

1 SENATE BILL 254

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Mark Moores

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9  
10 AN ACT

11 RELATING TO ELECTIONS; ENACTING NEW PROCEDURES FOR FILLING A  
12 VACANCY IN THE OFFICE OF UNITED STATES REPRESENTATIVE;  
13 PROVIDING FOR A SPECIAL MAJOR POLITICAL PARTY PRIMARY AND  
14 SUBSEQUENT SPECIAL GENERAL ELECTION TO FILL THE VACANCY;  
15 PRESCRIBING DECLARATION OF CANDIDACY REQUIREMENTS; REQUIRING  
16 CANDIDATES REGARDLESS OF POLITICAL PARTY AFFILIATION TO PAY A  
17 FILING FEE OR FILE A NOMINATING PETITION IN LIEU OF FEES;  
18 MAKING CONFORMING CHANGES; AMENDING, REPEALING AND ENACTING  
19 SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. Section 1-8-33 NMSA 1978 (being Laws 1973,  
23 Chapter 228, Section 7, as amended) is amended to read:

24 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--  
25 NUMBER OF SIGNATURES REQUIRED.--

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1           A. As used in this section, "total vote" means the  
2 sum of all votes cast for all of the party's candidates for  
3 governor at the last preceding primary election at which the  
4 party's candidate for governor was nominated.

5           B. Candidates who seek preprimary convention  
6 designation shall file nominating petitions at the time of  
7 filing declarations of candidacy. Nominating petitions for  
8 those candidates shall be signed by a number of voters equal to  
9 at least two percent of the total vote of the candidate's party  
10 in the state or congressional district, or the following number  
11 of voters, whichever is greater: for statewide offices, two  
12 hundred thirty voters; and for congressional candidates,  
13 seventy-seven voters.

14           C. Nominating petitions for candidates for any  
15 other office to be voted on at the primary election for which  
16 nominating petitions are required shall be signed by a number  
17 of voters equal to at least three percent of the total vote of  
18 the candidate's party in the district or division, or the  
19 following number of voters, whichever is greater: for  
20 metropolitan court and magistrate courts, ten voters; ~~[for the~~  
21 ~~public regulation commission, fifty voters]~~ for the public  
22 education commission, twenty-five voters; for state  
23 representative, ten voters; for state senator, seventeen  
24 voters; and for district attorney and district judge, fifteen  
25 voters.

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1           D. A nominating petition to fill a vacancy in the  
2 office of United States representative shall be signed by a  
3 number of voters equal to at least one percent of the total  
4 number of votes cast in the district.

5           ~~[D-]~~ E. A candidate who fails to receive the  
6 preprimary convention designation that the candidate sought may  
7 collect additional signatures to total at least four percent of  
8 the total vote of the candidate's party in the state or  
9 congressional district, whichever applies to the office the  
10 candidate seeks, and file a new declaration of candidacy and  
11 nominating petitions for the office for which the candidate  
12 failed to receive a preprimary designation. The declaration of  
13 candidacy and nominating petitions shall be filed with the  
14 secretary of state either ten days following the date of the  
15 preprimary convention at which the candidate failed to receive  
16 the designation or on the date all declarations of candidacy  
17 and nominating petitions are due pursuant to the provisions of  
18 the Primary Election Law, whichever is later."

19           SECTION 2. Section 1-8-46 NMSA 1978 (being Laws 1977,  
20 Chapter 322, Section 2) is amended to read:

21           "1-8-46. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
22 STATES REPRESENTATIVE SPECIAL ELECTIONS--RIGHT TO BE PLACED ON  
23 BALLOT.--The name of any independent candidate for an office to  
24 be voted on at a general election or United States  
25 representative special general election shall be placed by the

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1 proper filing officer on such ballot."

2 SECTION 3. Section 1-8-48 NMSA 1978 (being Laws 1977,  
3 Chapter 322, Section 4, as amended) is amended to read:

4 "1-8-48. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
5 STATES REPRESENTATIVE ELECTIONS--DECLARATION OF INDEPENDENT  
6 CANDIDACY AND NOMINATING PETITION.--

7 A. Nomination as an independent candidate shall be  
8 made by filing a declaration of independent candidacy and a  
9 nominating petition with the proper filing officer.

10 B. In making a declaration of independent  
11 candidacy, the candidate for an office other than that of  
12 president or vice president shall submit a sworn statement in  
13 the following form:

14 "DECLARATION OF INDEPENDENT CANDIDACY

15 I, \_\_\_\_\_ (candidate's  
16 name), being first duly sworn, say that:

17 I reside at \_\_\_\_\_;

18 I did not designate any current affiliation  
19 with a qualified political party on my certificate  
20 of registration on or before the date of issuance of  
21 the secretary of state's general election  
22 proclamation in the year of the general election at  
23 which I seek to be a candidate;

24 I meet the qualifications listed in Section  
25 1-8-45 NMSA 1978 for the office that I seek;

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1 I desire to become a candidate for the office  
2 of \_\_\_\_\_, District \_\_\_\_\_  
3 at the general election to be held on the date set  
4 by law for this year or to fill the vacancy in the  
5 office of United States representative at the  
6 special general election to be held on the date set  
7 by law for this year;

8 if the office I seek be a state or county  
9 district office, I actually reside within the  
10 district of the office for which I declare my  
11 candidacy, and if the office I seek be a countywide  
12 office, I actually reside in the county of the  
13 office for which I declare my candidacy;

14 I will be eligible and legally qualified to  
15 hold this office at the beginning of its term;

16 if a candidate for any office for which a  
17 nominating petition is required, I am submitting  
18 with this statement a nominating petition in the  
19 form and manner as prescribed by the Election Code;  
20 and

21 I make the foregoing affidavit under oath or  
22 affirmation knowing that any false statement herein  
23 constitutes a felony punishable under the criminal  
24 laws of New Mexico.

25 \_\_\_\_\_

1 (Declarant)

2 \_\_\_\_\_  
3 (Residence Address)

4 \_\_\_\_\_  
5 (Mailing Address, if different)

6 Subscribed and sworn to or affirmed before me  
7 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
8 (month) (year)

9 \_\_\_\_\_  
10 (Notary Public)

11 My commission expires:

12 \_\_\_\_\_".

13 C. The secretary of state shall prescribe and  
14 furnish the form for the declaration of independent candidacy  
15 for the office of president and vice president."

16 SECTION 4. Section 1-8-50 NMSA 1978 (being Laws 1977,  
17 Chapter 322, Section 6, as amended) is amended to read:

18 "1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
19 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION  
20 FORM.--

21 A. As used in Sections 1-8-45 through 1-8-52 NMSA  
22 1978, "nominating petition" means the authorized form used for  
23 obtaining the required number of signatures of voters that is  
24 signed on behalf of the person wishing to become an independent  
25 candidate for a political office in a general or United States

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1 representative special general election requiring a nominating  
2 petition.

3 B. In making a declaration of candidacy, the  
4 candidate shall file a nominating petition at the same time,  
5 which shall be on forms prescribed by law.

6 C. The nominating petition for an independent  
7 candidate for any office except president of the United States  
8 shall be on paper approximately eight and one-half inches wide  
9 and eleven inches long with numbered lines for signatures  
10 spaced approximately three-eighths of an inch apart and shall  
11 be in the following form:

12 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY

13 I, the undersigned, a registered voter of  
14 New Mexico, hereby nominate \_\_\_\_\_,  
15 who resides at \_\_\_\_\_ in the county  
16 of \_\_\_\_\_, New Mexico, as an independent  
17 candidate for the office of \_\_\_\_\_,  
18 to be voted for at the general election, or United States  
19 representative special general election to be held on  
20 \_\_\_\_\_,  
21 (month) (day) (year)

22 and I declare that I am a registered voter of the state,  
23 district, county or area to be represented by the office  
24 for which the person being nominated is a candidate. I  
25 also declare that I have not signed, and will not sign,

1 any nominating petition for more persons than the number  
2 of candidates necessary to fill the office at the next  
3 ensuing general election or at a United States  
4 representative special general election.

- 5 1. \_\_\_\_\_  
6 (usual (name printed (address as (city or zip  
7 signature) as registered) registered code)  
8 2. \_\_\_\_\_  
9 (usual (name printed (address as (city or zip  
10 signature) as registered) registered code).".

11 D. The nominating petition for an independent  
12 candidate for the office of president of the United States  
13 shall be on paper approximately eight and one-half inches wide  
14 and eleven inches long with numbered lines for signatures  
15 spaced approximately three-eighths of an inch apart and shall  
16 be in the following form:

17 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY  
18 FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES

19 I, the undersigned, a registered voter of New  
20 Mexico, by endorsement hereon, petition that the name of  
21 \_\_\_\_\_ be printed on the general election ballot as  
22 an independent candidate for the office of president of  
23 the United States, to be voted on at the general election  
24 to be held on November \_\_\_\_\_, \_\_\_\_\_. I also declare  
25 that I am that person whose name appears hereon and that I



1 have not signed, nor will I sign, any nominating petition  
2 for any other candidate seeking the office of president of  
3 the United States at the next ensuing general election."

4 E. In March of even-numbered years, the secretary  
5 of state shall post on the secretary of state's [~~web-site~~]  
6 website and shall furnish to each county clerk a sample of the  
7 nominating petition form, a copy of which shall be made  
8 available by the county clerk upon request of any candidate as  
9 provided by the Election Code.

10 F. When more than one sheet is required for a  
11 petition, each of the sheets shall be in the form prescribed by  
12 this section, and all sheets shall be firmly secured by a  
13 staple or other suitable fastening."

14 SECTION 5. Section 1-8-51 NMSA 1978 (being Laws 1977,  
15 Chapter 322, Section 7, as amended) is amended to read:

16 "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
17 STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--REQUIRED  
18 NUMBER OF SIGNATURES.--

19 A. The basis of percentage for the total number of  
20 votes cast in each instance referred to in this section shall  
21 be the total vote cast for governor at the last preceding  
22 general election at which a governor was elected.

23 B. Nominating petitions for an independent  
24 candidate for president of the United States shall be signed by  
25 a number of voters equal to the number of signatures required

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1 to form a new political party.

2 C. Nominating petitions for an independent  
3 candidate for United States senator or any other statewide  
4 elective office shall be signed by a number of voters equal to  
5 at least two percent of the total number of votes cast in the  
6 state.

7 D. Nominating petitions for an independent  
8 candidate for United States representative shall be signed by a  
9 number of voters equal to at least two percent of the total  
10 number of votes cast in the district.

11 E. Nominating petitions for an independent  
12 candidate to fill a vacancy in the office of United States  
13 representative at a special general election shall be signed by  
14 a number of voters equal to at least one percent of the total  
15 number of votes cast in the district.

16 [~~E.~~] F. Nominating petitions for an independent  
17 candidate for a member of the legislature, [~~public regulation~~  
18 ~~commission~~] district judge, district attorney, member of the  
19 public education commission, magistrate or county office shall  
20 be signed by a number of voters equal to at least two percent  
21 of the total number of votes cast in the district, division or  
22 county, as the case may be.

23 [~~F.~~] G. When a vacancy for any office occurs on the  
24 general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA  
25 1978 in which all political parties may name a general election

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1 candidate or when a vacancy occurs in the office of United  
2 States representative pursuant to Section 1-15-18.1 NMSA 1978,  
3 an independent candidate may file a declaration of candidacy on  
4 or by the same deadline applicable to the political parties.  
5 The nominating petitions for an independent candidate in such  
6 circumstances shall be signed by the number of voters provided  
7 in this section, unless there are fewer than:

8 (1) sixty days from the announcement of the  
9 vacancy to the last day to file a declaration of candidacy, in  
10 which case an independent candidate shall submit nominating  
11 petitions signed by a number of voters equal to two-thirds the  
12 number of voters otherwise required by this section for an  
13 independent candidate; or

14 (2) thirty days from the announcement of the  
15 vacancy to the last day to file a declaration of candidacy, in  
16 which case an independent candidate shall submit nominating  
17 petitions signed by a number of voters equal to one-third the  
18 number of voters otherwise required by this section for an  
19 independent candidate.

20 [~~G.~~] H. A voter shall not sign a petition for an  
21 independent candidate as provided in this section if the voter  
22 has signed a petition for another independent candidate for the  
23 same office."

24 SECTION 6. Section 1-8-52 NMSA 1978 (being Laws 1977,  
25 Chapter 322, Section 8, as amended by Laws 2014, Chapter 40,  
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1 Section 8 and by Laws 2014, Chapter 81, Section 8) is amended  
2 to read:

3 "1-8-52. INDEPENDENT CANDIDATES FOR GENERAL OR  
4 UNITED STATES REPRESENTATIVE SPECIAL GENERAL ELECTIONS--  
5 NOMINATING PETITIONS--CIRCULATION--DATE OF FILING.--

6 A. Declarations of independent candidacy and  
7 nominating petitions shall be filed with the proper filing  
8 officer between 9:00 a.m. and 5:00 p.m. on the twenty-third day  
9 following the primary election of each even-numbered year and  
10 between 9:00 a.m. and 5:00 p.m. on the [~~fifty-sixth day~~  
11 ~~preceding~~] seventh day following any United States  
12 representative special primary election.

13 B. Declarations of independent candidacy and  
14 nominating petitions for the office of president of the  
15 United States shall be filed with the proper filing officer  
16 between 9:00 a.m. and 5:00 p.m. on the twenty-third day  
17 following the primary election."

18 SECTION 7. Section 1-8-65 NMSA 1978 (being Laws 2014,  
19 Chapter 40, Section 7 and Laws 2014, Chapter 81, Section 7) is  
20 amended to read:

21 "1-8-65. MINOR POLITICAL PARTY CANDIDATES FOR GENERAL OR  
22 UNITED STATES REPRESENTATIVE SPECIAL GENERAL ELECTIONS--  
23 NOMINATING PETITION FORM.--

24 A. As used in Sections 1-8-2 through 1-8-4 NMSA  
25 1978, "nominating petition" means the authorized form used for

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1 obtaining the required number of signatures of voters that is  
2 signed on behalf of the person wishing to become a minor  
3 political party candidate for a political office in a general  
4 or United States representative special general election  
5 requiring a nominating petition.

6 B. In making a declaration of candidacy, the  
7 candidate shall file a nominating petition at the same time,  
8 which shall be on forms prescribed by law.

9 C. The nominating petition for a minor political  
10 party candidate for any office requiring a nominating petition  
11 shall be on paper approximately eight and one-half inches wide  
12 and eleven inches long with numbered lines for signatures  
13 approximately three-eighths inch apart and shall be in the  
14 following form:

15 "NOMINATING PETITION FOR MINOR POLITICAL PARTY CANDIDACY  
16 (GENERAL ELECTION)

17 I, the undersigned, a registered voter of  
18 New Mexico, hereby nominate \_\_\_\_\_, who resides at  
19 \_\_\_\_\_ in the county of \_\_\_\_\_,  
20 New Mexico, for the \_\_\_\_\_ party nomination for the  
21 office of \_\_\_\_\_ to be voted for at the  
22 general election or United States representative special  
23 general election to be held on \_\_\_\_\_, and I declare that I  
24 am a registered voter of the area to be represented by the  
25 office for which the person being nominated is a candidate. I

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1 also declare that I have not signed, and will not sign, any  
2 nominating petition for more persons than the number of  
3 candidates necessary to fill such office at the next ensuing  
4 general election or at a United States representative special  
5 general election. I understand that if the candidate's  
6 political party does not qualify as a minor political party,  
7 the candidate may run as an unaffiliated independent candidate.

8 1. \_\_\_\_\_  
9 (usual signature) (name printed (address as (city or zip  
10 as registered) registered) code)

11 2. \_\_\_\_\_  
12 (usual signature) (name printed (address as (city or zip  
13 as registered) registered) code)".

14 D. In March of even-numbered years, the secretary  
15 of state shall post on the secretary of state's web site and  
16 shall furnish to each county clerk a sample of a nominating  
17 petition form, a copy of which shall be made available by the  
18 county clerk upon request of any candidate.

19 E. When more than one sheet is required for a  
20 petition, each of the sheets shall be in the form prescribed by  
21 this section."

22 SECTION 8. Section 1-15-18.1 NMSA 1978 (being Laws 1983,  
23 Chapter 232, Section 16, as amended) is amended to read:

24 "1-15-18.1. UNITED STATES REPRESENTATIVE--VACANCY.--

25 A. Within ten days after a vacancy occurs in the

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1 office of United States representative, the secretary of state  
2 shall, by proclamation, call ~~[an]~~ a special primary election  
3 ~~[to be held not less than seventy-seven nor more than ninety-~~  
4 ~~one days after the date of the vacancy]~~ and a special general  
5 election for the purpose of filling the vacancy, except as  
6 provided in Subsections ~~[H and I]~~ J and K of this section.

7 B. The proclamation shall forthwith be filed by the  
8 secretary of state in the office of the secretary of state.  
9 The proclamation shall specify ~~[the]~~:

10 (1) ~~[date]~~ the dates on which the special  
11 primary election and special general election will be held;  
12 provided that the special primary election shall be held on a  
13 Tuesday that is at least sixty-three days after the date of the  
14 proclamation and the special general election shall be held on  
15 a Tuesday that is at least sixty-three days after the date of  
16 the special primary election;

17 (2) the purpose for which the election is  
18 called;

19 (3) the date on which declarations of  
20 candidacy are to be filed by major political party candidates  
21 to participate in the special primary election;

22 (4) the date on which declarations of  
23 candidacy are to be filed by minor political party candidates  
24 and unaffiliated candidates to participate in the special  
25 general election;

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1                    [~~(4)~~] (5) the date on which declarations of  
2 intent to be a write-in candidate are to be filed; and

3                    [~~(5)~~] (6) the date certificates of  
4 registration are to be subscribed and sworn to participate in  
5 the election as required by law.

6                    C. After the proclamation is issued pursuant to  
7 Subsection B of this section, the secretary of state shall  
8 within five days certify the proclamation to each county clerk  
9 with precincts located in the United States representative  
10 district in which the vacancy exists. Beginning not less than  
11 sixty-three days before the date of the election, the secretary  
12 of state shall publish the proclamation once each week for two  
13 consecutive weeks in a newspaper of general circulation.

14                    D. ~~[Upon the issuance of the proclamation, each~~  
15 ~~qualified political party may nominate in the manner provided~~  
16 ~~by the rules of that party a candidate to fill the vacancy in~~  
17 ~~the office of United States representative; provided that such~~  
18 ~~nomination is certified to the secretary of state by the state~~  
19 ~~chair of that party no later than 5:00 p.m. on the fifty-sixth~~  
20 ~~day preceding the date of the election]~~ A major political party  
21 shall nominate its candidate to fill the vacancy in the office  
22 of United States representative at the special primary  
23 election. A person seeking nomination as a major political  
24 party candidate to fill the vacancy shall have the candidate's  
25 name placed on the special primary election ballot by filing a

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1 declaration of candidacy with the secretary of state no later  
2 than 5:00 p.m. on the fifty-sixth day preceding the date of the  
3 special primary election and complying with the requirements of  
4 Subsection H of this section.

5 E. A minor political party shall nominate its  
6 candidate to fill the vacancy in the office of United States  
7 representative in the manner prescribed in its party rules and  
8 regulations and shall certify the party's nominee to the  
9 secretary of state no later than the tenth day following the  
10 special primary election. A certified minor political party  
11 candidate shall have the candidate's name placed on the special  
12 general election ballot by filing a declaration of candidacy  
13 with the secretary of state no later than 5:00 p.m. on the  
14 seventh day following the date of the special primary election  
15 and complying with the requirements of Subsection H of this  
16 section.

17 ~~[E. Declarations of]~~ F. An unaffiliated  
18 ~~[candidacy]~~ candidate to fill the vacancy in the office of  
19 United States representative ~~[and nominating petitions~~  
20 ~~pertaining thereto shall be filed with the secretary of state~~  
21 ~~no later than 5:00 p.m. on the fifty-sixth day preceding the~~  
22 ~~date of the election]~~ shall have the candidate's name placed on  
23 the special general election ballot by filing a declaration of  
24 candidacy with the secretary of state no later than 5:00 p.m.  
25 on the tenth day following the date of the special primary

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1 election and complying with the requirements of Subsection H of  
2 this section.

3 ~~[F. Declarations of intent to be]~~ G. A write-in  
4 candidate to fill a vacancy in the office of United States  
5 representative shall ~~[be filed]~~ have the candidate's name  
6 placed on the special general election ballot by filing a  
7 declaration of intent with the secretary of state no later than  
8 5:00 p.m. on the ~~[fifty-sixth]~~ tenth day ~~[preceding]~~ following  
9 the date of the special primary election and complying with the  
10 requirements of Subsection H of this section.

11 H. At the time of filing a declaration of candidacy  
12 or intent to be a write-in candidate pursuant to Subsections D  
13 through G of this section, a person seeking to become a  
14 candidate to fill a vacancy in the office of United States  
15 representative shall pay a filing fee in the amount of three  
16 thousand dollars (\$3,000) or, in lieu of paying the filing fee,  
17 file a nominating petition signed by a number of voters equal  
18 to at least one percent of the total number of votes cast in  
19 the district for governor at the last preceding general  
20 election at which a governor was elected.

21 ~~[G.]~~ I. Special primary elections and special  
22 general elections called for the purpose of filling a vacancy  
23 in the office of United States representative shall be  
24 conducted in accordance with the provisions of the Election  
25 Code for general elections; provided, however, if there is a

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1 conflict between this section and other provisions of the  
2 Election Code, the provisions of this section shall control.  
3 The secretary of state shall, only when necessary, adjust the  
4 day provided in the Uniform Military and Overseas Voters Act to  
5 send ballots to federal qualified electors in an election to  
6 fill a vacancy in the office of United States representative.  
7 The adjusted day shall be immediately posted on the website of  
8 the secretary of state and reported to the federal voting  
9 assistance program.

10 [H.] J. If a vacancy occurs in the office of United  
11 States representative beginning ~~[one hundred sixty days and no~~  
12 ~~less than sixty-three days before a statewide election, the~~  
13 ~~vacancy shall be filled at the next statewide election;~~  
14 ~~provided that when filling a vacancy]:~~

15 (1) [~~at~~] less than one hundred sixty days  
16 before a general election, a special primary election and  
17 special general election to fill the vacancy shall not be held.  
18 The candidates seeking the office of United States  
19 representative in that general election for the next succeeding  
20 term shall be deemed to be candidates for the unexpired term as  
21 well, and the candidate elected shall take office upon the  
22 certification of the election results; [~~or~~

23 ~~(2) at a political party primary or a regular~~  
24 ~~local election] (2) after a general election and ending on the  
25 last day of the term, the candidate elected in the general~~

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1 election for the next succeeding term shall fill the vacancy  
2 and take office upon certification of the election results;

3 (3) one hundred sixty days but no less than  
4 one hundred thirty days before a political party primary, the  
5 special general election to fill the vacancy shall be conducted  
6 concurrently with the political party primary. Each political  
7 party primary ballot shall contain the special general election  
8 to fill the vacancy in the office of United States  
9 representative listed before the contests in the political  
10 party primary [or regular local election] and ballots

11 containing only the special general election [of] to fill the  
12 vacancy in the office of United States representative shall be  
13 available to voters who do not otherwise qualify to vote in the  
14 political party primary [or that regular local election]; and

15 (4) ninety days but no less than sixty-three  
16 days before a political party primary, the special primary  
17 election shall be held concurrently with the political party  
18 primary.

19 ~~[F.]~~ K. If a vacancy occurs in the office of United  
20 States representative in extraordinary circumstances when there  
21 are more than one hundred vacancies in the United States house  
22 of representatives and there are more than seventy-five days  
23 before a regularly scheduled election, then pursuant to 2  
24 U.S.C. Section 8(b):

25 (1) the governor shall immediately issue a

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1 writ of election, upon which the secretary of state shall, by  
2 proclamation, call an election to be held not more than  
3 forty-nine days after the vacancy is announced and file the  
4 proclamation along with the writ in the office of the secretary  
5 of state;

6 (2) the secretary of state shall immediately  
7 certify the proclamation to each county clerk with precincts  
8 located in the United States representative district in which  
9 the vacancy exists, and beginning not less than thirty-five  
10 days before the date of the election, the secretary of state  
11 shall publish the proclamation once each week for two  
12 consecutive weeks in a newspaper of general circulation;

13 (3) each qualified political party may  
14 nominate in the manner provided by the rules of that party a  
15 candidate to fill the vacancy in the office of United States  
16 representative; provided that such nomination is certified to  
17 the secretary of state by the state chair of that party no  
18 later than 5:00 p.m. on the tenth business day following  
19 announcement of the vacancy;

20 (4) declarations of independent candidacy to  
21 fill the vacancy in the office of United States representative  
22 and nominating petitions pertaining thereto shall be filed with  
23 the secretary of state no later than 5:00 p.m. on the tenth  
24 business day following announcement of the vacancy; and

25 (5) declarations of intent to be a write-in

underscoring material = new  
[bracketed material] = delete

1 candidate to fill the vacancy in the office of United States  
2 representative shall be filed with the secretary of state no  
3 later than 5:00 p.m. on the tenth business day following  
4 announcement of the vacancy.

5 [J-] L. The state shall pay all costs of an  
6 election to fill a vacancy in the office of United States  
7 representative when the election is not held on the same ballot  
8 as a statewide election."

9 SECTION 9. REPEAL.--Laws 2020, Chapter 9, Sections 5 and  
10 7 are repealed.

11 SECTION 10. EMERGENCY.--It is necessary for the public  
12 peace, health and safety that this act take effect immediately.