

1 SENATE BILL 6

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

3 INTRODUCED BY

4 Daniel A. Ivey-Soto and Georgene Louis and Crystal R. Diamond
5 and Greg Nibert and T. Ryan Lane
6
7
8
9

10 AN ACT

11 RELATING TO ELECTIONS; AMENDING THE ELECTION CODE; REMOVING
12 REFERENCES TO PUBLIC REGULATION COMMISSIONER AS AN ELECTED
13 OFFICE THROUGHOUT THE ELECTION CODE; CREATING THE VOTER
14 EDUCATION AND ELECTIONS TASK FORCE; SPECIFYING WHEN THE
15 INSPECTION OF PUBLIC RECORDS ACT APPLIES TO DISCLOSURES
16 PURSUANT TO THE ELECTION CODE; AMENDING AND ENACTING
17 DEFINITIONS; CREATING AN ELECTIONS SECURITY PROGRAM; REQUIRING
18 THE USE OF FORMS APPROVED BY THE SECRETARY OF STATE; REQUIRING
19 SERVICE OF PROCESS ON THE SECRETARY OF STATE FOR ELECTION-
20 RELATED LITIGATION; ADDRESSING QUALIFICATIONS OF ELECTION BOARD
21 MEMBERS; REVISING ELECTION BOARD AND MESSENGER COMPENSATION;
22 REQUIRING TRAINING FOR CHALLENGERS, WATCHERS AND ELECTION
23 OBSERVERS; REQUIRING VOTER CONVENIENCE CENTERS; PROVIDING FOR A
24 PROGRAM TO RECONCILE VOTER REGISTRATION LISTS; ALLOWING FOR AN
25 ELECTRONIC POLL BOOK ALTERNATIVE; ADJUSTING VOTER REGISTRATION

.221175.6

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

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

1 PROCESSING PROCEDURES; AMENDING REQUIREMENTS FOR REGISTRATION
2 AT VOTING LOCATION PRIOR TO VOTING; REVISING PROCEDURES AND
3 REQUIREMENTS FOR MAILED BALLOTS, ABSENTEE BALLOTS AND MILITARY-
4 OVERSEAS BALLOTS; AMENDING THE INTIMATE PARTNER VIOLENCE
5 SURVIVOR SUFFRAGE ACT; ADJUSTING TIME FRAMES TO FILL A VACANCY
6 ON THE GENERAL ELECTION BALLOT; REINSTATING THE PRIMARY
7 ELECTION LAW SHORT TITLE ACT; AMENDING THE PRIMARY ELECTION
8 LAW; REVISING REQUIREMENTS FOR NOMINATIONS AND CANDIDATES;
9 ELIMINATING PRE-PRIMARY CONVENTION DESIGNATIONS; AMENDING
10 VOTING SYSTEMS REQUIREMENTS; ADDRESSING BALLOT PREPARATION;
11 ADDRESSING MAINTENANCE OF BALLOT BOXES AND MONITORED SECURED
12 CONTAINERS; CORRECTING AND PRESCRIBING THE ORDER OF OFFICES ON
13 BALLOTS; REQUIRING THE SENDING OF A NOTICE OF ELECTION;
14 REQUIRING THE CERTIFICATION OF VOTING MACHINES; AMENDING THE
15 ELECTION FUND; DIRECTING THE ESTABLISHMENT OF COUNTY ELECTION
16 FUNDS; ADDRESSING PROVISIONAL BALLOTS; ADDRESSING THE COUNTING
17 AND DISPOSITION OF PAPER BALLOTS; ADDRESSING POST-ELECTION
18 DUTIES; REVISING REQUIREMENTS FOR THE IMPOUNDMENT OF BALLOTS,
19 AUDITS AND RECOUNTS; AMENDING THE PRESIDENTIAL PRIMARY ACT;
20 REVISING PROVISIONS RELATED TO FILLING A VACANCY IN THE OFFICE
21 OF UNITED STATES REPRESENTATIVE; REVISING TIME FRAMES FOR
22 REFERENDUM PETITIONS; AMENDING THE CAMPAIGN REPORTING ACT;
23 RECOMPILING A SECTION AUTHORIZING LEGISLATIVE CAUCUS COMMITTEES
24 INTO THE CAMPAIGN REPORTING ACT; AMENDING THE LEGISLATIVE
25 SESSION FUNDRAISING PROHIBITION; CONFORMING THE MEANINGS OF

.221175.6

underscored material = new
[bracketed material] = delete

1 UNLAWFUL POSSESSION OF KEYS AND UNLAWFUL POSSESSION OF ABSENTEE
2 BALLOT; AMENDING THE CRIME OF OBSTRUCTING THE POLLING PLACE;
3 AMENDING THE LOCAL ELECTION ACT; AMENDING THE LOBBYIST
4 REGULATION ACT; PROVIDING REQUIREMENTS FOR MUNICIPALITIES TO
5 HOLD ORGANIZATIONAL MEETINGS AFTER NEW TERMS BEGIN; AUTHORIZING
6 TAXPAYER INFORMATION TO BE REVEALED TO THE SECRETARY OF STATE
7 FOR PURPOSES OF MAINTAINING VOTER REGISTRATION RECORDS;
8 AMENDING THE CONFIDENTIAL SUBSTITUTE ADDRESS ACT; CONFORMING
9 PROVISIONS RELATING TO CERTAIN SPECIAL DISTRICTS TO THE LOCAL
10 ELECTION ACT; PROVIDING FOR THE ELECTION OF LOCAL PUBLIC BODIES
11 AT LARGE OR FROM DISTRICTS; REVISING ELECTION PROCEDURES AND
12 BOARD OF DIRECTORS REQUIREMENTS FOR ARTESIAN CONSERVANCY
13 DISTRICTS, CONSERVANCY DISTRICTS AND SOIL AND WATER
14 CONSERVATION DISTRICTS; AMENDING THE CONSERVANCY ACT OF NEW
15 MEXICO; AMENDING THE CONSERVANCY DISTRICT-RECLAMATION CONTRACT
16 ACT; AMENDING THE WATERSHED DISTRICT ACT; REPEALING THE PUBLIC
17 POLICY REGARDING COMMUNISM; MAKING CONFORMING AND TECHNICAL
18 CHANGES; MAKING AN APPROPRIATION; AMENDING, REPEALING, ENACTING
19 AND RECOMPILING SECTIONS OF THE NMSA 1978; REPEALING SESSION
20 LAWS; DECLARING AN EMERGENCY.

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

23 SECTION 1. A new section of Chapter 1, Article 1 NMSA
24 1978 is enacted to read:

25 "[NEW MATERIAL] REAL-TIME SYNCHRONIZATION.--As used in the
.221175.6

underscored material = new
[bracketed material] = delete

1 Election Code, "real-time synchronization" means that the
2 internet connection at a voting location is able to synchronize
3 voting data with the office of the county clerk in real time."

4 SECTION 2. A new Section 1-1-3.4 NMSA 1978 is enacted to
5 read:

6 "1-1-3.4. [NEW MATERIAL] ELECTION-RELATED ORGANIZATION--
7 REGISTRATION REQUIRED.--An election-related organization shall
8 register with the secretary of state at least seventy days
9 before a regularly scheduled statewide election or forty-two
10 days before a special election or an election to fill a vacancy
11 in the United States house of representatives."

12 SECTION 3. Section 1-1-5.2 NMSA 1978 (being Laws 2003,
13 Chapter 356, Section 9, as amended) is amended to read:

14 "1-1-5.2. DEFINITION OF A VOTE--MACHINE-TABULATED--HAND-
15 TALLIED--WRITE-IN.--

16 A. For a [~~paper ballot~~] candidate contest or ballot
17 question that is machine-tabulated on a vote tabulation system
18 certified for use in this state, a vote shall be counted if
19 the:

20 (1) voter's selection of a candidate or answer
21 to a ballot question is indicated in the voting response area
22 of the paper ballot; and

23 (2) ballot is marked in accordance with the
24 instructions for that ballot type.

25 B. For a [~~paper ballot~~] candidate contest or ballot

.221175.6

underscored material = new
[bracketed material] = delete

1 question that is hand-tallied, a vote shall be counted if:

2 (1) the ballot is marked in accordance with
3 the instructions for that ballot type;

4 (2) the preferred candidate's name or answer
5 to a ballot question is circled;

6 (3) there is a distinct marking, such as a
7 cross or check, within the voting response area for the
8 preferred candidate or answer to a ballot question; or

9 (4) the presiding judge and election judges
10 hand-tallying the ballot unanimously agree that the voter's
11 intent is clearly discernable.

12 C. For a [~~paper ballot that is machine-tabulated or~~
13 ~~hand-tallied and that contains~~] candidate contest in which
14 there is a declared write-in candidate and a write-in vote is
15 cast, the write-in vote shall be counted if the name is:

16 (1) the name of a declared write-in candidate
17 for that office and position and is on the proper line provided
18 for a write-in vote for that office and position; and

19 (2) written as first and last name; first
20 name, middle name or initial and last name; one or two initials
21 and last name; or last name alone if there is no other declared
22 write-in candidate for the office or position that is the same
23 or so similar as to tend to confuse the candidates' identities;
24 provided that:

25 (a) when the presiding judge and

.221175.6

underscoring material = new
[bracketed material] = delete

1 election judges reviewing the write-in vote unanimously agree
2 that the voter's intent is clearly discernable, an
3 abbreviation, misspelling or other minor variation in the form
4 of the name of a declared write-in candidate shall be accepted
5 as a valid vote; and

6 (b) as used in this subsection, "write-
7 in" and "written" do not include the imprinting of any name by
8 stamp or similar method or device or the use of a stencil or a
9 preprinted sticker or label."

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

12 "1-1-16. REGISTRATION OFFICER.--As used in the Election
13 Code, "registration officer" means the secretary of state, a
14 county clerk, ~~[or]~~ a clerk's authorized deputy, a clerk-
15 authorized member of ~~[the]~~ an election board ~~[of registration]~~
16 or a state employee performing registration duties in
17 accordance with the federal National Voter Registration Act of
18 1993 or Section 1-4-5.2 NMSA 1978."

19 SECTION 5. A new Section 1-1-27 NMSA 1978 is enacted to
20 read:

21 "1-1-27. [NEW MATERIAL] PUBLIC RECORDS--DISCLOSURE--
22 PROCEDURE.--

23 A. Where the Election Code provides for disclosure
24 or nondisclosure of public records relating to elections, the
25 provisions of the Election Code shall apply, and the provisions

.221175.6

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

1 of the Inspection of Public Records Act shall not be applicable
2 to the disclosure or nondisclosure.

3 B. For any public records relating to elections
4 where the Election Code does not provide for disclosure or
5 nondisclosure of the public records, the provisions of the
6 Inspection of Public Records Act shall apply."

7 SECTION 6. A new section of Chapter 1, Article 2 NMSA
8 1978 is enacted to read:

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

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

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

24 C. The elections security program shall monitor the
25 functionality of voting systems certified for use in the state

.221175.6

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

1 to ensure compliance with the security requirements provided
2 for in Chapter 1, Article 9 NMSA 1978 and administrative rules
3 adopted pursuant to that article.

4 D. Documents and communications related to election
5 security or that could put elections-critical infrastructure at
6 risk are exempt from disclosure.

7 E. As used in this section, "elections-critical
8 infrastructure" means those assets, systems and networks,
9 whether physical or virtual, that are considered so vital to
10 elections in this state that their infiltration, incapacitation
11 or destruction would have a debilitating effect on the
12 administration of elections, the secrecy of the ballot and the
13 efficient reporting of accurate results for any election
14 conducted pursuant to the Election Code."

15 SECTION 7. 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

.221175.6

underscoring material = new
[bracketed material] = delete

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 authorized or
9 required by the Election Code and issued or approved by the
10 secretary of state, only the form issued or approved by the
11 secretary may be used."

12 SECTION 8. A new Section 1-2-1.2 NMSA 1978 is enacted to
13 read:

14 "1-2-1.2. [NEW MATERIAL] SECRETARY OF STATE--SERVICE OF
15 PROCESS--ACTIONS RELATED TO ELECTIONS.--For the purposes of any
16 action filed in court challenging a procedure or provision of
17 the Election Code, a petition or a candidacy or a post-election
18 action initiated by any person, the secretary of state shall
19 receive service of process, regardless of whether the secretary
20 of state is a party to the action."

21 SECTION 9. Section 1-2-7 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 29, as amended) is amended to read:

23 "1-2-7. ELECTION BOARD--QUALIFICATION OF MEMBERS--
24 QUALIFICATION OF PRESIDING JUDGES--QUALIFICATION OF [MINORS]
25 QUALIFIED RESIDENTS.--

.221175.6

underscored material = new
[bracketed material] = delete

1 A. In order to qualify for appointment by the
2 county clerk as a member of the election board, a person shall:

3 (1) be a voter of the county in which the
4 person is appointed to serve;

5 (2) be able to read and write;

6 (3) have the necessary capacity to carry out
7 an election board member's functions with acceptable skill and
8 dispatch; and

9 (4) execute the election board member's oath
10 of office.

11 B. Before serving as a presiding judge of an
12 election board, a person shall receive training in the duties
13 of that position [~~and be certified for the position~~] by the
14 county clerk.

15 C. No person shall be qualified for appointment or
16 service on an election board:

17 (1) who is a candidate to be voted for at the
18 election;

19 (2) who is a spouse, domestic partner, parent,
20 child, brother or sister of any candidate to be voted for at
21 the election;

22 (3) who is married to a parent, child, brother
23 or sister of any candidate to be voted for at the election or
24 who is the parent of the spouse or domestic partner of any
25 candidate to be voted for at the election; or

.221175.6

underscored material = new
[bracketed material] = delete

1 (4) who is a sheriff, deputy sheriff, marshal,
2 deputy marshal or state or municipal police officer.

3 D. A county clerk may appoint [~~not more than two~~
4 ~~minors~~] qualified residents to serve on an election board under
5 the direct supervision of the presiding judge. A [~~minor~~]
6 qualified resident appointed by the county clerk shall:

7 (1) meet the qualifications set forth in
8 Paragraphs (2) through (4) of Subsection A of this section
9 [~~except the minor need not be eligible to vote~~];

10 (2) be registered to vote; and

11 [~~(2)~~] (3) be sixteen or seventeen years of age
12 at the time of the election in which the [~~minor~~] qualified
13 resident is serving as a member of an election board

14 [~~(3)~~] ~~be a citizen at the time of the election~~
15 ~~for which the minor will be serving as a member of an election~~
16 ~~board;~~

17 (4) ~~have the approval of the minor's parent or~~
18 ~~legal guardian, unless the minor is emancipated;~~

19 (5) ~~attend at least one school of instruction~~
20 ~~in accordance with the provisions of Section 1-2-17 NMSA 1978;~~
21 and

22 (6) ~~be appointed to an election board in the~~
23 ~~county in which the minor's parent or legal guardian resides,~~
24 ~~in accordance with the provisions of Section 1-2-11 NMSA 1978].~~

25 E. A [~~minor~~] qualified resident appointed to an

.221175.6

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

1 election board shall not serve as the presiding judge or as an
2 election judge."

3 SECTION 10. Section 1-2-12 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 32, as amended) is amended to read:

5 "1-2-12. ELECTION BOARD--POSITIONS ON EACH BOARD.--

6 A. Each election board shall consist of:

- 7 (1) a presiding judge;
- 8 (2) two election judges; and
- 9 (3) election clerks who are appointed to
10 assist the presiding judge and election judges.

11 B. The county clerk shall appoint presiding judges
12 and election judges so that not more than two of the three
13 judges belong to the same political party at the time of their
14 appointment; provided that:

15 (1) a judge of an election board shall not
16 have changed party registration in the two years next preceding
17 the judge's appointment in such a manner that the judge's prior
18 party registration would make the judge ineligible to serve on
19 the assigned election board; and

20 (2) a judge of an election board shall not
21 continue to serve on an election board if the judge changes
22 party registration after the date of appointment in such a
23 manner to make the judge ineligible to serve on the assigned
24 election board.

25 C. The county clerk may appoint teams of ~~[presiding~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~judges and~~ election judges under the supervision of one or
2 more presiding judges for [~~alternate voting locations~~] absent
3 voter precincts, recounts and special elections; provided that
4 each team shall consist of two election judges and that each
5 election judge on a team [~~meets the requirements of Subsection~~
6 ~~B of this section~~] shall not belong to the same political party
7 as any other election judge on the team at the time of the
8 appointment; and provided further that an election judge shall
9 not have changed party registration in the two years next
10 preceding the judge's appointment in such manner that the
11 judge's prior party registration would make the judge
12 ineligible to serve on the assigned team.

13 D. The county clerk may appoint election clerks to
14 [~~the~~] an election board as necessary to assist the presiding
15 judge and election judges if the county clerk determines that
16 additional election board members are needed.

17 E. County clerk employees may be assigned by the
18 county clerk to provide support to an election board or polling
19 location."

20 SECTION 11. Section 1-2-16 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 36, as amended) is amended to read:

22 "1-2-16. ELECTION BOARD--MESSENGERS--COMPENSATION.--

23 A. Members of an election board and messengers
24 shall be compensated for their services at an hourly rate set
25 by the secretary of state; provided that the rate [of] in each

.221175.6

underscoring material = new
[bracketed material] = delete

1 county shall not be less than twice the [federal] minimum
2 hourly wage rate [nor more than two hundred dollars (\$200) for
3 an election day] set by federal or state law or by the laws of
4 the county or of the municipality in which the county seat is
5 situated, whichever is highest; and provided further that the
6 rate may differentiate among the presiding judge, election
7 judges, election clerks and messengers. Election board members
8 and messengers shall be paid for training and may additionally
9 be paid mileage as provided in the Per Diem and Mileage Act
10 each way over the usually traveled route when an election board
11 member or messenger travels by private vehicle.

12 ~~[B. Members of an election board assigned to~~
13 ~~alternate voting or alternate mobile voting locations or absent~~
14 ~~voter precincts may be compensated at an hourly rate set by the~~
15 ~~county clerk.~~

16 G.] B. Compensation shall be paid by the secretary
17 of state within thirty days following the date of election.

18 C. The secretary of state shall determine if
19 payment is made to each county through a direct payment process
20 to election board members and messengers or by means of a grant
21 or reimbursement to the county election fund.

22 D. For purposes of determining eligibility for
23 membership in the public employees retirement association and
24 pursuant to the provisions of Subsection B of Section 10-11-3
25 NMSA 1978, election board members and messengers are designated

.221175.6

underscoring material = new
[bracketed material] = delete

1 as seasonal employees."

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

4 "1-2-20. MESSENGERS--~~[COMPENSATION]~~ APPOINTMENT.--

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

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

19 ~~G.]~~ B. Messengers shall take an oath of office
20 before entering into service as a messenger. Messengers may be
21 appointed to serve solely in that capacity or may be election
22 board members or county employees also appointed to serve as
23 messengers."

24 SECTION 13. Section 1-2-22 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 41, as amended) is amended to read:

.221175.6

underscored material = new
[bracketed material] = delete

1 "1-2-22. CHALLENGERS, WATCHERS AND ELECTION OBSERVERS--
2 TRAINING--QUALIFICATIONS--RESTRICTIONS.-- [~~Challengers and~~
3 ~~watchers shall be voters of a precinct located in that county~~
4 ~~to which they are appointed. No]~~

5 A. Before accepting an appointment or entering into
6 service as a challenger or watcher for an election, a person
7 shall attend a training session in advance of that election.
8 The training shall be provided by the county clerk based on a
9 uniform curriculum provided by the secretary of state. The
10 county clerk shall offer the training between thirty-six and
11 twenty-nine days before the election and at least once per week
12 prior to the election through the Thursday before election day.
13 At the end of the training session, each person in attendance
14 shall sign a form provided by the secretary of state indicating
15 an understanding of the permitted and prohibited activities by
16 challengers and watchers. The county clerk shall provide a
17 certificate to each person who completes the training in
18 advance of an election and shall keep and maintain in the
19 office of the county clerk a list of those voters who have
20 completed the training in advance of each election. The list
21 shall be available to be viewed in the office of the county
22 clerk at any time during the regular hours and days of business
23 beginning with the first day following the first training for
24 an election and concluding with the adjournment of the state or
25 county canvass board for that election, whichever is later.

.221175.6

underscored material = new
[bracketed material] = delete

1 The training shall be open to any interested person, and the
2 county clerk shall post notice of each training at least four
3 days before the training is to be held.

4 B. Challengers shall be voters of a precinct
5 located in the county to which the challenger is appointed.
6 Watchers shall be voters of a precinct in this state.

7 C. A person shall not be qualified for appointment
8 or service as a challenger, watcher or election observer if the
9 person:

10 [A. ~~who~~] (1) is a candidate for any office to
11 be voted for at the election;

12 [B. ~~who~~] (2) is a spouse, domestic partner,
13 parent, child, brother or sister of any candidate to be voted
14 for at the election;

15 [C. ~~who~~] (3) is married to a parent, child,
16 brother or sister of any candidate to be voted for at the
17 election or [~~who~~] is the parent of the spouse or domestic
18 partner of any candidate to be voted for at the election; [~~or~~

19 D. ~~who~~] (4) is a sheriff, deputy sheriff,
20 marshal, deputy marshal or state or municipal police officer;

21 (5) has accepted an appointment to serve as an
22 election board member in the same election;

23 (6) has been removed from service as a
24 challenger, watcher, election observer or county canvass
25 observer in the current or immediately preceding election cycle

.221175.6

underscored material = new
[bracketed material] = delete

1 by unanimous vote of the presiding judge and election judges of
2 an election board for violating the permitted or prohibited
3 activities of challengers, watchers, election observers or
4 county canvass observers; provided that the election board
5 detailed with specificity the conduct that led to the violation
6 on a form prescribed by the secretary of state and the form is
7 retained by the county clerk; or

8 (7) has not completed the training and
9 received a certificate from the county clerk pursuant to
10 Subsection A of this section."

11 SECTION 14. Section 1-2-25 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 44, as amended) is amended to read:

13 "1-2-25. CHALLENGERS, WATCHERS, COUNTY CANVASS
14 OBSERVERS--PERMITTED AND PROHIBITED ACTIVITIES.--

15 A. Challengers, watchers and county canvass
16 observers shall:

17 (1) not be permitted to perform any duty of an
18 election board member;

19 (2) not handle the ballots, signature rosters,
20 checklist of voters or voting machines or take any part in the
21 counting or tallying of the ballots or the county canvass;

22 (3) not be allowed to view a voter's full date
23 of birth or any portion of the voter's social security number;

24 (4) not interfere with the orderly conduct of
25 the election, the counting or tallying of the ballots or the

.221175.6

underscored material = new
[bracketed material] = delete

1 county canvass;

2 (5) not be allowed to photograph ballots or
3 protected information of any voter and shall not be allowed to
4 make any audio or video recording in a polling place;

5 (6) be allowed to be within sufficient sight
6 and sound of an election board for a reasonable person to see
7 and hear the election board in the conduct of the board's
8 duties;

9 (7) be permitted to speak with the presiding
10 judge or an election judge designated by the presiding judge to
11 ask a question or to advise of a potential breach of the
12 Election Code; provided that doing so does not interfere with
13 the orderly conduct of the election; and in the case of a
14 challenger, to interpose a challenge;

15 [~~5~~] (8) be allowed in the room in which the
16 voting is being conducted at a polling location; provided that
17 at any given time, each political party, candidate or election-
18 related organization may have no more than one person present;
19 and

20 [~~6~~] (9) be allowed in the room in which the
21 absent voter election board, the recount election board or the
22 election board for a special election conducts its business or,
23 in the case of county canvass observers, in which the county
24 canvass is conducted; provided that each political party,
25 candidate or election-related organization shall have no more

.221175.6

underscored material = new
[bracketed material] = delete

1 than:

2 (a) two persons present at any given
3 time in counties with more than ten thousand registered voters;

4 (b) four persons present at any given
5 time in counties with more than fifty thousand registered
6 voters; or

7 (c) fifteen persons present at any given
8 time in counties with more than one hundred fifty thousand
9 registered voters.

10 B. Subject to permission granted by the county
11 clerk, additional challengers may be present in the room in
12 which the absent voter election board, the recount election
13 board or the election board for a special election conducts its
14 business in a partisan election; provided that the number of
15 additional challengers allowed pursuant to this subsection is
16 identical for each political party participating in the
17 election."

18 SECTION 15. Section 1-3-4 NMSA 1978 (being Laws 1975,
19 Chapter 255, Section 30, as amended) is amended to read:

20 "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE
21 CENTERS.--

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

.221175.6

underscored material = new
[bracketed material] = delete

1 for voting in a statewide election.

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

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

9 (2) any voter of the county shall be allowed
10 to vote on a regular ballot at any voter convenience center in
11 the county;

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

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

16 (5) each voter convenience center shall have a
17 broadband internet connection and real-time synchronization to
18 access [~~to~~] the voter registration electronic management
19 system;

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

.221175.6

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

1 requirements of a voter convenience center; and

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

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

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

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

25 (3) have at least one voting system available

underscored material = new
[bracketed material] = delete

1 to assist disabled voters to cast and record their votes;

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

5 (5) have sufficient check-in stations to
6 accommodate voters throughout the day as provided in Section
7 1-9-5 NMSA 1978;

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

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

17 (8) be in a location that is accessible and
18 compliant with the requirements of the federal Americans with
19 Disabilities Act of 1990.

20 [~~D. As a prerequisite to consolidation, the~~
21 ~~authorizing resolution must find that consolidation will make~~
22 ~~voting more convenient and accessible to voters of the~~
23 ~~consolidated precinct and will not result in delays for voters~~
24 ~~in the voting process and that the voter convenience center~~
25 ~~will be centrally located within the consolidated precinct.~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~The board of county commissioners shall give due consideration~~
2 ~~to input received from any local public body in the county~~
3 ~~regarding the location of voter convenience centers.]"~~

4 SECTION 16. A new Section 1-3-13.1 NMSA 1978 is enacted
5 to read:

6 "1-3-13.1. [NEW MATERIAL] LOCAL PUBLIC BODIES--RESIDENCE
7 IN DISTRICTS--ELECTION AT LARGE.--

8 A. Every political subdivision of the state with an
9 elected governing body and a population of:

10 (1) ten thousand residents or more according
11 to the most recent federal decennial census shall be districted
12 into as many single-member districts as there are board members
13 to be elected; and

14 (2) fewer than ten thousand residents
15 according to the most recent federal decennial census may be
16 districted into as many single-member districts as there are
17 board members to be elected.

18 B. Members of elected governing bodies of a
19 political subdivision of the state with a population of ten
20 thousand residents or more according to the most recent federal
21 decennial census shall be elected from districts by the voters
22 of the district and shall be a resident of the districted area
23 from which the member is elected. If a member permanently
24 removes residence from or maintains no residence in the
25 districted area from which the person was elected, or to which

.221175.6

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

1 the person was appointed in the case of an appointment, the
2 member shall be deemed to have resigned.

3 C. Members of elected governing bodies of a
4 political subdivision of the state with a population of fewer
5 than ten thousand residents according to the most recent
6 federal decennial census are not required to be districted, and
7 if not districted, the members may reside at any location
8 within the political subdivision and be elected at large by the
9 voters of the political subdivision. If the political
10 subdivision is districted, the members shall be elected at
11 large by the voters of the political subdivision but shall be a
12 resident of the districted area for which the member is
13 elected. If the political subdivision is districted, a member
14 who permanently removes residence from or maintains no
15 residence in the districted area from which the person was
16 elected, or to which the person was appointed in the case of an
17 appointment, the member shall be deemed to have resigned.

18 D. Members of the elected governing body of an H
19 class county are not required to be districted and, if not
20 districted, may reside at any location within the county and be
21 elected at large by the voters of the county. If an H class
22 county is districted, the members may be elected at large by
23 the voters of the political subdivision but shall be residents
24 of the districted area for which the members are elected, or
25 may be elected from each district by the voters of the district

.221175.6

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

1 and shall be residents of the districted area from which the
2 members are elected. If an H class county is districted, a
3 member who permanently removes residence from or maintains no
4 residence in the districted area from which the person was
5 elected, or to which the person was appointed in the case of an
6 appointment, the member shall be deemed to have resigned.

7 E. When a new districting or redistricting plan is
8 adopted by a political subdivision of the state:

9 (1) the new districting plan is effective
10 following the expiration of the term of office for each seat on
11 the governing body;

12 (2) a person serving as a member of the
13 governing body when a new districting plan is adopted shall
14 continue to serve the area the person was elected to represent
15 for the remainder of the term of office for which the person
16 was elected, or in the case of an appointee, to represent the
17 area the person was appointed to represent until the next
18 election at which the position is subject to election; and

19 (3) where the terms of office of the elected
20 governing body of a political subdivision of the state are
21 staggered, a person serving as a member of the governing body
22 who, at the time a new districting or redistricting plan is
23 adopted, has more than two years remaining in the term of
24 office to which the person was elected, but where the plan
25 places the person's residence into a districted area for which

.221175.6

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

1 the next election for the new district is less than two years
2 away, the person may be a candidate in the new district and if
3 elected, upon being sworn in, shall be deemed to have resigned
4 from the old district seat, creating a vacancy subject to
5 appointment pursuant to the laws applicable to that political
6 subdivision of the state.

7 F. The provisions of this section shall not apply
8 to mayors of municipalities with a population of ten thousand
9 residents or more according to the most recent federal
10 decennial census. Any municipal governing body of more than
11 six members may provide by ordinance for the election of two
12 members for each districted area of the municipality from which
13 members are to be elected; provided that only one governing
14 body member shall be elected from a districted area at any one
15 election.

16 G. The provisions of this section are to be carried
17 out once per decade following each federal decennial census and
18 as provided in Section 1-3-13 NMSA 1978. After concluding the
19 redistricting, each political subdivision in the state shall
20 provide to the county clerk of the county in which the
21 administrative office of the subdivision is situate and to the
22 secretary of state updated street file maps in a format
23 provided for by the secretary of state."

24 SECTION 17. Section 1-4-1.1 NMSA 1978 (being Laws 2015,
25 Chapter 145, Section 19, as amended) is amended to read:

.221175.6

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

1 "1-4-1.1. AUTHORIZATION TO VERIFY VOTER REGISTRATION
2 INFORMATION--INVESTIGATION AND RECONCILIATION.--

3 A. The secretary of state may:

4 (1) provide to the chief election officer of
5 another state or a consortium of chief election officers of
6 other states information that is requested, including social
7 security numbers, dates of birth, driver's licenses and
8 identification card numbers and other information that the
9 secretary of state deems necessary for the chief election
10 officer of that state or for the consortium to maintain a voter
11 registration list, if the secretary of state is satisfied that
12 the information provided pursuant to this paragraph will be
13 used only for the maintenance of that voter registration list;
14 and

15 (2) request from the chief election officer of
16 another state or a consortium of chief election officers of
17 other states information that the secretary of state deems
18 necessary to maintain the statewide voter registration list.

19 B. The secretary of state may enter into a written
20 agreement with an agency or political subdivision of this state
21 or with a department of the federal government pursuant to
22 which the state agency, political subdivision or federal
23 department shall provide to the secretary of state information
24 that is in the possession of the state agency, political
25 subdivision or federal department and that the secretary of

.221175.6

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

1 state deems necessary to maintain the statewide voter
2 registration list.

3 C. The secretary of state shall enter into a
4 written agreement with the secretary of taxation and revenue to
5 match information in the database of the voter registration
6 electronic management system with information in the database
7 of the motor vehicle division of the taxation and revenue
8 department to the extent required to enable each official to
9 verify the accuracy of the information provided on applications
10 for voter registration. Upon the execution of the written
11 agreement, the secretary of taxation and revenue shall enter
12 into an agreement with the federal commissioner of social
13 security pursuant to [~~42 U.S.C. Section 15483~~ (now) 52 U.S.C.
14 Section ~~[21083]~~ 21083], for the purpose of verifying applicable
15 information.

16 D. The secretary of state shall provide to the
17 appropriate county clerk in this state and to no other person
18 necessary information or documentation received by the
19 secretary of state from or through an agency or political
20 subdivision of this state, a federal department, the chief
21 election officer of another state or a consortium of chief
22 election officers of other states that calls into question the
23 information provided on a certificate of registration; that
24 raises questions regarding the status of a person registered to
25 vote in this state; or that suggests that a voter may have

.221175.6

underscoring material = new
[bracketed material] = delete

1 voted in two states during the same election. The county clerk
2 shall ~~[only]~~ not disclose information received from the
3 secretary of state pursuant to this subsection except as
4 necessary to complete an investigation pursuant to this
5 section. ~~[E.]~~ The county clerk shall investigate or reconcile
6 the information received from the secretary of state.

7 E. The secretary of state shall develop ~~[and~~
8 ~~maintain a manual for county clerks that describes]~~ a general
9 program that is uniform and nondiscriminatory for county clerks
10 to investigate and reconcile the information received from the
11 secretary of state and to identify voters who may be eligible
12 for cancellation from the statewide voter registration list.
13 The general program shall describe the best practices [in] and
14 requirements for investigating and reconciling information that
15 is derived from comparisons of different databases, including
16 safeguards to ensure that eligible voters are not removed in
17 error from the official list of voters, and provide a procedure
18 to:

19 (1) cancel certificates of registration for
20 voters:

21 (a) confirmed to have voted in another
22 state requiring residence in that state if previous to the out-
23 of-state vote, the voter was registered to vote in this state;
24 or

25 (b) confirmed to be on the social

underscoring material = new
[bracketed material] = delete

1 security master death index file; and

2 (2) identify voters who have obtained a
3 driver's license or identification card in another state
4 requiring residence in that state or voters who have taken
5 other action as reasonably recognized to establish residence in
6 another state; provided that voters identified pursuant to this
7 paragraph shall be included among the voters identified
8 pursuant to Section 1-4-28 NMSA 1978 and processed in
9 accordance with the procedures of that section."

10 SECTION 18. Section 1-4-5.7 NMSA 1978 (being Laws 2019,
11 Chapter 67, Section 1, as amended) is repealed and a new
12 Section 1-4-5.7 NMSA 1978 is 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 or any early or

.221175.6

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

1 election day voting location; provided that the secretary of
2 state shall establish procedures to ensure that a registration
3 officer has an opportunity to review the information of a
4 qualified elector who registers to vote or updates an existing
5 certificate of registration immediately before the qualified
6 elector votes.

7 C. A voter whose political party affiliation on the
8 voter's certificate of registration is with a major political
9 party shall not be allowed to change party affiliation when
10 updating an existing certificate of registration or registering
11 to vote at a voting location immediately before voting in a
12 primary election.

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

22 E. A qualified elector seeking to register to vote
23 or update an existing certificate of registration pursuant to
24 this section shall provide a physical form of identification
25 that is issued by a government, including a federally

.221175.6

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

1 recognized Indian nation, tribe or pueblo, or an educational
2 institution and that:

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

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

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

11 (4) shall either:

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

14 (b) be accompanied by an original or
15 copy of a utility bill, bank statement, government check,
16 paycheck or other document issued by an educational institution
17 or government, including a document issued by a federally
18 recognized Indian nation, tribe or pueblo, dated within the
19 ninety days prior to the qualified elector registering to vote
20 or updating an existing certificate of registration and that
21 contains an address that matches the address provided for the
22 certificate of registration.

23 F. If a voting location does not have real-time
24 synchronization with the voting data at the office of the
25 county clerk, a voter desiring to update an existing

.221175.6

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

1 certificate of registration or to register to vote shall be
2 issued a provisional paper ballot. A provisional paper ballot
3 issued pursuant to this section shall be qualified and
4 tabulated once the county clerk determines that the voter did
5 not vote any other ballot in the same election and if no
6 challenge is successfully interposed."

7 SECTION 19. Section 1-4-8 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 66, as amended) is amended to read:

9 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
10 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except
11 for qualified electors who register to vote or update a
12 certificate of registration at a voting location prior to
13 voting pursuant to Section 1-4-5.7 NMSA 1978, for qualified
14 electors seeking to register to vote or update an existing
15 voter registration in the state, the following provisions shall
16 apply:

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

20 B. the county clerk shall receive certificates of
21 registration at all times during normal working hours, except
22 that the clerk shall not process any certificate of
23 registration subscribed and sworn beginning the first business
24 day after the deadline to register to vote or update an
25 existing voter registration before an election if the

.221175.6

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

1 residential address on the certificate of registration

2 indicates that the registration is for a:

3 (1) statewide election, within the county; or

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

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

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

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

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

24 D. certificates of registration and cancellations
25 of existing voter registrations not processed pursuant to

.221175.6

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

1 Subsection B or C of this section [~~shall~~] may be processed
2 beginning [~~thirty-five days after~~] the Monday following an
3 election and shall be processed beginning no later than the
4 first business day after the approval of the county canvass
5 report for that election, at which time a voter information
6 document shall be mailed to the registrant at the address shown
7 on the certificate of registration; provided that if there is a
8 subsequent election scheduled at which a qualified elector or
9 voter would be eligible to vote if the certificate of
10 registration were processed on an earlier date, the certificate
11 of registration for that qualified elector or voter shall be
12 processed by the county clerk on a day and in a manner to
13 ensure the ability of the qualified elector or voter to vote in
14 the subsequent election;

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

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

24 (1) received by the county clerk by the end of
25 the last regular business day of the week for the office of the

.221175.6

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

1 county clerk immediately following the deadline to register to
2 vote or update an existing voter registration prior to an
3 election;

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

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

10 SECTION 20. Section 1-4-11 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 67, as amended) is amended to read:

12 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF
13 CERTIFICATES.--

14 A. Upon receipt of a complete certificate of
15 registration, if the certificate of registration is in proper
16 form, the county clerk shall determine if the qualified elector
17 applying for registration is already registered in the
18 registration records of the county. If the qualified elector
19 is not already registered in the county and if the certificate
20 of registration is received within the time allowed by law for
21 filing certificates of registration in the county clerk's
22 office, the county clerk shall sign or stamp, in the space
23 provided therefor on each copy of the certificate, the
24 qualified elector's name and the date the certificate was
25 accepted for filing in the county registration records. Voter

.221175.6

underscoring material = new
[bracketed material] = delete

1 information shall be handed or mailed immediately to the
2 qualified elector and to no other person.

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

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

23 D. A full social security number is required to
24 finish processing a new voter registration in this state. If
25 the certificate of registration does not contain a social

.221175.6

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

1 security number, the county clerk shall ascertain the qualified
2 elector's social security number from the qualified elector's
3 previous certificate of registration, from the motor vehicle
4 division of the taxation and revenue department or from the
5 secretary of state.

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

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

.221175.6

underscored material = new
[bracketed material] = delete

1 SECTION 21. Section 1-4-34 NMSA 1978 (being Laws 1969,
2 Chapter 240, Section 90, as amended) is amended to read:

3 "1-4-34. BOARD OF REGISTRATION--BOARD OF COUNTY
4 COMMISSIONERS--APPOINTMENT.--

5 A. The board of county commissioners shall, [~~at its~~
6 ~~first regular scheduled meeting~~] in June or July of each odd-
7 numbered year, appoint five voters who shall constitute the
8 board of registration for the county; provided that a [~~class B~~]
9 county [~~as defined in Section 4-44-1 NMSA 1978 shall~~] with
10 fewer than five thousand residents as of the last federal
11 decennial census may appoint three voters who shall constitute
12 the board of registration for the county.

13 B. Members of the board of registration shall not
14 during their service be county employees, elected officials or
15 candidates for public office, and not more than two members of
16 the board of registration shall be members of the same
17 political party at the time of their appointment; provided
18 that:

19 (1) a member of the board of registration
20 shall not have changed party registration in the two years next
21 preceding the member's appointment in such a manner that the
22 member's prior party registration would make the member
23 ineligible to serve on the board of registration; and

24 (2) a member of the board of registration
25 shall not continue to serve on the board of registration if the

.221175.6

1 member changes party registration after the date of appointment
2 in such a manner to make the member ineligible to serve on the
3 board of registration.

4 C. In the event that a position on the board of
5 registration becomes vacant for any of the reasons described in
6 Section 10-3-1 NMSA 1978, the board of county commissioners
7 shall appoint a replacement who shall qualify pursuant to
8 Subsection B of this section and serve until the expiration of
9 the original term."

10 SECTION 22. Section 1-4-47 NMSA 1978 (being Laws 1991,
11 Chapter 80, Section 4, as amended) is amended to read:

12 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

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

18 B. The secretary of taxation and revenue shall
19 select certain employees of the motor vehicle division of the
20 taxation and revenue department or employees of entities on
21 contract to provide field services to the motor vehicle
22 division to provide assistance to any applicant requesting
23 voter registration assistance.

24 C. Every motor vehicle division office, field
25 office or contract field office of the division shall display

underscored material = new
[bracketed material] = delete

1 within the offices clearly visible signs stating "voter
2 registration assistance available" and:

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

9 (2) voter registration shall be conducted in a
10 manner such that the applicant completes the full certificate
11 of registration electronically; ~~and~~

12 (3) the applicant's digital signature shall be
13 affixed to the certificate of registration using an electronic
14 signature in conformance with the Electronic Authentication of
15 Documents Act and the Uniform Electronic Transactions Act, and
16 the form and signature shall be transmitted to the secretary of
17 state along with any other available images of the voter's
18 signature contained in the motor vehicle division's records for
19 the secretary of state to include in a database of signatures;
20 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.

.221175.6

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

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

underscored material = new
[bracketed material] = delete

1 voters."

2 SECTION 23. 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--ELECTRONIC POLL BOOK ALTERNATIVE.--

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 or an
9 electronic poll book alternative approved by the voting system
10 certification committee and certified by the secretary of
11 state.

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

16 SECTION 24. Section 1-6-4 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 130, as amended) is amended to read:

18 "1-6-4. MAILED BALLOT APPLICATION.--

19 A. In a statewide election, application by a voter
20 for a mailed ballot shall be made only on [æ] the official
21 paper form approved by the secretary of state or its online
22 equivalent accessed through a website authorized by the
23 secretary of state. The form shall identify the applicant and
24 contain information to establish the applicant's qualification
25 for issuance of a mailed ballot under the Absent Voter Act.

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~[provided that only on the application form for a primary~~
2 ~~election ballot there shall be a box, space or place provided~~
3 ~~for designation of the voter's political party affiliation]~~
4 The address for the website authorized by the secretary of
5 state to submit an online application for a mailed ballot may
6 be disseminated by any election official, campaign or third-
7 party individual or organization. The official paper form to
8 apply for a mailed ballot shall be provided to a voter only by
9 the county clerk for the county in which the voter is
10 registered to vote and by no other person; provided that a
11 federal qualified elector may apply for a mailed ballot using
12 any of the methods described in the Uniform Military and
13 Overseas Voters Act.

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

.221175.6

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

1 ~~means.]~~

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

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

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

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

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

24 E. Online applications for mailed ballots shall
25 retain the dates of submission by the qualified elector and of

.221175.6

underscored material = new
[bracketed material] = delete

1 acceptance by the county clerk. For purposes of deadlines
2 contained in the Election Code, the time and date of the
3 submission by the voter shall be considered the time and date
4 when the application for a mailed ballot is received by the
5 county clerk.

6 F. New registrants who registered for the first
7 time in this state by mail and at that time did not provide
8 acceptable documentary identification as required by federal
9 law shall be informed of the need to comply with federal
10 identification requirements when returning the requested ballot
11 and notified that if the registrant votes for the first time in
12 New Mexico by mail and does not follow the instructions for
13 returning the required documentary identification, the
14 registrant waives the right to secrecy in that mailed ballot.
15 The secretary of state shall issue rules to exempt voters from
16 submitting identification only as required by federal law and
17 shall review and, if necessary, update these rules no later
18 than March 15 of even-numbered years.

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

.221175.6

underscoring material = new
[bracketed material] = delete

1 SECTION 25. Section 1-6-5 NMSA 1978 (being Laws 1969,
2 Chapter 240, Section 131, as amended) is amended to read:

3 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

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

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

22 C. When required by federal law, if the applicant
23 has on file with the county a valid certificate of registration
24 that indicates that the applicant is a voter who is a new
25 registrant in the state and who registered by mail without

.221175.6

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

1 submitting the required documentary identification, the county
2 clerk shall notify the voter that the voter must submit with
3 the mailed ballot a form of documentary identification from the
4 list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA
5 1978. The county clerk shall note on the ballot register and
6 signature roster that the applicant's mailed ballot must be
7 returned with the required voter identification.

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

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

17 F. A mailed ballot shall not be delivered by the
18 county clerk to any person other than the applicant for the
19 ballot. Mailed ballots shall be sent to applicants beginning
20 twenty-eight days before the election. For each application
21 for a mailed ballot received twenty-three or more days before
22 the election, the county clerk shall send either the ballot or
23 a notice of rejection to the applicant as soon as practicable;
24 provided that the ballot or a notice of rejection is sent not
25 later than twenty-two days before the election. For each

.221175.6

underscoring material = new
[bracketed material] = delete

1 application for a mailed ballot received within twenty-two days
2 of election day, the county clerk shall send either the mailed
3 ballot or a notice of rejection to the applicant within twenty-
4 four hours after receipt of the voter's application for a
5 mailed ballot. ~~[A mailed ballot shall be requested not later
6 than the Thursday immediately prior to the date of the election
7 and shall be sent to the voter not later than the Friday
8 immediately prior to the date of the election.]~~

9 G. If the application for a mailed ballot from a
10 voter who is not a federal qualified elector indicates that the
11 mailed ballot is to be delivered to an address other than an
12 address listed on the voter's certificate of registration, the
13 county clerk shall prepare a notice of requested mailed ballot.
14 The notice of requested mailed ballot shall inform the voter of
15 the address to which the ballot was mailed along with the phone
16 number of the county clerk's office and the internet address of
17 the voter web portal provided by the secretary of state. The
18 notice of requested mailed ballot shall be sent to the address
19 provided on the voter's certificate of registration on the same
20 day the county clerk sends the mailed ballot to the address
21 requested by the voter.

22 H. When an application for a mailed ballot is
23 rejected pursuant to this section, the county clerk shall send
24 a notice of rejection to the mailing address on the voter's
25 certificate of registration and the address listed on the

.221175.6

underscored material = new
[bracketed material] = delete

1 voter's application for mailed ballot, if different. The
2 notice of rejection shall indicate the reason for the rejection
3 and, if applicable, information on how to satisfy the
4 rejection. If an application is rejected because it was not
5 timely received, the county clerk shall, within twenty-four
6 hours of receipt of the application, send a rejection notice to
7 the voter that shall include a list of the early voting
8 locations and election day polling places in the county.

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

16 SECTION 26. Section 1-6-5.7 NMSA 1978 (being Laws 2005,
17 Chapter 270, Section 40, as amended) is amended to read:

18 "1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING
19 PROCEDURES--COUNTY CLERK'S OFFICE--ALTERNATE VOTING
20 LOCATIONS.--

21 A. Commencing on the twenty-eighth day preceding
22 the election during the regular hours and days of business at
23 the county clerk's office and [~~from 10:00 a.m. to 6:00 p.m.~~] on
24 the Saturday immediately prior to the date of the election,
25 early voting shall be conducted in each office of the county

.221175.6

underscored material = new
[bracketed material] = delete

1 clerk; provided that:

2 (1) when marking a ballot in person at the
3 county clerk's office, the voter shall provide the required
4 voter identification to the county clerk or the clerk's
5 authorized representative. If the voter does not provide the
6 required voter identification, the voter shall be allowed to
7 vote on a provisional ballot. If the voter provides the
8 required voter identification, the voter, after subscribing an
9 application for an absentee ballot, shall be allowed to vote by
10 inserting the ballot into an optical scan tabulator certified
11 for in-person absentee voting at the county clerk's office.
12 The county clerk or the clerk's authorized representative shall
13 make an appropriate designation indicating that the voter has
14 voted. In marking the ballot, the voter may be assisted
15 pursuant to the provisions of Section 1-12-15 NMSA 1978;

16 (2) the act of marking the ballot in the
17 office of the county clerk shall be a convenience to the voter
18 in the delivery of the ballot and does not make the office of
19 the county clerk a polling place subject to the requirements of
20 a polling place in the Election Code; ~~[and]~~

21 (3) in addition to the regular business hours
22 and days of business of the county clerk's office and on the
23 Saturday immediately prior to the date of the election, early
24 voting may be conducted in each office of the county clerk no
25 earlier than 7:00 a.m. and shall close no later than 9:00 p.m.

.221175.6

underscored material = new
[bracketed material] = delete

1 and shall be available for at least eight consecutive hours
2 each day; and not later than ninety days before each statewide
3 election, the county clerk shall post the location and hours of
4 operation at the county clerk's office and shall not modify the
5 location or hours of operation of early voting at the county
6 clerk's office except with the written approval of the
7 secretary of state and upon posting the approved changes; and

8 [~~3~~] (4) if the county clerk establishes an
9 additional alternate voting location near the clerk's office,
10 ballots may be marked in person at that location during the
11 regular hours and days of business beginning on the twenty-
12 eighth day preceding the election and during the hours for
13 voting at alternate voting locations commencing on the third
14 Saturday prior to the election through the Saturday immediately
15 prior to the election. The additional alternate voting
16 location may be operated by the county clerk and the county
17 clerk's staff.

18 B. Commencing on the third Saturday prior to a
19 statewide election and ending on the Saturday immediately prior
20 to the date of the election, an early voter may vote in person
21 on a voting system at alternate voting locations that may be
22 established by the county clerk; provided that:

23 (1) the county clerk shall establish:

24 (a) in counties with more than ten
25 thousand voters, not fewer than one alternate voting location;

.221175.6

underscored material = new
[bracketed material] = delete

1 (b) in counties with more than fifty
2 thousand voters, not fewer than four alternate voting
3 locations; and

4 (c) in counties with more than one
5 hundred fifty thousand voters, not fewer than fifteen alternate
6 voting locations; and

7 (2) not later than ninety days before each
8 statewide election, the county clerk shall post the location
9 and hours of operation for early voting locations in the
10 county, which shall open no earlier than 7:00 a.m. and shall
11 close no later than 9:00 p.m. Within ninety days of a
12 statewide election, a county clerk [~~may~~] shall not modify the
13 location or hours of operation of early voting locations except
14 with the written approval of the secretary of state and upon
15 posting the approved changes. Early voting locations shall be
16 open each day of early voting for at least eight consecutive
17 hours. Alternate voting locations may be closed Sundays and
18 Mondays during the early voting period.

19 C. Each early voting location shall comply with the
20 following provisions, unless the county clerk receives a
21 written waiver from the secretary of state specifying the
22 location and specific provision being waived:

23 (1) have ballots available for voters from
24 every precinct in the county;

25 (2) have at least one optical scan tabulator

.221175.6

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

1 programmed to read every ballot style in the county;

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

4 (4) have a broadband internet connection;

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

8 (6) have a secure area for storage of pre-
9 printed ballots or for storage of a paper ballot stock and a
10 system designed to print ballots at a polling location; and

11 (7) be in a location that is accessible and
12 compliant with the requirements of the federal Americans with
13 Disabilities Act of 1990.

14 D. When voting at an early voting location, the
15 voter shall provide the required voter identification to the
16 election board, county clerk or the clerk's authorized
17 representative. If the voter does not provide the required
18 voter identification, the voter shall be allowed to vote on a
19 provisional ballot. If the voter provides the required voter
20 identification, the voter shall be allowed to vote after
21 subscribing an application to vote on a form approved by the
22 secretary of state or its electronic equivalent approved by the
23 voting system certification committee. The county clerk or the
24 clerk's authorized representative shall make an appropriate
25 designation on the signature roster or register next to the

.221175.6

underscoring material = new
[bracketed material] = delete

1 voter's name indicating that the voter has voted early."

2 SECTION 27. Section 1-6-6 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 132, as amended) is amended to read:

4 "1-6-6. BALLOT REGISTER.--

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

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

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

12 (3) whether the application was accepted or
13 rejected;

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

17 (5) the applicant's precinct;

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

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

24 (8) the date [~~and time~~] the completed mailed
25 ballot was received from the voter by the county clerk or the

.221175.6

1 absent voter registered a ballot early in person in the county
2 clerk's office or at an alternate location.

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

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

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

10 (3) the applicant's precinct;

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

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

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

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

23 D. The county clerk shall deliver to the absent
24 voter election board on election day a complete list of all
25 absentee ballot applicants and early voters with applicable

.221175.6

underscoring material = new
[bracketed material] = delete

1 information shown in the absentee ballot register for each
2 applicant and early voter up to 6:00 p.m. on the Saturday
3 preceding a statewide election. The county clerk shall deliver
4 a signature roster containing the same information as the lists
5 to the absent voter election board.

6 E. Upon request [~~the county clerk shall transmit~~
7 ~~to~~] by a candidate, a political committee or the state or
8 county chair of [each of the political parties participating] a
9 political party represented on the ballot in [a partisan] an
10 election, [in the county] the secretary of state or county
11 clerk shall transmit without charge to an electronic address
12 provided in the request a complete copy of entries made in the
13 absentee ballot register statewide or in the county. Such
14 transmissions shall be made [~~once each week~~] daily beginning
15 four weeks immediately prior to the election [~~A final copy~~
16 ~~shall be transmitted on~~] through the Saturday immediately
17 following the election.

18 [~~F. If the county clerk has available the~~
19 ~~technology to do so, at the request of a candidate or chair of~~
20 ~~a political party of the county, the county clerk shall~~
21 ~~electronically transmit to the candidate or chair via the~~
22 ~~internet the information, when updated, on the absentee ballot~~
23 ~~register indicating voters who have requested absentee ballots,~~
24 ~~returned their absentee ballots or voted early in person.]"~~

25 SECTION 28. Section 1-6-8 NMSA 1978 (being Laws 1969,

.221175.6

underscoring material = new
[bracketed material] = delete

1 Chapter 240, Section 134, as amended) is amended to read:

2 "1-6-8. MAILED BALLOT ENVELOPES.--

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

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

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

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

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

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

22 C. The reverse of each official mailing envelope
23 shall contain a form to be executed under penalty of perjury by
24 the voter completing the mailed ballot. The form shall
25 identify the voter and shall contain the pre-printed name of

.221175.6

underscored material = new
[bracketed material] = delete

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

16 SECTION 29. A new Section 1-6-8.1 NMSA 1978 is enacted to
17 read:

18 "1-6-8.1. [NEW MATERIAL] MAILED BALLOTS--NOTICE TO
19 VOTERS.--

20 A. In a statewide election, each mailed ballot sent
21 to a voter in the election shall contain the following notice:
22 "This ballot may be returned to the office of the county clerk
23 or any open voting location or monitored secured container in
24 the county where you are registered to vote at any time up to
25 7:00 p.m. on the day of the election. If this ballot is

.221175.6

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

1 returned by mail, to ensure timely postal delivery to the
2 county clerk, the ballot should be mailed no later than
3 _____."

4 B. In a special election, each mailed ballot sent
5 to a voter in the election shall contain the following notice:
6 "This ballot may be returned to the office of the county clerk
7 or a monitored secured container in the county where you are
8 registered to vote at any time up to 7:00 p.m. on the day of
9 the election. If this ballot is returned by mail, to ensure
10 timely postal delivery to the county clerk, the ballot should
11 be mailed no later than _____."

12 C. The date used in the notice shall be seven days
13 prior to the election day."

14 SECTION 30. Section 1-6-9 NMSA 1978 (being Laws 1969,
15 Chapter 240, Section 135, as amended) is amended to read:

16 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY
17 METHODS.--

18 A. When voting a mailed ballot, the voter shall
19 secretly mark the mailed ballot in the manner provided in the
20 Election Code for marking paper ballots, place it in the
21 official inner envelope and securely seal the envelope. The
22 voter shall then place the official inner envelope inside the
23 official mailing envelope and securely seal the envelope. The
24 voter shall then complete the form on the reverse of the
25 official mailing envelope ~~[which shall include a statement by~~

.221175.6

underscored material = new
[bracketed material] = delete

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

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

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

21 D. The official mailing envelope may be returned in
22 person to the office of the county clerk or, in a statewide
23 election, to an alternate voting location, mobile alternate
24 voting location, [✗] election day voting location or other
25 location where the receipt and storage of the official mailing

.221175.6

underscored material = new
[bracketed material] = delete

1 envelope containing a voted ballot is under the supervision of
2 an election official or county employee.

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

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

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

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

22 (4) signage at the location of a monitored
23 secured container shall inform voters and those dropping off
24 ballots at the location:

25 (a) that it is a violation of law for

.221175.6

underscored material = new
[bracketed material] = delete

1 any person [~~who is not an immediate family member~~] to collect
2 and deliver a ballot for another person except as authorized by
3 the Election Code;

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

6 (c) of the range of dates and
7 approximate time the ballots will be collected for that
8 election; and

9 (5) at least [~~once a day~~] every three days and
10 on election day after the polls close, the county clerk, [~~or a~~
11 ~~full-time~~] deputy county clerk, election board member or
12 messenger shall collect the ballots from the monitored secured
13 containers and register the date [~~and time stamp~~] and container
14 location on each official mailing envelope [~~and identify the~~
15 ~~location of the secured container in the ballot register~~].

16 F. It is a violation of Section 1-20-6 NMSA 1978
17 for any person to possess a key to a monitored secured
18 container without authorization from the county clerk. It is a
19 violation of Section 1-20-7 NMSA 1978 for any person other than
20 the county clerk to provide and operate a monitored secured
21 container or other receptacle to receive voted ballots."

22 SECTION 31. Section 1-6-10 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 136, as amended) is amended to read:

24 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

25 [~~A. The county clerk shall mark on each completed~~

.221175.6

underscored material = new
[bracketed material] = delete

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

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

20 B. On the day a returned mailed ballot is received
21 by the county clerk, the county clerk shall mark the date of
22 receipt on the outside of the official mailing envelope.
23 Within one business day of receiving a returned official
24 mailing envelope, the county clerk shall remove the privacy
25 flap to verify that the voter signed the official mailing

.221175.6

underscored material = new
[bracketed material] = delete

1 envelope and to confirm that the last four digits of the social
2 security number provided by the voter match the information
3 available to the county clerk.

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

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

25 E. If, pursuant to Subsection F of Section 1-6-4

.221175.6

underscoring material = new
[bracketed material] = delete

1 NMSA 1978, the voter was notified of the need to comply with
2 federal identification requirements when returning the
3 requested ballot and failed to comply, the county clerk shall
4 preserve the inner envelope with the official mailing envelope
5 and write "Rejected" on the front of the official mailing
6 envelope, and the county clerk shall update the ballot register
7 accordingly and immediately send the voter a notice to cure
8 containing information regarding how the voter may provide the
9 missing or incorrect information. The county clerk shall place
10 the official mailing envelope with the attached inner envelope
11 in a container provided for rejected ballots; provided that if
12 the county clerk was required to open the inner envelope to
13 determine that the required documentary identification was not
14 included, the untallied ballot shall be returned to the inner
15 envelope and preserved along with the official mailing envelope
16 in a container for this purpose.

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

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

.221175.6

underscoring material = new
[bracketed material] = delete

1 voter election board;

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

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

14 (4) after approval of the county canvass
15 report, the voter may appeal in accordance with appeal
16 procedures for provisional ballots established by rule of the
17 secretary of state pursuant to Section 1-12-25.2 NMSA 1978.

18 [B.] G. In a statewide election, if the unopened
19 official mailing envelope is received by the county clerk from
20 an election board before the absent voter election board has
21 adjourned, the unopened official mailing envelope shall be
22 [logged and] transmitted to the absent voter election board to
23 be tallied immediately. If the unopened official mailing
24 envelope is received by the county clerk from an election board
25 after the absent voter election board has adjourned, the

.221175.6

underscoring material = new
[bracketed material] = delete

1 unopened official mailing envelope shall be ~~[logged and]~~
2 transmitted to an election board convened to assist in
3 preparation of the county canvass report to be tallied and
4 included in the canvass report of that county for the
5 appropriate precinct.

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

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

18 SECTION 32. Section 1-6-10.1 NMSA 1978 (being Laws 2003,
19 Chapter 357, Section 5, as amended) is amended to read:

20 "1-6-10.1. ABSENTEE BALLOT--DELIVERY TO COUNTY CLERK.--

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

.221175.6

underscored material = new
[bracketed material] = delete

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

5 SECTION 33. Section 1-6-14 NMSA 1978 (being Laws 1971,
6 Chapter 317, Section 11, as amended) is amended to read:

7 "1-6-14. HANDLING MAILED BALLOTS.--

8 A. ~~[At any time after mailed ballots have been sent~~
9 ~~to voters and until the fifth day before the election, the~~
10 ~~county clerk may convene an election board to meet during the~~
11 ~~normal business hours of the office of the county clerk to~~
12 ~~qualify the mailed ballots that are returned.] An absent voter~~
13 ~~election board may convene as provided in this section to~~
14 ~~process the official mailing envelopes that have been returned.~~
15 Before opening an official mailing envelope, the presiding
16 judge and the election judges shall determine that the county
17 clerk has verified the required information [~~has been~~
18 ~~completed~~] on the reverse side of the official mailing
19 envelope.

20 ~~[B. If the voter's signature or the required voter~~
21 ~~identification is missing, the presiding judge shall write~~
22 ~~"Rejected" on the front of the official mailing envelope. The~~
23 ~~judge or election clerk shall enter the voter's name in the~~
24 ~~signature rosters or register and shall write the notation~~
25 ~~"Rejected--Missing Signature" or "Rejected--Missing Required~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~Voter Identification" in the "Notations" column of the~~
2 ~~register. The presiding judge shall place the official mailing~~
3 ~~envelope unopened in a container provided for rejected~~
4 ~~ballots.]~~

5 B. The verification of the county clerk is subject
6 to the interposition of a challenge by or before the absent
7 voter election board.

8 C. When the absent voter election board convenes,
9 the board shall select a random sampling of official mailing
10 envelopes to confirm the verification process conducted by the
11 county clerk. If the verification process is confirmed by the
12 absent voter election board, the official mailing envelopes
13 containing voted ballots shall be deemed qualified, subject to
14 the interposition of a challenge to the ballot of any specified
15 individual mailed ballot voter. If the verification by the
16 county clerk is not confirmed by the absent voter election
17 board, the board shall qualify each official mailing envelope
18 returned with a voted ballot in that election. The size of the
19 random sample shall be based on the number of unvoted mailed
20 ballots sent to voters of the county in that election, as
21 follows:

22 (1) for the first one hundred, ten percent;

23 (2) from the one hundred first through the
24 first one thousand, five percent;

25 (3) from the one thousand first through the

.221175.6

underscored material = new
[bracketed material] = delete

1 first ten thousand, two percent; and

2 (4) for any amount greater than ten thousand
3 one, one percent.

4 D. No sooner than the Monday before the election
5 and before the absent voter election board adjourns, the board
6 shall review each uncured returned official mailing envelope
7 that the county clerk determined was missing a signature or the
8 last four digits of the voter's social security number or for
9 which the social security number did not match the information
10 available to the county clerk and determine if the official
11 mailing envelope should be qualified or rejected. An official
12 mailing envelope rejected by the absent voter election board
13 may be qualified if the reason for the rejection is cured at
14 any time before the approval of the county canvass report or
15 prior to the conclusion of an appeal by the voter.

16 [G.] E. Subject to the limitations in Subsection A
17 of Section 1-2-25 NMSA 1978, a lawfully appointed challenger
18 may view the official mailing envelope and may challenge the
19 ballot of any mailed ballot voter for the following reasons:

20 (1) the official mailing envelope has been
21 opened by someone other than the voter prior to being received
22 by the absent voter election board;

23 (2) the official mailing envelope does not
24 contain a signature;

25 (3) the official mailing envelope does not

.221175.6

underscoring material = new
[bracketed material] = delete

1 contain the required voter identification; [~~or~~]

2 (4) the official mailing envelope does not
3 contain the required documentary identification; or

4 [~~(4)~~] (5) the person offering to vote is not a
5 voter as provided in the Election Code.

6 [~~D.~~] F. If a challenge is upheld by unanimous vote
7 of the presiding judge and the election judges, the official
8 mailing envelope shall not be opened but shall be placed in a
9 container provided for challenged ballots. If the reason for
10 the challenge is satisfied by the voter before the conclusion
11 of the county canvass or as part of an appeal, the official
12 mailing envelope shall be opened and the vote counted.

13 [~~E.~~] G. If the form on the reverse of the official
14 mailing envelope has been [~~properly subscribed~~] completed by
15 the voter with the voter's correct information, as verified by
16 the county clerk, and the [~~voter~~] ballot has not been
17 successfully challenged, the judges or election clerks shall
18 [~~enter the voter's name and residence address as shown on the~~
19 ~~official mailing envelope and shall~~] make the appropriate
20 notation [~~opposite the voter's name in the "Notations" column~~
21 ~~of~~] in the ballot register.

22 [~~F.~~] H. For any election in which fewer than ten
23 thousand mailed ballots were sent to the voters of a county,
24 only between 8:00 a.m. and 10:00 p.m. on the five days
25 preceding the election, and beginning at 7:00 a.m. on election

.221175.6

underscoring material = new
[bracketed material] = delete

1 day, under the personal supervision of the presiding election
2 judge, shall the election judges open the official mailing
3 envelope and the official inner envelope and insert the
4 enclosed ballot into an electronic voting machine to be
5 registered and retained until votes are counted [~~and canvassed~~
6 ~~following the closing of the polls on election night~~] by
7 generating the report of the ballot results beginning no sooner
8 than 9:00 a.m. on election day.

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

22 [H.] J. It is unlawful for a person to disclose the
23 results of a count and tally or the registration on a voting
24 machine of mailed ballots prior to the later of the closing of
25 the polls or the deadline for receiving mailed ballots pursuant

.221175.6

underscoring material = new
[bracketed material] = delete

1 to Section 1-6-10 NMSA 1978.

2 ~~[I.]~~ K. Mailed ballots shall be counted and
3 tallied, where possible, on an electronic voting machine as
4 provided in the Election Code.

5 ~~[J.]~~ L. If a mailed ballot is rejected for any
6 reason and not cured by the Friday following election day, it
7 shall be handled by the county clerk in the same manner as a
8 disqualified provisional paper ballot in accordance with the
9 Election Code.

10 M. On election night, the absent voter election
11 board shall recess upon the earlier of completion of its work
12 or 11:00 p.m. An absent voter election board that recesses at
13 11:00 p.m. shall continue its work only between the hours of
14 9:30 a.m. and 9:30 p.m. on each subsequent day until the board
15 has completed its work. If the absent voter election board
16 does not complete its work by 11:00 p.m. on election night, the
17 county clerk shall notify the county sheriff's office that a
18 deputy is required to be present to secure the room or facility
19 where uncounted ballots are locked overnight. If the sheriff
20 indicates that a sheriff's deputy is unavailable, the county
21 clerk shall notify the secretary of state, who shall request
22 state police to assign a state police officer or other
23 certified law enforcement officer to secure the ballots. The
24 county clerk shall provide as much notice as is practicable in
25 order to secure law enforcement personnel to secure the

.221175.6

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

1 uncounted ballots overnight. Beginning at 11:00 p.m. on
2 election night, a sheriff's deputy, state police officer or
3 other certified law enforcement officer is required for
4 overnight watch any time the absent voter election board is not
5 present until the return of the absent voter election board.
6 If a sheriff's deputy, a state police officer or other
7 certified law enforcement officer is not available, the county
8 clerk or chief deputy shall remain on-site with or near the
9 uncounted ballots until the return of the absent voter election
10 board and shall allow any watcher or observer to remain present
11 as well. A class A county shall also have video surveillance
12 in the area containing uncounted ballots, which shall be
13 considered a record related to voting pursuant to Section
14 1-12-69 NMSA 1978."

15 SECTION 34. Section 1-6-16 NMSA 1978 (being Laws 2019,
16 Chapter 212, Section 74) is amended to read:

17 "1-6-16. MAILED BALLOTS--REPLACEMENT AND PROVISIONAL
18 PAPER BALLOTS.--

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

.221175.6

underscored material = new
[bracketed material] = delete

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

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

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

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

13 ~~[E.]~~ D. A voter shall be issued a replacement
14 ballot to be filled out and fed by the voter into the
15 electronic vote tabulator if the voter:

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

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

23 (b) during the period for early voting
24 until the time the county clerk begins qualifying mailed
25 ballots if the county clerk does not have real-time

.221175.6

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

1 synchronization between the early voting locations and the
2 qualification of mailed ballots; and

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

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

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

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

17 ~~[E.]~~ F. A provisional paper ballot issued pursuant
18 to this section shall be qualified and tabulated once the
19 county clerk determines that the voter did not vote any other
20 ballot in the same election and if no challenge is successfully
21 interposed.

22 ~~[F.]~~ G. The secretary of state shall prescribe the
23 form of the affidavit and the manner in which the county clerk
24 shall void the previously requested absentee ballot."

25 **SECTION 35.** Section 1-6-16.1 NMSA 1978 (being Laws 1989,

.221175.6

underscored material = new
[bracketed material] = delete

1 Chapter 368, Section 1, as amended) is amended to read:

2 "1-6-16.1. ABSENTEE BALLOT--CONDUCT OF ELECTION--WHEN NOT
3 TIMELY RECEIVED--EMERGENCY PROCEDURE FOR VOTING AND COUNTING.--

4 A. A voter who applies for a mailed ballot or who
5 was sent a mailed ballot pursuant to Section 1-6-22.1 NMSA 1978
6 but [has not received or returned the ballot by mail] whose
7 voted ballot has not been received by the county clerk as of
8 the date of the election may go to [the voter's assigned
9 polling place or] a voter convenience center and, after
10 executing an affidavit stating that the person [did not and
11 will not vote the] wishes to void any previous mailed ballot
12 that was issued, shall be permitted to vote [on a provisional
13 paper ballot].

14 B. If the county clerk has real-time
15 synchronization between the [~~election-day polling places~~] voter
16 convenience centers and the qualification of ballots received
17 by mail, the voter shall be issued a replacement ballot to be
18 filled out and fed by the voter into the electronic vote
19 tabulator. If the county clerk does not have real-time
20 synchronization between the voter convenience centers and the
21 qualification of ballots received by mail, the voter shall be
22 issued a provisional paper ballot, which shall be counted if no
23 challenge is interposed and once the county clerk has verified
24 that no other ballot from the same voter has been processed in
25 that election."

.221175.6

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

1 SECTION 36. Section 1-6-22.1 NMSA 1978 (being Laws 2009,
2 Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1,
3 as amended) is amended to read:

4 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING
5 IN LIEU OF POLLING PLACE.--

6 A. Notwithstanding the provisions of Sections
7 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday in
8 November of each odd-numbered year, a board of county
9 commissioners may designate a precinct as a mail ballot
10 election precinct if, upon a written request of the county
11 clerk, it finds that the precinct has fewer than one hundred
12 voters and the nearest polling place for an adjoining precinct
13 is more than twenty miles driving distance from the boundary
14 for the precinct in question.

15 B. If a precinct is designated a mail ballot
16 election precinct, in addition to the notice required pursuant
17 to Section 1-3-8 NMSA 1978, the county clerk shall notify by
18 mail with delivery confirmation all voters in that precinct at
19 least forty-two days before an election that each voter will be
20 sent an absentee ballot twenty-eight days before the election
21 and that there will be no polling place for the precinct on
22 election day. The county clerk shall include in the notice a
23 card informing the voter that if the voter does not want to
24 receive an absentee ballot for that election, the voter should
25 return the card before the date the county clerk is scheduled

.221175.6

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

1 to mail out absentee ballots. The notice shall also inform the
2 voter that a voting system equipped for persons with
3 disabilities will be available at all early voting [~~sites~~]
4 locations before election day and in the office of the county
5 clerk on election day in case the voter prefers to vote in
6 person and not by mail. In addition, the notice shall inform
7 the voter [~~if the county is consolidating precincts on election~~
8 ~~day and, if so~~] of the ability of the voter to cast a ballot at
9 any [~~consolidated precinct~~] voter convenience center on
10 election day if the voter chooses not to receive an absentee
11 ballot, or to cast a [~~provisional~~] replacement ballot at any
12 [~~consolidated precinct~~] early voting location or voter
13 convenience center if the voter does not receive an absentee
14 ballot, which will be counted upon confirmation that the voter
15 has not returned the absentee ballot. The notice shall also
16 contain the information required in the voter notification sent
17 by the secretary of state on behalf on each county clerk in
18 advance of a statewide election pursuant to Section 1-11-4.1
19 NMSA 1978.

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

25 ~~[D. The county clerk shall keep a sufficient number~~

.221175.6

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

1 ~~of ballots from a mail ballot election precinct such that a~~
2 ~~voter from that precinct may vote on a replacement or~~
3 ~~provisional paper ballot pursuant to Section 1-6-16 NMSA 1978~~
4 ~~or on an emergency paper ballot pursuant to Section 1-6-16.2~~
5 ~~NMSA 1978.]"~~

6 SECTION 37. Section 1-6B-5 NMSA 1978 (being Laws 2015,
7 Chapter 145, Section 29, as amended) is amended to read:

8 "1-6B-5. METHODS OF REGISTERING TO VOTE.--

9 A. A federal qualified elector may register to vote
10 using any of the following methods; provided that the document
11 is received by the county clerk by the deadline for registering
12 to vote as provided in Section 1-4-8 NMSA 1978:

13 (1) using the procedures provided in Chapter
14 1, Article 4 NMSA 1978; or

15 (2) using a federal postcard application or
16 the application's approved electronic equivalent.

17 B. A voter's certificate of registration completed
18 pursuant to the Uniform Military and Overseas Voters Act shall
19 remain valid until canceled in accordance with the procedures
20 specified in Chapter 1, Article 4 NMSA 1978.

21 C. In registering to vote, a federal qualified
22 elector shall use and must be assigned to the voting precinct
23 of the address of:

24 (1) the residence of the voter, if the voter
25 resides in this state; or

.221175.6

underscored material = new
[bracketed material] = delete

1 (2) the last place of residence of the voter
2 in this state, or the last place of residence in this state of
3 the parent or legal guardian of the voter if the voter did not
4 reside in this state; provided that if that address is no
5 longer a recognized residential address, the voter shall be
6 assigned an address or other location within that precinct.

7 D. A federal qualified elector who registered for
8 the first time in this state by mail is exempt pursuant to
9 federal law from the requirement to provide documentary
10 identification as otherwise required by Subsection F of Section
11 1-6-4 NMSA 1978."

12 SECTION 38. Section 1-6B-6 NMSA 1978 (being Laws 2015,
13 Chapter 145, Section 30, as amended) is amended to read:

14 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS
15 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS
16 BALLOT.--

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

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

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

25 B. A federal qualified elector who is not currently

.221175.6

underscoring material = new
[bracketed material] = delete

1 registered to vote in this state may, by the deadline in the
2 Election Code for registering to vote, simultaneously register
3 to vote and apply for a military-overseas ballot by using a
4 federal postcard application or the application's electronic
5 equivalent.

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

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

25 SECTION 39. Section 1-6B-10 NMSA 1978 (being Laws 2015,

.221175.6

underscored material = new
[bracketed material] = delete

1 Chapter 145, Section 34, as amended) is amended to read:

2 "1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--
3 QUALIFICATION.--

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

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

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

23 SECTION 40. Section 1-6C-2 NMSA 1978 (being Laws 2019,
24 Chapter 226, Section 2) is amended to read:

25 "1-6C-2. DEFINITIONS.--As used in the Intimate Partner

.221175.6

1 Violence Survivor Suffrage Act:

2 A. "administrator" means the person appointed by
3 the secretary of state to administer the election component of
4 the confidential substitute address program;

5 B. "appropriate county clerk" means the county
6 clerk of the county in which the residential address on a voter
7 registration certificate is located and includes the elected
8 official, the county clerk's chief deputy, an appointed
9 election board and employees or agents of the county clerk with
10 duties related to the Intimate Partner Violence Survivor
11 Suffrage Act;

12 C. "certification" means the procedure provided by
13 the Confidential Substitute Address Act for a person to be
14 certified as a participant in the confidential substitute
15 address program;

16 D. "confidential substitute address program" means
17 the program administered by the secretary of state pursuant to
18 the Confidential Substitute Address Act;

19 E. "decertification" means the procedure provided
20 by the Confidential Substitute Address Act for a person to be
21 decertified as a participant in the confidential substitute
22 address program;

23 F. "delivery address" means the address where a
24 voter-participant receives mail;

25 G. "election" means a statewide or special election

.221175.6

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

1 called, conducted and canvassed pursuant to the provisions of
2 the Election Code;

3 H. "participant" means a person certified to
4 participate in the confidential substitute address program
5 pursuant to the procedures of the Confidential Substitute
6 Address Act; and

7 I. "voter-participant" means a participant who is
8 also a voter or a participant who is also a qualified resident
9 who may be considered a voter pursuant to Section 1-4-2 NMSA
10 1978."

11 SECTION 41. Section 1-6C-6 NMSA 1978 (being Laws 2019,
12 Chapter 226, Section 6) is amended to read:

13 "1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS.--

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

19 B. The request shall not reveal the name or address
20 of the voter-participant. In place of a voter-participant's
21 name and address, the administrator shall provide the
22 appropriate county clerk the random identifier and verification
23 code associated with the voter-participant for that election.
24 The request made pursuant to this section is a record related
25 to voting subject to the disclosure and retention procedures of

.221175.6

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

1 Section 1-12-69 NMSA 1978.

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

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

18 E. When a participant registers to vote or updates
19 a voter registration after the thirty-fifth day before an
20 election but before the deadline to register to vote or to
21 update an existing registration pursuant to Section 1-4-8 NMSA
22 1978, the administrator shall:

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

.221175.6

underscored material = new
[bracketed material] = delete

1 materials; and

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

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

12 G. A voter-participant needing a replacement ballot
13 may appear in person only at the office of the county clerk and
14 execute an affidavit stating that the voter-participant wishes
15 to void any previous mailed ballot that was mailed in that
16 election. When completing the affidavit, the voter-participant
17 shall use the random identifier in place of the voter-
18 participant's name and the verification code in place of the
19 voter-participant's signature. Upon receipt of the sworn
20 affidavit, if the ballot register does not show that a ballot
21 from the voter-participant has been received in that election,
22 the county clerk shall void the ballot that was previously
23 issued and issue to the voter-participant a replacement ballot
24 and ballot materials, which shall include the voter-
25 participant's random identifier, but the county clerk shall not

.221175.6

underscored material = new
[bracketed material] = delete

1 provide to the voter-participant the verification code when
2 issuing a replacement ballot pursuant to this subsection."

3 SECTION 42. Section 1-6C-7 NMSA 1978 (being Laws 2019,
4 Chapter 226, Section 7) is amended to read:

5 "1-6C-7. RECEIPT OF VOTED BALLOTS FROM VOTER-
6 PARTICIPANTS.--

7 A. A voted ballot shall be returned by the voter-
8 participant to the appropriate county clerk. A voted ballot
9 from a voter-participant shall be considered timely if it is
10 received no later than the deadline for receiving mailed
11 absentee ballots or mailed ballots pursuant to Section 1-6-10
12 NMSA 1978.

13 B. When a voted ballot is received from a voter-
14 participant, the appropriate county clerk or election board
15 shall compare the random identifier provided by the voter-
16 participant under the privacy flap to the list of random
17 identifiers provided by the administrator for that election.
18 If the random identifier appears in both places, the
19 appropriate county clerk shall verify that the verification
20 code assigned to that random identifier for that election
21 matches the verification code provided by the voter-participant
22 under the privacy flap in lieu of the voter's signature. If
23 the verification code is on the list provided by the
24 administrator for use in that election and matches the random
25 identifier assigned by the administrator to identify the voter-

.221175.6

underscored material = new
[bracketed material] = delete

1 participant, the ballot shall be qualified and processed in the
2 same manner as mailed absentee ballots or mailed ballots
3 received and qualified in that election.

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

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

17 SECTION 43. Section 1-8-2 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 152, as amended) is amended to read:

19 "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--
20 DESIGNATED NOMINEES.--

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

23 (1) the chair and secretary of the state
24 political convention shall certify to the secretary of state
25 the names of their party's nominees for United States senator,

.221175.6

underscored material = new
[bracketed material] = delete

1 United States representative, all elective state offices,
2 legislative offices elected from multicounty districts, [~~the~~
3 ~~public regulation commission~~] all elective judicial officers in
4 the judicial department and all offices representing a district
5 composed of more than one county; and

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

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

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

19 (2) in the district for offices other than
20 statewide offices; provided that if there are fewer members of
21 the minor party registered to vote in the state for statewide
22 offices or registered to vote in the district for offices other
23 than statewide offices than the number of signatures required
24 for that office, nominating petitions shall contain the
25 signatures of voters totaling not less than the required number

.221175.6

underscored material = new
[bracketed material] = delete

1 of signatures of voters for independent candidates for the same
2 office; and provided further that for the public education
3 commission, nominating petitions shall be signed by at least
4 one-third of the number of signatures that would otherwise be
5 required, and for a judicial office, nominating petitions shall
6 be signed by two-thirds of the number of signatures that would
7 otherwise be required.

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

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

- 19 (1) in the county for countywide offices; and
20 (2) in the district for offices other than
21 countywide offices; provided that if there are fewer members of
22 the minor party registered to vote in the county for countywide
23 offices or registered to vote in the district for offices other
24 than countywide offices than the number of signatures required
25 for that office, nominating petitions shall contain the

.221175.6

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

1 signatures of voters totaling not less than the required number
2 of signatures of voters for independent candidates for the same
3 office; and provided further that for a judicial office,
4 nominating petitions shall be signed by two-thirds of the
5 number of signatures that would otherwise be required.

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

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

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

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

21 (2) a resident in the district of the office
22 for which the person is a candidate on the date of the
23 secretary of state's proclamation for the general election or
24 in the case of a person seeking the office of United States
25 senator or United States representative, a resident within New

.221175.6

underscoring material = new
[bracketed material] = delete

1 Mexico on the date of the secretary of state's proclamation for
2 the general election. No person who is a candidate for a party
3 in a primary election may be certified as a candidate for a
4 different party in the general election in the same election
5 cycle.

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

10 SECTION 44. Section 1-8-3 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 153, as amended) is amended to read:

12 "1-8-3. NOMINATION BY MINOR POLITICAL PARTY--OTHER
13 METHODS.--If the rules and regulations of a minor political
14 party require nomination by a method other than a political
15 convention:

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

24 B. the county [~~chairman~~] chair and the governing
25 board of the county party shall certify to the county clerk the

.221175.6

underscoring material = new
[bracketed material] = delete

1 names of their party's nominees for elected county offices and
2 for legislative offices elected from a district located wholly
3 within one county or that is composed of only one county; and

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

10 SECTION 45. Section 1-8-6 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 156, as amended) is amended to read:

12 "1-8-6. VACANCY ON PRIMARY BALLOT.--Regardless of the
13 cause, no vacancy on the primary election ballot occurring
14 after the period for filing a declaration of candidacy [~~or the~~
15 ~~date of filing with the secretary of state a certificate of~~
16 ~~designation by state convention, whichever the case may be]~~
17 shall be filled."

18 SECTION 46. Section 1-8-7 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 157, as amended) is amended to read:

20 "1-8-7. VACANCY ON GENERAL ELECTION BALLOT--DEATH OF
21 CANDIDATE OR RESIGNATION OR DEATH OF OFFICE HOLDER BEFORE
22 PRIMARY.--

23 A. Vacancies on the general election ballot may be
24 filled as provided in Subsection B of this section if after a
25 primary election there is no nominee of a major political party

.221175.6

underscored material = new
[bracketed material] = delete

1 for a public office to be filled in the general election and if
2 the vacancy was caused by:

3 (1) the death of a candidate after filing of
4 the declaration of candidacy [~~or after certification as a~~
5 ~~convention-designated nominee~~] and before the primary election;

6 (2) the failure of a major political party to
7 nominate a candidate for lieutenant governor; provided that the
8 major political party nominated a candidate for governor; or

9 (3) the resignation or death of a person
10 holding a public office after the last Friday before the first
11 Tuesday in March, when such office was not included in the
12 general election proclamation and is required by law to be
13 filled at the next succeeding general election after the
14 vacancy is created.

15 B. The vacancy may be filled subsequent to the
16 primary election by the central committee of the state or
17 county political party, as the case may be, as provided by
18 Subsection A of Section 1-8-8 NMSA 1978.

19 C. [~~The name of the person to fill the vacancy on~~
20 ~~the general election ballot shall be~~] Appointments to fill
21 vacancies in the list of a party's nominees shall be made and
22 filed with the proper filing officer [~~on a form approved by the~~
23 ~~secretary of state~~] on the twenty-third day after the primary
24 election using the form prescribed by the secretary of state,
25 along with [a] the declaration of candidacy subscribed and

.221175.6

underscored material = new
[bracketed material] = delete

1 sworn by the selected nominee and the required form for
2 candidates pursuant to the Campaign Reporting Act.

3 D. When the name of a nominee is filed as provided
4 in this section, the name shall be placed on the general
5 election ballot as the party's candidate for that office."

6 SECTION 47. Section 1-8-8 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 158, as amended) is amended to read:

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

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

24 (1) the central committee of the state
25 political party filing the name of its nominee for the office

.221175.6

underscoring material = new
[bracketed material] = delete

1 with the proper filing officer when the office is a federal
2 office, state office, district office or multicounty
3 legislative district office; and

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

9 B. Appointments made pursuant to Subsection A of
10 this section shall qualify pursuant to Section 1-8-18 NMSA
11 1978.

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

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

.221175.6

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

1 Reporting Act.

2 E. When the name of a nominee is filed as provided
3 in this section, the name shall be placed on the general
4 election ballot as the party's candidate for that office."

5 SECTION 48. A new Section 1-8-10.1 NMSA 1978 is enacted
6 to read:

7 "1-8-10.1. [NEW MATERIAL] SHORT TITLE.--Sections 1-8-10.1
8 through 1-8-52 NMSA 1978 may be cited as the "Primary Election
9 Law"."

10 SECTION 49. Section 1-8-13 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 162, as amended) is amended to read:

12 "1-8-13. PRIMARY ~~[ELECTION LAW]~~ AND GENERAL ELECTIONS--
13 CONTENTS OF PROCLAMATION.--The general election proclamation
14 calling a primary and general election shall contain:

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

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

.221175.6

underscored material = new
[bracketed material] = delete

1 shall nominate candidates;

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

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

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

21 [~~F. the final date on which the major political~~
22 ~~parties shall hold state preprimary conventions for the~~
23 ~~designation of candidates~~];

24 G. ~~the final date on and place at which~~
25 ~~certificates of designation of primary election candidates~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~shall be filed by political parties with the secretary of~~
2 ~~state;~~

3 ~~H.]~~ F. the date on which declarations of candidacy
4 for minor party candidates shall be filed and the places where
5 the declarations of candidacy shall be filed in order to have
6 the minor party candidate names printed on the official ballot
7 of the general election;

8 ~~[F.]~~ G. the date on which declarations of candidacy
9 for unaffiliated candidates shall be filed and the places where
10 the declarations of candidacy shall be filed in order to have
11 the unaffiliated candidate names printed on the official ballot
12 of the general election;

13 ~~[J.]~~ H. the date on which declarations of candidacy
14 for nonpartisan judicial retention shall be filed and the
15 places where the declarations of candidacy shall be filed in
16 order to have the judicial retention names printed on the
17 official ballot of the general election; and

18 ~~[K.]~~ I. the date on which declarations to be a
19 write-in candidate are to be filed and the places where the
20 declarations of candidacy shall be filed in order to have
21 write-in votes counted and canvassed at the political party
22 primary or general election."

23 SECTION 50. Section 1-8-16 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 165, as amended) is amended to read:

25 "1-8-16. PRIMARY ~~[ELECTION LAW]~~ AND GENERAL ELECTIONS--

.221175.6

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

1 PROCLAMATION--AMENDMENT.--The [~~governor~~] secretary of state may
2 amend the proclamation between the time of its issuance and the
3 first Tuesday in March to include a newly created public office
4 that is capable by law of being filled at the next succeeding
5 general election, or any existing office becoming vacant by
6 removal, resignation or death when such vacancy occurs no later
7 than the last Friday before the first Tuesday in March, or to
8 provide for any corrections or omissions."

9 SECTION 51. Section 1-8-18 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 167, as amended) is amended to read:

11 "1-8-18. PRIMARY ELECTION LAW--WHO MAY BECOME A
12 CANDIDATE.--

13 A. No person shall become a candidate for
14 nomination by a political party or have the person's name
15 printed on the primary election ballot unless the person's
16 record of voter registration shows:

17 (1) affiliation with that political party on
18 the date of the secretary of state's general election
19 proclamation; and

20 (2) residence in the district of the office
21 for which the person is a candidate on the date of the
22 secretary of state's general election proclamation or in the
23 case of a person seeking the office of United States senator or
24 United States representative, residence within New Mexico on
25 the date of the secretary of state's general election

.221175.6

underscored material = new
[bracketed material] = delete

1 proclamation.

2 B. A voter may challenge the candidacy of a person
3 seeking nomination by a political party for the reason that the
4 person does not meet the requirements of Subsection A of this
5 section by filing a petition in the district court within ten
6 days after the last day for filing a declaration of candidacy
7 ~~[or a statement of candidacy for convention designation]~~. The
8 district court shall hear and render a decision on the matter
9 within ten days after the filing of the petition. The decision
10 of the district court may be appealed to the supreme court
11 within five days after the decision is rendered. The supreme
12 court shall hear and render a decision on the appeal
13 forthwith."

14 SECTION 52. Section 1-8-21 NMSA 1978 (being Laws 1996,
15 Chapter 20, Section 3, as amended) is amended to read:

16 "1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON
17 PRIMARY BALLOT.--

18 ~~[A. All candidates seeking primary election~~
19 ~~nomination to a statewide office or the office of United States~~
20 ~~representative shall file declarations of candidacy with the~~
21 ~~proper filing officer. Candidates shall file nominating~~
22 ~~petitions at the time of filing their declarations of~~
23 ~~candidacy. Candidates who seek, but do not obtain, preprimary~~
24 ~~convention designation by a major political party may file new~~
25 ~~declarations of candidacy and nominating petitions pursuant to~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~Section 1-8-33 NMSA 1978.~~

2 ~~B. Except as provided in Subsection C of this~~
3 ~~section] A.~~ Candidates for any ~~[other]~~ state office listed in
4 the proclamation issued pursuant to Section [1-8-13G] 1-8-13
5 NMSA 1978 shall have their names placed on the primary election
6 ballot by filing declarations of candidacy and nominating
7 petitions with the proper filing officer.

8 ~~[G.]~~ B. Candidates for any county office listed in
9 the proclamation issued pursuant to Section 1-8-13 NMSA 1978
10 shall have their names placed on the primary election ballot by
11 filing declarations of candidacy and paying a fifty-dollar
12 (\$50.00) filing [fees] fee or filing ~~[the proper paupers'~~
13 ~~statements]~~ a nominating petition containing no fewer than ten
14 signatures for offices elected by district or twenty signatures
15 for offices elected countywide at the time of filing
16 declarations of candidacy with the proper filing officer."

17 SECTION 53. Section 1-8-26 NMSA 1978 (being Laws 1975,
18 Chapter 295, Section 12, as amended) is amended to read:

19 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS
20 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

21 ~~[A. Declarations of candidacy by preprimary~~
22 ~~convention designation for any statewide office or for the~~
23 ~~office of United States representative shall be filed with the~~
24 ~~proper filing officer on the first Tuesday in February of each~~
25 ~~even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~B.~~ A. Declarations of candidacy for any ~~other~~
2 office to be nominated in the primary election shall be filed
3 with the proper filing officer on the second Tuesday of March
4 of each even-numbered year between the hours of 9:00 a.m. and
5 5:00 p.m.

6 ~~[C. Certificates of designation shall be submitted~~
7 ~~to the secretary of state on the first Tuesday following the~~
8 ~~preprimary convention at which the candidate's designation took~~
9 ~~place between the hours of 9:00 a.m. and 5:00 p.m.~~

10 ~~D.~~ B. No name shall be placed on the ballot until
11 the person has been notified in writing by the proper filing
12 officer that the certificate of registration on file, the
13 declaration of candidacy and the petition, if required, are in
14 proper order and that the person, based on those documents, is
15 qualified to be a candidate. The proper filing officer shall
16 mail the notice ~~[no later than 5:00 p.m.]~~ on the Tuesday
17 following the filing date.

18 ~~[E.]~~ C. If a person is notified by the proper
19 filing officer that the person is not qualified to be a
20 candidate, the person may challenge that decision by filing a
21 petition with the district court within ten days of the
22 notification. The district court shall hear and render a
23 decision on the matter within ten days after the petition is
24 filed. The decision of the district court may be appealed to
25 the supreme court within five days after the decision is

.221175.6

underscored material = new
[bracketed material] = delete

1 rendered. The supreme court shall hear and render a decision
2 on the appeal forthwith."

3 SECTION 54. Section 1-8-27 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 172, as amended) is amended to read:

5 "1-8-27. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--
6 MANNER OF FILING.--Each declaration of candidacy [~~by nominating~~
7 ~~petition or by preprimary convention designation~~] shall be
8 delivered for filing in person by the candidate therein named
9 or by a person acting, by virtue of written authorization,
10 solely on the candidate's behalf. The proper filing officer
11 shall not accept for filing more than one declaration of
12 candidacy from any one individual [~~except that candidates who~~
13 ~~seek but fail to receive preprimary convention designation~~
14 ~~shall file a declaration of candidacy by nomination, according~~
15 ~~to provisions of the Primary Election Law, to have their names~~
16 ~~placed on the primary election ballot]."~~

17 SECTION 55. Section 1-8-29 NMSA 1978 (being Laws 1973,
18 Chapter 228, Section 3, as amended) is amended to read:

19 "1-8-29. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--
20 FORM.--In making a declaration of candidacy [~~by nominating~~
21 ~~petition or by pre-primary convention designation~~], the
22 candidate shall submit substantially the following form as
23 approved by the secretary of state for that election:

24 "DECLARATION OF CANDIDACY
25 [~~BY PRE-PRIMARY CONVENTION DESIGNATION~~]

1 (OR BY NOMINATING PETITION)

2 I, _____, (candidate's name on certificate
3 of registration) being first duly sworn, say that I reside at
4 _____, as shown by my certificate of registration
5 as a voter of Precinct No. _____ of the county of
6 _____, State of New Mexico;

7 I am a member of the _____ party as shown
8 by my certificate of registration and I have not changed such
9 party affiliation subsequent to the secretary of state's
10 general election proclamation calling the primary in which I
11 seek to be a candidate;

12 I desire to become a candidate for the office of
13 _____ at the primary election to be held on
14 the date set by law for this year, and [~~if the office be that~~
15 ~~of a member of the legislature or that of a member of the~~
16 ~~public education commission~~] that I actually reside at the
17 address designated on my certificate of voter registration;

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

20 If a candidate for any office for which a nominating
21 petition is required, I am submitting with this statement a
22 nominating petition in the form and manner as prescribed by the
23 Primary Election Law; and

24 I make the foregoing affidavit under oath, knowing that
25 any false statement herein constitutes a felony punishable

.221175.6

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 under the criminal laws of New Mexico.

2

3

(Declarant)

4

5

(Mailing Address)

6

7

(Residence Address)

8

Subscribed and sworn to before me this ____ day of __, 20 __.

9

10

(Notary Public)

11

My commission expires:

12

_____ ". "

13

SECTION 56. Section 1-8-33 NMSA 1978 (being Laws 1973, Chapter 228, Section 7, as amended) is amended to read:

14

15

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

16

17

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

18

19

20

21

~~[B. Candidates who seek preprimary convention designation shall file nominating petitions at the time of filing declarations of candidacy. Nominating petitions for those candidates shall be signed by a number of voters equal to at least two percent of the total vote of the candidate's party~~

22

23

24

25

.221175.6

underscoring material = new
[bracketed material] = delete

1 ~~in the state or congressional district, or the following number~~
2 ~~of voters, whichever is greater: for statewide offices, two~~
3 ~~hundred thirty voters; and for congressional candidates,~~
4 ~~seventy-seven voters.~~

5 ~~G.]~~ B. Nominating petitions for candidates for [~~any~~
6 ~~other~~] an office to be voted on at the primary election for
7 which nominating petitions are required shall be signed by a
8 number of voters equal to at least the greater of:

9 (1) for the public education commission, one
10 percent of the total vote of the candidate's party in the
11 district; for judicial candidates, two percent of the total
12 vote of the candidate's party in the district or division; and
13 for all other candidates, three percent of the total vote of
14 the candidate's party in the district [~~or division or the~~
15 ~~following number of voters, whichever is greater~~]; or

16 (2) for metropolitan court and magistrate
17 courts, ten voters; [for the public regulation commission,
18 ~~fifty voters]~~ for the public education commission, twenty-five
19 voters; for state representative, ten voters; for state
20 senator, seventeen voters; and for district attorney and
21 district judge, fifteen voters.

22 ~~[D. A candidate who fails to receive the preprimary~~
23 ~~convention designation that the candidate sought may collect~~
24 ~~additional signatures to total at least four percent of the~~
25 ~~total vote of the candidate's party in the state or~~

underscoring material = new
[bracketed material] = delete

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

11 SECTION 57. Section 1-8-36.1 NMSA 1978 (being Laws 1981,
12 Chapter 156, Section 1, as amended) is amended to read:

13 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

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

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

.221175.6

underscored material = new
[bracketed material] = delete

1 C. A person desiring to be a write-in candidate for
2 one of the offices listed in Subsection A of this section in
3 the primary election shall file with the proper filing officer
4 a declaration of intent to be a write-in candidate, accompanied
5 by a nominating petition containing the same number of
6 signatures required of other candidates for major party
7 nomination for the same office. Such declaration of intent
8 shall be filed between 9:00 a.m. and 5:00 p.m. on the third
9 Tuesday in March.

10 D. ~~[At the time of filing the declaration of intent~~
11 ~~to be a write-in candidate, the]~~ A person shall not be a
12 declared write-in candidate until the person has been notified
13 in writing by the proper filing officer that the certificate of
14 registration on file, the declaration of candidacy and the
15 nominating petition, if required, are in proper order and that
16 the person, based on those documents, is qualified to be a
17 candidate. The proper filing officer shall mail the notice on
18 the Friday following the filing date. The determination by the
19 proper filing officer that a person is a declared write-in
20 candidate is subject to the provisions of Section 1-8-18 NMSA
21 1978.

22 E. If a person is notified by the proper filing
23 officer that the person is not qualified to be a write-in
24 candidate, the person may challenge that decision by filing a
25 petition with the district court within ten days of the

.221175.6

underscored material = new
[bracketed material] = delete

1 notification. The district court shall hear and render a
2 decision on the matter within ten days after the petition is
3 filed. The decision of the district court may be appealed to
4 the supreme court within five days after the decision is
5 rendered. The supreme court shall hear and render a decision
6 on the appeal forthwith.

7 F. A write-in candidate shall be considered a
8 candidate for all purposes and provisions relating to
9 candidates in the Election Code, including the obligations to
10 report pursuant to the Campaign Reporting Act, except that the
11 write-in candidate's name shall not be printed on the ballot."

12 SECTION 58. Section 1-8-40 NMSA 1978 (being Laws 1969,
13 Chapter 240, Section 175, as amended) is amended to read:

14 "1-8-40. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--
15 FALSE STATEMENT.--Any person knowingly making a false statement
16 in [~~his~~] the person's declaration of candidacy by nominating
17 petition [~~or by preprimary convention designation~~] is guilty of
18 a fourth degree felony."

19 SECTION 59. Section 1-8-51 NMSA 1978 (being Laws 1977,
20 Chapter 322, Section 7, as amended) is amended to read:

21 "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
22 STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--REQUIRED
23 NUMBER OF SIGNATURES.--

24 A. The basis of percentage for the total number of
25 votes cast in each instance referred to in this section shall

.221175.6

underscored material = new
[bracketed material] = delete

1 be the total vote cast for governor at the last preceding
2 general election at which a governor was elected.

3 B. Nominating petitions for an independent
4 candidate for president of the United States shall be signed by
5 a number of voters equal to the number of signatures required
6 to form a new political party.

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

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

16 E. Nominating petitions for an independent
17 candidate for a member of the legislature, [~~public regulation~~
18 ~~commission, district judge~~] district attorney [~~member of the~~
19 ~~public education commission, magistrate~~] or county office shall
20 be signed by a number of voters equal to at least two percent
21 of the total number of votes cast in the district, division or
22 county, as the case may be; provided that for the public
23 education commission, nominating petitions shall be signed by
24 at least one-third of the number of signatures that would
25 otherwise be required, and for a judicial office, nominating

.221175.6

underscored material = new
[bracketed material] = delete

1 petitions shall be signed by two-thirds of the number of
2 signatures that would otherwise be required.

3 F. When a vacancy for any office occurs on the
4 general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA
5 1978 in which all political parties may name a general election
6 candidate or when a vacancy occurs in the office of United
7 States representative pursuant to Section 1-15-18.1 NMSA 1978,
8 an independent candidate may file a declaration of candidacy on
9 or by the same deadline applicable to the political parties.
10 The nominating petitions for an independent candidate in such
11 circumstances shall be signed by the number of voters provided
12 in this section, unless there are fewer than:

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

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

25 G. A voter shall not sign a petition for an

underscored material = new
[bracketed material] = delete

1 independent candidate as provided in this section if the voter
2 has signed a petition for another independent candidate for the
3 same office."

4 SECTION 60. Section 1-8-66 NMSA 1978 (being Laws 1981,
5 Chapter 156, Section 2, as amended) is amended to read:

6 "1-8-66. GENERAL ELECTIONS--WRITE-IN CANDIDATES.--

7 A. A person desiring to be a write-in candidate in
8 a general election shall file with the proper filing officer
9 between 9:00 a.m. and 5:00 p.m. on the twenty-third day after
10 the primary election a declaration of intent to be a write-in
11 candidate, accompanied by a petition signed by a number of
12 voters equal to at least one percent of the total number of
13 votes cast in the area sought to be represented as were cast
14 for governor at the last preceding general election at which a
15 governor was elected.

16 B. ~~[The form of the declaration of intent shall be~~
17 ~~prescribed by the secretary of state and shall contain a sworn~~
18 ~~statement by the person that the person is qualified to be a~~
19 ~~candidate for and to hold the office for which the person is~~
20 ~~filing]~~ A person shall not be a declared write-in candidate
21 until the person has been notified in writing by the proper
22 filing officer that the certificate of registration on file,
23 the declaration of candidacy and the nominating petition, if
24 required, are in proper order and that the person, based on
25 those documents, is qualified to be a candidate. The proper

.221175.6

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

1 filing officer shall mail the notice on the Friday following
2 the filing date. The determination by the proper filing
3 officer that a person is a declared write-in candidate is
4 subject to the provisions of Section 1-8-18 NMSA 1978.

5 C. If a person is notified by the proper filing
6 officer that the person is not qualified to be a write-in
7 candidate, the person may challenge that decision by filing a
8 petition with the district court within ten days of the
9 notification. The district court shall hear and render a
10 decision on the matter within ten days after the petition is
11 filed. The decision of the district court may be appealed to
12 the supreme court within five days after the decision is
13 rendered. The supreme court shall hear and render a decision
14 on the appeal forthwith.

15 ~~[G. At the time of filing the declaration of intent~~
16 ~~to be a write-in candidate, the]~~ D. A write-in candidate shall
17 be considered a candidate for all purposes and provisions
18 relating to candidates in the Election Code, including the
19 obligation to report under the Campaign Reporting Act, except
20 that the candidate shall not be entitled to have the
21 candidate's name printed on the ballot.

22 ~~[D.]~~ E. The secretary of state shall, not more than
23 ten days after the filing date, certify the names of the
24 declared write-in candidates to the county clerks of every
25 county affected by such candidacy.

.221175.6

underscored material = new
[bracketed material] = delete

1 [~~E.~~] F. No person shall be a write-in candidate in
2 the general election who was a candidate or who filed a
3 declaration of candidacy in the primary election immediately
4 prior to the general election. A write-in candidate for
5 governor or lieutenant governor in the general election shall
6 have a companion write-in candidate, and they shall be
7 candidates to be elected jointly by the casting by a voter of a
8 single vote applicable to both offices."

9 SECTION 61. Section 1-9-1 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 184, as amended) is amended to read:

11 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM
12 DEFINED.--

13 A. The secretary of state shall study, examine and
14 certify all voting systems used in elections for public office
15 in New Mexico. The secretary of state shall maintain a current
16 list of certified voting systems and copies of filed testing
17 and evaluation reports accessible by the public on the
18 secretary of state's [~~web site~~] website. Only certified voting
19 systems [~~certified~~] that are also approved for use by the
20 secretary of state and acquired pursuant to a competitive bid
21 process in accordance with the provisions of the Procurement
22 Code shall be used in any election for public office in New
23 Mexico.

24 B. As used in Chapter 1, Article 9 NMSA 1978,
25 "voting system" means a combination of mechanical,

underscoring material = new
[bracketed material] = delete

1 electromechanical or electronic equipment, including the
2 software and firmware required to program and control the
3 equipment, that is used to cast and count votes, and also
4 including any type of system that is designed to print or to
5 mark ballots at a polling location; equipment that is not an
6 integral part of a voting system but that can be used as an
7 adjunct to it is considered to be a component of the system."

8 SECTION 62. Section 1-9-7.10 NMSA 1978 (being Laws 2010,
9 Chapter 28, Section 8) is amended to read:

10 "1-9-7.10. VOTING SYSTEMS--BALLOT HANDLING AND PROCESSING
11 REQUIREMENTS.--Voting systems certified for use in state
12 elections shall:

13 A. accept a ballot that is a minimum of six inches
14 wide and a maximum of [~~twenty-four~~] twenty-two inches long, in
15 dual columns and printed on both sides;

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

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

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

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

.221175.6

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

3 SECTION 63. Section 1-10-4 NMSA 1978 (being Laws 1977,
4 Chapter 222, Section 27, as amended) is amended to read:

5 "1-10-4. BALLOTS--PREPARATION.--

6 A. In a primary election, not less than sixty days
7 before the election, each county clerk shall group each
8 candidate who has been qualified by a proper filing officer and
9 a space for any offices with a declared write-in candidate,
10 separated by political party and certify in writing a separate
11 ballot for each precinct in the county for each major political
12 party to be voted on at the primary election.

13 B. In a general election, not less than sixty days
14 before the election, each county clerk shall certify in writing
15 the ballot for each precinct in the county containing the name
16 of each candidate that has been certified as the nominee of a
17 qualified political party, each unaffiliated candidate who has
18 been qualified by a proper filing officer, a space for any
19 offices with a declared write-in candidate and any ballot
20 questions to be voted on at the general election.

21 C. In a regular local election, not less than
22 [~~sixty~~] fifty-six days before the election, each county clerk
23 shall certify in writing the ballot for each precinct in the
24 county containing the name of each candidate who has been
25 qualified by a proper filing officer, a space for any offices

.221175.6

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

1 with a declared write-in candidate and any ballot questions to
2 be voted on at the regular local election.

3 D. In a special local election, not less than sixty
4 days before the election, each county clerk shall certify in
5 writing the ballot for each precinct in the county containing
6 any ballot questions to be voted on at the special election.

7 E. In a special state election, not less than sixty
8 days before the election, the secretary of state shall certify
9 in writing the ballot containing any ballot questions to be
10 voted on at the special state election.

11 F. In an election to fill a vacancy in the office
12 of United States representative and except as provided in
13 Subsection G of this section, not less than fifty-three days
14 before the election, the secretary of state shall certify in
15 writing the ballot containing the name of each candidate that
16 has been certified as the nominee of a qualified political
17 party, each unaffiliated candidate who has been qualified and a
18 space for any declared write-in candidate to be voted on at the
19 election to fill a vacancy in the office of United States
20 representative.

21 G. In an election to fill a vacancy in the office
22 of United States representative in extraordinary circumstances
23 pursuant to 2 U.S.C. Section 8(b), not more than seventeen days
24 after the announcement of a vacancy in the office of United
25 States representative, the secretary of state shall certify in

.221175.6

underscoring material = new
[bracketed material] = delete

1 writing the ballot containing the name of each candidate that
2 has been certified as the nominee of a qualified political
3 party, each unaffiliated candidate who has been qualified and a
4 space for any declared write-in candidate to be voted on at the
5 election to fill a vacancy in the office of United States
6 representative.

7 H. On the date specified for each election in this
8 section, each ballot certified pursuant to this section shall
9 be sent to the ballot printer or other person preparing the
10 ballot for use by voters and sent to the secretary of state to
11 keep on file for twelve months, after which the certified
12 ballot shall be transferred to be a permanent record at the
13 state records center. Upon request of the county chair of a
14 political party participating in a partisan election, the
15 county clerk shall furnish proof sheets or a copy of the proof
16 sheets of the certified ballot as soon as they become
17 available."

18 SECTION 64. Section 1-10-6 NMSA 1978 (being Laws 1977,
19 Chapter 222, Section 29, as amended) is amended to read:

20 "1-10-6. BALLOTS--NAME TO BE PRINTED--ORDER OF
21 NAMES--SIMILAR NAMES--NAMES NOT TO BE PRINTED.--

22 A. In the preparation of ballots for a statewide
23 election, the candidate's name shall be printed on the ballot
24 as it appears on the candidate's certificate of registration
25 that is on file in the county clerk's office on the day the

.221175.6

1 secretary of state issues the proclamation for that election;
2 provided that:

3 (1) the last name printed on the ballot shall
4 match the candidate's legal last name;

5 (2) academic, honorific and elected titles
6 shall not be printed;

7 (3) periods after initials shall not be
8 printed;

9 (4) punctuation common to names, other than a
10 period, shall be printed as it appears on the candidate's
11 certificate of registration; and

12 (5) only letters and punctuation used in roman
13 typefaces shall be printed.

14 B. The order of candidates for the same office in a
15 statewide election shall be determined using a randomization
16 method provided by rule.

17 ~~[B.]~~ C. If it appears that the names of two or more
18 candidates for any office to be voted on at the election are
19 the same or are so similar as to tend to confuse the voter as
20 to the candidates' identities, the occupation and, if further
21 differentiation is necessary, the year of birth, of each such
22 candidate shall be printed immediately under the candidate's
23 name on the ballot.

24 ~~[C.]~~ D. A candidate's name shall not be printed on
25 the ballot if at least seventy days before a general election,

underscoring material = new
[bracketed material] = delete

1 sixty-three days before a primary election or regular local
2 election or seven days after the filing day for declarations of
3 candidacy for any other election:

4 (1) the candidate files with the proper filing
5 officer a signed and notarized statement of withdrawal as a
6 candidate in that election;

7 (2) a judicial determination is made that the
8 candidate does not qualify to be a candidate for the office
9 sought;

10 (3) the voter registration of the candidate is
11 updated by the candidate in such manner that the candidate does
12 not qualify to be a candidate for the office sought; or

13 (4) the voter registration of the candidate is
14 canceled for any reason provided in Chapter 1, Article 4 NMSA
15 1978."

16 SECTION 65. Section 1-10-8 NMSA 1978 (being Laws 2019,
17 Chapter 212, Section 103) is amended to read:

18 "1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT
19 QUESTIONS.--

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

24 (1) in a presidential primary, president;

25 (2) in a general election, president and vice

.221175.6

underscoring material = new
[bracketed material] = delete

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

23 B. In the year in which the governor is elected,

24 the ballot in a primary election and general election shall

25 contain, when applicable, partisan offices to be voted on in

underscored material = new
[bracketed material] = delete

1 the following order:

2 (1) United States senator;

3 (2) United States representative;

4 (3) in a major political party primary,
5 governor;

6 (4) in a major political party primary,
7 lieutenant governor;

8 (5) in a general election, governor and
9 lieutenant governor as a ticket;

10 (6) secretary of state;

11 (7) attorney general;

12 (8) state auditor;

13 (9) state treasurer;

14 (10) commissioner of public lands;

15 (11) state representative;

16 (12) supreme court;

17 (13) court of appeals;

18 [~~(14) public regulation commission districts~~
19 ~~with even-numbered designations;~~

20 ~~(15)] (14) public education commission;~~

21 [~~districts with even-numbered designations;~~

22 ~~(16)] (15) district court;~~

23 [~~(17) district attorney;~~

24 ~~(18)] (16) metropolitan court;~~

25 [~~(19)] (17) magistrate court;~~

.221175.6

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

- 1 [~~(20)~~] (18) county sheriff;
2 [~~(21)~~] (19) county assessor;
3 [~~(22)~~] (20) county commission; [~~districts and~~
4 ~~positions with even-numbered designations; and~~
5 ~~(23)~~] (21) probate judge; and
6 (22) when applicable:
7 (a) county clerk; and
8 (b) county treasurer.

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

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

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

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

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

22 D. The ballot in a statewide election shall
23 contain, when applicable, nonpartisan judicial retention and in
24 a statewide or special election, when applicable, ballot
25 questions to be voted on in the following order, unless a

.221175.6

underscoring material = new
[bracketed material] = delete

1 different order is prescribed by the secretary of state:

- 2 (1) judicial retention;
- 3 (2) proposed state constitutional amendments;
- 4 (3) other state ballot questions;
- 5 (4) county ballot questions; and
- 6 (5) local government ballot questions listed

7 in the same order as the list of local governments in
8 Subsection C of this section.

9 E. When multiple positions for the same
10 nondistricted, nonjudicial office are to be elected on the same
11 ballot and the qualifications for each of those positions are
12 the same, the nondistricted, nonjudicial district shall be
13 elected at large in the next election in a single contest on
14 the ballot in which voters shall be given the instruction to
15 "vote for no more than X". If two or more positions for the
16 same office are to be elected to represent the same area but
17 with terms of different lengths of time, the candidate
18 receiving the highest number of votes shall be elected to the
19 position with the longest term length, and the candidate
20 receiving the next highest number of votes shall be elected to
21 the position with the next longest term length, with additional
22 candidates elected to positions accordingly.

23 [~~E.~~] F. When multiple positions for the same
24 districted, nonjudicial office are listed on the same ballot
25 [~~and each position is to be elected individually~~] or the

.221175.6

underscored material = new
[bracketed material] = delete

1 qualifications for one or more at-large positions are distinct
2 from the qualifications of the rest:

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

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

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

19 [F.] G. When multiple positions for the same
20 judicial office are listed on the same ballot, [and] each
21 position is to be elected or voted on individually as follows:

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

.221175.6

underscored material = new
[bracketed material] = delete

1 each position;

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

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

17 SECTION 66. A new Section 1-11-4.1 NMSA 1978 is enacted
18 to read:

19 "1-11-4.1. [NEW MATERIAL] VOTER NOTIFICATION.--

20 A. At least forty-two days prior to each statewide
21 election, the secretary of state, on behalf of each county
22 clerk, shall mail a voter notification of the election. The
23 voter notification shall include:

- 24 (1) the date and purpose of the election;
25 (2) an internet web address where a voter may

.221175.6

1 apply for a mailed ballot;

2 (3) a telephone number where a voter may call
3 to request the paper form of the mailed ballot application;

4 (4) a list of the days and times and addresses
5 of early voting locations and voter convenience centers where a
6 voter may vote in person; and

7 (5) a list of the locations of monitored
8 secured containers where a voter may return a mailed ballot.

9 B. At least forty-nine days prior to each special
10 election, the county clerk shall mail a voter notification of
11 the election. The voter notification shall include:

12 (1) the date and purpose of the election;

13 (2) notification that the election will be
14 conducted by mail and that no polling places will be available
15 for the special election;

16 (3) the deadline for voted mailed ballots to
17 be received by the county clerk and the recommended deadline to
18 deposit the voted mailed ballot with the United States postal
19 service for return by mail, which shall be seven days before
20 the election;

21 (4) the address and the telephone number of
22 the county clerk's office for a voter requiring a replacement
23 ballot or returning a mailed ballot; and

24 (5) a list of the monitored secured containers
25 where a voter may return a mailed ballot.

.221175.6

underscored material = new
[bracketed material] = delete

1 C. The voter notification shall be sent to each
2 voter, except the voter notification shall not be sent to a
3 voter whose:

4 (1) election mail has been returned as
5 undeliverable and who has not updated the voter's certificate
6 of registration with a new address;

7 (2) ballot is delivered pursuant to the
8 provisions of the Uniform Military and Overseas Voters Act;

9 (3) ballot is delivered pursuant to the
10 provisions of the Intimate Partner Violence Survivor Suffrage
11 Act; or

12 (4) ballot, in a statewide election, is
13 delivered pursuant to the provisions of Section 1-6-22.1 NMSA
14 1978."

15 SECTION 67. Section 1-11-5 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 215, as amended) is amended to read:

17 "1-11-5. VOTING DEVICE--PREPARATION--CERTIFICATION.--

18 A. Forty-two days before the election, the county
19 clerk may begin to prepare, inspect, certify and seal
20 electronic voting machines that are to be used in the election,
21 and such preparation, inspection, certification and sealing
22 shall continue until all machines are prepared, inspected,
23 certified and sealed. The process of preparing, inspecting,
24 certifying and sealing electronic voting machines shall be open
25 to observation by the public.

.221175.6

underscored material = new
[bracketed material] = delete

1 B. The county clerk shall certify to the secretary
2 of state and the county chair of each political party
3 represented on the ballot the type and serial number of each
4 voting machine to be used."

5 SECTION 68. Section 1-11-19 NMSA 1978 (being Laws 2018,
6 Chapter 79, Section 33, as amended) is amended to read:

7 "1-11-19. COSTS OF ELECTIONS--~~[LOCAL ELECTION ASSESSMENT]~~
8 STATE ELECTION FUND [ESTABLISHED].--

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

11 (1) paying the costs of conducting and
12 administering statewide elections required by the Election
13 Code;

14 (2) reimbursing the counties for the costs of
15 conducting and administering statewide elections required by
16 the Election Code;

17 (3) paying the administrative costs of the
18 office of the secretary of state for administering elections
19 required by the Election Code and for administering the state
20 election fund; and

21 (4) carrying out all other specified
22 provisions of the Election Code not already covered by another
23 fund administered by the secretary of state.

24 B. The state treasurer shall invest the state
25 election fund as other state funds are invested, and all income

.221175.6

underscoring material = new
[bracketed material] = delete

1 derived from the fund shall be credited directly to the fund.
2 Remaining balances at the end of a fiscal year shall remain in
3 the fund and not revert to the general fund. Money in the fund
4 is appropriated to the office of the secretary of state for the
5 purposes authorized in Subsection A of this section. Money in
6 the fund shall only be expended on warrants of the department
7 of finance and administration pursuant to vouchers signed by
8 the secretary of state or the secretary's designee.

9 C. Money received from the following sources shall
10 be deposited directly into the state election fund:

11 (1) money appropriated to the fund by the
12 legislature;

13 (2) reimbursements from the state or a local
14 government for elections costs; [~~and~~]

15 (3) federal funds received by the state that
16 are designated by the federal government or the state executive
17 for elections or that have been appropriated by the legislature
18 for election purposes;

19 (4) grants or capital outlay funds received by
20 a county clerk for which the secretary of state has agreed to
21 serve as the fiscal agent; and

22 [~~(3)~~] (5) grants or capital outlay funds
23 received by the secretary of state for the purposes of
24 Subsection A of this section and not designated for any other
25 fund.

.221175.6

underscored material = new
[bracketed material] = delete

1 D. The secretary of state may submit a budget
2 adjustment request to use money in the state election fund for
3 the purposes authorized in Subsection A of this section beyond
4 a five percent variance from the approved elections budget for
5 the current fiscal year.

6 ~~[D. In the event that]~~ E. If the current year
7 balances in the state election fund do not cover the costs of
8 elections, the secretary of state may apply to the state board
9 of finance for an emergency grant to cover those costs pursuant
10 to Section 6-1-2 NMSA 1978."

11 SECTION 69. A new Section 1-11-20 NMSA 1978 is enacted to
12 read:

13 "1-11-20. [NEW MATERIAL] COSTS OF ELECTIONS--COUNTY
14 ELECTION FUND.--

15 A. A "county election fund" is created within the
16 county treasury of each county.

17 B. Expenditures from the county election fund shall
18 be determined by the county clerk and shall be used exclusively
19 for purposes relating to the administration of elections
20 pursuant to the provisions of the Election Code and rules
21 issued by the secretary of state. Remaining balances at the
22 end of a fiscal year shall remain in the fund and not revert to
23 the county general fund.

24 C. Money received from the following sources shall
25 be deposited directly into the county election fund:

.221175.6

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

1 (1) county general funds appropriated for the
2 costs of elections;

3 (2) other money appropriated to the fund by
4 the board of county commissioners;

5 (3) filing fees paid for elections;

6 (4) money received from the state or a local
7 public body for the costs of conducting a special election
8 pursuant to the Special Election Act;

9 (5) grants and reimbursements from the state
10 for elections costs;

11 (6) federal funds received by the county that
12 are designated for elections or that have been appropriated for
13 election purposes; and

14 (7) grants or capital outlay funds received by
15 a county for election purposes from any source and not
16 designated to any other county fund.

17 D. The county election fund is subject to being
18 audited in the same manner as other funds in the county. The
19 county clerk shall prepare a report detailing the source of
20 funds deposited into the county election fund, the use of funds
21 and the remaining balances within the county election fund
22 during the annual county budgeting process. The county clerk
23 shall report to the secretary of state the use and remaining
24 balances of state funds within the county election fund as
25 required by the secretary of state."

.221175.6

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

1 SECTION 70. Section 1-12-25.2 NMSA 1978 (being Laws 2003,
2 Chapter 356, Section 3, as amended) is amended to read:

3 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--
4 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

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

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

19 C. Beginning with the closing of the polls on
20 election day through the tenth day following the election, the
21 county clerk shall notify by mail each person whose provisional
22 paper ballot was not counted of the reason the ballot was not
23 counted. The voter shall have until the Friday prior to the
24 meeting of the state canvassing board to appeal to the county
25 clerk a decision to reject the voter's ballot. At any time up

.221175.6

underscored material = new
[bracketed material] = delete

1 to and including the appeal, the voter may provide information
2 or documentation to satisfy the reason the ballot was
3 rejected."

4 SECTION 71. Section 1-12-65 NMSA 1978 (being Laws 1977,
5 Chapter 222, Section 68, as amended) is amended to read:

6 "1-12-65. [~~EMERGENCY SITUATIONS~~] PAPER BALLOTS--COUNTING
7 AND TALLYING PROCEDURES.--

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

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

.221175.6

underscored material = new
[bracketed material] = delete

1 counting of the write-in votes.

2 ~~[G. The tallying of paper ballots that were not~~
3 ~~tabulated by the electronic vote tabulator at the polling place~~
4 ~~and the counting of ballots with write-in votes shall be in~~
5 ~~accordance with procedures prescribed by the secretary of~~
6 ~~state.]~~

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

16 SECTION 72. Section 1-12-69 NMSA 1978 (being Laws 1977,
17 Chapter 222, Section 72, as amended) is repealed and a new
18 Section 1-12-69 NMSA 1978 is enacted to read:

19 "1-12-69. [NEW MATERIAL] DISPOSITION OF PAPER BALLOTS AND
20 RECORDS RELATED TO VOTING.--

21 A. Paper ballots marked by voters and records
22 related to voting in any election shall be retained and
23 preserved for the greater of:

24 (1) twenty-two months from the date of the
25 election for any election in which a federal office appears on

.221175.6

1 the ballot;

2 (2) ten months from the date of the election
3 for all other elections; or

4 (3) four months following resolution of a
5 contest or other judicial inquiry, including all appeals, for
6 any election, precinct or polling place that is the subject of
7 the contest or other judicial inquiry.

8 B. Following the retention period, paper ballots
9 marked by voters and records related to voting retained and
10 preserved in the county may be destroyed at a time and in a
11 manner as determined by the county clerk; provided that the
12 county clerk shall use one of the destruction methods approved
13 by the state records administrator for destruction of public
14 records. Any interested person shall be permitted to be
15 present during the destruction of paper ballots marked by a
16 voter and records related to voting by the county clerk. At
17 least seven days prior to a destruction, the clerk shall post
18 on the county website a notice of destruction of paper ballots
19 and records related to voting and shall provide notice to the
20 county chair of each political party participating in that
21 election. The notice shall include information regarding the
22 election that is the subject of the records destruction and the
23 date, time and place where marked ballots and records related
24 to voting will be destroyed.

25 C. During the retention period, the county clerk

.221175.6

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

1 may determine that paper ballots marked by voters and physical
2 records related to voting from an election should be retained
3 and preserved by the state records administrator. The state
4 records administrator shall receive for storage paper ballots
5 marked by voters and physical records related to voting and,
6 following the retention periods required by this section, may
7 destroy the ballots and physical records pursuant to the
8 procedures used by the state records administrator for
9 destruction of public records following a retention period.
10 The state records administrator may enter into a memorandum of
11 understanding with the secretary of state to cover the costs of
12 storage through the state election fund. The county clerk
13 shall post on the county website a notice at least seven days
14 prior to sending ballots and physical records related to voting
15 to the state records administrator.

16 D. Paper ballots marked by voters, their digitized
17 equivalents and records related to voting are exempt from
18 third-party inspection except as otherwise provided in the
19 Election Code until the later of sixty days following
20 adjournment of the state or county canvassing board for that
21 election or sixty days following any recount, contest or other
22 judicial inquiry for any election, precinct or polling place
23 that is the subject of the recount, contest or judicial
24 inquiry. Thereafter, during the retention period and prior to
25 destruction of the ballots or records, a third-party inspection

.221175.6

underscored material = new
[bracketed material] = delete

1 not otherwise provided for in the Election Code shall be
2 conducted for good cause shown and upon order of the district
3 court. When a third-party inspection is ordered, a county
4 clerk, the clerk's agent, the state records administrator or
5 the state records administrator's agent shall be present during
6 the inspection to ensure that all ballots and records are
7 properly catalogued and returned in proper order. An
8 inspection of paper ballots marked by voters, their digitized
9 equivalents or records related to voting shall be conducted in
10 such a manner as to secure the secrecy of the ballot."

11 SECTION 73. 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 approved by the county canvassing board shall consist
25 of:

.221175.6

underscored material = new
[bracketed material] = delete

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 each
4 candidate contest and ballot question voted on by voters of the
5 county separated by mailed ballots, early voting and election
6 day voting;

7 (3) a report of the total ballots requested,
8 returned, accepted and rejected from uniformed-service voters
9 or overseas voters; 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 74. 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 machine-
21 tabulation or hand-tally if the county clerk has received and
22 logged any:

23 (1) paper ballots not previously tabulated;

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

.221175.6

underscored material = new
[bracketed material] = delete

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; and

14 D. provide the county canvassing board a summary
15 report of the ballots tallied by the election board pursuant to
16 Subsection A of this section and deliver directly to the
17 secretary of state a cumulative report to be used in the event
18 of a recount."

19 SECTION 75. Section 1-13-8 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 310, as amended) is amended to read:

21 "1-13-8. POST-ELECTION DUTIES--COUNTY CANVASS--SEARCH FOR
22 MISSING RETURNS.--If it is necessary to open a ballot box on
23 election night through the adjournment of the state canvass to
24 ascertain if missing election returns are enclosed in the
25 ballot box, the ballot box shall be opened in the presence of a

.221175.6

underscored material = new
[bracketed material] = delete

1 presiding judge and two election judges of an election board by
2 the county clerk [~~and the district judge~~] or [~~someone~~] a deputy
3 clerk designated by the [~~district judge. In the presence of~~
4 ~~the district judge or the designated representative of the~~
5 ~~district judge~~] county clerk. The county clerk or deputy clerk
6 may remove the missing returns necessary to canvass the
7 election. [~~When such omission or negligence of the precinct~~
8 ~~board causes an additional expense to be incurred, no~~
9 ~~compensation shall be paid to the precinct board for its~~
10 ~~services on election day~~] The presiding judge and election
11 judges shall document the search for missing returns using a
12 form prescribed by the secretary of state."

13 SECTION 76. Section 1-14-9 NMSA 1978 (being Laws 1971,
14 Chapter 249, Section 2) is amended to read:

15 "1-14-9. IMPOUNDING BALLOTS--APPLICATION FOR COURT
16 ORDER--DEPOSIT REQUIRED.--

17 A. Upon an order of the district court, ballots may
18 be impounded during the period of time between the completion
19 of the county canvass and the last day to file a candidate
20 contest in that election.

21 B. Any candidate in an election may petition the
22 district court for an order impounding ballots in one or more
23 precincts or polling places within which [~~he is a candidate~~]
24 the candidate's name appeared on the ballot. The action shall
25 be brought in the district court for the county in which the

.221175.6

underscored material = new
[bracketed material] = delete

1 precincts or polling places are located. The petition shall
2 state what specific items of ballots are requested to be
3 impounded. Upon receipt of the petition, along with a
4 sufficient cash deposit [of ~~twenty-five dollars (\$25.00) per~~
5 precinct] or a sufficient surety bond, to cover the costs of
6 each precinct or polling place for which impoundment is
7 demanded, the court shall issue an order of impoundment.

8 C. Ballots shall be impounded in the county
9 courthouse or secured in the county clerk's office. When
10 impounded ballots are being handled, a county clerk or the
11 clerk's agent shall be present to ensure that all documents are
12 properly catalogued and returned in proper order.

13 D. The state canvassing board shall determine the
14 estimated actual cost of impoundment per polling place and for
15 mailed ballots no later than March 15 of even-numbered years.
16 The secretary of state shall post the impoundment cost
17 determinations on the secretary of state's website when the
18 state canvassing board issues its cost determinations."

19 SECTION 77. Section 1-14-13.2 NMSA 1978 (being Laws 2009,
20 Chapter 233, Section 1, as amended) is amended to read:

21 "1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM CHECK.--

22 A. At least ninety days prior to each [~~general~~]
23 statewide election or as soon as practicable prior to an
24 election to fill a vacancy in the office of United States
25 representative, the secretary of state shall contract with an

.221175.6

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

1 auditor qualified by the state auditor to audit state agencies
2 to oversee a check on the accuracy of precinct electronic vote
3 tabulators, alternate voting location electronic vote
4 tabulators and absent voter precinct electronic vote
5 tabulators. The voting system check shall be conducted for all
6 federal offices, for governor and for the statewide elective
7 office, other than the office of the governor, for which the
8 winning candidate won by the smallest percentage margin of all
9 candidates for statewide office in New Mexico. The voting
10 system check is waived for any office for which ~~[a]~~ an
11 automatic recount is conducted.

12 B. For each selected office, the auditor shall
13 publicly select a random sample of precincts from a pool of all
14 precincts in the state no later than twelve days after the
15 election. The random sample shall be chosen in a process that
16 will ensure, with at least ninety percent probability for the
17 selected offices, that faulty tabulators would be detected if
18 they would change the outcome of the election for a selected
19 office. The auditor shall select precincts starting with the
20 statewide office with the largest winning margin and ending
21 with the precincts for the statewide office with the smallest
22 winning margin and then, in the same manner, select precincts
23 from each congressional district. The size of the random
24 sample for each office shall be determined as provided in Table
25 1 of this subsection. When a precinct is selected for one

.221175.6

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

1 office, it shall be used in lieu of selecting a different
2 precinct when selecting precincts for another office in the
3 same congressional district, or for any statewide office. If
4 the winning margin in none of the offices for which a voting
5 system check is required is less than fifteen percent, a voting
6 system check for that general election shall not be required.

7 Table 1

8 Winning margin between top	Number of precincts in the
9 two candidates for the	state to be tested for that
10 office according to the	office
11 county canvasses	

12 Percent

13 greater than 15	no precincts for that
14	office

15 greater than 14

16 but less than or equal to 15	4
---------------------------------	---

17 greater than 13

18 but less than or equal to 14	4
---------------------------------	---

19 greater than 12

20 but less than or equal to 13	5
---------------------------------	---

21 greater than 11

22 but less than or equal to 12	5
---------------------------------	---

23 greater than 10

24 but less than or equal to 11	6
---------------------------------	---

25 greater than 9.0

.221175.6

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

1	but less than or equal to 10	6
2	greater than 8.0	
3	but less than or equal to 9.0	7
4	greater than 7.0	
5	but less than or equal to 8.0	9
6	greater than 6.0	
7	but less than or equal to 7.0	10
8	greater than 5.5	
9	but less than or equal to 6.0	11
10	greater than 5.0	
11	but less than or equal to 5.5	13
12	greater than 4.5	
13	but less than or equal to 5.0	14
14	greater than 4.0	
15	but less than or equal to 4.5	16
16	greater than 3.5	
17	but less than or equal to 4.0	18
18	greater than 3.0	
19	but less than or equal to 3.5	22
20	greater than 2.5	
21	but less than or equal to 3.0	26
22	greater than 2.0	
23	but less than or equal to 2.5	32
24	greater than 1.8	
25	but less than or equal to 2.0	37

.221175.6

underscored material = new
[bracketed material] = delete

1	greater than 1.6	
2	but less than or equal to 1.8	42
3	greater than 1.4	
4	but less than or equal to 1.6	47
5	greater than 1.2	
6	but less than or equal to 1.4	54
7	greater than 1.1	
8	but less than or equal to 1.2	59
9	greater than 1.0	
10	but less than or equal to 1.1	65
11	greater than 0.9	
12	but less than or equal to 1.0	73
13	greater than 0.8	
14	but less than or equal to 0.9	82
15	greater than 0.7	
16	but less than or equal to 0.8	93
17	greater than 0.6	
18	but less than or equal to 0.7	109
19	greater than 0.5	
20	but less than or equal to 0.6	130
21	0.5 or less	165.

22 C. After selecting the random sample of precincts
23 pursuant to Subsection B of this section or as required for a
24 regular local election, the auditor shall also randomly select
25 one precinct from each county where a precinct was not selected

.221175.6

underscoring material = new
[bracketed material] = delete

1 in the random sample.

2 [G-] D. The auditor shall notify the appropriate
3 county clerks of the precincts that are to be included in the
4 voting system check upon their selection. The auditor shall
5 direct the appropriate county clerks to open the locked ballot
6 boxes and remove ballots from the selected precincts and:

7 (1) in a primary or general election, the
8 auditor shall direct the appropriate county clerks to compare
9 the original machine count precinct vote totals [including
10 early absentee and absentee by mail machine count vote totals]
11 for candidates for offices subject to the voting system check
12 from the selected precincts for each office with the respective
13 vote totals of a hand recount of the paper ballots from those
14 precincts;

15 (2) in a regular local election, the size of
16 the random sample shall be the largest number of precincts that
17 were used for the random sample in the previous general
18 election. The auditor shall direct the appropriate county
19 clerks to compare the original machine count precinct vote
20 totals for the three contests with the closest margin between
21 the two candidates receiving the greatest number of votes
22 affecting the final outcome for an office from each of the
23 selected precincts with the respective vote totals of a hand
24 recount of the paper ballots from those precincts; provided
25 that if there are fewer than three contested contests in a

.221175.6

underscored material = new
[bracketed material] = delete

1 precinct, the auditor shall randomly select one or more
2 contests so that three contests are included in the sample from
3 that precinct; and

4 (3) in an election called to fill a vacancy in
5 United States representative, the auditor shall direct the
6 appropriate county clerks to compare the original machine count
7 precinct vote totals for candidates for United States
8 representative from the selected precincts with the respective
9 vote totals of a hand recount of the paper ballots from those
10 precincts.

11 E. The county clerks shall report their results to
12 the auditor within [~~ten~~] fourteen days of the notice to conduct
13 the voting system check unless a county clerk is aware of a
14 recount in any office that includes one or more precincts in
15 the county, in which case the county clerk shall report the
16 results of the post-election audit to the auditor within [~~ten~~]
17 fourteen days following the conclusion of the recount.

18 [~~D.~~] F. Based on the results of the voting system
19 check and any other auditing results, the auditor shall
20 determine the error rate in the sample for each office. If the
21 winning margin decreases and the error rate based on the
22 difference between the vote totals of hand recounts of the
23 paper ballots and the original precinct vote totals exceeds
24 ninety percent of the winning margin for an office, another
25 sample equal in size to the original sample shall be selected

.221175.6

underscoring material = new
[bracketed material] = delete

1 and the original precinct vote totals compared to the vote
2 totals of hand recounts. The error rate based on the first and
3 second sample shall be reported, and if it exceeds ninety
4 percent of the winning margin for the office, the state
5 canvassing board shall order that a full hand recount of the
6 ballots for that office be conducted.

7 ~~[E.]~~ G. The auditor shall report the results of the
8 voting system check to the secretary of state upon completion
9 of the voting system check and release the results to the
10 public.

11 ~~[F.]~~ H. Persons designated as county canvass
12 observers may observe the hand recount described in Subsection
13 ~~[G.]~~ D of this section. Observers shall comply with the
14 procedures governing county canvass observers as provided in
15 Section 1-2-31 NMSA 1978.

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

22 ~~[H.]~~ J. All costs of a voting system check or
23 required hand recount shall be paid in the same manner as
24 automatic recounts."

25 **SECTION 78.** Section 1-14-15 NMSA 1978 (being Laws 1978,

.221175.6

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

1 Chapter 48, Section 1, as amended) is amended to read:

2 "1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

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

22 B. The deposit or surety bond shall be security for
23 the payment of the costs and expenses of the recount or recheck
24 in case the results of the recount or recheck are not
25 sufficient to change the results of the election.

.221175.6

underscored material = new
[bracketed material] = delete

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

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

17 SECTION 79. Section 1-14-24 NMSA 1978 (being Laws 2008,
18 Chapter 41, Section 1, as amended) is amended to read:

19 "1-14-24. AUTOMATIC RECOUNTS--~~[ELECTIONS FOR STATE AND~~
20 ~~FEDERAL OFFICES]~~ PROCEDURES.--

21 A. An automatic recount of the vote is required
22 when the canvass of returns indicates that the margin between
23 the two candidates receiving the greatest number of votes for
24 an office, the margin between those supporting and those
25 opposing a ballot question or the margin affecting the outcome

.221175.6

underscored material = new
[bracketed material] = delete

1 of a nonpartisan judicial retention election is less than:

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

4 (a) for that office in the case of a
5 federal or statewide office;

6 (b) on a ballot question in the case of
7 a state ballot question; or

8 (c) on a nonpartisan judicial retention
9 election in the case of the supreme court or the court of
10 appeals;

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

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

17 (b) on a ballot question in the case of
18 a local ballot question; or

19 (c) on a nonpartisan judicial retention
20 election in the case of a district court or the metropolitan
21 court; or

22 (3) one percent of the total votes cast in
23 that election or five or fewer votes between the two candidates
24 receiving the greatest number of votes for that office in the
25 case of any other office.

.221175.6

underscored material = new
[bracketed material] = delete

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

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

16 SECTION 80. Section 1-15-21 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 371) is amended to read:

18 "1-15-21. EXPIRING TERM AND NEXT SUCCEEDING TERM--
19 NOMINATION.--

20 A. If a vacancy in the office of United States
21 representative occurs for an expiring term after the last day
22 to amend a general election proclamation, no election shall be
23 held pursuant to Section 1-15-18.1 NMSA 1978.

24 [~~A.~~] B. If any political party [~~convention~~]
25 nominates any individual to be placed on the general election

.221175.6

underscoring material = new
[bracketed material] = delete

1 ballot for the term next succeeding the expiring term, then
2 [~~such~~] the person nominated by the party [~~convention~~] shall be
3 deemed to also be designated by the [~~convention~~] party for the
4 expiring term. No candidate may be designated by the
5 [~~convention~~] party for the expiring term only.

6 [~~B.~~] C. Any candidate whose name is placed on the
7 [~~direct primary~~] general election ballot [~~in the primary~~
8 ~~election~~] for the term next succeeding the expiring term shall
9 be conclusively presumed to have declared as a candidate for
10 both the expiring term and the succeeding term."

11 SECTION 81. Section 1-15A-9 NMSA 1978 (being Laws 1977,
12 Chapter 230, Section 8, as amended) is amended to read:

13 "1-15A-9. CERTIFICATION OF PRESIDENTIAL PRIMARY VOTE FOR
14 NATIONAL CONVENTION.--~~[A.]~~ Upon the completion of the state
15 canvass of the results of the presidential primary, the
16 secretary of state shall forthwith certify to the state
17 [~~chairman~~] chair of each political party participating in the
18 primary and to the credentials committee of the national
19 convention of each [~~such~~] political party [~~the following:~~

20 (1) the names of all candidates [~~and~~
21 ~~uncommitted category; and~~

22 (2) in that party's presidential primary, the
23 total vote and the percentage of the total vote [~~of such~~] the
24 candidates [~~or uncommitted category~~] received.

25 [~~B.~~ Each political party shall select as many

underscored material = new
[bracketed material] = delete

1 ~~delegates and alternates to the national party convention in~~
2 ~~the manner prescribed by the rules of that party and as are~~
3 ~~allotted to it by the national committee of that party.~~

4 ~~C. The vote of the delegates or their alternates to~~
5 ~~the national convention from each such political party from New~~
6 ~~Mexico shall be cast on the first presidential nomination~~
7 ~~ballot of the national convention by the chairman of the~~
8 ~~delegation. The manner of casting the vote of each party~~
9 ~~delegation shall be as follows:~~

10 ~~(1) each candidate and the uncommitted~~
11 ~~category shall be entitled to a share of the total vote~~
12 ~~allotted to the delegation that is equal to the proportion that~~
13 ~~the vote he received in the presidential primary bears to the~~
14 ~~total combined vote received by all qualified candidates;~~
15 ~~provided that no candidate shall be excluded who has received~~
16 ~~at least fifteen percent of the total vote cast for candidates~~
17 ~~for president of that party, and no candidate shall be excluded~~
18 ~~in violation of any political party rule; and~~

19 ~~(2) the method used to compute the total votes~~
20 ~~allowed to a candidate or the uncommitted category shall be~~
21 ~~determined by the party rules on file in the office of the~~
22 ~~secretary of state.~~

23 ~~D. The provisions of this section with regard to~~
24 ~~the manner of voting by the New Mexico delegations at the~~
25 ~~national party conventions apply only to the first nominating~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~ballot cast at such conventions. Such delegations may be~~
2 ~~released prior to the first ballot from voting in the manner~~
3 ~~provided by this section upon death of the candidate or upon~~
4 ~~his written unconditional release of such votes allotted to~~
5 ~~him. Any votes so released shall be cast in the manner of~~
6 ~~votes allotted to the uncommitted category.]"~~

7 SECTION 82. Section 1-17-8 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 393) is amended to read:

9 "1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE
10 CIRCULATION.--

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

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

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

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

.221175.6

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

1 SECTION 83. Section 1-17-10 NMSA 1978 (being Laws 1969,
2 Chapter 240, Section 395) is amended to read:

3 "1-17-10. REFERENDUM PETITIONS--SUFFICIENCY OR
4 INSUFFICIENCY.--The secretary of state shall ascertain and
5 declare the sufficiency or insufficiency of each complete
6 referendum petition within [~~fifteen~~] thirty days after it is
7 filed in [~~his~~] the secretary's office."

8 SECTION 84. Section 1-19-26 NMSA 1978 (being Laws 1979,
9 Chapter 360, Section 2, as amended) is amended to read:

10 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
11 Act:

12 A. "advertisement" means a communication referring
13 to a candidate or ballot question that is published,
14 disseminated, distributed or displayed to the public by print,
15 broadcast, satellite, cable or electronic media, including
16 recorded phone messages, or by printed materials, including
17 mailers, handbills, signs and billboards, but "advertisement"
18 does not include:

19 (1) a communication by a membership
20 organization or corporation to its current members,
21 stockholders or executive or administrative personnel;

22 (2) a communication appearing in a news story
23 or editorial distributed through a print, broadcast, satellite,
24 cable or electronic medium;

25 (3) a candidate debate or forum or a

.221175.6

1 communication announcing a candidate debate or forum paid for
2 on behalf of the debate or forum sponsor; provided that two or
3 more candidates for the same position have been invited to
4 participate or, in the case of an uncontested election, that
5 the single candidate for the position has been invited to
6 participate;

7 (4) nonpartisan voter guides allowed by the
8 federal Internal Revenue Code of 1986, as amended, for Section
9 501(c)(3) organizations; or

10 (5) statements made to a court or
11 administrative board in the course of a formal judicial or
12 administrative proceeding;

13 B. "anonymous contribution" means a contribution
14 the contributor of which is unknown to the candidate or the
15 candidate's agent or the political committee or its agent who
16 accepts the contribution;

17 C. "ballot question" means a constitutional
18 amendment or other question submitted to the voters in an
19 election;

20 D. "bank account" means an account in a financial
21 institution regulated by the United States or a state of the
22 United States;

23 E. "campaign committee" means an association of two
24 or more persons authorized by a candidate to act on the
25 candidate's behalf for the purpose of electing the candidate to

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

1 office; provided that a candidate shall not authorize more than
2 one campaign committee;

3 F. "campaign expenditure" means an expenditure that
4 is made by a campaign committee or by a candidate in support of
5 the candidate's campaign in an election;

6 G. "candidate" means an individual who seeks or
7 considers an office in an election covered by the Campaign
8 Reporting Act, including a public official, who has filed a
9 declaration of candidacy and has not subsequently filed a
10 statement of withdrawal or:

11 (1) for a nonstatewide office, has received
12 contributions or made expenditures of more than one thousand
13 dollars (\$1,000) or authorized another person or campaign
14 committee to receive contributions or make expenditures of more
15 than one thousand dollars (\$1,000) for the purpose of seeking
16 election to the office; or

17 (2) for a statewide office, has received
18 contributions or made expenditures of more than three thousand
19 dollars (\$3,000) or authorized another person or campaign
20 committee to receive contributions or make expenditures of more
21 than three thousand dollars (\$3,000) for the purpose of seeking
22 election to the office or for candidacy exploration purposes in
23 the years prior to the year of the election;

24 H. "contribution":

25 (1) means a gift, subscription, loan, advance

1 or deposit of money or other thing of value, including the
2 estimated value of an in-kind contribution, that is made or
3 received for a political purpose, including payment of a debt
4 incurred in an election campaign;

5 (2) includes a coordinated expenditure;

6 (3) does not include the value of services
7 provided without compensation or unreimbursed travel or other
8 personal expenses of individuals who volunteer a portion or all
9 of their time on behalf of a candidate or political committee
10 nor does it include the administrative or solicitation expenses
11 of a political committee that are paid by an organization that
12 sponsors the committee; and

13 (4) does not include the value of the
14 incidental use of the candidate's personal property, home or
15 business office for campaign purposes;

16 I. "coordinated expenditure" means an expenditure
17 that is made:

18 (1) by a person other than a candidate or
19 campaign committee;

20 (2) at the request or suggestion of, or in
21 cooperation, consultation or concert with, a candidate,
22 campaign committee or political party or any agent or
23 representative of a candidate, campaign committee or
24 political party; and

25 (3) for the purpose of:

.221175.6

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

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

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

8 J. "deliver" or "delivery" means to deliver by
9 certified or registered mail, telecopier, electronic
10 transmission or facsimile or by personal service;

11 K. "election" means any primary, general or
12 statewide special election in New Mexico and includes county
13 and judicial retention elections but excludes federal,
14 municipal, school board and special district elections;

15 L. "election year" means an even-numbered year in
16 which an election covered by the Campaign Reporting Act is
17 held;

18 M. "expenditure" means a payment, transfer or
19 distribution or obligation or promise to pay, transfer or
20 distribute any money or other thing of value for a political
21 purpose, including payment of a debt incurred in an election
22 campaign [~~or pre-primary convention~~];

23 N. "independent expenditure" means an expenditure
24 that is:

25 (1) made by a person other than a candidate or

1 campaign committee;

2 (2) not a coordinated expenditure as defined
3 in the Campaign Reporting Act; and

4 (3) made to pay for an advertisement that:

5 (a) expressly advocates the election or
6 defeat of a clearly identified candidate or the passage or
7 defeat of a clearly identified ballot question;

8 (b) is susceptible to no other
9 reasonable interpretation than as an appeal to vote for or
10 against a clearly identified candidate or ballot question; or

11 (c) refers to a clearly identified
12 candidate or ballot question and is published and disseminated
13 to the relevant electorate in New Mexico within thirty days
14 before the primary election or sixty days before the general
15 election at which the candidate or ballot question is on the
16 ballot;

17 O. "legislative caucus committee" means a political
18 committee established by the members of a political party in a
19 chamber of the legislature;

20 P. "person" means an individual or entity;

21 Q. "political committee" means:

22 (1) a political party;

23 (2) a legislative caucus committee;

24 (3) an association that consists of two or
25 more persons whose primary purpose is to make contributions to

.221175.6

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

1 candidates, campaign committees or political committees or make
2 coordinated expenditures or any combination thereof; or

3 (4) an association that consists of two or
4 more persons whose primary purpose is to make independent
5 expenditures and that has received more than five thousand
6 dollars (\$5,000) in contributions or made independent
7 expenditures of more than five thousand dollars (\$5,000) in the
8 election cycle;

9 R. "political party" means an association that has
10 qualified as a political party pursuant to the provisions of
11 Section 1-7-2 NMSA 1978;

12 S. "political purpose" means for the purpose of
13 supporting or opposing a ballot question or the nomination or
14 election of a candidate;

15 T. "prescribed form" means a form or electronic
16 format prepared and prescribed by the secretary of state;

17 U. "public official" means a person elected to an
18 office in an election covered by the Campaign Reporting Act or
19 a person appointed to an office that is subject to an election
20 covered by that act; and

21 V. "reporting individual" means a public official,
22 candidate or treasurer of a campaign committee or a treasurer
23 of a political committee."

24 SECTION 85. Section 1-19-29 NMSA 1978 (being Laws 1993,
25 Chapter 46, Section 5, as amended) is amended to read:

.221175.6

1 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

2 A. Except as otherwise provided in this section,
3 all reporting individuals shall file with the secretary of
4 state no later than the second Monday in April and October a
5 report of all expenditures made and contributions received on
6 or before the first Monday in those months and not previously
7 reported; provided that, if the date falls on a state holiday,
8 the report shall be filed no later than the next business day.
9 The report shall be filed biannually until the provisions
10 specified in Subsection F or G [~~or~~ H] of this section have been
11 satisfied.

12 B. In an election year, instead of the biannual
13 reports provided for in Subsection A of this section, all
14 reporting individuals, except for public officials who are not
15 candidates in an election that year, shall file reports of all
16 expenditures made and contributions received or, if applicable,
17 statements of no activity, according to the following schedule:

18 (1) no later than the second Monday in April,
19 a report of all expenditures made and contributions received on
20 or before the first Monday in April and not previously
21 reported;

22 (2) no later than the second Monday in May, a
23 report of all expenditures made and contributions received on
24 or before the first Monday in May and not previously reported;

25 (3) no later than the second Monday in

.221175.6

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

1 September, a report of all expenditures made and contributions
2 received on or before the first Monday in September and not
3 previously reported;

4 (4) no later than the second Monday in
5 October, a report of all expenditures made and contributions
6 received on or before the first Monday in October and not
7 previously reported; provided that if the second Monday of
8 October is a state holiday, the report shall be made on the
9 following day;

10 (5) no later than the Thursday before a
11 primary, general or statewide special election, a report of all
12 expenditures made and contributions received by 5:00 p.m. on
13 the Tuesday before the election and not previously reported.
14 Any contribution or pledge to contribute that is received after
15 5:00 p.m. on the Tuesday before the election and that is for
16 more than one thousand dollars (\$1,000) in a nonstatewide
17 election, or more than three thousand dollars (\$3,000) in a
18 statewide election, shall be reported to the secretary of state
19 either in a supplemental report on a prescribed form within
20 twenty-four hours of receipt or in the report to be filed no
21 later than the Thursday before a primary, general or statewide
22 special election, except that any such contribution or pledge
23 to contribute that is received after 5:00 p.m. on the Friday
24 before the election may be reported by 12:00 noon on the Monday
25 before the election;

.221175.6

1 (6) no later than the thirtieth day after a
2 primary election, a report by all reporting individuals, except
3 those individuals that become candidates after the primary
4 election, of all expenditures made and contributions received
5 on or before the twenty-fifth day after the primary election
6 and not previously reported;

7 (7) no later than the thirtieth day after a
8 statewide special election, a report of all expenditures made
9 and contributions received on or before the twenty-fifth day
10 after the statewide special election and not previously
11 reported; and

12 (8) no later than January 7 after a general
13 election, a report of all expenditures made and contributions
14 received on or before December 31 after the general election
15 and not previously reported.

16 C. If a candidate, political committee, campaign
17 committee or public official has not received any contributions
18 and has not made any expenditures since the candidate's,
19 committee's or official's last report was filed with the proper
20 filing officer, the candidate, committee or official shall only
21 be required to file a statement of no activity, which shall not
22 be required to be notarized, in lieu of a full report when that
23 report would otherwise be due and shall not be required to file
24 a full report until the next required filing date occurring
25 after an expenditure is made or a contribution is received.

.221175.6

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

1 D. In an election year, a public official who is
2 not a candidate shall file biannual reports of expenditures
3 made and contributions received or statements of no activity in
4 accordance with the schedule provided for in Subsection A of
5 this section.

6 E. A report of expenditures and contributions filed
7 after a deadline set forth in this section shall not be deemed
8 to have been timely filed.

9 F. Except for candidates, campaign committees and
10 public officials who file a statement of no activity, each
11 candidate, campaign committee or public official shall file a
12 report of expenditures and contributions pursuant to the filing
13 schedules set forth in this section, regardless of whether any
14 expenditures were made or contributions were received during
15 the reporting period. Reports shall be required until the
16 reporting individual delivers a report to the secretary of
17 state stating that:

- 18 (1) there are no outstanding campaign debts;
19 (2) all money has been expended in accordance
20 with the provisions of Section 1-19-29.1 NMSA 1978; and
21 (3) the bank accounts have been closed.

22 ~~[G. If, during a nonelection year, a political~~
23 ~~committee has not received any contributions or made any~~
24 ~~coordinated or independent expenditures since it filed its last~~
25 ~~report pursuant to this section, it need not file any report~~

.221175.6

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

1 ~~under this section until the next reporting period, if any, in~~
2 ~~which it receives contributions or makes expenditures. A~~
3 ~~political committee that has not received any contributions or~~
4 ~~made any coordinated or independent expenditures for a~~
5 ~~continuous period of at least one year may cancel its~~
6 ~~registration as a political committee by submitting an~~
7 ~~appropriate request in writing to the secretary of state. The~~
8 ~~committee shall retain the obligation to submit a new~~
9 ~~registration pursuant to Section 1-19-26.1 NMSA 1978 in the~~
10 ~~event that its future activities meet the requisites for~~
11 ~~registration under that section.~~

12 ~~H.]~~ G. A reporting individual who is a candidate
13 within the meaning of the Campaign Reporting Act because of the
14 amount of contributions the candidate receives or expenditures
15 the candidate makes and who does not ultimately file a
16 declaration of candidacy or a nominating petition with the
17 secretary of state and does not file a statement of no activity
18 shall file biannual reports in accordance with Subsection A of
19 this section.

20 ~~[H.]~~ H. Reports required by this section shall be
21 subscribed and sworn to by the candidate or the treasurer of
22 the political committee or, in the case of candidates for
23 judicial office, by the treasurer of the candidate's campaign
24 committee. A report filed electronically shall be
25 electronically authenticated by the candidate or the treasurer

.221175.6

underscoring material = new
[bracketed material] = delete

1 of the committee using an electronic signature in conformance
2 with the Electronic Authentication of Documents Act and the
3 Uniform Electronic Transactions Act. For the purposes of the
4 Campaign Reporting Act, a report that is electronically
5 authenticated in accordance with the provisions of this
6 subsection shall be deemed to have been subscribed and sworn to
7 by the candidate or the treasurer of the committee who was
8 required to file the report.

9 [J-] I. Reports required by this section shall be
10 filed electronically by all reporting individuals.

11 [K-] J. Reporting individuals may apply to the
12 secretary of state for exemption from electronic filing in case
13 of hardship, which shall be defined by the secretary of state."

14 **SECTION 86.** Section 1-19-34.1 NMSA 1978 (being Laws 1993,
15 Chapter 46, Section 12, as amended) is amended to read:

16 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING
17 PROHIBITION.--

18 A. It is unlawful during the prohibited period for
19 ~~[a state legislator, the attorney general, the secretary of~~
20 ~~state, the state treasurer, the commissioner of public lands or~~
21 ~~the state auditor or a candidate for state legislator, attorney~~
22 ~~general, secretary of state, state treasurer, commissioner of~~
23 ~~public lands or state auditor, or any agent on behalf of the~~
24 ~~attorney general, the secretary of state, the state treasurer,~~
25 ~~the commissioner of public lands or the state auditor or a~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~candidate for attorney general, the secretary of state, state~~
2 ~~treasurer, commissioner of public lands or state auditor]~~ an
3 incumbent or candidate for a proscribed office or a political
4 committee other than a political party to [knowingly]:

5 (1) solicit a contribution governed by the
6 Campaign Reporting Act; [For purposes of this subsection,
7 "prohibited period" means that period beginning January 1 prior
8 to any regular session of the legislature or, in the case of a
9 special session, after the proclamation has been issued, and
10 ending on adjournment of the regular or special session;

11 B. It is unlawful during the prohibited period for
12 the governor or the lieutenant governor, or any agent on the
13 governor's or the lieutenant governor's behalf, to knowingly
14 solicit a contribution governed by the Campaign Reporting Act;
15 For purposes of this subsection, "prohibited period" means that
16 period beginning January 1 prior to any regular session of the
17 legislature or, in the case of a special session, after the
18 proclamation has been issued, and ending on the twentieth day
19 following the adjournment of the regular or special session.]

20 (2) accept a contribution from a lobbyist,
21 lobbyist's employer, incumbent or candidate, campaign committee
22 or political committee;

23 (3) accept a contribution from any person,
24 other than a person excluded by Paragraph (2) of this
25 subsection, who prior to the start of a prohibited period

.221175.6

underscored material = new
[bracketed material] = delete

1 signed up with a political committee to have an automated,
2 recurring contribution of less than two hundred dollars (\$200)
3 per month; or

4 (4) accept a contribution from any person,
5 other than a person excluded by Paragraph (2) of this
6 subsection or allowed by Paragraph (3) of this subsection, of
7 more than one hundred dollars (\$100); provided that the
8 aggregate of contributions of one hundred dollars (\$100) or
9 less accepted during the prohibited period shall not exceed:

10 (a) two thousand dollars (\$2,000) for a
11 political committee other than a political party or an
12 incumbent or candidate for a statewide office; and

13 (b) five hundred dollars (\$500) for any
14 other incumbent or candidate for a proscribed office.

15 B. Any contribution received during the prohibited
16 period in excess of the limits established in this section
17 shall be returned to the donor or donated to the public
18 election fund prior to the end of the reporting period in which
19 the excess donation was received.

20 C. As used in this section:

21 (1) "incumbent or candidate" means:

22 (a) a person currently holding an office
23 subject to election;

24 (b) a person who is a candidate for an
25 office subject to election;

.221175.6

underscored material = new
[bracketed material] = delete

1 (c) a campaign committee; or

2 (d) an agent on behalf of a person or a
3 committee described in Subparagraphs (a) through (c) of this
4 paragraph;

5 (2) "lobbyist" means a person who is required
6 to register as a lobbyist pursuant to the provisions of the
7 Lobbyist Regulation Act;

8 (3) "lobbyist's employer" means the person
9 whose interests are being represented and by whom a lobbyist is
10 directly or indirectly retained, compensated or employed;

11 (4) "prohibited period" means:

12 (a) for an incumbent or candidate for
13 any proscribed office other than governor or lieutenant
14 governor and for a political committee other than a political
15 party, the period beginning January 1 prior to any regular
16 session of the legislature or, in the case of a special or
17 extraordinary session, the lesser of the period beginning after
18 the proclamation has been issued or seventy-two hours prior to
19 the start of the special or extraordinary session, and ending
20 on the first calendar day after adjournment of the regular,
21 special or extraordinary session; and

22 (b) for an incumbent or candidate for
23 governor or lieutenant governor, the period beginning January 1
24 prior to any regular session of the legislature or, in the case
25 of a special or extraordinary session, the lesser of the period

underscoring material = new
[bracketed material] = delete

1 beginning after the proclamation has been issued or seventy-two
2 hours prior to the start of the special or extraordinary
3 session, and ending on the earlier of the twenty-first day
4 following adjournment of the regular, special or extraordinary
5 session or the first calendar day after all bills passed by the
6 legislature have been signed or vetoed and deposited with the
7 secretary of state; and

8 (5) "proscribed office" means:

9 (a) governor;

10 (b) lieutenant governor;

11 (c) secretary of state;

12 (d) attorney general;

13 (e) state auditor;

14 (f) state treasurer;

15 (g) commissioner of public lands;

16 (h) state senator; and

17 (i) state representative."

18 SECTION 87. Section 1-19A-7 NMSA 1978 (being Laws 2003,
19 Chapter 14, Section 7, as amended) is amended to read:

20 "1-19A-7. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS
21 TO AND EXPENDITURES OF CERTIFIED CANDIDATES.--

22 A. All money distributed to a certified candidate
23 shall be used only for that candidate's campaign-related
24 purposes in the election in which the money was distributed.

25 B. Money from the fund received by a candidate

.221175.6

underscored material = new
[bracketed material] = delete

1 shall not be used for:

2 (1) the candidate's personal living expenses
3 or compensation to the candidate or the candidate's spouse,
4 domestic partner, children or stepchildren;

5 (2) a contribution to another campaign of the
6 candidate or a payment to retire debt from another such
7 campaign;

8 (3) a contribution to the campaign of another
9 candidate or to a political party or political committee or to
10 a campaign supporting or opposing a ballot proposition;

11 (4) an expenditure supporting the election of
12 another candidate or the passage or defeat of a ballot
13 proposition or the defeat of any candidate other than an
14 opponent of the certified candidate; provided that a certified
15 candidate may purchase joint advertisements or services with
16 other certified candidates;

17 (5) payment of a fine levied by a court or the
18 secretary; or

19 (6) a gift or transfer for which compensating
20 value is not received.

21 C. A certified candidate shall return to the fund
22 any amount that is unspent or unencumbered at the time that
23 person ceases to be a candidate before a primary or general
24 election for which the fund money was distributed.

25 D. A certified candidate shall limit total campaign

.221175.6

underscored material = new
[bracketed material] = delete

1 expenditures to the amount of money distributed to that
2 candidate from the fund, money received from a political party
3 pursuant to Section 1-19A-8 NMSA 1978 and contributions
4 collected pursuant to Section [~~8 of this 2019 act~~] 1-19A-4.1
5 NMSA 1978. A certified candidate shall not accept
6 contributions from any other source except the certified
7 candidate's political party, as specified in Section 1-19A-8
8 NMSA 1978 and contributions collected pursuant to Section [~~8 of~~
9 ~~this 2019 act~~] 1-19A-4.1 NMSA 1978.

10 E. A certified candidate who does not remain a
11 candidate in the general election shall, within thirty days
12 after the primary election, transfer to the secretary for
13 deposit in the fund any amount received from the fund, from a
14 political party pursuant to Section 1-19A-8 NMSA 1978 or from
15 private contributors pursuant to Section [~~8 of this 2019 act~~]
16 1-19A-4.1 NMSA 1978 that remains unspent or unencumbered by the
17 date of the primary election.

18 F. A certified candidate shall, within thirty days
19 after the general election, transfer to the secretary for
20 deposit in the fund any amount received from the fund, from a
21 political party pursuant to Section 1-19A-8 NMSA 1978 or from
22 private contributors pursuant to Section [~~8 of this 2019 act~~]
23 1-19A-4.1 NMSA 1978 that remains unspent or unencumbered by the
24 date of the general election.

25 G. If a certified candidate ceases to be a

.221175.6

underscoring material = new
[bracketed material] = delete

1 certified candidate for any reason, the previously certified
2 candidate or candidate's campaign committee shall, within
3 thirty days thereafter, transfer to the secretary for deposit
4 in the fund any amount received from the fund, from a political
5 party pursuant to Section 1-19A-8 NMSA 1978 or from private
6 contributors pursuant to Section [~~8 of this 2019 act~~] 1-19A-4.1
7 NMSA 1978 that remains unspent or unencumbered by the date
8 the candidate ceases to be a certified candidate."

9 SECTION 88. Section 1-20-6 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 431) is amended to read:

11 "1-20-6. UNLAWFUL POSSESSION OF KEYS.--Unlawful
12 possession of keys consists of the possession at any time of
13 any key to a voting machine, [~~or~~] ballot box or monitored
14 secured container, or possession of an imitation or duplicate
15 thereof, or making or causing to be made any imitation or
16 duplicate thereof, unless authorized by the Election Code.
17 Whoever commits unlawful possession of keys is guilty of a
18 fourth degree felony."

19 SECTION 89. Section 1-20-7 NMSA 1978 (being Laws 1971,
20 Chapter 111, Section 1, as amended) is amended to read:

21 "1-20-7. UNLAWFUL POSSESSION OF ABSENTEE BALLOT.--
22 Unlawful possession of absentee ballot consists of the
23 possession at any time of absentee ballot materials when not
24 authorized by the Election Code to be in possession of such
25 materials, or when such materials were obtained in an unlawful

.221175.6

underscored material = new
[bracketed material] = delete

1 manner, and includes the establishment, designation or
2 operation of any container or receptacle to receive voted
3 ballots by a person who is not authorized by the Election Code
4 and entering information into or altering the absentee ballot
5 register. As used in this section, "absentee ballot materials"
6 means an absentee ballot, absentee ballot envelopes, the
7 absentee ballot register or an absentee ballot return. Whoever
8 commits unlawful possession of absentee ballot is guilty of a
9 fourth degree felony."

10 SECTION 90. Section 1-20-17 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 441, as amended) is amended to read:

12 "1-20-17. OBSTRUCTING THE POLLING PLACE.--

13 A. Obstructing the polling place consists of
14 [~~(1) any person other than a voter offering to~~
15 ~~vote, a member of the precinct board, a lawfully appointed~~
16 ~~challenger or watcher, an election observer, an election~~
17 ~~official having business in the polling place or a person~~
18 ~~authorized by the Election Code to give assistance to a voter~~
19 ~~who, during the conduct of the election, approaches nearer than~~
20 ~~fifty feet from the door through which voters may enter to vote~~
21 ~~at the office of the county clerk, an alternate voting~~
22 ~~location, a mobile voting site or any location used as a~~
23 ~~polling place; or~~

24 ~~(2) any]~~ a person other than an authorized
25 individual approaching nearer than fifty feet from the door

1 through which voters may enter to vote at a polling place or a
2 person who willfully blocks the entrance to a polling place so
3 as to prevent free ingress and egress.

4 B. A person conducting lawful, non-election-related
5 business nearer than fifty feet from the door through which
6 voters may enter to vote is not guilty of obstructing a polling
7 place, provided the person does not willfully block the
8 entrance to the polling place.

9 C. As used in this section, "authorized individual"
10 means an individual who is not electioneering and who is:

11 (1) a voter offering to vote;

12 (2) a member of the election board;

13 (3) a lawfully appointed watcher, challenger
14 or election observer;

15 (4) an individual giving assistance to a
16 specific person offering to vote;

17 (5) an election official or contractor having
18 business in the polling place;

19 (6) an attorney representing the county or
20 state, a political party or a candidate having business in the
21 polling place; or

22 (7) a language translator where required by
23 federal law.

24 [G.] D. Whoever obstructs the polling place is
25 guilty of a petty misdemeanor."

underscored material = new
[bracketed material] = delete

1 SECTION 91. Section 1-22-3 NMSA 1978 (being Laws 2018,
2 Chapter 79, Section 18, as amended) is amended to read:

3 "1-22-3. REGULAR LOCAL ELECTIONS--SPECIAL LOCAL
4 ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF CANDIDATES.--

5 A. A regular local election shall be held on the
6 first Tuesday after the first Monday in November of each odd-
7 numbered year. A regular local election shall be held to elect
8 qualified persons to membership on a local governing body and,
9 where applicable, to elective municipal executive office and to
10 municipal judicial office.

11 B. A regular local election shall be a nonpartisan
12 election, and the names of all candidates shall be listed on
13 the ballot with no party or slate designation. No person shall
14 become a candidate in a regular local election unless the
15 person physically resides within the boundaries of the district
16 or districted area in which the person desires to be elected or
17 to represent, unless otherwise allowed pursuant to Section
18 1-3-13.1 NMSA 1978, and the person's record of voter
19 registration shows that the person is both a qualified elector
20 of the state and was registered to vote in the area to be
21 elected to represent on the date the proclamation calling a
22 local election is filed in the office of the secretary of
23 state.

24 C. A local government may propose a ballot question
25 to be considered by the voters of the local government:

.221175.6

underscored material = new
[bracketed material] = delete

1 (1) at a regular local election or a general
2 election as provided by Subsection B of Section 1-16-3 NMSA
3 1978; or

4 (2) at a special local election called,
5 conducted and canvassed as provided in the Special Election
6 Act.

7 D. Except as otherwise provided in the Local
8 Election Act, local elections shall be called, conducted and
9 canvassed as provided in the Election Code."

10 SECTION 92. Section 1-22-4 NMSA 1978 (being Laws 2018,
11 Chapter 79, Section 19, as amended) is amended to read:

12 "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--
13 PUBLICATION.--

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

23 B.] A. The secretary of state shall by resolution
24 issue a public proclamation in Spanish and English calling a
25 regular local election. The proclamation shall be issued and

.221175.6

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

1 filed by the secretary of state in the office of the secretary
2 of state [~~ninety~~] twenty-one days preceding the filing date
3 [~~of~~] for the regular local election, and upon filing the
4 proclamation, the secretary of state shall post the
5 proclamation and certify it to each county clerk. The
6 proclamation may be amended no later than eleven days before
7 the filing date for the regular local election.

8 [~~E.~~] B. The proclamation shall specify:

- 9 (1) the date when the election will be held;
10 (2) each elective office, local governing body
11 and judicial position to be filled;
12 (3) the date on which declarations of
13 candidacy are to be filed;
14 (4) the date on which declarations of intent
15 to be a write-in candidate are to be filed; and
16 (5) the municipalities subject to a ranked-
17 choice voting runoff election and those subject to a top-two
18 runoff election and the date of the top-two runoff election
19 should one be necessary.

20 [~~D.~~] C. After receipt of the proclamation from the
21 secretary of state, the county clerk shall post the entire
22 proclamation on the county clerk's website and, not less than
23 seventy-five days before the date of the election, shall
24 publish portions of the proclamation relevant to the county at
25 least once in a newspaper of general circulation within the

.221175.6

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

1 county. The publication of the proclamation shall conform to
2 the requirements of the federal Voting Rights Act of 1965, as
3 amended, and shall specify:

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

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

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

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

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

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

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

21 ~~[E. Whenever two or more members of a local~~
22 ~~governing body are to be elected at large for terms of the same~~
23 ~~length of time, the secretary of state shall numerically~~
24 ~~designate the positions on the ballot as "position one",~~
25 ~~"position two" and such additional consecutively numbered~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~positions as are necessary, but only one member shall be~~
2 ~~elected for each position. Whenever two or more members of a~~
3 ~~local governing body are to be elected to represent the same~~
4 ~~area with terms of different lengths of time, the secretary of~~
5 ~~state shall list the office with the shorter length of time~~
6 ~~first and shall designate each position with "for a term~~
7 ~~expiring ____".]~~

8 D. To assist the secretary of state with
9 preparation of the proclamation, during the month of June
10 preceding a regular local election, each county clerk shall
11 communicate with each local government whose primary
12 administrative office is located in the county. The county
13 clerk shall inquire as to which local government positions are
14 to be filled at the next regular local election and whether the
15 position is to be filled for a full term or a partial term, as
16 well as the expiration date of each term. Each county clerk
17 shall inform the secretary of state of all known positions to
18 be filled no later than the last business day in June preceding
19 a regular local election."

20 SECTION 93. Section 1-22-7 NMSA 1978 (being Laws 2018,
21 Chapter 79, Section 20, as amended) is amended to read:

22 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--
23 PENALTY.--

24 A. A candidate for a position that will be filled
25 at a regular local election shall file a declaration of

.221175.6

underscoring material = new
[bracketed material] = delete

1 candidacy with the proper filing officer between 9:00 a.m. and
2 5:00 p.m. on the seventieth day before the date of the regular
3 local election.

4 B. A candidate shall file for only one position in
5 the same local government but may file for a position in more
6 than one local government on the same filing day.

7 C. A declaration of candidacy shall not be amended
8 after it has been filed with the proper filing officer.

9 D. Each declaration of candidacy shall be
10 accompanied by a nominating petition containing at least the
11 number of signatures as required by law for the specific
12 office. If not otherwise required by law for the specific
13 office, the declaration of candidacy shall be accompanied by a
14 nominating petition containing no fewer than ten signatures or
15 a fifty-dollar (\$50.00) filing fee.

16 ~~[D.]~~ E. Each declaration of candidacy shall be
17 delivered for filing in person by the eligible candidate or by
18 a person acting by virtue of written authorization. The proper
19 filing officer shall not accept for filing from any one
20 individual more than one declaration of candidacy.

21 ~~[E.]~~ F. Whoever knowingly makes a false statement
22 in a declaration of candidacy is guilty of a fourth degree
23 felony and shall be sentenced pursuant to the provisions of
24 Section 31-18-15 NMSA 1978."

25 SECTION 94. Section 1-22-8.1 NMSA 1978 (being Laws 2018,
.221175.6

underscored material = new
[bracketed material] = delete

1 Chapter 79, Section 22, as amended) is amended to read:

2 "1-22-8.1. WRITE-IN CANDIDATES.--

3 A. Write-in candidates shall be permitted in
4 regular local elections.

5 B. A person may be a write-in candidate only if the
6 person has the qualifications to be a candidate for the
7 position for which the person is running.

8 C. A person desiring to be a write-in candidate for
9 an office shall file with the proper filing officer a
10 declaration of ~~[candidacy]~~ intent to be a write-in candidate.

11 The declaration shall be filed between 9:00 a.m. and 5:00 p.m.
12 on the sixty-third day preceding the date of the election.

13 ~~[The county clerk shall ensure that a declaration of candidacy~~
14 ~~filed pursuant to this section specifies that it is for a~~
15 ~~write-in candidate.]~~

16 D. ~~[At the time of filing the declaration of~~
17 ~~candidacy]~~ The declaration of intent to be a write-in candidate
18 shall be accompanied by a nominating petition containing the
19 same number of signatures or the filing fee required of other
20 candidates for the same office.

21 E. A write-in candidate shall be considered a
22 candidate for all purposes and provisions relating to
23 candidates in the Local Election Act, except that the write-in
24 candidate's name shall not be printed on the ballot nor posted
25 in any polling place."

.221175.6

underscored material = new
[bracketed material] = delete

1 SECTION 95. Section 1-22-10 NMSA 1978 (being Laws 2018,
2 Chapter 79, Section 24, as amended) is amended to read:

3 "1-22-10. CANDIDATE QUALIFICATION--CHALLENGES--BALLOTS.--

4 A. The proper filing officer shall determine
5 whether a candidate filing a declaration of candidacy is
6 registered to vote within the area to be elected to represent
7 and, if required for the office being sought, whether the
8 candidate's nominating petition for that office has been filed
9 with a number of signatures that is equal to or greater than
10 the number required for that office. If the candidate is so
11 qualified and no withdrawal of candidacy has been filed as
12 provided in the Local Election Act, the proper filing officer
13 shall place the candidate's name on the ballot for the position
14 specified in the declaration of candidacy and notify each
15 candidate in writing no later than [~~5:00 p.m. on the sixtieth~~]
16 the sixty-seventh day before the local election.

17 B. Any voter may challenge the candidacy of any
18 person seeking election at the regular local election for the
19 reason that the person does not meet the requirements for the
20 office sought by filing a petition in the district court within
21 seven days after the day for filing a declaration of candidacy.
22 The district court shall hear and render a decision on the
23 matter within ten days after the filing of the petition. The
24 decision of the district court may be appealed to the supreme
25 court within five days after the decision is rendered. The

.221175.6

underscored material = new
[bracketed material] = delete

1 supreme court shall hear and render a decision on the appeal
2 forthwith.

3 C. Ballots for the regular local election shall be
4 prepared by the proper filing officer and printed in accordance
5 with the provisions of Section 1-10-5 NMSA 1978.

6 D. The printed ballot shall contain the name of
7 each person who is a candidate and the position for which the
8 person is a candidate.

9 E. The ballot shall also contain all ballot
10 questions that are to be submitted to the voters as certified
11 by a local governing body to the county clerk in each county in
12 which the local government is situate and shall conform to the
13 requirements for ballot questions on the regular local election
14 ballot as provided in Chapter 1, Article 16 NMSA 1978."

15 SECTION 96. Section 1-22-18 NMSA 1978 (being Laws 2018,
16 Chapter 79, Section 31) is amended to read:

17 "1-22-18. LOCAL ELECTION--DATE TERM OF OFFICE BEGINS.--

18 A. A candidate to whom a certificate of election
19 has been issued shall take the oath of office before entering
20 upon the duties of the office to which the person was elected.

21 B. The term of office of a candidate elected in a
22 regular local election [~~or ensuing top-two runoff election~~]
23 shall begin on January 1 following the candidate's election
24 [~~and the candidate to whom a certificate of election has been~~
25 ~~issued shall take the oath of office before entering upon the~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~duties of office]~~.

2 C. A candidate elected in a regular local election
3 to serve the remainder of an unexpired term shall enter upon
4 the duties of that office on or after January 1 following the
5 candidate's election."

6 SECTION 97. Section 1-24-3 NMSA 1978 (being Laws 2019,
7 Chapter 212, Section 156) is amended to read:

8 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

9 A. All special elections in this state shall be
10 conducted absentee. Mailed ballots shall be used exclusively
11 for voting in special elections. Except as otherwise provided
12 in the Special Election Act, all special elections in this
13 state shall be conducted and canvassed as provided in the
14 Election Code.

15 B. Without requiring a voter to file an application
16 to receive a ballot, the county clerk shall send a mailed
17 ballot to every voter of the county or local public body,
18 except a voter:

19 (1) who was sent a notice pursuant to
20 Subsection C of Section 1-4-28 NMSA 1978 and who has not
21 returned the prepaid and pre-addressed return card sent
22 pursuant to that section and has not filed a new certificate of
23 registration with a new address; [Ø]

24 (2) whose voter notification pursuant to
25 Section 1-11-4.1 NMSA 1978 was returned to the county clerk as

.221175.6

underscored material = new
[bracketed material] = delete

1 undeliverable and the voter has not communicated with the
2 county that the voter notification was returned as
3 undeliverable in error or filed a certificate of registration
4 with a new address;

5 [~~(2)~~] (3) whose official election-related mail
6 sent through a uniform, nondiscriminatory process was returned
7 to the county clerk or the secretary of state as undeliverable
8 and the voter has not communicated with the county clerk that
9 the official election-related mail was returned as
10 undeliverable in error or filed a certificate of registration
11 with a new address; or

12 (4) whose ballot is delivered pursuant to the
13 provisions of the Intimate Partner Violence Survivor Suffrage
14 Act.

15 C. Forty-two days before the election or in the
16 case of a voter notification returned to the county clerk, as
17 soon thereafter as practicable, the county clerk shall send to
18 each voter of the county or local public body described in
19 Paragraphs (1) [~~and (2)~~] through (3) of Subsection B of this
20 section notice, sent by forwardable mail, that the voter will
21 not be sent a ballot for the special election unless the voter
22 updates the voter's address as provided by the Election Code or
23 informs the county clerk that the address on the certificate of
24 registration is valid. The notice shall include contact
25 information for the office of the county clerk and an internet

.221175.6

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

1 address where the voter may update the voter's address or
2 communicate with the county clerk. The mailed ballot register
3 shall note which voters were sent a notice pursuant to this
4 subsection.

5 D. Between the twenty-seventh and twenty-fifth day
6 before the election, pursuant to Subsection B of this section,
7 the county clerk shall send to each voter a ballot for the
8 special election, along with a postage-paid return envelope, a
9 notice that there will be no traditional polling places for the
10 election, the recommended deadline to deposit the voted mailed
11 ballot with the United States postal service for return by
12 mail, the deadline for the ballot to be received by the county
13 clerk and a list of the times and locations of monitored
14 secured containers available in ~~[addition to the United States~~
15 ~~postal service for a voter to return the ballot]~~ the county.

16 E. Beginning twenty-two days before the election,
17 the county clerk shall issue replacement and provisional
18 ballots as provided in the Absent Voter Act for the mailed
19 ballot process. In addition, the county clerk shall send a
20 ballot to any voter described in Paragraphs (1) ~~[and (2)]~~
21 through (3) of Subsection B of this section who has not
22 previously been sent a ballot if the voter submits an
23 application pursuant to Section 1-6-4 NMSA 1978.

24 F. When required by federal law, if the voter has
25 on file with the county a valid certificate of registration

.221175.6

underscored material = new
[bracketed material] = delete

1 that indicates that the voter is a new registrant in the state
2 and who registered by mail without submitting the required
3 [~~voter~~] documentary identification, the county clerk shall
4 notify the voter that the voter must submit with the mailed
5 ballot the required documentary identification from the list in
6 Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978.
7 The county clerk shall note on the mailed ballot register and
8 signature roster that the applicant's mailed ballot must be
9 returned with the required [~~voter~~] documentary identification."

10 SECTION 98. Section 2-11-8.1 NMSA 1978 (being Laws 1993,
11 Chapter 46, Section 23, as amended) is amended to read:

12 "2-11-8.1. RESTRICTIONS ON CAMPAIGN ACTIVITIES AND
13 CONTRIBUTIONS.--

14 A. [~~No~~] A lobbyist [~~may~~] shall not serve as a
15 campaign chair, treasurer or fundraising chair for a candidate
16 for the legislature or other state office.

17 B. It is unlawful during the prohibited period, as
18 that term is defined in Section 1-19-34.1 NMSA 1978, for any
19 lobbyist or lobbyist's employer to contribute to or act as an
20 agent or intermediary for political contributions to or arrange
21 for the making of political contributions to the campaign funds
22 of any statewide elected official or legislator or any
23 candidate for those offices.

24 [~~C. For purposes of this section, "prohibited~~
25 ~~period" is that period beginning January 1 prior to any regular~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~session of the legislature or, in the case of a special~~
2 ~~session, after the proclamation has been issued, and ending on:~~

3 ~~(1) the day the session ends for:~~

4 ~~(a) any statewide elected official or~~
5 ~~candidate for statewide office except the governor; and~~

6 ~~(b) a legislator or any candidate for~~
7 ~~the legislature; and~~

8 ~~(2) the twentieth day following the~~
9 ~~adjournment of the regular or special session for the governor~~
10 ~~or candidate for governor.]"~~

11 SECTION 99. Section 3-11-5 NMSA 1978 (being Laws 1965,
12 Chapter 300, Section 14-10-5, as amended) is amended to read:

13 "3-11-5. MAYOR--APPOINTMENT OF OFFICERS AFTER [ELECTION]
14 NEW TERMS BEGIN.--

15 A. At the organizational meeting of the governing
16 body, the mayor shall submit, for confirmation by the governing
17 body, the names of persons who shall fill the appointive
18 offices of the municipality and the names of persons who shall
19 be employed by the municipality. If the governing body fails
20 to confirm any person as an appointive official or employee of
21 the municipality, the mayor at the next regular meeting of the
22 governing body shall submit the name of another person to fill
23 the appointed office or to be employed by the municipality.

24 B. The organizational meeting shall be held within
25 the first thirty days following the commencement of new terms

.221175.6

underscored material = new
[bracketed material] = delete

1 of office after each regular municipal election. The
2 organizational meeting may be a special meeting or a regular
3 meeting of the governing body.

4 [B-] C. Any person holding an appointed office at
5 the time of the municipal election shall continue in that
6 office until the person's successor has been appointed and is
7 qualified."

8 SECTION 100. Section 3-12-2 NMSA 1978 (being Laws 1965,
9 Chapter 300, Section 14-11-2, as amended) is amended to read:

10 "3-12-2. GOVERNING BODY--CORPORATE AUTHORITY--
11 LEGISLATIVE BODY--MEMBERS OF COUNCIL AND BOARDS OF TRUSTEES--
12 QUORUM.--

13 A. The corporate authority of a municipality is
14 vested in the governing body that shall constitute the
15 legislative branch of the municipality and shall not perform
16 any executive functions except those functions assigned to it
17 by law.

18 B. A majority of the members of the governing body
19 is a quorum for the purpose of transacting business.

20 C. Unless otherwise provided by law, a question
21 before the governing body shall be decided by a majority vote
22 of the members present.

23 D. The governing body of a municipality having a
24 mayor-council form of government is the council or board of
25 trustees whose members are the mayor and not less than four or

.221175.6

underscored material = new
[bracketed material] = delete

1 more than ten [~~councilmen~~] council members or trustees. Any
2 governing body of more than six [~~councilmen~~] council members or
3 trustees may provide by ordinance for the election of two
4 [~~councilmen~~] council members or trustees for each ward or
5 district or create or abolish wards or districts or alter the
6 boundary of existing wards or districts; provided that only one
7 [~~councilman~~] council member or trustee shall be elected from a
8 ward or district at any one election.

9 E. In those municipalities with a mayor-council
10 form of government, when there is a requirement that a certain
11 fraction or percentage of the members of the entire governing
12 body or of all the members of the governing body or of the
13 entire membership of the governing body or other similar
14 language other than the requirement of a simple majority vote
15 for the measure, the mayor shall not be counted in determining
16 the actual number of votes needed but [~~he~~] shall vote to break
17 a tie vote as provided in Section 3-11-3 NMSA 1978 unless [~~he~~]
18 the mayor has declared a conflict of interest.

19 [~~F. The governing body of a municipality may~~
20 ~~redistrict the municipality whenever redistricting is~~
21 ~~warranted. Upon petition signed by qualified electors equal in~~
22 ~~number to the votes cast for the councilman or trustee~~
23 ~~receiving the greatest number of votes at the last regular~~
24 ~~municipal election, the governing body of the municipality~~
25 ~~shall redistrict the municipality.]"~~

.221175.6

underscored material = new
[bracketed material] = delete

1 SECTION 101. Section 3-14-10 NMSA 1978 (being Laws 1965,
2 Chapter 300, Section 14-13-10) is amended to read:

3 "3-14-10. COMMISSION-MANAGER--SELECTION OF MAYOR--
4 DUTIES.--

5 A. At the [~~first~~] organizational meeting of the new
6 commission [~~after each election or as soon thereafter as~~
7 ~~practical~~] held within the first thirty days following the
8 commencement of new terms of office after each regular
9 municipal election, the commissioners shall select one of their
10 number as mayor to act for two years or until a successor is
11 selected and qualified unless sooner removed by death,
12 resignation or removal from office.

13 B. The mayor shall preside at all meetings of the
14 commission and perform other duties consistent with [~~his~~] the
15 office as imposed by the commission. The mayor has all powers
16 and duties of a commissioner, including the right to vote upon
17 all questions considered by the commission. [~~He~~] The mayor is
18 the official head of the municipality for all ceremonial
19 purposes, for the purpose of civil process and for military
20 purposes. During [~~his~~] the mayor's absence or disability,
21 [~~his~~] the mayor's duties shall be performed by another member
22 of the commission appointed by a majority of the commission and
23 designated as mayor pro tem.

24 C. The commission shall meet at least twice each
25 month."

.221175.6

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

1 SECTION 102. Section 7-1-8.8 NMSA 1978 (being Laws 2019,
2 Chapter 87, Section 2, as amended) is amended to read:

3 "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE
4 AGENCIES.--An employee of the department may reveal to:

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

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

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

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

24 E. the department of information technology, by
25 electronic media, a database updated quarterly that contains

.221175.6

1 the names, addresses, county of address and taxpayer
2 identification numbers of New Mexico personal income tax
3 filers, but only for the purpose of producing the random jury
4 list for the selection of petit or grand jurors for the state
5 courts pursuant to Section 38-5-3 NMSA 1978;

6 F. the state courts, the random jury lists produced
7 by the department of information technology under Subsection E
8 of this section;

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

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

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

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

24 K. the director of the workers' compensation
25 administration or to the director's representatives authorized

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

1 for this purpose, return information to facilitate the
2 identification of taxpayers that are delinquent or noncompliant
3 in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA
4 1978;

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

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

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

25 (1) that return information needed for reports

.221175.6

1 required to be made to the federal government concerning the
2 use of federal funds for low-income working families;

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

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

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

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

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

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

25 S. the secretary of transportation or the

.221175.6

underscoring material = new
[bracketed material] = delete

1 secretary's designee, return information concerning the Weight
2 Distance Tax Act;

3 T. the secretary of energy, minerals and natural
4 resources or the secretary's designee, return information
5 concerning tax credits or deductions for which eligibility is
6 certified or otherwise determined by the secretary or the
7 secretary's designee; ~~and~~

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

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

16 SECTION 103. Section 8-4-4 NMSA 1978 (being Laws 1969,
17 Chapter 272, Section 1, as amended) is amended to read:

18 "8-4-4. FEES OF SECRETARY OF STATE.--

19 A. The secretary of state shall collect the
20 following fees to be deposited with the state treasurer for
21 credit to the general fund:

- 22 ~~[A.]~~ (1) photocopies of records, per page ----
- 23 ----- twenty-five cents (\$.25);
- 24 ~~[B.]~~ (2) each certification -----
- 25 -----three dollars (\$3.00);

underscored material = new
[bracketed material] = delete

1 ~~[G. filing each official oath -----~~
2 ~~----- three dollars (\$3.00);]~~
3 [~~D.~~] (3) search of records where another fee
4 is not prescribed, per hour of search -----
5 ----- ten dollars (\$10.00);
6 [~~E.~~] (4) duplicate commission of office or
7 certificate----- three dollars (\$3.00);
8 [~~F.~~] (5) service of process where another fee
9 is not prescribed -----
10 ----- twenty-five dollars (\$25.00);
11 [~~G.~~] (6) computer printout of Uniform
12 Commercial Code records, per page -----
13 ----- one dollar (\$1.00); and
14 [~~H.~~] (7) computer generated records other than
15 voter registration records, per record -----
16 ----- ten cents (\$.10).

17 B. The secretary of state shall not collect a fee
18 for the following documents when filed in the office of the
19 secretary of state:
20 (1) oath of office; and
21 (2) notice of appointment to a vacancy in
22 office."

23 SECTION 104. Section 14-8-12.2 NMSA 1978 (being Laws
24 1985, Chapter 122, Section 2, as amended) is amended to read:

25 "14-8-12.2. COUNTY CLERK RECORDING AND FILING FUND--

.221175.6

underscoring material = new
[bracketed material] = delete

1 USES.--

2 A. A "county clerk recording and filing fund" is
3 established in each county.

4 B. Expenditures from the county clerk recording and
5 filing fund shall be determined [~~annually~~] by the county clerk
6 [~~and approved by the board of county commissioners~~].

7 C. Expenditures from the county clerk recording and
8 filing fund may be expended only:

9 (1) to rent, purchase, lease or lease-purchase
10 recording, redaction and archiving equipment and services and
11 for supplies, training and maintenance for such equipment;
12 provided that equipment acquired pursuant to this paragraph may
13 be used for other regular duties in the county clerk's office
14 as long as the primary purpose of the equipment is recordation,
15 redaction and archiving;

16 (2) to rent, purchase, lease or lease-purchase
17 vehicles associated with all regular duties in the county
18 clerk's office and for supplies, training and maintenance for
19 such vehicles; provided that the county clerk shall report
20 annually to the board of county commissioners the usage,
21 mileage and necessity of any vehicle acquired pursuant to this
22 paragraph;

23 (3) for technical assistance or for training
24 associated with all regular duties of the county clerk's
25 office; or

.221175.6

underscoring material = new
[bracketed material] = delete

1 (4) for staff travel associated with all
2 regular duties of the county clerk's office pursuant to the Per
3 Diem and Mileage Act.

4 D. The county clerk recording and filing fund is
5 subject to being audited in the same manner as other funds in
6 the county. The county clerk shall prepare a report detailing
7 the source of funds deposited into the county clerk recording
8 and filing fund, the use of funds and remaining balances within
9 the county clerk recording and filing fund during the annual
10 county budgeting process."

11 SECTION 105. Section 40-13B-1 NMSA 1978 (being Laws 2018,
12 Chapter 40, Section 1) is amended to read:

13 "40-13B-1. SHORT TITLE.--~~[This act]~~ Chapter 40, Article
14 13B NMSA 1978 may be cited as the "Confidential Substitute
15 Address Act"."

16 SECTION 106. Section 40-13B-3 NMSA 1978 (being Laws 2018,
17 Chapter 40, Section 3) is amended to read:

18 "40-13B-3. CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM--
19 APPLICATION.--

20 A. The "confidential substitute address program" is
21 created in the office of the secretary of state to provide a
22 process by which a victim of domestic violence may protect the
23 confidentiality of the victim's residential and delivery
24 addresses in public records.

25 B. An applicant, with the assistance of an

1 application assistant, shall submit an application to the
2 secretary of state on a form prescribed by the secretary of
3 state. The application assistant's signature shall serve as
4 recommendation that the applicant participate in the
5 confidential substitute address program.

6 C. An application shall be signed and dated by the
7 applicant and the application assistant and shall include:

8 (1) the applicant's name;

9 (2) the applicant's statement that the
10 applicant fears for the safety of the applicant, the
11 applicant's child or another person in the applicant's
12 household because of a threat of immediate or future harm;

13 (3) the applicant's statement that the
14 disclosure of the applicant's residential or delivery address
15 would endanger the applicant, the applicant's child or another
16 person in the applicant's household;

17 (4) the applicant's statement that the
18 applicant has confidentially relocated in the past ninety days
19 or will relocate within the state in the next ninety days;

20 (5) a designation of the secretary of state as
21 the applicant's agent for the purpose of receiving mail,
22 deliveries and service of process, notice or demand;

23 (6) the names and ages of those persons in the
24 applicant's household who will also be participants in the
25 program if the applicant is admitted into the program. Each

underscoring material = new
[bracketed material] = delete

1 person in an applicant's household listed in the application
2 shall be considered a separate participant in the program;

3 [~~(6)~~] (7) the applicant's residential and
4 delivery addresses, if different, the confidentiality of which
5 the applicant seeks to protect;

6 [~~(7)~~] (8) the applicant's telephone number and
7 email address; and

8 [~~(8)~~] (9) the applicant's statement under
9 penalty of perjury that the information contained in the
10 application is true."

11 SECTION 107. Section 40-13B-6 NMSA 1978 (being Laws 2018,
12 Chapter 40, Section 6) is amended to read:

13 "40-13B-6. CHANGE OF PARTICIPANT NAME, ADDRESS OR
14 TELEPHONE NUMBER--REQUIREMENTS.--

15 A. A participant shall notify the secretary of
16 state within ten days of legally changing the participant's
17 name and shall provide the secretary of state with a certified
18 copy of documentation of the legal name change.

19 B. A participant shall notify the secretary of
20 state within ten days of a change to the participant's
21 residential address, delivery address, telephone number or
22 email address.

23 C. A participant shall notify the secretary of
24 state within ten days if a new person in the participant's
25 household needs to become a participant in the program."

.221175.6

underscoring material = new
[bracketed material] = delete

1 SECTION 108. Section 40-13B-7 NMSA 1978 (being Laws 2018,
2 Chapter 40, Section 7) is amended to read:

3 "40-13B-7. PARTICIPANT DECERTIFICATION.--

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

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

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

13 (3) mail that is forwarded by the secretary of
14 state to the participant's delivery address is returned as
15 undeliverable; or

16 (4) the participant does not comply with the
17 provisions of the Intimate Partner Violence Survivor Suffrage
18 Act.

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

.221175.6

underscoring material = new
[bracketed material] = delete

1 the decertification.

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

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

11 SECTION 109. Section 40-13B-8 NMSA 1978 (being Laws 2018,
12 Chapter 40, Section 8, as amended) is amended to read:

13 "40-13B-8. PARTICIPANT RECORDS--CONFIDENTIALITY--
14 DISCLOSURE PROHIBITED.--

15 A. The secretary of state and an agency shall not
16 disclose the residential address, delivery address, telephone
17 number or email address of a participant unless the information
18 is required to be disclosed pursuant to a court order. A
19 person or agency that receives a participant's residential
20 address, delivery address, telephone number or email address
21 pursuant to a court order shall not in turn disclose that
22 information unless pursuant to a court order or unless the
23 person who was a participant has been decertified.

24 B. The secretary of state shall maintain the
25 confidentiality of all records relating to an applicant for or

1 participant in the confidential substitute address program
2 while the person is a participant and shall:

3 (1) store all tangible copies of program
4 records in locked equipment;

5 (2) store all electronic copies of program
6 records in a password-protected system;

7 (3) restrict access to all program records to
8 secretary of state staff members who are approved to access the
9 records as provided in this section; and

10 (4) release program records only on a court's
11 order.

12 C. The secretary of state shall establish a system
13 for restricting access to program records to approved staff
14 members. Before being approved and granted access to program
15 records, the staff member shall:

16 (1) submit to a criminal background check
17 performed by the department of public safety;

18 (2) not have a record of a sex offense, felony
19 or a misdemeanor violation related to domestic violence or
20 sexual assault on the results of the person's criminal
21 background check; and

22 (3) complete forty hours of training,
23 including a domestic violence training course provided by the
24 children, youth and families department and sexual assault
25 training provided by the department of health or the crime

.221175.6

underscored material = new
[bracketed material] = delete

1 victims reparation commission or its successor.

2 D. The secretary of state shall appoint a person to
3 be the administrator of the election component of the
4 confidential substitute address program in accordance with the
5 Intimate Partner Violence Survivor Suffrage Act. The
6 administrator shall meet the requirements of Subsection C of
7 this section, and administration of the Intimate Partner
8 Violence Survivor Suffrage Act shall conform to the
9 requirements of Subsections A and B of this section and
10 Subsection E of Section 40-13B-5 NMSA 1978."

11 SECTION 110. Section 73-1-13 NMSA 1978 (being Laws 1931,
12 Chapter 97, Section 13) is amended to read:

13 "73-1-13. COMMISSIONERS--DIRECTORS' DISTRICTS--
14 COMPENSATION--EMPLOYEES--EXPENSES.--

15 A. Within ten [~~10~~] days after entering the decree
16 declaring the district organized, the court shall appoint three
17 [~~3~~] owners of lands within the district, representative of
18 all parts of the district, to determine and define the
19 boundaries of [~~such~~] the district and to make up a list of the
20 property to be embraced and included in the district. The
21 persons so appointed [~~to be hereinafter~~] shall be referred to
22 as the "commissioners". [~~Said~~]

23 B. The commissioners shall include all property in
24 the district [~~which~~] that has within four years received some
25 benefit, either directly or indirectly, from the artesian

.221175.6

underscored material = new
[bracketed material] = delete

1 waters underlying the district or [~~which~~] that may be benefited
2 in some degree by the improvements to be made by the district.
3 Property benefited by the artesian waters and the improvements
4 to be made by the district shall include property upon which
5 waters from [~~such~~] the basin [~~or basins~~] is or may be used for
6 irrigation, domestic, public or commercial purposes and shall
7 include any such property, whether [~~the same be~~] it is owned by
8 an individual, corporation, village, town, city or other
9 municipality or public corporation.

10 C. The commissioners, in making up a description of
11 the property and list of owners [~~thereof~~] to be embraced in or
12 affected by the district, shall have access to the assessment
13 or tax rolls of the county or counties [~~wherein~~] where the
14 lands are situated and may hear and determine all protests
15 concerning any particular tract or parcel of land to be
16 included in the district, at such time, [~~and~~] in such manner
17 and upon such notice as they may prescribe, subject to the
18 right of appeal to the district court, which appeal shall be
19 heard and determined by [~~said~~] the court at the time provided
20 for the entering of the final decree respecting the boundaries
21 of the district and property to be embraced [~~therein as herein~~
22 ~~provided and~~] in the district. After completing [~~such~~] the
23 list and defining the boundaries of the district and the lands
24 to be embraced [~~therein, said~~] in the district, the
25 commissioners shall, with the approval of the court, divide

.221175.6

underscoring material = new
[bracketed material] = delete

1 ~~[said]~~ the district into five [~~(5)~~] sections or divisions,
2 having due regard for the value and amount of acreage to be
3 included in each, so that there will be an equitable
4 relationship in value and acreage between the several sections
5 or subdivisions of the district. ~~[Said]~~ The subdivisions shall
6 be numbered one to five and shall be known as "directors'
7 districts". ~~[The commissioners shall draft an election code to~~
8 ~~govern the method and prescribe the procedure for the election~~
9 ~~of directors from each of the directors' districts. Said code~~
10 ~~shall provide for the election of a director from each of said~~
11 ~~districts by popular vote of the property owners in the same,~~
12 ~~respectively, owning property affected by the district, and~~
13 ~~whether residing therein, or not.]~~

14 D. Each director so elected, at the time of [his]
15 election, [~~must~~] shall be a freeholder in the district from
16 which [he] the director is elected. ~~[After being approved by~~
17 ~~the court, as hereinafter provided the said election code may~~
18 ~~be changed only by unanimous consent of the directors elected~~
19 ~~pursuant thereto. Said]~~

20 E. The list of property [~~and the election code~~] shall
21 be approved by the court by entering a decree as [herein]
22 provided, but ~~[said]~~ the list shall be subject to the
23 correction of errors in description of the property affected at
24 any time upon order of the court. ~~[A copy of the election~~
25 ~~code, as approved, shall be filed in the original court~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~proceeding and the same ordered printed for use of those~~
2 ~~desiring copies, the cost of which shall be taxed as costs in~~
3 ~~the proceeding.]~~ The commissioners so appointed are [hereby]
4 vested with full power and authority to employ, with the
5 approval of the court, legal counsel and clerical and
6 stenographic help necessary for carrying out their duties [~~as~~
7 ~~herein prescribed~~], the compensation of such employees to be
8 fixed by the court. The commissioners shall [~~each receive five~~
9 ~~(\$5.00) dollars for each day's service in performing their~~
10 ~~duties, but not to exceed one hundred and fifty (\$150.00)~~
11 ~~dollars each]~~ be reimbursed for per diem and mileage pursuant
12 to the Per Diem and Mileage Act. The expenses incurred by
13 [~~said~~] the commissioners and the salaries of their employees
14 and their compensation shall also be taxed as costs in the
15 original proceeding [~~and said~~]. The commissioners are [hereby]
16 authorized to borrow, with the approval of the court, an amount
17 sufficient to pay all costs of the proceeding so taxed, at a
18 rate of interest not to exceed eight [~~(8%)~~] percent, which
19 [~~said~~] loan shall be a debt, charge and valid obligation of the
20 district, to be paid out of the proceeds from the first tax
21 levy [~~hereinafter provided for~~]."

22 SECTION 111. Section 73-1-16 NMSA 1978 (being Laws 1931,
23 Chapter 97, Section 14) is amended to read:

24 "73-1-16. ELECTIONS--DIRECTORS--TERMS--VACANCIES.--[The
25 ~~directors elected pursuant to such election code]~~

.221175.6

underscored material = new
[bracketed material] = delete

1 A. All elections shall be conducted pursuant to the
2 provisions of the Local Election Act.

3 B. Directors shall be elected for a term of six years
4 each. Each director shall hold office for the term for which
5 [he] the director was elected and until [his] a successor is
6 duly appointed or elected and has qualified, except as
7 hereinafter provided, being removable [~~therefrom~~] only for
8 cause after a hearing upon a motion filed by any interested
9 person in the original proceeding in which the district was
10 organized. [~~Unless otherwise provided by the Election Code~~]
11 Vacancies shall be filled by appointment of the district court
12 having jurisdiction. Upon the election of the first board of
13 directors, the directors shall draw numbers by lot: numbers
14 one [~~(1)~~] and two [~~(2)~~] shall serve two [~~(2)~~] years; numbers
15 three [~~(3)~~] and four [~~(4)~~] shall serve four [~~(4)~~] years; and
16 number five [~~(5)~~] shall serve six [~~(6)~~] years."

17 SECTION 112. Section 73-1-17 NMSA 1978 (being Laws 1931,
18 Chapter 97, Section 15) is amended to read:

19 "73-1-17. DIRECTORS--OATH--OFFICERS--SEAL--RECORDS--
20 BYLAWS.--[~~As soon as practical after the~~]

21 A. At the first meeting in January following an
22 election, the directors shall meet for the purpose of
23 organizing the board of directors. Each director, before
24 entering upon [his] official duties, shall take and subscribe
25 to an oath before an officer authorized to administer oaths

underscored material = new
[bracketed material] = delete

1 that ~~[he]~~ the director will honestly, faithfully and
2 impartially perform the duties of ~~[his]~~ office and that ~~[he]~~
3 the director will not be interested, directly or indirectly, in
4 any contract let by ~~[said]~~ the district, which ~~[said]~~ oath
5 shall be filed in the original court proceeding for the
6 formation of the district.

7 B. Upon taking the oath, the board shall choose one
8 of ~~[their]~~ its members ~~[chairman]~~ as chair of the board and
9 president of the district and shall elect some suitable person
10 secretary and treasurer of the board, who may or may not be a
11 member of the board, and shall require of the ~~[said]~~ secretary
12 and treasurer a bond conditioned for the faithful performance
13 of ~~[his]~~ the secretary's and treasurer's duties, in such amount
14 as ~~[to]~~ the directors may ~~[be deemed]~~ deem to be adequate for
15 the protection of the district. ~~[Such]~~

16 C. The board shall adopt a seal and shall keep, in a
17 well-bound book, a record of all its proceedings, minutes of
18 all meetings, certificates, contracts, bonds given by employees
19 and all corporate acts ~~[which shall be open to the inspection~~
20 ~~of all owners of property in the district as well as to all~~
21 ~~other interested parties]~~. It shall adopt a set of bylaws not
22 inconsistent with the provisions of ~~[this Act]~~ Chapter 73,
23 Article 1 NMSA 1978 for the conduct of the business and affairs
24 of the district ~~[and, when adopted, the same shall not be~~
25 ~~altered, amended or repealed except upon three (3) days' notice~~

.221175.6

underscored material = new
[bracketed material] = delete

1 to each member of the board, service to be had by personal
2 delivery or by mailing a copy of such notice in a sealed
3 envelope, postage fully prepaid, to the address of the director
4 to be served or at a regular or called meeting at which all
5 directors are present]."

6 SECTION 113. Section 73-14-3 NMSA 1978 (being Laws 1927,
7 Chapter 45, Section 103, as amended) is amended to read:

8 "73-14-3. [~~DEFINITION OF TERMS~~] DEFINITIONS.--

9 [~~(1) This Act~~] A. Chapter 73, Articles 14, 15, 16 and
10 17 NMSA 1978 may be [~~known and~~] cited as the "Conservancy Act
11 [~~of New Mexico~~]". The districts created [~~hereunder~~] pursuant
12 to that act may be termed "conservancy districts". [~~and~~] The
13 bonds [~~which may be~~] issued [~~hereunder~~] pursuant to that act
14 may be called "conservancy bonds" and [~~such~~] that designation
15 may be [~~engraved or~~] printed on their face. The tax books and
16 records provided [~~hereunder~~] pursuant to that act shall be
17 termed "conservancy books" or "conservancy records" and [~~such~~]
18 the title shall be printed, stamped or written [~~thereon (2)~~
19 ~~Whenever the term~~] on them.

20 B. As used in the Conservancy Act: [~~"person" is~~
21 ~~used, and not otherwise specified, it shall be taken to mean a~~
22 ~~person, firm, copartnership association or corporation, other~~
23 ~~than a county, town, city or other political subdivision.~~
24 Similarly, the words]

25 (1) "public corporation" [~~shall be taken to~~

.221175.6

underscoring material = new
[bracketed material] = delete

1 ~~mean~~] means counties; towns; villages; cities; community land
2 grants; community ditches or acequias; water users'
3 associations; school, drainage, irrigation, water, park
4 improvement or conservancy districts; and all governmental
5 agencies [~~clothed with the power of levying or providing~~]
6 empowered to levy or provide for the levy of general or special
7 taxes or special assessments;

8 [~~(3) Whenever the term~~] (2) "land" or "real
9 property" [~~is used, and not otherwise specified, it shall be~~
10 ~~taken to mean~~] means real estate as [~~the words~~] real estate
11 [~~are~~] is defined by the laws of the state [~~of New Mexico~~] and
12 [~~shall embrace~~] includes all railroads, electric railroads,
13 street and interurban railroads, highways, roads, streets and
14 street improvements; electric, telephone, telegraph and
15 transmission lines; gas, electric, sewer and water systems;
16 water rights; irrigation, drainage and community ditches or
17 acequias; pipelines and [~~rights-of-way~~] rights of way of public
18 or private corporations; and all other real property, whether
19 held for public or private use;

20 [~~(4) Whenever the term~~] (3) "land" or
21 "property", [~~is~~] when used with reference to benefits,
22 appraisals, assessments or taxes, includes public corporations,
23 which shall, as political entities, be considered as included
24 in [~~such~~] the reference in the same manner as land or property;

25 [~~(5) Whenever the term~~] (4) "tax" or "taxes",

underscored material = new
[bracketed material] = delete

1 [is] when used [~~and not otherwise specified~~] with reference to
2 levies for benefits, damages, construction, improvements or
3 maintenance, [~~it shall be taken to mean~~] means special taxes or
4 special assessments;

5 [~~(6) Whenever the term~~] (5) "publication" [~~is~~
6 ~~used and no manner specified therefor, it shall be taken to~~
7 ~~mean~~] means publication, in both English and Spanish, once a
8 week for three [~~(3)~~] consecutive weeks in at least one
9 newspaper of general circulation in each county [~~wherein such~~
10 in which publication is to be made. It shall not be necessary
11 that publication [~~shall~~] be made on the same days of the week
12 in each of the three [~~(3)~~] weeks, but not less than fourteen
13 [~~(14)~~] days, excluding the day of the first publication, shall
14 intervene between the first publication and the last
15 publication, and publication shall be complete on the date of
16 the last publication;

17 [~~(7) In case of a conservancy district or~~
18 ~~proposed conservancy district lying in one judicial district,~~
19 ~~whenever the term~~] (6) "court" or "conservancy court" [~~is~~
20 ~~used, and not otherwise specified, it shall be taken to mean~~]
21 means the district court of that judicial district of the state
22 [~~of New Mexico wherein~~] in which the petition for the
23 organization of a conservancy district [~~shall be~~] is filed, or
24 a judge thereof in vacation; [~~In case of a conservancy~~
25 ~~district, or proposed conservancy district lying in more than~~

.221175.6

underscoring material = new
[bracketed material] = delete

1 ~~one judicial district then for the purposes of this Act, the~~
2 ~~words "court" or "conservancy court" shall have the same~~
3 ~~significance~~

4 ~~(8) Whenever the term] (7) "clerk" [is used,~~
5 ~~and not otherwise specified, it shall be taken to mean] means~~
6 ~~the clerk of the county [of the State of New Mexico wherein] in~~
7 ~~which the petition for the organization of a conservancy~~
8 ~~district [shall be] is filed;~~

9 ~~[(9) Whenever the term] (8) "district" [is~~
10 ~~used, and not otherwise specified, it shall be taken to mean]~~
11 ~~means a conservancy district organized [or ratified and~~
12 ~~continued] under the provisions of [this] the Conservancy Act~~
13 ~~and [to include] includes only the lands described in the order~~
14 ~~of the court establishing [said] the district and [such]~~
15 ~~additional lands [therein] within it, if any, on record in the~~
16 ~~office of the clerk and property and rights acquired by the~~
17 ~~district;~~

18 ~~[(10) Whenever the term] (9) "board" or~~
19 ~~"directors" [is used, and not otherwise specified, it shall be~~
20 ~~taken to mean] means the board of directors appointed by the~~
21 ~~court for a conservancy district organized under the provisions~~
22 ~~of [this] the Conservancy Act;~~

23 ~~[(11) Whenever the term] (10) "president" [is~~
24 ~~used, and not otherwise specified, it shall be taken to mean]~~
25 ~~means the [chairman] chair of the board of directors and the~~

underscored material = new
[bracketed material] = delete

1 president of a conservancy district organized under the
2 provisions of [~~this~~] the Conservancy Act;

3 [~~(12) Whenever the term~~] (11) "secretary" [~~is~~
4 ~~used, and not otherwise specified, it shall be taken to mean~~]
5 means the secretary of the board of directors of a conservancy
6 district organized under the provisions of [~~this~~] the
7 Conservancy Act;

8 [~~(13) Whenever the term~~] (12) "treasurer" [~~is~~
9 ~~used, and not otherwise specified, it shall be taken to mean~~]
10 means the treasurer of a conservancy district organized under
11 the provisions of [~~this~~] the Conservancy Act;

12 [~~(14) Whenever the term~~] (13) "appraisers" [~~is~~
13 ~~used, and not otherwise specified, it shall be taken to mean~~]
14 means the board of appraisers appointed by the court for a
15 conservancy district organized under the provisions of [~~this~~]
16 the Conservancy Act;

17 [~~(15) Whenever the term~~] (14) "public health"
18 [~~is used in this Act, it shall be construed to include~~]
19 includes any act or thing tending to improve the general
20 sanitary condition of the community, whether by way of
21 drainage, relieving low or wet land of stagnant and unhealthy
22 conditions or by preventing the flooding of any lands producing
23 or tending to produce unhealthful conditions;

24 [~~(16) Whenever the terms~~] (15) "public welfare"
25 or "public benefit" [~~are used, they shall be construed to~~

underscored material = new
[bracketed material] = delete

1 ~~extend to and include~~] means any act or thing tending to
2 improve or benefit the general public or benefit the
3 inhabitants of the district; and

4 (16) "benefited area" means an area described by
5 a property appraisal that receives a benefit from the creation
6 of a district for any of the purposes for which a district may
7 be established."

8 SECTION 114. Section 73-14-4 NMSA 1978 (being Laws 1927,
9 Chapter 45, Section 201) is amended to read:

10 "73-14-4. JURISDICTION OF THE CONSERVANCY COURT.--

11 ~~{t}~~] A. The conservancy court is ~~hereby~~] vested
12 with jurisdiction, power and authority, when the conditions
13 stated in Section ~~[202]~~ 73-14-5 NMSA 1978 are found to exist,
14 to establish conservancy districts for ~~[all or any of]~~ the
15 following purposes:

16 ~~{a} preventing floods~~] (1) providing flood
17 protection from a mainstream river channel;

18 ~~{b}~~] (2) regulating ~~[stream]~~ river channels by
19 changing, widening or deepening ~~[the same]~~ them;

20 ~~{e}~~] (3) regulating the flow of streams;

21 ~~{d}~~] (4) diverting, controlling or in whole or
22 in part eliminating water courses;

23 ~~{e}~~] (5) reclaiming, draining or filling wet
24 and overflowed lands;

25 ~~{f} of~~] (6) providing for irrigation where it

.221175.6

underscored material = new
[bracketed material] = delete

1 may be needed and otherwise benefiting and developing
2 agricultural lands or lands susceptible of irrigation or
3 agricultural development;

4 [~~(g)~~] (7) protecting public and private property
5 from inundation; or

6 (8) pursuant to agreements with local
7 governments, providing for multi-use recreational opportunities
8 within district lands and facilities or other public access
9 areas located within the benefited area; provided that the
10 recreational opportunities do not interfere with any other
11 purpose enumerated in this subsection.

12 B. Incident to the foregoing purposes and to enable
13 their accomplishment, [~~any~~] a district so established [~~shall~~
14 ~~have~~] has the power to straighten, widen, deepen, divert or
15 change the course or terminus of any natural or artificial
16 water course, drainage, irrigation or community ditches or
17 acequias; to build reservoirs, canals, drainage, irrigation or
18 community ditches or acequias, levees, walls, embankments,
19 bridges or dams; to drain, reclaim or fill low lands and lands
20 subject to overflow; to make improvements, to remove and to
21 regulate and prescribe the location of improvements upon land;
22 to maintain, operate and repair any of the construction [~~herein~~
23 ~~named~~] provided for in the Conservancy Act; to sink wells; to
24 purchase, develop and reclaim waters for the purpose of using,
25 distributing, selling or leasing [~~the same~~] them; to construct,

.221175.6

underscored material = new
[bracketed material] = delete

1 operate, lease and control plants for the generation,
2 distribution, sale, lease and use of electric energy; to
3 construct, maintain and operate irrigation and drainage works
4 or systems, necessary to maintain the irrigability of lands
5 within the district or to purchase, extend, improve, operate
6 and maintain constructed works; to cooperate and contract with
7 the federal or any state government or agent or department
8 [~~thereof~~]; to promote the agricultural resources and marketing
9 facilities of the district; to levy assessments, issue bonds
10 and make appropriations of money; and to do all things
11 necessary to effectuate and fulfill the purposes of [~~this~~] the
12 Conservancy Act [~~and~~]. Such powers shall also be appraised as
13 [~~herein~~] provided in that act.

14 [~~(2)~~] C. The conservancy court shall [~~thereafter~~],
15 for all purposes of [~~this~~] the Conservancy Act, except as
16 [~~heretofore or hereinafter~~] otherwise provided, maintain and
17 have original and exclusive jurisdiction coextensive with the
18 boundaries of [~~said~~] the district and of lands and other
19 property proposed to be included in [~~said~~] the district or
20 affected by [~~said~~] the district, without regard to the usual
21 limits of its jurisdiction.

22 [~~(3) No~~] D. A judge of [~~such~~] a court [~~wherein such~~]
23 in which a petition is filed or other judge exercising
24 administrative or judicial functions under the provisions of
25 [~~this~~] the Conservancy Act shall not be disqualified to perform

underscoring material = new
[bracketed material] = delete

1 any duty imposed by [~~this~~] that act by reason of ownership of
2 property within any district or proposed district or by reason
3 of ownership of any property that may be benefited, taxed or
4 assessed [~~therein~~]."

5 SECTION 115. Section 73-14-10 NMSA 1978 (being Laws 1965,
6 Chapter 76, Section 2) is amended to read:

7 "73-14-10. NOTICE OF [~~ELECTION~~] ORDER--PUBLICATION.--Upon
8 entry of the order of the court, the board of county
9 commissioners of any county within which the proposed district
10 lies shall cause to be published a notice of the [~~election~~]
11 order in a newspaper of general circulation in the proposed
12 conservancy district at least once a week for three consecutive
13 weeks."

14 SECTION 116. Section 73-14-12 NMSA 1978 (being Laws 1965,
15 Chapter 76, Section 4) is amended to read:

16 "73-14-12. CONDUCT OF ELECTION.--

17 A. The election on the issue of whether the proposed
18 conservancy district will be created shall be conducted and
19 canvassed [~~in the same manner in the territory of the proposed~~
20 ~~district as elections for municipal school board members are~~
21 ~~carried out~~] pursuant to the Local Election Act. Only persons
22 who are qualified electors [~~and landowners~~] of the district
23 shall be eligible to vote in the election.

24 B. The cost of conducting the election within each
25 county in which the district is proposed shall be borne by that

.221175.6

underscored material = new
[bracketed material] = delete

1 county.

2 ~~[G. Election officials shall count the votes cast,~~
3 ~~and as soon as all the ballots have been counted, they shall~~
4 ~~certify the total number of votes cast and the number cast for~~
5 ~~the creation of the district and the number cast against the~~
6 ~~creation of the district within the territory of the proposed~~
7 ~~district.~~

8 ~~D.]~~ C. The results of the election after being
9 canvassed shall be certified to the court by the county
10 canvassing board [of county commissioners] if the proposed
11 district is entirely within one county or by the state
12 canvassing board if the proposed district is within two or more
13 counties."

14 SECTION 117. Section 73-14-17 NMSA 1978 (being Laws 1927,
15 Chapter 45, Section 301, as amended) is amended to read:

16 "73-14-17. APPOINTMENT OF DIRECTORS.--

17 ~~[1)]~~ A. Within thirty ~~[30)]~~ days after entering the
18 decree incorporating ~~[said]~~ the district or, in cases of
19 conservancy districts ~~[heretofore]~~ previously created under the
20 laws of the state ~~[of New Mexico]~~, within thirty ~~[30)]~~ days
21 after the passage and approval of ~~[this]~~ the Conservancy Act
22 ~~[(Secs. 77-2701--77-2928, 77-3001--77-3024)]~~, the conservancy
23 court shall appoint, as a board of directors of the district,
24 five ~~[5)]~~ persons. Directors ~~[must]~~ shall be residents of and
25 owners of property in the district; provided, however, in

.221175.6

underscored material = new
[bracketed material] = delete

1 districts embracing lands situate in four or more counties, the
2 number of directors appointed shall be seven [~~(7)~~], and at
3 least one [~~(1)~~] director shall be a resident of and appointed
4 from each county [~~therein and~~]. No more than two [~~(2)~~]
5 directors so appointed shall be residents of the same county
6 [~~and~~]. Provided further that in districts embracing lands
7 situate in four [~~(4)~~] or more counties, at least one [~~(1)~~]
8 director shall be appointed from each county having land within
9 [~~such~~] the district, and each director so appointed shall be a
10 person who is a resident of and owner of land within the
11 district and who derives not less than [75%] seventy-five
12 percent of [~~his~~] income from irrigation farming. [~~Said~~] The
13 directors shall be appointed for terms of six [~~(6)~~] years. The
14 court shall fill all vacancies [~~which~~] that may occur on [~~said~~]
15 the board. Each director shall hold office during the term for
16 which [~~he~~] the director is appointed and until [~~his~~] a
17 successor is duly appointed and has qualified, being removable
18 [~~therefrom~~] from the board only for cause after a hearing upon
19 a motion filed by any interested person in the original
20 proceeding in which the district was organized [~~and~~]. Each
21 director shall furnish a corporate surety bond at the expense
22 of the district in amount and form fixed and approved by the
23 court, conditioned upon the faithful performance of [~~his~~]
24 duties as [~~such~~] director, which bond shall be filed in the
25 office of the clerk.

.221175.6

underscored material = new
[bracketed material] = delete

1 [~~(2)~~] B. All of the provisions of [~~this~~] the
2 Conservancy Act [~~(Sees. 77-2701--77-2928, 77-3001--77-3024)~~]
3 and of proceedings [~~thereunder~~] under that act and relating to
4 the qualification, powers and duties of "director" and
5 "[~~boards~~] board of directors" shall apply to the
6 "commissioners" and "board of commissioners" provided for in
7 this section [~~and~~]. Whenever the term "director" or "board of
8 directors" is used in [~~this~~] the Conservancy Act [~~(Sees.~~
9 ~~77-2701--77-2928,77-3001--77-3024)~~] with reference to [~~their~~]
10 its organization, powers and duties, it [~~shall be taken and~~
11 ~~construed to mean and include~~] means and includes the
12 "commissioners" and "board of commissioners" created by this
13 section. Vacancies on the board by expiration of term or
14 otherwise shall be filled in the same manner as original
15 appointment. The office of director and the board of directors
16 created under Laws 1923, Chapter 140 [~~of the Laws of 1923~~], so
17 far as [~~it relates~~] they relate to any conservancy district
18 organized [~~thereunder~~] for the protection and conservation of
19 lands in the Rio Grande valley, extending into two [~~(2)~~] or
20 more judicial districts is [~~hereby~~] terminated [~~and~~
21 ~~abolished~~]."

22 SECTION 118. Section 73-14-19 NMSA 1978 (being Laws 1975,
23 Chapter 262, Section 2, as amended) is amended to read:

24 "73-14-19. BOARDS OF DIRECTORS--MEMBERSHIP--
25 QUALIFICATIONS.--The boards of directors created [~~by~~] pursuant
.221175.6

underscored material = new
[bracketed material] = delete

1 to Sections 73-14-18 through ~~[73-14-32]~~ 73-14-31 NMSA 1978
2 shall consist of ~~[three directors from and representing that~~
3 ~~portion of the most populous county within the conservancy~~
4 ~~district, one director each from and representing those~~
5 ~~portions of each of the remaining counties within the~~
6 ~~conservancy district and one director from and representing the~~
7 ~~district at large]~~ seven or nine directors, as determined by
8 the directors in the year following receipt of the results of
9 the federal decennial census; provided that each director:

10 A. is a qualified elector of the conservancy
11 district; and

12 B. resides within the ~~[conservancy district and the~~
13 ~~county from which he is elected or, if representing the~~
14 ~~district at large, resides within one of the four counties of~~
15 ~~the conservancy district]~~ districted area of the conservancy
16 district from which the director is elected."

17 SECTION 119. Section 73-14-21 NMSA 1978 (being Laws 1975,
18 Chapter 262, Section 4) is amended to read:

19 "73-14-21. BOARD OF DIRECTORS--ELECTION--TERMS.--

20 A. Each member of the board of directors shall be
21 elected for a term of four years and, unless removed from
22 office, shall serve until ~~[his]~~ a successor is duly elected and
23 has qualified ~~[provided that in the first election immediately~~
24 ~~following the effective date of the provisions of this act,~~
25 ~~candidates for positions 1, 2 and 5 shall be elected for two-~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~year terms each, and candidates for positions 3, 4, 6 and 7~~
2 ~~shall be elected for four year terms each].~~ In the year
3 following a presidential election, the odd-numbered districts
4 shall be elected, and in the year following a gubernatorial
5 election, the even-numbered districts shall be elected.

6 B. Vacancies on the board of directors shall be
7 filled by the remaining members of the board of directors for
8 the unexpired term of the director whose office becomes vacant.
9 The person appointed to fill the vacancy shall have the same
10 qualifications as the member whose unexpired term [~~he~~] the
11 person is completing."

12 SECTION 120. Section 73-14-25 NMSA 1978 (being Laws 1975,
13 Chapter 262, Section 8, as amended) is amended to read:

14 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF
15 ELECTORS.--

16 A. [~~Any~~] A person who desires to become a candidate
17 for election as a member of the conservancy district board of
18 directors shall file [~~his~~] a written declaration of candidacy
19 with the [~~election director or with the election officer at~~
20 ~~least sixty days before the election. The election officer or~~
21 ~~the election director shall certify the candidates to the board~~
22 ~~of directors]~~ proper filing officer pursuant to the Local
23 Election Act.

24 B. The declaration of candidacy shall [~~contain:~~

25 (~~1) a statement that the candidate is a~~

underscored material = new
[bracketed material] = delete

1 ~~qualified elector of the district and meets the qualifications~~
2 ~~of a director as required by law;~~

3 ~~(2) the candidate's name, address, county of~~
4 ~~residence and date of declaration of candidacy;~~

5 ~~(3) the numerical designation of the position on~~
6 ~~the board of directors for which he desires to be a candidate;~~

7 ~~(4) if a candidate for a position representing a~~
8 ~~county in the conservancy district] be accompanied by a~~
9 ~~petition signed by at least seventy-five qualified electors of~~
10 ~~the [district who reside in that county;~~

11 ~~(5) if a candidate for the position at large in~~
12 ~~the conservancy district, a petition signed by at least one~~
13 ~~hundred twenty-five qualified electors; and~~

14 ~~(6) a statement that the candidate resides~~
15 ~~within the conservancy district and in the county for which he~~
16 ~~desires to be a candidate on the board of directors] districted~~
17 ~~area of the district in which the person resides and seeks to~~
18 ~~represent."~~

19 SECTION 121. Section 73-14-26 NMSA 1978 (being Laws 1975,
20 Chapter 262, Section 9) is amended to read:

21 "73-14-26. DESIGNATION OF POSITIONS FOR PURPOSES OF
22 ELECTION.--For purposes of election to the board of directors
23 of the conservancy district, each office on the board shall be
24 assigned a position number in numerical sequence [~~beginning~~
25 ~~with the at-large position, and then next those positions~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~within the most populous county~~]. At all elections the same
2 position numbers shall be used to designate the same offices."

3 SECTION 122. Section 73-14-55 NMSA 1978 (being Laws 1943,
4 Chapter 126, Section 2) is amended to read:

5 "73-14-55. BOARDS OF DIRECTORS--MEMBERSHIP--
6 QUALIFICATIONS.--The boards of directors [~~hereby~~] created in
7 Sections 73-14-54 through 73-14-69 NMSA 1978 shall consist of
8 five [~~5~~] directors, each of whom [~~must~~] shall own real
9 property within the conservancy district [~~which~~] that is
10 subject to conservancy district appraisals, assessments, levies
11 and taxes, and each of whom [~~must~~] shall actually reside within
12 the conservancy district [~~and also within the county from which~~
13 ~~he shall be elected as hereinafter provided~~]."

14 SECTION 123. Section 73-14-61 NMSA 1978 (being Laws 1943,
15 Chapter 126, Section 8, as amended) is amended to read:

16 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--
17 [~~Any~~] A qualified elector [~~as herein defined~~] who desires to
18 become a candidate for election as a director shall [~~at least~~
19 ~~forty days prior to the election~~] file with [~~the secretary of~~
20 ~~the board of directors then in office his~~] the proper filing
21 officer pursuant to the Local Election Act a written notice of
22 candidacy, [~~which shall state his name and residence and the~~
23 ~~term for which he is a candidate for election within the~~
24 ~~conservancy district. If he is a candidate at large, his~~
25 ~~notice of candidacy must be~~] accompanied by a petition signed

.221175.6

underscored material = new
[bracketed material] = delete

1 by twenty qualified electors [~~resident~~] who reside within that
2 particular portion of the district from which the candidate
3 seeks to be elected. [~~If he is a candidate only from that~~
4 ~~portion of the district which lies within one county, his~~
5 ~~notice of candidacy must be signed by ten qualified electors~~
6 ~~who reside within that particular portion of the district and~~
7 ~~county from which the candidate seeks to be elected. No person~~
8 ~~who has not filed his notice of candidacy as and within the~~
9 ~~time required in this section shall be placed on the ballot.]"~~

10 SECTION 124. Section 73-16-5 NMSA 1978 (being Laws 1961,
11 Chapter 123, Section 1) is amended to read:

12 "73-16-5. [~~ELECTION FOR APPROVAL OF~~] DISTRICT
13 CONSTRUCTION FUND ASSESSMENT LEVY [~~OF CERTAIN DISTRICTS~~]
14 ELECTION--FORM OF BALLOT--SUPPLEMENTAL LEVIES.--

15 A. In all cases, excepting those [~~hereinafter~~]
16 excluded by the provisions of the Conservancy Act, as soon as
17 the first construction fund assessment levy is made, the board
18 shall call an election [~~to be held not less than sixty days~~
19 ~~after notice of the election is completed by publication. The~~
20 ~~procedure for and conduct of the election shall be that~~
21 ~~provided for election of boards of directors who are elected]~~
22 pursuant to the Local Election Act. The question to be
23 referred to the voters shall be the approval or rejection of
24 the construction fund assessment levy resolved by the board.
25 The form of ballots shall be substantially as follows:

.221175.6

1 CONSTRUCTION FUND ASSESSMENT LEVY FOR _____

2 _____ DISTRICT

3 [~~Name of District~~]

4 FOR the construction fund assessment levy [~~of the district~~
5 ~~in the maximum total sum of \$ _____~~]

6 _____
7 AGAINST the construction fund assessment levy [~~of the~~
8 ~~district in the maximum total sum of \$ _____~~] . . .

9 . _____ .
10 B. If the majority of voters are against the levy,
11 upon exhibit to the court of the returns so proving, the
12 district shall be dissolved after insuring payment of all
13 outstanding debts. If the majority of voters are for the levy,
14 upon exhibit to the court of the returns so proving, the levy
15 shall be ordered executed and the secretary shall prepare the
16 construction fund assessment record of the district.

17 C. Thereafter, from time to time, as the affairs of
18 the district may demand, the board may make supplemental levies
19 for the construction fund; provided that the aggregate of all
20 these supplemental levies shall not exceed ten percent of the
21 first levy approved in the election or, in principal, the
22 appraised benefits adjudicated, whichever is less; provided
23 further that if for any reason the affairs of the district
24 [~~shall~~] demand a supplemental levy in excess of ten percent, an
25 election as [~~herein~~] provided in this section shall be required

.221175.6

underscoring material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 to approve and order ~~[them]~~ the levy into execution ~~[and]~~. In
2 the event ~~[they are]~~ that the levy is rejected, the district
3 shall not execute supplemental levies in excess of the limits
4 ~~[above stated]~~ provided in this subsection; and provided
5 further that in no case shall a levy be submitted to election
6 where the amount ~~[thereof]~~ of the levy exceeds in principal the
7 appraised benefits adjudicated.

8 D. Nothing in this section applies to any district
9 ~~[which]~~ that has commenced or completed any phase of
10 improvements pursuant to official plans or to any district
11 containing between fifteen thousand to thirty thousand acres."

12 SECTION 125. Section 73-16-29 NMSA 1978 (being Laws 1927,
13 Chapter 45, Section 528) is amended to read:

14 "73-16-29. COMPENSATION OF OFFICIALS.--

15 ~~[(1) Each]~~ A. A member of the board of directors
16 shall receive ~~[five (\$5.00) dollars per day and his necessary~~
17 ~~expenses for the time actually employed in the performance of~~
18 ~~his duties]~~ compensation pursuant to the Per Diem and Mileage
19 Act.

20 ~~[(2) Each]~~ B. An appraiser shall receive ~~[ten~~
21 ~~(\$10.00) dollars per day and his expenses for the time actually~~
22 ~~employed in the performance of his duties]~~ compensation as set
23 by the board of directors.

24 ~~[(3)]~~ C. Before any duties devolve upon the county
25 treasurers under ~~[this]~~ the Conservancy Act, the board shall

.221175.6

underscored material = new
[bracketed material] = delete

1 consult them and agree upon the salaries for the extra clerical
2 force, if any, required in their respective offices to carry
3 out the requirements of ~~[the]~~ law by reason of the
4 establishment of a district ~~[and]~~. The ~~[said]~~ board shall
5 provide for and pay ~~[said]~~ the salaries to ~~[said clerk or]~~ the
6 clerks while engaged on the work of the district, which clerks
7 shall be selected and appointed by each of ~~[said]~~ the county
8 officers for their respective offices. In case of disagreement
9 as to the compensation of ~~[such]~~ the extra clerical force, the
10 matter shall be referred to the court for its determination."

11 SECTION 126. Section 73-18-29 NMSA 1978 (being Laws 1955,
12 Chapter 281, Section 5) is amended to read:

13 "73-18-29. CONSERVANCY DISTRICT BOARD--HOW CONSTITUTED.--
14 ~~[After the election herein provided, boards]~~

15 A. The board of directors of [such districts] a
16 district organized pursuant to Sections 73-18-25 through
17 73-18-43 NMSA 1978 shall consist of either three or five
18 elected directors, [one representing each election precinct of
19 such district and one director-at-large] as determined by the
20 directors in the year following receipt of the results of the
21 federal decennial census; provided that each elected director:

22 (1) is a qualified elector of the conservancy
23 district; and

24 (2) resides within the districted area of the
25 conservancy district from which the director is elected.

.221175.6

underscored material = new
[bracketed material] = delete

1 B. All ~~[of such]~~ elected directors shall have equal
2 powers and responsibilities. In case of vacancy through death,
3 resignation, removal from the district or failure of any
4 elected director to qualify, the remaining members of the board
5 shall by majority vote fill ~~[such]~~ the vacancy. The person
6 selected to fill ~~[such]~~ the vacancy shall hold ~~[such]~~ the
7 position until the next election of directors in ~~[such]~~ the
8 district. At the next regular local election ~~[of directors of~~
9 ~~such district]~~ following a vacancy, a director shall be elected
10 to fill ~~[such]~~ the unexpired term of the vacancy.

11 C. In the year following receipt of the results of
12 the federal decennial census, the directors shall determine if
13 the elected directors shall be:

14 (1) elected at large by candidates who reside
15 anywhere in the district;

16 (2) elected at large by candidates who reside
17 within a districted area of the district; or

18 (3) elected for a districted area of the
19 district by candidates who reside in the districted area.

20 D. The directors may by resolution restrict candidacy
21 to qualified electors who reside in the unincorporated areas of
22 the district; provided that a resolution adopted pursuant to
23 this subsection shall also provide that no tax, fee or
24 assessment shall be levied on the municipal areas of the
25 district.

.221175.6

underscoring material = new
[bracketed material] = delete

1 E. In addition to the elected board members, in the
2 year following receipt of the results of the federal decennial
3 census, the board may by resolution designate two board
4 positions to serve by appointment. The appointment of board
5 members shall be for a term of two years beginning July 1 of
6 each even-numbered year and ending June 30 of the following
7 even-numbered year. Appointed board members are not required
8 to be qualified electors nor residents of the district.

9 F. An appointed board member may vote on all matters
10 except for a tax or assessment of any kind proposed or approved
11 pursuant to authority granted by Article 8, Section 9 of the
12 constitution of New Mexico, which is limited to a vote of the
13 elected members only."

14 SECTION 127. Section 73-18-34 NMSA 1978 (being Laws 1955,
15 Chapter 281, Section 10, as amended) is amended to read:

16 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any person
17 wishing to become a candidate for the office of director in any
18 district shall ~~[by the last Friday of July before the election]~~
19 file ~~[in the office of the secretary of the district]~~ with the
20 proper filing officer pursuant to the Local Election Act a
21 declaration of candidacy, ~~[stating the election precinct for~~
22 ~~which the person is a candidate]~~ accompanied by a petition
23 signed by not less than ten qualified electors of the ~~[election~~
24 ~~precinct]~~ area for which the person is a candidate to
25 represent. ~~[No declaration of candidacy shall be accepted by~~

.221175.6

underscored material = new
[bracketed material] = delete

1 ~~the secretary unless accompanied by such petition, signed by~~
2 ~~electors.]"~~

3 SECTION 128. Section 73-20-12 NMSA 1978 (being Laws 1957,
4 Chapter 210, Section 12, as amended) is amended to read:

5 "73-20-12. DIRECTORS--~~[ELECTION]~~ APPOINTMENT.--

6 A. ~~[At the next regular local election held pursuant~~
7 ~~to the Local Election Act after a watershed district is~~
8 ~~created]~~ The board of supervisors of the soil and water
9 conservation district ~~[involved]~~ shall ~~[cause an election to be~~
10 ~~held for the election of a]~~ appoint the board of directors of
11 the watershed district. The board shall consist of five
12 members, with one member being a current or former elected
13 supervisor of the watershed district. The ~~[first]~~ board of
14 supervisors shall ~~[determine by lot from among its membership]~~
15 choose two members to serve terms of two years and three
16 members to serve terms of four years. Thereafter, as these
17 initial terms expire, their replacements shall be ~~[elected]~~
18 appointed for terms of four years. Vacancies occurring before
19 the expiration of a term shall be filled by the ~~[remaining]~~
20 members of the board of supervisors for the unexpired term.
21 ~~[Two or more vacancies occurring simultaneously shall be filled~~
22 ~~by appointment by the board of supervisors.]~~ The board of
23 directors shall, under the supervision of the board of
24 supervisors, be the governing body of the watershed district.

25 B. If the territory embraced within a watershed

.221175.6

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

1 district lies within more than one soil and water conservation
2 district, each additional soil and water conservation district
3 having a minority of the land involved in the watershed shall
4 be entitled to ~~[elect]~~ appoint three additional directors,
5 ~~[These additional directors after their election shall~~
6 ~~determine by lot one]~~ one of whom shall be a current or former
7 elected supervisor of the watershed district. One of their
8 number ~~[to]~~ shall serve a term of two years and two a term of
9 four years. Thereafter, their successors shall be ~~[elected]~~
10 appointed for terms of four years. The ~~[representatives]~~ board
11 of supervisors of each of these minority districts shall fill
12 vacancies in the district's membership for the unexpired term.

13 C. The board of directors shall annually elect from
14 its membership a chair, secretary and treasurer. The treasurer
15 shall execute an official bond for the faithful performance of
16 the duties of office to be approved by the board of directors.
17 The bond shall be executed with at least three solvent personal
18 sureties whose solvency shall exceed the amount of the bond, or
19 by a surety company authorized to do business in this state,
20 and shall be in an amount determined by the board of directors.
21 If the treasurer is required to execute a surety company bond,
22 the premium of the bond shall be paid by the board of
23 directors.

24 D. The board of directors shall prepare and submit to
25 the department of finance and administration such reports as it

.221175.6

underscored material = new
[bracketed material] = delete

1 may require from among those required to be submitted by other
2 political subdivisions.

3 ~~[E. Each person desiring to be a director of a~~
4 ~~watershed district shall file a nominating petition with the~~
5 ~~proper filing office in accordance with the provisions of the~~
6 ~~Local Election Act, signed by ten or more qualified electors.]"~~

7 SECTION 129. TEMPORARY PROVISION--VOTER EDUCATION AND
8 ELECTIONS TASK FORCE--CREATED--DUTIES--REPORTING.--

9 A. The "voter education and elections task force" is
10 created to study and provide recommendations on best practices
11 to educate the voters of New Mexico on electoral procedures,
12 voter registration and election safeguards. The voter
13 education and elections task force shall evaluate opportunities
14 for improvements to the electoral process to maximize voter
15 accessibility and accurate voter rolls while continuing to
16 maintain efficient and secure elections. The task force shall
17 function from the date of its appointment until December 31,
18 2022. Staff and administrative support for the task force
19 shall be jointly coordinated and provided by the secretary of
20 state and the legislative council service.

21 B. By April 20, 2022, the members of the voter
22 education and elections task force shall be appointed as
23 follows:

24 (1) six members who are legislators, with the
25 two political parties with the most members in the state being

.221175.6

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

1 represented in equal numbers, appointed as follows:

2 (a) three members of the house of
3 representatives appointed by the speaker of the house of
4 representatives; and

5 (b) three members of the senate appointed by
6 the senate committees' committee or, if the legislature is not
7 in session at the time of appointment, appointed by the
8 president pro tempore of the senate in consultation with and
9 agreement of a majority of the members who served on the senate
10 committees' committee during the second session of the
11 fifty-fifth legislature;

12 (2) the secretary of state or the secretary's
13 designee;

14 (3) the secretary of taxation and revenue, or a
15 designee of the secretary who has oversight or knowledge of
16 data collection and system operations within the taxation and
17 revenue department;

18 (4) four public members, with the two political
19 parties with the most members in the state being represented in
20 equal numbers, who have expertise in elections, campaigns and
21 private sector organizational structure and operations and who
22 reflect the ethnic, cultural and geographic diversity of the
23 state, two appointed by the speaker of the house and two
24 appointed by the president pro tempore of the senate; and

25 (5) four county clerks, with the two political

.221175.6

1 parties with the most members in the state being represented in
2 equal numbers, appointed by the county clerks affiliate of the
3 New Mexico association of counties.

4 C. One representative each from the state registrar
5 and the administrative office of the courts and one
6 representative of the county assessors, appointed by the
7 director of the property tax division of the taxation and
8 revenue department, shall serve as advisory members of the task
9 force, and the voter education and elections task force shall
10 invite the United States postal service in New Mexico to
11 appoint a representative to participate as an advisory member
12 of the task force.

13 D. Public members of the voter education and
14 elections task force are entitled to receive per diem and
15 mileage pursuant to the Per Diem and Mileage Act but shall
16 receive no other compensation, perquisite or allowance.

17 E. The voter education and elections task force shall
18 be co-chaired by the secretary of state, or the secretary's
19 designee, and one of the legislator-appointed members from the
20 minority political party, elected by the membership of the task
21 force to serve as co-chair. The task force shall meet at the
22 call of a co-chair or at the request of one-third of its
23 membership, and as necessary to carry out its duties, but no
24 less than once and no more than twice a month. The first
25 meeting of the task force shall be held no later than May 1,

.221175.6

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

1 2022, and the first meeting of the task force shall be an
2 organizational meeting for the task force to develop a work
3 plan to carry out the task force's duties.

4 F. A vacancy on the voter education and elections
5 task force shall be filled by the original appointing
6 authority. A member who misses three meetings shall be removed
7 from the task force and upon the request of the co-chairs, the
8 appointing authority shall replace the member who has failed to
9 attend three meetings.

10 G. A majority of the members constitutes a quorum for
11 the transaction of business. The support of a majority of the
12 members is required for adoption of any action; provided that
13 the final report of the voter education and elections task
14 force, including its recommendations and proposed legislation,
15 shall have, at minimum, the support of a majority of the
16 legislative members.

17 H. The voter education and elections task force may
18 create subcommittees by a majority vote of the members. A
19 subcommittee shall be composed of at least one member from the
20 senate and one member from the house of representatives,
21 including at least one member of a minority political party
22 that is represented in either the senate or house of
23 representatives.

24 I. Meetings of the voter education and elections task
25 force shall be subject to the Open Meetings Act, and the task

.221175.6

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

1 force shall actively solicit public input.

2 J. The voter education and elections task force shall
3 develop policy recommendations and proposed legislation to
4 educate voters on electoral procedures, voter registration and
5 election safeguards. The task force shall also consider
6 improvements to the Election Code to make electoral processes
7 more efficient and accessible to all voters while continuing to
8 maintain election integrity. In developing its policy
9 recommendations and proposed legislation, the task force shall
10 review and consider:

11 (1) how to educate voters on why a voter's
12 certificate of registration must be kept up to date and,
13 overall, how to effectively disseminate information and engage
14 the public in the electoral process;

15 (2) federal and state law, constitutional
16 provisions, rules and court decisions governing elections,
17 voter registration and the maintenance of voter rolls;

18 (3) the accessibility and ease of use of
19 currently used election systems, including the online voter
20 registration system, the vote tabulation systems, election
21 websites and other systems used by voters;

22 (4) use of voting best practices and
23 implementation of additional voting modernizations used in
24 other states, including automatic voter registration, same-day
25 registration, geo-enabling the voter rolls, absentee voting,

.221175.6

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

1 residency requirements and risk-limiting audits that may
2 promote improved voting accessibility and election security;

3 (5) best practices and standards for maintaining
4 accurate voter rolls, including how best to ensure the ease by
5 which voters cancel registrations in one state and register in
6 another and ensure the integrity of the voter rolls;

7 (6) best practices and standards for the prompt
8 removal of deceased persons from the voter rolls;

9 (7) the impacts of issues relating to the United
10 States postal service on ballot tracking, ballot delivery and
11 addressing, inconsistent or non-delivery to valid addresses and
12 how best to use intelligent mail bar codes, the national change
13 of address database and standard addressing to improve election
14 procedures; and

15 (8) how to improve data collection and sharing
16 between the taxation and revenue department and the secretary
17 of state and county clerks for the purposes of improving
18 election efficiencies and updating certificates of
19 registration.

20 K. No later than December 1, 2022, the voter
21 education and elections task force shall draft a report of its
22 findings and recommendations for consideration by the governor
23 and the legislature and shall present its report to the New
24 Mexico legislative council, the legislative finance committee,
25 the interim committee that studies courts, corrections and

.221175.6

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

1 justice issues and the county clerks affiliate of the New
2 Mexico association of counties. The task force shall provide a
3 final report, including any proposed legislation, to the
4 governor and all legislators by December 31, 2022.

5 L. The secretary of state, county clerks and other
6 relevant state agencies shall cooperate with the voter
7 education and elections task force and provide the task force
8 with information regarding databases, information technology
9 systems, cybersecurity, budget, staffing, organizational
10 structure and other information as relevant to the duties of
11 the task force and as requested by the task force.

12 SECTION 130. TEMPORARY PROVISION--CONSERVANCY DISTRICTS--
13 EXPIRATION OF MEMBER TERMS--LEGISLATIVE FINDINGS.--

14 A. The term of a conservancy district board member
15 that was set to expire on or before June 30, 2024 shall expire
16 on December 31, 2023, and that member's successor shall be
17 elected in the regular local election held on the first Tuesday
18 after the first Monday of November 2023 for a term beginning on
19 January 1, 2024.

20 B. The term of a conservancy district board member
21 that was set to expire on or after July 1, 2024 but on or
22 before June 30, 2026 shall expire on December 31, 2025, and
23 that member's successor shall be elected in the local election
24 held on the first Tuesday after the first Monday of November
25 2025 for a term beginning on January 1, 2026.

.221175.6

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

1 C. The term of a conservancy district board member
2 not impacted by Subsections A and B of this section that was
3 set to expire on or after July 1, 2026 shall expire on December
4 31, 2025, and that member's successor shall be elected in the
5 local election held on the first Tuesday after the first Monday
6 of November 2025 for a term beginning on January 1, 2026.

7 D. Pursuant to Article 20, Section 3 of the
8 constitution of New Mexico, the legislature finds that the
9 conservancy district term adjustments provided for in this 2022
10 act are necessary to align the conservancy district elections
11 with the Local Election Act, passed and signed into law in
12 2018, to ensure the efficient administration of elections and
13 to increase clarity for voters.

14 **SECTION 131. TEMPORARY PROVISION--TERMS OF DIRECTORS**
15 **PRIOR TO EFFECTIVE DATE OF THIS ACT.--**

16 A. The term of a director elected prior to the
17 effective date of this act pursuant to Section 73-1-16 NMSA
18 1978 or the Watershed District Act shall continue and expire on
19 December 31, 2023, and the term of that member's successor
20 shall begin on January 1, 2024.

21 B. Pursuant to Article 20, Section 3 of the
22 constitution of New Mexico, the legislature finds that the term
23 adjustments provided for in this 2022 act are necessary to
24 align the elections with the Local Election Act, passed and
25 signed into law in 2018, to ensure the efficient administration

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

1 of elections and to increase clarity for voters.

2 SECTION 132. TEMPORARY PROVISION--2021 POLLING PLACE
3 RESOLUTION--VOTER CONVENIENCE CENTER FOR ALL STATEWIDE
4 ELECTIONS IN CALENDAR YEARS 2022 AND 2023.--Each election day
5 polling place established in the 2021 polling place resolution
6 for each county or any election day polling place established
7 by any subsequent amendment to such a resolution shall operate
8 as a voter convenience center for all statewide elections in
9 calendar years 2022 and 2023.

10 SECTION 133. TEMPORARY PROVISION--2022 MAJOR PARTY
11 NOMINATIONS--STATEWIDE AND FEDERAL CANDIDATES.--Notwithstanding
12 nominating petition signature requirements pursuant to Section
13 1-8-33 NMSA 1978, for statewide and federal candidates seeking
14 major party nomination in 2022, a candidate qualifies for the
15 primary election ballot for a statewide or federal office if:

16 A. the candidate submits on February 1, 2022 a
17 nominating petition containing signatures equaling at least two
18 percent of the total number of votes for all candidates for
19 governor in that major party's last primary for governor
20 statewide or, for federal office, in the congressional district
21 in which a candidate files a declaration of candidacy; or

22 B. the candidate submits on March 8, 2022 a
23 nominating petition containing signatures equaling at least
24 four percent of the total number of votes cast for all
25 candidates for governor in that major party's last primary for

.221175.6

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

1 governor statewide or, for federal office, in the congressional
2 district in which the candidate files a declaration of
3 candidacy.

4 SECTION 134. TEMPORARY PROVISION--RECOMPILATION.--
5 Section 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section
6 15) is recompiled as a section of the Campaign Reporting Act.

7 SECTION 135. TEMPORARY PROVISION--COMPILER'S
8 INSTRUCTION.--

9 A. The compiler shall rename in tables of contents
10 and headings Chapter 2, Article 21 NMSA 1978 as "Recompiled".

11 B. The compiler shall change the title of Chapter 12,
12 Article 4 NMSA 1978 to "Repealed".

13 SECTION 136. APPROPRIATION.--Three hundred thousand
14 dollars (\$300,000) is appropriated from the general fund to the
15 office of the secretary of state for expenditure in fiscal year
16 2023 and subsequent fiscal years to support elections security.
17 Any unexpended or unencumbered balance remaining at the end of
18 a fiscal year shall not revert to the general fund.

19 SECTION 137. REPEAL.--

20 A. Sections 1-6-9.2, 1-8-21.1, 1-8-39.1, 1-8-41,
21 1-10-8.1, 1-15A-8, 1-15A-10, 1-15A-11, 1-20-21, 3-12-1.1,
22 3-14-11, 4-38-3, 12-4-1 through 12-4-3, 22-5-1.1, 73-14-20,
23 73-14-20.1, 73-14-22, 73-14-57, 73-14-67, 73-14-71, 73-14-88
24 through 73-14-92, 73-18-26, 73-18-28, 73-18-30 through
25 73-18-32, 73-18-33, 73-18-41 and 73-18-43 NMSA 1978 (being Laws
.221175.6

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

1 1999, Chapter 267, Section 1; Laws 1993, Chapter 55, Section
2 11; Laws 1993, Chapter 55, Section 10; Laws 1973, Chapter 228,
3 Section 11; Laws 1981, Chapter 166, Section 1; Laws 1977,
4 Chapter 230, Section 7; Laws 1977, Chapter 230, Section 9; Laws
5 1977, Chapter 230, Section 11; Laws 1969, Chapter 240, Section
6 445; Laws 1985, Chapter 203, Section 1; Laws 1965, Chapter 300,
7 Section 14-13-11; Laws 1876, Chapter 1, Section 10; Laws 1951,
8 Chapter 157, Sections 1 through 3; Laws 1985, Chapter 202,
9 Section 1; Laws 1975, Chapter 262, Section 3; Laws 1990,
10 Chapter 48, Section 1; Laws 1975, Chapter 262, Section 5; Laws
11 1943, Chapter 126, Sections 4 and 14; Laws 1961, Chapter 67,
12 Sections 3 and 20; Laws 1996, Chapter 42, Sections 1 through 4;
13 and Laws 1955, Chapter 281, Sections 2, 4, 6 through 9, 17 and
14 19, as amended) are repealed.

15 B. Laws 2020, Chapter 9, Sections 1 through 9 and
16 Laws 2018, Chapter 79, Sections 139, 140, 142, 144, 145, 147,
17 149, 154, 155, 156 and 158 are repealed.

18 SECTION 138. APPLICABILITY.--The provisions of this act
19 relating to the procedures for conducting elections shall not
20 apply to the 2022 municipal officer election.

21 SECTION 139. EFFECTIVE DATE.--

22 A. The effective date of the provisions of Sections
23 17, 86 and 98 of this act is July 1, 2022.

24 B. The effective date of the provisions of Section 22
25 of this act is July 1, 2023.

.221175.6

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 140. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect immediately.