

SENATE BILL 218

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Katy M. Duhigg and Heather Berghmans

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ELECTION ADMINISTRATION; AMENDING THE ELECTION CODE; PROVIDING A PROCESS FOR ELECTION ADMINISTRATIVE STAFF HOME ADDRESS CONFIDENTIALITY; REQUIRING COUNTY CLERKS TO PARTICIPATE IN A CERTIFICATION PROGRAM ADMINISTERED BY THE SECRETARY OF STATE AND TO RECEIVE CERTIFICATION; PROVIDING ELECTION DAY PROCEDURES FOR NEWLY APPOINTED ELECTION BOARD MEMBERS; PROVIDING PROVISIONAL BALLOT REQUIREMENTS; REMOVING THE ELECTIONS SECURITY PROGRAM FROM THE BUREAU OF ELECTIONS OF

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THE OFFICE OF THE SECRETARY OF STATE; AMENDING THE PRIMARY ELECTION LAW; REQUIRING THE SECRETARY OF STATE TO IMPLEMENT A SECURE INTERNET APPLICATION TO GATHER ELECTRONIC SIGNATURES FOR THE QUALIFICATION OF POLITICAL PARTIES; PROVIDING BALLOT PROCEDURES; REQUIRING VOTER NOTIFICATIONS TO BE SENT TO ELIGIBLE VOTERS; AMENDING THE CIRCUMSTANCES IN WHICH AN AUTOMATIC RECOUNT IS REQUIRED; PROVIDING A PROCEDURE FOR QUALIFIED POLITICAL PARTIES TO PLACE A CANDIDATE FOR PRESIDENT OR VICE PRESIDENT ON THE GENERAL ELECTION BALLOT; PROVIDING A PROCEDURE FOR PRESIDENTIAL PRIMARY VACANCIES; AMENDING THE VOTER ACTION ACT; EXPANDING THE DEFINITION OF "QUALIFYING PERIOD"; PROVIDING PROCEDURES FOR DECLARATIONS OF INTENT; REQUIRING THE LEGISLATURE TO NOTIFY THE SECRETARY OF STATE IN WRITING OF THE CREATION OF A NEW COVERED OFFICE; AMENDING THE LOCAL ELECTION ACT; SRC→~~REPEALING A SECTION RELATING TO MUNICIPAL ELECTION PROCEDURES;~~←SRC AMENDING THE SPECIAL ELECTION ACT; PROVIDING PROCEDURES FOR SPECIAL ELECTIONS CALLED BY COUNTIES OR LOCAL PUBLIC BODIES; PROVIDING PROCEDURES FOR EMERGENCY ELECTIONS; ELIMINATING PRE-PRIMARY CONVENTION DESIGNATIONS; ELIMINATING REFERENCES TO PARTY CONVENTIONS; SRC→**PROVIDING A DELAYED REPEAL FOR CERTAIN MUNICIPAL ELECTION PROCEDURES;**←SRC AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

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SECTION 1. Section 1-1-27.1 NMSA 1978 (being Laws 2023, Chapter 39, Section 1) is amended to read:

"1-1-27.1. PUBLIC OFFICIAL AND ELECTION ADMINISTRATIVE STAFF HOME ADDRESS CONFIDENTIALITY [RULEMAKING].--

A. The secretary of state shall promulgate rules to allow an elected or appointed public official to designate as confidential the public official's home address as stated in election- and financial-related disclosures filed with the secretary of state or county clerks. A home address designated as confidential pursuant to this section is exempt from disclosure pursuant to an Inspection of Public Records Act request and shall not be published on a governmental website. Nothing in this section or the secretary of state's rule shall prohibit the disclosure of the public official's home address if relevant to a challenge brought pursuant to the Election Code or a judicial proceeding. A requestor shall complete a notarized affidavit that unredacted copies are being requested for the purposes of a challenge brought pursuant to the Election Code or a judicial proceeding and that any address designated as confidential shall not be used for any other purpose.

B. Nonelected and appointed employees of a county clerk or the secretary of state may designate a confidential home address that shall not be disclosed on voter lists and file maintenance lists. The designation shall be made on a

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form prescribed by the secretary of state.

C. For the purposes of this section, "public official" means a person elected or appointed to a federal, state, county or local office or a candidate thereof or a person appointed to a federal, state, county or local government position."

SECTION 2. Section 1-2-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 26, as amended) is amended to read:

"1-2-5. SECRETARY OF STATE--ELECTION SEMINARS--  
CERTIFICATION PROGRAM.--

A. In carrying out [his] the duties of the secretary of state under the Election Code, the secretary of state shall, once before [each and] every statewide election, cause to be organized and conducted at convenient places and times in this state seminars on the administration of the Election Code. The secretary of state shall send written notice of the seminar to each county clerk setting forth the time and place of the seminar. Each county clerk, one of [his] the county clerk's designated deputies and one voting machine technician shall attend the seminar. Per diem and mileage shall be paid out of the funds appropriated to the secretary of state.

B. The secretary of state shall conduct a certification program for county clerks and shall require each county clerk to receive certification within twelve months of

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an initial appointment, election or reelection.

C. The secretary of state shall review the certification program every four years, upon passage of new election laws or more often as appropriate.

D. By July 2026, all county clerks shall complete initial participation in the certification program."

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

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

A. Each election board shall consist of:

- (1) a presiding judge;
- (2) two election judges; and
- (3) election clerks who are appointed to

assist the presiding judge and election judges.

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

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

(2) a judge of an election board shall not continue to serve on an election board if the judge changes

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party registration after the date of appointment in such a manner to make the judge ineligible to serve on the assigned election board.

C. The county clerk may appoint teams of election judges under the supervision of one or more presiding judges for absent voter precincts, recounts and special elections; provided that each team shall consist of two election judges and that each election judge on a team shall not belong to the same political party as any other election judge on the team at the time of the appointment; and provided further that an election judge shall not have changed party registration in the two years next preceding the judge's appointment in such manner that the judge's prior party registration would make the judge ineligible to serve on the assigned team.

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

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

F. In the event a newly appointed election board member must report directly to a polling location on election day, the presiding judge shall administer the oath of office."

SECTION 4. Section 1-2-34 NMSA 1978 (being Laws 2023,

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Chapter 39, Section 8) is amended to read:

"1-2-34. ELECTIONS SECURITY PROGRAM--GENERAL  
RESPONSIBILITIES.--

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

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

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

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

E. As used in this section, "elections-critical

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infrastructure" means those assets, systems and networks, whether physical or virtual, that are considered so vital to elections in this state that their infiltration, incapacitation or destruction would have a debilitating effect on the administration of elections, the secrecy of the ballot and the efficient reporting of accurate results for any election conducted pursuant to the Election Code."

SECTION 5. Section 1-7-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 145, as amended) is amended to read:

"1-7-2. QUALIFICATION--REMOVAL--REQUALIFICATION.--

A. To qualify as a political party in New Mexico, each political party through its governing body shall adopt rules providing for the organization and government of that party and shall file the rules with the secretary of state. Uniform rules shall be adopted throughout the state by the county organizations of that party, where a county organization exists, and shall be filed with the county clerks. At the same time the rules are filed with the secretary of state, the governing body of the political party shall also file with the secretary of state a petition containing the hand-printed names, signatures, addresses of registration and counties of residence of at least one-half of one percent of the total votes cast for the office of governor at the preceding general election who declare by their signatures on the petition that they are voters of New Mexico and that they desire the party to

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be a qualified political party in New Mexico. Blank petition forms shall be available at any time from the secretary of state.

B. Each county political party organization may adopt supplementary rules insofar as they do not conflict with the uniform state rules or do not abridge the lawful political rights of any person. Such supplementary rules shall be filed with the county clerk and the secretary of state in the same manner as other rules are filed.

C. A qualified political party shall cease to be qualified for the purposes of the Election Code if two successive general elections are held without at least one of the party's candidates on the ballot or if the total votes cast for the party's candidates for governor or president of the United States, provided that the party has a candidate seeking election to either of these offices, in a general election do not equal at least one-half of one percent of the total votes cast for the office of governor or president of the United States, as applicable. No later than March 15 of an odd-numbered year, the secretary of state shall send notice of nonqualification to the state chair of any political party that fails to remain qualified. The notice shall be delivered by registered mail to the last known address of the state chair of the political party, and a copy shall be kept in the secretary of state's file of parties qualified in New Mexico.

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D. The secretary of state shall then notify all county clerks of the removal and nonqualification of the political party and shall post the notice on the ~~[web site]~~ website maintained by the secretary of state. The secretary of state shall within forty-five days notify by mail all voters registered as members of such party of the removal and nonqualification of the party.

E. To requalify, the party shall again comply with the provisions of the Election Code dealing with filing requirements for political parties.

F. No later than July 1, 2026, the secretary of state shall implement a secure internet application, in addition to the paper circulation process, to gather electronic signatures pursuant to this section and in accordance with rules developed by the secretary of state. The secure internet application shall provide for the ability to verify that a person signing the petition is an eligible voter."

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

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

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

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

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

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

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

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

B. The vacancy may be filled subsequent to the primary election by the central committee of the state or county political party, as the case may be, as provided by

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Subsection A of Section 1-8-8 NMSA 1978.

C. Appointments to fill vacancies in the list of a party's nominees for the general election ballot shall be made and filed with the proper filing officer on the twenty-third day after the primary election using the form prescribed by the secretary of state, along with the declaration of candidacy form subscribed and sworn by the selected nominee and the required form for candidates pursuant to the Campaign Reporting Act.

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

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

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

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

B. the offices to be elected at the general election and for which each political party shall nominate candidates; provided that if any law is enacted by the legislature in the year in which the primary election is held and the law does not take effect until after the date to amend the proclamation but prior to the date to fill vacancies

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pursuant to Section 1-8-7 or 1-8-8 NMSA 1978, the secretary of state shall conform the proclamation to the intent of the law with respect to the offices for which each political party shall nominate candidates;

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

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

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

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

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

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

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

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

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

SECTION 9. Section 1-8-18 NMSA 1978 (being Laws 1969,

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Chapter 240, Section 167, as amended) is amended to read:

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

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

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

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

B. A voter may challenge the candidacy of a person seeking nomination by a political party for the reason that the person does not meet the requirements of Subsection A of this section by filing a petition in the district court within ten days after the last day for filing a declaration of candidacy [~~or a statement of candidacy for convention designation~~]. The district court shall hear and render a decision on the matter within ten days after the filing of the petition. The decision

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of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision on the appeal forthwith."

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

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

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

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

~~[C.]~~ B. Candidates for any county office listed in the proclamation issued pursuant to Section 1-8-13 NMSA 1978

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shall have their names placed on the primary election ballot by filing declarations of candidacy and paying a fifty-dollar (\$50.00) filing fee or filing a nominating petition containing no fewer than ten signatures for offices elected by district or twenty signatures for offices elected countywide at the time of filing declarations of candidacy with the proper filing officer."

SECTION 11. Section 1-8-26 NMSA 1978 (being Laws 1975, Chapter 295, Section 12, as amended) is amended to read:

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

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

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

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

~~D.]~~ C. No name shall be placed on the ballot until

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the person has been notified in writing by the proper filing officer that the certificate of registration on file, the declaration of candidacy and the petition, if required, are in proper order and that the person, based on those documents, is qualified to be a candidate. The proper filing officer shall mail the notice [~~no later than 5:00 p.m.~~] on the Tuesday following the filing date.

[E-] D. If a person is notified by the proper filing officer that the person is not qualified to be a candidate, the person may challenge that decision by filing a petition with the district court within ten days of the notification. The district court shall hear and render a decision on the matter within ten days after the petition is filed. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision on the appeal forthwith."

SECTION 12. Section 1-8-27 NMSA 1978 (being Laws 1969, Chapter 240, Section 172, as amended) is amended to read:

"1-8-27. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--MANNER OF FILING.--Each declaration of candidacy [~~by nominating petition or by preprimary convention designation~~] shall be delivered for filing in person by the candidate therein named or by a person acting, by virtue of written authorization on a form prescribed by the secretary of state, solely on the

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candidate's behalf. The proper filing officer shall not accept for filing more than one declaration of candidacy from any one individual [~~except that candidates who seek but fail to receive preprimary convention designation shall file a declaration of candidacy by nomination, according to provisions of the Primary Election Law, to have their names placed on the primary election ballot~~]."

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

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

"DECLARATION OF CANDIDACY  
[~~BY PRE-PRIMARY CONVENTION DESIGNATION~~  
(~~OR BY NOMINATING PETITION~~)]

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

I am a member of the \_\_\_\_\_ party as shown by my certificate of registration and I have not changed such party affiliation subsequent to the secretary of state's

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general election proclamation calling the primary in which I seek to be a candidate;

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

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

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

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

\_\_\_\_\_  
(Declarant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(Residence Address)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

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My commission expires:

\_\_\_\_\_ ". "

SECTION 14. Section 1-8-33 NMSA 1978 (being Laws 1973, Chapter 228, Section 7, as amended) is amended to read:

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

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

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

SRC→B. Candidates who seek SRC→preprimary  
~~convention designation~~←SRC SRC→statewide office or the  
office of United States representative←SRC shall file  
nominating petitions at the time of filing declarations of  
candidacy. Nominating petitions for those candidates shall be  
signed by a number of voters equal to at least two percent of

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the total vote of the candidate's party in the state or congressional district, or the following number of voters, whichever is greater: for statewide offices, two hundred thirty voters; and for congressional candidates, seventy-seven voters.

SRC → C. ] SRC SRC → B. SRC SRC → C. Nominating petitions for candidates for SRC → [any other] SRC SRC → any other SRC SRC → an SRC office to be voted on at the primary election for which nominating petitions are required shall be signed by a number of voters equal to at least the greater of:

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

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

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

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

SECTION 15. Section 1-8-39.1 NMSA 1978 (being Laws 1993, Chapter 55, Section 10) is amended to read:

"1-8-39.1. DECLARATION OF [~~PREPRIMARY DESIGNATION~~]  
CANDIDACY FOR PRIMARY--CERTIFICATION BY SECRETARY OF STATE.--

A. Not later than six days after the [~~dates~~] first Tuesday in February of each even-numbered year, the date for filing declarations of candidacy, [by preprimary convention designation] the secretary of state shall certify to the [chairman] chair of each state political party the names of that party's candidates for office of United States representative or for other statewide office who have filed their declarations of candidacy [by convention designation] and have otherwise complied with the requirements of the Primary Election Law.

B. No person shall be placed in nomination [~~at the~~

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~~convention~~] unless [he] the person has been certified by the secretary of state."

SECTION 16. Section 1-8-40 NMSA 1978 (being Laws 1969, Chapter 240, Section 175, as amended) is amended to read:

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

SECTION 17. Section 1-10-6 NMSA 1978 (being Laws 1977, Chapter 222, Section 29, as amended) is amended to read:

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

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

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

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

(3) periods after initials shall not be printed;

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

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

B. The order of candidates for the same office in a statewide, federal and presidential election shall be determined using a randomization method provided by rule.

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

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

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

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

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

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

SECTION 18. Section 1-10-13 NMSA 1978 (being Laws 1977, Chapter 222, Section 50, as amended) is amended to read:

"1-10-13. BALLOTS--WRITE-IN CANDIDATES.--When a write-in candidate has been qualified by the proper filing officer pursuant to the Election Code:

A. a space for entering the name of the write-in candidate shall be clearly designated by the use of the heading "[~~Declared~~] Write-in [~~Candidate~~]" after the listing of other candidates for that office; and

B. the write-in candidate's name shall not be pre-printed on the ballot, nor displayed or otherwise provided in any polling place by any election official or member of an election board."

SECTION 19. Section 1-11-4.1 NMSA 1978 (being Laws 2023, Chapter 39, Section 61) is amended to read:

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

A. At least forty-two days prior to each statewide election, the secretary of state, on behalf of each county clerk, shall mail a voter notification of the election to

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eligible voters. The voter notification shall include:

- (1) the date and purpose of the election;
- (2) an internet address where a voter may apply for a mailed ballot;
- (3) a telephone number where a voter may call to request the paper form of the mailed ballot application;
- (4) a list of the days and times and addresses of early voting locations and voter convenience centers where a voter may vote in person; and
- (5) a list of the locations of monitored secured containers where a voter may return a mailed ballot.

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

- (1) the date and purpose of the election;
- (2) notification that the election will be conducted by mail and that no polling places will be available for the special election;
- (3) the deadline for voted mailed ballots to be received by the county clerk and the recommended deadline to deposit the voted mailed ballot with the United States postal service for return by mail, which shall be seven days before the election;
- (4) the address and the telephone number of the county clerk's office for a voter requiring a replacement

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ballot or returning a mailed ballot; and

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

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

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

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

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

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

**SECTION 20.** Section 1-12-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 247, as amended) is amended to read:

"1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

A. A person shall be permitted to vote on a provisional paper ballot even though the person's original certificate of registration cannot be found in the county register or even if the person's name does not appear on the signature roster; provided that:

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(1) the person's residence is within the boundaries of the county in which the person offers to vote;

(2) the person's name is not on the list of persons submitting absentee ballots; and

(3) the person executes a statement swearing or affirming to the best of the person's knowledge that the person is a qualified elector, is currently registered and eligible to vote in that county and has not cast a ballot or voted in that election.

B. A voter shall vote on a provisional paper ballot if the voter:

(1) has not previously voted in a general election in New Mexico or has been purged from the voter list;

(2) registered to vote by mail;

(3) did not submit the physical form of the required voter identification with the certificate of registration form; and

(4) does not present to the election judge a physical form of the required voter identification.

C. A voter shall vote on a provisional paper ballot in accordance with the provisions of Section 1-12-7.1 NMSA 1978 if the voter does not provide the required voter identification to the election judge.

D. A judge or election clerk shall have the voter sign the signature roster and issue the voter a provisional

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paper ballot for the precinct of the address provided by the voter, an outer envelope and an official inner envelope. The voter shall vote on the provisional paper ballot in secrecy and, when done, place the ballot in the official inner envelope and place the official inner envelope in the outer envelope and return it to the judge or election clerk. The judge or election clerk shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate place and place it in an envelope designated for provisional paper ballots.

E. Knowingly executing a false statement constitutes perjury as provided in the Criminal Code, and voting on the basis of such falsely executed statement constitutes fraudulent voting."

SECTION 21. Section 1-12-25.4 NMSA 1978 (being Laws 2003, Chapter 356, Section 7, as amended) is amended to read:

"1-12-25.4. PROVISIONAL PAPER BALLOTS--DISPOSITION.--

A. Upon closing of the polls, provisional paper ballots shall be delivered to the county clerk, who shall determine if the ballots will be counted prior to certification of the election.

B. A provisional paper ballot shall not be counted if the registered voter did not sign either the signature roster or the ballot's envelope.

C. If there is no record of the voter ever having

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been registered in the county, the voter shall be offered the opportunity to register, the provisional paper ballot shall not be counted and the voter registration certificate shall be processed following the canvass of the election.

D. If the voter was registered in the county, the registration was later canceled and the county clerk determines that the cancellation was in error, or that the voter continues to reside in the same precinct, or that the voter's name should not have been placed on the list of voters whose registrations were to be canceled, the voter's registration shall be immediately restored and the provisional paper ballot counted.

E. If the county clerk determines that the cancellation was not in error, the voter shall be offered the opportunity to register at the voter's correct address, and the provisional paper ballot shall not be counted.

F. If the voter is a registered voter in the county but has voted on a provisional paper ballot other than the ballot of the voter's correct precinct, the county canvassing board shall ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted.

G. If the county clerk finds that the voter who voted on a provisional paper ballot at the polls has also voted an absentee ballot in that election, the provisional paper ballot shall not be counted.

H. The county clerk shall maintain a provisional

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ballot register that shall be in the same form and made available in the same manner as the absentee ballot register and the mailed ballot register. Upon request, the provisional ballot register shall be provided as soon as practicable to any candidate in the election or the county chair of a political party represented on a ballot in a partisan election. The county clerk shall prepare a tally displaying the number of provisional paper ballots received, the number found valid and counted, the number rejected and not counted and the reason for not counting the ballots as part of the canvassing process and forward it to the secretary of state immediately upon certification of the election.

I. The secretary of state shall issue rules to ensure securing the secrecy of the provisional paper ballots, especially during canvassing, reviewing or recounting, and protecting against fraud in the voting process."

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

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

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

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

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

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

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

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

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

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

(c) on a nonpartisan judicial retention election in the case of a district court or the metropolitan court [~~or~~

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

B. In a statewide election and for an office for

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

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

**SECTION 23.** A new section of the Presidential Primary Act, Section 1-15A-12 NMSA 1978, is enacted to read:

"1-15A-12. [NEW MATERIAL] CERTIFICATION OF CANDIDATES FOR A GENERAL ELECTION.--Following the results of its national party convention, any qualified political party in New Mexico desiring to have candidates for president and vice president on the general election ballot in a presidential election year shall certify in writing to the secretary of state the party's candidates for president and vice president seventy days before a general election."

**SECTION 24.** A new section of the Presidential Primary

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Act, Section 1-15A-13 NMSA 1978, is enacted to read:

"1-15A-13. [NEW MATERIAL] VACANCY OCCURRING BEFORE THE PRESIDENTIAL PRIMARY.--Regardless of the cause, no vacancy on the presidential primary election ballot occurring after the deadline of filing for nomination by petition shall be filled."

SECTION 25. A new section of the Presidential Primary Act, Section 1-15A-14 NMSA 1978, is enacted to read:

"1-15A-14. [NEW MATERIAL] VACANCY OCCURRING AFTER THE PRESIDENTIAL PRIMARY.--

A. If, after a presidential primary election but ninety or more days before the general election, a vacancy occurs for any cause in the list of the nominees of a qualified political party for president or vice president, the qualified political party or the candidate's political committee shall inform the secretary of state in writing.

B. Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the secretary of state on or before the seventieth day prior to a general election using the form prescribed by the secretary of state."

SECTION 26. Section 1-19-26 NMSA 1978 (being Laws 1979, Chapter 360, Section 2, as amended) is amended to read:

"1-19-26. DEFINITIONS.--As used in the Campaign Reporting Act:

A. "advertisement" means a communication referring to a candidate or ballot question that is published,

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disseminated, distributed or displayed to the public by print, broadcast, satellite, cable or electronic media, including recorded phone messages, or by printed materials, including mailers, handbills, signs and billboards, but "advertisement" does not include:

- (1) a communication by a membership organization or corporation to its current members, stockholders or executive or administrative personnel;
- (2) a communication appearing in a news story or editorial distributed through a print, broadcast, satellite, cable or electronic medium;
- (3) a candidate debate or forum or a communication announcing a candidate debate or forum paid for on behalf of the debate or forum sponsor; provided that two or more candidates for the same position have been invited to participate or, in the case of an uncontested election, that the single candidate for the position has been invited to participate;
- (4) nonpartisan voter guides allowed by the federal Internal Revenue Code of 1986, as amended, for Section 501(c)(3) organizations; or
- (5) statements made to a court or administrative board in the course of a formal judicial or administrative proceeding;

B. "anonymous contribution" means a contribution

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the contributor of which is unknown to the candidate or the candidate's agent or the political committee or its agent who accepts the contribution;

C. "artificial intelligence" means a machine-based or computer-based system that through hardware or software uses input data to emulate the structure and characteristics of input data in order to generate synthetic content, including images, video or audio;

D. "ballot question" means a constitutional amendment or other question submitted to the voters in an election;

E. "bank account" means an account in a financial institution regulated by the United States or a state of the United States;

F. "campaign committee" means an association of two or more persons authorized by a candidate to act on the candidate's behalf for the purpose of electing the candidate to office; provided that a candidate shall not authorize more than one campaign committee;

G. "campaign expenditure" means an expenditure that is made by a campaign committee or by a candidate in support of the candidate's campaign in an election;

H. "candidate" means an individual who seeks or considers an office in an election covered by the Campaign Reporting Act, including a public official, who has filed a

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declaration of candidacy and has not subsequently filed a statement of withdrawal or:

(1) for a nonstatewide office, has received contributions or made expenditures of more than one thousand dollars (\$1,000) or authorized another person or campaign committee to receive contributions or make expenditures of more than one thousand dollars (\$1,000) for the purpose of seeking election to the office; or

(2) for a statewide office, has received contributions or made expenditures of more than three thousand dollars (\$3,000) or authorized another person or campaign committee to receive contributions or make expenditures of more than three thousand dollars (\$3,000) for the purpose of seeking election to the office or for candidacy exploration purposes in the years prior to the year of the election;

I. "contribution":

(1) means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for a political purpose, including payment of a debt incurred in an election campaign;

(2) includes a coordinated expenditure;

(3) does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all

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of their time on behalf of a candidate or political committee nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee; and

(4) does not include the value of the incidental use of the candidate's personal property, home or business office for campaign purposes;

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

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

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

(3) for the purpose of:

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

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

K. "deliver" or "delivery" means to deliver by

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certified or registered mail, telecopier, electronic transmission or facsimile or by personal service;

L. "depicted individual" means an individual whose image, photo, likeness or voice is represented in an advertisement or other media in such a manner that results in the individual being identifiable;

M. "distribution platform" means a website, internet forum or message board, application or a published newspaper, magazine or other periodical of general circulation, including an internet or electronic publication, that carries news and commentary;

N. "election" means any primary, general or statewide special election in New Mexico and includes county and judicial retention elections but excludes federal, municipal, school board and special district elections;

O. "election year" means an even-numbered year in which an election covered by the Campaign Reporting Act is held;

P. "expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value for a political purpose, including payment of a debt incurred in an election campaign [~~or pre-primary convention~~];

Q. "independent expenditure" means an expenditure that is:

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

(2) not a coordinated expenditure as defined in the Campaign Reporting Act; and

(3) made to pay for an advertisement that:

(a) expressly advocates the election or defeat of a clearly identified candidate or the passage or defeat of a clearly identified ballot question;

(b) is susceptible to no other reasonable interpretation than as an appeal to vote for or against a clearly identified candidate or ballot question; or

(c) refers to a clearly identified candidate or ballot question and is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election at which the candidate or ballot question is on the ballot;

R. "legislative caucus committee" means a political committee established by the members of a political party in a chamber of the legislature;

S. "materially deceptive media" means an image, video or audio that:

(1) depicts an individual engaged in conduct or speech in which the depicted individual did not engage;

(2) was published, disseminated, distributed

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or displayed to the public without the consent of the depicted individual; and

(3) was produced in whole or in part by using artificial intelligence;

T. "person" means an individual or entity;

U. "political committee" means:

(1) a political party;

(2) a legislative caucus committee;

(3) an association that consists of two or more persons whose primary purpose is to make contributions to candidates, campaign committees or political committees or make coordinated expenditures or any combination thereof; or

(4) an association that consists of two or more persons whose primary purpose is to make independent expenditures and that has received more than five thousand dollars (\$5,000) in contributions or made independent expenditures of more than five thousand dollars (\$5,000) in the election cycle;

V. "political party" means an association that has qualified as a political party pursuant to the provisions of Section 1-7-2 NMSA 1978;

W. "political purpose" means for the purpose of supporting or opposing a ballot question or the nomination or election of a candidate;

X. "prescribed form" means a form or electronic

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format prepared and prescribed by the secretary of state;

Y. "public official" means a person elected to an office in an election covered by the Campaign Reporting Act or a person appointed to an office that is subject to an election covered by that act; and

Z. "reporting individual" means a public official, candidate or treasurer of a campaign committee or a treasurer of a political committee."

**SECTION 27.** Section 1-19A-2 NMSA 1978 (being Laws 2003, Chapter 14, Section 2, as amended) is amended to read:

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

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

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

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

D. "contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for the purpose of supporting or opposing the nomination for election or election of a candidate for public

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office, including payment of a debt incurred in an election campaign and also including a coordinated expenditure, but "contribution" does not include:

- (1) a qualifying contribution;
- (2) the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate; or
- (3) the value of the incidental use of the candidate's personal property, home or business office for campaign purposes;

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

- (1) by a person other than a candidate or campaign committee;
- (2) at the request or suggestion of, or in cooperation, consultation or concert with, a candidate, campaign committee or political party or any agent or representative of such a candidate, campaign committee or political party; and
- (3) for the purpose of:
  - (a) supporting or opposing the nomination or election of a candidate; or
  - (b) paying for an advertisement that refers to a clearly identified candidate and that is published

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and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election in which the candidate is on the ballot;

F. "covered office" means any office of the judicial department subject to statewide elections and the office of district judge;

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

H. "fund" means the public election fund;

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

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

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

(3) acknowledged by a receipt that identifies the contributor's name and residential address on forms provided by the bureau of elections and that is signed by the

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contributor, one copy of which is attached to the list of contributors and sent to the bureau of elections;

J. "qualifying period" means:

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

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

(3) for candidates appointed when there is a vacancy on the general election ballot pursuant to Section 1-8-7 NMSA 1978, the period beginning on the twenty-fourth day following the primary election and ending sixty days after; and

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

**SECTION 28.** Section 1-19A-3 NMSA 1978 (being Laws 2003, Chapter 14, Section 3, as amended) is amended to read:

"1-19A-3. TERMS OF PARTICIPATION--DECLARATION OF INTENT.--

A. A person choosing to obtain financing pursuant to the Voter Action Act shall first file with the secretary a

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declaration of intent to participate in that act as an applicant candidate for a stated covered office. The declaration of intent shall be filed with the secretary prior to or during the qualifying period according to forms and procedures developed by the secretary.

B. To become an applicant candidate and participate in the Voter Action Act, a person shall submit a declaration of intent prior to collecting any qualifying contributions or other contributions and make explicit in the declaration that the candidate has complied with and will continue to comply with that act's contribution and expenditure limits and all other requirements set forth in that act and rules issued by the secretary.

C. Except as provided in Subsection D of this section, a person shall not be eligible to become an applicant candidate if the person has accepted contributions totaling more than one hundred dollars (\$100) from any one contributor during the election cycle in which the person is running for office.

D. A person who has accepted contributions of more than one hundred dollars (\$100) from any one contributor during the election cycle in which the person decides to run for a covered office is still eligible to become an applicant candidate if:

- (1) the contributions were for a candidacy for

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an office other than a covered office and no money was raised for or expended on any campaign-related activity for a covered office during the time those contributions were made;

(2) the person does not solicit or accept contributions for a candidacy for an office other than a covered office or for the purpose of supporting or opposing a ballot measure or another candidate after the person declares candidacy for a covered office or becomes an applicant candidate;

(3) the person places all campaign account money that was collected before the person became an applicant candidate in a segregated bank account and does not transfer any money into or out of that account for the duration of the person's campaign for a covered office; and

(4) the person agrees that, if elected to the covered office, the person will transfer all money in the campaign account to the fund.

E. After submitting a declaration of intent, a person shall not withdraw that declaration and submit another declaration of intent for a different covered office in the same primary and general election cycle."

**SECTION 29.** Section 1-19A-7 NMSA 1978 (being Laws 2003, Chapter 14, Section 7, as amended) is amended to read:

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

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

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

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

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

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

(4) an expenditure supporting the election of another candidate or the passage or defeat of a ballot proposition or the defeat of any candidate other than an opponent of the certified candidate; provided that a certified candidate may purchase joint advertisements or services with other certified candidates;

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

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

C. A certified candidate shall return to the fund

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any amount that is unspent or unencumbered at the time that person ceases to be a candidate before a primary or general election for which the fund money was distributed.

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

E. A certified candidate [~~who does not remain a candidate in the general election~~] shall, within thirty days after the primary election, transfer to the secretary for deposit in the fund any amount received from the fund, from a political party pursuant to Section 1-19A-8 NMSA 1978 or from private contributors pursuant to Section 1-19A-4.1 NMSA 1978 that remains unspent or unencumbered by the date of the primary election.

F. A certified candidate shall, within thirty days after the general election, transfer to the secretary for deposit in the fund any amount received from the fund, from a political party pursuant to Section 1-19A-8 NMSA 1978 or from private contributors pursuant to Section 1-19A-4.1 NMSA 1978

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that remains unspent or unencumbered by the date of the general election.

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

SECTION 30. A new section of the Voter Action Act is enacted to read:

"[NEW MATERIAL] CREATION OF NEW ELIGIBLE OFFICES-- NOTIFICATION.--Upon creation of a new covered office, the legislature shall notify the secretary in writing."

SECTION 31. Section 1-22-3 NMSA 1978 (being Laws 2018, Chapter 79, Section 18, as amended) is amended to read:

"1-22-3. REGULAR LOCAL ELECTIONS--SPECIAL LOCAL ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF CANDIDATES.--

A. A regular local election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year. A regular local election shall be held to elect qualified persons to membership on a local governing body and [where applicable] to elective municipal executive office and

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to municipal judicial office.

B. A regular local election shall be a nonpartisan election, and the names of all candidates shall be listed on the ballot with no party or slate designation. No person shall become a candidate in a regular local election unless the person physically resides within the boundaries of the district or districted area in which the person desires to be elected or to represent and the person's record of voter registration shows that the person is both a qualified elector of the state and was registered to vote in the area to be elected to represent on the date the proclamation calling a local election is filed in the office of the secretary of state.

C. A local government may propose a ballot question to be considered by the voters of the local government:

(1) at a regular local election or a general election as provided by Subsection B of Section 1-16-3 NMSA 1978; or

(2) at a special local election called, conducted and canvassed as provided in the Special Election Act.

D. Except as otherwise provided in the Local Election Act, local elections shall be called, conducted and canvassed as provided in the Election Code."

SECTION 32. Section 1-24-3 NMSA 1978 (being Laws 2019, Chapter 212, Section 156, as amended) is amended to read:

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"1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

A. All special elections in this state shall be conducted absentee. Mailed ballots shall be used exclusively for voting in special elections. Except as otherwise provided in the Special Election Act, all special elections in this state shall be conducted and canvassed as provided in the Election Code.

B. Without requiring a voter to file an application to receive a ballot, the county clerk shall send a mailed ballot to every voter of the county or local public body, except a voter:

(1) who was sent a notice pursuant to Subsection C of Section 1-4-28 NMSA 1978 and who has not returned the prepaid and pre-addressed return card sent pursuant to that section and has not filed a new certificate of registration with a new address;

(2) whose voter notification pursuant to Section 1-11-4.1 NMSA 1978 or official election-related mail sent through a uniform, nondiscriminatory process was returned to the county clerk or the secretary of state as undeliverable and the voter has not communicated with the county clerk that the official voter notification or election-related mail was returned as undeliverable in error or filed a certificate of registration with a new address; or

(3) whose ballot is delivered pursuant to the

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provisions of the Intimate Partner Violence Survivor Suffrage Act.

C. Forty-two days before the election or in the case of a voter notification returned to the county clerk, as soon thereafter as practicable, the county clerk shall send to each voter of the county or local public body described in Paragraphs (1) and (2) of Subsection B of this section notice, sent by forwardable mail, that the voter will not be sent a ballot for the special election unless the voter updates the voter's address as provided by the Election Code or informs the county clerk that the address on the certificate of registration is valid. The notice shall include contact information for the office of the county clerk and an internet address where the voter may update the voter's address or communicate with the county clerk. The mailed ballot register shall note which voters were sent a notice pursuant to this subsection.

D. Between the twenty-seventh and twenty-fifth day before the election, pursuant to Subsection B of this section, the county clerk shall send to each voter a ballot for the special election, along with a postage-paid return envelope, a notice that there will be no traditional polling places for the election, the recommended deadline to deposit the voted mailed ballot with the United States postal service for return by mail, the deadline for the ballot to be received by the county

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clerk and a list of the times and locations of monitored secured containers available in the county.

E. Beginning twenty-two days before the election, the county clerk shall issue replacement and provisional ballots as provided in the Absent Voter Act for the mailed ballot process. In addition, the county clerk shall send a ballot to any voter described in Paragraphs (1) and (2) of Subsection B of this section who has not previously been sent a ballot if the voter submits an application pursuant to Section 1-6-4 NMSA 1978.

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

G. Special elections called by counties or local public bodies, and any automatic recounts associated with those elections, shall be canvassed in accordance with the county canvassing provisions in Article 13 of the Election Code. Upon

certification by the county canvassing board, the county clerk shall forward a copy of the board's certification to the secretary of state."

SECTION 33. A new section of the Election Code is enacted to read:

"[NEW MATERIAL] EMERGENCY ELECTION PROCEDURES.--

A. Upon issuance of an executive order declaring a state of emergency or an executive order for an impending emergency, the secretary of state shall authorize county clerks in impacted counties to evaluate and develop emergency contingency plans to ensure maximum participation in the electoral process and provide a safe and orderly procedure for impacted elections.

B. A county clerk shall notify the secretary of state in writing of any natural disasters impacting election operations. As soon as possible following the issuance of an executive order declaring an emergency:

(1) the county clerk shall identify the number of polling places that are functional and the number of polling places that are no longer functional. If a polling place is destroyed, inaccessible or unsafe, efforts should be made to work with federal, state and local emergency management agencies to permit the orderly establishment of a new polling place. An alternate emergency location shall be designated by the county clerk and authorized by the secretary of state and

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shall meet the requirements for voter convenience centers in Section 1-3-4 NMSA 1978. The secretary of state may authorize one county to loan a mobile voting unit to another county;

(2) the county clerk shall notify the secretary of state in writing of any impact to mailed ballot delivery. The secretary of state may authorize the county clerk to transmit ballot and balloting materials by secured electronic transmission available to the county clerk to voters who have submitted an emergency mailed ballot request on a form prescribed by the secretary of state. Any delays, closures of secured monitored containers or additional changes to the ability of voters to receive or return a mailed ballot shall be posted as soon as practicable on the county clerk's website with information on how voters may participate in the election; and

(3) any contingency plans involving elimination or consolidation of a polling place or establishment of an alternative voting or mobile voting unit within an Indian nation, tribe or pueblo shall occur pursuant to Section 1-21A-9 NMSA 1978.

C. Nothing in this section shall be interpreted as extending or as an extension of the time period for an election."

SRC→SECTION 34. TEMPORARY PROVISION.--

A. The term of an elected municipal officer that was

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set to expire in 2026 pursuant to the municipal officer election in effect before the effective date of this act shall expire on December 31, 2027, and that officer's successor shall be elected in the regular local election held on the first Tuesday after the first Monday of November 2027 for a term beginning on January 1, 2028.

B. The term of an elected municipal officer that was set to expire in 2028 pursuant to the municipal officer election in effect before the effective date of this act shall expire on December 31, 2029, and that officer's successor shall be elected in the regular local election held on the first Tuesday after the first Monday of November 2029 for a term beginning on January 1, 2030.←SRC

SRC→~~SECTION 34. REPEAL.--Sections 1-8-21.1, 1-8-42, 1-12-7.1 and 1-22-3.1 NMSA 1978 (being Laws 1993, Chapter 55, Section 11, Laws 1973, Chapter 228, Section 12, Laws 1969, Chapter 240, Section 112 and Laws 2018, Chapter 79, Section 34, as amended) are repealed.~~←SRC

SRC→SECTION 35. REPEAL.--Sections 1-8-21.1, 1-8-42 and 1-12-7.1 NMSA 1978 (being Laws 1993, Chapter 55, Section 11, Laws 1973, Chapter 228, Section 12 and Laws 1969, Chapter 240, Section 112, as amended) are repealed.

SECTION 36. DELAYED REPEAL.--Section 1-22-3.1 NMSA 1978 (being Laws 2018, Chapter 79, Section 34, as amended) is

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repealed effective November 5, 2025. ←SRC

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