

1 AN ACT

2 RELATING TO ELECTIONS; AMENDING THE ELECTION CODE; DIRECTING
3 RULEMAKING TO DESIGNATE A PUBLIC OFFICIAL'S HOME ADDRESS IN
4 PUBLIC FILINGS AS CONFIDENTIAL; SPECIFYING WHEN THE
5 INSPECTION OF PUBLIC RECORDS ACT APPLIES TO DISCLOSURES
6 PURSUANT TO THE ELECTION CODE; AMENDING AND ENACTING
7 DEFINITIONS; ALLOWING ELECTRONIC NOMINATING PETITION
8 SIGNATURES; CREATING AN ELECTIONS SECURITY PROGRAM; REQUIRING
9 THE USE OF FORMS APPROVED BY THE SECRETARY OF STATE;
10 REQUIRING SERVICE OF PROCESS ON THE SECRETARY OF STATE FOR
11 ELECTION-RELATED LITIGATION; ADDRESSING QUALIFICATIONS OF
12 ELECTION BOARD MEMBERS; REVISING ELECTION BOARD AND MESSENGER
13 COMPENSATION; REQUIRING TRAINING FOR CHALLENGERS AND
14 WATCHERS; REQUIRING VOTER CONVENIENCE CENTERS; PROVIDING FOR
15 A PROGRAM TO RECONCILE VOTER REGISTRATION LISTS; ALLOWING FOR
16 AN ELECTRONIC POLL BOOK ALTERNATIVE; ADJUSTING VOTER
17 REGISTRATION PROCESSING PROCEDURES; AMENDING REQUIREMENTS FOR
18 REGISTRATION AT VOTING LOCATIONS PRIOR TO VOTING; REVISING
19 PROCEDURES AND REQUIREMENTS FOR MAILED BALLOTS, ABSENTEE
20 BALLOTS AND MILITARY OVERSEAS BALLOTS; AMENDING THE INTIMATE
21 PARTNER VIOLENCE SURVIVOR SUFFRAGE ACT; ADJUSTING TIME FRAMES
22 TO FILL A VACANCY ON THE GENERAL ELECTION BALLOT; AMENDING
23 THE PRIMARY ELECTION LAW; REVISING REQUIREMENTS FOR
24 NOMINATIONS AND CANDIDATES; AMENDING VOTING SYSTEMS
25 REQUIREMENTS; ADDRESSING BALLOT PREPARATION; ADDRESSING

1 MAINTENANCE OF BALLOT BOXES AND MONITORED SECURED CONTAINERS;
2 CORRECTING AND PRESCRIBING THE ORDER OF OFFICES ON BALLOTS;
3 REQUIRING THE SENDING OF A NOTICE OF ELECTION; AMENDING
4 PROVISIONS RELATED TO THE CERTIFICATION OF VOTING MACHINES;
5 ADDRESSING PROVISIONAL BALLOTS; ADDRESSING THE COUNTING AND
6 DISPOSITION OF PAPER BALLOTS; ADDRESSING POST-ELECTION
7 DUTIES; REVISING REQUIREMENTS FOR THE IMPOUNDMENT OF BALLOTS,
8 AUDITS, VOTING MACHINE RECHECKS AND RECOUNTS; REVISING TIME
9 FRAMES FOR REFERENDUM PETITIONS; RECOMPILING A SECTION
10 AUTHORIZING LEGISLATIVE CAUCUS COMMITTEES INTO THE CAMPAIGN
11 REPORTING ACT; REVISING ELECTION-RELATED CRIMES; AMENDING THE
12 LOCAL ELECTION ACT; AMENDING THE LOBBYIST REGULATION ACT;
13 AUTHORIZING TAXPAYER INFORMATION TO BE REVEALED TO THE
14 SECRETARY OF STATE FOR PURPOSES OF MAINTAINING VOTER
15 REGISTRATION RECORDS; AMENDING THE CONFIDENTIAL SUBSTITUTE
16 ADDRESS ACT; MAKING TECHNICAL AND CONFORMING CHANGES;
17 AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE
18 NMSA 1978.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. A new section of the Election Code is
22 enacted to read:

23 "PUBLIC OFFICIAL HOME ADDRESS CONFIDENTIALITY--
24 RULEMAKING.--The secretary of state shall promulgate rules to
25 allow an elected or appointed public official to designate as

1 confidential the public official's home address as stated in
2 election- and financial-related disclosures filed with the
3 secretary of state or county clerks. A home address
4 designated as confidential pursuant to this section is exempt
5 from disclosure pursuant to an Inspection of Public Records
6 Act request and shall not be published on a governmental
7 website. Nothing in this section or the secretary of state's
8 rule shall prohibit the disclosure of the public official's
9 home address if relevant to a judicial proceeding."

10 SECTION 2. A new section of Chapter 1, Article 1 NMSA
11 1978 is enacted to read:

12 "REAL-TIME SYNCHRONIZATION.--As used in the Election
13 Code, "real-time synchronization" means that the internet
14 connection at a voting location is able to synchronize voting
15 data with the office of the county clerk in real time."

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

18 "1-1-5.2. DEFINITION OF A VOTE--MACHINE-TABULATED--
19 HAND-TALLIED--WRITE-IN.--

20 A. For a candidate contest or ballot question that
21 is machine-tabulated on a vote tabulation system certified
22 for use in this state, a vote shall be counted if the:

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

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

3 B. For a candidate contest or ballot question that
4 is hand-tallied, a vote shall be counted if:

5 (1) the ballot is marked in accordance with
6 the instructions for that ballot type;

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

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

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

15 C. For a candidate contest in which there is a
16 declared write-in candidate and a write-in vote is cast, the
17 write-in vote shall be counted if the name is:

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

22 (2) written as first and last name; first
23 name, middle name or initial and last name; one or two
24 initials and last name; or last name alone if there is no
25 other declared write-in candidate for the office or position

1 that is the same or so similar as to tend to confuse the
2 candidates' identities; provided that:

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

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

13 SECTION 4. Section 1-1-7.2 NMSA 1978 (being Laws 1973,
14 Chapter 228, Section 5, as amended) is amended to read:

15 "1-1-7.2. PETITIONS--NOMINATIONS--SIGNATURES TO BE
16 COUNTED.--

17 A. A person who signs a nominating petition shall
18 sign only one petition for the same office unless more than
19 one candidate is to be elected to that office, and in that
20 case, a person may sign not more than the number of
21 nominating petitions equal to the number of candidates to be
22 elected to the office.

23 B. A person who signs a nominating petition shall
24 indicate the person's registration address. If the person
25 does not have a standard street address, the person may

1 provide the mailing address as shown on the person's
2 certificate of registration.

3 C. A signature shall be counted on a nominating
4 petition unless there is evidence presented that the petition
5 does not provide the information required by the nominating
6 petition for each person signing or the person signing:

7 (1) is not a voter of the state, district,
8 county or area to be represented by the office for which the
9 person seeking the nomination is a candidate;

10 (2) has signed more than one petition for
11 the same office, except as provided in Subsection A of this
12 section, and if the person has signed more than one petition
13 for the same office and in the same election cycle, none of
14 the challenged signatures from that person shall count toward
15 the total number of signatures required for any candidate for
16 that office;

17 (3) has signed one petition more than once,
18 in which case only one signature from that person shall count
19 toward the total number of signatures required for that
20 candidate for office;

21 (4) in a primary election, is not of the
22 same political party as the candidate named in the nominating
23 petition as shown by the signer's certificate of
24 registration; or

25 (5) is not the person whose name appears on

1 the nominating petition.

2 D. The procedures set forth in this section shall
3 be used to validate signatures on any petition required by
4 the Election Code, except that Paragraph (4) of Subsection C
5 of this section shall not apply to petitions filed by
6 unaffiliated candidates or petitions filed by candidates of
7 minor political parties.

8 E. No later than January 1, 2024, the secretary of
9 state shall implement a secure internet application, in
10 addition to the paper circulation process, to gather
11 electronic signatures in accordance with rules developed by
12 the secretary of state. The secure internet application
13 shall provide for the ability to verify that a person signing
14 the petition is a registered voter and is eligible to sign
15 the petition for a particular candidate."

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

18 "1-1-16. REGISTRATION OFFICER.--As used in the Election
19 Code, "registration officer" means the secretary of state, a
20 county clerk, a clerk's authorized deputy, a clerk-authorized
21 member of an election board or a state employee performing
22 registration duties in accordance with the federal National
23 Voter Registration Act of 1993 or Section 1-4-5.2 NMSA 1978."

24 SECTION 6. A new Section 1-1-27 NMSA 1978 is enacted to
25 read:

1 "1-1-27. PUBLIC RECORDS--DISCLOSURE--PROCEDURE.--

2 A. Where the Election Code provides for disclosure
3 or nondisclosure of public records relating to elections, the
4 provisions of the Election Code shall apply, and the
5 provisions of the Inspection of Public Records Act shall not
6 be applicable to the disclosure or nondisclosure.

7 B. For any public records relating to elections
8 where the Election Code does not provide for disclosure or
9 nondisclosure of the public records, the provisions of the
10 Inspection of Public Records Act shall apply."

11 SECTION 7. A new section of Chapter 1, Article 2 NMSA
12 1978 is enacted to read:

13 "ELECTION-RELATED ORGANIZATION--REGISTRATION
14 REQUIRED.--An election-related organization shall
15 register with the secretary of state at least seventy days
16 before a regularly scheduled statewide election or forty-two
17 days before a special election or an election to fill a
18 vacancy in the United States house of representatives."

19 SECTION 8. A new section of Chapter 1, Article 2 NMSA
20 1978 is enacted to read:

21 "ELECTIONS SECURITY PROGRAM--GENERAL RESPONSIBILITIES.--

22 A. The secretary of state shall maintain an
23 elections security program within the bureau of elections.
24 The program shall have the general responsibility of advising
25 the secretary of state, county clerks and the voting system

1 certification committee regarding voting system and
2 cybersecurity requirements and ensuring their implementation
3 and shall be the primary liaison working with federal
4 oversight and intelligence agencies regarding
5 elections-critical infrastructure.

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

10 C. The elections security program shall monitor
11 the functionality of voting systems certified for use in the
12 state to ensure compliance with the security requirements
13 provided for in Chapter 1, Article 9 NMSA 1978 and
14 administrative rules adopted pursuant to that article.

15 D. Documents and communications related to
16 election security or that could put elections-critical
17 infrastructure at risk are exempt from disclosure.

18 E. As used in this section, "elections-critical
19 infrastructure" means those assets, systems and networks,
20 whether physical or virtual, that are considered so vital to
21 elections in this state that their infiltration,
22 incapacitation or destruction would have a debilitating
23 effect on the administration of elections, the secrecy of the
24 ballot and the efficient reporting of accurate results for
25 any election conducted pursuant to the Election Code."

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

3 "1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--
4 RULES.--

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

7 B. The secretary of state shall:

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

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

17 C. No forms or procedures shall be used in any
18 election held pursuant to the Election Code without prior
19 approval of the secretary of state. If a form is authorized
20 or required by the Election Code and issued or approved by
21 the secretary of state, only the form issued or approved by
22 the secretary may be used."

23 SECTION 10. A new Section 1-2-1.2 NMSA 1978 is enacted
24 to read:

25 "1-2-1.2. SECRETARY OF STATE--SERVICE OF PROCESS--

1 ACTIONS RELATED TO ELECTIONS.--For the purposes of any action
2 filed in court challenging a procedure or provision of the
3 Election Code, a petition or a candidacy or a post-election
4 action initiated by any person, the secretary of state shall
5 receive service of process, regardless of whether the
6 secretary of state is a party to the action."

7 SECTION 11. Section 1-2-7 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 29, as amended) is amended to read:

9 "1-2-7. ELECTION BOARD--QUALIFICATION OF MEMBERS--
10 QUALIFICATION OF PRESIDING JUDGES--QUALIFICATION OF QUALIFIED
11 RESIDENTS.--

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

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

17 (2) be able to read and write;

18 (3) have the necessary capacity to carry out
19 an election board member's functions with acceptable skill
20 and dispatch; and

21 (4) execute the election board member's oath
22 of office.

23 B. Before serving as a presiding judge of an
24 election board, a person shall receive training in the duties
25 of that position by the county clerk.

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

3 (1) who is a candidate to be voted for at
4 the election;

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

8 (3) who is married to a parent, child,
9 brother or sister of any candidate to be voted for at the
10 election or who is the parent of the spouse or domestic
11 partner of any candidate to be voted for at the election; or

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

14 D. A county clerk may appoint qualified residents
15 to serve on an election board under the direct supervision of
16 the presiding judge. A qualified resident appointed by the
17 county clerk shall:

18 (1) meet the qualifications set forth in
19 Paragraphs (2) through (4) of Subsection A of this section;
20 and

21 (2) be sixteen or seventeen years of age at
22 the time of the election in which the qualified resident is
23 serving as a member of an election board.

24 E. A qualified resident appointed to an election
25 board shall not serve as the presiding judge or as an

1 election judge."

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

4 "1-2-12. ELECTION BOARD--POSITIONS ON EACH BOARD.--

5 A. Each election board shall consist of:

6 (1) a presiding judge;

7 (2) two election judges; and

8 (3) election clerks who are appointed to
9 assist the presiding judge and election judges.

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

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

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

24 C. The county clerk may appoint teams of election
25 judges under the supervision of one or more presiding judges

1 for absent voter precincts, recounts and special elections;
2 provided that each team shall consist of two election judges
3 and that each election judge on a team shall not belong to
4 the same political party as any other election judge on the
5 team at the time of the appointment; and provided further
6 that an election judge shall not have changed party
7 registration in the two years next preceding the judge's
8 appointment in such manner that the judge's prior party
9 registration would make the judge ineligible to serve on the
10 assigned team.

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

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

18 SECTION 13. Section 1-2-16 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 36, as amended) is amended to read:

20 "1-2-16. ELECTION BOARD--MESSENGERS--COMPENSATION.--

21 A. Members of an election board and messengers
22 shall be compensated for their services at an hourly rate set
23 by the secretary of state; provided that the rate in each
24 county shall not be less than the federal minimum hourly wage
25 rate nor more than four hundred dollars (\$400) for an

1 election day; and provided further that the rate may
2 differentiate among the presiding judge, election judges,
3 election clerks and messengers. Election board members and
4 messengers shall be paid for training and may additionally be
5 paid mileage as provided in the Per Diem and Mileage Act each
6 way over the usually traveled route when an election board
7 member or messenger travels by private vehicle.

8 B. Members of an election board and messengers
9 assigned to alternate voting or alternate mobile voting
10 locations or absent voter precincts may be compensated at an
11 hourly rate set by the county clerk.

12 C. Compensation shall be paid within thirty days
13 following the date of election.

14 D. For purposes of determining eligibility for
15 membership in the public employees retirement association and
16 pursuant to the provisions of Subsection B of Section 10-11-3
17 NMSA 1978, election board members and messengers are
18 designated as seasonal employees."

19 SECTION 14. Section 1-2-20 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 39, as amended) is amended to read:

21 "1-2-20. MESSENGERS--APPOINTMENT.--

22 A. The county clerk may appoint messengers to
23 deliver ballot boxes, poll books, keys, election supplies and
24 other materials pertaining to the election. Messengers may
25 also be authorized to collect mailed ballots from polling

1 places or monitored secured containers and removable media
2 storage devices from polling places and deliver each to
3 locations designated by the county clerk.

4 B. Messengers shall take an oath of office before
5 entering into service as a messenger. No person shall serve
6 as a messenger unless the person would also meet the
7 requirements to be a challenger, watcher or election observer
8 pursuant to Paragraphs (1) through (4) and (6) of Subsection
9 C of Section 1-2-22 NMSA 1978. Messengers may be appointed
10 to serve solely in that capacity or may be election board
11 members or county employees also appointed to serve as
12 messengers."

13 SECTION 15. Section 1-2-22 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 41, as amended) is amended to read:

15 "1-2-22. CHALLENGERS, WATCHERS AND ELECTION OBSERVERS--
16 TRAINING--QUALIFICATIONS--RESTRICTIONS.--

17 A. Before accepting an appointment or entering
18 into service as a challenger or watcher for an election, a
19 person shall attend a training session in advance of that
20 election. The training shall be provided by the county clerk
21 based on a uniform curriculum provided by the secretary of
22 state. The county clerk shall offer the training between
23 thirty-six and twenty-nine days before the election and at
24 least once per week prior to the election through the
25 Thursday before election day. At the end of the training

1 session, each person in attendance shall sign a form provided
2 by the secretary of state indicating an understanding of the
3 permitted and prohibited activities by challengers and
4 watchers. The county clerk shall provide a certificate to
5 each person who completes the training in advance of an
6 election and shall keep and maintain in the office of the
7 county clerk a list of those voters who have completed the
8 training in advance of each election. The list shall be
9 available to be viewed in the office of the county clerk at
10 any time during the regular hours and days of business
11 beginning with the first day following the first training for
12 an election and concluding with the adjournment of the state
13 or county canvass board for that election, whichever is
14 later. The training shall be open to any interested person,
15 and the county clerk shall post notice of each training at
16 least four days before the training is to be held.

17 B. Challengers shall be voters of a precinct
18 located in the county to which the challenger is appointed.
19 Watchers shall be voters of a precinct in this state.

20 C. A person shall not be qualified for appointment
21 or service as a challenger, watcher or election observer if
22 the person:

23 (1) is a candidate for any office to be
24 voted for at the election;

25 (2) is a spouse, domestic partner, parent,

1 child, brother or sister of any candidate to be voted for at
2 the election;

3 (3) is married to a parent, child, brother
4 or sister of any candidate to be voted for at the election or
5 is the parent of the spouse or domestic partner of any
6 candidate to be voted for at the election;

7 (4) is a sheriff, deputy sheriff, marshal,
8 deputy marshal or state or municipal police officer;

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

11 (6) has been removed from service as a
12 challenger, watcher, election observer or county canvass
13 observer in the current or immediately preceding election
14 cycle by unanimous vote of the presiding judge and election
15 judges of an election board for violating the permitted or
16 prohibited activities of challengers, watchers, election
17 observers or county canvass observers; provided that the
18 election board detailed with reasonable specificity the
19 conduct that led to the violation on a form prescribed by the
20 secretary of state and the form is retained by the county
21 clerk; or

22 (7) for challengers and watchers, has not
23 completed the training and received a certificate from the
24 county clerk pursuant to Subsection A of this section."

25 SECTION 16. Section 1-3-4 NMSA 1978 (being Laws 1975,

1 Chapter 255, Section 30, as amended) is amended to read:

2 "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE
3 CENTERS.--

4 A. The board of county commissioners shall
5 establish voter convenience centers through the use of
6 consolidated precincts for voting in a statewide election.

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

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

14 (2) any voter of the county shall be allowed
15 to vote on a regular ballot at any voter convenience center
16 in the county;

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

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

21 (5) each voter convenience center shall have
22 a broadband internet connection and real-time synchronization
23 to access the voter registration electronic management
24 system;

25 (6) the county clerk may maintain any

1 alternate voting locations or mobile alternate voting
2 locations previously used in the same election open for
3 voting on election day as a voter convenience center, in
4 addition to the voter convenience center established within
5 each consolidated precinct; provided that the locations
6 otherwise meet the requirements of a voter convenience
7 center; and

8 (7) the board of county commissioners may
9 permit certain precincts to be exempted from operating as a
10 voter convenience center or being a part of a consolidated
11 precinct if the precinct is designated as a mail ballot
12 election precinct pursuant to Section 1-6-22.1 NMSA 1978.

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

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

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

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

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

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

7 (6) have a secure area for storage of
8 preprinted ballots or for storage of paper ballot stock and a
9 system designed to print ballots;

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

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

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

21 "1-4-1.1. AUTHORIZATION TO VERIFY VOTER REGISTRATION
22 INFORMATION--INVESTIGATION AND RECONCILIATION.--

23 A. The secretary of state may:

24 (1) provide to the chief election officer of
25 another state or a consortium of chief election officers of

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

10 (2) request from the chief election officer
11 of another state or a consortium of chief election officers
12 of other states information that the secretary of state deems
13 necessary to maintain the statewide voter registration list.

14 B. The secretary of state may enter into a written
15 agreement with an agency or political subdivision of this
16 state or with a department of the federal government pursuant
17 to which the state agency, political subdivision or federal
18 department shall provide to the secretary of state
19 information that is in the possession of the state agency,
20 political subdivision or federal department and that the
21 secretary of state deems necessary to maintain the statewide
22 voter registration list.

23 C. The secretary of state shall enter into a
24 written agreement with the secretary of taxation and revenue
25 to match information in the database of the voter

1 registration electronic management system with information in
2 the database of the motor vehicle division of the taxation
3 and revenue department to the extent required to enable each
4 official to verify the accuracy of the information provided
5 on applications for voter registration. Upon the execution
6 of the written agreement, the secretary of taxation and
7 revenue shall enter into an agreement with the federal
8 commissioner of social security pursuant to 52 U.S.C. Section
9 21083, for the purpose of verifying applicable information.

10 D. The secretary of state shall provide to the
11 appropriate county clerk in this state and to no other person
12 necessary information or documentation received by the
13 secretary of state from or through an agency or political
14 subdivision of this state, a federal department, the chief
15 election officer of another state or a consortium of chief
16 election officers of other states that calls into question
17 the information provided on a certificate of registration;
18 that raises questions regarding the status of a person
19 registered to vote in this state; or that suggests that a
20 voter may have voted in two states during the same election.
21 The county clerk shall not disclose information received from
22 the secretary of state pursuant to this subsection except as
23 necessary to complete an investigation pursuant to this
24 section. The county clerk shall investigate or reconcile the
25 information received from the secretary of state.

1 E. The secretary of state shall develop a general
2 program that is uniform and nondiscriminatory for county
3 clerks to investigate and reconcile the information received
4 from the secretary of state and to identify voters who may be
5 eligible for cancellation from the statewide voter
6 registration list. The general program shall describe the
7 best practices and requirements for investigating and
8 reconciling information that is derived from comparisons of
9 different databases, including safeguards to ensure that
10 eligible voters are not removed in error from the official
11 list of voters, and provide a procedure to cancel
12 certificates of registration for voters:

13 (1) confirmed to have voted in another
14 state requiring residence in that state if previous to the
15 out-of-state vote, the voter was registered to vote in this
16 state; or

17 (2) confirmed to be on the social security
18 master death index file."

19 SECTION 18. Section 1-4-8 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 66, as amended) is amended to read:

21 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
22 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--
23 Except for qualified electors who register to vote or update
24 a certificate of registration at a voting location prior to
25 voting pursuant to Section 1-4-5.7 NMSA 1978, for qualified

1 electors seeking to register to vote or update an existing
2 voter registration in the state, the following provisions
3 shall apply:

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

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

15 (1) statewide election, within the county;

16 or

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

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

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

25 (2) updates to existing voter registrations

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

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

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

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

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

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

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

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

25 (3) accepted at a state agency designated

1 pursuant to Section 1-4-5.2 NMSA 1978."

2 SECTION 19. Section 1-4-11 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 67, as amended) is amended to read:

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

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

21 B. If the applicant's certificate of registration
22 is rejected for any reason, the county clerk shall stamp or
23 write the word "rejected" on the new certificate of
24 registration and hand or mail it, if possible, to the
25 applicant with an explanation of why the new certificate of

1 registration was rejected and what remedial action, if any,
2 the applicant must take to bring the registration up to date
3 or into compliance with the Election Code.

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

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

25 E. If the county clerk rejects a certificate of

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

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

21 SECTION 20. Section 1-4-34 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 90, as amended) is amended to read:

23 "1-4-34. BOARD OF REGISTRATION--BOARD OF COUNTY
24 COMMISSIONERS--APPOINTMENT.--

25 A. The board of county commissioners shall, in

1 June or July of each odd-numbered year, appoint five voters
2 who shall constitute the board of registration for the
3 county; provided that a county with fewer than five thousand
4 residents as of the last federal decennial census may appoint
5 three voters who shall constitute the board of registration
6 for the county.

7 B. Members of the board of registration shall not
8 during their service be county employees, elected officials
9 or candidates for public office, and not more than two
10 members of the board of registration shall be members of the
11 same political party at the time of their appointment;
12 provided that:

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

18 (2) a member of the board of registration
19 shall not continue to serve on the board of registration if
20 the member changes party registration after the date of
21 appointment in such a manner to make the member ineligible to
22 serve on the board of registration.

23 C. In the event that a position on the board of
24 registration becomes vacant for any of the reasons described
25 in Section 10-3-1 NMSA 1978, the board of county

1 commissioners shall appoint a replacement who shall qualify
2 pursuant to Subsection B of this section and serve until the
3 expiration of the original term."

4 SECTION 21. Section 1-4-47 NMSA 1978 (being Laws 1991,
5 Chapter 80, Section 4, as amended) is amended to read:

6 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

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

12 B. The secretary of taxation and revenue shall
13 select certain employees of the motor vehicle division of the
14 taxation and revenue department or employees of entities on
15 contract to provide field services to the motor vehicle
16 division to provide assistance to any applicant requesting
17 voter registration assistance.

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

22 (1) personnel in each office shall advise
23 each person who is a qualified elector and an applicant for
24 licensure or renewal or for an identification card that
25 initial voter registration or a change of address for voter

1 registration may be made simultaneously with the motor
2 vehicle application;

3 (2) voter registration shall be conducted in
4 a manner such that the applicant completes the full
5 certificate of registration electronically;

6 (3) the applicant's digital signature shall
7 be affixed to the certificate of registration using an
8 electronic signature in conformance with the Electronic
9 Authentication of Documents Act and the Uniform Electronic
10 Transactions Act, and the form and signature shall be
11 transmitted to the secretary of state; and

12 (4) every certificate of registration
13 completed electronically shall include the applicant's full
14 social security number and shall be transmitted by means of a
15 secured electronic transmission to the secretary of state for
16 delivery to the appropriate county clerk.

17 D. A motor vehicle division employee or contractor
18 shall not intentionally influence the prospective registrant
19 in the selection of political party, or independent status,
20 by word or act. A motor vehicle division employee or
21 contractor shall not reveal the existence of or the nature of
22 the voter registration to anyone other than a registration
23 officer.

24 E. Any certificate of voter registration completed
25 on a paper form and made or accepted at a motor vehicle

1 division office, field office or contract field office shall
2 be transmitted to the secretary of state or the county clerk
3 of the county in which the office is located within seven
4 days.

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

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

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

13 (3) develop procedures to ensure that, once
14 voter registration information is transmitted to the
15 appropriate registration officer, the voter's certificate of
16 registration is printed and placed in the county's register
17 of voters."

18 SECTION 22. Section 1-5-6 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 108, as amended) is amended to read:

20 "1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER
21 PREPARATION--ELECTRONIC POLL BOOK ALTERNATIVE.--

22 A. The county clerk shall provide for preparation
23 of precinct voter lists and signature rosters generated from
24 the official state voter file for any precincts or an
25 electronic poll book alternative approved by the voting

1 system certification committee and certified by the secretary
2 of state.

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

8 SECTION 23. Section 1-6-4 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 130, as amended) is amended to read:

10 "1-6-4. MAILED BALLOT APPLICATION.--

11 A. In a statewide election, application by a voter
12 for a mailed ballot shall be made only on the official form
13 approved by the secretary of state or its online equivalent
14 accessed through a website authorized by the secretary of
15 state. The form shall identify the applicant and contain
16 information to establish the applicant's qualification for
17 issuance of a mailed ballot under the Absent Voter Act.

18 B. Each application on a paper form for a mailed
19 ballot shall be signed by the applicant and shall require the
20 applicant's printed name, registration address and year of
21 birth. When submitted by the voter, the county clerk shall
22 accept an application for a mailed ballot pursuant to this
23 subsection regardless of whether the application for a mailed
24 ballot is delivered to the county clerk on paper or by
25 electronic means. When submitted by a third party, the

1 county clerk shall not accept an application for a mailed
2 ballot pursuant to this subsection if the application for a
3 mailed ballot is delivered by electronic means.

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

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

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

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

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

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

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

22 G. A person who willfully and with knowledge and
23 intent to deceive or mislead any voter, election board,
24 canvassing board, county clerk or other election official and
25 who falsifies any information on an absentee ballot request

1 form or who affixes a signature or mark other than the
2 person's own on a mailed ballot request form is guilty of a
3 fourth degree felony."

4 SECTION 24. Section 1-6-5 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 131, as amended) is amended to read:

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

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

19 B. If the applicant does not have a valid
20 certificate of registration on file in the county, a mailed
21 ballot shall not be issued and the county clerk shall mark
22 the application "rejected" and file the application in a
23 separate file from those accepted.

24 C. When required by federal law, if the applicant
25 has on file with the county a valid certificate of

1 registration that indicates that the applicant is a voter who
2 is a new registrant in the state and who registered by mail
3 without submitting the required documentary identification,
4 the county clerk shall notify the voter that the voter must
5 submit with the mailed ballot a form of documentary
6 identification from the list in Paragraph (3) of Subsection I
7 of Section 1-4-5.1 NMSA 1978. The county clerk shall note on
8 the ballot register and signature roster that the applicant's
9 mailed ballot must be returned with the required voter
10 identification.

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

16 E. Upon the mailing of a mailed ballot to an
17 applicant who is a voter, an appropriate designation shall be
18 made in the absentee ballot register.

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

1 practicable; provided that the ballot or a notice of
2 rejection is sent not later than twenty-two days before the
3 election. For each application for a mailed ballot received
4 within twenty-two days of election day, the county clerk
5 shall send either the mailed ballot or a notice of rejection
6 to the applicant within twenty-four hours after receipt of
7 the voter's application for a mailed ballot.

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

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

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

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

17 SECTION 25. Section 1-6-5.7 NMSA 1978 (being Laws 2005,
18 Chapter 270, Section 40, as amended) is amended to read:

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

22 A. Commencing on the twenty-eighth day preceding
23 the election during the regular hours and days of business at
24 the county clerk's office and on the Saturday immediately
25 prior to the date of the election, early voting shall be

1 conducted in each office of the county 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
9 an application for an absentee ballot, shall be allowed to
10 vote by inserting the ballot into an optical scan tabulator
11 certified for in-person absentee voting at the county clerk's
12 office. The county clerk or the clerk's authorized
13 representative shall make an appropriate designation
14 indicating that the voter has voted. In marking the ballot,
15 the voter may be assisted pursuant to the provisions of
16 Section 1-12-15 NMSA 1978;

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

22 (3) in addition to the regular business
23 hours and days of business of the county clerk's office and
24 on the Saturday immediately prior to the date of the
25 election, early voting may be conducted in each office of the

1 county clerk no earlier than 7:00 a.m. and shall close no
2 later than 9:00 p.m. and shall be available for at least
3 eight consecutive hours each day; and not later than ninety
4 days before each statewide election, the county clerk shall
5 post the location and hours of operation at the county
6 clerk's office and shall not modify the location or hours of
7 operation of early voting at the county clerk's office except
8 with the written approval of the secretary of state and upon
9 posting the approved changes; and

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

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

25 (1) the county clerk shall establish:

1 (a) in counties with more than ten
2 thousand voters, not fewer than one alternate voting
3 location;

4 (b) in counties with more than fifty
5 thousand voters, not fewer than four alternate voting
6 locations; and

7 (c) in counties with more than one
8 hundred fifty thousand voters, not fewer than fifteen
9 alternate voting locations; and

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

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

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

3 (2) have at least one optical scan tabulator
4 programmed to read every ballot style in the county;

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

8 (4) have a broadband internet connection;

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

12 (6) have a secure area for storage of
13 pre-printed ballots or for storage of a paper ballot stock
14 and a system designed to print ballots at a polling location;
15 and

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

19 D. When voting at an early voting location, the
20 voter shall provide the required voter identification to the
21 election board, county clerk or the clerk's authorized
22 representative. If the voter does not provide the required
23 voter identification, the voter shall be allowed to vote on a
24 provisional ballot. If the voter provides the required voter
25 identification, the voter shall be allowed to vote after

1 subscribing an application to vote on a form approved by the
2 secretary of state or its electronic equivalent approved by
3 the voting system certification committee. The county clerk
4 or the clerk's authorized representative shall make an
5 appropriate designation on the signature roster or register
6 next to the voter's name indicating that the voter has voted
7 early."

8 SECTION 26. Section 1-6-6 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 132, as amended) is amended to read:

10 "1-6-6. BALLOT REGISTER.--

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

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

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

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

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

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

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

15 (3) the applicant's precinct;

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

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

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

23 C. Each ballot register is a public record open to
24 public inspection in the county clerk's office during regular
25 office hours. The county clerk shall have an updated ballot

1 register available for public inspection Monday through
2 Friday during regular office hours.

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

11 E. Upon request by a candidate, a political
12 committee or the state or county chair of a political party
13 represented on the ballot in an election, the secretary of
14 state or county clerk shall transmit without charge to an
15 electronic address provided in the request a complete copy of
16 entries made in the absentee ballot register statewide or in
17 the county. Such transmissions shall be made daily beginning
18 four weeks immediately prior to the election through the
19 Saturday immediately following the election.”

20 SECTION 27. Section 1-6-8 NMSA 1978 (being Laws
21 1969, Chapter 240, Section 134, as amended) is amended to
22 read:

23 "1-6-8. MAILED BALLOT ENVELOPES.--

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

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

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

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

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

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

18 C. The reverse of each official mailing envelope
19 shall contain a form to be executed under penalty of perjury
20 by the voter completing the mailed ballot. The form shall
21 identify the voter and shall contain the pre-printed name of
22 the voter to whom the ballot was sent and the following
23 statement to be affirmed by the voter: "I attest under
24 penalty of perjury that I am the voter identified on this
25 official mailing envelope and that I have not and will not

1 vote any other ballot in this election.". The official
2 mailing envelope shall contain a space for the voter to
3 record the voter's signature and the last four digits of the
4 voter's social security number, which shall constitute the
5 required voter identification. Under the space for the
6 voter's signature shall be the following statement: "NOTICE:
7 The only people who may lawfully mail or deliver this ballot
8 to the county clerk are the voter, a member of the voter's
9 immediate family or household, the voter's caregiver or a
10 person with whom the voter has a continuing personal
11 relationship.". The envelope shall have a security flap to
12 cover this information."

13 SECTION 28. A new Section 1-6-8.1 NMSA 1978 is enacted
14 to read:

15 "1-6-8.1. MAILED BALLOTS--NOTICE TO VOTERS.--

16 A. In a statewide election, each mailed ballot
17 sent to a voter in the election shall contain the following
18 notice: "This ballot may be returned to the office of the
19 county clerk or any open voting location or monitored secured
20 container in the county where you are registered to vote at
21 any time up to 7:00 p.m. on the day of the election. If this
22 ballot is returned by mail, to ensure timely postal delivery
23 to the county clerk, the ballot should be mailed no later
24 than _____."

25 B. In a special election, each mailed ballot sent

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

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

10 SECTION 29. Section 1-6-9 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 135, as amended) is amended to read:

12 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY
13 METHODS.--

14 A. When voting a mailed ballot, the voter shall
15 secretly mark the mailed ballot in the manner provided in the
16 Election Code for marking paper ballots, place it in the
17 official inner envelope and securely seal the envelope. The
18 voter shall then place the official inner envelope inside the
19 official mailing envelope and securely seal the envelope.
20 The voter shall then complete the form on the reverse of the
21 official mailing envelope under the privacy flap. The voter
22 or another person authorized by law shall then return the
23 official mailing envelope containing the voted ballot to the
24 county clerk of the voter's county of residence. If returned
25 by a person other than the voter, the official mailing

1 envelope shall contain the signature, printed name and
2 relationship to the voter of the person returning the ballot.

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

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

14 D. The official mailing envelope may be returned
15 in person to the office of the county clerk or, in a
16 statewide election, to an alternate voting location, mobile
17 alternate voting location, election day voting location or
18 other location where the receipt and storage of the official
19 mailing envelope containing a voted ballot is under the
20 supervision of an election official or county clerk's agent.

21 E. The official mailing envelope may be returned
22 by depositing the official mailing envelope in a monitored
23 secured container made available by the county clerk to
24 receive an official mailing envelope containing a voted
25 ballot for that election; provided that:

1 (1) the location of the containers and the
2 days and times the containers will be available to receive
3 ballots are posted by the county clerk at least forty-two
4 days before an election;

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

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

14 (4) signage at the location of a monitored
15 secured container shall inform voters and those dropping off
16 ballots at the location:

17 (a) that it is a violation of law for
18 any person who is not an immediate family member, which
19 includes a voter's spouse, child, parent, domestic partner,
20 grandchild, grandparent, sibling or person with whom the
21 voter has a continuing personal relationship, to collect and
22 deliver a ballot for another person except as authorized by
23 the Election Code;

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

1 and

2 (c) of the range of dates and
3 approximate time the ballots will be collected for that
4 election; and

5 (5) at least every three days and on
6 election day after the polls close, the county clerk, deputy
7 county clerk, election board member or messenger shall
8 collect the ballots from the monitored secured containers and
9 register the date and container location on each official
10 mailing envelope.

11 F. It is a violation of Section 1-20-6 NMSA 1978
12 for any person to possess a key to a monitored secured
13 container without authorization from the county clerk. It is
14 a violation of Section 1-20-7 NMSA 1978 for any person other
15 than the secretary of state or the county clerk to provide or
16 operate a monitored secured container or other receptacle to
17 receive voted ballots."

18 SECTION 30. Section 1-6-10 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 136, as amended) is amended to read:

20 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

21 A. Completed official mailing envelopes that are
22 received at the county clerk's office or a polling place or
23 that are retrieved from the post office or a monitored
24 secured container shall be accepted until 7:00 p.m. on
25 election day. A completed official mailing envelope received

1 after that time shall not be qualified or opened but shall be
2 preserved by the county clerk for the applicable retention
3 period provided in Section 1-12-69 NMSA 1978. The county
4 clerk shall report the number of late ballots from voters,
5 uniformed-service voters and overseas voters and report the
6 number from each category to date on the final mailed ballot
7 report and as part of the county canvass report. If
8 additional late ballots are received, the county clerk shall
9 update the number of late ballots from each category to the
10 secretary of state.

11 B. On the day a returned mailed ballot is received
12 by the county clerk, the county clerk shall mark the date of
13 receipt on the outside of the official mailing envelope.
14 Within one business day of receiving a returned official
15 mailing envelope, the county clerk shall remove the privacy
16 flap to verify that the voter signed the official mailing
17 envelope and to confirm that the last four digits of the
18 social security number provided by the voter match the
19 information available to the county clerk; provided that no
20 county clerk or deputy county clerk shall perform the
21 verification process pursuant to this subsection unless the
22 county clerk or deputy county clerk would also meet the
23 requirements to be a challenger, watcher or election observer
24 pursuant to Paragraphs (1) through (4) of Subsection C of
25 Section 1-2-22 NMSA 1978.

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

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

23 E. If, pursuant to Subsection F of Section 1-6-4
24 NMSA 1978, the voter was notified of the need to comply with
25 federal identification requirements when returning the

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

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

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

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

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

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

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

1 to an election board convened to assist in preparation of the
2 county canvass report to be tallied and included in the
3 canvass report of that county for the appropriate precinct."

4 SECTION 31. Section 1-6-10.1 NMSA 1978 (being Laws
5 2003, Chapter 357, Section 5, as amended) is amended to read:

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

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

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

17 SECTION 32. Section 1-6-14 NMSA 1978 (being Laws 1971,
18 Chapter 317, Section 11, as amended) is amended to read:

19 "1-6-14. HANDLING MAILED BALLOTS.--

20 A. An absent voter election board may convene as
21 provided in this section to process the official mailing
22 envelopes that have been returned. Before opening an
23 official mailing envelope, the presiding judge and the
24 election judges shall determine that the county clerk has
25 verified the required information on the reverse side of the

1 official mailing envelope.

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

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

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

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

24 (3) the official mailing envelope does not
25 contain the required voter identification; or

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

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

10 E. If the form on the reverse of the official
11 mailing envelope has been completed by the voter with the
12 voter's correct information, as verified by the county clerk,
13 and the ballot has not been successfully challenged, the
14 judges or election clerks shall make the appropriate notation
15 in the ballot register.

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

1 9:00 a.m. on election day.

2 G. For any election in which ten thousand or more
3 mailed ballots were sent to the voters of a county, only
4 during the regular business hours of the office of the county
5 clerk during the two weeks preceding the election, between
6 8:00 a.m. and 10:00 p.m. on the four days preceding the
7 election and beginning at 7:00 a.m. on election day, under
8 the personal supervision of the presiding election judge,
9 shall the election judges open the official mailing envelope
10 and the official inner envelope and insert the enclosed
11 ballot into an electronic voting machine to be registered and
12 retained until votes are counted by generating the report of
13 the ballot results beginning no sooner than 9:00 a.m. on
14 election day.

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

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

23 J. If a mailed ballot is rejected for any reason
24 and not cured by the Friday following election day, it shall
25 be handled by the county clerk in the same manner as a

1 disqualified provisional paper ballot in accordance with the
2 Election Code.

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

20 Beginning at 11:00 p.m. on election night, a sheriff's
21 deputy, state police officer or other certified law
22 enforcement officer is required for overnight watch any time
23 the absent voter election board is not present until the
24 return of the absent voter election board. If a sheriff's
25 deputy, a state police officer or other certified law

1 enforcement officer is not available, the county clerk or
2 county clerk's agent shall remain on-site with or near the
3 uncounted ballots until the return of the absent voter
4 election board and shall allow any watcher or observer to
5 remain present as well. A class A county shall also have
6 video surveillance in the area containing uncounted ballots,
7 which shall be considered a record related to voting pursuant
8 to Section 1-12-69 NMSA 1978."

9 SECTION 33. Section 1-6-16 NMSA 1978 (being Laws 2019,
10 Chapter 212, Section 74) is amended to read:

11 "1-6-16. MAILED BALLOTS--REPLACEMENT AND PROVISIONAL
12 PAPER BALLOTS.--

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

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

24 (1) communicates with the office of the
25 county clerk and requests a replacement mailed ballot be

1 delivered to the voter; and

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

5 C. A replacement ballot shall not be mailed to a
6 voter less than seven days before election day, unless the
7 voter is enrolled in the confidential substitute address
8 program pursuant to the Confidential Substitute Address Act.

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

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

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

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

24 (2) has executed the affidavit required by
25 Subsection A of this section and the county clerk has voided

1 the mailed ballot previously issued to the voter.

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

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

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

13 F. A provisional paper ballot issued pursuant to
14 this section shall be qualified and tabulated once the county
15 clerk determines that the voter did not vote any other ballot
16 in the same election and if no challenge is successfully
17 interposed.

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

21 SECTION 34. Section 1-6-16.1 NMSA 1978 (being Laws
22 1989, Chapter 368, Section 1, as amended) is amended to read:

23 "1-6-16.1. ABSENTEE BALLOT--CONDUCT OF ELECTION--WHEN
24 NOT TIMELY RECEIVED--EMERGENCY PROCEDURE FOR VOTING AND
25 COUNTING.--

1 A. A voter who applies for a mailed ballot or who
2 was sent a mailed ballot pursuant to Section 1-6-22.1 NMSA
3 1978 but whose voted ballot has not been received by the
4 county clerk as of the date of the election may go to a voter
5 convenience center and, after executing an affidavit stating
6 that the person wishes to void any previous mailed ballot
7 that was issued, shall be permitted to vote.

8 B. If the county clerk has real-time
9 synchronization between the voter convenience centers and the
10 qualification of ballots received by mail, the voter shall be
11 issued a replacement ballot to be filled out and fed by the
12 voter into the electronic vote tabulator. If the county
13 clerk does not have real-time synchronization between the
14 voter convenience centers and the qualification of ballots
15 received by mail, the voter shall be issued a provisional
16 paper ballot, which shall be counted if no challenge is
17 interposed and once the county clerk has verified that no
18 other ballot from the same voter has been processed in that
19 election."

20 SECTION 35. Section 1-6-22.1 NMSA 1978 (being Laws
21 2009, Chapter 251, Section 1 and Laws 2009, Chapter 274,
22 Section 1, as amended) is amended to read:

23 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE
24 VOTING IN LIEU OF POLLING PLACE.--

25 A. Notwithstanding the provisions of Sections

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

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

1 notice shall inform the voter of the ability of the voter to
2 cast a ballot at any voter convenience center on election day
3 if the voter chooses not to receive an absentee ballot, or to
4 cast a replacement ballot at any early voting location or
5 voter convenience center if the voter does not receive an
6 absentee ballot, which will be counted upon confirmation that
7 the voter has not returned the absentee ballot. The notice
8 shall also contain the information required in the voter
9 notification sent by the secretary of state on behalf of each
10 county clerk in advance of a statewide election pursuant to
11 Section 1-11-4.1 NMSA 1978.

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

17 SECTION 36. Section 1-6B-5 NMSA 1978 (being Laws 2015,
18 Chapter 145, Section 29, as amended) is amended to read:

19 "1-6B-5. METHODS OF REGISTERING TO VOTE.--

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

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

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

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

7 C. In registering to vote, a federal qualified
8 elector shall use and must be assigned to the voting precinct
9 of the address of:

10 (1) the residence of the voter, if the voter
11 resides in this state; or

12 (2) the last place of residence of the voter
13 in this state, or the last place of residence in this state
14 of the parent or legal guardian of the voter if the voter did
15 not reside in this state; provided that if that address is no
16 longer a recognized residential address, the voter shall be
17 assigned an address or other location within that precinct.

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

23 SECTION 37. Section 1-6B-6 NMSA 1978 (being Laws 2015,
24 Chapter 145, Section 30, as amended) is amended to read:

25 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS

1 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR
2 MILITARY-OVERSEAS BALLOT.--

3 A. A federal qualified elector who is currently
4 registered to vote in this state may apply for a
5 military-overseas ballot by:

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

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

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

16 C. An application for a military-overseas ballot
17 for any election conducted pursuant to the Election Code,
18 whether or not timely, is effective as an automatic
19 application for a military-overseas ballot for all subsequent
20 elections the voter is eligible to participate in through the
21 conclusion of the election cycle.

22 D. An application from a federal qualified elector
23 who provides information permitting secured electronic
24 delivery of the ballot is timely if received by the county
25 clerk no later than three days prior to election day. An

1 application from a federal qualified elector who does not
2 provide information permitting secured electronic delivery of
3 the ballot is timely if received by the county clerk by the
4 deadline specified in the Absent Voter Act for receipt of
5 mailed ballot applications."

6 SECTION 38. Section 1-6B-10 NMSA 1978 (being Laws 2015,
7 Chapter 145, Section 34, as amended) is amended to read:

8 "1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--
9 QUALIFICATION.--

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

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

21 C. A qualified federal write-in absentee ballot
22 shall be processed during the county canvass in the same
23 manner as a provisional ballot. A federal write-in absentee
24 ballot from a federal qualified elector shall not be
25 qualified if the federal qualified elector voted on any other

1 type of ballot. A federal write-in absentee ballot of an
2 overseas voter shall not be qualified if the ballot is
3 submitted from any location in the United States."

4 SECTION 39. Section 1-6C-2 NMSA 1978 (being Laws 2019,
5 Chapter 226, Section 2) is amended to read:

6 "1-6C-2. DEFINITIONS.--As used in the Intimate Partner
7 Violence Survivor Suffrage Act:

8 A. "administrator" means the person appointed by
9 the secretary of state to administer the election component
10 of the confidential substitute address program;

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

18 C. "certification" means the procedure provided by
19 the Confidential Substitute Address Act for a person to be
20 certified as a participant in the confidential substitute
21 address program;

22 D. "confidential substitute address program" means
23 the program administered by the secretary of state pursuant
24 to the Confidential Substitute Address Act;

25 E. "decertification" means the procedure provided

1 by the Confidential Substitute Address Act for a person to be
2 decertified as a participant in the confidential substitute
3 address program;

4 F. "delivery address" means the address where a
5 voter-participant receives mail;

6 G. "election" means a statewide or special
7 election called, conducted and canvassed pursuant to the
8 provisions of the Election Code;

9 H. "participant" means a person certified to
10 participate in the confidential substitute address program
11 pursuant to the procedures of the Confidential Substitute
12 Address Act; and

13 I. "voter-participant" means a participant who is
14 also a voter or a participant who is also a qualified
15 resident who may be considered a voter pursuant to Section
16 1-4-2 NMSA 1978."

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

19 "1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-
20 PARTICIPANTS.--

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

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

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

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

25 E. When a participant registers to vote or updates

1 a voter registration after the thirty-fifth day before an
2 election but before the deadline to register to vote or to
3 update an existing registration pursuant to Section 1-4-8
4 NMSA 1978, the administrator shall:

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

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

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

19 G. A voter-participant needing a replacement
20 ballot may appear in person only at the office of the county
21 clerk and execute an affidavit stating that the voter
22 participant wishes to void any previous mailed ballot that
23 was mailed in that election. When completing the affidavit,
24 the voter-participant shall use the random identifier in
25 place of the voter-participant's name and the verification

1 code in place of the voter-participant's signature. Upon
2 receipt of the sworn affidavit, if the ballot register does
3 not show that a ballot from the voter-participant has been
4 received in that election, the county clerk shall void
5 the ballot that was previously issued and issue to the
6 voter-participant a replacement ballot and ballot materials,
7 which shall include the voter-participant's random
8 identifier, but the county clerk shall not provide to the
9 voter-participant the verification code when issuing a
10 replacement ballot pursuant to this subsection."

11 SECTION 41. Section 1-6C-7 NMSA 1978 (being Laws 2019,
12 Chapter 226, Section 7) is amended to read:

13 "1-6C-7. RECEIPT OF VOTED BALLOTS FROM VOTER-
14 PARTICIPANTS.--

15 A. A voted ballot shall be returned by the
16 voter-participant to the appropriate county clerk. A voted
17 ballot from a voter-participant shall be considered timely if
18 it is received no later than the deadline for receiving
19 mailed absentee ballots or mailed ballots pursuant to Section
20 1-6-10 NMSA 1978.

21 B. When a voted ballot is received from a
22 voter-participant, the appropriate county clerk or election
23 board shall compare the random identifier provided by the
24 voter-participant under the privacy flap to the list of
25 random identifiers provided by the administrator for that

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

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

19 D. Following an election and within the time
20 frames provided in the Election Code, the appropriate county
21 clerk shall provide to the administrator using the random
22 identifier for that election the voter credit information for
23 each voter-participant who voted."

24 SECTION 42. Section 1-8-2 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 152, as amended) is amended to read:

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

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

5 (1) the chair and secretary of the state
6 political convention shall certify to the secretary of state
7 the names of their party's nominees for United States
8 senator, United States representative, all elective state
9 offices, legislative offices elected from multicounty
10 districts, all elective judicial officers in the judicial
11 department and all offices representing a district composed
12 of more than one county; and

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

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

1 (1) in the state for statewide offices;
2 provided that if there are fewer members of the minor party
3 registered to vote in the state for statewide offices or
4 registered to vote in the district for offices other than
5 statewide offices than the number of signatures required for
6 that office, a nominating petition shall contain the
7 signatures of voters totaling not less than the required
8 number of signatures of voters for independent candidates for
9 the same office; and provided further that for the public
10 education commission, a nominating petition shall be signed
11 by at least two-thirds of the number of signatures that would
12 otherwise be required, and for a judicial office, a
13 nominating petition shall be signed by two-thirds of the
14 number of signatures that would otherwise be required; and

15 (2) in the district for offices other than
16 statewide offices.

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

21 C. The names certified to the county clerk shall
22 be filed on the twenty-third day following the primary
23 election in the year of the general election and shall be
24 accompanied by a nominating petition containing the
25 signatures of voters totaling not less than one percent of

1 the total number of votes cast for governor at the last
2 preceding general election at which a governor was elected:

3 (1) in the county for countywide offices;
4 and

5 (2) in the district for offices other than
6 countywide offices; provided that if there are fewer members
7 of the minor party registered to vote in the county for
8 countywide offices or registered to vote in the district for
9 offices other than countywide offices than the number of
10 signatures required for that office, a nominating petition
11 shall contain the signatures of voters totaling not less than
12 the required number of signatures of voters for independent
13 candidates for the same office; and provided further that for
14 a judicial office, a nominating petition shall be signed by
15 two-thirds of the number of signatures that would otherwise
16 be required.

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

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

25 E. When a political party is certified in the year SB 180
Page 81

1 of the general election, and after the day the secretary of
2 state issues the general election proclamation, a person
3 certified as a candidate shall be:

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

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

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

21 SECTION 43. Section 1-8-7 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 157, as amended) is amended to read:

23 "1-8-7. VACANCY ON GENERAL ELECTION BALLOT--DEATH OF
24 CANDIDATE OR RESIGNATION OR DEATH OF OFFICE HOLDER BEFORE
25 PRIMARY.--

1 A. Vacancies on the general election ballot may be
2 filled as provided in Subsection B of this section if after a
3 primary election there is no nominee of a major political
4 party for a public office to be filled in the general
5 election and if the vacancy was caused by:

6 (1) the death of a candidate after filing of
7 the declaration of candidacy or after certification as a
8 convention-designated nominee and before the primary
9 election;

10 (2) the failure of a major political party
11 to nominate a candidate for lieutenant governor; provided
12 that the major political party nominated a candidate for
13 governor; or

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

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

24 C. Appointments to fill vacancies in the list of a
25 party's nominees for the general election ballot shall be

1 made and filed with the proper filing officer on the
2 twenty-third day after the primary election using the form
3 prescribed by the secretary of state, along with the
4 declaration of candidacy subscribed and sworn by the selected
5 nominee and the required form for candidates pursuant to the
6 Campaign Reporting Act.

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

10 SECTION 44. Section 1-8-8 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 158, as amended) is amended to read:

12 "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING
13 AFTER PRIMARY.--

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

1 vacancy on the general election ballot may be filled by:

2 (1) the central committee of the state
3 political party filing the name of its nominee for the office
4 with the proper filing officer when the office is a federal
5 office, state office, district office or multicounty
6 legislative district office; and

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

13 B. Appointments made pursuant to Subsection A of
14 this section shall qualify pursuant to Section 1-8-18 NMSA
15 1978.

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

22 D. Appointments to fill vacancies in the list of a
23 party's nominees shall be made and filed with the proper
24 filing officer on or before the seventieth day prior to a
25 general election using the form prescribed by the secretary

1 of state, along with the declaration of candidacy form
2 subscribed and sworn by the selected nominee and the form for
3 candidates pursuant to the Campaign Reporting Act.

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

7 SECTION 45. A new Section 1-8-10.1 NMSA 1978 is enacted
8 to read:

9 "1-8-10.1. SHORT TITLE.--Sections 1-8-10.1 through
10 1-8-52 NMSA 1978 may be cited as the "Primary Election Law"."

11 SECTION 46. Section 1-8-13 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 162, as amended) is amended to read:

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

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

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

1 intent of the law with respect to the offices for which each
2 political party shall nominate candidates;

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

13 D. the date on and place at which declarations of
14 candidacy shall be filed for any other office and filing fees
15 paid or, in lieu thereof, a 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

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

3 H. the date on which declarations of candidacy for
4 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
7 ballot of the general election;

8 I. the date on which declarations of candidacy for
9 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
12 ballot of the general election;

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

18 K. the date on which declarations to be a write-in
19 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 47. 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 AND GENERAL ELECTIONS--PROCLAMATION--

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

9 SECTION 48. Section 1-8-21 NMSA 1978 (being Laws 1996,
10 Chapter 20, Section 3, as amended) is amended to read:

11 "1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON
12 PRIMARY BALLOT.--

13 A. All candidates seeking primary election
14 nomination to a statewide office or the office of United
15 States representative shall file declarations of candidacy
16 with the proper filing officer. Candidates shall file
17 nominating petitions at the time of filing their declarations
18 of candidacy. Candidates who seek, but do not obtain,
19 preprimary convention designation by a major political party
20 may file new declarations of candidacy and nominating
21 petitions pursuant to Section 1-8-33 NMSA 1978.

22 B. Except as provided in Subsection C of this
23 section, candidates for any other state or federal office
24 listed in the proclamation issued pursuant to Section 1-8-13
25 NMSA 1978 shall have their names placed on the primary

1 election ballot by filing declarations of candidacy and
2 nominating petitions with the proper filing officer.

3 C. Candidates for any county office listed in the
4 proclamation issued pursuant to Section 1-8-13 NMSA 1978
5 shall have their names placed on the primary election ballot
6 by filing declarations of candidacy and paying a fifty-dollar
7 (\$50.00) filing fee or filing a nominating petition
8 containing no fewer than ten signatures for offices elected
9 by district or twenty signatures for offices elected
10 countywide at the time of filing declarations of candidacy
11 with the proper filing officer."

12 SECTION 49. Section 1-8-29 NMSA 1978 (being Laws 1973,
13 Chapter 228, Section 3, as amended) is amended to read:

14 "1-8-29. PRIMARY ELECTION LAW--DECLARATION OF
15 CANDIDACY--FORM.--In making a declaration of candidacy by
16 nominating petition or by pre-primary convention designation,
17 the candidate shall submit substantially the following form
18 as approved by the secretary of state for that election:

19 "DECLARATION OF CANDIDACY

20 BY PRE-PRIMARY CONVENTION DESIGNATION

21 (OR BY NOMINATING PETITION)

22 I, _____, (candidate's name on
23 certificate of registration) being first duly sworn, say that
24 I reside at _____, as shown by my certificate
25 of registration as a voter of Precinct No. _____ of the

1 county of _____, State of New Mexico;

2 I am a member of the _____ party as shown
3 by my certificate of registration and I have not changed such
4 party affiliation subsequent to the secretary of state's
5 general election proclamation calling the primary in which I
6 seek to be a candidate;

7 I desire to become a candidate for the office of
8 _____ at the primary election to be held on
9 the date set by law for this year, and that I actually reside
10 at the address designated on my certificate of voter
11 registration;

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

14 If a candidate for any office for which a nominating
15 petition is required, I am submitting with this statement a
16 nominating petition in the form and manner as prescribed by
17 the Primary Election Law; and

18 I make the foregoing affidavit under oath, knowing that
19 any false statement herein constitutes a felony punishable
20 under the criminal laws of New Mexico.

21 _____
22 (Declarant)

23 _____
24 (Mailing Address)

25 _____

1 (Residence Address)

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

3 _____
4 (Notary Public)

5 My commission expires:

6 _____"."

7 SECTION 50. Section 1-8-33 NMSA 1978 (being Laws 1973,
8 Chapter 228, Section 7, as amended) is amended to read:

9 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--
10 NUMBER OF SIGNATURES REQUIRED.--

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

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

24 C. Nominating petitions for candidates for any
25 other office to be voted on at the primary election for which

1 nominating petitions are required shall be signed by a number
2 of voters equal to at least the greater of:

3 (1) for the public education commission, two
4 percent of the total vote of the candidate's party in the
5 district; for judicial candidates, two percent of the total
6 vote of the candidate's party in the district or division;
7 and for all other candidates, three percent of the total vote
8 of the candidate's party in the district; or

9 (2) for metropolitan court and magistrate
10 courts, ten voters; for the public education commission,
11 twenty-five voters; for state representative, ten voters; for
12 state senator, seventeen voters; and for district attorney
13 and district judge, fifteen voters.

14 D. A candidate who fails to receive the preprimary
15 convention designation that the candidate sought may collect
16 additional signatures to total at least four percent of the
17 total vote of the candidate's party in the state or
18 congressional district, whichever applies to the office the
19 candidate seeks, and file a new declaration of candidacy and
20 nominating petitions for the office for which the candidate
21 failed to receive a preprimary designation. The declaration
22 of candidacy and nominating petitions shall be filed with the
23 secretary of state either ten days following the date of the
24 preprimary convention at which the candidate failed to
25 receive the designation or on the date all declarations of

1 candidacy and nominating petitions are due pursuant to the
2 provisions of the Primary Election Law, whichever is later."

3 SECTION 51. Section 1-8-36.1 NMSA 1978 (being Laws
4 1981, Chapter 156, Section 1, as amended) is amended to read:

5 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

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

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

17 C. A person desiring to be a write-in candidate
18 for one of the offices listed in Subsection A of this section
19 in the primary election shall file with the proper filing
20 officer a declaration of intent to be a write-in candidate,
21 accompanied by a nominating petition containing the same
22 number of signatures required of other candidates for major
23 party nomination for the same office. Such declaration of
24 intent shall be filed between 9:00 a.m. and 5:00 p.m. on the
25 third Tuesday in March.

1 D. A person shall not be a declared write-in
2 candidate until the person has been notified in writing by
3 the proper filing officer that the certificate of
4 registration on file, the declaration of candidacy and the
5 nominating petition, if required, are in proper order and
6 that the person, based on those documents, is qualified to be
7 a candidate. The proper filing officer shall mail the notice
8 by the Friday following the filing date. The determination
9 by the proper filing officer that a person is a declared
10 write-in candidate is subject to the provisions of Section
11 1-8-18 NMSA 1978.

12 E. If a person is notified by the proper filing
13 officer that the person is not qualified to be a write-in
14 candidate, the person may challenge that decision by filing a
15 petition with the district court within ten days of the
16 notification. The district court shall hear and render a
17 decision on the matter within ten days after the petition is
18 filed. The decision of the district court may be appealed to
19 the supreme court within five days after the decision is
20 rendered. The supreme court shall hear and render a decision
21 on the appeal forthwith.

22 F. A write-in candidate shall be considered a
23 candidate for all purposes and provisions relating to
24 candidates in the Election Code, including the obligations to
25 report pursuant to the Campaign Reporting Act, except that

1 the write-in candidate's name shall not be printed on the
2 ballot."

3 SECTION 52. Section 1-8-51 NMSA 1978 (being Laws 1977,
4 Chapter 322, Section 7, as amended) is amended to read:

5 "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
6 STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--
7 REQUIRED NUMBER OF SIGNATURES.--

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

12 B. Nominating petitions for an independent
13 candidate for president of the United States shall be signed
14 by a number of voters equal to the number of signatures
15 required to form a new political party.

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

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

25 E. Nominating petitions for an independent

1 candidate for a member of the legislature, district judge,
2 district attorney or county office shall be signed by a
3 number of voters equal to at least two percent of the total
4 number of votes cast in the district, division or county, as
5 the case may be; provided that for the public education
6 commission, nominating petitions shall be signed by at least
7 two-thirds of the number of signatures that would otherwise
8 be required, and for a judicial office, nominating petitions
9 shall be signed by at least two-thirds of the number of
10 signatures that would otherwise be required.

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

22 (1) sixty days from the announcement of the
23 vacancy to the last day to file a declaration of candidacy,
24 in which case an independent candidate shall submit
25 nominating petitions signed by a number of voters equal to

1 two-thirds the number of voters otherwise required by this
2 section for an independent candidate; or

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

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

13 SECTION 53. Section 1-8-66 NMSA 1978 (being Laws 1981,
14 Chapter 156, Section 2, as amended) is amended to read:

15 "1-8-66. GENERAL ELECTIONS--WRITE-IN CANDIDATES.--

16 A. A person desiring to be a write-in candidate in
17 a general election shall file with the proper filing officer
18 between 9:00 a.m. and 5:00 p.m. on the twenty-third day after
19 the primary election a declaration of intent to be a write-in
20 candidate, accompanied by a petition signed by a number of
21 voters equal to at least one percent of the total number of
22 votes cast in the area sought to be represented as were cast
23 for governor at the last preceding general election at which
24 a governor was elected.

25 B. A person shall not be a declared write-in

1 candidate until the person has been notified in writing by
2 the proper filing officer that the certificate of
3 registration on file, the declaration of candidacy and the
4 nominating petition, if required, are in proper order and
5 that the person, based on those documents, is qualified to be
6 a candidate. The proper filing officer shall mail the notice
7 on the Friday following the filing date. The determination
8 by the proper filing officer that a person is a declared
9 write-in candidate is subject to the provisions of Section
10 1-8-18 NMSA 1978.

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

21 D. A write-in candidate shall be considered a
22 candidate for all purposes and provisions relating to
23 candidates in the Election Code, including the obligation to
24 report under the Campaign Reporting Act, except that the
25 candidate shall not be entitled to have the candidate's name

1 printed on the ballot.

2 E. The secretary of state shall, not more than ten
3 days after the filing date, certify the names of the declared
4 write-in candidates to the county clerks of every county
5 affected by such candidacy.

6 F. No person shall be a write-in candidate in the
7 general election who was a candidate or who filed a
8 declaration of candidacy in the primary election immediately
9 prior to the general election. A write-in candidate for
10 governor or lieutenant governor in the general election shall
11 have a companion write-in candidate, and they shall be
12 candidates to be elected jointly by the casting by a voter of
13 a single vote applicable to both offices."

14 SECTION 54. Section 1-9-1 NMSA 1978 (being Laws 1969,
15 Chapter 240, Section 184, as amended) is amended to read:

16 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM
17 DEFINED.--

18 A. The secretary of state shall study, examine and
19 certify all voting systems used in elections for public
20 office in New Mexico. The secretary of state shall maintain
21 a current list of certified voting systems and copies of
22 filed testing and evaluation reports accessible by the public
23 on the secretary of state's website. Only certified voting
24 systems that are also approved for use by the secretary of
25 state and acquired pursuant to a competitive bid process in

1 accordance with the provisions of the Procurement Code shall
2 be used in any election for public office in New Mexico.

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

12 SECTION 55. Section 1-9-7.4 NMSA 1978 (being Laws 2010,
13 Chapter 28, Section 2) is amended to read:

14 "1-9-7.4. VOTING SYSTEMS--AUTHORITY OF THE SECRETARY OF
15 STATE TO RECERTIFY AND DECERTIFY.--

16 A. Each voting system certified for use in the
17 state shall be reviewed for recertification by the secretary
18 of state during the year following a presidential election.
19 Tests and inspections conducted pursuant to this section
20 shall begin no later than June 1 and shall follow the
21 procedures in Section 1-9-14 NMSA 1978.

22 B. If at any time the secretary of state becomes
23 aware that a voting system certified for use in this state
24 does not comply with all requirements in the Election Code or
25 meet federal election standards, the secretary of state shall

1 undertake an investigation to determine if the voting system
2 should continue to be certified for use in the state. Tests
3 and inspections conducted pursuant to this section shall
4 commence upon the order of the secretary of state and shall
5 follow the procedures in Section 1-9-14 NMSA 1978. A voting
6 system that does not comply with all requirements in the
7 Election Code and the most recent voluntary voting system
8 guidelines adopted and implemented by the United States
9 election assistance commission shall be decertified for use
10 in this state."

11 SECTION 56. Section 1-9-7.10 NMSA 1978 (being Laws
12 2010, Chapter 28, Section 8) is amended to read:

13 "1-9-7.10. VOTING SYSTEMS--BALLOT HANDLING AND
14 PROCESSING REQUIREMENTS.--Voting systems certified for use in
15 state elections shall:

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

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

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

24 D. be designed to accommodate the maximum number
25 of ballot styles or ballot variations encountered in the

1 largest New Mexico election jurisdiction;

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

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

6 SECTION 57. Section 1-9-14 NMSA 1978 (being Laws 1983,
7 Chapter 226, Section 1, as amended) is amended to read:

8 "1-9-14. VOTING SYSTEMS--AUTHORITY OF THE SECRETARY OF
9 STATE TO TEST--CERTIFICATION.--

10 A. The secretary of state shall provide for the
11 testing and evaluation of voting systems designed for the
12 purpose of recording and tabulating votes within polling
13 places in New Mexico. All voting systems certified for use
14 in the state shall be tested by an independent authority and
15 shall comply with all requirements in the Election Code and
16 the most recent voluntary voting system guidelines adopted
17 and implemented by the United States election assistance
18 commission.

19 B. Any person who has a voting system that is
20 designed for the purpose of recording and tabulating votes
21 within a polling place may apply on or before June 1 of any
22 odd-numbered year to the secretary of state to have the
23 equipment examined and tested for certification. At the time
24 application is made for initial certification, the applicant
25 shall pay for testing each system in an amount that reflects

1 the actual cost of such test. Upon receipt of the
2 application, the secretary of state shall examine and study
3 the voting system to ensure that it complies with all
4 requirements in the Election Code and the most recent
5 voluntary voting system guidelines adopted and implemented by
6 the United States election assistance commission. As part of
7 the examination, the secretary of state shall require the
8 system to be independently inspected by persons or testing
9 laboratories technically qualified to evaluate and test the
10 operation and component parts of voting systems and shall
11 require a written report on the results of such testing. The
12 secretary of state may authorize field testing of the
13 equipment in one or more polling places in any state or local
14 government election; provided that such field tests shall be
15 conducted at no cost to the state or any local government.

16 C. Upon completion of all tests and examination of
17 all written test reports, the secretary of state shall make a
18 written report of the result of the findings and shall file
19 that report, together with the written test reports, in the
20 office of the secretary of state and post them on the
21 secretary of state's website. The secretary of state shall
22 accept public comment during the twenty-one days following
23 the filing of the written report.

24 D. Following the period of public comment, the
25 secretary of state shall submit the filed reports and any

1 public comments for consideration by the voting system
2 certification committee. The voting system certification
3 committee shall make recommendations regarding the
4 suitability and reliability of the use of such equipment in
5 the conduct of elections under the Election Code.

6 E. The voting system certification committee shall
7 recommend that a voting system be certified for use in the
8 state only if it complies with all requirements in the
9 Election Code and the most recent voluntary voting system
10 guidelines adopted and implemented by the United States
11 election assistance commission.

12 F. If the voting system certification committee
13 report finds that the voting system does not comply with all
14 requirements in the Election Code or does not meet federal
15 election standards, the secretary of state shall allow thirty
16 days for an appeal of the findings to be filed or for the
17 deficiencies to be corrected, following which the secretary
18 of state shall report back to the voting system certification
19 committee with a written final report.

20 G. The voting system certification committee shall
21 reconvene to consider the final report of the secretary of
22 state and shall make final recommendations regarding the
23 suitability and reliability of the use of such equipment in
24 the conduct of elections under the Election Code.

25 H. If the voting system certification committee

1 recommends that the voting system is suitable for use in
2 elections in New Mexico, within thirty days of receiving the
3 recommendation, the secretary of state shall certify or
4 recertify the equipment for use in elections in this state.

5 I. If the voting system certification committee
6 does not recommend that the voting system for recording and
7 tabulating votes is suitable for use in elections in
8 New Mexico, within thirty days of receiving the
9 recommendation, the secretary of state shall deny the
10 application or decertify the equipment for use in elections
11 in this state."

12 SECTION 58. Section 1-10-4 NMSA 1978 (being Laws 1977,
13 Chapter 222, Section 27, as amended) is amended to read:

14 "1-10-4. BALLOTS--PREPARATION.--

15 A. In a primary election, not less than sixty days
16 before the election, each county clerk shall group each
17 candidate who has been qualified by a proper filing officer
18 and a space for any offices with a declared write-in
19 candidate, separated by political party and certify in
20 writing a separate ballot for each precinct in the county for
21 each major political party to be voted on at the primary
22 election.

23 B. In a general election, not less than sixty days
24 before the election, each county clerk shall certify in
25 writing the ballot for each precinct in the county containing

1 the name of each candidate that has been certified as the
2 nominee of a qualified political party, each unaffiliated
3 candidate who has been qualified by a proper filing officer,
4 a space for any offices with a declared write-in candidate
5 and any ballot questions to be voted on at the general
6 election.

7 C. In a regular local election, not less than
8 fifty-six days before the election, each county clerk shall
9 certify in writing the ballot for each precinct in the county
10 containing the name of each candidate who has been qualified
11 by a proper filing officer, a space for any offices with a
12 declared write-in candidate and any ballot questions to be
13 voted on at the regular local election.

14 D. In a special local election, not less than
15 sixty days before the election, each county clerk shall
16 certify in writing the ballot for each precinct in the county
17 containing any ballot questions to be voted on at the special
18 election.

19 E. In a special state election, not less than
20 sixty days before the election, the secretary of state shall
21 certify in writing the ballot containing any ballot questions
22 to be voted on at the special state election.

23 F. In an election to fill a vacancy in the office
24 of United States representative and except as provided in
25 Subsection G of this section, not less than fifty-three days

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

8 G. In an election to fill a vacancy in the office
9 of United States representative in extraordinary
10 circumstances pursuant to 2 U.S.C. Section 8(b), not more
11 than seventeen days after the announcement of a vacancy in
12 the office of United States representative, the secretary of
13 state shall certify in writing the ballot containing the name
14 of each candidate that has been certified as the nominee of a
15 qualified political party, each unaffiliated candidate who
16 has been qualified and a space for any declared write-in
17 candidate to be voted on at the election to fill a vacancy in
18 the office of United States representative.

19 H. On the date specified for each election in this
20 section, each ballot certified pursuant to this section shall
21 be sent to the ballot printer or other person preparing the
22 ballot for use by voters and sent to the secretary of state
23 to keep on file for twelve months, after which the certified
24 ballot shall be transferred to be a permanent record at the
25 state records center. Upon request of the county chair of a

1 political party participating in a partisan election, the
2 county clerk shall furnish proof sheets or a copy of the
3 proof sheets of the certified ballot as soon as they become
4 available."

5 SECTION 59. Section 1-10-6 NMSA 1978 (being Laws 1977,
6 Chapter 222, Section 29, as amended) is amended to read:

7 "1-10-6. BALLOTS--NAME TO BE PRINTED--ORDER OF NAMES--
8 SIMILAR NAMES--NAMES NOT TO BE PRINTED.--

9 A. In the preparation of ballots for a statewide
10 election, the candidate's name shall be printed on the ballot
11 as it appears on the candidate's certificate of registration
12 that is on file in the county clerk's office on the day the
13 secretary of state issues the proclamation for that election;
14 provided that:

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

17 (2) academic, honorific and elected titles
18 shall not be printed;

19 (3) periods after initials shall not be
20 printed;

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

24 (5) only letters and punctuation used in
25 roman typefaces shall be printed.

1 B. The order of candidates for the same office in
2 a statewide election shall be determined using a
3 randomization method provided by rule.

4 C. If it appears that the names of two or more
5 candidates for any office to be voted on at the election are
6 the same or are so similar as to tend to confuse the voter as
7 to the candidates' identities, the candidates shall be
8 differentiated on the ballot in accordance with rules adopted
9 by the secretary of state.

10 D. A candidate's name shall not be printed on the
11 ballot if at least seventy days before a general election,
12 sixty-three days before a primary election or regular local
13 election or seven days after the filing day for declarations
14 of candidacy for any other election:

15 (1) the candidate files with the proper
16 filing officer a signed and notarized statement of withdrawal
17 as a candidate in that election;

18 (2) a judicial determination is made that
19 the candidate does not qualify to be a candidate for the
20 office sought;

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

24 (4) the voter registration of the candidate
25 is canceled for any reason provided in Chapter 1, Article 4

1 NMSA 1978."

2 SECTION 60. Section 1-10-8 NMSA 1978 (being Laws 2019,
3 Chapter 212, Section 103, as amended) is amended to read:

4 "1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT
5 QUESTIONS.--

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

- 10 (1) in a presidential primary, president;
- 11 (2) in a general election, president and
12 vice president as a ticket;
- 13 (3) United States senator;
- 14 (4) United States representative;
- 15 (5) state senator;
- 16 (6) state representative;
- 17 (7) supreme court;
- 18 (8) court of appeals;
- 19 (9) public education commission;
- 20 (10) district attorney;
- 21 (11) district court;
- 22 (12) metropolitan court;
- 23 (13) county clerk;
- 24 (14) county treasurer;
- 25 (15) county commission; and

1 (16) when applicable:

2 (a) county sheriff;

3 (b) county assessor; and

4 (c) probate judge.

5 B. In the year in which the governor is elected,
6 the ballot in a primary election and general election shall
7 contain, when applicable, partisan offices to be voted on in
8 the following order:

9 (1) United States senator;

10 (2) United States representative;

11 (3) in a major political party primary,
12 governor;

13 (4) in a major political party primary,
14 lieutenant governor;

15 (5) in a general election, governor and
16 lieutenant governor as a ticket;

17 (6) secretary of state;

18 (7) attorney general;

19 (8) state auditor;

20 (9) state treasurer;

21 (10) commissioner of public lands;

22 (11) state representative;

23 (12) supreme court;

24 (13) court of appeals;

25 (14) public education commission;

- 1 (15) district court;
- 2 (16) metropolitan court;
- 3 (17) magistrate court;
- 4 (18) county sheriff;
- 5 (19) county assessor;
- 6 (20) county commission;
- 7 (21) probate judge; and
- 8 (22) when applicable:
 - 9 (a) county clerk; and
 - 10 (b) county treasurer.

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

- 14 (1) municipal, with elective executive
15 officers listed first, governing board members listed second
16 and judicial officers listed third;
- 17 (2) board of education of a school district;
- 18 (3) community college, branch community
19 college, technical and vocational institute district or
20 learning center district; and
- 21 (4) special districts listed in order by
22 voting population of each special district, with the most
23 populous listed first and the least populous listed last.

24 D. The ballot in a statewide election shall
25 contain, when applicable, nonpartisan judicial retention and

1 in a statewide or special election, when applicable, ballot
2 questions to be voted on in the following order, unless a
3 different order is prescribed by the secretary of state:

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

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

1 F. When multiple positions for the same
2 districted, nonjudicial office are listed on the same ballot
3 or the qualifications for one or more at-large positions are
4 distinct from the qualifications of the rest:

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

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

15 G. When multiple positions for the same judicial
16 office are listed on the same ballot, each position is to be
17 elected or voted on individually as follows:

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

23 (2) supreme court and court of appeals for
24 partisan election shall appear on the ballot in ascending
25 numerical order of the position number designated by the

1 secretary of state for that election, based on the date of
2 the vacancy causing the position to be listed on the ballot;
3 provided that if multiple vacancies occurred on the same day,
4 the positions shall appear on the ballot based on the order
5 of seniority of the justice or judge who vacated the
6 position, with the highest seniority listed first; and

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

13 SECTION 61. A new Section 1-11-4.1 NMSA 1978 is enacted
14 to read:

15 "1-11-4.1. VOTER NOTIFICATION.--

16 A. At least forty-two days prior to each statewide
17 election, the secretary of state, on behalf of each county
18 clerk, shall mail a voter notification of the election. The
19 voter notification shall include:

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

21 (2) an internet address where a voter may
22 apply for a mailed ballot;

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

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

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

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

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

10 (2) notification that the election will be
11 conducted by mail and that no polling places will be
12 available for the special election;

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

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

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

23 C. The voter notification shall be sent to each
24 voter, except the voter notification shall not be sent to a
25 voter whose:

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

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

6 (3) ballot is delivered pursuant to the
7 provisions of the Intimate Partner Violence Survivor Suffrage
8 Act; or

9 (4) ballot, in a statewide election, is
10 delivered pursuant to the provisions of Section 1-6-22.1 NMSA
11 1978."

12 SECTION 62. Section 1-11-5 NMSA 1978 (being Laws 1969,
13 Chapter 240, Section 215, as amended) is amended to read:

14 "1-11-5. VOTING DEVICE--PREPARATION--CERTIFICATION.--

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

23 B. The county clerk shall certify to the secretary
24 of state and the county chair of each political party
25 represented on the ballot the type and serial number of each

1 voting machine to be used."

2 SECTION 63. Section 1-11-19 NMSA 1978 (being Laws 2018,
3 Chapter 79, Section 33, as amended) is amended to read:

4 "1-11-19. COSTS OF ELECTIONS--ELECTION FUND.--

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

7 (1) paying the costs of conducting and
8 administering statewide elections required by the Election
9 Code;

10 (2) reimbursing the counties for the costs
11 of conducting and administering statewide elections required
12 by the Election Code;

13 (3) paying the administrative costs of the
14 office of the secretary of state for administering elections
15 required by the Election Code and for administering the
16 election fund; and

17 (4) carrying out all other specified
18 provisions of the Election Code not already covered by
19 another fund administered by the secretary of state.

20 B. The state treasurer shall invest the election
21 fund as other state funds are invested, and all income
22 derived from the fund shall be credited directly to the fund.
23 Remaining balances at the end of a fiscal year shall remain
24 in the fund and not revert to the general fund. Money in the
25 fund is appropriated to the office of the secretary of state

1 for the purposes authorized in Subsection A of this section.
2 Money in the fund shall only be expended on warrants of the
3 department of finance and administration pursuant to vouchers
4 signed by the secretary of state or the secretary's designee.

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

7 (1) money appropriated to the fund by the
8 legislature;

9 (2) reimbursements from the state or a local
10 government for elections costs;

11 (3) federal funds received by the state that
12 are designated by the federal government or the state
13 executive for elections or that have been appropriated by the
14 legislature for election purposes;

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

18 (5) grants or capital outlay funds received
19 by the secretary of state for the purposes of Subsection A of
20 this section and not designated for any other fund.

21 D. The secretary of state may submit a budget
22 adjustment request to use money in the election fund for the
23 purposes authorized in Subsection A of this section beyond a
24 five percent variance from the approved elections budget for
25 the current fiscal year.

1 E. If the current year balances in the election
2 fund do not cover the costs of elections, the secretary of
3 state may apply to the state board of finance for an
4 emergency grant to cover those costs pursuant to Section
5 6-1-2 NMSA 1978."

6 SECTION 64. Section 1-12-25.2 NMSA 1978 (being Laws
7 2003, Chapter 356, Section 3, as amended) is amended to read:

8 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--
9 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

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

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

25 C. Beginning with the closing of the polls on

1 election day through the tenth day following the election,
2 the county clerk shall notify by mail each person whose
3 provisional paper ballot was not counted of the reason the
4 ballot was not counted. The voter shall have until the
5 Friday prior to the meeting of the state canvassing board to
6 appeal to the county clerk a decision to reject the voter's
7 ballot. At any time up to and including the appeal, the
8 voter may provide information or documentation to satisfy the
9 reason the ballot was rejected."

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

12 "1-12-65. PAPER BALLOTS--COUNTING AND TALLYING
13 PROCEDURES.--

14 A. The presiding judge and the election judges,
15 assisted by the election clerks, shall count the number of
16 paper ballots that were not tabulated by the electronic vote
17 tabulator, write the number of such ballots on each copy of
18 the certificate of returns for that polling place and place
19 the paper ballots that were not tabulated by the electronic
20 vote tabulator in an envelope provided for that purpose. The
21 envelope shall not be locked in the ballot box but shall
22 instead be sealed with either a numbered seal or a locking
23 device and transmitted directly to the county clerk for
24 machine-tabulation or hand-tallying of the ballots.

25 B. The presiding judge and the election judges,

1 assisted by the election clerks, shall count the number of
2 machine-tabulated paper ballots with write-in votes, write
3 the number of such ballots on each copy of the certificate of
4 returns for that polling place and place those paper ballots
5 with write-in votes in an envelope provided for that purpose.
6 The envelope shall not be locked in the ballot box but shall
7 instead be sealed with either a numbered seal or a locking
8 device and transmitted directly to the county clerk for
9 manual counting of the write-in votes.

10 C. The tallying of paper ballots that were not
11 tabulated by the electronic vote tabulator at the polling
12 place and the counting of ballots with write-in votes shall
13 be in accordance with procedures prescribed by the secretary
14 of state.

15 D. If the county clerk receives a sealed envelope
16 pursuant to Subsection A or B of this section and the absent
17 voter election board has not adjourned, the sealed envelope
18 shall be logged and transmitted to the absent voter election
19 board to be opened and tallied immediately. If the sealed
20 envelope is received by the county clerk after the absent
21 voter election board has adjourned, the sealed envelope shall
22 be logged and transmitted to be opened and tallied by an
23 election board appointed to assist in the preparation of the
24 county canvass report."

25 SECTION 66. Section 1-12-69 NMSA 1978 (being Laws 1977,

1 Chapter 222, Section 72, as amended) is repealed and a new
2 Section 1-12-69 NMSA 1978 is enacted to read:

3 "1-12-69. DISPOSITION OF PAPER BALLOTS AND RECORDS
4 REQUISITE TO VOTING.--

5 A. Paper ballots marked by voters and records
6 requisite to voting in any election shall be retained and
7 preserved for the greater of:

8 (1) twenty-two months from the date of the
9 election for any election in which a federal office appears
10 on the ballot;

11 (2) ten months from the date of the election
12 for all other elections; or

13 (3) four months following resolution of a
14 contest or other judicial inquiry, including all appeals, for
15 any election, precinct or polling place that is the subject
16 of the contest or other judicial inquiry.

17 B. Following the retention period, paper ballots
18 marked by voters and records requisite to voting retained and
19 preserved in the county may be destroyed at a time and in a
20 manner as determined by the county clerk; provided that the
21 county clerk shall use one of the destruction methods
22 approved by the state records administrator for destruction
23 of public records. Any interested person shall be permitted
24 to be present during the destruction of paper ballots marked
25 by a voter and records requisite to voting by the county

1 clerk. At least seven days prior to a destruction, the clerk
2 shall post on the county website a notice of destruction of
3 paper ballots and records requisite to voting and shall
4 provide notice to the county chair of each political party
5 participating in that election. The notice shall include
6 information regarding the election that is the subject of the
7 records destruction and the date, time and place where marked
8 ballots and records requisite to voting will be destroyed.

9 C. During the retention period, the county clerk
10 may determine that paper ballots marked by voters and
11 physical records requisite to voting from an election should
12 be retained and preserved by the state records administrator.
13 The state records administrator shall receive for storage
14 paper ballots marked by voters and physical records requisite
15 to voting and, following the retention periods required by
16 this section, may destroy the ballots and physical records
17 pursuant to the procedures used by the state records
18 administrator for destruction of public records following a
19 retention period. The state records administrator may enter
20 into a memorandum of understanding with the secretary of
21 state to cover the costs of storage through the election
22 fund. The county clerk shall post on the county website a
23 notice at least seven days prior to sending ballots and
24 physical records requisite to voting to the state records
25 administrator.

1 D. Paper ballots marked by voters, their digitized
2 equivalents and records requisite to voting are exempt from
3 third-party inspection except as otherwise provided in the
4 Election Code until the later of sixty days following
5 adjournment of the state or county canvassing board for that
6 election or sixty days following any recount, contest or
7 other judicial inquiry for any election, precinct or polling
8 place that is the subject of the recount, contest or judicial
9 inquiry. Thereafter, during the retention period and prior
10 to destruction of the ballots or records, a third-party
11 inspection not otherwise provided for in the Election Code
12 shall be conducted for good cause shown and upon order of the
13 district court. When a third-party inspection is ordered, a
14 county clerk, the clerk's agent, the state records
15 administrator or the state records administrator's agent
16 shall be present during the inspection to ensure that all
17 ballots and records are properly catalogued and returned in
18 proper order. An inspection of paper ballots marked by
19 voters, their digitized equivalents or records requisite to
20 voting shall be conducted in such a manner as to secure the
21 secrecy of the ballot."

22 SECTION 67. Section 1-13-1 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 303, as amended) is amended to read:

24 "1-13-1. POST-ELECTION DUTIES--COUNTY CANVASSING
25 BOARD.--

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

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

10 C. The county canvass report prepared by the
11 county clerk and approved by the county canvassing board
12 shall consist of:

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

15 (2) a report of the final vote counts for
16 each candidate contest and ballot question voted on by voters
17 of the county separated by mailed ballots, early voting and
18 election day voting;

19 (3) a report of the total ballots requested,
20 returned, accepted and rejected from uniformed-service voters
21 or overseas voters; and

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

24 D. Immediately after the meeting of the county
25 canvassing board, the county clerk shall transmit a copy of

1 the county canvass report, along with any hand tally sheets,
2 to the secretary of state."

3 SECTION 68. Section 1-13-4 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 306, as amended) is amended to read:

5 "1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--
6 METHOD.--The county clerk shall:

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

10 (1) paper ballots not previously tabulated;

11 (2) absentee ballots delivered to an
12 election board not previously tabulated;

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

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

17 B. prepare the report of the canvass of the
18 election returns by carefully examining the returns of each
19 precinct to ascertain if they contain the properly executed
20 certificates required by the Election Code and to ascertain
21 whether any discrepancy, omission or error appears on the
22 face of the election returns;

23 C. present the report of the canvass to the county
24 canvassing board for the board's consideration and approval;

25 and

1 D. provide the county canvassing board a summary
2 report of the ballots tallied by the election board pursuant
3 to Subsection A of this section and deliver directly to the
4 secretary of state a cumulative report to be used in the
5 event of a recount."

6 SECTION 69. Section 1-13-8 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 310, as amended) is amended to read:

8 "1-13-8. POST-ELECTION DUTIES--COUNTY CANVASS--SEARCH
9 FOR MISSING RETURNS.--If it is necessary to open a ballot box
10 on election night through the adjournment of the state
11 canvass to ascertain if missing election returns are enclosed
12 in the ballot box, the ballot box shall be opened in the
13 presence of the presiding judge and two election judges of an
14 election board that meets the requirements of Subsection B of
15 Section 1-2-12 NMSA 1978 by the county clerk or a deputy
16 clerk designated by the county clerk. The county clerk or
17 deputy clerk may remove the missing returns necessary to
18 canvass the election. The presiding judge and election
19 judges shall document the search for missing returns using a
20 form prescribed by the secretary of state."

21 SECTION 70. Section 1-13-10 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 313, as amended) is amended to read:

23 "1-13-10. POST-ELECTION DUTIES--VOTING MACHINE
24 RECHECK--COST.--

25 A. Before any recheck and comparison of returns

1 and voting machines is made pursuant to Section 1-13-9 NMSA
2 1978, the candidate making the request, or the petitioners,
3 shall deposit a sum of money or a surety bond made in favor
4 of the county to defray the cost of the recheck. The state
5 canvassing board shall determine the estimated actual cost of
6 a recheck per voting machine no later than March 15 of
7 even-numbered years.

8 B. If the recheck alters the winner of the
9 election, the deposit or surety bond shall be returned and
10 the cost of the recheck shall be paid by the county. If the
11 recheck does not alter the winner of the election, the
12 deposit or surety bond shall be forfeited and the money from
13 the deposit or bond shall be placed in the county general
14 fund."

15 SECTION 71. Section 1-14-9 NMSA 1978 (being Laws 1971,
16 Chapter 249, Section 2) is amended to read:

17 "1-14-9. IMPOUNDING BALLOTS--APPLICATION FOR COURT
18 ORDER--DEPOSIT REQUIRED.--

19 A. Upon an order of the district court, ballots
20 may be impounded during the period of time between the
21 completion of the county canvass and the last day to file a
22 candidate contest in that election.

23 B. Any candidate in an election may petition the
24 district court for an order impounding ballots in one or more
25 precincts or polling places within which the candidate's name

1 appeared on the ballot. The action shall be brought in the
2 district court for the county in which the precincts or
3 polling places are located. The petition shall state what
4 specific items of ballots are requested to be impounded.
5 Upon receipt of the petition, along with a sufficient cash
6 deposit or a sufficient surety bond to cover the costs of
7 each precinct or polling place for which impoundment is
8 demanded, the court shall issue an order of impoundment.

9 C. Ballots shall be impounded in the county
10 courthouse or secured in the county clerk's office. When
11 impounded ballots are being handled, a county clerk or the
12 clerk's agent shall be present to ensure that all documents
13 are properly catalogued and returned in proper order.

14 D. The state canvassing board shall determine the
15 estimated actual cost of impoundment per polling place and
16 for mailed ballots no later than March 15 of even-numbered
17 years. The secretary of state shall post the impoundment
18 cost determinations on the secretary of state's website when
19 the state canvassing board issues its cost determinations."

20 SECTION 72. Section 1-14-13.2 NMSA 1978 (being Laws
21 2009, Chapter 233, Section 1, as amended) is amended to read:

22 "1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM
23 CHECK.--

24 A. At least ninety days prior to each statewide
25 election or as soon as practicable prior to an election to

1 fill a vacancy in the office of United States representative,
2 the secretary of state shall contract with an auditor
3 qualified by the state auditor to audit state agencies to
4 oversee a check on the accuracy of precinct electronic vote
5 tabulators, alternate voting location electronic vote
6 tabulators and absent voter precinct electronic vote
7 tabulators. The voting system check shall be conducted for
8 all federal offices, for governor, for contests in the
9 regular local election and for the statewide elective office,
10 other than the office of the governor, for which the winning
11 candidate won by the smallest percentage margin of all
12 candidates for statewide office in New Mexico. The voting
13 system check is waived for any office for which an automatic
14 recount is conducted.

15 B. For each selected office, the auditor shall
16 publicly select a random sample of precincts from a pool of
17 all precincts in the state no later than twelve days after
18 the election. The random sample shall be chosen in a process
19 that will ensure, with at least ninety percent probability
20 for the selected offices, that faulty tabulators would be
21 detected if they would change the outcome of the election for
22 a selected office. The auditor shall select precincts
23 starting with the statewide office with the largest winning
24 margin and ending with the precincts for the statewide office
25 with the smallest winning margin and then, in the same

1 manner, select precincts from each congressional district.
 2 The size of the random sample for each office shall be
 3 determined as provided in Table 1 of this subsection. When a
 4 precinct is selected for one office, it shall be used in lieu
 5 of selecting a different precinct when selecting precincts
 6 for another office in the same congressional district, or for
 7 any statewide office. If the winning margin in none of the
 8 offices for which a voting system check is required is less
 9 than fifteen percent, a voting system check for that general
 10 election shall not be required.

11 Table 1

12 Winning margin between top 13 two candidates for the 14 office according to the 15 county canvasses	16 Number of precincts in the 17 state to be tested for that 18 office
19 Percent	
20 greater than 15	no precincts for that office
21 greater than 14	
22 but less than or equal to 15	4
23 greater than 13	
24 but less than or equal to 14	4
25 greater than 12	
but less than or equal to 13	5
greater than 11	
but less than or equal to 12	5

1	greater than 10	
2	but less than or equal to 11	6
3	greater than 9.0	
4	but less than or equal to 10	6
5	greater than 8.0	
6	but less than or equal to 9.0	7
7	greater than 7.0	
8	but less than or equal to 8.0	9
9	greater than 6.0	
10	but less than or equal to 7.0	10
11	greater than 5.5	
12	but less than or equal to 6.0	11
13	greater than 5.0	
14	but less than or equal to 5.5	13
15	greater than 4.5	
16	but less than or equal to 5.0	14
17	greater than 4.0	
18	but less than or equal to 4.5	16
19	greater than 3.5	
20	but less than or equal to 4.0	18
21	greater than 3.0	
22	but less than or equal to 3.5	22
23	greater than 2.5	
24	but less than or equal to 3.0	26
25	greater than 2.0	

1	but less than or equal to 2.5	32
2	greater than 1.8	
3	but less than or equal to 2.0	37
4	greater than 1.6	
5	but less than or equal to 1.8	42
6	greater than 1.4	
7	but less than or equal to 1.6	47
8	greater than 1.2	
9	but less than or equal to 1.4	54
10	greater than 1.1	
11	but less than or equal to 1.2	59
12	greater than 1.0	
13	but less than or equal to 1.1	65
14	greater than 0.9	
15	but less than or equal to 1.0	73
16	greater than 0.8	
17	but less than or equal to 0.9	82
18	greater than 0.7	
19	but less than or equal to 0.8	93
20	greater than 0.6	
21	but less than or equal to 0.7	109
22	greater than 0.5	
23	but less than or equal to 0.6	130
24	0.5 or less	165.

1 pursuant to Subsection B of this section or as required for a
2 regular local election, the auditor shall also randomly
3 select one precinct from each county where a precinct was not
4 selected in the random sample.

5 D. The auditor shall notify the appropriate county
6 clerks of the precincts that are to be included in the voting
7 system check upon their selection. The auditor shall direct
8 the appropriate county clerks to open the locked ballot boxes
9 and remove ballots from the selected precincts and:

10 (1) in a primary or general election, the
11 auditor shall direct the appropriate county clerks to compare
12 the original machine count precinct vote totals for
13 candidates for offices subject to the voting system check
14 from the selected precincts for each office with the
15 respective vote totals of a hand recount of the paper ballots
16 from those precincts;

17 (2) in a regular local election, the size of
18 the random sample shall be the largest number of precincts
19 that were used for the random sample in the previous general
20 election. The auditor shall direct the appropriate county
21 clerks to compare the original machine count precinct vote
22 totals for the three contests with the closest margin between
23 the two candidates receiving the greatest number of votes
24 affecting the final outcome for an office from each of the
25 selected precincts with the respective vote totals of a hand

1 recount of the paper ballots from those precincts; provided
2 that if there are fewer than three contested contests in a
3 precinct, the auditor shall randomly select one or more
4 contests so that three contests are included in the sample
5 from that precinct; and

6 (3) in an election called to fill a vacancy
7 in United States representative, the auditor shall direct the
8 appropriate county clerks to compare the original machine
9 count precinct vote totals for candidates for United States
10 representative from the selected precincts with the
11 respective vote totals of a hand recount of the paper ballots
12 from those precincts.

13 E. The county clerks shall report their results to
14 the auditor within fourteen days of the notice to conduct the
15 voting system check unless a county clerk is aware of a
16 recount in any office that includes one or more precincts in
17 the county, in which case the county clerk shall report the
18 results of the post-election audit to the auditor within
19 fourteen days following the conclusion of the recount.

20 F. Based on the results of the voting system check
21 and any other auditing results, the auditor shall determine
22 the error rate in the sample for each office. If the winning
23 margin decreases and the error rate based on the difference
24 between the vote totals of hand recounts of the paper ballots
25 and the original precinct vote totals exceeds ninety percent

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

9 G. The auditor shall report the results of the
10 voting system check to the secretary of state upon completion
11 of the voting system check and release the results to the
12 public.

13 H. Persons designated as county canvass observers
14 may observe the hand recount described in Subsection D of
15 this section. Observers shall comply with the procedures
16 governing county canvass observers as provided in Section
17 1-2-31 NMSA 1978.

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

24 J. All costs of a voting system check or required
25 hand recount shall be paid in the same manner as automatic

1 recounts.

2 K. The secretary of state may issue rules to
3 implement voting system checks."

4 SECTION 73. Section 1-14-14 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 343, as amended) is amended to read:

6 "1-14-14. RECOUNTS--RECHECKS--APPLICATION.--

7 A. Whenever any candidate believes that any error
8 or fraud has been committed by any precinct board in counting
9 or tallying the ballots, in the verification of the votes
10 cast on the voting machines or in the certifying of the
11 results of any election whereby the results of the election
12 in the precinct have not been correctly determined, declared
13 or certified, the candidate, within six days after completion
14 of the canvass by the proper canvassing board, may have a
15 recount of the ballots, or a recheck of the votes shown on
16 the voting machines, that were cast in the precinct.

17 B. All applications for recount or recheck shall
18 be filed with the secretary of state."

19 SECTION 74. Section 1-14-15 NMSA 1978 (being Laws 1978,
20 Chapter 48, Section 1, as amended) is amended to read:

21 "1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

22 A. An applicant for a recount shall deposit with
23 the proper canvassing board or, in the case of an office for
24 which the state canvassing board issues a certificate of
25 nomination or election, with the secretary of state

1 sufficient cash, or a sufficient surety bond, to cover the
2 cost of a recount for each precinct for which a recount is
3 demanded. An applicant for a recheck shall deposit with the
4 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
7 sufficient cash, or a sufficient surety bond, to cover the
8 cost of the recheck for each voting machine to be rechecked.
9 The state canvassing board shall determine the estimated
10 actual cost of a recount per polling place and for mailed
11 ballots and a recheck per voting machine no later than March
12 15 of even-numbered years. The secretary of state shall post
13 the recount and recheck cost determinations on the secretary
14 of state's website when the state canvassing board issues its
15 cost determinations.

16 B. The deposit or surety bond shall be security
17 for the payment of the costs and expenses of the recount or
18 recheck in case the results of the recount or recheck are not
19 sufficient to change the results of the election.

20 C. If it appears that error or fraud sufficient to
21 change the winner of the election has been committed, the
22 costs and expenses of the recount or recheck shall be paid by
23 the state upon warrant issued by the secretary of finance and
24 administration supported by a voucher of the secretary of
25 state, or shall be paid by the county upon warrant of the

1 county clerk from the general fund of the county, as the case
2 may be.

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

11 SECTION 75. Section 1-14-24 NMSA 1978 (being Laws 2008,
12 Chapter 41, Section 1, as amended) is amended to read:

13 "1-14-24. AUTOMATIC RECOUNTS--PROCEDURES.--

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

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

23 (a) for that office in the case of a
24 federal or statewide office;

25 (b) on a ballot question in the case of SB 180
Page 141

1 a state ballot question; or

2 (c) on a nonpartisan judicial retention
3 election in the case of the supreme court or the court of
4 appeals;

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

7 (a) for that office in the case of a
8 public education commissioner, district attorney or any
9 office elected countywide in a county with more than one
10 hundred fifty thousand registered voters;

11 (b) on a ballot question in the case of
12 a local ballot question; or

13 (c) on a nonpartisan judicial retention
14 election in the case of a district court or the metropolitan
15 court; or

16 (3) one percent of the total votes cast in
17 that election or five or fewer votes between the two
18 candidates receiving the greatest number of votes for that
19 office in the case of any other office.

20 B. For an office for which ballots were cast in
21 more than one county, the secretary of state shall file
22 notice with the state canvassing board upon the completion of
23 the state canvass that an automatic recount is required, and
24 the state canvassing board shall order a recount of the
25 ballots for the specified office. For an office in which

1 ballots were cast solely within one county, the secretary of
2 state shall file notice with the state canvassing board
3 within seven days after receiving notice from the county
4 clerk following the completion of the county canvass that an
5 automatic recount is required, and the state canvassing board
6 shall order a recount of the ballots for the specified
7 office.

8 C. Automatic recounts shall be conducted pursuant
9 to the recount procedures established in Sections 1-14-16 and
10 1-14-18 through 1-14-23 NMSA 1978."

11 SECTION 76. Section 1-16-4 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 377, as amended) is amended to read:

13 "1-16-4. BALLOT QUESTIONS--STATE CONSTITUTIONAL
14 AMENDMENTS--PUBLICATION.--

15 A. The secretary of state shall cause the ballot
16 question for a proposed constitutional amendment to be
17 published as provided in Article 19, Section 1 of the
18 constitution of New Mexico.

19 B. The secretary of state shall post a proposed
20 constitutional amendment beginning no later than seventy days
21 prior to the election at which the amendment is to be
22 submitted to the voters of the state for their approval or
23 rejection.

24 C. Each county clerk shall post a proposed
25 constitutional amendment beginning no later than sixty-seven

1 days prior to the election at which the amendment is to be
2 submitted to the voters of the state for their approval or
3 rejection."

4 SECTION 77. Section 1-17-8 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 393) is amended to read:

6 "1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE
7 CIRCULATION.--

8 A. Before any referendum petition is circulated
9 for signatures, the sponsors shall submit the original draft
10 thereof to the secretary of state to determine whether or not
11 it meets the requirements of law for referendum petitions.

12 At the same time the original draft is submitted to the
13 secretary of state, the sponsors shall also submit a
14 suggested popular name for the law that is the object of the
15 petition.

16 B. Within thirty days after submission of the
17 original draft and suggested popular name, the secretary of
18 state shall:

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

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

24 SECTION 78. Section 1-17-10 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 395) is amended to read:

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

6 SECTION 79. Section 1-19A-7 NMSA 1978 (being Laws 2003,
7 Chapter 14, Section 7, as amended) is amended to read:

8 "1-19A-7. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS
9 TO AND EXPENDITURES OF CERTIFIED CANDIDATES.--

10 A. All money distributed to a certified candidate
11 shall be used only for that candidate's campaign-related
12 purposes in the election in which the money was distributed.

13 B. Money from the fund received by a candidate
14 shall not be used for:

15 (1) the candidate's personal living expenses
16 or compensation to the candidate or the candidate's spouse,
17 domestic partner, children or stepchildren;

18 (2) a contribution to another campaign of
19 the candidate or a payment to retire debt from another such
20 campaign;

21 (3) a contribution to the campaign of
22 another candidate or to a political party or political
23 committee or to a campaign supporting or opposing a ballot
24 proposition;

25 (4) an expenditure supporting the election

1 of another candidate or the passage or defeat of a ballot
2 proposition or the defeat of any candidate other than an
3 opponent of the certified candidate; provided that a
4 certified candidate may purchase joint advertisements or
5 services with other certified candidates;

6 (5) payment of a fine levied by a court or
7 the secretary; or

8 (6) a gift or transfer for which
9 compensating value is not received.

10 C. A certified candidate shall return to the fund
11 any amount that is unspent or unencumbered at the time that
12 person ceases to be a candidate before a primary or general
13 election for which the fund money was distributed.

14 D. A certified candidate shall limit total
15 campaign expenditures to the amount of money distributed to
16 that candidate from the fund, money received from a political
17 party pursuant to Section 1-19A-8 NMSA 1978 and contributions
18 collected pursuant to Section 1-19A-4.1 NMSA 1978. A
19 certified candidate shall not accept contributions from any
20 other source except the certified candidate's political
21 party, as specified in Section 1-19A-8 NMSA 1978 and
22 contributions collected pursuant to Section 1-19A-4.1 NMSA
23 1978.

24 E. A certified candidate who does not remain a
25 candidate in the general election shall, within thirty days

1 after the primary election, transfer to the secretary for
2 deposit in the fund any amount received from the fund, from a
3 political party pursuant to Section 1-19A-8 NMSA 1978 or from
4 private contributors pursuant to Section 1-19A-4.1 NMSA 1978
5 that remains unspent or unencumbered by the date of the
6 primary election.

7 F. A certified candidate shall, within thirty days
8 after the general election, transfer to the secretary for
9 deposit in the fund any amount received from the fund, from a
10 political party pursuant to Section 1-19A-8 NMSA 1978 or from
11 private contributors pursuant to Section 1-19A-4.1 NMSA 1978
12 that remains unspent or unencumbered by the date of the
13 general election.

14 G. If a certified candidate ceases to be a
15 certified candidate for any reason, the previously certified
16 candidate or candidate's campaign committee shall, within
17 thirty days thereafter, transfer to the secretary for deposit
18 in the fund any amount received from the fund, from a
19 political party pursuant to Section 1-19A-8 NMSA 1978 or from
20 private contributors pursuant to Section 1-19A-4.1 NMSA 1978
21 that remains unspent or unencumbered by the date the
22 candidate ceases to be a certified candidate."

23 SECTION 80. Section 1-20-6 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 431) is amended to read:

25 "1-20-6. UNLAWFUL POSSESSION OF KEYS.--Unlawful

1 possession of keys consists of the possession at any time of
2 any key to a voting machine, ballot box or monitored secured
3 container, or possession of an imitation or duplicate
4 thereof, or making or causing to be made any imitation or
5 duplicate thereof, unless authorized by the Election Code.
6 Whoever commits unlawful possession of keys is guilty of a
7 fourth degree felony."

8 SECTION 81. Section 1-20-7 NMSA 1978 (being Laws 1971,
9 Chapter 111, Section 1, as amended) is amended to read:

10 "1-20-7. UNLAWFUL POSSESSION OF ABSENTEE BALLOT.--
11 Unlawful possession of absentee ballot consists of the
12 possession at any time of absentee ballot materials when not
13 authorized by the Election Code to be in possession of such
14 materials, or when such materials were obtained in an
15 unlawful manner, and includes the establishment, designation
16 or operation of any container or receptacle to receive voted
17 ballots by a person who is not authorized by the Election
18 Code and entering information into or altering the absentee
19 ballot register. As used in this section, "absentee ballot
20 materials" means an absentee ballot, absentee ballot
21 envelopes, the absentee ballot register or an absentee ballot
22 return. Whoever commits unlawful possession of absentee
23 ballot is guilty of a fourth degree felony."

24 SECTION 82. Section 1-20-17 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 441, as amended) is amended to read:

1 "1-20-17. OBSTRUCTING THE POLLING PLACE.--

2 A. Obstructing the polling place consists of
3 a person other than an authorized individual approaching
4 nearer than fifty feet from the door through which voters may
5 enter to vote at a polling place or a person who willfully
6 blocks access to a monitored secured container or the
7 entrance to a polling place so as to prevent free ingress and
8 egress.

9 B. A person conducting lawful, non-election-
10 related business nearer than fifty feet from the door through
11 which voters may enter to vote is not guilty of obstructing a
12 polling place, provided the person does not willfully block
13 access to a monitored secured container or the entrance to
14 the polling place.

15 C. As used in this section, "authorized
16 individual" means an individual who is not electioneering and
17 who is:

- 18 (1) a voter offering to vote;
19 (2) a member of the election board;
20 (3) a lawfully appointed watcher, challenger
21 or election observer;
22 (4) an individual giving assistance to a
23 specific person offering to vote;
24 (5) an election official or contractor
25 having business in the polling place;

1 (6) an attorney representing the county or
2 state, a political party or a candidate having business in
3 the polling place; or

4 (7) a language translator where required by
5 federal law.

6 D. Whoever obstructs the polling place is guilty
7 of a petty misdemeanor."

8 SECTION 83. Section 1-20-21 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 445) is amended to read:

10 "1-20-21. UNLAWFUL POSSESSION OF ALCOHOLIC LIQUORS.--
11 Unlawful possession of alcoholic liquors consists of the use
12 or possession of any alcoholic liquor by any member of the
13 election board while performing official duties on election
14 day.

15 Whoever commits unlawful possession of alcoholic liquors
16 is guilty of a petty misdemeanor."

17 SECTION 84. Section 1-22-4 NMSA 1978 (being Laws 2018,
18 Chapter 79, Section 19, as amended) is amended to read:

19 "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--
20 PUBLICATION.--

21 A. Between one hundred twenty and one hundred
22 fifty days before the next regular local election, each local
23 government shall notify the county clerk of the county in
24 which the primary administrative office of the local
25 government is situate of all local government positions that

1 are to be filled at the next regular local election. Each
2 county clerk shall inform the secretary of state of all
3 positions to be filled no later than one hundred twelve days
4 before the regular local election.

5 B. The secretary of state shall by resolution
6 issue a public proclamation in Spanish and English calling a
7 regular local election. The proclamation shall be issued and
8 filed by the secretary of state in the office of the
9 secretary of state ninety days preceding the date of the
10 regular local election, and upon filing the proclamation, the
11 secretary of state shall post the proclamation and certify it
12 to each county clerk. The proclamation may be amended no
13 later than eleven days before the filing date for the regular
14 local election.

15 C. The proclamation shall specify:

- 16 (1) the date when the election will be held;
- 17 (2) each elective office, local governing
18 body and judicial position to be filled;
- 19 (3) the date on which declarations of
20 candidacy are to be filed;
- 21 (4) the date on which declarations of intent
22 to be a write-in candidate are to be filed; and
- 23 (5) the municipalities subject to a
24 ranked-choice voting runoff election and those subject to a
25 top-two runoff election and the date of the top-two runoff

1 election should one be necessary.

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

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

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

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

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

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

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

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

3 SECTION 85. Section 1-22-7 NMSA 1978 (being Laws 2018,
4 Chapter 79, Section 20, as amended) is amended to read:

5 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--
6 PENALTY.--

7 A. A candidate for a position that will be filled
8 at a regular local election shall file a declaration of
9 candidacy with the proper filing officer between 9:00 a.m.
10 and 5:00 p.m. on the seventieth day before the date of the
11 regular local election.

12 B. A candidate shall file for only one position in
13 the same local government but may file for a position in more
14 than one local government on the same filing day.

15 C. A declaration of candidacy shall not be amended
16 after it has been filed with the proper filing officer.

17 D. Each declaration of candidacy shall be
18 accompanied by a nominating petition containing at least the
19 number of signatures as required by law for the specific
20 office.

21 E. Each declaration of candidacy shall be
22 delivered for filing in person by the eligible candidate or
23 by a person acting by virtue of written authorization. The
24 proper filing officer shall not accept for filing from any
25 one individual more than one declaration of candidacy.

1 F. Whoever knowingly makes a false statement in a
2 declaration of candidacy is guilty of a fourth degree felony
3 and shall be sentenced pursuant to the provisions of Section
4 31-18-15 NMSA 1978."

5 SECTION 86. Section 1-22-8.1 NMSA 1978 (being Laws
6 2018, Chapter 79, Section 22, as amended) is amended to read:

7 "1-22-8.1. WRITE-IN CANDIDATES.--

8 A. Write-in candidates shall be permitted in
9 regular local elections.

10 B. A person may be a write-in candidate only if
11 the person has the qualifications to be a candidate for the
12 position for which the person is running.

13 C. A person desiring to be a write-in candidate
14 for an office shall file with the proper filing officer a
15 declaration of intent to be a write-in candidate. The
16 declaration shall be filed between 9:00 a.m. and 5:00 p.m. on
17 the sixty-third day preceding the date of the election.

18 D. The declaration of intent to be a write-in
19 candidate shall be accompanied by a nominating petition
20 containing the same number of signatures or the filing fee
21 required of other candidates for the same office.

22 E. A write-in candidate shall be considered a
23 candidate for all purposes and provisions relating to
24 candidates in the Local Election Act, except that the
25 write-in candidate's name shall not be printed on the ballot

1 nor posted in any polling place."

2 SECTION 87. Section 1-22-10 NMSA 1978 (being Laws 2018,
3 Chapter 79, Section 24, as amended) is amended to read:

4 "1-22-10. CANDIDATE QUALIFICATION--CHALLENGES--
5 BALLOTS.--

6 A. The proper filing officer shall determine
7 whether a candidate filing a declaration of candidacy is
8 registered to vote within the area to be elected to represent
9 and, if required for the office being sought, whether the
10 candidate's nominating petition for that office has been
11 filed with a number of signatures that is equal to or greater
12 than the number required for that office. If the candidate
13 is so qualified and no withdrawal of candidacy has been filed
14 as provided in the Local Election Act, the proper filing
15 officer shall place the candidate's name on the ballot for
16 the position specified in the declaration of candidacy and
17 notify each candidate in writing no later than the
18 sixty-seventh day before the local election.

19 B. Any voter may challenge the candidacy of any
20 person seeking election at the regular local election for the
21 reason that the person does not meet the requirements for the
22 office sought by filing a petition in the district court
23 within seven days after the day for filing a declaration of
24 candidacy. The district court shall hear and render a
25 decision on the matter within ten days after the filing of

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

5 C. Ballots for the regular local election shall be
6 prepared by the proper filing officer and printed in
7 accordance with the provisions of Section 1-10-5 NMSA 1978.

8 D. The printed ballot shall contain the name of
9 each person who is a candidate and the position for which the
10 person is a candidate.

11 E. The ballot shall also contain all ballot
12 questions that are to be submitted to the voters as certified
13 by a local governing body to the county clerk in each county
14 in which the local government is situate and shall conform to
15 the requirements for ballot questions on the regular local
16 election ballot as provided in Chapter 1, Article 16 NMSA
17 1978."

18 SECTION 88. Section 1-24-3 NMSA 1978 (being Laws 2019,
19 Chapter 212, Section 156) is amended to read:

20 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

21 A. All special elections in this state shall be
22 conducted absentee. Mailed ballots shall be used exclusively
23 for voting in special elections. Except as otherwise
24 provided in the Special Election Act, all special elections
25 in this state shall be conducted and canvassed as provided in

1 the Election Code.

2 B. Without requiring a voter to file an
3 application to receive a ballot, the county clerk shall send
4 a mailed ballot to every voter of the county or local public
5 body, except a voter:

6 (1) who was sent a notice pursuant to
7 Subsection C of Section 1-4-28 NMSA 1978 and who has not
8 returned the prepaid and pre-addressed return card sent
9 pursuant to that section and has not filed a new certificate
10 of registration with a new address;

11 (2) whose voter notification pursuant to
12 Section 1-11-4.1 NMSA 1978 or official election-related mail
13 sent through a uniform, nondiscriminatory process was
14 returned to the county clerk or the secretary of state as
15 undeliverable and the voter has not communicated with the
16 county clerk that the official voter notification or
17 election-related mail was returned as undeliverable in error
18 or filed a certificate of registration with a new address; or

19 (3) whose ballot is delivered pursuant to
20 the provisions of the Intimate Partner Violence Survivor
21 Suffrage Act.

22 C. Forty-two days before the election or in the
23 case of a voter notification returned to the county clerk, as
24 soon thereafter as practicable, the county clerk shall send
25 to each voter of the county or local public body described in

1 Paragraphs (1) and (2) of Subsection B of this section
2 notice, sent by forwardable mail, that the voter will not be
3 sent a ballot for the special election unless the voter
4 updates the voter's address as provided by the Election Code
5 or informs the county clerk that the address on the
6 certificate of registration is valid. The notice shall
7 include contact information for the office of the county
8 clerk and an internet address where the voter may update the
9 voter's address or communicate with the county clerk. The
10 mailed ballot register shall note which voters were sent a
11 notice pursuant to this subsection.

12 D. Between the twenty-seventh and twenty-fifth day
13 before the election, pursuant to Subsection B of this
14 section, the county clerk shall send to each voter a ballot
15 for the special election, along with a postage-paid return
16 envelope, a notice that there will be no traditional polling
17 places for the election, the recommended deadline to deposit
18 the voted mailed ballot with the United States postal service
19 for return by mail, the deadline for the ballot to be
20 received by the county clerk and a list of the times and
21 locations of monitored secured containers available in the
22 county.

23 E. Beginning twenty-two days before the election,
24 the county clerk shall issue replacement and provisional
25 ballots as provided in the Absent Voter Act for the mailed

1 ballot process. In addition, the county clerk shall send a
2 ballot to any voter described in Paragraphs (1) and (2) of
3 Subsection B of this section who has not previously been sent
4 a ballot if the voter submits an application pursuant to
5 Section 1-6-4 NMSA 1978.

6 F. When required by federal law, if the voter has
7 on file with the county a valid certificate of registration
8 that indicates that the voter is a new registrant in the
9 state and who registered by mail without submitting the
10 required documentary identification, the county clerk shall
11 notify the voter that the voter must submit with the mailed
12 ballot the required documentary identification from the list
13 in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA
14 1978. The county clerk shall note on the mailed ballot
15 register and signature roster that the applicant's mailed
16 ballot must be returned with the required documentary
17 identification."

18 SECTION 89. Section 2-11-8.1 NMSA 1978 (being Laws
19 1993, Chapter 46, Section 23, as amended) is amended to read:

20 "2-11-8.1. RESTRICTIONS ON CAMPAIGN ACTIVITIES AND
21 CONTRIBUTIONS.--

22 A. A lobbyist shall not serve as a campaign chair,
23 treasurer or fundraising chair for a candidate for the
24 legislature or other state office.

25 B. It is unlawful during the prohibited period, as SB 180
Page 159

1 that term is defined in Section 1-19-34.1 NMSA 1978, for any
2 lobbyist or lobbyist's employer to contribute to or act as an
3 agent or intermediary for political contributions to or
4 arrange for the making of political contributions to the
5 campaign funds of any statewide elected official or
6 legislator or any candidate for those offices.”

7 SECTION 90. Section 7-1-8.8 NMSA 1978 (being Laws 2019,
8 Chapter 87, Section 2, as amended) is amended to read:

9 "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER
10 STATE AND LEGISLATIVE AGENCIES.--An employee of the
11 department may reveal confidential return information to the
12 following agencies; provided that a person who receives the
13 information on behalf of the agency shall be subject to the
14 penalties in Section 7-1-76 NMSA 1978 if the person fails to
15 maintain the confidentiality required:

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

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

23 C. the commissioner of public lands, return
24 information for use in auditing that pertains to rentals,
25 royalties, fees and other payments due the state under land

1 sale, land lease or other land use contracts;

2 D. the secretary of human services or the
3 secretary's delegate under a written agreement with the
4 department:

5 (1) the last known address with date of all
6 names certified to the department as being absent parents of
7 children receiving public financial assistance, but only for
8 the purpose of enforcing the support liability of the absent
9 parents by the child support enforcement division or any
10 successor organizational unit;

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

14 (3) return information of low-income
15 taxpayers for the limited purpose of outreach to those
16 taxpayers; provided that the human services department shall
17 pay the department for expenses incurred by the department to
18 derive the information requested by the human services
19 department if the information requested is not readily
20 available in reports for which the department's information
21 systems are programmed;

22 (4) return information required to
23 administer the Health Care Quality Surcharge Act; and

24 (5) return information in accordance with
25 the provisions of the Easy Enrollment Act;

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

8 F. the state courts, the random jury lists
9 produced by the department of information technology under
10 Subsection E of this section;

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

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

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

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

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

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

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

21 N. the superintendent of insurance, return
22 information with respect to the premium tax and the health
23 insurance premium surtax;

24 O. the secretary of finance and administration or
25 the secretary's designee, return information concerning a

1 credit pursuant to the Film Production Tax Credit Act;

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

5 Q. the secretary of public safety or the
6 secretary's designee, return information concerning the
7 Weight Distance Tax Act;

8 R. the secretary of transportation or the
9 secretary's designee, return information concerning the
10 Weight Distance Tax Act;

11 S. the secretary of energy, minerals and natural
12 resources or the secretary's designee, return information
13 concerning tax credits or deductions for which eligibility is
14 certified or otherwise determined by the secretary or the
15 secretary's designee;

16 T. the secretary of environment or the secretary's
17 designee, return information concerning tax credits for which
18 eligibility is certified or otherwise determined by the
19 secretary or the secretary's designee; and

20 U. the secretary of state or the secretary's
21 designee, taxpayer information required to maintain voter
22 registration records and as otherwise provided in the
23 Election Code."

24 SECTION 91. Section 8-4-4 NMSA 1978 (being Laws 1969,
25 Chapter 272, Section 1, as amended) is amended to read:

1 "8-4-4. FEES OF SECRETARY OF STATE.--

2 A. The secretary of state shall collect the
3 following fees to be deposited with the state treasurer for
4 credit to the general fund:

- 5 (1) photocopies of records, per page -----
6 ----- twenty-five cents (\$.25);
- 7 (2) each certification -----
8 -----three dollars (\$3.00);
- 9 (3) search of records where another fee is
10 not prescribed, per hour of search -----
11 ----- ten dollars (\$10.00);
- 12 (4) duplicate commission of office or
13 certificate----- three dollars(\$3.00);
- 14 (5) service of process where another fee is
15 not prescribed -----
16 ----- twenty-five dollars (\$25.00);
- 17 (6) computer printout of Uniform Commercial
18 Code records, per page -----
19 ----- one dollar (\$1.00); and
- 20 (7) computer generated records other than
21 voter registration records, per record -----
22 -----ten cents (\$.10).

23 B. The secretary of state shall not collect a fee
24 for the following documents when filed in the office of the
25 secretary of state:

- 1 (1) oath of office; and
2 (2) notice of appointment to a vacancy in
3 office."

4 SECTION 92. Section 40-13B-1 NMSA 1978 (being Laws
5 2018, Chapter 40, Section 1) is amended to read:

6 "40-13B-1. SHORT TITLE.--Chapter 40, Article 13B NMSA
7 1978 may be cited as the "Confidential Substitute Address
8 Act"."

9 SECTION 93. Section 40-13B-3 NMSA 1978 (being Laws
10 2018, Chapter 40, Section 3) is amended to read:

11 "40-13B-3. CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM--
12 APPLICATION.--

13 A. The "confidential substitute address program"
14 is created in the office of the secretary of state to provide
15 a process by which a victim of domestic violence may protect
16 the confidentiality of the victim's residential and delivery
17 addresses in public records.

18 B. An applicant, with the assistance of an
19 application assistant, shall submit an application to the
20 secretary of state on a form prescribed by the secretary of
21 state. The application assistant's signature shall serve as
22 recommendation that the applicant participate in the
23 confidential substitute address program.

24 C. An application shall be signed and dated by the
25 applicant and the application assistant and shall include:

1 (1) the applicant's name;

2 (2) the applicant's statement that the
3 applicant fears for the safety of the applicant, the
4 applicant's child or another person in the applicant's
5 household because of a threat of immediate or future harm;

6 (3) the applicant's statement that the
7 disclosure of the applicant's residential or delivery address
8 would endanger the applicant, the applicant's child or
9 another person in the applicant's household;

10 (4) the applicant's statement that the
11 applicant has confidentially relocated in the past ninety
12 days or will relocate within the state in the next ninety
13 days;

14 (5) a designation of the secretary of state
15 as the applicant's agent for the purpose of receiving mail,
16 deliveries and service of process, notice or demand;

17 (6) the names and ages of those persons in
18 the applicant's household who will also be participants in
19 the program if the applicant is admitted into the program.
20 Each person in an applicant's household listed in the
21 application shall be considered a separate participant in the
22 program;

23 (7) the applicant's residential and delivery
24 addresses, if different, the confidentiality of which the
25 applicant seeks to protect;

1 (8) the applicant's telephone number and
2 email address; and

3 (9) the applicant's statement under penalty
4 of perjury that the information contained in the application
5 is true."

6 SECTION 94. Section 40-13B-6 NMSA 1978 (being Laws
7 2018, Chapter 40, Section 6) is amended to read:

8 "40-13B-6. CHANGE OF PARTICIPANT NAME, ADDRESS OR
9 TELEPHONE NUMBER--REQUIREMENTS.--

10 A. A participant shall notify the secretary of
11 state within ten days of legally changing the participant's
12 name and shall provide the secretary of state with a
13 certified copy of documentation of the legal name change.

14 B. A participant shall notify the secretary of
15 state within ten days of a change to the participant's
16 residential address, delivery address, telephone number or
17 email address.

18 C. A participant shall notify the secretary of
19 state within ten days if a new person in the participant's
20 household needs to become a participant in the program."

21 SECTION 95. Section 40-13B-7 NMSA 1978 (being Laws
22 2018, Chapter 40, Section 7) is amended to read:

23 "40-13B-7. PARTICIPANT DECERTIFICATION.--

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

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

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

8 (3) mail that is forwarded by the secretary
9 of state to the participant's delivery address is returned as
10 undeliverable; or

11 (4) the participant does not comply with the
12 provisions of the Intimate Partner Violence Survivor Suffrage
13 Act.

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

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

25 D. For six months after a participant has been

1 decertified, the secretary of state shall forward mail and
2 deliveries to an address provided by the former participant.
3 Upon receipt of mail and deliveries pursuant to this
4 subsection, a former participant shall provide an updated
5 address to the sender."

6 SECTION 96. Section 40-13B-8 NMSA 1978 (being Laws
7 2018, Chapter 40, Section 8, as amended) is amended to read:

8 "40-13B-8. PARTICIPANT RECORDS--CONFIDENTIALITY--
9 DISCLOSURE PROHIBITED.--

10 A. The secretary of state and an agency shall not
11 disclose the residential address, delivery address, telephone
12 number or email address of a participant unless the
13 information is required to be disclosed pursuant to a court
14 order. A person or agency that receives a participant's
15 residential address, delivery address, telephone number or
16 email address pursuant to a court order shall not in turn
17 disclose that information unless pursuant to a court order or
18 unless the person who was a participant has been decertified.

19 B. The secretary of state shall maintain the
20 confidentiality of all records relating to an applicant for
21 or participant in the confidential substitute address program
22 while the person is a participant and shall:

23 (1) store all tangible copies of program
24 records in locked equipment;

25 (2) store all electronic copies of program

1 records in a password-protected system;

2 (3) restrict access to all program records
3 to secretary of state staff members who are approved to
4 access the records as provided in this section; and

5 (4) release program records only on a
6 court's order.

7 C. The secretary of state shall establish a system
8 for restricting access to program records to approved staff
9 members. Before being approved and granted access to program
10 records, the staff member shall:

11 (1) submit to a criminal background check
12 performed by the department of public safety;

13 (2) not have a record of a sex offense,
14 felony or a misdemeanor violation related to domestic
15 violence or sexual assault on the results of the person's
16 criminal background check; and

17 (3) complete forty hours of training,
18 including a domestic violence training course provided by the
19 children, youth and families department and sexual assault
20 training provided by the department of health or the crime
21 victims reparation commission or its successor.

22 D. The secretary of state shall appoint a person
23 to be the administrator of the election component of the
24 confidential substitute address program in accordance with
25 the Intimate Partner Violence Survivor Suffrage Act. The

1 administrator shall meet the requirements of Subsection C of
2 this section, and administration of the Intimate Partner
3 Violence Survivor Suffrage Act shall conform to the
4 requirements of Subsections A and B of this section and
5 Subsection E of Section 40-13B-5 NMSA 1978."

6 SECTION 97. TEMPORARY PROVISION--2021 POLLING PLACE
7 RESOLUTION--VOTER CONVENIENCE CENTER FOR ALL STATEWIDE
8 ELECTIONS IN CALENDAR YEAR 2023.--Each election day polling
9 place established in the 2021 polling place resolution for
10 each county or any election day polling place established by
11 any subsequent amendment to such a resolution shall operate
12 as a voter convenience center for all statewide elections in
13 calendar year 2023.

14 SECTION 98. TEMPORARY PROVISION--RECOMPILATION.--
15 Section 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262,
16 Section 15) is recompiled as a section of the Campaign
17 Reporting Act.

18 SECTION 99. REPEAL.--Sections 1-6-9.2, 1-8-41,
19 1-10-8.1, 1-15A-8, 1-15A-10 and 1-15A-11 NMSA 1978 (being
20 Laws 1999, Chapter 267, Section 1; Laws 1973, Chapter 228,
21 Section 11; Laws 1981, Chapter 166, Section 1; Laws 1977,
22 Chapter 230, Section 7; Laws 1977, Chapter 230, Section 9
23 and Laws 1977, Chapter 230, Section 11; as amended) are
24 repealed. _____
25