes	4	Retention Election
County Commissioner	NM Const. Art. V, Sec. 13 & Art. VII, Sec. 2A & NMSA 1978 § 4-38-3	18	Yes	Yes	Yes	4	2
County Clerk	NMSA 1978 § 4-40-2 to 4-40-10	18	Yes	Yes	Yes	4	2
County Treasurer	NMSA 1978 § 4-43-2	18	Yes	Yes	Yes	4	2
County Assessor	NMSA 1978 § 4-39-2 through 6	18	Yes	Yes	Yes	4	2
County Sheriff	NMSA 1978 § 4-41-2 to 4-41-22	18	Yes	Yes	Yes	4	2
Probate Judge	NM Const. Art. VI Sec. 23 and NMSA 1978 § 34-7-1 to 34-7-225	18	Yes	Yes	Yes	4	2
Magistrate Judge	NM Const. Art. VI, Sec. 26 and NMSA 1978 § 35-2-1	18	Yes	Yes	Yes	4	No

NOMINATING PETITIONS

Offices that Require Nominating Petitions:

Candidates for United States representative, statewide offices (including supreme court justice and court of appeals judge), all state legislative offices, district court judge, metropolitan court judge, district attorney, magistrate court judge, and public education commission are required to file nominating petitions upon filing for office with the appropriate filing officer. Candidates who are required to file nominating petitions do not pay a filing fee.

Candidates who are not required to file nominating petitions, i.e. county office candidates, 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 available on the Secretary of State's website.

GENERAL INFORMATION

In October of 2021, the Secretary of State's office published Nominating Petition forms and the required number of signatures for statewide, judicial and district attorney offices, on the Office's website. County Clerks were also provided with the documentation.

Please note that forms used by candidates seeking districted office will be delayed this year, due to delays in census data gathering and the redistricting process (1-3-13 (G), NMSA 1978). Receipt of valid signatures on a petition form are based on the official district boundaries set by the legislature and, by law, our Office cannot publish petition forms for districted offices until the legislature has completed its work. We expect to publish petition forms for districted offices as soon as is practicable after the redistricting process has been completed.

Independent and Minor Party: In March 2022 the Secretary of State will publish petition forms for independent and minor party candidates on the website, along with the signature numbers, and provide the forms and signature numbers to each County Clerk.

New Mexico law requires candidates to collect signatures on nominating petitions on the form prescribed by the Secretary of State. This form, which can be obtained on the Secretary of State's website or by contacting your local County Clerk, is the **only** acceptable form and **cannot** be altered. All other forms will be rejected on filing day. Candidates may make as many copies of the form as needed. Petition forms must be on 8.5" x 11" sized normal weight copy paper and must be single-sided.

The provided form is electronically fillable and **all** information at the top of the form must be completed. Candidates not electronically filling the form must assure that forms are filled in with blue or black ink and are legible. Candidates are urged to avoid the use of white out, overtyping, using strikeovers or strikethroughs, cutting, pasting, or erasure when filling out the top portion of the petition form. Please note that petition signatures **cannot** be completed electronically.

Section 1-1-26, NMSA 1978, requires the following information shall be listed in the appropriate space at the top of a nominating petition before the petition has been signed by a voter:

- The candidate's name as it appears on the candidate's certificate of registration
- The address where the candidate resides
- The office sought by the candidate
- If the office sought is a districted office or a division within a judicial district or has been assigned a position number for purposes of the election, the district, division, or position number of the office sought
- If the office sought will be on the general election ballot, the party affiliation of the candidate or that the candidate is unaffiliated with any qualified political party
- If the office sought will be nominated at a political party primary, the party affiliation of voters permitted to sign the petition

Independent and Minor Party Candidates: The above requirements provided by Section 1-1-26, NMSA 1978 do not apply. 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 (see 1-8-50, NMSA 1978).

CIRCULATING NOMINATING PETITIONS

Candidates are ultimately responsible for the contents of their petitions and for the actions of the individuals representing them in the public. **It is extremely important that individuals assisting candidates with collecting petition signatures are adequately trained and appropriately informed.** Both candidates and the individuals assisting them face risks for failing to follow the law regarding petitions, including:

- A person knowingly falsifying any information on a nominating petition is guilty of falsifying an election document (see 1-8-32 (A), NMSA 1978). Falsifying an election document is a fourth-degree felony (see 1-20-9 (F), NMSA 1978).
- 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 (see 1-8-32 (B), NMSA 1978).
- Petitions submitted 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 signatures.
- The law provides for legal challenges to petitions. 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 judge or the New Mexico Supreme Court. If enough signatures are invalidated, the candidate could fail to appear on the ballot (see 1-8-35 (A), NMSA 1978).

When circulating nominating petitions, the candidate must assure that signatures are collected from qualified, registered voters in the appropriate district or county, belonging to the candidate's political party. Voters signing petitions must sign the petition with their usual signature, print their name as registered, print their address as registered, and provide their city

and/or zip code. Signatures lacking any of these items are not counted. Voters may sign only one petition per eligible office. Petition signatures must be legible and completed in blue or black ink and cannot be completed electronically.

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. Instead, the voters certify that they are residents of the state, district, county, or area to be represented by the office for which the person seeking nomination is a candidate (see 1-8-2 (B) and 1-8-50, NMSA 1978).

Independent and minor party candidates MUST ensure they are circulating the correct nominating petition form which will be published March 2022 on the Secretary of State’s website.

Minimum Number of Signatures: Candidates required to collect petition signatures have a minimum number of valid signatures they must collect to qualify for the ballot. The number requirements are calculated and published by the Secretary of State pursuant to 1-8-33, NMSA 1978 for major party candidates. The petition signature numbers are calculated from a required percentage of the total votes cast for all of the party’s candidates for governor at the last preceding primary election at which the party’s candidate for governor was nominated. Information on the calculations is available upon request from the Bureau of Elections.

- **Minor Party Candidates:** The minimum required number of signatures is based upon the number of voters for the office of governor or president, as the case may be (see 1-8-2, NMSA 1978).
- **Independent Candidates:** 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 (see 1-8-51, NMSA 1978).

The required number of petition signatures for each required office on the 2022 primary ballot is presented in the following pages. It is strongly recommended that candidates obtain at least 10% more signatures than the minimum requirement, in the event of a challenge to the petitions and some signatures being disqualified.

REQUIRED NUMBER OF PETITION SIGNATURES

Important Notice Regarding Nominating Petitions (1-3-13, NMSA 1978)

- **During years in which districts are redrawn pursuant to the provisions of this section, nominating petitions shall not be made available for relevant offices until completion of the procedures specified in Subsection D or E of 1-3-13, NMSA 1978.**
- Governing bodies are currently undergoing redistricting, which is anticipated to be complete by the end of the year. Candidates are responsible for ensuring that signors are in the adopted districts for which they are running.

Candidates required to circulate petitions must meet statutory thresholds of signatures to qualify for the ballot. Candidates who seek, but do not receive preprimary convention designation may still qualify to appear on the ballot in the primary election by collecting additional signatures.

Statewide Office

Statewide Office	Democrats	Republicans	Libertarians
Governor	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
Lt. Governor	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
Secretary of State	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
State Auditor	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
State Treasurer	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
Attorney General	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
Commissioner of Public Lands	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
Supreme Court	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)
Court of Appeals	3,518 (2% threshold)	1,503 (2% threshold)	230 (2% threshold)

District Court Offices

Judicial District Judges	Democrats	Republicans	Libertarians
2 nd Judicial District, Divisions 8, 10, 12, 16, 20 & 26	1,812	546	15
3 rd Judicial District, Division 5	368	138	15
4 th Judicial District, Divisions 1 & 3	243	21	15
5 th Judicial District, Division 1	130	328	15
7 th Judicial District, Division 2	113	123	15
9 th Judicial District, Division 1	39	106	15
12th Judicial District, Division 2	83	178	15

District Attorneys

Judicial District	Counties Covered	Democrats	Republicans	Libertarians
12th	Otero & Lincoln	83	178	15

Metropolitan and Magistrate Courts

Court	Division	Democrats	Republicans	Libertarians
Bernalillo Metropolitan	4, 10, 12, 15 & 16	1812	546	10
Catron Magistrate	--	10	20	10
Chaves Magistrate	1	21	39	10
	2	30	105	10
Cibola Magistrate	1 & 2	68	18	10
Colfax Magistrate	1 & 2	45	16	10
Curry Magistrate	1	13	14	10
	2	13	49	10
De Baca Magistrate	--	10	10	10
Dona Ana Magistrate	1, 2, 3, 4, 5, 6 & 7	368	138	10
Eddy Magistrate	1	15	10	10
	2	23	39	10
	3	14	31	10
Grant Magistrate	1 & 2	136	40	10
Guadalupe Magistrate	--	41	10	10
Harding Magistrate	--	10	10	10
Hidalgo Magistrate	--	19	10	10
Lea Magistrate	1	10	37	10
	2	10	10	10
	3	10	32	10
	4	10	25	10
Lincoln Magistrate	1 & 2	23	46	10
Los Alamos Magistrate	2 Positions	79	28	10
Luna Magistrate	--	43	28	10
McKinley Magistrate	1, 2 & 3	220	30	10
Mora Magistrate	--	50	10	10
Otero Magistrate	1 & 2	60	131	10
Quay Magistrate	--	16	24	10
Rio Arriba Magistrate	1 & 2	242	16	10
Roosevelt Magistrate	--	13	43	10
San Juan Magistrate	1	20	66	10
	2	33	20	10
	3	22	64	10
	4	38	26	10
	5	19	35	10
	6	14	35	10
San Miguel Magistrate	1 & 2	152	12	10
Sandoval Magistrate	1, 2 & 3	354	159	10
Santa Fe Magistrate	1, 2, 3 & 4	755	72	10
Sierra Magistrate	--	25	34	10
Socorro Magistrate	--	50	30	10
Taos Magistrate	1	197	14	10
Torrance Magistrate	--	30	39	10
Union Magistrate	--	10	11	10
Valencia Magistrate	1, 2 & 3	151	96	10

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 officer for each office is listed on page 32.

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. All necessary information is required for each signature to count. Signatures and accompanying information must be legible to the filing officer. The total number of petition forms must contain enough valid signatures to qualify the candidate for the ballot.

Petitions with incomplete individual voter information, as outlined above, are not counted. For example, if a petition contains 20 voter signatures, but 3 of those voters failed to provide the required information or are illegible, those 3 signatures are not counted, but the remaining 17 are counted.

No alterations to submitted petitions. A nominating petition when filed shall not be withdrawn nor added to, nor shall any person be permitted to revoke his signature thereon. A nominating petition shall be complete when filed. The proper filing officer shall not permit additions to or withdrawals from a nominating petition after it is filed, nor shall any person be permitted to revoke his signature on a petition after it has been filed. The original nominating petition shall remain in the filing officer's office and copies shall be made available by the filing officer (see 1-8-34, NMSA 1978).

Challenges to Petitions. Challenges to petitions primarily occur when a voter files an action in district court challenging the validity of the petitions. Individuals wishing to challenge a petition shall file a court action challenging petitions within ten days after the declaration of candidacy and petitions are filed. See 1-8-35, NMSA 1978 regarding the requirements of a petition challenge for major party candidates and 1-8-45, NMSA 1978 for independent candidates.

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 upon request for a fee. 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.*

FILING DAY: WHERE TO FILE

As defined in Section 1-1-5.9, NMSA 1978, the “proper filing officer” for declarations of candidacy and candidate qualifications documents will be either the Secretary of State (statewide or federal offices) or the county clerk (for all other candidates), of the county in which the candidate resides.

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

- United States Representative
- Governor
- Lieutenant Governor
- Secretary of State
- Attorney General
- State Auditor
- State Treasurer
- Commissioner of Public Lands
- Justice of the Supreme Court
- Judge of the Court of Appeals

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

- State Senator
- State Representative
- Public Education Commission
- District Court Judge
- District Attorney
- Metropolitan Court Judge
- Magistrate Court Judge
- County Sheriff
- County Assessor
- County Commissioner
- County Councilor
- County Clerk
- County Treasurer
- Probate Judge

NEW MEXICO COUNTY CLERKS

Bernalillo

Clerk: Linda Stover (D)
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Albuquerque, NM 87102
(505) 468-1290
clerk@berncgo.gov

Catron

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sharon.armijo@catroncountynm.gov

Chaves

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cindy.fuller@chavescounty.gov

Cibola

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Grants, NM 87020
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Colfax

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Curry

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De Baca

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Doña Ana

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dacclerk@doaanacounty.org

Eddy

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Grant

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Guadalupe

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Hidalgo

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countyclerk@hidalgocounty.org

Lea

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Lincoln

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McKinley

Jacqueline Katherine Sloan (D)
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Gallup, NM 87301
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clerk@co.mckinley.nm.us

Mora

Carlos J. Arellano (D)
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Mora, NM 87732
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cjarellano@countyofmora.com

Otero

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Quay

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Roosevelt

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Union

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Valencia

Michael Milam (R)
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mike.milam@co.valencia.nm.us

WHEN TO FILE

Preprimary Convention Designation: Candidates for statewide or federal office who seek preprimary convention designation will file for office on February 1, 2022, 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 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 1-8-33 (D), NMSA 1978 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) filing day for all other candidates, whichever is later. At the time this guide is published, the Secretary 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: Major party candidates for offices not eligible for receiving a preprimary party designation will file for office on March 8, 2022 between the hours of 9:00 a.m. and 5:00 p.m. Filing is completed in the office of the appropriate filing officer listed above.

Write-in candidates³: Write-in candidates shall file for office on March 15, 2022 between the hours of 9:00 a.m. and 5:00 p.m. Filing is completed in the office of the appropriate filing officer as listed above.

Minor party, independent, and write-in candidates for the general election: Filing day is June 30, 2022 between the hours of 9:00 a.m. and 5:00 p.m. Filing is completed in the office of the appropriate filing officer as listed above.

WHAT TO FILE

Candidates are required to file the appropriate information with the appropriate filing officer on the filing day designated for their office.

Each candidate must come to the filing officer during the designated hours with the following information:

- Declaration of Candidacy (completed prior to arrival)
- Candidate Campaign Committee Registration Form (completed electronically and prior to arrival; candidates can bring a copy of the registration form submitted electronically)
 - Not required for federal candidates
- Nominating Petitions (if required)

³ Specific information relevant only to write-in candidates is located on page 35 herein

- Filing Fee or pauper’s statement (for county candidates only)
- Financial Disclosure Statement^{*4} (if required)
- Affidavit of Designee for Filing (if someone is filing on behalf of candidate)

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.
- Be prepared with all necessary information and have all forms completed.
- 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 showing 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 file for only one office in an election cycle. *Refer to Section 1-8-27, NMSA 1978.*

FILING FOR OFFICE AS A WRITE-IN CANDIDATE

Individuals wishing to appear on the primary ballot as a write-in candidate should review 1-8-36.1, NSMA 1978 in its entirety. Write-in candidates are permitted in the primary election only for the following offices:

- United States Representative
- Governor
- Lieutenant Governor
- Secretary of State
- Attorney General
- State Auditor
- State Treasurer
- Commissioner of Public Lands
- Justice of the Supreme Court
- Judge of the Court of Appeals
- State Senate
- State House of Representatives
- District Court Judge
- District Attorney
- Public Education Commissioner
- Magistrate Judge

⁴ Financial disclosures are required of all candidates for legislative or statewide office. They are filed at the time the declaration of candidacy is filed and must be on the correct form. The Financial Disclosure Act, 10-16A-1 through 8, NMSA 1978 governs this requirement as well as subsequent disclosures required for certain elected officials

A write-in candidate's certificate of registration 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 shall file a declaration of intent with the appropriate filing officer. Once the declaration of intent is filed, write-in candidates are considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the financial reporting obligations. Names of write-in candidates are not printed on the ballot.

NOTIFICATION OF BALLOT QUALIFICATION

Filing officers are required to notify candidates whether they are or are not qualified to have their name appear on the ballot.

Candidates that qualify: Filing officers are required to notify candidates qualifying for the ballot of their qualification no later than 5:00 p.m. on the first Tuesday following the filing date. The notification dates are February 8, 2022 for candidates seeking preprimary designation and March 15, 2022 for all major party candidates. Those seeking qualification as write-in candidates will be notified on March 22, 2022. Qualification for the ballot requires meeting the minimum number of petition signatures (if required and presuming any challenge is overcome) and the candidate's declaration of candidacy and certificate of voter registration are in proper order. Filing officers are required to mail a notice to qualified candidates.

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 1-8-26, NMSA 1978.

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.

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. All candidates or their agents are entitled to be present and have the option of each making one draw from the lot (see 1-8-43, NMSA 1978).

Ballot Order by Office: 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 (see 1.10.6.8 NMAC).

CAMPAIGN FINANCE REQUIREMENTS

A note about getting started with your campaign

In the beginning stages of your campaign, you must open a bank account that is only used for campaign purposes, if you do not already have one.

If your financial institution requires written confirmation that you are in fact a candidate for office, the “Candidate Campaign Committee Registration” form is the only item available to demonstrate the campaign is active until the declaration of candidacy is filed.

If a financial institution requests that the candidate produce a declaration of candidacy, they can be informed that this form is not made available until filing day. Such issues are typically a confusion in terminology and can be alleviated with an explanation from the candidate regarding the filing day form and requirements. Non-statewide candidates must file their Candidate Campaign Committee Registration Forms and begin reporting upon spending or receiving more than \$1,000; Statewide candidates must file their Candidate Campaign Committee Registration Form and begin reporting upon spending or receiving \$3,000 (see 1-19-26 (G), NMSA 1978).

CAMPAIGN REPORTS

The following information is intended as an introduction to campaign reporting requirements and highlights some statutory guidance which may be helpful for experienced and first-time candidates. Candidates are responsible for adhering to all statutory requirements outlined in the Campaign Reporting Act.

New Mexico Campaign Finance System (CFIS) The New Mexico Campaign Finance System (CFIS) is the online application where candidates must report their campaign finances and can be accessed at <https://login.cfis.sos.state.nm.us/#/index>. A valid email address is required to use the system. For further information, please refer to the CFIS System Resources for Candidates and Campaign Finance Reporting Schedule found on the secretary of state’s website at <https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/campaign-finance-reporting-information/>.

Candidates - Political or Campaign Committees – Treasurer – Bank Account – Anonymous Contributions – Contributions from Special Events – Credit and Debit Card Contributions
(Section 1-19-34, NMSA 1978)

It is the responsibility of the political or campaign committee or candidate to ensure that a treasurer is appointed and constantly maintained. If a new treasurer is appointed, the secretary of state must be notified within ten days. A candidate may serve as their own treasurer.

All transactions are to be authorized by and through the treasurer or candidate. The treasurer will maintain a bank account in the name of the candidate or committee and maintain receipts of deposits and disbursements from the account. It is permitted for investments from a bank account to earn interest, provided that the investments and earnings are reported.

The treasurer must maintain a full, true, and itemized record of each transaction, including the amount disbursed or received, the date, to whom disbursed or from whom received, and the purpose of the transaction.

Anonymous contributions may not exceed \$100 each, and the total amount of anonymous contributions received by a reporting individual may not exceed, for statewide candidates, \$2,000 for each of the primary and general election cycles or, for all other candidates, \$500.

Exception for special events: Cash contributions received at a special event are not subject to the above limitation, provided that:

- After expenses, the event raises no more than \$1,000 in anonymous cash contributions,
- The sponsor, date, place, total amount received, expenses incurred, estimated number of persons in attendance, and other identifiable factors that describe the special event are documented,
- Tickets costing \$25 or less are sold for admission to the event, and
- No more than \$25 dollars in cash is accepted from any one contributor.

Any amount over \$1,000 raised at a special event, after expenses, must be reported as individual contributions. Contributions received in excess of the limits provided by the Campaign Reporting Act (CRA) are donated to the state general fund or another organization (see 1-19-34 (D), NMSA 1978 for further guidance).

A candidate or political committee shall not accept a contribution made by a credit card or debit card via the internet or where the card is not physically present unless, at the time the contribution is made, the contributor provides the card security code assigned to and printed or imprinted on the card, and the billing address associated with the card.

Further, Section 2-11-8.1, NMSA 1978 prohibits lobbyists from serving as a campaign chairman, treasurer, or fundraising chairman for a candidate for the legislature or statewide office.

The CRA requires candidates to file reports in CFIS on specific dates with specific reporting periods. Candidates who fail to file timely or correctly, or who violate the CRA risk negative implications, including complaints, fines, and administrative, civil, and/or criminal penalties.

Reports and Statements – Late Filing Penalty – Failure to File (Section 1-19-35, NMSA 1978)

If a statement of no activity or a report of expenditures and contributions is not filed or is filed after any deadline imposed by the Campaign Reporting Act, the responsible reporting individual or political committee shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the filing due date, as determined by the Campaign Reporting Act, until the report is filed. The maximum fine, as provided by Section 1-19-35 (H), NMSA 1978 is as follows:

- Five thousand dollars (\$5,000) for statewide candidate committees and political committees,

- Two thousand five hundred dollars (\$2,500) for legislative, district judge, district attorney, and public education commission candidate committees,
- one thousand dollars (\$1,000) for county candidate committees running in a county designated as class A, and
- Five hundred dollars (\$500) for all other non-class A county candidate committees

The above requirement does not apply to supplemental reports required to be filed and delivered the Thursday prior to the election and any supplemental report. If any reporting individual fails to file or files a late report of expenditures and contributions due on the Thursday prior to the election, they shall be liable and pay to the secretary of state five hundred dollars (\$500) for the first working day and fifty dollars (\$50.00) for each subsequent working day after the time required for the filing of the report until the complete report is filed. The maximum fine, as provided by Section 1-19-35 (H), NMSA 1978 is as follows:

- Five thousand dollars (\$5,000) for statewide candidate committees and political committees,
- Two thousand five hundred dollars (\$2,500) for legislative, district judge, district attorney, and public education commission candidate committees,
- one thousand dollars (\$1,000) for county candidate committees running in a county designated as class A, and
- Five hundred dollars (\$500) for all other non-class A county candidate committees

If a supplemental report required by Section 1-19-29 (B)(5), NMSA 1978 is not filed, or filed late, the reporting individual or political committee shall be liable for and pay to the secretary of state a penalty equal to the amount of each contribution received or pledged after the Tuesday before the election that was not timely filed.

The secretary of state will issue a written notice of failure to file a report, or a report filed passed the deadline which informs the reporting individual of the violation and fine. The reporting individual will have ten working days from the date of the letter to come into voluntary compliance and provide a written explanation of any reason why the violation occurred. The secretary of state may waive or reduce the fine if the explanation is filed in a timely manner and the secretary of state determines that good cause exists.

A final determination by the SOS shall be a notice of final action and sent by certified mail.

Any report or statement of no activity will be considered timely filed only if it is received by the secretary of state by the date and time prescribed by law.

Penalties for failure or refusal to submit filings to or pay fines imposed by the secretary of state as required by the Campaign Reporting act may include, in addition to any other penalties provided by law, (1) the candidate's name not appearing on the ballot, (2) the candidate not being issued a certificate of nomination, or (3) the candidate not being permitted to file a declaration of candidacy or nominating petition for any future election. These penalties may be lifted if the candidate satisfies all reporting requirements and pays all penalties owed.

Withdrawn candidates or candidates who do not win election

Candidates that are not moving on to the general election are encouraged to file a final report to inactivate their account that indicates:

(1) there are no outstanding campaign debts;

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

(3) the bank accounts have been closed.

Candidates are required to continue to file reports according to the reporting schedule in Section 1-91-29 NMSA 1978 until a final report is filed even if they withdraw or lose the primary or general election.

FUNDRAISING NOTES

Legislative Session Fundraising Prohibition: As explained in NMSA 1978, Section 1-19-34.1, the Prohibited Period refers to the period of time before and during any session of the New Mexico State Legislature during which it is unlawful for certain elected officials, candidates for office, and their agents to knowingly solicit a contribution for any campaign or committee governed by the Campaign Reporting Act.

The parties to whom the Prohibited Period applies are as follows:

1. A state legislator, the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor.
2. A candidate for state legislator, attorney general, secretary of state, state treasurer, commissioner of public lands or state auditor.
3. Any agent on behalf of the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor
4. any agent on behalf of a candidate for attorney general, the secretary of state, state treasurer, commissioner of public lands or state auditor

In a regular legislative session, the Prohibited Period begins on January 1 prior to the start of the session and lasts through the adjournment of the session. In a special legislative session, the Prohibited Period begins after the proclamation declaring the special session has been issued and lasts through the adjournment of the session.

In the case of the following parties:

1. The governor or the lieutenant governor.
2. Any agent on the governor's or the lieutenant governor's behalf.

The fundraising restrictions imposed by the Prohibited Period function are the same, but the duration of the Prohibited Period is longer. In a regular legislative session, the Prohibited Period begins on January 1 prior to the start of the session and ends on the twentieth day following the adjournment of the session. In a special legislative session, the Prohibited Period begins after the

proclamation declaring the special session has been issued and ends on the twentieth day following the adjournment of the session.

Additionally, no lobbyist may serve as a campaign chair, treasurer, or fundraising chair for a candidate for the legislature or other state office. It is unlawful during the prohibited period for any lobbyist or lobbyist's employer to contribute to or act as an agent or intermediary for political contributions to or arrange for the making of political contributions to the campaign funds of any statewide elected official or legislator or any candidate for those offices (see 2-11-8.1, NMSA 1978).

Raffles: While not specifically prohibited in the Election Code, upon guidance from the New Mexico Gaming Control Board (GCB), the Secretary of State cautions candidates against holding a raffle for fundraising purposes. <https://www.nmgcb.org/>.

DISCLAIMERS IN ADVERTISEMENTS

Campaign Signs and Campaign Materials:

A person who makes one or more campaign expenditures, coordinated expenditures, or independent expenditures for an advertisement that, in aggregate, exceed one thousand dollars (\$1,000) during the election cycle, shall ensure that the advertisement contains the name of the candidate, committee, or other person who authorized and paid for the advertisement.

Exceptions to the above requirement include:

1. bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed; or
2. skywriting, water towers, wearing apparel or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.

Disclaimer statements shall be legible on any advertisement that is disseminated or displayed by visual media. If the advertisement is transmitted by audio media, the statement shall be clearly spoken during the advertisement. If the advertisement is transmitted by audiovisual media, the statement shall be both written legibly and spoken clearly by the advertisement (see 1-19-26.4, NMSA 1978).

For other issues regarding appropriate contributions and expenditures, please refer to the Campaign Reporting Act and any administrative rules related to campaign finance at <https://www.sos.state.nm.us/candidate-and-campaigns/> AND <https://www.sos.state.nm.us/legislation-and-lobbying/legal-resources/nm-administrative-rules/>

PRIMARY ELECTION REPORTING DEADLINES

- **First Primary Report:** Due April 11, 2022
(reporting period is October 5, 2021 through April 4, 2022)
- **Second Primary Report:** Due May 9, 2022
(reporting period is April 5, 2022 through May 2, 2022)
- **Third Primary Report:** Due June 2, 2022,
(reporting period is May 3, 2022 through May 31, 2022)
- **Fourth Primary Report:** Due July 7, 2022
(reporting period is June 1, 2022 through July 2, 2022)

GENERAL ELECTION REPORTING DEADLINES

- **First General Report:** Due September 12, 2022
(reporting period is July 3, 2021 through September 5, 2022)
- **Second Primary Report:** Due October 11, 2022
(reporting period is September 6, 2022 through October 3, 2022)
- **Third Primary Report:** Due November 3, 2022,
(reporting period is October 4, 2022 through November 1, 2022)
- **Fourth Primary Report:** Due January 9, 2023
(reporting period is November 2, 2022 through December 31, 2022)

Candidates are required to file reports or a statement of no activity according to the schedule prescribed in Section 1-19-29, NMSA 1978 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 Section 1-19-29.1; and
- the bank account has been closed.

This applies to candidates that receive a certificate of nomination as well as to candidates who DO NOT receive a certificate of nomination after completion of the primary.

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.

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 canvasses are 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.

The individual county canvassing boards must meet within three days of the election to canvass the election results and no later than ten days from the date of the election. A county canvassing board in a county with more than one hundred fifty thousand voters (150,000) shall meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than thirteen days from the date of the election.

The state canvassing board shall meet in the State Capitol on the third Tuesday after the election, June 28, 2022. No sooner than thirty-one (31) days after the election, the state canvassing board shall issue certificates of nomination to the appropriate prevailing candidates. Accordingly, prevailing candidates should not expect to receive their certificates of nomination prior to July 8, 2022.

ITEMS OF NOTE

Public Financing Information: (Sections 1-19A-1 to 1-19A-17, NMSA 1978)

The Voter Action Act (VAA) provides individuals seeking candidacy for covered 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 Office of the Secretary of State (SOS).

Candidates for 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.

The following covered offices are eligible to apply for public financing in the 2022 election cycle:

1. Supreme Court Justice Positions
2. Court of Appeals Positions
3. Second Judicial District Positions
4. Third Judicial District Positions
5. Fourth Judicial District Positions
6. Fifth Judicial District Positions
7. Seventh Judicial District Positions
8. Twelfth Judicial District Positions

Participation in public financing is optional. Candidates that opt to participate are required to follow the application process prescribed by the SOS to meet all requirements for certification as set forth in the VAA.

Third Party Agents Collecting Applications: (Section 1-6-4.3, 1978)

- A person or organization that is not part of a government agency and that collects applications for mailed ballots shall submit the applications to the appropriate office for filing within forty-eight hours of their completion or the next business day if the appropriate office is closed for that forty-eight-hour period.

- A person who collects applications for mailed ballots and fails to submit a voter's completed application is guilty of a petty misdemeanor.
- A person who intentionally alters another voter's completed application for a mailed ballot is guilty of a fourth-degree felony.

Absentee Ballot Delivery to County Clerk: (Section 1-6-10.1, NMSA 1978)

- A voter, caregiver to that voter or member of that voter's **immediate family** may deliver that voter's absentee ballot to the county clerk in person or by mail, provided that the voter has subscribed the official mailing envelope of the absentee ballot. **As used in this section, "immediate family" means the spouse, children, parent, or sibling of a voter.**
- Unlawful possession of an absentee ballot is a fourth-degree felony (see 1-20-7, NMSA 1978).

If the voter's signature or the required voter identification is missing, the presiding judge shall write "Rejected" on the front of the official mailing envelope. The judge or election clerk shall enter the voter's name in the signature rosters or register and shall write the notation "Rejected--Missing Signature" or "Rejected—Missing Required Voter Identification" in the "Notations" column of the register. The presiding judge shall place the official mailing envelope unopened in a container provided for rejected ballots (see 1-6-14 (B), NMSA 1978).

Offenses and Penalties: Chapter 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:

Electioneering too close to polling place: (Section 1-20-16, 1978)

Campaigning is prohibited within 100 feet of the building containing a polling place when the polling place is located 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.

Obstruction of the polling place: (Section 1-20-17, NMSA 1978)

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.

Election challengers, watchers, & observers: (Section 1-2-22, NMSA 1978)

New Mexico law permits properly designated individuals to serve as challengers and watchers during early voting and on Election Day. Being a challenger or watcher gives the individual access to a specified early voting center or polling place to observe voting activities. Additional information can be found on the SOS website at <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/election-challengers-watchers-observers-information/>