SENATE BILL 331

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

INTRODUCED BY

Bill Tallman

AN ACT

RELATING TO ELECTION OFFICIALS; REQUIRING AN ADDITIONAL OATH OF
OFFICE FOR THE SECRETARY OF STATE AND COUNTY CLERKS TO CARRY
OUT THEIR DUTIES IN A FAIR AND NEUTRAL MANNER; PROHIBITING THE
SECRETARY OF STATE AND COUNTY CLERKS FROM RUNNING FOR A
DIFFERENT OFFICE DURING THEIR TERM OR FOR TWO YEARS THEREAFTER
OR PARTICIPATING IN OFFICIAL DECISION MAKING THAT WOULD BENEFIT
THE PERSON'S REELECTION CAMPAIGN; PROHIBITING THE SECRETARY OF
STATE AND COUNTY CLERKS FROM PUBLICLY ENDORSING CANDIDATES FOR
ELECTIVE OFFICE.

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

SECTION 1. A new section of Chapter 4, Article 40 NMSA
1978 is enacted to read:

"[NEW MATERIAL] OATH OF OFFICE.--In addition to the oath
of office required pursuant to Article 20, Section 1 of the
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constitution of New Mexico, a person elected or appointed to
the office of county clerk shall take and subscribe to an oath
or affirmation that the person will execute the duties of the
office in a fair and neutral manner, provide equal and ample
opportunity for all eligible citizens to register to vote, if
registration is required by law, and to vote and ensure that
the results of elections accurately reflect all valid votes."

SECTION 2. A new section of Chapter 4, Article 40 NMSA
1978 is enacted to read:

"[NEW MATERIAL] PROHIBITIONS.--A person elected or
appointed to the office of county clerk shall not:

A. be a candidate for a different elective office
during the person's term as county clerk and for two years
after the ending of the person's term as county clerk;

B. publicly endorse a candidate for any elective
office during the person's term as county clerk; or

C. participate in decision making in the person's
capacity as county clerk that could benefit the person's
candidacy while running for reelection. The county clerk's
authorized deputy shall assume the duties of the county clerk
in such instances."

SECTION 3. A new section of Chapter 8, Article 4 NMSA
1978 is enacted to read:

"[NEW MATERIAL] OATH OF OFFICE.--In addition to the oath
of office required pursuant to Article 20, Section 1 of the
constitution of New Mexico, a person elected or appointed to
the office of secretary of state shall take and subscribe to an
oath or affirmation that the person will execute the duties of
the office in a fair and neutral manner, provide equal and
ample opportunity for all eligible citizens to register to
vote, if registration is required by law, and to vote and
ensure that the results of elections accurately reflect all
valid votes."

SECTION 4. A new section of Chapter 8, Article 4 NMSA
1978 is enacted to read:

"[NEW MATERIAL] PROHIBITIONS.--A person elected or
appointed to the office of secretary of state shall not:

A. be a candidate for a different elective office
during the person's term as secretary of state and for two
years after the ending of the person's term as secretary of
state;

B. publicly endorse a candidate for any elective
office during the person's term as secretary of state; or

C. participate in decision making in the person's
capacity as secretary of state that could benefit the person's
candidacy while running for reelection. The deputy secretary
of state shall assume the duties of the secretary of state in
such instances."