

Richard Nixon Presidential Library  
White House Special Files Collection  
Folder List

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
24	9	11/03/1972	Letter	Joseph Adams to Betty Fiorina, re: Request for expenditures forms, New Mexico. 2 pages with attachments.
24	9	06/08/1972	Memo	Betty Fiorina to candidate's participating in primary election, re: Candidate's Statement of Election Expenses. 7 pages including multiples..
24	9	06/16/1972	Letter	John Dean to John Keller, re: Forward copies of reports filed, New Mexico. 1 page.
24	9	06/13/1972	Other Document	Noble Melencamp to Dave Wilson, re: Guess what! 1 page.
24	9	1972	Brochure	New Mexico 1972 Primary Election Calendar. 8 pages only cover scanned.
24	9	n.d.	Report	Chapter 39: Senate rules Committee Substitute for House Bill No. 42. 5 pages.

<b><u>Box Number</u></b>	<b><u>Folder Number</u></b>	<b><u>Document Date</u></b>	<b><u>Document Type</u></b>	<b><u>Document Description</u></b>
24	9	01/26/1972	Letter	Betty Fiorina to Nixon, re: Primary Nominating Committee nominating Presedential Primary Candidates, New Mexico. 11 pages with attachements.

for the Re-election  
of the President

1701 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20006 (202) 333-0920  
Suite 872

November 3, 1972

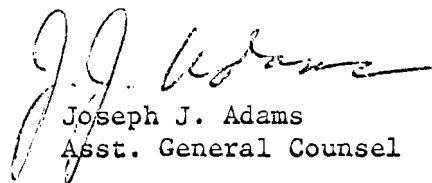
The Honorable Betty Fiorina  
Secretary of State  
State of New Mexico  
Legislative-Executive Building  
Santa Fe, New Mexico 87501

Dear Mrs. Fiorina:

Please send to me at the above address copies of the forms on which candidates for the Presidency are to file itemized statements of expenditures within ten days after the date of the General Election.

It is our understanding that the President will have to file two such statements - one on his own behalf (NMSA 3-19-9) and one on behalf of any persons who have supported him (NMSA 3-19-11).

Sincerely yours,

  
Joseph J. Adams  
Asst. General Counsel

JJA/awb

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

           11/9/72

David --

Attached are copies of what I have sent

re New Mexico and Nebraska.

Joe

State of New Mexico

Office of the Secretary of State



Betty Fiorina  
Secretary of State

Santa Fe, New Mexico 87501

Ruben Miera  
Assistant

CERTIFIED MAIL

June 8, 1972

MEMORANDUM

TO: CANDIDATES PARTICIPATING IN THE JUNE 6, 1972, PRIMARY  
ELECTION

FROM: BETTY FIORINA, SECRETARY OF STATE

A handwritten signature in cursive script that reads "Betty Fiorina".

SUBJECT: CANDIDATE'S STATEMENT OF ELECTION EXPENSES

Pursuant to Section 3-19-2, Chapter 317, New Mexico Laws of 1971, enclosed you will find three copies of the "Candidate's Statement of Election Expenses" form. NO LATER THAN JUNE 16, 1972, these forms must be completed and filed with the officer (Secretary of State or County Clerk) with whom your Declaration of Candidacy was filed.

I am enclosing for your information Sections 3-19-1 through 3-19-7 of the New Mexico Election Handbook.

Enclosures

"3-19-1. CAMPAIGN PRACTICES--PRIMARY ELECTION--EXPENDITURE OF PARTY MONEY.--

A. No contribution of money, or the equivalent thereof, made directly or indirectly to any political party, to any political party committee, to members of any political party committee or to any person representing or acting on behalf of a political party, and no money in the treasury of any political party or political party committee shall be expended directly or indirectly in the aid of the nomination at a primary election of any one or more persons as against any one or more other persons of the same political party running in such primary election.

B. Any person who expends money, or is responsible for the expenditure of money, in violation of this section is guilty of a petty misdemeanor."

Section 406. A new Section 3-19-2 NMSA 1953 is enacted to read:

"3-1 Section 23. Section 3-19-2 NMSA 1953 (being Laws 1969, Chapter ~~240~~ 240, Section 406) is amended to read:

~~EXPENDITURE~~ "3-19-2. CAMPAIGN PRACTICES--PRIMARY ELECTIONS--REPORT OF ~~the sec-~~  
~~retary of~~ EXPENDITURES.--At the time of the filing of his declaration of ~~date parti-~~  
candidacy each candidate in the primary election shall be given a ~~an itemized~~  
~~participating~~ form for the filing of an itemized statement of expenditures. Within ~~any election,~~  
~~statement~~ five days after the primary election, the secretary of state shall by ~~statement of~~  
certified mail send to each candidate participating therein a notice ~~of~~  
~~a candida~~ of the deadline for filing of the itemized statement of expenditures.  
~~expenditu~~ Within ten days after the primary election, a candidate participating ~~etary of~~  
therein shall file an itemized statement of expenditures on forms ~~to be by~~  
~~stater. F~~ prescribed and furnished by the secretary of state. The itemized  
~~the candi~~ statement shall be subscribed and sworn to by the candidate."

Section 407. A new Section 3-19-3 NMSA 1953 is enacted to read:

AS AMENDED, CHAPTER 317  
LAWS OF 1971

"3-19-3. CAMPAIGN PRACTICES--PRIMARY ELECTION--ITEMIZED STATEMENTS--CONTENTS.--

A. The itemized statement of expenditures filed by each candidate after the primary election shall set forth in detail each item showing the full and complete record of the candidate's expenditures of money, or other things of value and the cost thereof, including all promises to pay money or other things of value, as well as all treats, presents or favors which cost money or other things of value either present or future, which were intended for the purpose of aiding, or that could have a tendency to aid, the success of the candidate in the primary election.

B. As used in this section, "itemized statement" means listing a class of like expenditures by each item within that class separately and not as one item. Each item of printing shall be set out separately and each advertisement in a newspaper, on radio, television or billboard shall be specifically set forth with the cost thereof."

Section 408. A new Section 3-19-4 NMSA 1953 is enacted to read:

"3-19-4. CAMPAIGN PRACTICES--PRIMARY ELECTION--EXPENDITURES MADE ON CANDIDATE'S BEHALF.--At the same time and place that he files the itemized statement of expenditures, the candidate who participated in the primary election shall also file a like itemized statement for each of the persons named by him as authorized to expend money or other things of value on behalf of his candidacy in the primary election, even though the name of such person was not among those

filed by the candidate as an authorized agent."

Section 409. A new Section 3-19-5 NMSA 1953 is enacted to read:

"3-19-5. CAMPAIGN PRACTICES--PRIMARY ELECTION--PLACE OF FILING.--

Itemized statements of expenditures of candidates participating in the primary election shall be filed with the officer with whom the candidate's declaration of candidacy was filed."

Section 410. A new Section 3-19-6 NMSA 1953 is enacted to read:

"3-19-6. CAMPAIGN PRACTICES--PRIMARY ELECTION--STATUS OF ITEM-

IZED STATEMENTS.--The itemized statement of expenditures is a public record and is subject to public inspection or publication."

Section 411. A new Section 3-19-7 NMSA 1953 is enacted to read:

"3-19-7. CAMPAIGN PRACTICES--PRIMARY ELECTION--PENALTY.--

A. A candidate who receives the nomination of a political party and who fails or refuses to file, within the time required, a full and complete itemized statement of expenditures is guilty of a petty misdemeanor and in addition to any penalties under law shall not be issued a certificate of nomination and shall not have his name printed on the official ballot at the ensuing general election until he files a full and complete statement of expenditures.

B. A candidate who failed to receive the nomination and who fails or refuses to file, within the time required, a full and complete itemized statement of expenditures is guilty of a petty misdemeanor."



THE WHITE HOUSE

WASHINGTON

June 16, 1972

Dear Mr. Keller:

I herewith forward for your information copies of the reports filed by the President pursuant to the requirements of New Mexico state law. It is our understanding, in accordance with your conversation with David Wilson, that the statement required to be filed by the New Mexico Committee to Re-Elect the President under state law will only report the \$45.00 expenditure listed by the President. We would appreciate receiving a copy of your report after it is filed.

With best regards.

Sincerely,



John W. Dean, III  
Counsel to the President

Mr. John Keller  
P. O. Box 1027  
Albuquerque, New Mexico 87103

BCC: Gordon Liddy

THE WHITE HOUSE

Washington

Date

6/13/72

TO:

Jan Wilson

Guess what!

Noble Melencamp

# NEW MEXICO 1972 PRIMARY ELECTION CALENDAR

Compiled by  
Betty Fiorina, Secretary of State

(All Section References to 1969 Edition, Election Handbook of the  
State of New Mexico and the 1971 Supplement)

**FEBRUARY 7, 1972**  
(Monday)

LAST DAY COUNTY COMMISSIONERS MAY MEET TO DIVIDE, ABOLISH, CONSOLIDATE PRECINCTS, OR TO CHANGE THE BOUNDARIES OR POLLING PLACES, THEREOF. (3-3-6A)

No precinct shall be abolished or consolidated or the boundaries or polling places therein, changed less than four months prior to each election, except by order of the district court.

**FEBRUARY 11, 1972**  
(Friday)

PRESIDENTIAL NOMINATING COMMITTEE MEETS AT 8:30 a.m. IN THE SECRETARY OF STATE'S OFFICE.

**FEBRUARY 14, 1972**  
(Monday)

DEADLINE FOR PRESIDENTIAL PRIMARY NOMINATING COMMITTEE TO NOMINATE AND CERTIFY TO SECRETARY OF STATE NAMES OF CANDIDATES FOR OFFICE OF PRESIDENT OF THE UNITED STATES. (Chap. 39, Sec. 4, Laws of 1969)

**FEBRUARY 15, 1972**  
(Tuesday)

SECRETARY OF STATE SHALL BEGIN TO NOTIFY EACH CANDIDATE WHO HAS BEEN NOMINATED BY COMMITTEE, IN WRITING BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, INFORMING HIM THAT HIS NAME IS TO BE PRINTED ON THE NEW MEXICO PRIMARY ELECTION BALLOT. (Chap. 39, Sec. 6, Laws of 1969)

**MARCH 4, 1972**  
(Saturday)

COUNTY CLERKS' OFFICES REMAIN OPEN.

LAST DATE TO CHANGE OR INDICATE PARTY AFFILIATION. (3-4-14)

No change of or indication of party affiliation on existing registrations shall be made between the day the Governor issues the primary proclamation and the day after election day; nor shall any such designation be made or changed at any time during which registration is closed.

**MARCH 6, 1972**  
(Monday)

GOVERNOR ISSUES PRIMARY ELECTION PROCLAMATION. (3-8-11)  
The Governor shall issue a public proclamation calling a Primary Election to be held in each county and precinct of the state on the date prescribed by the Primary Election Law. The proclamation shall be filed with the **Secretary of State** on the first Monday in March of each even-numbered year.

SECRETARY OF STATE CERTIFIES PROCLAMATION TO COUNTY CLERKS. (3-8-13B) Upon the proclamation being filed, the **Secretary of State** shall immediately send, by certified mail, an authenticated copy of the proclamation to each **County Clerk**.

SECRETARY OF STATE TO PUBLISH PROCLAMATION FIVE CONSECUTIVE DAYS IN FOUR NEWSPAPERS. (3-8-13A) Upon the proclamation being filed, the **Secretary of State** shall immediately publish the proclamation for five (5) consecutive days in at least 4 daily newspapers of general circulation in the state.

CHAPTER 39

Senate Rules Committee Substitute For  
HOUSE BILL NO. 42; Approved March 15, 1969  
(Amended 30th Legislature  
Second Session, 1972  
House Bill No. 58)

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR A PRESIDENTIAL PREFERENCE PRIMARY ELECTION; PRESCRIBING NOMINATION AND BALLOTING; SPECIFYING SELECTION AND OBLIGATIONS OF DELEGATES; AND PROVIDING A PENALTY.

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

Section 1. SHORT TITLE.--This act may be cited as the "Presidential Primary Act."

Section 2. PRESIDENTIAL PRIMARY.--DATE OF ELECTION.--In the year in which the president and vice president of the United States are to be elected, the voters of this state shall be given an opportunity to express their preference for the person to be the presidential candidate of their party. The presidential primary election shall be held on the same date as the primary election is held in this state.

Section 3. CONDUCT OF ELECTION.--The presidential primary election shall be conducted and canvassed along with and in the manner provided by law for the conduct and canvassing of the primary election.

Section 4. NOMINATION BY COMMITTEE.--There shall be convened in Santa Fe a committee consisting of the chief justice of the supreme court, as chairman, the speaker of the house of representatives and the minority floor leader of the house of representatives, the president pro tempore of the senate and minority floor leader of the senate. This committee shall nominate as presidential primary candidates, and certify to the secretary of state, not later than ninety days before the presidential preference primary election, the names of all those generally advocated and nationally recognized as candidates of the dominant political parties for the office of president of the United States.

Section 5. NOMINATION BY PETITION.--No later than 5:00 p.m. on the thirtieth day following the nominations by committee any person seeking the endorsement by the national political party for the office of president of the United States, or any group organized in this state on behalf of, and with the consent of, such person, may submit to the secretary of state a petition to have such candidate's name printed on the presidential primary ballot. The petition shall be signed by a number of

qualified electors in each of the congressional districts equal to not less than two percent of the total number of votes for president cast in each district at the last preceding presidential election.

Section 6. NOTIFICATION TO CANDIDATES--FILING FEE.--The secretary of state shall forthwith contact each person who has been nominated by the committee or by petition and notify him in writing by registered mail with return receipt requested, that his name will be printed as a candidate on the New Mexico presidential primary ballot if within a period of fifteen days commencing with the receipt of the notification, he furnishes, in person, by agent or by registered mail, a filing fee of five hundred dollars (\$500). The filing fee shall be paid to the secretary of state and upon its payment within the period prescribed by this section shall constitute a bona fide declaration of candidacy and such candidate's name shall be printed upon the presidential primary ballot as provided in the Presidential Primary Act. The filing fee shall be deposited with the state treasurer in the same manner as provided for other filing fees by the Primary Election Law."

Section 7. VOTING IN PRESIDENTIAL PRIMARY.--All candidates in the presidential primary shall appear with candidates for other offices of their respective parties at an appropriate

place on the ballot or voting machine. The voter shall be able to cast his ballot for one of the presidential candidates of his party or for "None Of The Names Shown". A vote of the latter kind shall express the preference for an uncommitted delegation from New Mexico to the national convention of that voter's party.

Section 8. NATIONAL CONVENTION.--

A. Upon the completion of the state canvass of the results of the presidential primary, the secretary of state shall forthwith certify to the state chairman of each political party participating in the primary and to the credentials committee of the national convention of each such political party the following:

(1) the names of the two candidates, or candidate and uncommitted category as the case may be, receiving the highest number of votes; and

(2) the total vote each received.

B. The vote of the delegations from each such political party from New Mexico shall be cast by the chairmen of the respective delegations for the two candidates certified by the secretary of state in the same proportion that the vote the two candidates received bears to the total combined vote of both candidates. In the event that the certification by the secretary

of state shows that the two highest categories in the election included an unpledged category, the chairman shall cast on the first ballot that portion of the delegation vote allotted to a candidate, and that portion allotted to an unpledged category shall be cast in the manner determined by majority vote of a caucus of the entire delegation. In computing the number of votes any candidate may be entitled to on the first ballot, any recipient of six-tenths or more percent shall be entitled to one additional vote.

C. The provisions of this section with regard to the manner of voting by New Mexico delegations at the national party conventions apply only to the first ballot cast at such conventions. Such delegations may be released prior to the first ballot from voting in the manner provided by this section upon death of the candidate or upon his written unconditional release of such votes allotted to him."



## State of New Mexico

Office of the Secretary of State

Betty Fiorina  
Secretary of State

Santa Fe, New Mexico 87501

Ruben Miera  
Assistant

January 26, 1972

N M  
The Honorable Richard M. Nixon  
United States President  
White House  
Washington, D. C.

Dear Honorable President:

This is a follow-up of my letter to you of January 20, 1972.

The New Mexico Presidential Preference Primary Nominating Committee will meet February 11, 1972, 8:30 A.M., in the Office of the Secretary of State. This committee shall nominate as Presidential Primary candidates, and certify to the Secretary of State no later than February 14, 1972, 5:00 P.M., the names of all those generally advocated and nationally recognized as candidates of the dominant (Democrats and Republicans) political parties for the office of President of the United States. (New Mexico Laws of 1969, Chapter 39.)

June 6, 1972, is the date of the Primary Election in the State of New Mexico.

Enclosed is copy of a petition indicating the format required for candidates who are not nominated by the above committee. Please refer to Section 5, Laws of 1969, Chapter 39, which was enclosed with my previous correspondence to you. The deadline for submitting this petition to the Office of the Secretary of State is March 15, 1972, 5:00 P.M.

In order for you to comply with any of the deadline dates, I suggest that correspondence be sent to this office by registered mail, return receipt requested.

If you have any questions that I may assist you with, do not hesitate to contact me.

Sincerely,

BETTY FIORINA  
Secretary of State

Enclosure

RECEIVED  
JAN 31 1972  
CENTRAL FILES

**THE WHITE HOUSE**  
Washington

Date 1 31/72

TO: Harry Dent

Noble Melencamp

**Noble Melencamp**

BETTY FIORINA  
SECRETARY OF STATE  
STATE OF NEW MEXICO  
EXECUTIVE-LEGISLATIVE BUILDING  
SANTA FE, NEW MEXICO

1972

NOMINATING PETITION FOR PRESIDENT OF THE UNITED STATES  
STATE OF NEW MEXICO  
LAWS OF 1969, CHAP. 39

NOTE: "...The petition shall be signed by a number of \*qualified electors in each of the congressional districts equal to not less than two percent of the total number of votes for president cast in each district at the last preceding presidential election."

In District I in the 1968 General Election, 175,624 votes were cast for President of the United States.

In District II in the 1968 General Election, 151,657 votes were cast for President of the United States.

WE, THE UNDERSIGNED, DECLARE THAT WE ARE QUALIFIED ELECTORS OF THE STATE OF NEW MEXICO, CONGRESSIONAL DISTRICT NO. \_\_\_\_\_; WE HEREBY AFFIX OUR SIGNATURES FOR THE PURPOSE OF HAVING THE NAME OF \_\_\_\_\_, \_\_\_\_\_  
Presidential Candidate City and State

\_\_\_\_\_, PLACED ON THE PRESIDENTIAL PREFERENCE PRIMARY Candidate's Party Affiliation

ELECTION BALLOT, JUNE 6, 1972, FOR OFFICE OF PRESIDENT OF THE UNITED STATES:

SIGNATURES	MAILING ADDRESS	CITY AND STATE
_____	_____	_____
_____	_____	_____
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\*Qualified Elector must be a citizen of the United States; at least 18 years of age; a resident of New Mexico for one year; a resident of the county for 90 days; and a resident of the precinct for 30 days.



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ca

2

EXECUTIVE

PL  
PL/ST31  
ST31

State of New Mexico  
Office of the Secretary of State



Santa Fe, New Mexico 87501 ✓

Betty Fierira  
Secretary of State ✓

Robert Miera  
Assistant

January 20, 1972

NM

The Honorable Richard M. Nixon  
United States President  
White House  
Washington, D. C.

Dear President Nixon:

Since you are considering a second term as President of the United States, I am enclosing a copy of Chapter 39, Laws of 1969, State of New Mexico.

The following are the most significant dates to be considered by a Presidential candidate who wishes his name placed on the New Mexico Primary Election ballot:

- FEBRUARY 11, 1972: 8:30 A.M. - Presidential Primary Nominating Committee will convene in the Office of the Secretary of State.
- FEBRUARY 14, 1972: 5:00 P.M. - Deadline for Presidential Primary Nominating Committee to certify to Secretary of State names of candidates for office of President of the United States. (Chap. 39, Sec. 4, Laws of 1969)
- FEBRUARY 15, 1972: Secretary of State shall begin to notify each Presidential candidate who has been nominated by committee, in writing by registered mail, return receipt requested, informing him that his name is to be printed on the New Mexico Primary Election ballot. (Chap. 39, Sec. 6, Laws of 1969)
- MARCH 15, 1972: Secretary of State receives Presidential nominating petitions until 5:00 P.M. (Chap. 39, Sec. 5, Laws of 1969) This is the 30th day following nominations by committee.

RECEIVED  
JAN 24 1972  
CENTRAL FILES

The Honorable Richard M. Nixon  
January 20, 1972  
Page Two

MARCH 16, 1972:

Secretary of State shall begin to notify each candidate who has been nominated by petition, in writing by registered mail, return receipt requested, telling him that his name is to be printed on the New Mexico ballot.  
(Chap. 39, Sec. 6, Laws of 1969)

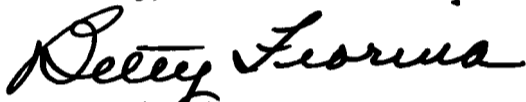
NOTE:

Within 15 days after receipt of the notification from the Secretary of State, a Presidential candidate shall furnish a filing fee of \$500.00 if he wishes to have his name placed on the New Mexico Primary Election ballot.

Our Primary Election calendar will be completed in the near future, at which time a copy will be forwarded to you.

Please do not hesitate to call upon me for any information that I can furnish to you concerning New Mexico elections.

Sincerely,



BETTY FIORINA  
Secretary of State

BF:prm

Enclosure

cc: Presidential Preference Primary  
Nominating Committee

Date

1/24/72

TO:

Harry Dent

Copy sent to John

Campbell



Noble Melencamp

## CHAPTER 39

Senate Rules Committee Substitute For  
HOUSE BILL NO. 42; Approved March 15, 1969

## AN ACT

RELATING TO ELECTIONS; PROVIDING FOR A PRESIDENTIAL PREFERENCE PRIMARY  
ELECTION; PRESCRIBING NOMINATION AND BALLOTING; SPECIFYING SELECTION  
AND OBLIGATIONS OF DELEGATES; AND PROVIDING A PENALTY.

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

Section 1. SHORT TITLE.--This act may be cited as the "Presidential  
Primary Act".

Section 2. PRESIDENTIAL PRIMARY--DATE OF ELECTION.--In the year in  
which the president and vice president of the United States are to be  
elected, the voters of this state shall be given an opportunity to express  
their preference for the person to be the presidential candidate of their  
party. The presidential primary election shall be held on the same date  
as the primary election is held in this state.

Section 3. CONDUCT OF ELECTION.--The presidential primary election  
shall be conducted and canvassed along with and in the manner provided  
by law for the conduct and canvassing of the primary election.

Section 4. NOMINATION BY COMMITTEE.--There shall be convened in  
Santa Fe a committee consisting of the chief justice of the supreme  
court, as chairman, the speaker of the house of representatives and the

minority floor leader of the house of representatives, the president pro tempore of the senate and the minority floor leader of the senate. This committee shall nominate as presidential primary candidates, and certify to the secretary of state, not later than ninety days before the presidential preference primary election, the names of all those generally advocated and nationally recognized as candidates of the dominant political parties for the office of president of the United States.

Section 5. NOMINATION BY PETITION.--No later than 5:00 p.m. on the thirtieth day following the nominations by committee any person seeking the endorsement by the national political party for the office of president of the United States, or any group organized in this state on behalf of, and with the consent of, such person, may submit to the secretary of state a petition to have such candidate's name printed on the presidential primary ballot. The petition shall be signed by a number of qualified electors in each of the congressional districts equal to not less than two percent of the total number of votes for president cast in each district at the last preceding presidential election.

Section 6. NOTIFICATION TO CANDIDATES--FILING FEE.--The secretary of state shall forthwith contact each person who has been nominated by the committee or by petition and notify him in writing by registered mail with return receipt requested, that his name will be printed as a candidate on the New Mexico presidential primary ballot if within fifteen days after receipt of the notification he furnishes a filing



fee of five hundred dollars (\$500). The filing fee shall be paid to the secretary of state and deposited with the state treasurer in the same manner as provided for other filing fees by the Primary Election Code.

Section 7. VOTING IN PRESIDENTIAL PRIMARY.--All candidates in the presidential primary shall appear with candidates for other offices of their respective parties at an appropriate place on the ballot or voting machine. The voter shall be able to cast his ballot for one of the presidential candidates of his party or for "None Of The Names Shown". A vote of the latter kind shall express the preference for an uncommitted delegation from New Mexico to the national convention of that voter's party.

Section 8. DELEGATES TO NATIONAL CONVENTION.--

A. Upon the completion of the state canvass of the results of the presidential primary, the secretary of state shall certify to the state chairman of each political party participating in the primary the following:

(1) the names of the two candidates, or candidate and uncommitted category as the case may be, receiving the highest number of votes; and

(2) the total vote each received.

B. Each political party shall then select, as the party rules may determine, as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party.

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C. Such delegates, and each alternate for such delegates, shall be allotted to the two candidates, or to the one candidate and the unpledged category, as the case may be, in the same proportion that the total vote such candidate or category received bears to the total combined vote of both candidates, or of the one candidate and the unpledged category, as the case may be. In computing the number of pledged or unpledged delegates any recipient of five-tenths or more delegate shall be entitled to one additional delegate.

Section 9. DELEGATE PLEDGE.--

A. No person selected as a delegate or alternate shall qualify to attend the national convention of his political party unless he files with the state central committee of his political party a written declaration of acceptance, signed by himself, in the form herein prescribed and the state central committee deposits this declaration of acceptance in the office of the secretary of state no later than thirty days before convening of the applicable national convention.

B. The declaration of acceptance shall be in the form of an affidavit and shall contain the following information:

(1) the name, residence and post office address of the delegate or alternate delegate;

(2) a statement that he is a registered voter in New Mexico affiliated with the political party for which he is a delegate or alternate, and that he was a registered voter and affiliated with such party as of the date of the last presidential primary election;

(3) a statement that he will not withdraw his name before the holding of the national party convention of his party;

(4) if delegates are pledged to specific candidates for the office of president, a pledge in the following form:

"As a delegate to the 19\_\_\_\_ national convention of the \_\_\_\_\_ party, I pledge myself to support the candidacy of \_\_\_\_\_ as a candidate for the nomination of president by the \_\_\_\_\_ party; that I will, unless prevented by his death or unless released prior to the first ballot, vote for his nomination on the first ballot; thereafter, I shall have the right to cast my convention vote according to my own judgment."

Section 10. CERTIFICATION OF NAMES TO CREDENTIALS COMMITTEE.--

The secretary of state shall certify to the credentials committee at the national convention of each political party participating in the presidential primary election the list of names of delegates and alternates qualified to represent the party organizations of this state by virtue of having complied with the provisions of the Presidential Primary Act.

Section 11. PENALTY.--Any delegate or alternate delegate who fails to vote at the national political party convention in accordance with the delegate pledge he signed as required by the Presidential Primary Act is subject to a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding ten days, or both. \_\_\_\_\_