

HOUSE BILL 229

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

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AN ACT

RELATING TO ELECTIONS; PROVIDING TIME FRAMES FOR LOCAL PUBLIC BODIES TO REDISTRICIT; REVISING REQUIREMENTS FOR VOTER REGISTRATION AT A VOTING LOCATION PRIOR TO VOTING; ADJUSTING THE TIME FRAME FOR PROCESSING REGISTRATIONS AFTER AN ELECTION; REQUIRING A FULL SOCIAL SECURITY NUMBER FOR VOTER REGISTRATION; AMENDING PROCESS REQUIREMENTS FOR DRIVER'S LICENSE VOTER REGISTRATION; REVISING REQUIREMENTS FOR RETURNING AND HANDLING MAILED BALLOTS; REINSTATING THE PRIMARY ELECTION LAW SHORT TITLE ACT; CLARIFYING THE ORDER OF OFFICES ON BALLOTS; REINSTATING THE ELECTION OF DISTRICT ATTORNEYS TO THE YEAR IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED; REINSTATING THE ELECTION OF CERTAIN COUNTY OFFICIALS IN BOTH GENERAL ELECTION CYCLES; REVISING POST-ELECTION DUTIES AND PROCEDURES; INCREASING THE TIME THE SECRETARY OF STATE HAS TO RESPOND TO REFERENDUM PETITIONS; REMOVING PROVISIONS IN THE

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1 NONPARTISAN JUDICIAL RETENTION ACT REGARDING THE STAGGERING OF  
2 TERMS; MAKING TECHNICAL CHANGES; DECLARING AN EMERGENCY.

3  
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

7 "1-3-12. ADJUSTING PRECINCT BOUNDARIES.--

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

12 (1) shown on the standard base maps developed  
13 pursuant to Subsection B of this section;

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

16 (3) approved by the secretary of state and the  
17 United States [~~bureau of the~~] census bureau.

18 B. Prior to commencement of the federal decennial  
19 census, the secretary of state shall have prepared and shall  
20 furnish to each county clerk standard base maps of the county.  
21 The standard base map for urban and nonurban areas of the  
22 county shall, as nearly as practical, show:

23 (1) all state and federal highways;

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

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1 (3) all military installation boundaries and  
2 federal and state prison boundaries;

3 (4) all major railroad lines;

4 (5) federal, state and county political  
5 boundaries, municipal boundaries and school district  
6 boundaries;

7 (6) all streets within urban areas; and

8 (7) other major terrain features, such as  
9 flowing rivers and streams, arroyos, power lines, pipelines,  
10 roads, trails and ridgelines and other acceptable census block  
11 boundaries.

12 C. The board of county commissioners, upon receipt  
13 of the standard base maps from the secretary of state and upon  
14 the recommendation of the county clerk, shall:

15 (1) adjust all precinct boundaries to coincide  
16 with numbered or named street boundaries or suitable visible  
17 terrain features shown on the standard base map; provided that  
18 the precincts shall be composed of contiguous and compact  
19 areas, and state, county, municipal, school district and other  
20 special district or political boundary lines shall serve as  
21 precinct boundaries whenever possible; and

22 (2) upon the completion of the precinct  
23 boundary adjustments as required in this section, indicate on  
24 the standard base maps the boundaries for both urban and  
25 nonurban precincts and, together with a written description of

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1 the precincts, shall send an electronic copy to the secretary  
2 of state for approval.

3 D. The precincts shown upon the standard base maps  
4 submitted pursuant to the provisions of this section and as  
5 revised and approved by the secretary of state pursuant to the  
6 Precinct Boundary Adjustment Act shall become the official  
7 precincts of each county for the [2021] decennial  
8 redistricting. For [~~the 2022 and~~] subsequent statewide  
9 elections, changes in precincts through the calendar year prior  
10 to the year of the next federal decennial census shall be made  
11 in accordance with the provisions of Chapter 1, Article 3 NMSA  
12 1978.

13 E. Between the first day of July and the last day  
14 of October in the same calendar year in which the state  
15 receives the results of a federal decennial census, the state  
16 legislature shall redistrict federal representative districts,  
17 each chamber of the legislature, public regulation commission  
18 districts, public education commission districts and any other  
19 state districts requiring redistricting.

20 F. Between the first day of July and the last day  
21 of October in the same calendar year in which the state  
22 receives the results of a federal decennial census, every local  
23 public body subject to districting and whose officers are  
24 elected at a time other than the regular local election shall  
25 create or redraw districts for the local public body. Between

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1 the first day of May and the last day of October in the  
2 calendar year following the receipt of the results of a federal  
3 decennial census, each local public body subject to districting  
4 and whose officers are elected in the regular local election  
5 shall create or redraw districts for the local public body. A  
6 local public body, when creating or redrawing districts, shall  
7 not split a precinct into two or more districts for any elected  
8 office unless necessary to comply with federal law or to  
9 preserve communities of interest."

10 SECTION 2. Section 1-4-5.7 NMSA 1978 (being Laws 2019,  
11 Chapter 67, Section 1) is amended to read:

12 "1-4-5.7. REGISTRATION AT VOTING LOCATION PRIOR TO  
13 VOTING.--

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

22 B. During a statewide election, a qualified elector  
23 may register to vote or update an existing certificate of  
24 registration at the county clerk's office during the regular  
25 hours and days of business beginning on the twenty-eighth day

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

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

23 D. Beginning January 1, 2021 and upon the approval  
24 of the voting system certification committee, during a  
25 statewide election, a qualified elector may register to vote or

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

8 E. A voter shall not be allowed to change party  
9 affiliation when updating an existing certificate of  
10 registration [~~or registering to vote~~] at an early voting site  
11 or polling place during a primary election.

12 F. During a special election, a qualified elector  
13 residing within the boundary of the jurisdiction conducting the  
14 special election may register to vote or update an existing  
15 certificate of registration at the county clerk's office during  
16 the regular hours and days of business beginning on the  
17 twenty-eighth day preceding the election until [~~the last~~  
18 ~~regular business day the week prior to~~] 5:00 p.m. on the date  
19 of the election.

20 G. A qualified elector seeking to register to vote  
21 or update an existing certificate of registration immediately  
22 before voting shall provide

23 [~~(1) a New Mexico driver's license or New~~  
24 ~~Mexico identification card issued through the motor vehicle~~  
25 ~~division of the taxation and revenue department;~~

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1                   ~~(2) any document that contains an address in~~  
2 ~~the county together with a photo identification card; or~~

3                   ~~(3) a current valid student photo~~  
4 ~~identification card from a post-secondary educational~~  
5 ~~institution in New Mexico accompanied by a current student fee~~  
6 ~~statement that contains the student's address in the county] a~~  
7 physical form of identification that is issued by a government,  
8 including a federally recognized Indian nation, tribe or  
9 pueblo, or an educational institution, and that:

10                   (1) contains the name of the qualified  
11 elector, which shall reasonably match the name provided on the  
12 certificate of registration;

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

15                   (3) need not contain an expiration date, and  
16 if it does, the expiration date is not required to be a date on  
17 or after the election in which the identification is used; and

18                   (4) need not contain an address; provided that  
19 a qualified elector shall not be permitted to register to vote  
20 or update an existing voter registration immediately before  
21 voting unless the address provided on the certificate of  
22 registration matches the address on either:

23                               (a) the physical form of identification  
24 required pursuant to this subsection; or

25                               (b) an original or copy of a utility

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1 bill, bank statement, government check, paycheck, student  
2 identification card or other government document provided in  
3 addition to the physical form of identification required  
4 pursuant to this subsection.

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

10 I. No later than June 30, 2021 and upon the  
11 approval of the voting system certification committee, the  
12 secretary of state and the secretary of taxation and revenue  
13 shall develop a procedure for importing the list of eligible  
14 but unregistered persons with a driver's license or state-  
15 issued identification card into the voter registration  
16 electronic management system prior to an election to facilitate  
17 processing a new voter registration pursuant to this section."

18 SECTION 3. Section 1-4-8 NMSA 1978 (being Laws 1969,  
19 Chapter 240, Section 66, as amended) is amended to read:

20 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF  
21 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--For  
22 qualified electors seeking to register to vote or update an  
23 existing voter registration in the state, the following  
24 provisions shall apply:

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

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

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

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

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

17 (1) new voter registrations that meet the  
18 requirements of this section;

19 (2) updates to existing voter registrations in  
20 this state that meet the requirements of this section; provided  
21 that an update to an existing registration in this state shall  
22 not be processed if the voter has requested or been sent a  
23 ballot in the election, unless the voter executes an affidavit  
24 stating that the voter has not and will not vote the ballot  
25 that was issued and the ballot register does not show that a

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1 ballot from the voter has been cast in the election; and

2 (3) pending cancellations of existing voter  
3 registrations in this state through the day of the election;  
4 provided that a cancellation of an existing voter registration  
5 shall not be processed if the voter has requested or been sent  
6 a ballot in the election;

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

23 E. when the deadline to register to vote or update  
24 an existing voter registration prior to an election referred to  
25 in this section is a Saturday, Sunday or state holiday,

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1 registration certificates shall be accepted through the next  
2 succeeding business day for the office of the county clerk; and

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

7 (1) received by the county clerk by the end of  
8 the last regular business day of the week for the office of the  
9 county clerk immediately following the deadline to register to  
10 vote or update an existing voter registration prior to an  
11 election;

12 (2) mailed and postmarked on or before the day  
13 of the deadline to register to vote or update an existing voter  
14 registration prior to any election referred to in this section;  
15 or

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

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

20 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF  
21 CERTIFICATES.--

22 A. Upon receipt of a complete certificate of  
23 registration, if the certificate of registration is in proper  
24 form, the county clerk shall determine if the qualified elector  
25 applying for registration is already registered in the

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1 registration records of the county. If the qualified elector  
2 is not already registered in the county and if the certificate  
3 of registration is received within the time allowed by law for  
4 filing certificates of registration in the county clerk's  
5 office, the county clerk shall sign or stamp, in the space  
6 provided therefor on each copy of the certificate, the  
7 qualified elector's name and the date the certificate was  
8 accepted for filing in the county registration records. Voter  
9 information shall be handed or mailed immediately to the  
10 qualified elector and to no other person.

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

19 C. The county clerk shall reject any certificate of  
20 registration that does not contain the qualified elector's  
21 name, address and date of birth, along with a signature or  
22 usual mark. If the qualified elector is a new voter, the  
23 county clerk shall reject any certificate of registration that  
24 does not contain the qualified elector's driver's license or  
25 state identification number issued by the motor vehicle

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1 division of the taxation and revenue department, social  
2 security number or last four digits of the qualified elector's  
3 social security number. The county clerk shall reject any  
4 certificate of registration in which the question regarding  
5 citizenship is not answered or is answered in the negative.

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

14 E. If the county clerk rejects a certificate of  
15 registration because required information is not provided on  
16 the certificate or cannot ascertain the qualified elector's  
17 social security number, the county clerk shall indicate this on  
18 the qualified elector's certificate of registration and shall  
19 make the appropriate notation in the voter file, indicating  
20 that the voter shall provide the full social security number  
21 prior to receiving a ballot and, if not, may only vote on a  
22 provisional ballot. The provisional ballot shall be counted  
23 once the required information is provided or the voter's social  
24 security number is ascertained.

25 F. If the qualified elector does not register in

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1 person, has not previously voted in an election in New Mexico  
2 and does not provide the registration officer with the required  
3 documentary identification, the registration officer shall  
4 indicate this on the qualified elector's certificate of  
5 registration and the county clerk shall note this on the  
6 appropriate precinct signature roster."

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

9 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

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

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

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

25 (1) personnel in each office shall advise each

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1 person who is a qualified elector and an applicant for  
2 licensure or renewal or for an identification card that initial  
3 voter registration or a change of address for voter  
4 registration may be made simultaneously with the motor vehicle  
5 application;

6 (2) voter registration shall be conducted in a  
7 manner such that the applicant completes the full certificate  
8 of registration electronically; ~~and~~

9 (3) the applicant's digital signature shall be  
10 affixed to the certificate of registration using an electronic  
11 signature in conformance with the Electronic Authentication of  
12 Documents Act and the Uniform Electronic Transactions Act; and

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

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

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



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1 office, [~~or motor vehicle division~~] field office or contract  
2 field office shall be [~~transmitted~~] delivered to the secretary  
3 of state [~~and~~] or the [~~appropriate registration officer~~] county  
4 clerk of the county in which the office is located within seven  
5 [~~calendar~~] days.

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

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

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

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

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

21 "1-6-4. MAILED BALLOT APPLICATION.--

22 A. In a statewide election, application by a voter  
23 for a mailed ballot shall be made only on a paper form or its  
24 online equivalent. The form shall identify the applicant and  
25 contain information to establish the applicant's qualification

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1 for issuance of a mailed ballot under the Absent Voter Act;  
2 provided that only on the application form for a primary  
3 election ballot there shall be a box, space or place provided  
4 for designation of the voter's political party affiliation.

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

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

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1 also provide the person's full New Mexico driver's license  
2 number or state identification card number.

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

7 "By clicking the boxes below, I swear or affirm all of the  
8 following:

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

12 [ ] All of the information that I have provided on  
13 this form is true and correct as of the date I am submitting  
14 this form."

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

22 F. New registrants who registered for the first  
23 time in this state by mail and at that time did not provide  
24 acceptable documentary identification as required by federal  
25 law shall be informed of the need to comply with federal

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1 identification requirements when returning the requested ballot  
2 and notified that if the registrant votes for the first time in  
3 New Mexico by mail, the registrant waives the right to secrecy  
4 in that mailed ballot. The secretary of state shall issue  
5 rules to exempt voters from submitting identification only as  
6 required by federal law and shall review and, if necessary,  
7 update these rules no later than March 15 of even-numbered  
8 years.

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

16 SECTION 7. Section 1-6-8 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 134, as amended) is amended to read:

18 "1-6-8. MAILED BALLOT ENVELOPES.--

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

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

23 (2) official mailing envelopes for use in  
24 returning the official inner envelope to the county clerk,  
25 which shall be postage-paid; provided that only the official

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1 mailing envelope for absentee ballots in a political party  
2 primary shall contain a designation of party affiliation;

3 (3) mailed ballot instructions, describing  
4 proper methods for completion of the ballot and returning it;  
5 and

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

8 B. Official transmittal envelopes and official  
9 mailing envelopes for transmission of mailed ballot materials  
10 to and from the county clerk and voters shall be printed in  
11 black in substantially similar form. All official inner  
12 envelopes shall be printed in black.

13 C. The reverse of each official mailing envelope  
14 shall contain a form to be executed under penalty of perjury by  
15 the voter completing the mailed ballot. The form shall  
16 [~~identify the voter and shall~~] contain the following pre-  
17 printed statement to be affirmed by the voter: "I have not and  
18 will not vote any other ballot in this election". [~~The~~  
19 ~~official mailing envelope shall contain a space for the voter~~  
20 ~~to record the voter's name, registration address and year of~~  
21 ~~birth~~] The envelope shall have a security flap to cover this  
22 information."

23 SECTION 8. Section 1-6-9 NMSA 1978 (being Laws 1969,  
24 Chapter 240, Section 135, as amended) is amended to read:

25 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY

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1 METHODS.--

2           A. When voting a mailed ballot, the voter shall  
3 secretly mark the mailed ballot in the manner provided in the  
4 Election Code for marking paper ballots, place it in the  
5 official inner envelope and securely seal the envelope. The  
6 voter shall then place the official inner envelope inside the  
7 official mailing envelope and securely seal the envelope. The  
8 voter shall then ~~[complete]~~ sign the form on the reverse of the  
9 official mailing envelope ~~[which shall include a statement by~~  
10 ~~the voter under penalty of perjury that the facts stated in the~~  
11 ~~form are true and the voter's name, registration address and~~  
12 ~~year of birth]~~. The voter or another person authorized by law  
13 shall then return the official mailing envelope containing the  
14 voted ballot to the county clerk of the voter's county of  
15 residence. If returned by a person other than the voter, the  
16 official mailing envelope shall contain the signature, printed  
17 name and relationship to the voter of the person returning the  
18 ballot.

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

25           C. The official mailing envelope may be returned

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1 using a commercial delivery service; provided that unless the  
2 secretary of state has approved the use of a specific  
3 commercial delivery service, the voter shall be responsible for  
4 the costs of delivery by means of such service.

5 D. The official mailing envelope may be returned in  
6 person to the office of the county clerk or to an alternate  
7 voting location, mobile alternate voting location or election  
8 day voting location.

9 E. The official mailing envelope may be returned by  
10 depositing the official mailing envelope in a secured container  
11 made available by the county clerk to receive voted mailed  
12 ballots for that election; provided that:

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

18 (2) the location of a secured container is  
19 considered a polling place for purposes of electioneering too  
20 close to the polling place in violation of Section 1-20-16 NMSA  
21 1978;

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

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1 NMSA 1978;

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

5 (a) that it is a violation of law for  
6 any person who is not an immediate family member to collect and  
7 deliver a ballot for another person;

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

10 (c) of the dates and approximate time  
11 the ballots will be collected; and

12 (5) at least once a day, the county clerk or a  
13 full-time deputy county clerk shall collect the ballots from  
14 the secured containers, register the date and time stamp on  
15 each official mailing envelope and identify the location of the  
16 secured container in the ballot register."

17 SECTION 9. 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. At any time after mailed ballots have been sent  
21 to voters and until the fifth day before the election, the  
22 county clerk may convene an election board to meet during the  
23 normal business hours of the office of the county clerk to  
24 qualify the mailed ballots that are returned. Before opening  
25 an official mailing envelope, the presiding judge and the

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1 election judges shall determine that the required information  
2 has been completed on the reverse side of the official mailing  
3 envelope.

4 B. If the voter's signature [~~or the required voter~~  
5 ~~identification~~] is missing, the presiding judge shall write  
6 "Rejected" on the front of the official mailing envelope. The  
7 judge or election clerk shall enter the voter's name in the  
8 signature rosters or register and shall write the notation  
9 "Rejected--Missing Signature" [~~or "Rejected--Missing Required~~  
10 ~~Voter Identification"~~] in the "Notations" column of the  
11 register. The presiding judge shall place the official mailing  
12 envelope unopened in a container provided for rejected ballots.

13 C. If, pursuant to Subsection F of Section 1-6-4  
14 NMSA 1978, the voter was notified of the need to comply with  
15 federal identification requirements when returning the  
16 requested ballot and failed to comply, the judge or election  
17 clerk shall preserve the inner envelope with the official  
18 mailing envelope and write "Rejected" on the front of the  
19 official mailing envelope. The judge or election clerk shall  
20 enter the voter's name in the signature rosters or register and  
21 shall write the notation "Rejected--Missing Required  
22 Documentary Identification" in the "Notations" column of the  
23 register. The presiding judge shall place the official mailing  
24 envelope with the attached inner envelope in a container  
25 provided for rejected ballots; provided that if the judge or

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

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

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

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

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

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

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

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

7           ~~[F-]~~ G. For any election in which fewer than ten  
8 thousand mailed ballots were sent to the voters of a county,  
9 only between 8:00 a.m. and 10:00 p.m. on the five days  
10 preceding the election, and beginning at 7:00 a.m. on election  
11 day, under the personal supervision of the presiding election  
12 judge, shall the election judges open the official mailing  
13 envelope and the official inner envelope and insert the  
14 enclosed ballot into an electronic voting machine to be  
15 registered and retained until votes are counted and canvassed  
16 following the closing of the polls on election night.

17           ~~[G-]~~ H. For any election in which ten thousand or  
18 more mailed ballots were sent to the voters of a county, only  
19 during the regular business hours of the office of the county  
20 clerk during the two weeks preceding the election, between 8:00  
21 a.m. and 10:00 p.m. on the four days preceding the election and  
22 beginning at 7:00 a.m. on election day, under the personal  
23 supervision of the presiding election judge, shall the election  
24 judges open the official mailing envelope and the official  
25 inner envelope and insert the enclosed ballot into an

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1 electronic voting machine to be registered and retained until  
2 votes are counted and canvassed following the closing of the  
3 polls on election night.

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

9 ~~[I.]~~ J. Mailed ballots shall be counted and  
10 tallied, where possible, on an electronic voting machine as  
11 provided in the Election Code.

12 ~~[J.]~~ K. If a mailed ballot is rejected for any  
13 reason, it shall be handled in the same manner as a  
14 disqualified provisional paper ballot in accordance with the  
15 Election Code."

16 **SECTION 10.** Section 1-9-7.10 NMSA 1978 (being Laws 2010,  
17 Chapter 28, Section 8) is amended to read:

18 "1-9-7.10. VOTING SYSTEMS--BALLOT HANDLING AND PROCESSING  
19 REQUIREMENTS.--Voting systems certified for use in state  
20 elections shall:

21 A. accept a ballot that is a minimum of six inches  
22 wide and a maximum of twenty-four inches long, in dual columns  
23 and printed on both sides;

24 B. accept a ballot in any orientation when inserted  
25 by a voter;

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

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

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

9 F. when tabulating a voter's selection of a  
10 candidate or answer to a ballot question, count as a vote only  
11 the human-readable marks in the voter response area made by or  
12 at the direction of the voter."

13 SECTION 11. A new Section 1-8-10 NMSA 1978 is enacted to  
14 read:

15 "1-8-10. [NEW MATERIAL] SHORT TITLE.--Sections 1-8-10  
16 through 1-8-52 NMSA 1978 may be cited as the "Primary Election  
17 Law"."

18 SECTION 12. Section 1-10-8 NMSA 1978 (being Laws 2019,  
19 Chapter 212, Section 103) is amended to read:

20 "1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT  
21 QUESTIONS.--

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

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

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

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1 the ballot in a primary election and general election shall  
2 contain, when applicable, partisan offices to be voted on in  
3 the following order:

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

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- 1                   ~~(18)~~ (17) metropolitan court;  
2                   ~~[(19)]~~ (18) magistrate court;  
3                   ~~[(20)]~~ (19) county sheriff;  
4                   ~~[(21)]~~ (20) county assessor;  
5                   ~~[(22)]~~ (21) county commission [~~districts and~~  
6 ~~positions with even-numbered designations~~]; and  
7                   ~~[(23) probate judge]~~  
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 in  
13 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 in



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

11 E. When multiple positions for the same  
12 nondistricted, nonjudicial office are to be elected on the same  
13 ballot and the qualifications for each of those positions are  
14 the same:

- 15 (1) offices shall be elected at large;
- 16 (2) voters shall be given the instruction to  
17 "vote for no more than X"; and
- 18 (3) whenever the two or more positions for the  
19 same office are to be elected to represent the same area with  
20 terms of different lengths of time, the candidates receiving  
21 the highest number of votes shall be elected for the greater  
22 length of time, and the candidates receiving the next highest  
23 number of votes shall be elected for the shorter period of  
24 time.

25 [~~E.~~] F. When multiple positions for the same

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1 districted, nonjudicial office are listed on the same ballot  
2 [~~and each position is to be elected individually~~] or the  
3 qualifications for one or more at large position is distinct  
4 from the qualifications for the rest:

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

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

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

21 F.] G. When multiple positions for the same  
22 judicial office are listed on the same ballot and each position  
23 is to be elected or voted on individually:

24 (1) district, metropolitan and magistrate  
25 court positions, either for partisan election or for

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1 nonpartisan judicial retention, shall appear on the ballot in  
2 ascending numerical order of the division number assigned to  
3 each position;

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

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

19 SECTION 13. Section 1-12-65 NMSA 1978 (being Laws 1977,  
20 Chapter 222, Section 68, as amended) is amended to read:

21 "1-12-65. [~~EMERGENCY SITUATIONS~~] PAPER BALLOTS--COUNTING  
22 AND TALLYING PROCEDURES.--

23 A. The presiding judge and the election judges,  
24 assisted by the election clerks, shall count the number of  
25 paper ballots that were not tabulated by the electronic vote

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1 tabulator, write the number of such ballots on each copy of the  
2 certificate of returns for that polling place and place the  
3 paper ballots that were not tabulated by the electronic vote  
4 tabulator in an envelope provided for that purpose. The  
5 envelope shall not be locked in the ballot box but shall  
6 instead be transmitted directly to the county clerk for  
7 machine-tabulation or hand-tallying of the ballots.

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

17 C. ~~[The tallying of paper ballots that were not~~  
18 ~~tabulated by the electronic vote tabulator at the polling place~~  
19 ~~and the counting of ballots with write-in votes shall be in~~  
20 ~~accordance with procedures prescribed by the secretary of~~  
21 ~~state]~~ If the county clerk receives an envelope pursuant to  
22 Subsection A or B of this section and the absent voter election  
23 board has not adjourned, the envelope shall be logged and  
24 transmitted to the absent voter election board to be tallied  
25 immediately. If the envelope is received by the county clerk

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1 after the absent voter election board has adjourned, the  
2 envelope shall be logged and transmitted to the county canvass  
3 election board to be tallied and included in the canvass report  
4 of that county for the appropriate precinct."

5 SECTION 14. Section 1-13-4 NMSA 1978 (being Laws 1969,  
6 Chapter 240, Section 306, as amended) is amended to read:

7 "1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--METHOD.--

8 The county clerk shall:

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

12 (1) paper ballots not previously tabulated;

13 (2) absentee ballots delivered to an election  
14 board not previously tabulated;

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

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

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

25 [~~B.~~] C. present the report of the canvass to the

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1 county canvassing board for the board's consideration and  
2 approval."

3 SECTION 15. Section 1-17-8 NMSA 1978 (being Laws 1969,  
4 Chapter 240, Section 393) is amended to read:

5 "1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE  
6 CIRCULATION.--

7 A. Before any referendum petition is circulated for  
8 signatures, the sponsors shall submit the original draft  
9 thereof to the secretary of state to determine whether or not  
10 it meets the requirements of law for referendum petitions. At  
11 the same time the original draft is submitted to the secretary  
12 of state, the sponsors shall also submit a suggested popular  
13 name for the law ~~[which]~~ that is the object of the petition.

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

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

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

22 SECTION 16. Section 1-17-10 NMSA 1978 (being Laws 1969,  
23 Chapter 240, Section 395) is amended to read:

24 "1-17-10. REFERENDUM PETITIONS--SUFFICIENCY OR  
25 INSUFFICIENCY.--The secretary of state shall ascertain and

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1 declare the sufficiency or insufficiency of each complete  
2 referendum petition within [~~fifteen~~] thirty days after it is  
3 filed in [~~his~~] the secretary's office."

4 SECTION 17. Section 1-22-4 NMSA 1978 (being Laws 2018,  
5 Chapter 79, Section 19, as amended) is amended to read:

6 "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--  
7 PUBLICATION.--

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

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

24 C. The proclamation shall specify:

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

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1 (2) each elective office, local governing body  
2 and judicial position to be filled;

3 (3) the date on which declarations of  
4 candidacy are to be filed;

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

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

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

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

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

25 (3) the date on which declarations of

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1 candidacy are to be filed and the date on which declarations of  
2 intent to be a write-in candidate are to be filed;

3 (4) the location, days and hours for voting at  
4 the office of the county clerk;

5 (5) the location, days and hours for early  
6 voting at each alternate voting location and mobile alternate  
7 voting location;

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

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

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

24 SECTION 18. Section 1-26-5 NMSA 1978 (being Laws 2019,  
25 Chapter 212, Section 176) is amended to read:

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1 "1-26-5. JUDICIAL RETENTION--DISTRICT COURT JUDGES.--

2 A. Each eligible district court judge shall be  
3 subject to retention or rejection at the general election in  
4 the last year of the six-year term of office for the position  
5 in which the judge is serving.

6 ~~[B. Terms of office for positions on the district  
7 court in each judicial district shall be staggered, as follows:~~

8 ~~(1) the term of office for division 1 and for  
9 every third division number thereafter shall expire in 2020 and  
10 every six years thereafter;~~

11 ~~(2) the term of office for division 2 and for  
12 every third division number thereafter shall expire in 2022 and  
13 every six years thereafter; and~~

14 ~~(3) the term of office for division 3 and for  
15 every third division number thereafter shall expire in 2024 and  
16 every six years thereafter.~~

17 ~~G.]~~ B. The administrative office of the courts  
18 shall maintain current on its website a list of the names and  
19 division numbers of the currently serving judges of each  
20 judicial district and the year in which the term of office for  
21 each position expires.

22 ~~[D.]~~ C. As used in this section, "division" means  
23 the divisions established pursuant to Section 34-6-18 NMSA  
24 1978."

25 SECTION 19. Section 1-26-6 NMSA 1978 (being Laws 2019,

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1 Chapter 212, Section 177) is amended to read:

2 "1-26-6. JUDICIAL RETENTION--METROPOLITAN COURT JUDGES.--

3 A. Each eligible metropolitan court judge shall be  
4 subject to retention or rejection at the general election in  
5 the last year of the four-year term of office for the position  
6 in which the judge is serving.

7 ~~[B. Terms of office for positions on each~~  
8 ~~metropolitan court shall be staggered, as follows:~~

9 ~~(1) the term of office for division 1 and for~~  
10 ~~every second division number thereafter shall expire in 2022~~  
11 ~~and every four years thereafter; and~~

12 ~~(2) the term of office for division 2 and for~~  
13 ~~every second division number thereafter shall expire in 2024~~  
14 ~~and every four years thereafter.~~

15 ~~G.]~~ B. The administrative office of the courts  
16 shall maintain current on its website a list of the names and  
17 division numbers of the currently serving judges of the  
18 metropolitan court and the year in which the term of office for  
19 each position expires.

20 ~~[D.]~~ C. As used in this section, "division" means  
21 the divisions established pursuant to Subsection B of Section  
22 34-8A-4 NMSA 1978."

23 **SECTION 20. TEMPORARY PROVISION--RECOMPILATION.--**The  
24 compiler shall recompile Section 2-21-1 NMSA 1978 (being Laws  
25 2019, Chapter 262, Section 15) as part of the Campaign

.215799.4

underscoring material = new  
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Reporting Act.

SECTION 21. APPLICABILITY.--The provisions of this act apply to the procedures for conducting any election occurring on or after the effective date of this act.

SECTION 22. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.