



Office of the New Mexico
Secretary of State
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2021 Regular Local Election Candidate Guide

2021 Candidate Information Guide Revision History

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About This Guide

This publication, prepared by the Office of the New Mexico Secretary of State, Bureau of Elections, serves as an easy-to-use reference for candidates seeking office in the 2021 Regular Local Election, and for anyone interested in the election process in New Mexico.

Please note, this guide is intended merely as a reference, not as a legal authority. This guide does not supersede federal or state laws or rules, and it does not have the force of law. Please always consult the local government's specific governing statute, charter, or ordinance for the specific requirements to hold elected office.

Copies of the New Mexico Election Code and other applicable laws are available in the *2019 Election Handbook of the State of New Mexico*, published on our website www.sos.state.nm.us.

If you have any questions about this guide's information or if you have questions regarding elections that are not provided for in this guide, please feel free to call the Bureau of Elections at 1-800-477-3632 or (505) 827-3600, or email sos.elections@state.nm.us.

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Regular Local Election – General Information

The Local Election Act (LEA), passed by the New Mexico Legislature in 2018, provides a consolidated local election to be conducted in New Mexico. In addition, the New Mexico Legislature signed HB 407 on April 3, 2019, which provided additional updates to the LEA.

The LEA repeals the Municipal and School Board Election Codes and requires all elections to follow uniform election procedures for the call, conduct, and canvass of all elections. The LEA established two new statewide elections:

1. Regular Local Election (RLE): the biennial local election at which local governing body members are elected pursuant to the provisions of the LEA held every November of odd years.
2. Municipal Officer's Election: municipalities that have not opted into the RLE will elect executive and judicial officers during this election held every March of even-numbered years.

In addition to candidates, a Regular Local Election ballot may contain ballot questions proposed by the state, county, or local government or as otherwise provided by law.

All Special Local Elections in New Mexico will be conducted pursuant to the provisions of the Special Election Act. §§ 1-24-1 to - 5.

Regular Local Election – Important Dates

August 4, 2021:

The secretary of state shall by resolution issue a public proclamation in Spanish and English calling a Regular Local Election. The proclamation shall be issued and filed by the secretary of state in the office of the secretary of state ninety (90) days preceding the date of the Regular Local Election and, upon filing the proclamation, the secretary of state shall post the proclamation and certify it to each county clerk. *NMSA 1978, § 1-22-4(B)*.

August 24, 2021: CANDIDATE FILING DAY

A candidate for a position that will be filled at a local election shall file a **declaration of candidacy** with the proper filing officer (County Clerk's Office) during the period commencing at 9:00 a.m. on the seventieth (70) day before the date of the local election and ending at 5:00 p.m. on the same day. *NMSA 1978, § 1-22-7(A)*.

- A candidate shall file for only one position in the same local government but may file for a position in more than one local government on the same filing day. *NMSA 1978, § 1-22-7(B)*.
- A declaration of candidacy shall not be amended after it has been filed. *NMSA 1978, § 1-22-7(C)*.
- Each declaration of candidacy shall be delivered for filing in person by the eligible candidate or by a person acting by virtue of written authorization. The proper filing officer shall not accept for filing from any one individual more than one declaration of candidacy. *NMSA 1978, § 1-22-7(D)*.
- No person shall become a candidate in a local election unless the person's record of voter registration shows that the person is a qualified elector of the state, physically resides in the district in which the person is a candidate and was registered to vote in the district on the date the proclamation calling a local election is filed in the office of the secretary of state. *NMSA 1978, § 1-22-3(B)*.

August 31, 2021:

A person desiring to be a **write-in candidate** for an office shall file with the proper filing officer a declaration of candidacy. The declaration shall be filed between 9:00 a.m. and 5:00 p.m. on the sixty-third (63) day preceding the date of the election. The county clerk shall ensure that a declaration of candidacy filed pursuant to this section specifies that it is for a write-in candidate. *NMSA 1978, § 1-22-8.1(C)*.

August 31, 2021:

A candidate seeking to **withdraw** from a local election shall withdraw no later than the sixty-third (63) day before that election by filing a signed and notarized statement of withdrawal with the proper filing officer. *NMSA 1978, § 1-10-6(C)*.

October 5, 2021:

Commencing on the twenty-eighth (28) day preceding the election, a voter may cast an **absentee** ballot or vote in person on an electronic voting system in the county clerk's office during regular business hours and from 10:00 a.m. to 6:00 p.m. on the Saturday immediately prior to the election. *NMSA 1978, § 1-6-5.7 (A)*.

October 16, 2021:

Commencing on the third (3) Saturday prior to an election **a voter may vote in person on a voting system at an alternate voting location established by the county clerk.** *NMSA 1978, § 1-6-5.7(B).*

October 26, 2021:

Upon written notice filed with the secretary of state no later than seven (7) days before the election, any group of three (3) candidates in a local election may appoint **watchers** in a county who shall have the powers and be subject to the restrictions provided for watchers in the Election Code. *NMSA 1978, § 1-2-27 (B).*

October 30, 2021:

On the Saturday immediately preceding the election, **absentee and early voting ends.** *NMSA 1978, § 1-6-5.7(B).*

November 2, 2021: ELECTION DAY

A Regular Local Election shall be held on the first (1) Tuesday after the first (1) Monday in November of each odd-numbered year. *NMSA 1978, § 1-22-3(A).*

- A local election shall be held to elect qualified persons to membership on a local governing body and, where applicable, to municipal executive office and to municipal judicial office. *NMSA 1978, §§ 1-22-3(B) –1-22-3.1(A).*
- In addition to candidates in the election, a Regular Local Election ballot may contain ballot questions proposed by the state, county, or local government, or as otherwise provided by law. *NMSA 1978, § 1-22-3(C).*

After November 8, 2021:

The county canvassing board shall meet to approve the report of the canvass of the returns and declare the results no sooner than six (6) days and no later than ten (10) days from the date of the election. A county canvassing board in a county with more than one hundred fifty thousand (150,000) voters shall meet to approve the report of the canvass of the returns and declare the results no sooner than six (6) days and no later than thirteen (13) days from the date of the election. *NMSA 1978, § 1-13-13(A).*

November 23, 2021:

The state canvassing board shall meet in the state capitol on the third (3) Tuesday after each statewide election and proceed to approve the report of the canvass and declare the results of the election or nomination of each candidate or ballot question voted upon by the entire state and by the voters of more than one (1) county. *NMSA 1978, §1-13-15.*

January 1, 2022: START DATE OF OFFICERS ELECTED TO SERVE FULL TERMS

The term of office of a candidate elected in a Regular Local Election or ensuing top-two runoff election shall begin on January 1 following the candidate's election, and the candidate to whom a certificate of election has been issued shall take the oath of office before entering upon the duties of office. *NMSA 1978, § 1-22-18.*

General Eligibility Requirements for Regular Local Election Offices

A person must be a registered voter and possess the qualifications specified by law to become a candidate for any office on the Regular Local Election ballot,

Voter Registration 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:

- For offices with district or county residency requirements, eligibility is determined by reviewing the candidate's voter registration address as of the date of the election proclamation. *NMSA 1978, §§ 1-22-3 (B), 1-22-8 and 1-22-10.*
- Residency 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. *NMSA 1978, § 1-1-7.1.*
- The candidate's name will appear on the ballot to match the voter registration record on file. If a candidate's voter registration includes a middle name or initial, it will be included on the ballot. *NMSA 1978, § 1-10-6.*
- The candidate shall provide the proper filing officer with the same name as registered when they file for office. Any changes to voter registration must be effective on or before the date of the Election Proclamation. **Attempted changes to ballot name appearance at the time of candidate filing is NOT allowed.**

Candidates may review their current voter registration information by looking up their voter registration record on <https://voterportal.servis.sos.state.nm.us/WhereToVote.aspx> or by contacting their proper filing officer for a copy of their voter registration certificate.

Felony Convictions: A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality, or a district, unless the person has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship. *NMSA 1978, § 31-13-1(E).*

Special Eligibility Requirements

In addition to meeting the age, residency, and other general requirements, some offices and municipalities have additional candidate eligibility requirements. Please always consult the local government's specific governing statute, charter, or ordinance for the specific requirements to run for an elected office.

The governing statutes for the most common districts are below. Please contact your county clerk directly if the local government information you are interested in is not listed:

Water & Sanitation District – NMSA 1978, §§ 73-21-1 — 73-21-55

Soil & Water District – NMSA 1978, §§ 73-20-1 — 73-20-49

Watershed District – NMSA 1978, §§ 73-20-1 — 73-20-49

Special Hospital District – NMSA 1978, §§ 4-48A-1 — 4-48A-30

Branch College District – NMSA 1978, §§ 21-14-1 — 21-14-16; 1-22A-1 — 1-22A-10

Community College District – NMSA 1978, §§ 21-13-1 – 21-13-18.2

School District – NMSA 1978, §§ 22-5-1 — 22-5-3.1

Flood Control District – NMSA 1978, §§ 72-18-1 — 72-18-70

Tax Improvement District – NMSA 1978, §§ 5-15-1 — 5-15-28

Public Improvement District – NMSA 1978, §§ 5-11-1 — 5-11-27

Municipalities Electing Officers on the 2021 Regular Local Election Ballot¹

1. City of Albuquerque
2. City of Alamogordo
3. City of Belen
4. City of Eunice
5. City of Las Cruces
6. City of Lordsburg
7. City of Rio Communities
8. City of Santa Fe
9. City of Sunland Park
10. Town of Estancia
11. Town of Hagerman
12. Town of Hurley
13. Town of Lake Arthur
14. Town of Mountainair
15. Town of Springer
16. Town of Tatum
17. Village of Angel Fire
18. Village of Cimarron
19. Village of Corona
20. Village of Des Moines
21. Village of Eagle Nest
22. Village of Grenville
23. Village of Hatch
24. Village of Los Ranchos
25. Village of Magdalena
26. Village of Maxwell
27. Village of Reserve
28. Village of Tijeras
29. Village of Virden
30. Village of Wagon Mound

¹ This list will be updated after June 30th, 2021.

Filing for Candidacy

Individuals seeking candidacy shall file a declaration of candidacy to the proper filing officer on the seventieth (70) day before the Regular Local Election between 9:00 a.m. and 5:00 p.m. A candidate shall file for only one (1) position in the same local government but may file for a position in more than one (1) local government at the same time. *NMSA 1978, § 1-22-7.*

The proper officer for purpose of filing declarations of candidacy and candidate qualification documents by all other candidates is the county clerk of the county in which the candidate resides. *NMSA 1978, § 1-1-5.9.*

******Please note that some candidate requirements, such as nomination petitions, public financing, and campaign finance reporting, are specific to each local government. Please check with the local government or the applicable county clerk's office to determine what additional documentation may be required to become a candidate.

When to file

August 24, 2021, between 9:00 a.m. and 5:00 p.m.

What to file

Each candidate filing to appear on the Regular Local Election ballot must submit the following completed forms to the proper filing officer during the designated hours:

- Declaration of Candidacy.
- Nominating Petitions (**if required**).
- Affidavit of Designee for Filing (only if someone is filing on behalf of the candidate).

Where to file

All candidates will file at the county clerk's office, in the county where they are registered to vote.

Filing for Candidacy as a Write-In Candidate

Individuals may be a write-in candidate only if the person has the qualifications to be a candidate for the position for which the person is running. A person desiring to be a write-in candidate for an office shall file a declaration of candidacy on the sixty-third (63) day before the election between 9:00 a.m. and 5:00 p.m. *NMSA 1978, § 1-22-8.1 (B), (C)*.

****Please note that some candidate requirements, such as nomination petitions, public financing, or campaign finance reports, are specific to each local government. Please check with the local government or the county clerk's office to find out what additional documentation may be required to become a candidate.**

When to file

August 31, 2021, between 9:00 a.m. and 5:00 p.m.

What to file

Each candidate filing to appear on the Regular Local Election ballot must submit the following completed forms to the proper filing officer during the designated hours:

- Declaration of Intent to be a Write-In Candidate.
- Nominating Petitions (**if required**).
- Affidavit of Designee for Filing (only if someone is filing on behalf of the candidate).

Where to file

All candidates will file at the county clerk's office, in the county where they are registered to vote.

Withdrawing Candidacy

Candidates who decide to withdraw their candidacy must submit a signed and notarized Affidavit of Withdrawal of Candidacy by the deadline to the proper filing officer.

A candidate's name shall not be printed on the ballot if at least seventy (70) days before a general election, sixty-three (63) days before a primary election or **regular local election**, or seven (7) days after the filing day for declarations of candidacy for any other election:

- The candidate files with the proper filing officer a signed and notarized statement of withdrawal as a candidate in that election;
- A judicial determination is made that the candidate does not qualify to be a candidate for the office sought;
- The voter registration of the candidate is updated by the candidate in such manner that the candidate does not qualify to be a candidate for the office sought; or
- The voter registration of the candidate is canceled for any reason provided in Chapter 1, Article 4 NMSA 1978, § 1-10-6 (C)

Deadline to withdraw from the Local Election: **August 31, 2021**

*****School Board District and College Board District candidates who withdraw and are subject to the School District Campaign Reporting Act, are still obligated to file a final campaign finance report no later than the next report deadline or continue to file reports as described in the Campaign Reporting Act. Failure to comply with these requirements will result in monetary fines.***

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 proper filing officer. Be certain of who your appropriate filing officer is and the location of their office. If you have any questions about who your appropriate filing officer is, please call the Bureau of Elections at 1 (800) 477-3632 or (505) 827-3600 or email sos.elections@state.nm.us.
- Be prepared with all necessary information and have all forms completed. Please keep in mind that some of the forms will require a notarized signature.
- Candidates must file in person, either themselves or via a proxy with 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 only file for one office within the same local government in an election cycle. *NMSA 1978, § 1-22-7.*

Candidate Challenges

Pursuant to Section 1-22-10, any voter may challenge the candidacy of any person seeking election at the Regular Local Election for the reason that the person does not meet the requirements for the office sought by filing a petition in the district court within seven (7) days after the day for filing a declaration of candidacy. The district court shall hear and render a decision on the matter within ten (10) days after the filing of the petition. The decision of the district court may be appealed to the Supreme Court within five (5) days after the decision is rendered. The Supreme Court shall hear and render a decision on the appeal forthwith.

Ballot Appearance

Regular Local Election ballots maintain a standard appearance according to the NMSA 1978, Section 1-10-8(C), with offices listed in the following order:

1. Municipal offices, with elective executive officers listed first, governing board members listed second, and judicial officers listed third;
2. Board of education of a school district;
3. Community college, branch community college, technical and vocational institute district, or learning center district, and
Special district listed in order by voting population of each special district, with the most populous listed first and the least populous listed last.

Pursuant to Section 1-22-3(B), Regular Local Elections are nonpartisan. Candidate names will appear on the ballot with no party or slate designation.

The names of candidates for the same office will be ordered based upon the first letter in each candidate's last name according to the order of letters in the 2021 New Mexico Election Alphabet.

When two or more candidates for the same office share the same first letter in each candidate's last name, the order of the candidate names is resolved by applying the New Mexico election alphabet to each subsequent letter in each candidate's last name until a discernment can be ascertained between candidate names.

The 2021 New Mexico Election Alphabet was randomly generated on January 15th, 2021. For more information about this process go to our website www.sos.state.nm.us.

Runoff Elections

All runoff elections authorized by Article 7, Section 5 of the Constitution of New Mexico shall be conducted pursuant to this section as a top-two runoff election or as a ranked-choice runoff election as follows:

- A top-two runoff election shall be conducted on a separate ballot when the candidate receiving the most votes for an office did not receive the percentage of votes required. When ordered, the top-two runoff election shall be held following the Regular Local Election and allow the voter to select between the two (2) candidates who in the first round of voting received the highest number of votes for an office. *NMSA 1978, § 1-22-16(A)(1)*.
- A ranked-choice runoff election shall be conducted on the same ballot as the Regular Local Election and allow the voter to rank the candidates for an office in the order of preference for the voter. *NMSA 1978, § 1-22-16(A)(2)*.

In both cases, no additional action is required on the part of the candidate.

Candidate Forms

Prescribed forms will be made available on the Secretary of State's website this summer (early summer).