AN ACT

RELATING TO ELECTIONS; AMENDING THE ELECTION CODE; REVISING DEFINITIONS; PRESCRIBING THE SECRETARY OF STATE'S DUTIES RELATING TO FORMS; DIRECTING THE MAINTENANCE OF AN ELECTIONS SECURITY PROGRAM; REQUIRING THE ESTABLISHMENT OF VOTER CONVENIENCE CENTERS; ADJUSTING REQUIREMENTS FOR REGISTRATION AT VOTING LOCATIONS PRIOR TO VOTING AND REGISTRATION PROCESSING PROCEDURES; REVISING VOTER REGISTRATION PROVISIONS FOR THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT; REVISING REQUIREMENTS FOR MAILED BALLOT APPLICATIONS AND ENVELOPES AND MAILED BALLOT HANDLING PROCEDURES; ADDRESSING BALLOT PROCEDURES FOR THE INTIMATE PARTNER VIOLENCE SURVIVOR SUFFRAGE ACT; REINSTATING THE PRIMARY ELECTION LAW SHORT TITLE ACT; ADJUSTING TIME FRAMES TO NOMINATE CANDIDATES TO FILL VACANCIES ON THE GENERAL ELECTION BALLOT; AMENDING VOTING SYSTEMS REQUIREMENTS; CORRECTING AND PRESCRIBING THE ORDER OF .219881.3
OFFICES ON BALLOTS; REQUIRING A NOTICE OF ELECTION TO BE SENT TO VOTERS; ADDRESSING BALLOT TALLYING PROCEDURES AND THE PREPARATION OF THE COUNTY CANVASS REPORT; PRESCRIBING POST-ELECTION DUTIES; PROVIDING REQUIREMENTS FOR THE IMPOUNDMENT OF BALLOTS AND TIME FRAMES FOR AUDITS; ADJUSTING TIME FRAMES FOR REFERENDUM PETITIONS; AUTHORIZING TAXPAYER INFORMATION TO BE REVEALED TO THE SECRETARY OF STATE FOR PURPOSES OF MAINTAINING VOTER REGISTRATION RECORDS; REMOVING REFERENCES TO PUBLIC REGULATION COMMISSIONER AS AN ELECTED OFFICE THROUGHOUT THE ELECTION CODE; RECOMPILING A SECTION AUTHORIZING LEGISLATIVE CAUCUS COMMITTEES INTO THE CAMPAIGN REPORTING ACT; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; REPEALING AND REENACTING SECTION 1-4-5.7 NMSA 1978 (BEING LAWS 2019, CHAPTER 67, SECTION 1, AS AMENDED); REPEALING LAWS 2020, CHAPTER 9, SECTIONS 1 THROUGH 13.

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

SECTION 1. Section 1-1-3.3 NMSA 1978 (being Laws 2011, Chapter 137, Section 2, as amended) is amended to read:

"1-1-3.3. ELECTION-RELATED ORGANIZATION.--As used in the Election Code, "election-related organization" means an organization that registered with the secretary of state [that] at least ninety days before a regularly scheduled statewide election or sixty-three days before a special election or an election to fill a vacancy in the United States house of.
representatives and is involved in election monitoring or voter turnout activities, but does not include a qualified political party in an election in which the political party is represented on the ballot."

SECTION 2. Section 1-1-16 NMSA 1978 (being Laws 1969, Chapter 240, Section 16, as amended) is amended to read:

"1-1-16. REGISTRATION OFFICER.--As used in the Election Code, "registration officer" means the secretary of state, a county clerk or a clerk's authorized deputy, a member of [the] an election board [of registration] designated by the county clerk to perform registration duties at a polling location or a state employee performing registration duties in accordance with the federal National Voter Registration Act of 1993 or Section 1-4-5.2 NMSA 1978."

SECTION 3. Section 1-2-1 NMSA 1978 (being Laws 1969, Chapter 240, Section 22, as amended) is amended to read:

"1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--RULES.--

A. The secretary of state is the chief election officer of the state.

B. The secretary of state shall:

(1) obtain and maintain uniformity in the application, operation and interpretation of the Election Code; and

(2) subject to the State Rules Act, make rules
pursuant to the provisions of, and necessary to carry out the
purposes of, the Election Code and shall furnish to the county
clerks copies of such rules; provided that no rule is adopted
or amended within the sixty-three days before a primary or a
general election.

C. No forms or procedures shall be used in any
election held pursuant to the Election Code without prior
approval of the secretary of state. If a form is required and
prescribed by the Election Code, the secretary of state shall
issue or approve the form consistent with the prescribed form
in the Election Code. If a form is required but not prescribed
by the Election Code, the secretary of state shall issue and
approve the form consistent with the provisions of the Election
Code."

SECTION 4. A new section of Chapter 1, Article 2 NMSA
1978 is enacted to read:

"[NEW MATERIAL] ELECTIONS SECURITY PROGRAM--GENERAL
RESPONSIBILITIES.--

A. The secretary of state shall maintain an
elections security program within the bureau of elections. The
program shall have the general responsibility of advising the
secretary of state, county clerks and the voting system
certification committee regarding voting system and
cybersecurity requirements and ensuring their implementation
and shall be the primary liaison working with federal oversight
and intelligence agencies regarding elections critical infrastructure.

B. The elections security program may conduct assessments, inspections and incident response in relation to networks and equipment deemed to be election-critical infrastructure, both at the state and county level.

C. Documents and communications related to election security or that could put election-critical infrastructure at risk are exempt from disclosure pursuant to the Inspection of Public Records Act.

SECTION 5. Section 1-2-20 NMSA 1978 (being Laws 1969, Chapter 240, Section 39, as amended) is amended to read:

"1-2-20. MESSENGERS--COMPENSATION.--

A. The county clerk may appoint messengers to deliver ballot boxes, poll books, keys, election supplies and other materials pertaining to the election. Messengers may also be authorized to collect absentee ballots from polling places or secured containers and removable media storage devices from polling places and deliver [them] each to locations designated by the county clerk.

B. Messengers may be compensated at the same daily or hourly rate as provided for election board members or at a rate established by the county clerk. Messengers may be paid mileage as provided in the Per Diem and Mileage Act each way over the usually traveled route when the messenger travels by
private vehicle. The compensation and mileage shall be paid within thirty days following the date of election.

C. Messengers shall take an oath of office before entering into service as a messenger. Messengers may be appointed to serve solely in that capacity or may be election board members or county employees also appointed to serve as messengers."

SECTION 6. Section 1-3-4 NMSA 1978 (being Laws 1975, Chapter 255, Section 30, as amended) is amended to read:

"1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE CENTERS.--

A. The board of county commissioners [may permit voters in the county to cast ballots in statewide elections at] shall establish voter convenience centers through the use of consolidated precincts authorized pursuant to this section.

B. When precincts are consolidated and voter convenience centers are established for statewide elections:

(1) the resolution required by Section 1-3-2 NMSA 1978, in addition to the other matters required by law, shall state therein which precincts have been consolidated and the location of the voter convenience center within that consolidated precinct;

(2) any voter of the county shall be allowed to vote on a regular ballot at any voter convenience center in the county;
(3) Each voter convenience center shall be a consolidated precinct composed of no more than ten precincts;

(4) Each voter convenience center shall comply with the provisions of Section 1-3-7 NMSA 1978;

(5) Each voter convenience center shall have a broadband internet connection and real-time access to the voter registration electronic management system;

(6) The county clerk may maintain any alternate voting locations or mobile alternate voting locations previously used in the same election open for voting on election day as a voter convenience center, in addition to the voter convenience center established within each consolidated precinct; provided that the locations otherwise meet the requirements of a voter convenience center; and

(7) The board of county commissioners may permit certain precincts to be exempted from operating as a voter convenience center or being a part of a consolidated precinct [provided that] if the precinct is [not] designated as a mail ballot election precinct pursuant to Section 1-6-22.1 NMSA 1978 [and the polling place for that precinct does not have real-time access to the voter registration electronic management system], voters registered in a precinct as described in this paragraph are permitted to vote at any voter convenience center on election day only by use of a provisional paper ballot, which shall be counted after the county clerk
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confirms that the voter did not also vote in the same election on any other ballot].

C. Unless the county clerk receives a written waiver from the secretary of state specifying the location and specific provision being waived, each voter convenience center shall:

[(1) have ballots available for voters from every precinct authorized to vote at that voter convenience center;](1)

(2) have at least one optical scan tabulator programmed to read every ballot style able to be cast at that voter convenience center;

[(3) have at least one voting system available to assist disabled voters to cast and record their votes;](2)

(4) have sufficient spaces for at least five voters to simultaneously and privately mark their ballots, with at least one of those spaces wheelchair-accessible;

(5) have sufficient check-in stations to accommodate voters throughout the day as provided in Section 1-9-5 NMSA 1978;

(6) have a secure area for storage of preprinted ballots or for storage of paper ballot stock and a system designed to print ballots at a polling location;

(7) issue a ballot to voters who have
provided the required voter identification after the voter has
signed a signature roster or an electronic equivalent approved
by the voting system certification committee or after the voter
has subscribed an application to vote on a form approved by the
secretary of state; and

[48] (7) be in a location that is accessible
and compliant with the requirements of the federal Americans

[D. As a prerequisite to consolidation, the
authorizing resolution must find that consolidation will make
voting more convenient and accessible to voters of the
consolidated precinct and will not result in delays for voters
in the voting process and that the voter convenience center
will be centrally located within the consolidated precinct.
The board of county commissioners shall give due consideration
to input received from any local public body in the county
regarding the location of voter convenience centers.]

SECTION 7. Section 1-3-12 NMSA 1978 (being Laws 1984 (1st
S.S.), Chapter 3, Section 4, as amended) is amended to read:

"1-3-12. ADJUSTING PRECINCT BOUNDARIES.--

A. Before each federal decennial census, every
precinct shall comply with the requirements of Section 1-3-1
NMSA 1978, and if necessary its boundary shall be adjusted to
coincide with a feature or a boundary that is:

(1) shown on the standard base maps developed
pursuant to Subsection B of this section;

   (2) a designated census block boundary on the
   proposed federal PL 94-171 2020 census block maps; or

   (3) approved by the secretary of state and the
   United States bureau of the census.

B. Prior to commencement of the federal decennial
   census, the secretary of state shall have prepared and shall
   furnish to each county clerk standard base maps of the county.
   The standard base map for urban and nonurban areas of the
   county shall, as nearly as practical, show:

   (1) all state and federal highways;

   (2) all numbered and named county roads that
   have been certified to the department of transportation;

   (3) all military installation boundaries and
   federal and state prison boundaries;

   (4) all major railroad lines;

   (5) federal, state and county political
   boundaries, municipal boundaries and school district
   boundaries;

   (6) all streets within urban areas; and

   (7) other major terrain features, such as
   flowing rivers and streams, arroyos, power lines, pipelines,
   roads, trails and ridgelines and other acceptable census block
   boundaries.

C. The board of county commissioners, upon receipt
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of the standard base maps from the secretary of state and upon
the recommendation of the county clerk, shall:

(1) adjust all precinct boundaries to coincide
with numbered or named street boundaries or suitable visible
terrain features shown on the standard base map; provided that
the precincts shall be composed of contiguous and compact
areas, and state, county, municipal, school district and other
special district or political boundary lines shall serve as
precinct boundaries whenever possible; and

(2) upon the completion of the precinct
boundary adjustments as required in this section, indicate on
the standard base maps the boundaries for both urban and
nonurban precincts and, together with a written description of
the precincts, shall send an electronic copy to the secretary
of state for approval.

D. The precincts shown upon the standard base maps
submitted pursuant to the provisions of this section and as
revised and approved by the secretary of state pursuant to the
Precinct Boundary Adjustment Act shall become the official
precincts of each county for the 2021 redistricting. For the
2022 and subsequent statewide elections, changes in precincts
shall be made in accordance with the provisions of Chapter 1,
Article 3 NMSA 1978.

E. In the same calendar year in which the state
receives the results of a federal decennial census, the state
legislature shall redistrict federal representative districts, each chamber of the legislature, [public regulation commission districts] public education commission districts and any other state districts requiring redistricting.

F. In the calendar year following the receipt of the results of a federal decennial census, each local public body subject to districting shall create or redraw districts for the local public body. A local public body, when creating or redrawing districts, shall not split a precinct into two or more districts for any elected office unless necessary to comply with federal law or to preserve communities of interest."

SECTION 8. Section 1-4-5.4 NMSA 1978 (being Laws 1969, Chapter 240, Section 125, as amended) is amended to read:

"1-4-5.4. REGISTRATION--FORM.--

A. The secretary of state shall prescribe the paper form and ensure that the certificate of registration to be used in any county is compatible with the data processing systems. The secretary of state shall also prescribe the form produced by an online or electronic voter registration transaction.

B. The certificate of registration form shall require the following elements of information concerning the applicant for registration: name, [gender] residence, municipality, post office, county of former registration, date of birth, political party affiliation, zip code, telephone.
number at the applicant's option and statement of qualification for voting. The paper form shall contain a space for the qualified elector to provide a driver's license or state identification number issued by the motor vehicle division of the taxation and revenue department or the last four digits of the qualified elector's social security number, while the form resulting from an online or electronic voter registration transaction shall contain the qualified elector's full social security number.

C. Provision shall be made for the usual signature or mark of the applicant, for the signature of the county clerk and for the dates of such signatures.

D. The certificate form may be multipurpose by providing for an indication of whether the certificate of registration is for a new registration, a change in the existing registration or a cancellation of an existing registration. Provision shall be made on any multipurpose form for entry of any existing registered information for which a change may be requested.

E. The certificate of registration forms shall be serially numbered and shall be furnished promptly and in adequate supply by the secretary of state upon application from the county clerk.

F. The secretary of state shall maintain on the secretary's website a Privacy Act notice in conformance with .219881.3
the federal Privacy Act of 1974."

SECTION 9. Section 1-4-5.7 NMSA 1978 (being Laws 2019, Chapter 67, Section 1, as amended) is repealed and a new Section 1-4-5.7 NMSA 1978 is enacted to read:

"1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION PRIOR TO VOTING.--

A. In addition to the provisions in Section 1-4-8 NMSA 1978 providing for the closing of registration prior to an election, a qualified elector seeking to register to vote or update an existing certificate of registration in the state shall be allowed to do so at a voting location immediately before voting in that election after signing an affidavit under oath that the elector has not voted in the election in this state or elsewhere and as further provided in this section.

B. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration as follows:

(1) at the county clerk's office during the regular hours and days of business beginning on the twenty-eighth day preceding the election and from 10:00 a.m. to 6:00 p.m. on the Saturday immediately prior to the date of the election;

(2) if the county clerk has established an additional alternate voting location near the clerk's office in lieu of voting at the county clerk's office, a qualified
elector may register to vote or update an existing certificate of registration at that location during the regular hours and days of business beginning on the twenty-eighth day preceding the election and during the hours for voting at alternate voting locations commencing on the third Saturday prior to the election through the Saturday immediately prior to the election; and

(3) at the county clerk's office or at an additional alternative voting location near the clerk's office during the regular hours the day before election day and until 7:00 p.m. on election day.

C. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration at an alternate voting location only if the county clerk has assigned a registration officer to the alternate voting location; provided that ninety days before the election, the county clerk shall post the location of each alternate voting location where a qualified elector may register to vote or update an existing certificate of registration immediately before voting.

D. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration at an election day voting location if the county clerk has assigned a registration officer to the election day voting location; provided that ninety days before the election,
the county clerk shall post the location of each election day
voting location where a qualified elector may register to vote
or update an existing certificate of registration immediately
before voting. If an election day voting location does not
have real-time synchronization with the voter registration
electronic management system or electronic poll book database,
a qualified elector may register to vote or update an existing
certificate of registration by using a provisional ballot in
accordance with procedures prescribed by the secretary of
state.

E. If a qualified elector appears at an election
day voting location that does not allow a qualified elector to
register to vote or update an existing certificate of
registration prior to voting, the election board at the voting
location shall inform the qualified elector of the ability to
register to vote or update an existing certificate of
registration at the county clerk's office and shall provide the
qualified elector the address of any other election day voting
location where the qualified elector may register to vote or
update an existing certificate of registration on election day.

F. A voter whose political party affiliation on the
voter's certificate of registration is with a major political
party shall not be allowed to change party affiliation when
updating an existing certificate of registration or registering
to vote at an early voting site or polling place during a
primary election.

G. During a special election, a qualified elector eligible to vote in the special election may register to vote or update an existing certificate of registration at the county clerk's office during the regular hours and days of business beginning on the twenty-eighth day preceding the election until 7:00 p.m. on election day.

H. A qualified elector seeking to register to vote or update an existing certificate of registration pursuant to this section shall provide a physical form of identification that is issued by a government, including a federally recognized Indian nation, tribe or pueblo, or an educational institution and that:

(1) contains the name of the qualified elector, which shall reasonably match the name provided on the certificate of registration;

(2) contains a photograph of the qualified elector, which shall resemble the qualified elector;

(3) need not contain an expiration date, and if it does, the expiration date is not required to be a date on or after the date of the election; and

(4) shall either:

(a) contain an address that matches the address provided for the certificate of registration; or

(b) be accompanied by an original or
copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document that contains an address that matches the address provided for the certificate of registration.

I. If an early voting site or polling place does not have real-time access to the statewide electronic voter file, a voter desiring to update an existing certificate of registration or to register to vote shall be issued a provisional ballot."

SECTION 10. Section 1-4-5.7 NMSA 1978 (being Section 9 of this act) is repealed and a new Section 1-4-5.7 NMSA 1978 is enacted to read:

"1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION PRIOR TO VOTING.--

A. In addition to the provisions in Section 1-4-8 NMSA 1978 providing for the closing of registration prior to an election, a qualified elector seeking to register to vote or update an existing certificate of registration in the state shall be allowed to do so at a voting location immediately before voting in that election after signing an affidavit under oath that the elector has not voted in the election in this state or elsewhere and as further provided in this section.

B. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration at the county clerk's office during the regular
hours and days of business beginning on the twenty-eighth day
preceding the election and from 10:00 a.m. to 6:00 p.m. on the
Saturday immediately prior to the date of the election;
provided that if the county clerk establishes an additional
alternate voting location near the clerk's office in lieu of
voting at the office of the county clerk, a qualified elector
may register to vote or update an existing certificate of
registration at that location during the regular hours and days
of business beginning on the twenty-eighth day preceding the
election and during the hours for voting at alternate voting
locations commencing on the third Saturday prior to the
election through the Saturday immediately prior to the election
and, if the additional alternative voting location is open on
election day, during the regular hours of voting on election
day. In addition, a qualified elector may register to vote or
update an existing certification of registration at the county
clerk's office during regular hours of business the day before
election day.

C. During a statewide election, a qualified elector
may register to vote or update an existing certificate of
registration at any alternate voting location, mobile alternate
voting location or election day voting location; provided that
the secretary of state shall establish procedures to ensure
that a registration officer has an opportunity to review the
information of a qualified elector who registers to vote or

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updates an existing certificate of registration immediately
before the qualified elector votes.

D. A voter whose political party affiliation on the
voter's certificate of registration is with a major political
party shall not be allowed to change party affiliation when
updating an existing certificate of registration or registering
to vote at an early voting site or polling place during a
primary election.

E. During a special election, a qualified elector
may register to vote or update an existing certificate of
registration at the county clerk's office during the regular
hours and days of business beginning on the twenty-eighth day
preceding the election until 7:00 p.m. on election day;
provided that the county clerk shall provide the voter with a
ballot and balloting materials immediately after the qualified
elector registers to vote or updates the existing certificate
of registration.

F. A qualified elector seeking to register to vote
or update an existing certificate of registration pursuant to
this section shall provide a physical form of identification
that is issued by a government, including a federally
recognized Indian nation, tribe or pueblo, or an educational
institution and that:

   (1) contains the name of the qualified
elector, which shall reasonably match the name provided on the
certificate of registration;

(2) contains a photograph of the qualified elector, which shall resemble the qualified elector;

(3) need not contain an expiration date, and if it does, the expiration date is not required to be a date on or after the date of the election; and

(4) shall either:

(a) contain an address that matches the address provided for the certificate of registration; or

(b) be accompanied by an original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document that contains an address that matches the address provided for the certificate of registration.

G. If an early voting location or election day voting location does not have real-time synchronization with the voting data at the office of the county clerk, a voter desiring to update an existing certificate of registration or to register to vote shall be issued a provisional ballot. A provisional paper ballot issued pursuant to this section shall be qualified and tabulated once the county clerk determines that the voter did not vote any other ballot in the same election and if no challenge is successfully interposed."

SECTION 11. Section 1-4-5.8 NMSA 1978 (being Laws 2019, Chapter 67, Section 2) is amended to read:
"1-4-5.8. AUTOMATIC VOTER REGISTRATION--DRIVER'S LICENSE
AND AGENCY REGISTRATION AND UPDATES TO REGISTRATION.--

A. In addition to the requirements of Section
1-4-47 NMSA 1978:

(1) a qualified elector registering to vote or
updating an existing certificate of registration when
conducting an in-person transaction to apply for or renew a
driver's license or state-issued identification card:

(a) shall not be required to provide a
second time any information that duplicates information
required in the driver's license portion of the transaction;

[(2) the address of a voter who provides a
different address when conducting an in-person transaction to
apply for or renew a driver's license or state-issued
identification card shall be updated on the voter's certificate
of registration unless the voter declines to do so;] and

[(3) (b) immediately at the conclusion
of each in-person transaction to apply for or renew a driver's
license or state-issued identification card, [the person] shall
receive written notification by the motor vehicle division of
the taxation and revenue department informing the person if a
voter registration transaction was processed, and if so,
providing information regarding any voter registration
transaction delivered to the county clerk by the motor vehicle
division as a result of that application for or renewal of a

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driver's license or state-issued identification card; and

(2) if a voter provides an address different from the existing address of registration when conducting an in-person transaction to apply for or renew a driver's license or state-issued identification card and the new address is:

(a) in the same county, the secretary of state shall send the information to the county clerk of the county where the voter is registered, who shall correct the official list of eligible voters in accordance with the change of residence information on the notice; or

(b) in another county, the secretary of state shall send the information to the county clerk of the county where the new address is located, and the county clerk to whom the notice was forwarded shall process the change of residence as a transferred registration into the county.

B. In addition to the requirements of Section 1-4-48 NMSA 1978:

(1) the human services department shall develop procedures to be approved by the secretary of state to ensure that each benefit program administered by the department appropriately ensures that qualified electors receiving benefits are offered the opportunity to register to vote or update an existing certificate of registration without duplication of information contained by the department or by the secretary of state. No later than the last day of August .219881.3
of each calendar year, the human services department shall
issue an annual report detailing implementation of the
requirements of this paragraph. The report shall be sent to
the legislative council service, the secretary of state and
each county clerk; and

(2) no later than June 30, 2020 and upon the
approval of the voting system certification committee, the
secretary of state and the secretary of taxation and revenue
shall develop a procedure for using the address provided as a
taxpayer to update the registration address of a voter who has
been identified as having moved from the voter's precinct of
residence pursuant to Section 1-4-48 NMSA 1978. The procedure
shall include a requirement of notification to the voter at
least one hundred twenty days before an election of the intent
to update the registration address and the ability for a voter
to decline to permit the update to take effect.

C. If a person who is not a qualified elector
becomes registered to vote pursuant to this section, that
registration shall not be valid and the county clerk shall
remove the certificate of registration from the register of
voters."

SECTION 12. Section 1-4-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 66, as amended) is amended to read:

"1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except
for qualified electors who register to vote or update a
certificate of registration pursuant to Section 1-4-5.7 NMSA
1978, for qualified electors seeking to register to vote or
update an existing voter registration in the state, the
following provisions shall apply:

    A. to participate in an election, the deadline to
register to vote or update an existing voter registration is
twenty-eight days prior to that election;

    B. the county clerk shall receive certificates of
registration at all times during normal working hours, except
that the clerk shall not process any certificate of
registration subscribed and sworn beginning the first business
day after the deadline to register to vote or update an
existing voter registration before an election if the
residential address on the certificate of registration
indicates that the registration is for a:

       (1) statewide election, within the county; or

       (2) special election, within any precinct in
the county in which votes may be cast in the special election;

    C. between the deadline to register to vote or
update an existing voter registration through the day of the
election, the county clerk shall process all:

       (1) new voter registrations that meet the
requirements of this section;

       (2) updates to existing voter registrations in
...
this state that meet the requirements of this section; provided
that an update to an existing registration in this state shall
not be processed if the voter has requested or been sent a
ballot in the election, unless the voter executes an affidavit
stating that the voter has not and will not vote the ballot
that was issued and the ballot register does not show that a
ballot from the voter has been cast in the election; and

(3) pending cancellations of existing voter
registrations in this state through the day of the election;
provided that a cancellation of an existing voter registration
shall not be processed if the voter has requested or been sent
a ballot in the election;

D. certificates of registration and cancellations
of existing voter registrations not processed pursuant to
Subsection B or C of this section [shall] may be processed
beginning [thirty-five days after] the Monday following an
election and shall be processed beginning no later than the
first business day after the approval of the county canvass
report, at which time a voter information document shall be
mailed to the registrant at the address shown on the
certificate of registration; provided that if there is a
subsequent election scheduled at which a qualified elector or
voter would be eligible to vote if the certificate of
registration were processed on an earlier date, the certificate
of registration for that qualified elector or voter shall be
processed by the county clerk on a day and in a manner to
ensure the ability of the qualified elector or voter to vote in
the subsequent election;

E. when the deadline to register to vote or update
an existing voter registration prior to an election referred to
in this section is a Saturday, Sunday or state holiday,
registration certificates shall be accepted through the next
succeeding business day for the office of the county clerk; and

F. the county clerk shall accept for filing and
process any certificate of registration that is subscribed and
dated on or before the deadline to register to vote or update
an existing voter registration prior to an election and:

(1) received by the county clerk by the end of
the last regular business day of the week for the office of the
county clerk immediately following the deadline to register to
vote or update an existing voter registration prior to an
election;

(2) mailed and postmarked on or before the day
of the deadline to register to vote or update an existing voter
registration prior to any election referred to in this section;
or

(3) accepted at a state agency designated
pursuant to Section 1-4-5.2 NMSA 1978."

SECTION 13. Section 1-4-11 NMSA 1978 (being Laws 1969,
Chapter 240, Section 67, as amended) is amended to read:
"1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF CERTIFICATES.--

A. Upon receipt of a complete certificate of registration, if the certificate of registration is in proper form, the county clerk shall determine if the qualified elector applying for registration is already registered in the registration records of the county. If the qualified elector is not already registered in the county and if the certificate of registration is received within the time allowed by law for filing certificates of registration in the county clerk's office, the county clerk shall sign or stamp, in the space provided therefor on each copy of the certificate, the qualified elector's name and the date the certificate was accepted for filing in the county registration records. Voter information shall be handed or mailed immediately to the qualified elector and to no other person.

B. If the applicant's certificate of registration is rejected for any reason, the county clerk shall stamp or write the word "rejected" on the new certificate of registration and hand or mail it, if possible, to the applicant with an explanation of why the new certificate of registration was rejected and what remedial action, if any, the applicant must take to bring the registration up to date or into compliance with the Election Code.

C. The county clerk shall reject any certificate of
registration that does not contain the qualified elector's name, address and date of birth, along with a signature or usual mark. If the qualified elector is a new voter, the county clerk shall reject any certificate of registration that does not contain the qualified elector's driver's license or state identification number issued by the motor vehicle division of the taxation and revenue department, social security number or last four digits of the qualified elector's social security number. The county clerk shall reject any certificate of registration in which the question regarding citizenship is not answered or is answered in the negative.

D. A full social security number is required to finish processing a new voter registration in this state. If the certificate of registration does not contain a social security number, the county clerk shall ascertain the qualified elector's social security number from the qualified elector's previous certificate of registration, from the motor vehicle division of the taxation and revenue department or from the secretary of state.

E. If the county clerk rejects a certificate of registration because required information is not provided on the certificate or cannot ascertain the qualified elector's social security number, the county clerk shall indicate this on the qualified elector's certificate of registration and shall make the appropriate notation in the voter file, indicating .219881.3
that the voter is required to provide the full social security
number prior to receiving a ballot and, until it is provided,
may only vote on a provisional ballot. The provisional ballot
shall be counted [once] if the required information is provided
or the voter's full social security number is ascertained
during the period for counting provisional ballots, including
any appeals provided for in the Election Code.

F. If the qualified elector does not register in
person, has not previously voted in an election in New Mexico
and does not provide the registration officer with the required
documentary identification, the registration officer shall
indicate this on the qualified elector's certificate of
registration and the county clerk shall note this on the
appropriate precinct signature roster."

SECTION 14. Section 1-4-47 NMSA 1978 (being Laws 1991,
Chapter 80, Section 4, as amended) is amended to read:

"1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

A. Every person who is a qualified elector and is
applying for a driver's license, to renew a driver's license or
for an identification card shall, if qualified to register to
vote, with the consent of the applicant be simultaneously
registered to vote.

B. The secretary of taxation and revenue shall
select certain employees of the motor vehicle division of the
taxation and revenue department or employees of entities on

contract to provide field services to the motor vehicle
division to provide assistance to any applicant requesting
voter registration assistance.

C. Every motor vehicle division office, field
office or contract field office of the division shall display
within the offices clearly visible signs stating "voter
registration assistance available" and:

(1) personnel in each office shall advise each
person who is a qualified elector and an applicant for
licensure or renewal or for an identification card that initial
voter registration or a change of address for voter
registration may be made simultaneously with the motor vehicle
application;

(2) voter registration shall be conducted in a
manner such that the applicant completes the full certificate
of registration electronically; [and]

(3) the applicant's digital signature shall be
affixed to the certificate of registration using an electronic
signature in conformance with the Electronic Authentication of
Documents Act and the Uniform Electronic Transactions Act; and

(4) every certificate of registration
completed electronically shall include the applicant's full
social security number and shall be transmitted by means of a
secured electronic transmission to the secretary of state for
delivery to the appropriate county clerk.
D. A motor vehicle division employee or contractor shall not intentionally influence the prospective registrant in the selection of political party, or independent status, by word or act. A motor vehicle division employee or contractor shall not reveal the existence of or the nature of the voter registration to anyone other than a registration officer.

E. Any certificate of voter registration completed on a paper form and made or accepted at a motor vehicle division office, [or motor vehicle division] field office or contract field office shall be transmitted to the secretary of state [and] or the [appropriate registration officer] county clerk of the county in which the office is located within seven [calendar] days.

F. The secretary of state shall work with the motor vehicle division to:

(1) ensure compliance in the application of the provisions of this section with the federal National Voter Registration Act of 1993;

(2) ensure consistent implementation in the various counties, based on county classification and developing technology; and

(3) develop procedures to ensure that, once voter registration information is transmitted to the appropriate registration officer, the voter's certificate of registration is printed and placed in the county's register of .219881.3
SECTION 15. Section 1-5-6 NMSA 1978 (being Laws 1969, Chapter 240, Section 108, as amended) is amended to read:

"1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER PREPARATION.--

A. The county clerk shall provide for preparation of precinct voter lists and signature rosters generated from the official state voter file for any precincts.

B. The precinct voter lists and signature rosters or an electronic poll book alternative shall be used at any election for which registration of voters is required in lieu of bound original certificates of registration and poll books.

C. By July 1, 2023, the secretary of state and the secretary of taxation and revenue shall develop a procedure for importing the list of eligible but unregistered persons with a driver's license or state-issued identification card into the voter registration electronic management system prior to an election to facilitate processing a new voter or updated certificate of registration at a polling location."

SECTION 16. Section 1-6-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 130, as amended) is amended to read:

"1-6-4. MAILED BALLOT APPLICATION.--

A. In a statewide election, application by a voter for a mailed ballot shall be made only on [a] the official paper form approved by the secretary of state or its online
equivalent. The form shall identify the applicant and contain information to establish the applicant's qualification for issuance of a mailed ballot under the Absent Voter Act [provided that only on the application form for a primary election ballot there shall be a box, space or place provided for designation of the voter's political party affiliation].

B. Each application on a paper form for a mailed ballot shall be signed by the applicant and shall require the applicant's printed name, registration address and year of birth [to be supplied by the applicant, which shall constitute the required form of identification]. When submitted by the voter, the county clerk shall accept an application for a mailed ballot pursuant to this subsection regardless of whether the application for a mailed ballot is delivered to the county clerk on paper or by electronic means. When submitted by a third party, the county clerk shall not accept the paper form of an application for a mailed ballot pursuant to this subsection if the application [for a mailed ballot] is [delivered] submitted to the county clerk by electronic means.

C. The secretary of state shall allow a voter to submit an online application for a mailed ballot through a website authorized by the secretary of state; provided that the voter shall have a current or expired New Mexico driver's license or state identification card issued by the motor vehicle division of the taxation and revenue department. An
online request for a mailed ballot shall contain all of the information that is required for a paper form. The voter shall also provide the person's full New Mexico driver's license number or state identification card number.

D. When a voter requests a mailed ballot pursuant to this section, the voter shall mark the box associated with the following statement, which shall be included as part of the online mailed ballot request form:

"By clicking the boxes below, I swear or affirm all of the following:

[ ] I am the person whose name and identifying information is provided on this form and I desire to request a mailed ballot to vote in the state of New Mexico; and

[ ] All of the information that I have provided on this form is true and correct as of the date I am submitting this form."

E. Online applications for mailed ballots shall retain the dates of submission by the qualified elector and of acceptance by the county clerk. For purposes of deadlines contained in the Election Code, the time and date of the submission by the voter shall be considered the time and date when the application for a mailed ballot is received by the county clerk.

F. New registrants who registered for the first time in this state by mail and at that time did not provide
acceptable documentary identification as required by federal law shall be informed of the need to comply with federal identification requirements when returning the requested ballot and notified that if the registrant votes for the first time in New Mexico by mail and does not follow the instructions for returning the required documentary identification, the registrant waives the right to secrecy in that mailed ballot.

The secretary of state shall issue rules to exempt voters from submitting identification only as required by federal law and shall review and, if necessary, update these rules no later than March 15 of even-numbered years.

G. A person who willfully and with knowledge and intent to deceive or mislead any voter, election board, canvassing board, county clerk or other election official and who falsifies any information on an absentee ballot request form or who affixes a signature or mark other than the person's own on a mailed ballot request form is guilty of a fourth degree felony."

SECTION 17. Section 1-6-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 131, as amended) is amended to read:

"1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

A. The county clerk shall mark each completed application for a mailed ballot with the date and time of receipt in the clerk's office and enter the required information in the ballot register. The county clerk shall
then determine if the applicant is a voter and if the voter is a uniformed-service voter or an overseas voter. If the applicant is a uniformed-service voter or overseas voter, the application shall be processed pursuant to the Uniform Military and Overseas Voters Act. **An application for a mailed ballot from a voter who is not a uniformed-service voter or overseas voter is timely if received by the county clerk no later than fourteen days prior to election day.**

B. If the applicant does not have a valid certificate of registration on file in the county, a mailed ballot shall not be issued and the county clerk shall mark the application "rejected" and file the application in a separate file from those accepted [*and notify the applicant in writing with an explanation why the application was rejected.*]

C. When required by federal law, if the applicant has on file with the county a valid certificate of registration that indicates that the applicant is a voter who is a new registrant in the state and who registered by mail without submitting the required documentary identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot a form of documentary identification from the list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk shall note on the ballot register and signature roster that the applicant's mailed ballot must be returned with the required voter identification.

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D. If the applicant has on file with the county a valid certificate of registration, the county clerk shall mark the application "accepted" and deliver a mailed ballot to the voter and the required envelopes for use in returning the ballot.

E. Upon the mailing of a mailed ballot to an applicant who is a voter, an appropriate designation shall be made [on the signature line of the signature roster next to the name of the voter] in the absentee ballot register.

F. A mailed ballot shall not be delivered by the county clerk to any person other than the applicant for the ballot. Mailed ballots shall be sent to applicants beginning twenty-eight days before the election. For each application for a mailed ballot received twenty-three or more days before the election, the county clerk shall send either the ballot or a notice of rejection to the applicant as soon as practicable; provided that the ballot or a notice of rejection is sent not later than twenty-two days before the election. For each application for a mailed ballot received within twenty-two days of election day, the county clerk shall send either the mailed ballot or a notice of rejection to the applicant within twenty-four hours after receipt of the voter's application for a mailed ballot. [A mailed ballot shall be requested not later than the Thursday immediately prior to the date of the election and shall be sent to the voter not later than the Friday.
immediately prior to the date of the election.]

G. If the application for a mailed ballot from a
voter who is not a federal qualified elector indicates that the
mailed ballot is to be delivered to an address other than an
address listed on the voter's certificate of registration, the
county clerk shall prepare a notice of requested mailed ballot.
The notice of requested mailed ballot shall inform the voter of
the address to which the ballot was mailed along with the phone
number of the county clerk's office and the internet address of
the voter web portal provided by the secretary of state. The
notice of requested mailed ballot shall be delivered to the
address provided on the voter's certificate of registration on
the same day the county clerk delivers the mailed ballot to the
address requested by the voter.

H. When an application for a mailed ballot is
rejected pursuant to this section, the county clerk shall send
a notice of rejection to the mailing address on the voter's
certificate of registration and the address listed on the
voter's application for mailed ballot, if different. The
notice of rejection shall indicate the reason for the rejection
and, if applicable, information on how to satisfy the
rejection. If an application is rejected because it was not
timely received, the county clerk shall, within twenty-four
hours of receipt of the application, send a rejection notice to
the voter that shall include a list of the early and election
day polling locations in the county.

I. The county clerk shall only accept applications for a mailed ballot made through the official web portal operated by the secretary of state or submitted on the official paper form sent to the voter by the county clerk. If a voter submits more than one application for a mailed ballot containing the same information, subsequent applications containing the same information shall not be processed."

SECTION 18. Section 1-6-6 NMSA 1978 (being Laws 1969, Chapter 240, Section 132, as amended) is amended to read:

"1-6-6. BALLOT REGISTER.--

A. For each statewide election, the county clerk shall keep an "absentee ballot register", in which the county clerk shall enter:

(1) the name and address of each absentee ballot applicant;

(2) the date [and time] of receipt of the application;

(3) whether the application was accepted or rejected;

(4) the date of issue of an absentee ballot at an early voting location or the mailing of an absentee ballot to the applicant;

(5) the applicant's precinct;

(6) whether the applicant is a voter and
whether the voter is a uniformed-service voter or an overseas voter;

(7) whether the voter is required to submit documentary identification pursuant to Section 1-6-5 NMSA 1978; and

(8) the date [and time] the completed mailed ballot was received from the voter by the county clerk or the absent voter registered a ballot early in person in the county clerk's office or at an alternate location.

B. For each special election, the county clerk shall keep a "mailed ballot register", in which the county clerk shall enter:

(1) the name and address of each voter to whom a mailed ballot was sent;

(2) the date of mailing of a mailed ballot to the voter;

(3) the applicant's precinct;

(4) whether the voter is a uniformed-service voter or an overseas voter;

(5) whether the voter is required to submit a documentary identification pursuant to Section 1-6-5 NMSA 1978; and

(6) the date and time the completed mailed ballot was received from the voter by the county clerk.

C. Each ballot register is a public record open to 219881.3
public inspection in the county clerk's office during regular office hours. The county clerk shall have an updated ballot register available for public inspection Monday through Friday during regular office hours.

D. The county clerk shall deliver to the absent voter election board on election day a complete list of all absentee ballot applicants and early voters with applicable information shown in the absentee ballot register for each applicant and early voter up to 6:00 p.m. on the Saturday preceding a statewide election. The county clerk shall deliver a signature roster containing the same information as the lists to the absent voter election board.

E. Upon request, the county clerk shall transmit to the county chair of each of the political parties participating in a partisan election in the county a complete copy of entries made in the absentee ballot register. Such transmissions shall be made once each week beginning four weeks immediately prior to the election. A final copy shall be transmitted on the Saturday immediately following the election.

F. If the county clerk has available the technology to do so, at the request of a candidate or chair of a political party of the county, the county clerk shall electronically transmit to the candidate or chair via the internet the information, when updated, on the absentee ballot register indicating voters who have requested absentee ballots, returned
SECTION 19. Section 1-6-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 134, as amended) is amended to read:

"1-6-8. MAILED BALLOT ENVELOPES.--

A. The secretary of state shall prescribe the form of, procure and distribute to each county clerk a supply of:

(1) official inner envelopes for use in sealing the completed mailed ballot;

(2) official mailing envelopes for use in returning the official inner envelope to the county clerk, which shall be postage-paid; provided that only the official mailing envelope for absentee ballots in a political party primary shall contain a designation of party affiliation;

(3) mailed ballot instructions, describing proper methods for completion of the ballot and returning it; and

(4) official transmittal envelopes for use by the county clerk in sending mailed ballot materials.

B. Official transmittal envelopes and official mailing envelopes for transmission of mailed ballot materials to and from the county clerk and voters shall be printed in black in substantially similar form. All official inner envelopes shall be printed in black.

C. The reverse of each official mailing envelope shall contain a form to be executed under penalty of perjury by
the voter completing the mailed ballot. The form shall identify the voter and shall contain the pre-printed name of the voter to whom the ballot was sent and the following statement to be affirmed by the voter: "I attest under penalty of perjury that I am the voter identified on this official mailing envelope and that I have not and will not vote any other ballot in this election.". The official mailing envelope shall contain a space for the voter to record the voter's name [registration address and year of birth] and signature and the last four digits of the voter's social security number, which shall constitute the required voter identification. Under the space for the voter's signature shall be the following statement: "NOTICE: The only people who may lawfully mail or deliver this ballot to the county clerk are the voter, a member of the voter's immediate family or household or the voter's caregiver.". The envelope shall have a security flap to cover this information."

SECTION 20. Section 1-6-9 NMSA 1978 (being Laws 1969, Chapter 240, Section 135, as amended) is amended to read:

"1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY METHODS.--

A. When voting a mailed ballot, the voter shall secretly mark the mailed ballot in the manner provided in the Election Code for marking paper ballots, place it in the official inner envelope and securely seal the envelope. The
voter shall then place the official inner envelope inside the
official mailing envelope and securely seal the envelope. The
voter shall then complete the form on the reverse of the
official mailing envelope [which shall include a statement by
the voter under penalty of perjury that the facts stated in the
form are true and the voter's name, registration address and
year of birth] under the privacy flap. The voter or another
person authorized by law shall then return the official mailing
envelope containing the voted ballot to the county clerk of the
voter's county of residence. If returned by a person other
than the voter, the official mailing envelope shall contain the
signature, printed name and relationship to the voter of the
person returning the ballot.

B. The official mailing envelope may be returned by
mail using the United States postal service. The secretary of
state shall implement a free-access tracking system for each
voter to be able to see the status of the voter's mailed ballot
while en route to the voter as well as when returned to the
county clerk.

C. The official mailing envelope may be returned
using a commercial delivery service; provided that unless the
secretary of state has approved the use of a specific
commercial delivery service, the voter shall be responsible for
the costs of delivery by means of such service.

D. The official mailing envelope may be returned in
person to the office of the county clerk or to an alternate
ing voting location, mobile alternate voting location, [or]
election day voting location or other location where the
receipt and storage of the official mailing envelope containing
a voted ballot is under the supervision of an election official
or county employee.

E. The official mailing envelope may be returned by
depositing the official mailing envelope in [an unsupervised
secured container made available by the county clerk to receive
an official mailing envelope containing a voted [mailed
ballots] ballot for that election; provided that:

(1) the location of the containers and the
days and times the containers will be available to receive
ballots are posted by the county clerk at least [ninety days
before a statewide election or] forty-two days before [an
special] an election;

(2) the location of a secured container is
considered a polling place for purposes of electioneering too
close to the polling place in violation of Section 1-20-16 NMSA
1978;

(3) all secured containers shall be monitored
by video surveillance cameras and the video recorded by that
system shall be retained by the county clerk as a record
related to voting pursuant to the provisions of Section 1-12-69
NMSA 1978;
(4) signage at the location of a secured container shall inform voters and those dropping off ballots at the location:

(a) that it is a violation of law for any person [who is not an immediate family member] to collect and deliver a ballot for another person except as authorized by the Election Code;

(b) that electioneering is prohibited within one hundred feet of the secured container; and

(c) of the range of dates and approximate time the ballots will be collected for a specific election; and

(5) at least once a day, the county clerk, [or a full-time] deputy county clerk, election board member or messenger shall collect the ballots from the secured containers and register the date and time [stamp and container location on each official mailing envelope [and identify the location of the secured container in the ballot register].

F. It is a violation of Section 1-20-6 NMSA 1978 for any person to possess a key to a secured container without authorization from the county clerk. It is a violation of Section 1-20-7 NMSA 1978 for any person other than the county clerk to establish, designate or operate a secured container or other receptacle to receive voted ballots."

SECTION 21. Section 1-6-10 NMSA 1978 (being Laws 1969, .219881.3

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Chapter 240, Section 136, as amended) is amended to read:

"1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.---

[A. The county clerk shall mark on each completed official mailing envelope the date and time of receipt in the clerk's office, record this information in the absentee or mailed ballot register and safely keep the official mailing envelope unopened in a locked and number-sealed ballot box until it is delivered to the proper election board, counted in the county canvass or canceled and destroyed in accordance with law.]

A. A completed official mailing envelope shall be accepted until 7:00 p.m. on election day. A completed official mailing envelope received after that time shall not be qualified or opened but shall be preserved by the county clerk for the applicable retention period provided in Section 1-12-69 NMSA 1978. The county clerk shall report the number of late ballots from voters, uniformed-service voters and overseas voters and report the number from each category to date on the final mailed ballot report and as part of the county canvass report. If additional late ballots are received, the county clerk shall update the number of late ballots from each category to the secretary of state.

B. On the day a returned mailed ballot is received by the county clerk, the county clerk shall mark the date of receipt on the outside of the official mailing envelope.
Within one business day of receiving a returned official mailing envelope, the county clerk shall remove the privacy flap to verify that the voter signed the official mailing envelope and to confirm that the last four digits of the social security number provided by the voter match the information available to the county clerk.

C. If the voter's signature is present and the last four digits of the voter's social security number match, the county clerk shall note in the absentee ballot register that the information required to be provided by the voter under the privacy flap has been verified and shall safely keep the official mailing envelope unopened in a locked and number-sealed ballot box until it is delivered to the absent voter election board.

D. If either the voter's signature is missing or the last four digits of the voter's social security number are not provided or do not match, the county clerk shall make the appropriate notation in the absentee ballot register and shall safely keep the official mailing envelope unopened in a secured ballot box designated for those official mailing envelopes received that are missing the voter's signature or the last four digits of the voter's social security number or where the last four digits of the social security number do not match the information available to the county clerk. The county clerk shall immediately send the voter a notice to cure containing .219881.3
information regarding how the voter may provide documentation
to cure the missing or incorrect information.

E. The voter may provide the missing or corrected
information at any time up to the conclusion of the appeal
process for rejected ballots. If a voter provides the missing
or corrected information:

(1) before the absent voter election board has
been convened, the county clerk shall attach the documentation
to the unopened official mailing envelope, update the ballot
register accordingly and transfer the ballot to the locked and
number-sealed ballot box until it is delivered to the absent
voter election board;

(2) after the absent voter election board has
been convened, the county clerk shall attach the documentation
to the unopened official mailing envelope, update the ballot
register accordingly and transfer the ballot to the absent
voter election board;

(3) after the adjournment of the absent voter
election board but before the conclusion of the county canvass
process, the county clerk shall attach the documentation to the
unopened official mailing envelope, update the ballot register
accordingly and transfer the ballot to an election board
convened to assist in preparation of the county canvass report;
and

(4) after the county canvass report has been
approved, the voter may appeal in accordance with appeal procedures for provisional ballots pursuant to Section 1-12-25.2 NMSA 1978.

[F.] In a statewide election, if the unopened official mailing envelope is received by the county clerk from an election board before the absent voter election board has adjourned, the unopened official mailing envelope shall be [logged and] transmitted to the absent voter election board to be tallied immediately. If the unopened official mailing envelope is received by the county clerk from an election board after the absent voter election board has adjourned, the unopened official mailing envelope shall be [logged and] transmitted to an election board convened to assist in preparation of the county canvass report to be tallied and included in the canvass report of that county for the appropriate precinct.

[C.] Completed official mailing envelopes shall be accepted until 7:00 p.m. on election day.

D. Any completed official mailing envelope received after that time shall not be qualified or opened but shall be preserved by the county clerk for the applicable retention period provided in Section 1-12-69 NMSA 1978. The county clerk shall report the number of late ballots from voters, uniformed-service voters and overseas voters and report the number from each category to date on the final absentee ballot report and
as part of the county canvass report. If additional late
ballots are received, the county clerk shall update the number
of late ballots from each category to the secretary of state."

SECTION 22. Section 1-6-10.1 NMSA 1978 (being Laws 2003,
Chapter 357, Section 5, as amended) is amended to read:

"1-6-10.1. ABSENTEE BALLOT--DELIVERY TO COUNTY CLERK.--

A. A voter, caregiver to that voter or member of
that voter's immediate family may deliver that voter's absentee
ballot to the county clerk in person or by mail; provided that
the voter has subscribed the official mailing envelope of the
absentee ballot.

B. As used in this section, "immediate family"
means the spouse, children, parents, domestic partner,
grandchildren, grandparents or siblings of a voter or a person
with whom the voter has a continuing personal relationship."

SECTION 23. Section 1-6-14 NMSA 1978 (being Laws 1971,
Chapter 317, Section 11, as amended) is amended to read:

"1-6-14. HANDLING MAILED BALLOTS.--

A. At any time after mailed ballots have been sent
to voters and until the fifth day before the election, the
county clerk may convene an absent voter election board to meet
during the normal business hours of the office of the county
clerk to [qualify] process the mailed ballots that are
returned. Before opening an official mailing envelope, the
presiding judge and the election judges shall determine that
the county clerk has verified the required information [has been completed] on the reverse side of the official mailing envelope.

[B. If the voter's signature or the required voter identification is missing, the presiding judge shall write "Rejected" on the front of the official mailing envelope. The judge or election clerk shall enter the voter's name in the signature rosters or register and shall write the notation "Rejected—Missing Signature" or "Rejected—Missing Required Voter Identification" in the "Notations" column of the register. The presiding judge shall place the official mailing envelope unopened in a container provided for rejected ballots.] The verification of the county clerk is subject to an interposition of a challenge by or before the absent voter election board pursuant to Subsection C of this section.

B. If, pursuant to Subsection F of Section 1-6-4 NMSA 1978, the voter was notified of the need to comply with federal identification requirements when returning the requested ballot and failed to comply, the judge or election clerk shall preserve the inner envelope with the official mailing envelope and write "Rejected" on the front of the official mailing envelope, and the judge or election clerk shall update the ballot register accordingly. The presiding judge shall place the official mailing envelope with the attached inner envelope in a container provided for rejected ballots.
ballots; provided that if the judge or election clerk was required to open the inner envelope to determine that the required documentary identification was not included, the untallied ballot shall be returned to the inner envelope and preserved along with the official mailing envelope in a container for this purpose.

C. A lawfully appointed challenger may view the official mailing envelope and may challenge the ballot of any mailed ballot voter for the following reasons:

1. the official mailing envelope has been opened by someone other than the voter prior to being received by the absent voter election board;
2. the official mailing envelope does not contain a signature;
3. the official mailing envelope does not contain the required [voter] documentary identification; or
4. the person offering to vote is not a voter as provided in the Election Code.

D. If a challenge is upheld by unanimous vote of the presiding judge and the election judges, the official mailing envelope shall not be opened but shall be placed in a container provided for challenged ballots. If the reason for the challenge is satisfied by the voter before the conclusion of the county canvass or as part of an appeal, the official mailing envelope shall be opened and the vote counted.
E. If the official mailing envelope has been properly subscribed and the voter has not been challenged, the judges or election clerks shall [enter the voter's name and residence address as shown on the official mailing envelope and shall] make the appropriate notation [opposite the voter's name in the "Notations" column of] in the ballot register.

F. For any election in which fewer than ten thousand mailed ballots were sent to the voters of a county, only between 8:00 a.m. and 10:00 p.m. on the five days preceding the election, and beginning at 7:00 a.m. on election day, under the personal supervision of the presiding election judge, shall the election judges open the official mailing envelope and the official inner envelope and insert the enclosed ballot into an electronic voting machine to be registered and retained until votes are counted [and canvassed following the closing of the polls on election night] by generating the report of the ballot results no sooner than 7:00 a.m. on election day.

G. For any election in which ten thousand or more mailed ballots were sent to the voters of a county, only during the regular business hours of the office of the county clerk during the two weeks preceding the election, between 8:00 a.m. and 10:00 p.m. on the four days preceding the election and beginning at 7:00 a.m. on election day, under the personal supervision of the presiding election judge, shall the election
judges open the official mailing envelope and the official inner envelope and insert the enclosed ballot into an electronic voting machine to be registered and retained until votes are counted [and canvassed following the closing of the polls on election night] by generating the report of the ballot results no sooner than 7:00 a.m. on election day.

H. It is unlawful for a person to disclose the results of a count and tally or the registration on a voting machine of mailed ballots prior to the later of the closing of the polls or the deadline for receiving mailed ballots pursuant to Section 1-6-10 NMSA 1978.

I. Mailed ballots shall be counted and tallied, where possible, on an electronic voting machine as provided in the Election Code.

J. If a mailed ballot is rejected for any reason, it shall be handled in the same manner as a disqualified provisional paper ballot in accordance with the Election Code.

K. On election night, the absent voter election board shall recess upon the earlier of completion of its work or 11:00 p.m. An absent voter election board that recesses at 11:00 p.m. shall continue its work only between the hours of 9:30 a.m. and 8:00 p.m. on each subsequent day until the board has completed its work."

SECTION 24. Section 1-6-16 NMSA 1978 (being Laws 2019, Chapter 212, Section 74) is amended to read:

.219881.3
"1-6-16. MAILED BALLOTS--REPLACEMENT AND PROVISIONAL PAPER BALLOTS.--

A. A voter who has applied for a mailed ballot or who has been sent a mailed ballot may execute an affidavit stating that the person did not and will not vote the mailed ballot that was issued. Upon receipt of the sworn affidavit, if the ballot register does not show that a ballot from the voter has been cast in that election, the county clerk shall void the mailed ballot that was previously issued to the voter.

B. A voter shall be mailed a replacement ballot to be returned to the county clerk for tabulation by the absent ballot election board if the voter:

(1) communicates with the office of the county clerk and requests a replacement mailed ballot be delivered to the voter; and

(2) has executed the affidavit required by Subsection A of this section and the county clerk has voided the mailed ballot previously issued to the voter.

C. A replacement ballot is not subject to the deadline for issuing a mailed ballot pursuant to Subsection F of Section 1-6-5 NMSA 1978.

D. A voter shall be issued a replacement ballot to be filled out and fed by the voter into the electronic vote tabulator if the voter:

(1) appears at the office of the county clerk,
an alternate voting location or a mobile alternate voting location:

(a) at any time during the period for early voting if the county clerk has real-time synchronization between the early voting locations and the qualification of mailed ballots; or

(b) during the period for early voting until the time the county clerk begins qualifying mailed ballots if the county clerk does not have real-time synchronization between the early voting locations and the qualification of mailed ballots; and

(2) has executed the affidavit required by Subsection A of this section and the county clerk has voided the mailed ballot previously issued to the voter.

[D-7] E. If the county clerk does not have real-time synchronization between the early voting locations and the qualification of mailed ballots, a voter shall be issued a provisional paper ballot to be filled out and delivered to the county clerk for tabulation during the county canvass if:

(1) the voter appears at an early voting location after the time the county clerk begins qualifying mailed ballots; and

(2) the voter has executed the affidavit required by Subsection A of this section and the county clerk has voided the mailed ballot previously issued to the voter.
F. A provisional paper ballot issued pursuant to this section shall be qualified and tabulated once the county clerk determines that the voter did not vote any other ballot in the same election and if no challenge is successfully interposed.

G. The secretary of state shall prescribe the form of the affidavit and the manner in which the county clerk shall void the previously requested absentee ballot.

H. For the purposes of this section, "real-time synchronization" means that at the time the replacement ballot is issued, the broadband internet connection at the location where the replacement ballot is issued is able to synchronize voting data with the office of the county clerk."

SECTION 25. Section 1-6-22.1 NMSA 1978 (being Laws 2009, Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1, as amended) is amended to read:

"1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING IN LIEU OF POLLING PLACE.--

A. Notwithstanding the provisions of Sections 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday in November of each odd-numbered year, a board of county commissioners may designate a precinct as a mail ballot election precinct if, upon a written request of the county clerk, it finds that the precinct has fewer than one hundred voters and the nearest polling place for an adjoining precinct..."
is more than twenty miles driving distance from the boundary
for the precinct in question.

B. If a precinct is designated a mail ballot
election precinct, in addition to the notice required pursuant
to Section 1-3-8 NMSA 1978, the county clerk shall notify by
mail with delivery confirmation all voters in that precinct at
least forty-two days before an election that each voter will be
sent an absentee ballot twenty-eight days before the election
and that there will be no polling place for the precinct on
election day. The county clerk shall include in the notice a
card informing the voter that if the voter does not want to
receive an absentee ballot for that election, the voter should
return the card before the date the county clerk is scheduled
to mail out absentee ballots. The notice shall also inform the
voter that a voting system equipped for persons with
disabilities will be available at all early voting sites before
election day and in the office of the county clerk on election
day in case the voter prefers to vote in person and not by
mail. In addition, the notice shall inform the voter [if the
county is consolidating precincts on election day and, if so]
of the ability of the voter to cast a ballot at any
[consolidated precinct] voter convenience center on election
day if the voter chooses not to receive an absentee ballot, or
to cast a [provisional] replacement ballot at any [consolidated
precinct] voter convenience center if the voter does not
receive an absentee ballot, which will be counted upon
confirmation that the voter has not returned the absentee
ballot.

C. The county clerk shall mail each voter in the
mail ballot election precinct an absentee ballot on the twenty-
eighth day before an election, unless the voter has requested
otherwise, along with a notice that there will be no polling
place in that precinct on election day.

[D. The county clerk shall keep a sufficient number
of ballots from a mail ballot election precinct such that a
voter from that precinct may vote on a replacement or
provisional paper ballot pursuant to Section 1-6-16 NMSA 1978
or on an emergency paper ballot pursuant to Section 1-6-16.2
NMSA 1978.]

SECTION 26. Section 1-6B-6 NMSA 1978 (being Laws 2015,
Chapter 145, Section 30, as amended) is amended to read:

"1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS
BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS
BALLOT.--

A. A federal qualified elector who is currently
registered to vote in this state may [by the deadline specified
in the Absent Voter Act for receipt of mailed ballot
applications] apply for a military-overseas ballot by:

(1) using a mailed ballot application pursuant
to the Absent Voter Act; or
SRC/SB 48

(2) using the federal postcard application or the application's electronic equivalent.

B. A federal qualified elector who is not currently registered to vote in this state may, by the deadline in the Election Code for registering to vote, simultaneously register to vote and apply for a military-overseas ballot by using a federal postcard application or the application's electronic equivalent.

C. An application for a military-overseas ballot for [a primary election] any election conducted pursuant to the Election Code, whether or not timely, is effective as an automatic application for a military-overseas ballot for [the general election] all subsequent elections the voter is eligible to participate in through the conclusion of the election cycle.

D. An application [for a military-overseas ballot is effective as an automatic application for a military-overseas ballot for a top-two runoff election necessary to conclude the election for which the application was submitted] from a federal qualified elector who provides information permitting secured electronic delivery of the ballot is timely if received by the county clerk no later than seven days prior to election day. An application from a federal qualified elector who does not provide information permitting secured electronic delivery of the ballot is timely if received by the .219881.3
county clerk no later than fourteen days prior to election day."

SECTION 27. Section 1-6B-10 NMSA 1978 (being Laws 2015, Chapter 145, Section 34, as amended) is amended to read:

"1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--QUALIFICATION.--

A. A federal qualified elector may use a federal write-in absentee ballot to vote for all offices and ballot questions in an election.

B. In completing the federal write-in absentee ballot, the federal qualified elector may designate a candidate by writing in the name of the candidate. In a general election when voting for a specified office, a federal qualified elector may in the alternate complete the federal write-in absentee ballot by writing in the name of a political party, in which case the ballot shall be counted for the candidate of that political party.

C. A qualified federal write-in absentee ballot shall be processed during the canvass in the same manner as a provisional ballot. A federal write-in absentee ballot from a federal qualified elector shall not be qualified if the federal qualified elector voted on any other type of ballot. A federal write-in absentee ballot of an overseas voter shall not be qualified if the ballot is submitted from any location in the United States."
SECTION 28. Section 1-6C-6 NMSA 1978 (being Laws 2019, Chapter 226, Section 6) is amended to read:

"1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS.--

A. On the thirty-fifth day before an election, on behalf of each voter-participant eligible to vote in that election, the administrator shall request from each appropriate county clerk the ballot to be used by each voter-participant registered to vote in that county.

B. The request shall not reveal the name or address of the voter-participant. In place of a voter-participant's name and address, the administrator shall provide the appropriate county clerk the random identifier and verification code associated with the voter-participant for that election. The request made pursuant to this section is a record related to voting subject to the disclosure and retention procedures of Section 1-12-69 NMSA 1978.

C. No later than thirty-two days before the election, the appropriate county clerk shall transmit to the administrator the ballot for each voter-participant registered to vote in that county.

D. Twenty-eight days before the election, the administrator shall mail a ballot and balloting materials to a voter-participant's delivery address, along with a return envelope necessary to return the voted ballot to the appropriate county clerk. The return envelope shall be the
same as for all other voters, except that in place of the
required voter identification to be written under the privacy
flap, the administrator shall provide the random identifier
assigned to that voter-participant for that election. The
return envelope for the voted ballot shall be postage-paid and
the return address shall be the address for the appropriate
county clerk.

E. When a participant registers to vote or updates
a voter registration after the thirty-fifth day before an
election but before the deadline to register to vote or to
update an existing registration pursuant to Section 1-4-8 NMSA
1978, the administrator shall:

(1) request from the appropriate county clerk,
and the appropriate county clerk shall transmit to the
administrator as soon as practicable, a ballot and balloting
materials; and

(2) send a voter-participant the ballot and
balloting materials within twenty-four hours of receipt from
the appropriate county clerk.

F. When an unvoted ballot is transmitted to the
administrator on behalf of a voter-participant, the appropriate
county clerk shall note in the ballot register the random
identifier in place of the voter-participant's name and the
address of the confidential substitute address program in place
of the voter-participant's address and shall not note the
voter-participant's gender or year of birth.

G. A voter-participant needing a replacement ballot may appear in person only at the office of the county clerk and execute an affidavit stating that the voter-participant did not and will not vote any other ballot in that election. When completing the affidavit, the voter-participant shall use the random identifier in place of the voter-participant's name. Upon receipt of the sworn affidavit, if the ballot register does not show that a ballot from the voter-participant has been received in that election, the county clerk shall void the ballot that was previously issued and issue to the voter-participant a replacement ballot and ballot materials, which shall include the voter-participant's random identifier, but the county clerk shall not provide to the voter-participant the verification code when issuing a replacement ballot pursuant to this subsection."

SECTION 29. Section 1-6C-7 NMSA 1978 (being Laws 2019, Chapter 226, Section 7) is amended to read:

"1-6C-7. RECEIPT OF VOTED BALLOTS FROM VOTER-PARTICIPANTS.--

A. A voted ballot shall be returned by the voter-participant to the appropriate county clerk. A voted ballot from a voter-participant shall be considered timely if it is received no later than the deadline for receiving mailed absentee ballots or mailed ballots pursuant to Section 1-6-10.219881.3
B. When a voted ballot is received from a voter-participant, the appropriate county clerk or election board shall compare the random identifier provided by the voter-participant under the privacy flap to the list of random identifiers provided by the administrator for that election. If the random identifier appears in both places, the appropriate county clerk shall verify that the verification code assigned to that random identifier for that election matches the verification code provided by the voter-participant under the privacy flap in lieu of the voter's signature. If the verification code is on the list provided by the administrator for use in that election and matches the random identifier assigned by the administrator to identify the voter-participant, the ballot shall be qualified and processed in the same manner as mailed absentee ballots or mailed ballots received and qualified in that election.

C. If either the random identifier or the verification code is missing, or if the random identifier and verification code under the privacy flap do not match, the ballot shall not be qualified and shall be disposed of in the same manner as mailed absentee ballots or mailed ballots received in that election and not qualified.

D. Following an election and within the time frames provided in the Election Code, the appropriate county clerk...
shall provide to the administrator using the random identifier for that election the voter credit information for each voter-participant who voted [and the appropriate notations for any voter-participant whose election mail was returned as undeliverable]."

SECTION 30. Section 1-8-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 152, as amended) is amended to read:

"1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--DESIGNATED NOMINEES.--

A. If the rules of a minor political party require nomination by political convention:

(1) the chair and secretary of the state political convention shall certify to the secretary of state the names of their party's nominees for United States senator, United States representative, all elective state offices, legislative offices elected from multicounty districts, [the public regulation commission] all elective judicial officers in the judicial department and all offices representing a district composed of more than one county; and

(2) the chair and secretary of the county political convention shall certify to the county clerk the names of their party's nominees for elected county offices and for legislative offices elected from a district located wholly within one county or that is composed of only one county.

B. The names certified to the secretary of state
shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by nominating petitions containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

(1) in the state for statewide offices; and
(2) in the district for offices other than statewide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be represented by the office for which the person being nominated is a candidate.

C. The names certified to the county clerk shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by a nominating petition containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

(1) in the county for countywide offices; and
(2) in the district for offices other than countywide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be
represented by the office for which the person being nominated
is a candidate.

D. Except in the case of a political party
certified in the year of the election, persons certified as
candidates shall be members of that party on the day the
secretary of state issues the general election proclamation.

E. When a political party is certified in the year
of the general election, and after the day the secretary of
state issues the general election proclamation, a person
certified as a candidate shall be:

   (1) a member of that party not later than the
date the political party filed its rules and qualifying
petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and

   (2) a resident in the district of the office
for which the person is a candidate on the date of the
secretary of state's proclamation for the general election or
in the case of a person seeking the office of United States
senator or United States representative, a resident within New
Mexico on the date of the secretary of state's proclamation for
the general election. No person who is a candidate for a party
in a primary election may be certified as a candidate for a
different party in the general election in the same election
cycle.

F. No voter shall sign a petition prescribed by
this section for more persons than the number of candidates
necessary to fill the office at the next ensuing general
election."

SECTION 31. Section 1-8-3 NMSA 1978 (being Laws 1969,
Chapter 240, Section 153, as amended) is amended to read:

"1-8-3. NOMINATION BY MINOR POLITICAL PARTY--OTHER
METHODS.--If the rules and regulations of a minor political
party require nomination by a method other than a political
convention:

A. the state [chairman] chair and the governing
board of the state party shall certify to the secretary of
state the names of their party's nominees for United States
senator, United States representative, all elective state
offices, legislative offices elected from multicounty
districts, [public-regulation commission] all elective judicial
officers in the judicial department and all offices
representing a district composed of more than one county;

B. the county [chairman] chair and the governing
board of the county party shall certify to the county clerk the
names of their party's nominees for elected county offices and
for legislative offices elected from a district located wholly
within one county or that is composed of only one county; and

C. the names of such nominees shall be filed in the
same time and manner prescribed by the Election Code for
convention-designated nominees of minor political parties, and
each list of names certified shall be accompanied by the
petition containing a list of signatures and addresses of
voters as prescribed for convention-designated nominees."

SECTION 32. Section 1-8-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 158, as amended) is amended to read:

"1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING
AFTER PRIMARY.--

A. If after a primary election, but [seventy] ninety or more days before the general election, a vacancy
occurs, for any cause, in the list of the nominees of a qualified political party for any public office to be filled in the general election, or a vacancy occurs because of the resignation or death of a person holding a public office not included in the secretary of state's general election proclamation and which office is required by law to be filled at the next succeeding general election, or a vacancy occurs because a new public office is created and was not included in the secretary of state's general election proclamation but is capable by law of being filled at the next succeeding general election, the vacancy on the general election ballot may be filled by:

(1) the central committee of the state political party filing the name of its nominee for the office with the proper filing officer when the office is a federal office, state office, district office or multicounty legislative district office; and
(2) the central committee of the county
political party filing the name of its nominee for the office
with the proper filing officer when the office is a magistrate
office, county office or legislative district office where the
district is entirely within the boundaries of a single county.

B. Appointments made pursuant to Subsection A of
this section shall qualify pursuant to Section 1-8-18 NMSA
1978.

C. The county or state central committee members
making the appointment pursuant to Subsection A of this section
shall be as provided for in the rules of the respective party;
provided that, at a minimum, the committee shall include those
members residing within the boundaries of the area to be
represented by the public office.

D. Appointments to fill vacancies in the list of a
party's nominees shall be made and filed with the proper filing
officer on or before the seventieth day prior to a general
election using [a] the form [approved] prescribed by the
secretary of state [at least sixty-three days prior to the
general election], along with [a] the declaration of candidacy
form subscribed and sworn by the selected nominee and the
[required] form for candidates pursuant to the Campaign
Reporting Act.

E. When the name of a nominee is filed as provided
in this section, the name shall be placed on the general
SECTION 33. A new Section 1-8-10.1 NMSA 1978 is enacted to read:

"1-8-10.1. [NEW MATERIAL] SHORT TITLE.--Sections 1-8-10.1 through 1-8-52 NMSA 1978 may be cited as the "Primary Election Law"."

SECTION 34. Section 1-8-13 NMSA 1978 (being Laws 1969, Chapter 240, Section 162, as amended) is amended to read:

"1-8-13. PRIMARY ELECTION LAW--CONTENTS OF PROCLAMATION.--The general election proclamation calling a primary and general election shall contain:

A. the names of the major political parties participating in the primary election;

B. the offices to be elected at the general election and for which each political party shall nominate candidates; provided that if any law is enacted by the legislature in the year in which the primary election is held and the law does not take effect until after the date to amend the proclamation but prior to the date to fill vacancies pursuant to Section 1-8-7 or 1-8-8 NMSA 1978, the secretary of state shall conform the proclamation to the intent of the law with respect to the offices for which each political party shall nominate candidates;

C. the date on which declarations of candidacy and nominating petitions for United States representative, any
office voted upon by all the voters of the state, a legislative
office, the office of district judge, district attorney, public
education commission [public regulation commission] or
magistrate shall be filed and the places where they shall be
filed in order to have the candidates' names printed on the
official ballot of their party at the primary election or in
order to have the candidates' names printed on the official
ballot at the general election, as applicable;

D. the date on and place at which declarations of
candidacy shall be filed for any other office and filing fees
paid or, in lieu thereof, a pauper's statement of inability to
pay;

E. the final date on and place at which candidates
for the office of United States representative and for any
statewide office seeking preprimary convention designation by
the major parties shall file petitions and declarations of
candidacy;

F. the final date on which the major political
parties shall hold state preprimary conventions for the
designation of candidates;

G. the final date on and place at which
certificates of designation of primary election candidates
shall be filed by political parties with the secretary of
state;

H. the date on which declarations of candidacy for
minor party candidates shall be filed and the places where the declarations of candidacy shall be filed in order to have the minor party candidate names printed on the official ballot of the general election;

   I. the date on which declarations of candidacy for unaffiliated candidates shall be filed and the places where the declarations of candidacy shall be filed in order to have the unaffiliated candidate names printed on the official ballot of the general election;

   J. the date on which declarations of candidacy for nonpartisan judicial retention shall be filed and the places where the declarations of candidacy shall be filed in order to have the judicial retention names printed on the official ballot of the general election; and

   K. the date on which declarations to be a write-in candidate are to be filed and the places where the declarations of candidacy shall be filed in order to have write-in votes counted and canvassed at the political party primary or general election."

   SECTION 35. Section 1-8-33 NMSA 1978 (being Laws 1973, Chapter 228, Section 7, as amended) is amended to read:

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

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

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

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

D. A candidate who fails to receive the preprimary
convention designation that the candidate sought may collect
additional signatures to total at least four percent of the
total vote of the candidate's party in the state or
congressional district, whichever applies to the office the
candidate seeks, and file a new declaration of candidacy and
nominating petitions for the office for which the candidate
failed to receive a preprimary designation. The declaration of
candidacy and nominating petitions shall be filed with the
secretary of state either ten days following the date of the
preprimary convention at which the candidate failed to receive
the designation or on the date all declarations of candidacy
and nominating petitions are due pursuant to the provisions of
the Primary Election Law, whichever is later."

SECTION 36. Section 1-8-36.1 NMSA 1978 (being Laws 1981,
Chapter 156, Section 1, as amended) is amended to read:

"1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

A. Write-in candidates are permitted in the primary
election only for the offices of United States representative,
members of the legislature, district judges, district
attorneys, [public regulation commission] public education
commission, magistrates and any office voted upon by all voters
of the state.

B. A person may be a write-in candidate only for
nomination by the major political party with which the person
is affiliated as shown by the certificate of registration, and
such person shall have the qualifications to be a candidate in
the primary election for the political party for which the
person is a write-in candidate.

C. A person desiring to be a write-in candidate for
one of the offices listed in Subsection A of this section in
the primary election shall file with the proper filing officer
a declaration of intent to be a write-in candidate. Such
declaration of intent shall be filed between 9:00 a.m. and 5:00
p.m. on the third Tuesday in March.

D. At the time of filing the declaration of intent
to be a write-in candidate, the write-in candidate shall be
considered a candidate for all purposes and provisions relating
to candidates in the Election Code, including the obligations
to report pursuant to the Campaign Reporting Act, except that
the write-in candidate's name shall not be printed on the
ballot."

SECTION 37. Section 1-8-51 NMSA 1978 (being Laws 1977,
Chapter 322, Section 7, as amended) is amended to read:
"1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--REQUIRED
NUMBER OF SIGNATURES.--

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

B. Nominating petitions for an independent

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candidate for president of the United States shall be signed by a number of voters equal to the number of signatures required to form a new political party.

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

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

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

F. When a vacancy for any office occurs on the general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA 1978 in which all political parties may name a general election candidate or when a vacancy occurs in the office of United States representative pursuant to Section 1-15-18.1 NMSA 1978, an independent candidate may file a declaration of candidacy on .219881.3
or by the same deadline applicable to the political parties. The nominating petitions for an independent candidate in such circumstances shall be signed by the number of voters provided in this section, unless there are fewer than:

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

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

G. A voter shall not sign a petition for an independent candidate as provided in this section if the voter has signed a petition for another independent candidate for the same office.

SECTION 38. Section 1-9-1 NMSA 1978 (being Laws 1969, Chapter 240, Section 184, as amended) is amended to read:

"1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM DEFINED.--

A. The secretary of state shall study, examine and
certify all voting systems used in elections for public office in New Mexico. The secretary of state shall maintain a current list of certified voting systems and copies of filed testing and evaluation reports accessible by the public on the secretary of state's web site. Only certified voting systems approved for use by the secretary of state and acquired pursuant to a competitive bid process in accordance with the provisions of the Procurement Code shall be used in any election for public office in New Mexico.

B. As used in Chapter 1, Article 9 NMSA 1978, "voting system" means a combination of mechanical, electromechanical or electronic equipment, including the software and firmware required to program and control the equipment, that is used to cast and count votes, and also including any type of system that is designed to print or to mark ballots at a polling location; equipment that is not an integral part of a voting system but that can be used as an adjunct to it is considered to be a component of the system."

SECTION 39. Section 1-9-7.10 NMSA 1978 (being Laws 2010, Chapter 28, Section 8) is amended to read:

"1-9-7.10. VOTING SYSTEMS--BALLOT HANDLING AND PROCESSING REQUIREMENTS.--Voting systems certified for use in state elections shall:

A. accept a ballot that is a minimum of six inches wide and a maximum of twenty-four inches long, in dual columns
and printed on both sides;

B. accept a ballot in any orientation when inserted by a voter;

C. have the capability to reject a ballot on which a voter has made more than the allowable number of selections in any contest;

D. be designed to accommodate the maximum number of ballot styles or ballot variations encountered in the largest New Mexico election jurisdiction; [and]

E. be able to read a single ballot with at least four hundred twenty voting positions; and

F. tabulate as a vote only the human-readable marks in the voter response area of a ballot.''

SECTION 40. 1-10-8 NMSA 1978 (being Laws 2019, Chapter 212, Section 103) is amended to read:

"1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT QUESTIONS.--

A. In the year in which the president of the United States is elected, the ballot in a primary election and general election shall contain, when applicable, partisan offices to be voted on in the following order:

(1) in a presidential primary, president;

(2) in a general election, president and vice president as a ticket;

(3) United States senator;
(4) United States representative;
(5) state senator;
(6) state representative;
(7) supreme court;
(8) court of appeals;
[(9) public regulation commission districts with odd-numbered designations;
(10)] (9) public education commission [districts with odd-numbered designations];
(10) district attorney;
(11) district court;
(12) metropolitan court;
(13) county clerk;
(14) county treasurer; [and]
(15) county commission; [districts and positions with odd-numbered designations] and
(16) when applicable:
   (a) county sheriff;
   (b) county assessor; and
   (c) probate judge.

B. In the year in which the governor is elected, the ballot in a primary election and general election shall contain, when applicable, partisan offices to be voted on in the following order:
(1) United States senator;
(2) United States representative;
(3) in a major political party primary, governor;
(4) in a major political party primary, lieutenant governor;
(5) in a general election, governor and lieutenant governor as a ticket;
(6) secretary of state;
(7) attorney general;
(8) state auditor;
(9) state treasurer;
(10) commissioner of public lands;
(11) state representative;
(12) supreme court;
(13) court of appeals;
[(14) public regulation commission districts
with even numbered designations;]
[(15) public education commission
districts with even numbered designations];
[(16) district court;
[(17) district attorney;]
[(18) metropolitan court;
[(19) magistrate court;
[(20) county sheriff;
[(21) county assessor;]
[(22)] (20) county commission; [districts and
positions with even-numbered designations; and
(23)] (21) probate judge; and
(22) when applicable:
   (a) county clerk; and
   (b) county treasurer.
C. The ballot in a regular local election shall
contain, when applicable, nonpartisan offices to be voted on in
the following order:
   (1) municipal, 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
   (4) special districts listed in order by
voting population of each special district, with the most
populous listed first and the least populous listed last.
D. The ballot in a statewide election shall
contain, when applicable, nonpartisan judicial retention and in
a statewide or special election, when applicable, ballot
questions to be voted on in the following order, unless a
different order is prescribed by the secretary of state:
   (1) judicial retention;
(2) proposed state constitutional amendments;
(3) other state ballot questions;
(4) county ballot questions; and
(5) local government ballot questions listed
in the same order as the list of local governments in
Subsection C of this section.

E. When multiple positions for the same
nondistricted, nonjudicial office are to be elected on the same
ballot and the qualifications for each of those positions are
the same, the nondistricted, nonjudicial district may adopt a
resolution and file with the local county clerk and the
secretary of state by June 1 of an odd-numbered year indicating
that its officers shall be elected at large in the next
election either by:

(1) a single contest on the ballot in which
voters shall be given the instruction to "vote for no more than
X". If two or more positions for the same office are to be
elected to represent the same area but with terms of different
lengths of time, the candidate receiving the highest number of
votes shall be elected to the position with the longest term
length, and the candidate receiving the next highest number of
votes shall be elected to the position with the next longest
term length, with additional candidates elected to positions
accordingly; or

(2) each position appearing on the ballot in

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ascending numerical order; provided that the secretary of state
shall numerically designate the positions on the ballot as
"position one", "position two" and additional consecutively
numbered positions as necessary, and only one candidate shall
be elected for each position.

F. If a nondistricted, nonjudicial district does
not adopt and file a resolution pursuant to Subsection E of
this section, the district's officers shall be elected as
provided in Paragraph (1) of Subsection E of this section.

[E.]

G. When multiple positions for the same
districted, nonjudicial office are listed on the same ballot
[and each position is to be elected individually] or the
qualifications for one or more at-large positions is distinct
from the qualifications of the rest:

(1) offices designated by district number
shall appear on the ballot in ascending numerical order of the
districts; and

(2) offices not designated by district number
shall appear on the ballot in ascending numerical order of the
position; provided that the secretary of state shall
numerically designate the positions on the ballot as "position
one", "position two" and such additional consecutively numbered
positions as are necessary, and only one member shall be
elected for each position [and

(3) whenever two or more positions for the
same office are to be elected to represent the same area with
terms of different lengths of time, the secretary of state
shall first group the offices with the shorter length of time
and shall designate each position with "for a term expiring
___", specifying the date the term expires].

[F.] H. When multiple positions for the same
judicial office are listed on the same ballot and each position
is to be elected or voted on individually:

(1) district, metropolitan and magistrate
court positions, either for partisan election or for
nonpartisan judicial retention, shall appear on the ballot in
ascending numerical order of the division number assigned to
each position;

(2) supreme court and court of appeals for
partisan election shall appear on the ballot in ascending
numerical order of the position number designated by the
secretary of state for that election, based on the date of the
vacancy causing the position to be listed on the ballot;
provided that if multiple vacancies occurred on the same day,
the positions shall appear on the ballot based on the order of
seniority of the justice or judge who vacated the position,
with the highest seniority listed first; and

(3) supreme court and court of appeals for
nonpartisan judicial retention shall appear on the ballot in
ascending numerical order of the position number designated by
the secretary of state for that election, based on the
seniority of the justice or judge seeking retention, with the
highest seniority listed first."

SECTION 41. A new section of Chapter 1, Article 11 NMSA
1978 is enacted to read:

"[NEW MATERIAL] NOTICE OF THE ELECTION.--Fifty days prior
to each statewide election, the secretary of state, on behalf
of each county clerk, shall mail to each voter a notice of the
election. The notice shall include:

A. the date and purpose of the election;
B. an internet web address where a voter may
request a mailed ballot;
C. a telephone number where a voter may call to
request the paper form of the mailed ballot application;
D. a list of the days and times and addresses of
early and election day polling locations where a voter may vote
in person; and
E. a list of the locations, dates and times other
than polling locations where a voter may return a mailed
ballot."

SECTION 42. Section 1-12-25.2 NMSA 1978 (being Laws 2003,
Chapter 356, Section 3, as amended) is amended to read:

"1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--
INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

A. If a voter is required to vote on a provisional
paper ballot, the presiding judge or election judge shall give
the voter written instructions on how the voter may determine
whether the vote was counted and, if the vote was not counted,
the reason it was not counted.

B. The secretary of state shall provide a free
access system, such as a toll-free telephone number or internet
website, that a voter who casts a provisional paper ballot may
access to ascertain whether the voter's ballot was counted and,
if the vote was not counted, the reason it was not counted and
how to appeal the decision pursuant to rules issued by the
secretary of state. Access to information about an individual
voter's provisional paper ballot through the free access system
is restricted to the voter who cast the ballot.

C. Beginning with the closing of the polls on
election day through the tenth day following the election, the
county clerk shall notify by mail each person whose provisional
paper ballot was not counted of the reason the ballot was not
counted. The voter shall have until the Friday prior to the
meeting of the state canvassing board to appeal to the county
clerk a decision to reject the voter's ballot. At any time up
to and including during the appeal, the voter may provide
information or documentation to satisfy the reason the ballot
was rejected."

SECTION 43. Section 1-12-65 NMSA 1978 (being Laws 1977,
Chapter 222, Section 68, as amended) is amended to read:
"1-12-65.  [EMERGENCY SITUATIONS] PAPER BALLOTS--COUNTING
AND TALLYING PROCEDURES.--

A.  The presiding judge and the election judges, assisted by the election clerks, shall count the number of paper ballots that were not tabulated by the electronic vote tabulator, write the number of such ballots on each copy of the certificate of returns for that polling place and place the paper ballots that were not tabulated by the electronic vote tabulator in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for machine-tabulation or hand-tallying of the ballots.

B.  The presiding judge and the election judges, assisted by the election clerks, shall count the number of machine-tabulated paper ballots with write-in votes, write the number of such ballots on each copy of the certificate of returns for that polling place and place those paper ballots with write-in votes in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for manual counting of the write-in votes.

[C.  The tallying of paper ballots that were not tabulated by the electronic vote tabulator at the polling place and the counting of ballots with write-in votes shall be in accordance with procedures prescribed by the secretary of state.219881.3]
C. If the county clerk receives an envelope pursuant to Subsection A or B of this section and the absent voter election board has not adjourned, the envelope shall be logged and transmitted to the absent voter election board to be tallied immediately. If the envelope is received by the county clerk after the absent voter election board has adjourned, the envelope shall be logged and transmitted to be tallied by an election board appointed to assist in the preparation of the county canvass report."

SECTION 44. Section 1-13-1 NMSA 1978 (being Laws 1969, Chapter 240, Section 303, as amended) is amended to read:

"1-13-1. POST-ELECTION DUTIES--COUNTY CANVASSING BOARD.--

A. The board of county commissioners is ex officio the county canvassing board in each county.

B. The board of county commissioners may designate the board of registration to serve as the county canvassing board for the county. The designation shall be made in the polling place resolution adopted pursuant to Section 1-3-2 NMSA 1978 and is valid for all statewide and special elections conducted within the county until the expiration of the resolution.

C. The county canvass report prepared by the county clerk and reviewed by the county canvassing board shall consist of:

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(1) the certificate of canvass to be signed by
the county clerk and the county canvassing board members;

(2) a report of the final vote counts for all
contests and ballot questions voted on by voters of the county
separated by mailed ballots, early voting and election day
voting;

(3) a report of the total ballots requested,
returned, accepted and rejected from federal qualified
electors; and

(4) a report of all provisional ballots
accepted and rejected.

D. Immediately after the meeting of the county
canvassing board, the county clerk shall transmit a copy of the
county canvass report, along with any hand tally sheets, to the
secretary of state."

SECTION 45. Section 1-13-4 NMSA 1978 (being Laws 1969,
Chapter 240, Section 306, as amended) is amended to read:
"1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--METHOD.--
The county clerk shall:

A. appoint an election board to conduct a
machine-tabulation or hand-tally if the county clerk has
received and logged any:

(1) paper ballots not previously tabulated;

(2) absentee ballots delivered to an election
board not previously tabulated;
(3) provisional paper ballots that have been qualified and contain votes that are to be counted; or

(4) ballots with write-in votes not previously counted;

[A>] B. prepare the report of the canvass of the election returns by carefully examining the returns of each precinct to ascertain if they contain the properly executed certificates required by the Election Code and to ascertain whether any discrepancy, omission or error appears on the face of the election returns; and

[B>] C. present the report of the canvass to the county canvassing board for the board's consideration and approval."

SECTION 46. Section 1-14-9 NMSA 1978 (being Laws 1971, Chapter 249, Section 2) is amended to read:

"1-14-9. IMPOUNDING BALLOTS--APPLICATION FOR COURT ORDER--DEPOSIT REQUIRED.--Any candidate in an election may petition the district court for an order impounding ballots in one or more precincts within which [he is a candidate] the candidate's name appeared on the ballot. The action shall be brought in the district court for the county in which the precincts are located. The petition shall state what specific items of ballots are requested to be impounded. Upon [receipt of the petition] a finding that good cause exists to conduct an investigation to determine fraudulent or false voting, along
with a sufficient cash deposit, [of twenty-five dollars ($25.00) per precinct] or a sufficient surety bond, to cover the costs of each precinct for which impoundment is demanded, the court shall issue an order of impoundment."

SECTION 47. Section 1-14-13.2 NMSA 1978 (being Laws 2009, Chapter 233, Section 1, as amended) is amended to read:

"1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM CHECK.--

A. At least ninety days prior to each general election, the secretary of state shall contract with an auditor qualified by the state auditor to audit state agencies to oversee a check on the accuracy of precinct electronic vote tabulators, alternate voting location electronic vote tabulators and absent voter precinct electronic vote tabulators. The voting system check shall be conducted for all federal offices, for governor and for the statewide elective office, other than the office of the governor, for which the winning candidate won by the smallest percentage margin of all candidates for statewide office in New Mexico. The voting system check is waived for any office for which a recount is conducted.

B. For each selected office, the auditor shall publicly select a random sample of precincts from a pool of all precincts in the state no later than twelve days after the election. The random sample shall be chosen in a process that will ensure, with at least ninety percent probability for the
selected offices, that faulty tabulators would be detected if
they would change the outcome of the election for a selected
office. The auditor shall select precincts starting with the
statewide office with the largest winning margin and ending
with the precincts for the statewide office with the smallest
winning margin and then, in the same manner, select precincts
from each congressional district. The size of the random
sample for each office shall be determined as provided in Table
1 of this subsection. When a precinct is selected for one
office, it shall be used in lieu of selecting a different
precinct when selecting precincts for another office in the
same congressional district, or for any statewide office. If
the winning margin in none of the offices for which a voting
system check is required is less than fifteen percent, a voting
system check for that general election shall not be required.

Table 1

Winning margin between top two candidates for the office according to the county canvasses Percent
greater than 15 no precincts for that office
greater than 14 but less than or equal to 15 4

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greater than 13

but less than or equal to 14 4

greater than 12

but less than or equal to 13 5

greater than 11

but less than or equal to 12 5

greater than 10

but less than or equal to 11 6

greater than 9.0

but less than or equal to 10 6

greater than 8.0

but less than or equal to 9.0 7

greater than 7.0

but less than or equal to 8.0 9

greater than 6.0

but less than or equal to 7.0 10

greater than 5.5

but less than or equal to 6.0 11

greater than 5.0

but less than or equal to 5.5 13

greater than 4.5

but less than or equal to 5.0 14

greater than 4.0

but less than or equal to 4.5 16

greater than 3.5

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<table>
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<th></th>
<th>but less than or equal to 4.0</th>
<th></th>
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<td>2</td>
<td>greater than 3.0</td>
<td>18</td>
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<tr>
<td>3</td>
<td>but less than or equal to 3.5</td>
<td>22</td>
</tr>
<tr>
<td>4</td>
<td>greater than 2.5</td>
<td>26</td>
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<tr>
<td>5</td>
<td>but less than or equal to 3.0</td>
<td>32</td>
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<tr>
<td>6</td>
<td>greater than 2.0</td>
<td>37</td>
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<tr>
<td>7</td>
<td>but less than or equal to 2.5</td>
<td>42</td>
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<tr>
<td>8</td>
<td>greater than 1.8</td>
<td>47</td>
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<td>9</td>
<td>but less than or equal to 2.0</td>
<td>54</td>
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<td>but less than or equal to 1.8</td>
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<td>greater than 1.4</td>
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<td>13</td>
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<td>15</td>
<td>but less than or equal to 1.4</td>
<td>93</td>
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<td>16</td>
<td>greater than 1.1</td>
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<tr>
<td>17</td>
<td>but less than or equal to 1.2</td>
<td>93</td>
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<td>18</td>
<td>greater than 1.0</td>
<td>93</td>
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<tr>
<td>19</td>
<td>but less than or equal to 1.1</td>
<td>93</td>
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<td>20</td>
<td>greater than 0.9</td>
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<tr>
<td>21</td>
<td>but less than or equal to 1.0</td>
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<td>22</td>
<td>greater than 0.8</td>
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<tr>
<td>23</td>
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<tr>
<td>24</td>
<td>greater than 0.7</td>
<td>93</td>
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<tr>
<td>25</td>
<td>but less than or equal to 0.8</td>
<td>93</td>
</tr>
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</table>

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greater than 0.6
but less than or equal to 0.7

greater than 0.5
but less than or equal to 0.6

0.5 or less

C. The auditor shall notify the appropriate county clerks of the precincts that are to be included in the voting system check upon their selection. The auditor shall direct the appropriate county clerks to open the locked ballot boxes, remove ballots from the selected precincts and compare the original machine count precinct vote totals, including early absentee and absentee by mail machine count vote totals, for candidates for offices subject to the voting system check from the selected precincts for each office with the respective vote totals of a hand recount of the paper ballots from those precincts. The county clerks shall report their results to the auditor within [ten] fourteen days of the notice to conduct the voting system check unless a county clerk is aware of a recount in any office that includes one or more precincts in the county, in which case the county clerk shall report the results of the post-election audit to the auditor within [ten] fourteen days following the conclusion of the recount.

D. Based on the results of the voting system check and any other auditing results, the auditor shall determine the error rate in the sample for each office. If the winning...
margin decreases and the error rate based on the difference between the vote totals of hand recounts of the paper ballots and the original precinct vote totals exceeds ninety percent of the winning margin for an office, another sample equal in size to the original sample shall be selected and the original precinct vote totals compared to the vote totals of hand recounts. The error rate based on the first and second sample shall be reported, and if it exceeds ninety percent of the winning margin for the office, the state canvassing board shall order that a full hand recount of the ballots for that office be conducted.

E. The auditor shall report the results of the voting system check to the secretary of state upon completion of the voting system check and release the results to the public.

F. Persons designated as county canvass observers may observe the hand recount described in Subsection C of this section. Observers shall comply with the procedures governing county canvass observers as provided in Section 1-2-31 NMSA 1978.

G. If a recount for an office selected for a voting system check is conducted pursuant to the provisions of Chapter 1, Article 14 NMSA 1978, the vote totals from the hand count of ballots for that office in precincts selected for the voting system check may be used in lieu of recounting the same ballots.
for the recount.

    H. All costs of a voting system check or required
hand recount shall be paid in the same manner as automatic
recounts."

SECTION 48. Section 1-14-15 NMSA 1978 (being Laws 1978,
Chapter 48, Section 1, as amended) is amended to read:

"1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

    A. An applicant for a recount shall deposit with
the proper canvassing board or, in the case of an office for
which the state canvassing board issues a certificate of
nomination or election, with the secretary of state sufficient
cash, or a sufficient surety bond, to cover the cost of a
recount for each precinct for which a recount is demanded. An
applicant for a recheck shall deposit with the proper
canvassing board or, in the case of an office for which the
state canvassing board issues a certificate of nomination or
election, with the secretary of state sufficient cash, or a
sufficient surety bond, to cover the cost of the recheck for
each voting machine to be rechecked. The state canvassing
board shall determine the estimated actual cost of a recount
per [precinct] voting location and a recheck per voting machine
no later than March 15 of even-numbered years. The secretary
of state shall post the recount and recheck cost determinations
on the secretary of state's [web site] website when the state
canvassing board issues its cost determinations.
B. The deposit or surety bond shall be security for the payment of the costs and expenses of the recount or recheck in case the results of the recount or recheck are not sufficient to change the results of the election.

C. If it appears that error or fraud sufficient to change the winner of the election has been committed, the costs and expenses of the recount or recheck shall be paid by the state upon warrant issued by the secretary of finance and administration supported by a voucher of the secretary of state, or shall be paid by the county upon warrant of the county clerk from the general fund of the county, as the case may be.

D. If no error or fraud appears to be sufficient to change the winner, the costs and expenses for the recount or recheck shall be paid by the applicant. Costs shall consist of any docket fees, mileage of the sheriff in serving summons and fees and mileage of precinct board members, at the same rates allowed witnesses in civil actions. If error or fraud has been committed by a precinct board, the board members shall not be entitled to such mileage or fees."

SECTION 49. Section 1-14-24 NMSA 1978 (being Laws 2008, Chapter 41, Section 1, as amended) is amended to read:

"1-14-24. AUTOMATIC RECOUNTS--ELECTIONS FOR STATE AND FEDERAL OFFICES--PROCEDURES.--

A. An automatic recount of the vote is required
when the canvass of returns indicates that the margin between
the two candidates receiving the greatest number of votes for
an office, the margin between those supporting and those
opposing a ballot question or the margin affecting the outcome
of a nonpartisan judicial retention election is less than:

1. one-fourth percent of the total votes cast
   in that election:
   (a) for that office in the case of a federal or statewide office;
   (b) on a ballot question in the case of a state ballot question; or
   (c) on a nonpartisan judicial retention election in the case of the supreme court or the court of
       appeals;

2. one-half percent of the total votes cast
   in that election:
   (a) for that office in the case of a public education commissioner, district attorney or any office elected countywide in a county
       with more than one hundred fifty thousand registered voters;
   (b) on a ballot question in the case of a local ballot question; or
   (c) on a nonpartisan judicial retention election in the case of a district court or the metropolitan
       court; or

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(3) one percent of the total votes cast in that election for that office in the case of any other office.

B. For an office for which ballots were cast in more than one county, the secretary of state shall file notice with the state canvassing board upon the completion of the state canvass that an automatic recount is required, and the state canvassing board shall order a recount of the ballots for the specified office. For an office in which ballots were cast solely within one county, the secretary of state shall file notice with the state canvassing board within seven days after receiving notice from the county clerk following the completion of the county canvass that an automatic recount is required, and the state canvassing board shall order a recount of the ballots for the specified office.

C. Automatic recounts shall be conducted pursuant to the recount procedures established in Sections 1-14-16 and 1-14-18 through 1-14-23 NMSA 1978."

SECTION 50. Section 1-17-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 393) is amended to read:

"1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE CIRCULATION.--

A. Before any referendum petition is circulated for signatures, the sponsors shall submit the original draft thereof to the secretary of state to determine whether or not it meets the requirements of law for referendum petitions. At
the same time the original draft is submitted to the secretary of state, the sponsors shall also submit a suggested popular name for the law [which] that is the object of the petition.

B. Within [ten] thirty days after submission of the original draft and suggested popular name, the secretary of state shall:

(1) approve and certify the original draft of the petition and approve and certify the suggested popular name or a more suitable and correct popular name; or

(2) disapprove the original draft and specify each deficiency not in compliance with the law."

SECTION 51. Section 1-17-10 NMSA 1978 (being Laws 1969, Chapter 240, Section 395) is amended to read:

"1-17-10. REFERENDUM PETITIONS--SUFFICIENCY OR INSUFFICIENCY.--The secretary of state shall ascertain and declare the sufficiency or insufficiency of each complete referendum petition within [fifteen] thirty days after it is filed in [his] the secretary's office."

SECTION 52. Section 1-19A-2 NMSA 1978 (being Laws 2003, Chapter 14, Section 2, as amended) is amended to read:

"1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

A. "applicant candidate" means a candidate who is running for a covered office and who is seeking to be a certified candidate in a primary or general election;

B. "certified candidate" means a candidate running
for a covered office who chooses to obtain financing pursuant
to the Voter Action Act and is certified as a Voter Action Act
candidate;

C. "contested" means there are more candidates for
a position than the number to be elected to that position;

D. "contribution" means a gift, subscription, loan,
advance or deposit of money or other thing of value, including
the estimated value of an in-kind contribution, that is made or
received for the purpose of supporting or opposing the
nomination for election or election of a candidate for public
office, including payment of a debt incurred in an election
campaign and also including a coordinated expenditure, but
"contribution" does not include:

(1) a qualifying contribution;

(2) the value of services provided without
compensation or unreimbursed travel or other personal expenses
of individuals who volunteer a portion or all of their time on
behalf of a candidate; or

(3) the value of the incidental use of the
candidate's personal property, home or business office for
campaign purposes;

E. "coordinated expenditure" means an expenditure
that is made:

(1) by a person other than a candidate or
campaign committee;
(2) at the request or suggestion of, or in cooperation, consultation or concert with, a candidate, campaign committee or political party or any agent or representative of such a candidate, campaign committee or political party; and

(3) for the purpose of:

(a) supporting or opposing the nomination or election of a candidate; or

(b) paying for an advertisement that refers to a clearly identified candidate and that is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election in which the candidate is on the ballot;

F. "covered office" means any office of the judicial department subject to statewide elections [and the office of public regulation commissioner];

G. "expenditure" means a payment, transfer or distribution of, or a promise to pay, transfer or distribute, any money or other thing of value for the purpose of supporting or opposing the nomination or election of a candidate;

H. "fund" means the public election fund;

I. "qualifying contribution" means a donation of five dollars ($5.00) in the form of cash, a check, a money order or an electronic form of payment, as prescribed by the
secretary, and payable to the fund in support of an applicant candidate that is:

(1) made by a voter who is eligible to vote for the covered office that the applicant candidate is seeking;

(2) made during the designated qualifying period and obtained through efforts made with the knowledge and approval of the applicant candidate; and

(3) acknowledged by a receipt that identifies the contributor's name and residential address on forms provided by the bureau of elections and that is signed by the contributor, one copy of which is attached to the list of contributors and sent to the bureau of elections;

J. "qualifying period" means:

(1) for candidates who are seeking public financing for a primary election or for both a primary and a general election, the period beginning October 1 immediately preceding the election year and ending at 5:00 p.m. on the third Tuesday of March of the election year; and

(2) for candidates who are seeking public financing only for a general election, the period beginning January 1 of the election year and ending that year at 5:00 p.m. on the twenty-third day following the primary election for the office for which the candidate is running; and

K. "secretary" means the secretary of state or the office of the secretary of state."
SECTION 53. Section 1-19A-4 NMSA 1978 (being Laws 2003, Chapter 14, Section 4, as amended) is amended to read:

"1-19A-4. QUALIFYING CONTRIBUTIONS.--

A. Applicant candidates [shall obtain qualifying contributions as follows:]

(1) for all statewide judicial elective offices [the number of] shall obtain qualifying contributions equal to one-tenth of one percent of the number of voters in the state [and]

(2) for the office of public regulation commissioner, the number of qualifying contributions equal to one-tenth of one percent of the number of voters in the district of the office for which the candidate is running].

B. Applicant candidates may accept qualifying contributions from persons who become registered within the statutory time frame that would enable [that person] those persons to vote in the primary election.

C. Voters registered as independent are not excluded from making qualifying contributions but shall be registered within the statutory time frame as independent.

D. No payment, gift or anything of value shall be given in exchange for a qualifying contribution."

SECTION 54. Section 1-19A-10 NMSA 1978 (being Laws 2003, Chapter 14, Section 10, as amended) is amended to read:

"1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

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A. There is created in the state treasury the "public election fund" solely for the purposes of:

   (1) financing the election campaigns of certified candidates for covered offices;
   
   (2) paying administrative and enforcement costs of the Voter Action Act; and
   
   (3) carrying out all other specified provisions of the Voter Action Act.

B. The state treasurer shall invest the funds as other state funds are invested, and all income derived from the fund shall be credited directly to the fund. Remaining balances at the end of a fiscal year shall remain in the fund and not revert to the general fund.

C. Money received from the following sources shall be deposited directly into the fund:

   (1) qualifying contributions that have been submitted to the secretary;

   (2) any recurring balance of unspent fund money distributed to a certified candidate who does not remain a candidate through the primary or general election period for which the money was distributed;

   (3) money that remains unspent or unencumbered by a certified candidate following the date of the primary election;

   (4) money that remains unspent or unencumbered
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by a certified candidate following the date of the general
election;

(5) unspent contributions to a candidate;
(6) money distributed to the fund from funds
received pursuant to the Uniform Unclaimed Property Act (1995);

and

(7) money appropriated by the legislature or
as otherwise provided by law.

[D. A subaccount shall be established in the fund,
and money in the subaccount shall only be used to pay the costs
of carrying out the provisions of the Voter Action Act related
to public regulation commission elections.

E. Two hundred thousand dollars ($200,000) per year
shall be collected and deposited in the subaccount for public
regulation commission elections as follows:

(1) one hundred thousand dollars ($100,000)
from inspection and supervision fees collected pursuant to
Section 62-8-8 NMSA 1978; and

(2) one hundred thousand dollars ($100,000)
from utility and carrier inspection fees collected pursuant to
Section 63-7-20 NMSA 1978."

SECTION 55. Section 1-19A-13 NMSA 1978 (being Laws 2003,
Chapter 14, Section 13, as amended) is amended to read:

"1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

A. By September 1 of each odd-numbered year, the
secretary shall determine the amount of money to be distributed
to each certified candidate for the election cycle ending with
the next general election, based on the type of election and
the provisions of Subsections B through G of this section.

B. For contested primary elections, the amount of
money to be distributed to a certified candidate is equal to
[the following:]

(1) for the office of public regulation
commissioner, twenty-five cents ($0.25) for each voter of the
candidate's party in the district of the office for which the
candidate is running; and

(2) for the office of justice of the supreme
court and judge of the court of appeals] fifteen cents ($0.15)
for each voter of the candidate's party in the state.

C. For uncontested primary elections in which
another candidate has filed a declaration of candidacy for
nomination in another party's primary for the same office and
that candidate's primary is contested, the amount of money to
be distributed to a certified candidate is equal to twenty
percent of the amount specified in Subsection B of this
section.

D. For uncontested primary elections in which
another candidate has filed a declaration of candidacy for
nomination in another party's primary for the same office, but
no primary for the office is contested, the amount of money to
be distributed to a certified candidate is equal to the average of the amount each candidate would receive pursuant to Subsection B of this section.

E. For contested general elections, the amount of money to be distributed to a certified candidate is equal to [the following:

(1) for the office of public regulation commissioner, twenty-five cents ($0.25) for each voter in the district of the office for which the candidate is running; and

(2) for the office of justice of the supreme court and judge of the court of appeals] fifteen cents ($0.15) for each voter in the state.

F. If a general election race that is initially uncontested later becomes contested because of the qualification of a candidate for that race, an amount of money shall be distributed to the certified candidate to make that candidate's distribution amount equal to the amount distributed pursuant to Subsection E of this section.

G. Once the certification for candidates for the primary election has been completed, the secretary shall calculate the total amount of money to be distributed in the primary election cycle, based on the number of certified candidates and the allocations specified in this section. The secretary shall also prepare an estimate of the total amount of money that might be distributed in the general election cycle.
If the total amount to be distributed in the primary election cycle and the estimated total amount to be distributed in the general election cycle taken together exceed the amount expected to be available in the fund, the secretary shall allocate the amount available between the primary and general election cycles. This allocation shall be based on the ratio of the two total amounts.

H. If the allocation specified in Subsection G of this section is greater than the total amount available for distribution, then the amounts to be distributed to individual candidates, specified in Subsections B through F of this section, shall each be reduced by the same percentage as the reduction by which the total amount needed has been reduced relative to the total amount available.

I. At least every two years after January 1, 2007, the secretary shall evaluate and modify as necessary the dollar values originally determined by Subsections B through F of this section and shall increase the amounts by the percentage of the preceding two calendar years' increase of the consumer price index for all urban consumers, United States city average for all items, published by the United States department of labor.

J. No money shall be distributed to candidates in judicial retention elections, and except as provided in Subsections C, D and F of this section, no money shall be distributed to a candidate in an uncontested election."

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SECTION 56. Section 1-22-4 NMSA 1978 (being Laws 2018, Chapter 79, Section 19, as amended) is amended to read:

"1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--PUBLICATION.--

A. Between one hundred twenty and one hundred fifty days before the next regular local election, each local government shall notify the county clerk of the county in which the primary administrative office of the local government is situate of all local government positions that are to be filled at the next regular local election. Each county clerk shall inform the secretary of state of all positions to be filled no later than one hundred twelve days before the regular local election.

B. 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 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.

C. The proclamation shall specify:

(1) the date when the election will be held;

(2) each elective office, local governing body and judicial position to be filled;

(3) the date on which declarations of
candidacy are to be filed;

(4) the date on which declarations of intent
to be a write-in candidate are to be filed; and

(5) the municipalities subject to a ranked-
choice voting runoff election and those subject to a top-two
runoff election and the date of the top-two runoff election
should one be necessary.

D. After receipt of the proclamation from the
secretary of state, the county clerk shall post the entire
proclamation on the county clerk's website and, not less than
seventy-five days before the date of the election, shall
publish portions of the proclamation relevant to the county at
least once in a newspaper of general circulation within the
county. The publication of the proclamation shall conform to
the requirements of the federal Voting Rights Act of 1965, as
amended, and shall specify:

(1) the date when the election will be held;

(2) for each local government situated in
whole or in part in the county, each elective executive, local
governing body and judicial position to be filled by voters of
any precinct in the county;

(3) the date on which declarations of
candidacy are to be filed and the date on which declarations of
intent to be a write-in candidate are to be filed;

(4) the location, days and hours for voting at
the office of the county clerk;

(5) the location, days and hours for early
voting at each alternate voting location and mobile alternate
voting location;

(6) the location, date and hours for voting at
each election day polling place; and

(7) the date certificates of registration
shall be subscribed and sworn as required by law.

[E. Whenever two or more members of a local
governing body are to be elected at large for terms of the same
length of time, the secretary of state shall numerically
designate the positions on the ballot as "position one",
"position two" and such additional consecutively numbered
positions as are necessary, but only one member shall be
elected for each position. Whenever two or more members of a
local governing body are to be elected to represent the same
area with terms of different lengths of time, the secretary of
state shall list the office with the shorter length of time
first and shall designate each position with "for a term
expiring ___".]

SECTION 57. Section 7-1-8.8 NMSA 1978 (being Laws 2019,
Chapter 87, Section 2, as amended) is amended to read:

"7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE
AGENCIES.--An employee of the department may reveal to:

A. a committee of the legislature for a valid
legislative purpose, return information concerning any tax or
fee imposed pursuant to the Cigarette Tax Act;

    B. the attorney general, return information
acquired pursuant to the Cigarette Tax Act for purposes of
Section 6-4-13 NMSA 1978 and the master settlement agreement
defined in Section 6-4-12 NMSA 1978;

    C. the commissioner of public lands, return
information for use in auditing that pertains to rentals,
royalties, fees and other payments due the state under land
sale, land lease or other land use contracts;

    D. the secretary of human services or the
secretary's delegate under a written agreement with the
department, the last known address with date of all names
certified to the department as being absent parents of children
receiving public financial assistance, but only for the purpose
of enforcing the support liability of the absent parents by the
child support enforcement division or any successor
organizational unit;

    E. the department of information technology, by
electronic media, a database updated quarterly that contains
the names, addresses, county of address and taxpayer
identification numbers of New Mexico personal income tax
filers, but only for the purpose of producing the random jury
list for the selection of petit or grand jurors for the state
courts pursuant to Section 38-5-3 NMSA 1978;
F. the state courts, the random jury lists produced
by the department of information technology under Subsection E
of this section;

G. the director of the New Mexico department of
agriculture or the director's authorized representative, upon
request of the director or representative, the names and
addresses of all gasoline or special fuel distributors,
wholesalers and retailers;

H. the public regulation commission, return
information with respect to the Corporate Income and Franchise
Tax Act required to enable the commission to carry out its
duties;

I. the state racing commission, return information
with respect to the state, municipal and county gross receipts
taxes paid by racetracks;

J. the gaming control board, tax returns of license
applicants and their affiliates as provided in Subsection E of
Section 60-2E-14 NMSA 1978;

K. the director of the workers' compensation
administration or to the director's representatives authorized
for this purpose, return information to facilitate the
identification of taxpayers that are delinquent or noncompliant
in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA
1978;

L. the secretary of workforce solutions or the
secretary's delegate, return information for use in enforcement
of unemployment insurance collections pursuant to the terms of
a written reciprocal agreement entered into by the department
with the secretary of workforce solutions for exchange of
information;

M. the New Mexico finance authority, information
with respect to the amount of municipal and county gross
receipts taxes collected by municipalities and counties
pursuant to any local option municipal or county gross receipts
taxes imposed, and information with respect to the amount of
governmental gross receipts taxes paid by every agency,
institution, instrumentality or political subdivision of the
state pursuant to Section 7-9-4.3 NMSA 1978;

N. the secretary of human services or the
secretary's delegate; provided that a person who receives the
confidential return information on behalf of the human services
department shall not reveal the information and shall be
subject to the penalties in Section 7-1-76 NMSA 1978 if the
person fails to maintain the confidentiality required:

(1) that return information needed for reports
required to be made to the federal government concerning the
use of federal funds for low-income working families;

(2) the names and addresses of low-income
taxpayers for the limited purpose of outreach to those
taxpayers; provided that the human services department shall
pay the department for expenses incurred by the department to
derive the information requested by the human services
department if the information requested is not readily
available in reports for which the department's information
systems are programmed; and

(3) return information required to administer
the Health Care Quality Surcharge Act;

O. the superintendent of insurance, return
information with respect to the premium tax and the health
insurance premium surtax;

P. the secretary of finance and administration or
the secretary's designee, return information concerning a
credit pursuant to the Film Production Tax Credit Act;

Q. the secretary of economic development or the
secretary's designee, return information concerning a credit
pursuant to the Film Production Tax Credit Act;

R. the secretary of public safety or the
secretary's designee, return information concerning the Weight
Distance Tax Act;

S. the secretary of transportation or the
secretary's designee, return information concerning the Weight
Distance Tax Act;

T. the secretary of energy, minerals and natural
resources or the secretary's designee, return information
concerning tax credits or deductions for which eligibility is
certified or otherwise determined by the secretary or the secretary's designee; [and]

U. the secretary of environment or the secretary's designee, return information concerning tax credits for which eligibility is certified or otherwise determined by the secretary or the secretary's designee; and

V. the secretary of state or the secretary's delegate, taxpayer information required to maintain voter registration records and as otherwise provided in the Election Code."

SECTION 58. Section 40-13B-7 NMSA 1978 (being Laws 2018, Chapter 40, Section 7) is amended to read:

"40-13B-7. PARTICIPANT DECERTIFICATION.--

A. A participant shall be decertified from the confidential substitute address program if:

(1) the participant submits a request to withdraw from the confidential substitute address program to the secretary of state;

(2) the participant fails to notify the secretary of state of a legal name change or a change to the participant's residential address, delivery address, telephone number or email address; [or]

(3) mail that is forwarded by the secretary of state to the participant's delivery address is returned as undeliverable; or
(4) the participant does not comply with the provisions of the Intimate Partner Violence Survivor Suffrage Act.

B. If the secretary of state determines that one or more of the causes for decertification provided in Subsection A of this section exist, the secretary of state shall send notice of the participant's decertification to the participant's delivery and residential addresses and shall attempt to notify the participant by telephone and email. The participant shall be given ten days from the date of decertification to appeal the decertification.

C. A person who is decertified from the confidential substitute address program shall not continue to use the person's confidential substitute address.

D. For six months after a participant has been decertified, the secretary of state shall forward mail and deliveries to an address provided by the former participant. Upon receipt of mail and deliveries pursuant to this subsection, a former participant shall provide an updated address to the sender."

SECTION 59. TEMPORARY PROVISION--RECOMPILATION.--Section 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section 15) is recompiled as a section of the Campaign Reporting Act.

SECTION 60. TEMPORARY PROVISION--COMPILER'S INSTRUCTION.--The compiler shall rename in tables of contents
and headings Chapter 2, Article 21 NMSA 1978 as "Recompiled".

SECTION 61. REPEAL.--

A. Section 1-15A-8 NMSA 1978 (being Laws 1977, Chapter 230, Section 7, as amended) is repealed.

B. Laws 2020, Chapter 9, Sections 1 through 13 are repealed.

SECTION 62. APPLICABILITY.--The provisions of this act apply to the procedures for conducting any election occurring on or after the effective date of this act.

SECTION 63. EFFECTIVE DATE.--The effective date of the provisions of Section 10 of this act is July 1, 2025.