

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 11 ORDER OF OFFICES ON THE BALLOT

1.10.11.1 ISSUING AGENCY: Office of the Secretary of State (SOS).
[1.10.11.1 NMAC - Rp, 1 NMAC 10.11.1, 2/12/2016]

1.10.11.2 SCOPE: This rule applies to any statewide primary or general election.
[1.10.11.2 NMAC - Rp, 1 NMAC 10.11.2, 2/12/2016]

1.10.11.3 STATUTORY AUTHORITY: Election Code, Section 1-10-8 NMSA 1978.
[1.10.11.3 NMAC - Rp, 1 NMAC 10.11.3, 2/12/2016]

1.10.11.4 DURATION: Permanent.
[1.10.11.4 NMAC - Rp, 1 NMAC 10.11.4, 2/12/2016]

1.10.11.5 EFFECTIVE DATE: February 12, 2016, unless a later date is cited at the end of a section.
[1.10.11.5 NMAC - Rp, 1 NMAC 10.11.5, 2/12/2016]

1.10.11.6 OBJECTIVE: To establish the order of offices and to standardize the appearance of candidate names on the paper ballots in a primary or general election.
[1.10.11.6 NMAC - Rp, 1 NMAC 10.11.6, 2/12/2016]

1.10.11.7 DEFINITIONS:

A. “Judicial offices in partisan contest” means the non-retention, partisan election of supreme court justice and judge of the court of appeals as well as district court judges (13 districts), magistrate court judges and metropolitan court judges.

B. “Non-judicial state offices to be voted on at large” means the governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor and commissioner of public lands.

C. “Other district offices” means districted offices including the public regulation commissioner (five districts), public education commissioner (10 districts), and district attorneys (13 districts).

D. “Other questions” means those ballot questions to be placed on the ballot which are authorized by a law other than Section 1-10-8 NMSA 1978 including general obligation bonds, constitutional amendments, and other propositions.

[1.10.11.7 NMAC - Rp, 1 NMAC 10.11.7, 2/12/2016]

1.10.11.8 ORDER OF OFFICES ON THE STATEWIDE BALLOT:

A. The ballot used in the primary and general elections shall contain, when applicable, the offices to be voted on in the following order:

- (1) president and vice president;
- (2) United States senator;
- (3) United States representative;

B. Non-judicial state offices, when applicable, shall be in the following order on the primary election ballot. The order of the non-judicial state offices on the general election ballot shall be the same as in the primary election except, per New Mexico state constitution Article 5, Section 1, the governor and lieutenant governor shall be elected jointly by the casting by each voter of a single vote applicable to both offices.

- (1) governor;
- (2) lieutenant governor;
- (3) secretary of state;
- (4) state auditor;
- (5) state treasurer;
- (6) attorney general;
- (7) commissioner of public lands.

C. When applicable, the ballot used in the primary and general elections shall continue in the following order:

- (1) state senator;

(2) state representative.

D. When applicable, other districted offices shall be in the following order on the primary and general election ballot:

- (1) public regulation commissioner;
- (2) public education commissioner;
- (3) district attorney.

E. Judicial offices in partisan contests, when applicable, shall be in the following order on the primary and general election ballot:

- (1) supreme court justice in the order in which the position became vacant designated for purposes of ballot order by numerical position (Position 1, Position 2, Position 3, etc.);
- (2) court of appeals judge in the order in which the position became vacant designated for purposes of ballot order by numerical position (Position 1, Position 2, Position 3, etc.);
- (3) district court judge, in numerical order by division;
- (4) magistrate or metropolitan court judge, when applicable, in numerical order by division.

F. When applicable, the ballot used in the primary and general elections shall continue in the following order:

- (1) county commissioners or county councilors, in numerical order by district;
- (2) county clerk;
- (3) county treasurer;
- (4) county assessor;
- (5) county sheriff;
- (6) probate judge.

G. When applicable, the ballot used in the general elections shall continue with other questions. At least 63 days before each general election, the SOS shall determine the order of each category of other questions, taking into account the need for a common back side for ballots in certain counties to reduce costs and to increase the efficiency of the check-in procedure for voters when using on demand ballot printing systems. The categories of other questions are:

- (1) statewide judicial offices in retention elections, including supreme court and court of appeals, when applicable, in the order of seniority of each judicial officer;
- (2) district court retention elections, when applicable, in numerical order by division;
- (3) metropolitan court retention elections, when applicable, in numerical order by division;
- (4) constitutional amendments, in the order passed by the legislature;
- (5) general obligation bonds, in the order described in the chaptered General Obligation

Bond Act;

- (6) other statewide questions, otherwise authorized by law for placement on the ballot;
- (7) local government ballot questions, in the order prescribed by the applicable county

commission or county council.

[1.10.11.8 NMAC - N, 2/12/2016; A, 04/24/2018]

1.10.11.9 APPEARANCE OF NAME ON THE BALLOT: A candidate's name appearing on the ballot shall be printed as it appears on the candidate's certificate of registration, notwithstanding the following:

- A.** The last name printed on the ballot must match the candidate's legal last name.
- B.** Academic, honorific, and elected titles will not be printed on the ballot.
- C.** Periods after initials will not be printed on the ballot.
- D.** Punctuation common to names, other than periods, will be printed on the ballot as it appears on the candidate's certificate of registration.
- E.** Only letters and punctuation utilized in roman typefaces will be printed on the ballot.

[1.10.11.9 NMAC - N, 2/12/2016]

1.10.11.10 CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR ON THE BALLOT: Pursuant to the New Mexico state constitution Article 5, Section 1, the governor and lieutenant governor shall be elected jointly by the casting by each voter of a single vote applicable to both offices.

A. Primary Election Ballot. In the event that at least one candidate of the same major party fails to file or does not qualify for both the office of governor and lieutenant governor, then no candidate for either position shall appear on the primary election ballot for that party in order to comply with the New Mexico state constitution Article 5, Section 1.

B. General Election Ballot. In the event that at least one independent candidate or candidate for the same minor party fails to file for or does not qualify for both the office of governor and lieutenant governor, then no candidate for either position shall appear on the general election ballot for that party in order to comply with the New Mexico state constitution Article 5, Section 1. For example, if an independent candidate for governor files and otherwise qualifies for appearance on the ballot but no independent candidate files for lieutenant governor, then the candidate for governor shall not appear on the ballot.

C. If an odd number of independent candidates for governor and lieutenant governor file and otherwise qualify to appear on the general election ballot, the qualifying candidates may choose to designate one another, on a form prescribed by the secretary of state, in order to determine which candidates will appear on the general ballot in compliance with the New Mexico state constitution Article 5, Section 1. For example, if two independent candidates for governor file and otherwise qualify for appearance on the ballot and only one independent candidate for lieutenant governor files and otherwise qualifies for appearance on the ballot, two of the candidates would complete the prescribed form in order to designate one another to determine which one of the two candidates for governor will appear with the candidate for lieutenant governor on the general election ballot. Failure to designate, will result in the drawing by lot as described in subsection D.

D. As an alternative to subsection C, if the independent candidates for governor and lieutenant governor fail to designate one another, a drawing by lot will be conducted by the secretary of state to determine the candidates to appear on the general ballot. The drawing by lot will be conducted on the first Wednesday in the month of September in the year in which a general election is to be held.

[1.10.11.10 NMAC - N, 04/24/2018]

HISTORY OF 1.10.11 NMAC:

1 NMAC 10.11, Order of Offices on the Ballot, filed 11/25/1997 - Repealed effective 2/12/2016.