This rule was filed as 1 NMAC 10.7.

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS

PART 7 DETERMINATION OF BALLOT POSITION FOR UNITED STATES

REPRESENTATIVE SPECIAL ELECTIONS

1.10.7.1 ISSUING AGENCY: Office of the Secretary of State

[3/15/97; Recompiled 11/30/01]

1.10.7.2 SCOPE: This rule applies to any United States representative special election.

[3/15/97; Recompiled 11/30/01]

1.10.7.3 STATUTORY AUTHORITY: Election Code, Section 1-2-1(A)(2) and 1-15-18.1 NMSA 1978.

[3/15/97; Recompiled 11/30/01]

1.10.7.4 DURATION: Permanent

[3/15/97; Recompiled 11/30/01]

1.10.7.5 EFFECTIVE DATE: March 15, 1997, unless a later date is cited at the end of a section or paragraph.

[3/15/97; Recompiled 11/30/01]

[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

1.10.7.6 OBJECTIVE: To determine by lot the order of preference for position on the voting machines, emergency paper ballots, alternative ballots, early-absentee ballots and absentee ballots of all candidates for the office of United States representative in a United States representative special election. [3/15/97; Recompiled 11/30/01]

1.10.7.7 DEFINITIONS: [RESERVED]

1.10.7.8 PROCEDURES FOR DETERMINING BALLOT POSITION:

- A. The names of the candidates of each political party qualified to participate in a United States representative special election shall be placed by party on the United States representative special election ballot in the order as determined by lot.
- B. On the first Wednesday after the last filing day in the year in which a United States representative special election is to be held, the state chairman of each political party qualified to participate in the United States representative special election, or his designated representative with written authorization by such chairman, shall meet in the office of the secretary of state at a time specified in a notice sent by the secretary of state to each chairman by certified mail, return receipt requested, not less than two weeks prior to such meeting. At this meeting, the chairman or his designated representative shall proceed to draw by lot for the position of his party on the United States representative special election ballot.
- C. In accordance with Section 1-10-8.1 NMSA 1978 the order of preference shall be as follows: A. Major political parties: The order of preference of major political parties for purposes of this section shall be: first, the top row, with the offices proceeding from left to right across the machine or paper ballot; second, the second row, with the offices proceeding from left to right across the machine or paper ballot; and thereafter, consecutively down each row in the same manner until all major parties and their candidates are positioned on the ballot. B. Minor political parties: The order of preference of minor political parties for purposes of this section in the positions below the major parties on the machine or ballot shall be: first, the top row, with the offices proceeding from left to right across the machine or paper ballot; second, the second row, with the offices proceeding from left to right across the machine or paper ballot; and thereafter, consecutively down each row in the same manner until all minor parties and their candidates are positioned on the 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 major political parties participating in the United States representative special election. The number drawn by each major party state chairman or his designated representative shall

determine the position on the United States representative special election ballot that his party and its candidates 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 major parties are placed on the ballot. The same procedure shall be followed in a separate drawing for minor parties' ballot positions. In the event a state party chairman or his designated representative fails to appear as notified for such drawing, the secretary of state shall draw for that political party.

- E. The names of all independent candidates shall be printed on the United States representative special election ballot in a position under the heading "Independent" which position shall be located below or after the political party positions. 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. The sample ballot posted in each polling place and all sample ballots distributed to each polling place shall reflect the actual positioning of parties on the voting machine in that precinct. [3/15/97; Recompiled 11/30/01]

HISTORY OF 1.10.7 NMAC: [RESERVED]