

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 48

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

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

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1 OFFICES ON BALLOTS; REQUIRING A NOTICE OF ELECTION TO BE SENT
2 TO VOTERS; ADDRESSING BALLOT TALLYING PROCEDURES AND THE
3 PREPARATION OF THE COUNTY CANVASS REPORT; PRESCRIBING POST-
4 ELECTION DUTIES; PROVIDING REQUIREMENTS FOR THE IMPOUNDMENT OF
5 BALLOTS AND TIME FRAMES FOR AUDITS; ADJUSTING TIME FRAMES FOR
6 REFERENDUM PETITIONS; AUTHORIZING TAXPAYER INFORMATION TO BE
7 REVEALED TO THE SECRETARY OF STATE FOR PURPOSES OF MAINTAINING
8 VOTER REGISTRATION RECORDS; REMOVING REFERENCES TO PUBLIC
9 REGULATION COMMISSIONER AS AN ELECTED OFFICE THROUGHOUT THE
10 ELECTION CODE; RECOMPILING A SECTION AUTHORIZING LEGISLATIVE
11 CAUCUS COMMITTEES INTO THE CAMPAIGN REPORTING ACT; AMENDING,
12 REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; REPEALING AND
13 REENACTING SECTION 1-4-5.7 NMSA 1978 (BEING LAWS 2019, CHAPTER
14 67, SECTION 1, AS AMENDED); REPEALING LAWS 2020, CHAPTER 9,
15 SECTIONS 1 THROUGH 13.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "1-1-3.3. ELECTION-RELATED ORGANIZATION.--As used in the
21 Election Code, "election-related organization" means an
22 organization that registered with the secretary of state [~~that~~]
23 at least ninety days before a regularly scheduled statewide
24 election or sixty-three days before a special election or an
25 election to fill a vacancy in the United States house of

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1 representatives and is involved in election monitoring or voter
 2 turnout activities, but does not include a qualified political
 3 party in an election in which the political party is
 4 represented on the ballot."

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

7 "1-1-16. REGISTRATION OFFICER.--As used in the Election
 8 Code, "registration officer" means the secretary of state, a
 9 county clerk or a clerk's authorized deputy, a member of [~~the~~
 10 an election board [of registration] designated by the county
 11 clerk to perform registration duties at a polling location or a
 12 state employee performing registration duties in accordance
 13 with the federal National Voter Registration Act of 1993 or
 14 Section 1-4-5.2 NMSA 1978."

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

17 "1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--
 18 RULES.--

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

21 B. The secretary of state shall:

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

25 (2) subject to the State Rules Act, make rules

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1 pursuant to the provisions of, and necessary to carry out the
2 purposes of, the Election Code and shall furnish to the county
3 clerks copies of such rules; provided that no rule is adopted
4 or amended within the sixty-three days before a primary or a
5 general election.

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

15 SECTION 4. A new section of Chapter 1, Article 2 NMSA
16 1978 is enacted to read:

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

19 A. The secretary of state shall maintain an
20 elections security program within the bureau of elections. The
21 program shall have the general responsibility of advising the
22 secretary of state, county clerks and the voting system
23 certification committee regarding voting system and
24 cybersecurity requirements and ensuring their implementation
25 and shall be the primary liaison working with federal oversight

1 and intelligence agencies regarding elections critical
2 infrastructure.

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

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

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

13 "1-2-20. MESSENGERS--COMPENSATION.--

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

21 B. Messengers may be compensated at the same daily
22 or hourly rate as provided for election board members or at a
23 rate established by the county clerk. Messengers may be paid
24 mileage as provided in the Per Diem and Mileage Act each way
25 over the usually traveled route when the messenger travels by

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1 private vehicle. The compensation and mileage shall be paid
2 within thirty days following the date of election.

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

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

10 "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE
11 CENTERS.--

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

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

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

23 (2) any voter of the county shall be allowed
24 to vote on a regular ballot at any voter convenience center in
25 the county;

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1 (3) each voter convenience center shall be a
 2 consolidated precinct composed of no more than ten precincts;

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

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

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

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

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1 ~~confirms that the voter did not also vote in the same election~~
2 ~~on any other ballot].~~

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

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

10 ~~(2)]~~ (1) have at least one optical scan
11 tabulator programmed to read every ballot style able to be cast
12 at that voter convenience center;

13 ~~[(3)]~~ (2) have at least one voting system
14 available to assist disabled voters to cast and record their
15 votes;

16 ~~[(4)]~~ (3) have sufficient spaces for at least
17 five voters to simultaneously and privately mark their ballots,
18 with at least one of those spaces wheelchair-accessible;

19 ~~[(5)]~~ (4) have sufficient check-in stations to
20 accommodate voters throughout the day as provided in Section
21 1-9-5 NMSA 1978;

22 ~~[(6)]~~ (5) have a secure area for storage of
23 preprinted ballots or for storage of paper ballot stock and a
24 system designed to print ballots at a polling location;

25 ~~[(7)]~~ (6) issue a ballot to voters who have

1 provided the required voter identification after the voter has
 2 signed a signature roster or an electronic equivalent approved
 3 by the voting system certification committee or after the voter
 4 has subscribed an application to vote on a form approved by the
 5 secretary of state; and

6 ~~[(8)]~~ (7) be in a location that is accessible
 7 and compliant with the requirements of the federal Americans
 8 with Disabilities Act of 1990.

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

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

20 "1-3-12. ADJUSTING PRECINCT BOUNDARIES.--

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

25 (1) shown on the standard base maps developed

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1 pursuant to Subsection B of this section;

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

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

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

11 (1) all state and federal highways;

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

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

16 (4) all major railroad lines;

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

20 (6) all streets within urban areas; and

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

25 C. The board of county commissioners, upon receipt

1 of the standard base maps from the secretary of state and upon
2 the recommendation of the county clerk, shall:

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

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

16 D. The precincts shown upon the standard base maps
17 submitted pursuant to the provisions of this section and as
18 revised and approved by the secretary of state pursuant to the
19 Precinct Boundary Adjustment Act shall become the official
20 precincts of each county for the 2021 redistricting. For the
21 2022 and subsequent statewide elections, changes in precincts
22 shall be made in accordance with the provisions of Chapter 1,
23 Article 3 NMSA 1978.

24 E. In the same calendar year in which the state
25 receives the results of a federal decennial census, the state

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1 legislature shall redistrict federal representative districts,
2 each chamber of the legislature, [~~public regulation commission~~
3 ~~districts~~] public education commission districts and any other
4 state districts requiring redistricting.

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

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

15 "1-4-5.4. REGISTRATION--FORM.--

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

21 B. The certificate of registration form shall
22 require the following elements of information concerning the
23 applicant for registration: name, [~~gender~~] residence,
24 municipality, post office, county of former registration, date
25 of birth, political party affiliation, zip code, telephone

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1 number at the applicant's option and statement of qualification
2 for voting. The paper form shall contain a space for the
3 qualified elector to provide a driver's license or state
4 identification number issued by the motor vehicle division of
5 the taxation and revenue department or the last four digits of
6 the qualified elector's social security number, while the form
7 resulting from an online or electronic voter registration
8 transaction shall contain the qualified elector's full social
9 security number.

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

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

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

24 F. The secretary of state shall maintain on the
25 secretary's website a Privacy Act notice in conformance with

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1 the federal Privacy Act of 1974."

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

5 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION
6 PRIOR TO VOTING.--

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

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

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

23 (2) if the county clerk has established an
24 additional alternate voting location near the clerk's office in
25 lieu of voting at the county clerk's office, a qualified

1 elector may register to vote or update an existing certificate
2 of registration at that location during the regular hours and
3 days of business beginning on the twenty-eighth day preceding
4 the election and during the hours for voting at alternate
5 voting locations commencing on the third Saturday prior to the
6 election through the Saturday immediately prior to the
7 election; and

8 (3) at the county clerk's office or at an
9 additional alternative voting location near the clerk's office
10 during the regular hours the day before election day and until
11 7:00 p.m. on election day.

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

21 D. During a statewide election, a qualified elector
22 may register to vote or update an existing certificate of
23 registration at an election day voting location if the county
24 clerk has assigned a registration officer to the election day
25 voting location; provided that ninety days before the election,

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1 the county clerk shall post the location of each election day
2 voting location where a qualified elector may register to vote
3 or update an existing certificate of registration immediately
4 before voting. If an election day voting location does not
5 have real-time synchronization with the voter registration
6 electronic management system or electronic poll book database,
7 a qualified elector may register to vote or update an existing
8 certificate of registration by using a provisional ballot in
9 accordance with procedures prescribed by the secretary of
10 state.

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

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

1 primary election.

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

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

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

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

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

22 (4) shall either:

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

25 (b) be accompanied by an original or

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1 copy of a utility bill, bank statement, government check,
2 paycheck, student identification card or other government
3 document that contains an address that matches the address
4 provided for the certificate of registration.

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

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

13 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION
14 PRIOR TO VOTING.--

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

23 B. During a statewide election, a qualified elector
24 may register to vote or update an existing certificate of
25 registration at the county clerk's office during the regular

1 hours and days of business beginning on the twenty-eighth day
2 preceding the election and from 10:00 a.m. to 6:00 p.m. on the
3 Saturday immediately prior to the date of the election;
4 provided that if the county clerk establishes an additional
5 alternate voting location near the clerk's office in lieu of
6 voting at the office of the county clerk, a qualified elector
7 may register to vote or update an existing certificate of
8 registration at that location during the regular hours and days
9 of business beginning on the twenty-eighth day preceding the
10 election and during the hours for voting at alternate voting
11 locations commencing on the third Saturday prior to the
12 election through the Saturday immediately prior to the election
13 and, if the additional alternative voting location is open on
14 election day, during the regular hours of voting on election
15 day. In addition, a qualified elector may register to vote or
16 update an existing certification of registration at the county
17 clerk's office during regular hours of business the day before
18 election day.

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

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

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

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

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

24 (1) contains the name of the qualified
25 elector, which shall reasonably match the name provided on the

1 certificate of registration;

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

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

7 (4) shall either:

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

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

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

24 SECTION 11. Section 1-4-5.8 NMSA 1978 (being Laws 2019,
25 Chapter 67, Section 2) is amended to read:

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1 "1-4-5.8. AUTOMATIC VOTER REGISTRATION--DRIVER'S LICENSE
2 AND AGENCY REGISTRATION AND UPDATES TO REGISTRATION.--

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

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

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

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

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

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

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

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

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

16 B. In addition to the requirements of Section
 17 1-4-48 NMSA 1978:

18 (1) the human services department shall
 19 develop procedures to be approved by the secretary of state to
 20 ensure that each benefit program administered by the department
 21 appropriately ensures that qualified electors receiving
 22 benefits are offered the opportunity to register to vote or
 23 update an existing certificate of registration without
 24 duplication of information contained by the department or by
 25 the secretary of state. No later than the last day of August

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1 of each calendar year, the human services department shall
2 issue an annual report detailing implementation of the
3 requirements of this paragraph. The report shall be sent to
4 the legislative council service, the secretary of state and
5 each county clerk; and

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

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

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

24 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
25 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except

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1 for qualified electors who register to vote or update a
 2 certificate of registration pursuant to Section 1-4-5.7 NMSA
 3 1978, for qualified electors seeking to register to vote or
 4 update an existing voter registration in the state, the
 5 following provisions shall apply:

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

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

- 17 (1) statewide election, within the county; or
- 18 (2) special election, within any precinct in
- 19 the county in which votes may be cast in the special election;

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

- 23 (1) new voter registrations that meet the
- 24 requirements of this section;
- 25 (2) updates to existing voter registrations in

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underscored material = new
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1 this state that meet the requirements of this section; provided
2 that an update to an existing registration in this state shall
3 not be processed if the voter has requested or been sent a
4 ballot in the election, unless the voter executes an affidavit
5 stating that the voter has not and will not vote the ballot
6 that was issued and the ballot register does not show that a
7 ballot from the voter has been cast in the election; and

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

13 D. certificates of registration and cancellations
14 of existing voter registrations not processed pursuant to
15 Subsection B or C of this section [~~shall~~] may be processed
16 beginning [~~thirty-five days after~~] the Monday following an
17 election and shall be processed beginning no later than the
18 first business day after the approval of the county canvass
19 report, at which time a voter information document shall be
20 mailed to the registrant at the address shown on the
21 certificate of registration; provided that if there is a
22 subsequent election scheduled at which a qualified elector or
23 voter would be eligible to vote if the certificate of
24 registration were processed on an earlier date, the certificate
25 of registration for that qualified elector or voter shall be

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1 processed by the county clerk on a day and in a manner to
 2 ensure the ability of the qualified elector or voter to vote in
 3 the subsequent election;

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

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

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

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

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

24 **SECTION 13.** Section 1-4-11 NMSA 1978 (being Laws 1969,
 25 Chapter 240, Section 67, as amended) is amended to read:

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1 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF
2 CERTIFICATES.--

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

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

25 C. The county clerk shall reject any certificate of

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

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

20 E. If the county clerk rejects a certificate of
21 registration because required information is not provided on
22 the certificate or cannot ascertain the qualified elector's
23 social security number, the county clerk shall indicate this on
24 the qualified elector's certificate of registration and shall
25 make the appropriate notation in the voter file, indicating

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1 that the voter is required to provide the full social security
2 number prior to receiving a ballot and, until it is provided,
3 may only vote on a provisional ballot. The provisional ballot
4 shall be counted ~~[onee]~~ if the required information is provided
5 or the voter's full social security number is ascertained
6 during the period for counting provisional ballots, including
7 any appeals provided for in the Election Code.

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

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

17 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

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

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

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

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

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

14 (2) voter registration shall be conducted in a
15 manner such that the applicant completes the full certificate
16 of registration electronically; ~~and~~

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

21 (4) every certificate of registration
22 completed electronically shall include the applicant's full
23 social security number and shall be transmitted by means of a
24 secured electronic transmission to the secretary of state for
25 delivery to the appropriate county clerk.

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1 D. A motor vehicle division employee or contractor
2 shall not intentionally influence the prospective registrant in
3 the selection of political party, or independent status, by
4 word or act. A motor vehicle division employee or contractor
5 shall not reveal the existence of or the nature of the voter
6 registration to anyone other than a registration officer.

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

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

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

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

22 (3) develop procedures to ensure that, once
23 voter registration information is transmitted to the
24 appropriate registration officer, the voter's certificate of
25 registration is printed and placed in the county's register of

1 voters."

2 SECTION 15. Section 1-5-6 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 108, as amended) is amended to read:

4 "1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER
5 PREPARATION.--

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

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

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

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

22 "1-6-4. MAILED BALLOT APPLICATION.--

23 A. In a statewide election, application by a voter
24 for a mailed ballot shall be made only on [æ] the official
25 paper form approved by the secretary of state or its online

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1 equivalent. The form shall identify the applicant and contain
2 information to establish the applicant's qualification for
3 issuance of a mailed ballot under the Absent Voter Act
4 ~~[provided that only on the application form for a primary~~
5 ~~election ballot there shall be a box, space or place provided~~
6 ~~for designation of the voter's political party affiliation].~~

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

20 C. The secretary of state shall allow a voter to
21 submit an online application for a mailed ballot through a
22 website authorized by the secretary of state; provided that the
23 voter shall have a current or expired New Mexico driver's
24 license or state identification card issued by the motor
25 vehicle division of the taxation and revenue department. An

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1 online request for a mailed ballot shall contain all of the
2 information that is required for a paper form. The voter shall
3 also provide the person's full New Mexico driver's license
4 number or state identification card number.

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

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

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

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

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

24 F. New registrants who registered for the first
25 time in this state by mail and at that time did not provide

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1 acceptable documentary identification as required by federal
2 law shall be informed of the need to comply with federal
3 identification requirements when returning the requested ballot
4 and notified that if the registrant votes for the first time in
5 New Mexico by mail and does not follow the instructions for
6 returning the required documentary identification, the
7 registrant waives the right to secrecy in that mailed ballot.
8 The secretary of state shall issue rules to exempt voters from
9 submitting identification only as required by federal law and
10 shall review and, if necessary, update these rules no later
11 than March 15 of even-numbered years.

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

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

21 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

22 A. The county clerk shall mark each completed
23 application for a mailed ballot with the date and time of
24 receipt in the clerk's office and enter the required
25 information in the ballot register. The county clerk shall

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1 then determine if the applicant is a voter and if the voter is
2 a uniformed-service voter or an overseas voter. If the
3 applicant is a uniformed-service voter or overseas voter, the
4 application shall be processed pursuant to the Uniform Military
5 and Overseas Voters Act. An application for a mailed ballot
6 from a voter who is not a uniformed-service voter or overseas
7 voter is timely if received by the county clerk no later than
8 fourteen days prior to election day.

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

15 C. When required by federal law, if the applicant
16 has on file with the county a valid certificate of registration
17 that indicates that the applicant is a voter who is a new
18 registrant in the state and who registered by mail without
19 submitting the required documentary identification, the county
20 clerk shall notify the voter that the voter must submit with
21 the mailed ballot a form of documentary identification from the
22 list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA
23 1978. The county clerk shall note on the ballot register and
24 signature roster that the applicant's mailed ballot must be
25 returned with the required voter identification.

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

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

10 F. A mailed ballot shall not be delivered by the
11 county clerk to any person other than the applicant for the
12 ballot. Mailed ballots shall be sent to applicants beginning
13 twenty-eight days before the election. For each application
14 for a mailed ballot received twenty-three or more days before
15 the election, the county clerk shall send either the ballot or
16 a notice of rejection to the applicant as soon as practicable;
17 provided that the ballot or a notice of rejection is sent not
18 later than twenty-two days before the election. For each
19 application for a mailed ballot received within twenty-two days
20 of election day, the county clerk shall send either the mailed
21 ballot or a notice of rejection to the applicant within twenty-
22 four hours after receipt of the voter's application for a
23 mailed ballot. ~~[A mailed ballot shall be requested not later~~
24 ~~than the Thursday immediately prior to the date of the election~~
25 ~~and shall be sent to the voter not later than the Friday~~

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1 ~~immediately prior to the date of the election.]~~

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

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

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1 day polling locations in the county.

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

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

11 "1-6-6. BALLOT REGISTER.--

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

- 15 (1) the name and address of each absentee
16 ballot applicant;
- 17 (2) the date [~~and time~~] of receipt of the
18 application;
- 19 (3) whether the application was accepted or
20 rejected;
- 21 (4) the date of issue of an absentee ballot at
22 an early voting location or the mailing of an absentee ballot
23 to the applicant;
- 24 (5) the applicant's precinct;
- 25 (6) whether the applicant is a voter and

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1 whether the voter is a uniformed-service voter or an overseas
2 voter;

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

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

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

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

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

17 (3) the applicant's precinct;

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

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

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

25 C. Each ballot register is a public record open to

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underscored material = new
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1 public inspection in the county clerk's office during regular
2 office hours. The county clerk shall have an updated ballot
3 register available for public inspection Monday through Friday
4 during regular office hours.

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

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

20 F. If the county clerk has available the technology
21 to do so, at the request of a candidate or chair of a political
22 party of the county, the county clerk shall electronically
23 transmit to the candidate or chair via the internet the
24 information, when updated, on the absentee ballot register
25 indicating voters who have requested absentee ballots, returned

1 their absentee ballots or voted early in person."

2 SECTION 19. Section 1-6-8 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 134, as amended) is amended to read:

4 "1-6-8. MAILED BALLOT ENVELOPES.--

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

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

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

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

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

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

24 C. The reverse of each official mailing envelope
25 shall contain a form to be executed under penalty of perjury by

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underscored material = new
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1 the voter completing the mailed ballot. The form shall
2 identify the voter and shall contain the pre-printed name of
3 the voter to whom the ballot was sent and the following
4 statement to be affirmed by the voter: "I attest under penalty
5 of perjury that I am the voter identified on this official
6 mailing envelope and that I have not and will not vote any
7 other ballot in this election.". The official mailing envelope
8 shall contain a space for the voter to record the voter's name
9 [~~registration address and year of birth~~] and signature and the
10 last four digits of the voter's social security number, which
11 shall constitute the required voter identification. Under the
12 space for the voter's signature shall be the following
13 statement: "NOTICE: The only people who may lawfully mail or
14 deliver this ballot to the county clerk are the voter, a member
15 of the voter's immediate family or household or the voter's
16 caregiver.". The envelope shall have a security flap to cover
17 this information."

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

20 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY
21 METHODS.--

22 A. When voting a mailed ballot, the voter shall
23 secretly mark the mailed ballot in the manner provided in the
24 Election Code for marking paper ballots, place it in the
25 official inner envelope and securely seal the envelope. The

1 voter shall then place the official inner envelope inside the
2 official mailing envelope and securely seal the envelope. The
3 voter shall then complete the form on the reverse of the
4 official mailing envelope [~~which shall include a statement by~~
5 ~~the voter under penalty of perjury that the facts stated in the~~
6 ~~form are true and the voter's name, registration address and~~
7 ~~year of birth] under the privacy flap. The voter or another
8 person authorized by law shall then return the official mailing
9 envelope containing the voted ballot to the county clerk of the
10 voter's county of residence. If returned by a person other
11 than the voter, the official mailing envelope shall contain the
12 signature, printed name and relationship to the voter of the
13 person returning the ballot.~~

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

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

25 D. The official mailing envelope may be returned in

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1 person to the office of the county clerk or to an alternate
2 voting location, mobile alternate voting location, [~~or~~]
3 election day voting location or other location where the
4 receipt and storage of the official mailing envelope containing
5 a voted ballot is under the supervision of an election official
6 or county employee.

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

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

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

21 (3) all secured containers shall be monitored
22 by video surveillance cameras and the video recorded by that
23 system shall be retained by the county clerk as a record
24 related to voting pursuant to the provisions of Section 1-12-69
25 NMSA 1978;

underscored material = new
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1 (4) signage at the location of a secured
 2 container shall inform voters and those dropping off ballots at
 3 the location:

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

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

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

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

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

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

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

2 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

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

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

23 B. On the day a returned mailed ballot is received
24 by the county clerk, the county clerk shall mark the date of
25 receipt on the outside of the official mailing envelope.

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1 Within one business day of receiving a returned official
2 mailing envelope, the county clerk shall remove the privacy
3 flap to verify that the voter signed the official mailing
4 envelope and to confirm that the last four digits of the social
5 security number provided by the voter match the information
6 available to the county clerk.

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

15 D. If either the voter's signature is missing or
16 the last four digits of the voter's social security number are
17 not provided or do not match, the county clerk shall make the
18 appropriate notation in the absentee ballot register and shall
19 safely keep the official mailing envelope unopened in a secured
20 ballot box designated for those official mailing envelopes
21 received that are missing the voter's signature or the last
22 four digits of the voter's social security number or where the
23 last four digits of the social security number do not match the
24 information available to the county clerk. The county clerk
25 shall immediately send the voter a notice to cure containing

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1 information regarding how the voter may provide documentation
2 to cure the missing or incorrect information.

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

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

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

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

25 (4) after the county canvass report has been

1 approved, the voter may appeal in accordance with appeal
 2 procedures for provisional ballots pursuant to Section
 3 1-12-25.2 NMSA 1978.

4 ~~[B.]~~ F. In a statewide election, if the unopened
 5 official mailing envelope is received by the county clerk from
 6 an election board before the absent voter election board has
 7 adjourned, the unopened official mailing envelope shall be
 8 ~~[logged and]~~ transmitted to the absent voter election board to
 9 be tallied immediately. If the unopened official mailing
 10 envelope is received by the county clerk from an election board
 11 after the absent voter election board has adjourned, the
 12 unopened official mailing envelope shall be ~~[logged and]~~
 13 transmitted to an election board convened to assist in
 14 preparation of the county canvass report to be tallied and
 15 included in the canvass report of that county for the
 16 appropriate precinct.

17 ~~[G. Completed official mailing envelopes shall be~~
 18 ~~accepted until 7:00 p.m. on election day.~~

19 ~~D. Any completed official mailing envelope received~~
 20 ~~after that time shall not be qualified or opened but shall be~~
 21 ~~preserved by the county clerk for the applicable retention~~
 22 ~~period provided in Section 1-12-69 NMSA 1978. The county clerk~~
 23 ~~shall report the number of late ballots from voters, uniformed-~~
 24 ~~service voters and overseas voters and report the number from~~
 25 ~~each category to date on the final absentee ballot report and~~

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1 ~~as part of the county canvass report. If additional late~~
2 ~~ballots are received, the county clerk shall update the number~~
3 ~~of late ballots from each category to the secretary of state.]"~~

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

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

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

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

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

18 "1-6-14. HANDLING MAILED BALLOTS.--

19 A. At any time after mailed ballots have been sent
20 to voters and until the fifth day before the election, the
21 county clerk may convene an absent voter election board to meet
22 during the normal business hours of the office of the county
23 clerk to ~~[qualify]~~ process the mailed ballots that are
24 returned. Before opening an official mailing envelope, the
25 presiding judge and the election judges shall determine that

1 the county clerk has verified the required information [has
2 been completed] on the reverse side of the official mailing
3 envelope.

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

16 B. If, pursuant to Subsection F of Section 1-6-4
17 NMSA 1978, the voter was notified of the need to comply with
18 federal identification requirements when returning the
19 requested ballot and failed to comply, the judge or election
20 clerk shall preserve the inner envelope with the official
21 mailing envelope and write "Rejected" on the front of the
22 official mailing envelope, and the judge or election clerk
23 shall update the ballot register accordingly. The presiding
24 judge shall place the official mailing envelope with the
25 attached inner envelope in a container provided for rejected

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1 ballots; provided that if the judge or election clerk was
2 required to open the inner envelope to determine that the
3 required documentary identification was not included, the
4 untallied ballot shall be returned to the inner envelope and
5 preserved along with the official mailing envelope in a
6 container for this purpose.

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

10 (1) the official mailing envelope has been
11 opened by someone other than the voter prior to being received
12 by the absent voter election board;

13 (2) the official mailing envelope does not
14 contain a signature;

15 (3) the official mailing envelope does not
16 contain the required ~~[voter]~~ documentary identification; or

17 (4) the person offering to vote is not a voter
18 as provided in the Election Code.

19 D. If a challenge is upheld by unanimous vote of
20 the presiding judge and the election judges, the official
21 mailing envelope shall not be opened but shall be placed in a
22 container provided for challenged ballots. If the reason for
23 the challenge is satisfied by the voter before the conclusion
24 of the county canvass or as part of an appeal, the official
25 mailing envelope shall be opened and the vote counted.

1 E. If the official mailing envelope has been
2 properly subscribed and the voter has not been challenged, the
3 judges or election clerks shall [~~enter the voter's name and~~
4 ~~residence address as shown on the official mailing envelope and~~
5 ~~shall~~] make the appropriate notation [~~opposite the voter's name~~
6 ~~in the "Notations" column of~~] in the ballot register.

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

19 G. For any election in which ten thousand or more
20 mailed ballots were sent to the voters of a county, only during
21 the regular business hours of the office of the county clerk
22 during the two weeks preceding the election, between 8:00 a.m.
23 and 10:00 p.m. on the four days preceding the election and
24 beginning at 7:00 a.m. on election day, under the personal
25 supervision of the presiding election judge, shall the election

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1 judges open the official mailing envelope and the official
2 inner envelope and insert the enclosed ballot into an
3 electronic voting machine to be registered and retained until
4 votes are counted [~~and canvassed following the closing of the~~
5 ~~polls on election night~~] by generating the report of the ballot
6 results no sooner than 7:00 a.m. on election day.

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

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

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

18 K. On election night, the absent voter election
19 board shall recess upon the earlier of completion of its work
20 or 11:00 p.m. An absent voter election board that recesses at
21 11:00 p.m. shall continue its work only between the hours of
22 9:30 a.m. and 8:00 p.m. on each subsequent day until the board
23 has completed its work."

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

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

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

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

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

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

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

22 [~~G.~~] D. A voter shall be issued a replacement
 23 ballot to be filled out and fed by the voter into the
 24 electronic vote tabulator if the voter:

25 (1) appears at the office of the county clerk,

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underscored material = new
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1 an alternate voting location or a mobile alternate voting
2 location:

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

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

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

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

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

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

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1 ~~[E-]~~ F. A provisional paper ballot issued pursuant
 2 to this section shall be qualified and tabulated once the
 3 county clerk determines that the voter did not vote any other
 4 ballot in the same election and if no challenge is successfully
 5 interposed.

6 ~~[F-]~~ G. The secretary of state shall prescribe the
 7 form of the affidavit and the manner in which the county clerk
 8 shall void the previously requested absentee ballot.

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

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

17 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING
 18 IN LIEU OF POLLING PLACE.--

19 A. Notwithstanding the provisions of Sections
 20 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday in
 21 November of each odd-numbered year, a board of county
 22 commissioners may designate a precinct as a mail ballot
 23 election precinct if, upon a written request of the county
 24 clerk, it finds that the precinct has fewer than one hundred
 25 voters and the nearest polling place for an adjoining precinct

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1 is more than twenty miles driving distance from the boundary
2 for the precinct in question.

3 B. If a precinct is designated a mail ballot
4 election precinct, in addition to the notice required pursuant
5 to Section 1-3-8 NMSA 1978, the county clerk shall notify by
6 mail with delivery confirmation all voters in that precinct at
7 least forty-two days before an election that each voter will be
8 sent an absentee ballot twenty-eight days before the election
9 and that there will be no polling place for the precinct on
10 election day. The county clerk shall include in the notice a
11 card informing the voter that if the voter does not want to
12 receive an absentee ballot for that election, the voter should
13 return the card before the date the county clerk is scheduled
14 to mail out absentee ballots. The notice shall also inform the
15 voter that a voting system equipped for persons with
16 disabilities will be available at all early voting sites before
17 election day and in the office of the county clerk on election
18 day in case the voter prefers to vote in person and not by
19 mail. In addition, the notice shall inform the voter [~~if the~~
20 ~~county is consolidating precincts on election day and, if so]~~
21 of the ability of the voter to cast a ballot at any
22 [~~consolidated precinct]~~ voter convenience center on election
23 day if the voter chooses not to receive an absentee ballot, or
24 to cast a [~~provisional~~] replacement ballot at any [~~consolidated~~
25 ~~precinct~~] voter convenience center if the voter does not

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1 receive an absentee ballot, which will be counted upon
 2 confirmation that the voter has not returned the absentee
 3 ballot.

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

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

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

17 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS
 18 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS
 19 BALLOT.--

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

24 (1) using a mailed ballot application pursuant
 25 to the Absent Voter Act; or

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

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

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

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

1 county clerk no later than fourteen days prior to election
 2 day."

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

5 "1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--
 6 QUALIFICATION.--

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

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

18 C. A qualified federal write-in absentee ballot
 19 shall be processed ~~[by]~~ during the ~~[canvassing board]~~ county
 20 canvass in the same manner as a provisional ballot. A federal
 21 write-in absentee ballot from a federal qualified elector shall
 22 not be qualified if the federal qualified elector voted on any
 23 other type of ballot. A federal write-in absentee ballot of an
 24 overseas voter shall not be qualified if the ballot is
 25 submitted from any location in the United States."

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1 SECTION 28. Section 1-6C-6 NMSA 1978 (being Laws 2019,
2 Chapter 226, Section 6) is amended to read:

3 "1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS.--

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

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

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

21 D. Twenty-eight days before the election, the
22 administrator shall mail a ballot and balloting materials to a
23 voter-participant's delivery address, along with a return
24 envelope necessary to return the voted ballot to the
25 appropriate county clerk. The return envelope shall be the

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1 same as for all other voters, except that in place of the
2 required voter identification to be written under the privacy
3 flap, the administrator shall provide the random identifier
4 assigned to that voter-participant for that election. The
5 return envelope for the voted ballot shall be postage-paid and
6 the return address shall be the address for the appropriate
7 county clerk.

8 E. When a participant registers to vote or updates
9 a voter registration after the thirty-fifth day before an
10 election but before the deadline to register to vote or to
11 update an existing registration pursuant to Section 1-4-8 NMSA
12 1978, the administrator shall:

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

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

20 F. When an unvoted ballot is transmitted to the
21 administrator on behalf of a voter-participant, the appropriate
22 county clerk shall note in the ballot register the random
23 identifier in place of the voter-participant's name and the
24 address of the confidential substitute address program in place
25 of the voter-participant's address and shall not note the

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1 voter-participant's gender or year of birth.

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

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

19 "1-6C-7. RECEIPT OF VOTED BALLOTS FROM VOTER-
20 PARTICIPANTS.--

21 A. A voted ballot shall be returned by the voter-
22 participant to the appropriate county clerk. A voted ballot
23 from a voter-participant shall be considered timely if it is
24 received no later than the deadline for receiving mailed
25 absentee ballots or mailed ballots pursuant to Section 1-6-10

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1 NMSA 1978.

2 B. When a voted ballot is received from a voter-
3 participant, the appropriate county clerk or election board
4 shall compare the random identifier provided by the voter-
5 participant under the privacy flap to the list of random
6 identifiers provided by the administrator for that election.
7 If the random identifier appears in both places, the
8 appropriate county clerk shall verify that the verification
9 code assigned to that random identifier for that election
10 matches the verification code provided by the voter-participant
11 under the privacy flap in lieu of the voter's signature. If
12 the verification code is on the list provided by the
13 administrator for use in that election and matches the random
14 identifier assigned by the administrator to identify the voter-
15 participant, the ballot shall be qualified and processed in the
16 same manner as mailed absentee ballots or mailed ballots
17 received and qualified in that election.

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

24 D. Following an election and within the time frames
25 provided in the Election Code, the appropriate county clerk

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1 shall provide to the administrator using the random identifier
2 for that election the voter credit information for each voter-
3 participant who voted [~~and the appropriate notations for any~~
4 ~~voter-participant whose election mail was returned as~~
5 ~~undeliverable~~]."

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

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

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

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

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

25 B. The names certified to the secretary of state

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1 shall be filed on the twenty-third day following the primary
2 election in the year of the general election and shall be
3 accompanied by nominating petitions containing the signatures
4 of voters totaling not less than one percent of the total
5 number of votes cast for governor at the last preceding general
6 election at which a governor was elected:

7 (1) in the state for statewide offices; and

8 (2) in the district for offices other than
9 statewide offices.

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

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

21 (1) in the county for countywide offices; and

22 (2) in the district for offices other than
23 countywide offices.

24 The petition shall contain a statement that the voters
25 signing the petition are residents of the area to be

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1 represented by the office for which the person being nominated
2 is a candidate.

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

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

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

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

24 F. No voter shall sign a petition prescribed by
25 this section for more persons than the number of candidates

1 necessary to fill the office at the next ensuing general
 2 election."

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

5 "1-8-3. NOMINATION BY MINOR POLITICAL PARTY--OTHER
 6 METHODS.--If the rules and regulations of a minor political
 7 party require nomination by a method other than a political
 8 convention:

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

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

22 C. the names of such nominees shall be filed in the
 23 same time and manner prescribed by the Election Code for
 24 convention-designated nominees of minor political parties, and
 25 each list of names certified shall be accompanied by the

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1 petition containing a list of signatures and addresses of
2 voters as prescribed for convention-designated nominees."

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

5 "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING
6 AFTER PRIMARY.--

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

21 (1) the central committee of the state
22 political party filing the name of its nominee for the office
23 with the proper filing officer when the office is a federal
24 office, state office, district office or multicounty
25 legislative district office; and

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

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

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

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

24 E. When the name of a nominee is filed as provided
25 in this section, the name shall be placed on the general

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1 election ballot as the party's candidate for that office."

2 SECTION 33. A new Section 1-8-10.1 NMSA 1978 is enacted
3 to read:

4 "1-8-10.1. [NEW MATERIAL] SHORT TITLE.--Sections 1-8-10.1
5 through 1-8-52 NMSA 1978 may be cited as the "Primary Election
6 Law"."

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

9 "1-8-13. PRIMARY ELECTION LAW--CONTENTS OF
10 PROCLAMATION.--The general election proclamation calling a
11 primary and general election shall contain:

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

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

24 C. the date on which declarations of candidacy and
25 nominating petitions for United States representative, any

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1 office voted upon by all the voters of the state, a legislative
2 office, the office of district judge, district attorney, public
3 education commission [~~public regulation commission~~] or
4 magistrate shall be filed and the places where they shall be
5 filed in order to have the candidates' names printed on the
6 official ballot of their party at the primary election or in
7 order to have the candidates' names printed on the official
8 ballot at the general election, as applicable;

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

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

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

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

25 H. the date on which declarations of candidacy for

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1 minor party candidates shall be filed and the places where the
2 declarations of candidacy shall be filed in order to have the
3 minor party candidate names printed on the official ballot of
4 the general election;

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

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

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

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

22 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--
23 NUMBER OF SIGNATURES REQUIRED.--

24 A. As used in this section, "total vote" means the
25 sum of all votes cast for all of the party's candidates for

1 governor at the last preceding primary election at which the
2 party's candidate for governor was nominated.

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

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

24 D. A candidate who fails to receive the preprimary
25 convention designation that the candidate sought may collect

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1 additional signatures to total at least four percent of the
2 total vote of the candidate's party in the state or
3 congressional district, whichever applies to the office the
4 candidate seeks, and file a new declaration of candidacy and
5 nominating petitions for the office for which the candidate
6 failed to receive a preprimary designation. The declaration of
7 candidacy and nominating petitions shall be filed with the
8 secretary of state either ten days following the date of the
9 preprimary convention at which the candidate failed to receive
10 the designation or on the date all declarations of candidacy
11 and nominating petitions are due pursuant to the provisions of
12 the Primary Election Law, whichever is later."

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

15 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

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

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

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1 the primary election for the political party for which the
2 person is a write-in candidate.

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

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

16 SECTION 37. Section 1-8-51 NMSA 1978 (being Laws 1977,
17 Chapter 322, Section 7, as amended) is amended to read:

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

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

25 B. Nominating petitions for an independent

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

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

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

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

20 F. When a vacancy for any office occurs on the
21 general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA
22 1978 in which all political parties may name a general election
23 candidate or when a vacancy occurs in the office of United
24 States representative pursuant to Section 1-15-18.1 NMSA 1978,
25 an independent candidate may file a declaration of candidacy on

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1 or by the same deadline applicable to the political parties.
 2 The nominating petitions for an independent candidate in such
 3 circumstances shall be signed by the number of voters provided
 4 in this section, unless there are fewer than:

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

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

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

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

23 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM
 24 DEFINED.--

25 A. The secretary of state shall study, examine and

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1 certify all voting systems used in elections for public office
2 in New Mexico. The secretary of state shall maintain a current
3 list of certified voting systems and copies of filed testing
4 and evaluation reports accessible by the public on the
5 secretary of state's web site. Only certified voting systems
6 [~~certified~~] approved for use by the secretary of state and
7 acquired pursuant to a competitive bid process in accordance
8 with the provisions of the Procurement Code shall be used in
9 any election for public office in New Mexico.

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

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

21 "1-9-7.10. VOTING SYSTEMS--BALLOT HANDLING AND PROCESSING
22 REQUIREMENTS.--Voting systems certified for use in state
23 elections shall:

24 A. accept a ballot that is a minimum of six inches
25 wide and a maximum of twenty-four inches long, in dual columns

1 and printed on both sides;

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

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

7 D. be designed to accommodate the maximum number of
8 ballot styles or ballot variations encountered in the largest
9 New Mexico election jurisdiction; ~~and~~

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

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

14 SECTION 40. 1-10-8 NMSA 1978 (being Laws 2019, Chapter
15 212, Section 103) is amended to read:

16 "1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT
17 QUESTIONS.--

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

22 (1) in a presidential primary, president;

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

25 (3) United States senator;

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

21 B. In the year in which the governor is elected,
22 the ballot in a primary election and general election shall
23 contain, when applicable, partisan offices to be voted on in
24 the following order:

- 25 (1) United States senator;

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- 1 (2) United States representative;
- 2 (3) in a major political party primary,
- 3 governor;
- 4 (4) in a major political party primary,
- 5 lieutenant governor;
- 6 (5) in a general election, governor and
- 7 lieutenant governor as a ticket;
- 8 (6) secretary of state;
- 9 (7) attorney general;
- 10 (8) state auditor;
- 11 (9) state treasurer;
- 12 (10) commissioner of public lands;
- 13 (11) state representative;
- 14 (12) supreme court;
- 15 (13) court of appeals;
- 16 [~~(14) public regulation commission districts~~
- 17 ~~with even-numbered designations;~~
- 18 ~~(15)]~~ (14) public education commission
- 19 [~~districts with even-numbered designations~~];
- 20 [~~(16)]~~ (15) district court;
- 21 [~~(17) district attorney;~~
- 22 ~~(18)]~~ (16) metropolitan court;
- 23 [~~(19)]~~ (17) magistrate court;
- 24 [~~(20)]~~ (18) county sheriff;
- 25 [~~(21)]~~ (19) county assessor;

1 [~~(22)~~] (20) county commission; [~~districts and~~
2 ~~positions with even-numbered designations; and~~
3 ~~(23)~~] (21) probate judge; and
4 (22) when applicable:

5 (a) county clerk; and

6 (b) county treasurer.

7 C. The ballot in a regular local election shall
8 contain, when applicable, nonpartisan offices to be voted on in
9 the following order:

10 (1) municipal, with elective executive
11 officers listed first, governing board members listed second
12 and judicial officers listed third;

13 (2) board of education of a school district;

14 (3) community college, branch community
15 college, technical and vocational institute district or
16 learning center district; and

17 (4) special districts listed in order by
18 voting population of each special district, with the most
19 populous listed first and the least populous listed last.

20 D. The ballot in a statewide election shall
21 contain, when applicable, nonpartisan judicial retention and in
22 a statewide or special election, when applicable, ballot
23 questions to be voted on in the following order, unless a
24 different order is prescribed by the secretary of state:

25 (1) judicial retention;

- 1 (2) proposed state constitutional amendments;
- 2 (3) other state ballot questions;
- 3 (4) county ballot questions; and
- 4 (5) local government ballot questions listed
- 5 in the same order as the list of local governments in
- 6 Subsection C of this section.

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

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

25 (2) each position appearing on the ballot in

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

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

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

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

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

25 ~~(3) whenever two or more positions for the~~

1 ~~same office are to be elected to represent the same area with~~
2 ~~terms of different lengths of time, the secretary of state~~
3 ~~shall first group the offices with the shorter length of time~~
4 ~~and shall designate each position with "for a term expiring~~
5 ~~___", specifying the date the term expires].~~

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

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

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

23 (3) supreme court and court of appeals for
24 nonpartisan judicial retention shall appear on the ballot in
25 ascending numerical order of the position number designated by

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1 the secretary of state for that election, based on the
2 seniority of the justice or judge seeking retention, with the
3 highest seniority listed first."

4 SECTION 41. A new section of Chapter 1, Article 11 NMSA
5 1978 is enacted to read:

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

10 A. the date and purpose of the election;

11 B. an internet web address where a voter may
12 request a mailed ballot;

13 C. a telephone number where a voter may call to
14 request the paper form of the mailed ballot application;

15 D. a list of the days and times and addresses of
16 early and election day polling locations where a voter may vote
17 in person; and

18 E. a list of the locations, dates and times other
19 than polling locations where a voter may return a mailed
20 ballot."

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

23 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--
24 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

25 A. If a voter is required to vote on a provisional

1 paper ballot, the presiding judge or election judge shall give
2 the voter written instructions on how the voter may determine
3 whether the vote was counted and, if the vote was not counted,
4 the reason it was not counted.

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

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

24 SECTION 43. Section 1-12-65 NMSA 1978 (being Laws 1977,
25 Chapter 222, Section 68, as amended) is amended to read:

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1 "1-12-65. [~~EMERGENCY SITUATIONS~~] PAPER BALLOTS--COUNTING
2 AND TALLYING PROCEDURES.--

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

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

22 [~~C. The tallying of paper ballots that were not~~
23 ~~tabulated by the electronic vote tabulator at the polling place~~
24 ~~and the counting of ballots with write-in votes shall be in~~
25 ~~accordance with procedures prescribed by the secretary of~~

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1 ~~state.]~~

2 C. If the county clerk receives an envelope
 3 pursuant to Subsection A or B of this section and the absent
 4 voter election board has not adjourned, the envelope shall be
 5 logged and transmitted to the absent voter election board to be
 6 tallied immediately. If the envelope is received by the county
 7 clerk after the absent voter election board has adjourned, the
 8 envelope shall be logged and transmitted to be tallied by an
 9 election board appointed to assist in the preparation of the
 10 county canvass report."

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

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

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

16 B. The board of county commissioners may designate
 17 the board of registration to serve as the county canvassing
 18 board for the county. The designation shall be made in the
 19 polling place resolution adopted pursuant to Section 1-3-2 NMSA
 20 1978 and is valid for all statewide and special elections
 21 conducted within the county until the expiration of the
 22 resolution.

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

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

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

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

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

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

16 SECTION 45. Section 1-13-4 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 306, as amended) is amended to read:

18 "1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--METHOD.--
19 The county clerk shall:

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

23 (1) paper ballots not previously tabulated;

24 (2) absentee ballots delivered to an election
25 board not previously tabulated;

1 (3) provisional paper ballots that have been
 2 qualified and contain votes that are to be counted; or

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

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

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

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

16 "1-14-9. IMPOUNDING BALLOTS--APPLICATION FOR COURT
 17 ORDER--DEPOSIT REQUIRED.--Any candidate in an election may
 18 petition the district court for an order impounding ballots in
 19 one or more precincts within which [~~he is a candidate~~] the
 20 candidate's name appeared on the ballot. The action shall be
 21 brought in the district court for the county in which the
 22 precincts are located. The petition shall state what specific
 23 items of ballots are requested to be impounded. Upon [~~receipt~~
 24 ~~of the petition~~] a finding that good cause exists to conduct an
 25 investigation to determine fraudulent or false voting, along

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1 with a sufficient cash deposit, [~~of twenty-five dollars~~
2 ~~(\$25.00) per precinct~~] or a sufficient surety bond, to cover
3 the costs of each precinct for which impoundment is demanded,
4 the court shall issue an order of impoundment."

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

7 "1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM CHECK.--

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

21 B. For each selected office, the auditor shall
22 publicly select a random sample of precincts from a pool of all
23 precincts in the state no later than twelve days after the
24 election. The random sample shall be chosen in a process that
25 will ensure, with at least ninety percent probability for the

1 selected offices, that faulty tabulators would be detected if
 2 they would change the outcome of the election for a selected
 3 office. The auditor shall select precincts starting with the
 4 statewide office with the largest winning margin and ending
 5 with the precincts for the statewide office with the smallest
 6 winning margin and then, in the same manner, select precincts
 7 from each congressional district. The size of the random
 8 sample for each office shall be determined as provided in Table
 9 1 of this subsection. When a precinct is selected for one
 10 office, it shall be used in lieu of selecting a different
 11 precinct when selecting precincts for another office in the
 12 same congressional district, or for any statewide office. If
 13 the winning margin in none of the offices for which a voting
 14 system check is required is less than fifteen percent, a voting
 15 system check for that general election shall not be required.

16 Table 1

17	Winning margin between top	Number of precincts in the
18	two candidates for the	state to be tested for that
19	office according to the	office
20	county canvasses	
21	Percent	
22	greater than 15	no precincts for that
23		office
24	greater than 14	
25	but less than or equal to 15	4

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1	greater than 13	
2	but less than or equal to 14	4
3	greater than 12	
4	but less than or equal to 13	5
5	greater than 11	
6	but less than or equal to 12	5
7	greater than 10	
8	but less than or equal to 11	6
9	greater than 9.0	
10	but less than or equal to 10	6
11	greater than 8.0	
12	but less than or equal to 9.0	7
13	greater than 7.0	
14	but less than or equal to 8.0	9
15	greater than 6.0	
16	but less than or equal to 7.0	10
17	greater than 5.5	
18	but less than or equal to 6.0	11
19	greater than 5.0	
20	but less than or equal to 5.5	13
21	greater than 4.5	
22	but less than or equal to 5.0	14
23	greater than 4.0	
24	but less than or equal to 4.5	16
25	greater than 3.5	

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1	but less than or equal to 4.0	18
2	greater than 3.0	
3	but less than or equal to 3.5	22
4	greater than 2.5	
5	but less than or equal to 3.0	26
6	greater than 2.0	
7	but less than or equal to 2.5	32
8	greater than 1.8	
9	but less than or equal to 2.0	37
10	greater than 1.6	
11	but less than or equal to 1.8	42
12	greater than 1.4	
13	but less than or equal to 1.6	47
14	greater than 1.2	
15	but less than or equal to 1.4	54
16	greater than 1.1	
17	but less than or equal to 1.2	59
18	greater than 1.0	
19	but less than or equal to 1.1	65
20	greater than 0.9	
21	but less than or equal to 1.0	73
22	greater than 0.8	
23	but less than or equal to 0.9	82
24	greater than 0.7	
25	but less than or equal to 0.8	93

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1 greater than 0.6
2 but less than or equal to 0.7 109
3 greater than 0.5
4 but less than or equal to 0.6 130
5 0.5 or less 165.

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

23 D. Based on the results of the voting system check
24 and any other auditing results, the auditor shall determine the
25 error rate in the sample for each office. If the winning

1 margin decreases and the error rate based on the difference
2 between the vote totals of hand recounts of the paper ballots
3 and the original precinct vote totals exceeds ninety percent of
4 the winning margin for an office, another sample equal in size
5 to the original sample shall be selected and the original
6 precinct vote totals compared to the vote totals of hand
7 recounts. The error rate based on the first and second sample
8 shall be reported, and if it exceeds ninety percent of the
9 winning margin for the office, the state canvassing board shall
10 order that a full hand recount of the ballots for that office
11 be conducted.

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

16 F. Persons designated as county canvass observers
17 may observe the hand recount described in Subsection C of this
18 section. Observers shall comply with the procedures governing
19 county canvass observers as provided in Section 1-2-31 NMSA
20 1978.

21 G. If a recount for an office selected for a voting
22 system check is conducted pursuant to the provisions of Chapter
23 1, Article 14 NMSA 1978, the vote totals from the hand count of
24 ballots for that office in precincts selected for the voting
25 system check may be used in lieu of recounting the same ballots

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1 for the recount.

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

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

7 "1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

8 A. An applicant for a recount shall deposit with
9 the proper canvassing board or, in the case of an office for
10 which the state canvassing board issues a certificate of
11 nomination or election, with the secretary of state sufficient
12 cash, or a sufficient surety bond, to cover the cost of a
13 recount for each precinct for which a recount is demanded. An
14 applicant for a recheck shall deposit with the proper
15 canvassing board or, in the case of an office for which the
16 state canvassing board issues a certificate of nomination or
17 election, with the secretary of state sufficient cash, or a
18 sufficient surety bond, to cover the cost of the recheck for
19 each voting machine to be rechecked. The state canvassing
20 board shall determine the estimated actual cost of a recount
21 per [~~precinct~~] voting location and a recheck per voting machine
22 no later than March 15 of even-numbered years. The secretary
23 of state shall post the recount and recheck cost determinations
24 on the secretary of state's [~~web-site~~] website when the state
25 canvassing board issues its cost determinations.

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1 B. The deposit or surety bond shall be security for
 2 the payment of the costs and expenses of the recount or recheck
 3 in case the results of the recount or recheck are not
 4 sufficient to change the results of the election.

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

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

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

23 "1-14-24. AUTOMATIC RECOUNTS--ELECTIONS FOR STATE AND
 24 FEDERAL OFFICES--PROCEDURES.--

25 A. An automatic recount of the vote is required

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1 when the canvass of returns indicates that the margin between
2 the two candidates receiving the greatest number of votes for
3 an office, the margin between those supporting and those
4 opposing a ballot question or the margin affecting the outcome
5 of a nonpartisan judicial retention election is less than:

6 (1) one-fourth percent of the total votes cast
7 in that election:

8 (a) for that office in the case of a
9 federal or statewide office;

10 (b) on a ballot question in the case of
11 a state ballot question; or

12 (c) on a nonpartisan judicial retention
13 election in the case of the supreme court or the court of
14 appeals;

15 (2) one-half percent of the total votes cast
16 in that election:

17 (a) for that office in the case of a
18 [~~public regulation commissioner~~] public education commissioner,
19 district attorney or any office elected countywide in a county
20 with more than one hundred fifty thousand registered voters;

21 (b) on a ballot question in the case of
22 a local ballot question; or

23 (c) on a nonpartisan judicial retention
24 election in the case of a district court or the metropolitan
25 court; or

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

3 B. For an office for which ballots were cast in
 4 more than one county, the secretary of state shall file notice
 5 with the state canvassing board upon the completion of the
 6 state canvass that an automatic recount is required, and the
 7 state canvassing board shall order a recount of the ballots for
 8 the specified office. For an office in which ballots were cast
 9 solely within one county, the secretary of state shall file
 10 notice with the state canvassing board within seven days after
 11 receiving notice from the county clerk following the completion
 12 of the county canvass that an automatic recount is required,
 13 and the state canvassing board shall order a recount of the
 14 ballots for the specified office.

15 C. Automatic recounts shall be conducted pursuant
 16 to the recount procedures established in Sections 1-14-16 and
 17 1-14-18 through 1-14-23 NMSA 1978."

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

20 "1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE
 21 CIRCULATION.--

22 A. Before any referendum petition is circulated for
 23 signatures, the sponsors shall submit the original draft
 24 thereof to the secretary of state to determine whether or not
 25 it meets the requirements of law for referendum petitions. At

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1 the same time the original draft is submitted to the secretary
2 of state, the sponsors shall also submit a suggested popular
3 name for the law ~~[which]~~ that is the object of the petition.

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

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

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

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

14 "1-17-10. REFERENDUM PETITIONS--SUFFICIENCY OR
15 INSUFFICIENCY.--The secretary of state shall ascertain and
16 declare the sufficiency or insufficiency of each complete
17 referendum petition within ~~[fifteen]~~ thirty days after it is
18 filed in ~~[his]~~ the secretary's office."

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

21 "1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

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

25 B. "certified candidate" means a candidate running

1 for a covered office who chooses to obtain financing pursuant
 2 to the Voter Action Act and is certified as a Voter Action Act
 3 candidate;

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

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

14 (1) a qualifying contribution;

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

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

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

24 (1) by a person other than a candidate or
 25 campaign committee;

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

6 (3) for the purpose of:

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

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

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

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

22 H. "fund" means the public election fund;

23 I. "qualifying contribution" means a donation of
24 five dollars (\$5.00) in the form of cash, a check, a money
25 order or an electronic form of payment, as prescribed by the

1 secretary, and payable to the fund in support of an applicant
 2 candidate that is:

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

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

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

13 J. "qualifying period" means:

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

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

24 K. "secretary" means the secretary of state or the
 25 office of the secretary of state."

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1 SECTION 53. Section 1-19A-4 NMSA 1978 (being Laws 2003,
2 Chapter 14, Section 4, as amended) is amended to read:

3 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

4 A. Applicant candidates [~~shall obtain qualifying~~
5 ~~contributions as follows:~~

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

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

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

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

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

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

25 "1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

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

3 (1) financing the election campaigns of
4 certified candidates for covered offices;

5 (2) paying administrative and enforcement
6 costs of the Voter Action Act; and

7 (3) carrying out all other specified
8 provisions of the Voter Action Act.

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

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

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

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

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

25 (4) money that remains unspent or unencumbered

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1 by a certified candidate following the date of the general
2 election;

3 (5) unspent contributions to a candidate;

4 (6) money distributed to the fund from funds
5 received pursuant to the Uniform Unclaimed Property Act (1995);
6 and

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

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

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

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

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

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

24 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

25 A. By September 1 of each odd-numbered year, the

1 secretary shall determine the amount of money to be distributed
2 to each certified candidate for the election cycle ending with
3 the next general election, based on the type of election and
4 the provisions of Subsections B through G of this section.

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

8 ~~(1) for the office of public regulation~~
9 ~~commissioner, twenty-five cents (\$.25) for each voter of the~~
10 ~~candidate's party in the district of the office for which the~~
11 ~~candidate is running; and~~

12 ~~(2) for the office of justice of the supreme~~
13 ~~court and judge of the court of appeals] fifteen cents (\$.15)~~
14 for each voter of the candidate's party in the state.

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

22 D. For uncontested primary elections in which
23 another candidate has filed a declaration of candidacy for
24 nomination in another party's primary for the same office, but
25 no primary for the office is contested, the amount of money to

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1 be distributed to a certified candidate is equal to the average
2 of the amount each candidate would receive pursuant to
3 Subsection B of this section.

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

7 ~~(1) for the office of public regulation~~
8 ~~commissioner, twenty-five cents (\$.25) for each voter in the~~
9 ~~district of the office for which the candidate is running; and~~

10 ~~(2) for the office of justice of the supreme~~
11 ~~court and judge of the court of appeals] fifteen cents (\$.15)~~
12 for each voter in the state.

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

19 G. Once the certification for candidates for the
20 primary election has been completed, the secretary shall
21 calculate the total amount of money to be distributed in the
22 primary election cycle, based on the number of certified
23 candidates and the allocations specified in this section. The
24 secretary shall also prepare an estimate of the total amount of
25 money that might be distributed in the general election cycle.

1 If the total amount to be distributed in the primary election
2 cycle and the estimated total amount to be distributed in the
3 general election cycle taken together exceed the amount
4 expected to be available in the fund, the secretary shall
5 allocate the amount available between the primary and general
6 election cycles. This allocation shall be based on the ratio
7 of the two total amounts.

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

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

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

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

3 "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--
4 PUBLICATION.--

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

14 B. The secretary of state shall by resolution issue
15 a public proclamation in Spanish and English calling a regular
16 local election. The proclamation shall be issued and filed by
17 the secretary of state in the office of the secretary of state
18 ninety days preceding the date of the regular local election,
19 and upon filing the proclamation, the secretary of state shall
20 post the proclamation and certify it to each county clerk.

21 C. The proclamation shall specify:
22 (1) the date when the election will be held;
23 (2) each elective office, local governing body
24 and judicial position to be filled;
25 (3) the date on which declarations of

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1 candidacy are to be filed;

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

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

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

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

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

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

25 (4) the location, days and hours for voting at

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1 the office of the county clerk;

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

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

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

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

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

23 "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE
24 AGENCIES.--An employee of the department may reveal to:

25 A. a committee of the legislature for a valid

1 legislative purpose, return information concerning any tax or
2 fee imposed pursuant to the Cigarette Tax Act;

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

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

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

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

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1 F. the state courts, the random jury lists produced
2 by the department of information technology under Subsection E
3 of this section;

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

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

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

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

19 K. the director of the workers' compensation
20 administration or to the director's representatives authorized
21 for this purpose, return information to facilitate the
22 identification of taxpayers that are delinquent or noncompliant
23 in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA
24 1978;

25 L. the secretary of workforce solutions or the

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

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

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

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

23 (2) the names and addresses of low-income
24 taxpayers for the limited purpose of outreach to those
25 taxpayers; provided that the human services department shall

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1 pay the department for expenses incurred by the department to
2 derive the information requested by the human services
3 department if the information requested is not readily
4 available in reports for which the department's information
5 systems are programmed; and

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

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

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

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

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

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

23 T. the secretary of energy, minerals and natural
24 resources or the secretary's designee, return information
25 concerning tax credits or deductions for which eligibility is

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1 certified or otherwise determined by the secretary or the
 2 secretary's designee; [~~and~~]

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

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

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

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

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

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

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

23 (3) mail that is forwarded by the secretary of
 24 state to the participant's delivery address is returned as
 25 undeliverable; or

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underscored material = new
 [bracketed material] = delete

1 (4) the participant does not comply with the
2 provisions of the Intimate Partner Violence Survivor Suffrage
3 Act.

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

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

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

21 **SECTION 59. TEMPORARY PROVISION--RECOMPILATION.**---Section
22 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section 15) is
23 recompiled as a section of the Campaign Reporting Act.

24 **SECTION 60. TEMPORARY PROVISION--COMPILER'S**
25 **INSTRUCTION.**---The compiler shall rename in tables of contents
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underscored material = new
[bracketed material] = delete

1 and headings Chapter 2, Article 21 NMSA 1978 as "Recompiled".

2 SECTION 61. REPEAL.--

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

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

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

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

underscoring material = new
~~[bracketed material]~~ = delete