

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 6 PARTY POSITION ON GENERAL ELECTION BALLOT

1.10.6.1 ISSUING AGENCY: Office of the Secretary of State.
[1.10.6.1 NMAC - Rp, 1.10.6.1 NMAC, 8/28/2018]

1.10.6.2 SCOPE: This rule applies to any general election.
[1.10.6.2 NMAC - Rp, 1.10.6.2 NMAC, 8/28/2018]

1.10.6.3 STATUTORY AUTHORITY: Election Code, Section 1-10-8.1 and Section 1-2-1 NMSA 1978.
[1.10.6.3 NMAC - Rp, 1.10.6.3 NMAC, 8/28/2018]

1.10.6.4 DURATION: Permanent.
[1.10.6.4 NMAC - Rp, 1.10.6.4 NMAC, 8/28/2018]

1.10.6.5 EFFECTIVE DATE: August 28, 2018 unless a later date is cited at the end of a section.
[1.10.6.5 NMAC - Rp, 1.10.6.5 NMAC, 8/28/2018]

1.10.6.6 OBJECTIVE: To provide the procedures to determine the order for political parties for the partisan offices on the general election ballot.
[1.10.6.6 NMAC - Rp, 1.10.6.6 NMAC, 8/28/2018]

1.10.6.7 DEFINITIONS: [RESERVED]
[1.10.6.7 NMAC - Rp, 1.10.6.7 NMAC, 8/28/2018]

1.10.6.8 PROCEDURES FOR DETERMINING BALLOT POSITION:

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

B. The secretary of state shall send notice to each chairperson of a qualified political party not less than two weeks prior to such drawing.

C. On the last Friday in the month of August in the year in which a general election is to be held, the state chairperson of each political party qualified to participate in the election, or a designated representative with written authorization by such chairperson, shall meet in the office of the secretary of state at a time specified in the notice. At this time, the chairperson, or the designated representative, shall proceed to draw by lot for the position of the chairperson's party on the general election ballot.

D. There shall be placed in a suitable container, capsules containing numbers one through the number that is equivalent to the total number of political parties participating in the general election. The number drawn by each chairperson, or chairperson's designated representative, shall determine the position on the general election ballot that the chairperson's party and the candidates of that party shall occupy, with number one being the first position on the ballot, number two being the second, number three being the third, and so on down the ballot until all parties are placed on the ballot. In the event no state chairperson or designated representative appears as notified for such drawing, the secretary of state shall draw on behalf of that political party.

E. The names of all unaffiliated candidates, or candidates who decline to state a party affiliation shall be printed on the ballot as "Independent" and shall be positioned on the ballot below or after candidates affiliated with a political party, if any. In the event two or more independent candidates run for the same office, their names shall be located on the ballot in alphabetical order.

F. If a person has filed to be a qualified write-in candidate for a particular office, a space shall be printed on the ballot after the listing of other candidates for that office pursuant to Section 1-10-13 NMSA 1978.
[1.10.6.8 NMAC - Rp, 1.10.6.8 NMAC, 8/28/2018]

HISTORY OF 1.10.6 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives under:

SOS Rule No. 79-2, Rule for Determination of Ballot Position in General Elections, 7/27/1979.

SOS Rule No. 79-2, Amendment No. 1, 2/9/1982.

History of Repealed Material:

1.10.6 NMAC - Party Position On General Election Ballot, filed 12/15/1997, was repealed and replaced by 1.10.6 NMAC - Party Position On General Election Ballot, effective 8/28/2018.