

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 48

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

AN ACT

RELATING TO ELECTIONS; AMENDING THE ELECTION CODE; REVISING
DEFINITIONS; PRESCRIBING THE SECRETARY OF STATE'S DUTIES
RELATING TO FORMS; DIRECTING THE MAINTENANCE OF AN ELECTIONS
SECURITY PROGRAM; REQUIRING THE ESTABLISHMENT OF VOTER
CONVENIENCE CENTERS; ADJUSTING REQUIREMENTS FOR REGISTRATION AT
VOTING LOCATIONS PRIOR TO VOTING AND REGISTRATION PROCESSING
PROCEDURES; REVISING VOTER REGISTRATION PROVISIONS FOR THE
MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT;
DIRECTING THE SECRETARY OF STATE TO DEVELOP A GENERAL PROGRAM
FOR THE IDENTIFICATION OF VOTERS ELIGIBLE FOR CANCELLATION FROM
THE VOTER REGISTRATION LIST; REVISING REQUIREMENTS FOR MAILED
BALLOT APPLICATIONS AND ENVELOPES AND MAILED BALLOT HANDLING
PROCEDURES; ADDRESSING BALLOT PROCEDURES FOR THE INTIMATE
PARTNER VIOLENCE SURVIVOR SUFFRAGE ACT; REINSTATING THE PRIMARY
ELECTION LAW SHORT TITLE ACT; ADJUSTING TIME FRAMES TO NOMINATE

.220404.4

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

1 CANDIDATES TO FILL VACANCIES ON THE GENERAL ELECTION BALLOT;
2 AMENDING VOTING SYSTEMS REQUIREMENTS; CORRECTING AND
3 PRESCRIBING THE ORDER OF OFFICES ON BALLOTS; REQUIRING A NOTICE
4 OF ELECTION TO BE SENT TO VOTERS; ADDRESSING BALLOT TALLYING
5 PROCEDURES AND THE PREPARATION OF THE COUNTY CANVASS REPORT;
6 PRESCRIBING POST-ELECTION DUTIES; PROVIDING REQUIREMENTS FOR
7 THE IMPOUNDMENT OF BALLOTS AND TIME FRAMES FOR AUDITS;
8 ADJUSTING TIME FRAMES FOR REFERENDUM PETITIONS; AUTHORIZING
9 TAXPAYER INFORMATION TO BE REVEALED TO THE SECRETARY OF STATE
10 FOR PURPOSES OF MAINTAINING VOTER REGISTRATION RECORDS;
11 REMOVING REFERENCES TO PUBLIC REGULATION COMMISSIONER AS AN
12 ELECTED OFFICE THROUGHOUT THE ELECTION CODE; RECOMPILING A
13 SECTION AUTHORIZING LEGISLATIVE CAUCUS COMMITTEES INTO THE
14 CAMPAIGN REPORTING ACT; AMENDING, REPEALING AND ENACTING
15 SECTIONS OF THE NMSA 1978; REPEALING AND REENACTING SECTION
16 1-4-5.7 NMSA 1978 (BEING LAWS 2019, CHAPTER 67, SECTION 1, AS
17 AMENDED); REPEALING LAWS 2020, CHAPTER 9, SECTIONS 1 THROUGH
18 13.

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

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

23 "1-1-3.3. ELECTION-RELATED ORGANIZATION.--As used in the
24 Election Code, "election-related organization" means an
25 organization that registered with the secretary of state [~~that~~]

.220404.4

1 at least ninety days before a regularly scheduled statewide
 2 election or sixty-three days before a special election or an
 3 election to fill a vacancy in the United States house of
 4 representatives and is involved in election monitoring or voter
 5 turnout activities, but does not include a qualified political
 6 party in an election in which the political party is
 7 represented on the ballot."

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

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

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

20 "1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--
 21 RULES.--

22 A. The secretary of state is the chief election
 23 officer of the state.

24 B. The secretary of state shall:

25 (1) obtain and maintain uniformity in the

.220404.4

1 application, operation and interpretation of the Election Code;
2 and

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

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

18 SECTION 4. A new section of Chapter 1, Article 2 NMSA
19 1978 is enacted to read:

20 "[NEW MATERIAL] ELECTIONS SECURITY PROGRAM--GENERAL
21 RESPONSIBILITIES.--

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

.220404.4

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

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

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

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

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

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

24 B. Messengers may be compensated at the same daily
 25 or hourly rate as provided for election board members or at a

.220404.4

1 rate established by the county clerk. Messengers may be paid
2 mileage as provided in the Per Diem and Mileage Act each way
3 over the usually traveled route when the messenger travels by
4 private vehicle. The compensation and mileage shall be paid
5 within thirty days following the date of election.

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

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

13 "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE
14 CENTERS.--

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

19 B. When precincts are consolidated and voter
20 convenience centers are established for statewide elections:

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

.220404.4

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

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

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

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

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

18 (7) the board of county commissioners may
19 permit certain precincts to be exempted from operating as a
20 voter convenience center or being a part of a consolidated
21 precinct [~~provided that~~] if the precinct is [~~not~~] designated as
22 a mail ballot election precinct pursuant to Section 1-6-22.1
23 NMSA 1978 [~~and the polling place for that precinct does not~~
24 ~~have real-time access to the voter registration electronic~~
25 ~~management system, voters registered in a precinct as described~~

.220404.4

1 ~~in this paragraph are permitted to vote at any voter~~
2 ~~convenience center on election day only by use of a provisional~~
3 ~~paper ballot, which shall be counted after the county clerk~~
4 ~~confirms that the voter did not also vote in the same election~~
5 ~~on any other ballot].~~

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

10 ~~[(1) have ballots available for voters from~~
11 ~~every precinct authorized to vote at that voter convenience~~
12 ~~center;~~

13 ~~(2)]~~ (1) have at least one optical scan
14 tabulator programmed to read every ballot style able to be cast
15 at that voter convenience center;

16 ~~[(3)]~~ (2) have at least one voting system
17 available to assist disabled voters to cast and record their
18 votes;

19 ~~[(4)]~~ (3) have sufficient spaces for at least
20 five voters to simultaneously and privately mark their ballots,
21 with at least one of those spaces wheelchair-accessible;

22 ~~[(5)]~~ (4) have sufficient check-in stations to
23 accommodate voters throughout the day as provided in Section
24 1-9-5 NMSA 1978;

25 ~~[(6)]~~ (5) have a secure area for storage of

1 preprinted ballots or for storage of paper ballot stock and a
2 system designed to print ballots at a polling location;

3 [~~(7)~~] (6) issue a ballot to voters who have
4 provided the required voter identification after the voter has
5 signed a signature roster or an electronic equivalent approved
6 by the voting system certification committee or after the voter
7 has subscribed an application to vote on a form approved by the
8 secretary of state; and

9 [~~(8)~~] (7) be in a location that is accessible
10 and compliant with the requirements of the federal Americans
11 with Disabilities Act of 1990.

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

24 SECTION 7. Section 1-4-1.1 NMSA 1978 (being Laws 2015,
25 Chapter 145, Section 19, as amended) is amended to read:

.220404.4

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

3 A. The secretary of state may:

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

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

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

.220404.4

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

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

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

.220404.4

1 voted in two states during the same election. The county clerk
2 shall only disclose information received from the secretary of
3 state pursuant to this subsection to complete an investigation
4 pursuant to this section. [~~E.~~] The county clerk shall
5 investigate or reconcile the information received from the
6 secretary of state.

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

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

21 (a) confirmed to have voted in another
22 state requiring residence in that state; or

23 (b) confirmed to be on the social
24 security master death index file; and

25 (2) identify voters who have obtained a

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

8 SECTION 8. Section 1-4-5.7 NMSA 1978 (being Laws 2019,
 9 Chapter 67, Section 1, as amended) is repealed and a new
 10 Section 1-4-5.7 NMSA 1978 is enacted to read:

11 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION
 12 PRIOR TO VOTING.--

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

21 B. During a statewide election, a qualified elector
 22 may register to vote or update an existing certificate of
 23 registration as follows:

24 (1) at the county clerk's office during the
 25 regular hours and days of business beginning on the twenty-

.220404.4

1 eighth day preceding the election and from 10:00 a.m. to 6:00
2 p.m. on the Saturday immediately prior to the date of the
3 election;

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

14 (3) at the county clerk's office or at an
15 additional alternative voting location near the clerk's office
16 during the regular hours the day before election day and until
17 7:00 p.m. on election day.

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

.220404.4

1 before voting.

2 D. During a statewide election, a qualified elector
3 may register to vote or update an existing certificate of
4 registration at an election day voting location if the county
5 clerk has assigned a registration officer to the election day
6 voting location; provided that ninety days before the election,
7 the county clerk shall post the location of each election day
8 voting location where a qualified elector may register to vote
9 or update an existing certificate of registration immediately
10 before voting. If an election day voting location does not
11 have real-time synchronization with the voter registration
12 electronic management system or electronic poll book database,
13 a qualified elector may register to vote or update an existing
14 certificate of registration by using a provisional ballot in
15 accordance with procedures prescribed by the secretary of
16 state.

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

.220404.4

1 update an existing certificate of registration on election day.

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

8 G. During a special election, a qualified elector
9 eligible to vote in the special election may register to vote
10 or update an existing certificate of registration at the county
11 clerk's office during the regular hours and days of business
12 beginning on the twenty-eighth day preceding the election until
13 7:00 p.m. on election day.

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

20 (1) contains the name of the qualified
21 elector, which shall reasonably match the name provided on the
22 certificate of registration;

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

25 (3) need not contain an expiration date, and

1 if it does, the expiration date is not required to be a date on
2 or after the date of the election; and

3 (4) shall either:

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

6 (b) be accompanied by an original or
7 copy of a utility bill, bank statement, government check,
8 paycheck or other government document that contains an address
9 that matches the address provided for the certificate of
10 registration and is dated not more than ninety days prior to
11 the date of presentment.

12 I. If an early voting site or polling place does
13 not have real-time access to the statewide electronic voter
14 file, a voter desiring to update an existing certificate of
15 registration or to register to vote shall be issued a
16 provisional ballot."

17 SECTION 9. Section 1-4-5.7 NMSA 1978 (being Section 8 of
18 this act) is repealed and a new Section 1-4-5.7 NMSA 1978 is
19 enacted to read:

20 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION
21 PRIOR TO VOTING.--

22 A. In addition to the provisions in Section 1-4-8
23 NMSA 1978 providing for the closing of registration prior to an
24 election, a qualified elector seeking to register to vote or
25 update an existing certificate of registration in the state

.220404.4

1 shall be allowed to do so at a voting location immediately
2 before voting in that election after signing an affidavit under
3 oath that the elector has not voted in the election in this
4 state or elsewhere and as further provided in this section.

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

.220404.4

1 C. During a statewide election, a qualified elector
2 may register to vote or update an existing certificate of
3 registration at any alternate voting location, mobile alternate
4 voting location or election day voting location; provided that
5 the secretary of state shall establish procedures to ensure
6 that a registration officer has an opportunity to review the
7 information of a qualified elector who registers to vote or
8 updates an existing certificate of registration immediately
9 before the qualified elector votes.

10 D. A voter whose political party affiliation on the
11 voter's certificate of registration is with a major political
12 party shall not be allowed to change party affiliation when
13 updating an existing certificate of registration or registering
14 to vote at an early voting site or polling place during a
15 primary election.

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

25 F. A qualified elector seeking to register to vote

.220404.4

1 or update an existing certificate of registration pursuant to
2 this section shall provide a physical form of identification
3 that is issued by a government, including a federally
4 recognized Indian nation, tribe or pueblo, or an educational
5 institution and that:

6 (1) contains the name of the qualified
7 elector, which shall reasonably match the name provided on the
8 certificate of registration;

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

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

14 (4) shall either:

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

17 (b) be accompanied by an original or
18 copy of a utility bill, bank statement, government check,
19 paycheck or other government document that contains an address
20 that matches the address provided for the certificate of
21 registration and is dated not more than ninety days prior to
22 the date of presentment.

23 G. If an early voting location or election day
24 voting location does not have real-time synchronization with
25 the voting data at the office of the county clerk, a voter

.220404.4

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

7 SECTION 10. Section 1-4-5.8 NMSA 1978 (being Laws 2019,
 8 Chapter 67, Section 2) is amended to read:

9 "1-4-5.8. AUTOMATIC VOTER REGISTRATION--DRIVER'S LICENSE
 10 AND AGENCY REGISTRATION AND UPDATES TO REGISTRATION.--

11 A. In addition to the requirements of Section
 12 1-4-47 NMSA 1978:

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

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

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

25 [~~(3)~~] (b) immediately at the conclusion

.220404.4

1 of each in-person transaction to apply for or renew a driver's
2 license or state-issued identification card, ~~[the person]~~ shall
3 receive written notification by the motor vehicle division of
4 the taxation and revenue department informing the person if a
5 voter registration transaction was processed, and if so,
6 providing information regarding any voter registration
7 transaction delivered to the county clerk by the motor vehicle
8 division as a result of that application for or renewal of a
9 driver's license or state-issued identification card; and

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

14 (a) in the same county, the secretary of
15 state shall send the information to the county clerk of the
16 county where the voter is registered, who shall correct the
17 official list of eligible voters in accordance with the change
18 of residence information on the notice; or

19 (b) in another county, the secretary of
20 state shall send the information to the county clerk of the
21 county where the new address is located, and the county clerk
22 to whom the notice was forwarded shall process the change of
23 residence as a transferred registration into the county.

24 B. In addition to the requirements of Section
25 1-4-48 NMSA 1978:

.220404.4

1 (1) the human services department shall
2 develop procedures to be approved by the secretary of state to
3 ensure that each benefit program administered by the department
4 appropriately ensures that qualified electors receiving
5 benefits are offered the opportunity to register to vote or
6 update an existing certificate of registration without
7 duplication of information contained by the department or by
8 the secretary of state. No later than the last day of August
9 of each calendar year, the human services department shall
10 issue an annual report detailing implementation of the
11 requirements of this paragraph. The report shall be sent to
12 the legislative council service, the secretary of state and
13 each county clerk; and

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

25 C. If a person who is not a qualified elector

.220404.4

1 becomes registered to vote pursuant to this section, that
2 registration shall not be valid and the county clerk shall
3 remove the certificate of registration from the register of
4 voters."

5 SECTION 11. Section 1-4-8 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 66, as amended) is amended to read:

7 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
8 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except
9 for qualified electors who register to vote or update a
10 certificate of registration pursuant to Section 1-4-5.7 NMSA
11 1978, for qualified electors seeking to register to vote or
12 update an existing voter registration in the state, the
13 following provisions shall apply:

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

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

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

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

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

6 (1) new voter registrations that meet the
7 requirements of this section;

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

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

21 D. certificates of registration and cancellations
22 of existing voter registrations not processed pursuant to
23 Subsection B or C of this section [~~shall~~] may be processed
24 beginning [~~thirty-five days after~~] the Monday following an
25 election and shall be processed beginning no later than the

.220404.4

underscored material = new
[bracketed material] = delete

1 first business day after the approval of the county canvass
2 report, at which time a voter information document shall be
3 mailed to the registrant at the address shown on the
4 certificate of registration; provided that if there is a
5 subsequent election scheduled at which a qualified elector or
6 voter would be eligible to vote if the certificate of
7 registration were processed on an earlier date, the certificate
8 of registration for that qualified elector or voter shall be
9 processed by the county clerk on a day and in a manner to
10 ensure the ability of the qualified elector or voter to vote in
11 the subsequent election;

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

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

21 (1) received by the county clerk by the end of
22 the last regular business day of the week for the office of the
23 county clerk immediately following the deadline to register to
24 vote or update an existing voter registration prior to an
25 election;

.220404.4

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

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

7 SECTION 12. Section 1-4-11 NMSA 1978 (being Laws 1969,
 8 Chapter 240, Section 67, as amended) is amended to read:

9 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF
 10 CERTIFICATES.--

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

25 B. If the applicant's certificate of registration

.220404.4

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

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

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

.220404.4

1 division of the taxation and revenue department or from the
2 secretary of state.

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

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

23 SECTION 13. Section 1-4-47 NMSA 1978 (being Laws 1991,
24 Chapter 80, Section 4, as amended) is amended to read:

25 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

.220404.4

1 A. Every person who is a qualified elector and is
2 applying for a driver's license, to renew a driver's license or
3 for an identification card shall, if qualified to register to
4 vote, with the consent of the applicant be simultaneously
5 registered to vote.

6 B. The secretary of taxation and revenue shall
7 select certain employees of the motor vehicle division of the
8 taxation and revenue department or employees of entities on
9 contract to provide field services to the motor vehicle
10 division to provide assistance to any applicant requesting
11 voter registration assistance.

12 C. Every motor vehicle division office, field
13 office or contract field office of the division shall display
14 within the offices clearly visible signs stating "voter
15 registration assistance available" and:

16 (1) personnel in each office shall advise each
17 person who is a qualified elector and an applicant for
18 licensure or renewal or for an identification card that initial
19 voter registration or a change of address for voter
20 registration may be made simultaneously with the motor vehicle
21 application;

22 (2) voter registration shall be conducted in a
23 manner such that the applicant completes the full certificate
24 of registration electronically; ~~and~~

25 (3) the applicant's digital signature shall be

1 affixed to the certificate of registration using an electronic
 2 signature in conformance with the Electronic Authentication of
 3 Documents Act and the Uniform Electronic Transactions Act, and
 4 the form and signature shall be transmitted to the secretary of
 5 state along with any other available images of the voter's
 6 signature contained in the motor vehicle division's records for
 7 the secretary of state to begin building a database of
 8 signatures; and

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

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

20 E. Any certificate of voter registration completed
 21 on a paper form and made or accepted at a motor vehicle
 22 division office, [~~or motor vehicle division~~] field office or
 23 contract field office shall be transmitted to the secretary of
 24 state [~~and~~] or the [~~appropriate registration officer~~] county
 25 clerk of the county in which the office is located within seven

.220404.4

1 [calendar] days.

2 F. The secretary of state shall work with the motor
3 vehicle division to:

4 (1) ensure compliance in the application of
5 the provisions of this section with the federal National Voter
6 Registration Act of 1993;

7 (2) ensure consistent implementation in the
8 various counties, based on county classification and developing
9 technology; and

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

15 SECTION 14. Section 1-5-6 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 108, as amended) is amended to read:

17 "1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER
18 PREPARATION.--

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

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

.220404.4

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

8 SECTION 15. Section 1-6-4 NMSA 1978 (being Laws 1969,
 9 Chapter 240, Section 130, as amended) is amended to read:

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

11 A. In a statewide election, application by a voter
 12 for a mailed ballot shall be made only on [⌘] the official
 13 paper form approved by the secretary of state or its online
 14 equivalent. The form shall identify the applicant and contain
 15 information to establish the applicant's qualification for
 16 issuance of a mailed ballot under the Absent Voter Act
 17 [~~provided that only on the application form for a primary~~
 18 ~~election ballot there shall be a box, space or place provided~~
 19 ~~for designation of the voter's political party affiliation)].~~

20 B. Each application on a paper form for a mailed
 21 ballot shall be signed by the applicant and shall require the
 22 applicant's printed name, registration address and year of
 23 birth [~~to be supplied by the applicant, which shall constitute~~
 24 ~~the required form of identification)]. When submitted by the
 25 voter, the county clerk shall accept an application for a~~

.220404.4

1 mailed ballot pursuant to this subsection regardless of whether
2 the application for a mailed ballot is delivered to the county
3 clerk on paper or by electronic means. When submitted by a
4 third party, the county clerk shall not accept the paper form
5 of an application for a mailed ballot pursuant to this
6 subsection if the application [~~for a mailed ballot~~] is
7 [~~delivered~~] submitted to the county clerk by electronic means.

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

18 D. When a voter requests a mailed ballot pursuant
19 to this section, the voter shall mark the box associated with
20 the following statement, which shall be included as part of the
21 online mailed ballot request form:

22 "By clicking the boxes below, I swear or affirm all of the
23 following:

24 [] I am the person whose name and identifying
25 information is provided on this form and I desire to request a

1 mailed ballot to vote in the state of New Mexico; and

2 [] All of the information that I have provided on
3 this form is true and correct as of the date I am submitting
4 this form."

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

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

25 G. A person who willfully and with knowledge and

.220404.4

1 intent to deceive or mislead any voter, election board,
2 canvassing board, county clerk or other election official and
3 who falsifies any information on an absentee ballot request
4 form or who affixes a signature or mark other than the person's
5 own on a mailed ballot request form is guilty of a fourth
6 degree felony."

7 SECTION 16. Section 1-6-5 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 131, as amended) is amended to read:

9 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

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

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

.220404.4

1 file from those accepted [~~and notify the applicant in writing~~
2 ~~with an explanation why the application was rejected~~].

3 C. When required by federal law, if the applicant
4 has on file with the county a valid certificate of registration
5 that indicates that the applicant is a voter who is a new
6 registrant in the state and who registered by mail without
7 submitting the required documentary identification, the county
8 clerk shall notify the voter that the voter must submit with
9 the mailed ballot a form of documentary identification from the
10 list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA
11 1978. The county clerk shall note on the ballot register and
12 signature roster that the applicant's mailed ballot must be
13 returned with the required voter identification.

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

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

23 F. A mailed ballot shall not be delivered by the
24 county clerk to any person other than the applicant for the
25 ballot. Mailed ballots shall be sent to applicants beginning

.220404.4

underscoring material = new
[bracketed material] = delete

1 twenty-eight days before the election. For each application
2 for a mailed ballot received twenty-three or more days before
3 the election, the county clerk shall send either the ballot or
4 a notice of rejection to the applicant as soon as practicable;
5 provided that the ballot or a notice of rejection is sent not
6 later than twenty-two days before the election. For each
7 application for a mailed ballot received within twenty-two days
8 of election day, the county clerk shall send either the mailed
9 ballot or a notice of rejection to the applicant within twenty-
10 four hours after receipt of the voter's application for a
11 mailed ballot. [~~A mailed ballot shall be requested not later
12 than the Thursday immediately prior to the date of the election
13 and shall be sent to the voter not later than the Friday
14 immediately prior to the date of the election.~~]

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

.220404.4

1 the same day the county clerk delivers the mailed ballot to the
2 address requested by the voter.

3 H. When an application for a mailed ballot is
4 rejected pursuant to this section, the county clerk shall send
5 a notice of rejection to the mailing address on the voter's
6 certificate of registration and the address listed on the
7 voter's application for mailed ballot, if different. The
8 notice of rejection shall indicate the reason for the rejection
9 and, if applicable, information on how to satisfy the
10 rejection. If an application is rejected because it was not
11 timely received, the county clerk shall, within twenty-four
12 hours of receipt of the application, send a rejection notice to
13 the voter that shall include a list of the early and election
14 day polling locations in the county.

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

22 **SECTION 17.** Section 1-6-6 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 132, as amended) is amended to read:

24 "1-6-6. BALLOT REGISTER.--

25 A. For each statewide election, the county clerk

.220404.4

1 shall keep an "absentee ballot register", in which the county
2 clerk shall enter:

3 (1) the name and address of each absentee
4 ballot applicant;

5 (2) the date [~~and time~~] of receipt of the
6 application;

7 (3) whether the application was accepted or
8 rejected;

9 (4) the date of issue of an absentee ballot at
10 an early voting location or the mailing of an absentee ballot
11 to the applicant;

12 (5) the applicant's precinct;

13 (6) whether the applicant is a voter and
14 whether the voter is a uniformed-service voter or an overseas
15 voter;

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

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

23 B. For each special election, the county clerk
24 shall keep a "mailed ballot register", in which the county
25 clerk shall enter:

.220404.4

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

3 (2) the date of mailing of a mailed ballot to
4 the voter;

5 (3) the applicant's precinct;

6 (4) whether the voter is a uniformed-service
7 voter or an overseas voter;

8 (5) whether the voter is required to submit a
9 documentary identification pursuant to Section 1-6-5 NMSA 1978;
10 and

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

13 C. Each ballot register is a public record open to
14 public inspection in the county clerk's office during regular
15 office hours. The county clerk shall have an updated ballot
16 register available for public inspection Monday through Friday
17 during regular office hours.

18 D. The county clerk shall deliver to the absent
19 voter election board on election day a complete list of all
20 absentee ballot applicants and early voters with applicable
21 information shown in the absentee ballot register for each
22 applicant and early voter up to 6:00 p.m. on the Saturday
23 preceding a statewide election. The county clerk shall deliver
24 a signature roster containing the same information as the lists
25 to the absent voter election board.

.220404.4

1 E. Upon request, the county clerk shall transmit to
2 the county chair of each of the political parties participating
3 in a partisan election in the county a complete copy of entries
4 made in the absentee ballot register. Such transmissions shall
5 be made [~~once each week~~] daily beginning four weeks immediately
6 prior to the election. A final copy shall be transmitted on
7 the Saturday immediately following the election.

8 F. If the county clerk has available the technology
9 to do so, at the request of a candidate or chair of a political
10 party of the county, the county clerk shall electronically
11 transmit to the candidate or chair via the internet the
12 information daily, when updated, on the absentee ballot
13 register indicating voters who have requested absentee ballots,
14 returned their absentee ballots or voted early in person."

15 SECTION 18. Section 1-6-8 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 134, as amended) is amended to read:

17 "1-6-8. MAILED BALLOT ENVELOPES.--

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

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

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

1 primary shall contain a designation of party affiliation;

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

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

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

12 C. The reverse of each official mailing envelope
13 shall contain a form to be executed under penalty of perjury by
14 the voter completing the mailed ballot. The form shall
15 identify the voter and shall contain the pre-printed name of
16 the voter to whom the ballot was sent and the following
17 statement to be affirmed by the voter: "I attest under penalty
18 of perjury that I am the voter identified on this official
19 mailing envelope and that I have not and will not vote any
20 other ballot in this election.". The official mailing envelope
21 shall contain a space for the voter to record the voter's
22 [~~name, registration address and year of birth~~] signature and
23 the last four digits of the voter's social security number,
24 which shall constitute the required voter identification.
25 Under the space for the voter's signature shall be the

.220404.4

1 following statement: "NOTICE: The only people who may
2 lawfully mail or deliver this ballot to the county clerk are
3 the voter, a member of the voter's immediate family or
4 household or the voter's caregiver.". The envelope shall have
5 a security flap to cover this information."

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

8 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY
9 METHODS.--

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

.220404.4

1 person returning the ballot.

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

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

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

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

25 (1) the location of the containers and the

.220404.4

1 days and times the containers will be available to receive
2 ballots are posted by the county clerk at least [~~ninety days~~
3 ~~before a statewide election or~~] forty-two days before [~~a~~
4 ~~special~~] an election;

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

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

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

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

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

23 (c) of the range of dates and
24 approximate time the ballots will be collected for a specific
25 election; and

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

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

13 SECTION 20. Section 1-6-10 NMSA 1978 (being Laws 1969,
 14 Chapter 240, Section 136, as amended) is amended to read:

15 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

16 [~~A. The county clerk shall mark on each completed~~
 17 ~~official mailing envelope the date and time of receipt in the~~
 18 ~~clerk's office, record this information in the absentee or~~
 19 ~~mailed ballot register and safely keep the official mailing~~
 20 ~~envelope unopened in a locked and number-sealed ballot box~~
 21 ~~until it is delivered to the proper election board, counted in~~
 22 ~~the county canvass or canceled and destroyed in accordance with~~
 23 ~~law.]~~

24 A. A completed official mailing envelope shall be
 25 accepted until 7:00 p.m. on election day. A completed official

.220404.4

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

11 B. On the day a returned mailed ballot is received
12 by the county clerk, the county clerk shall mark the date of
13 receipt on the outside of the official mailing envelope.
14 Within one business day of receiving a returned official
15 mailing envelope, the county clerk shall remove the privacy
16 flap to verify that the voter signed the official mailing
17 envelope and to confirm that the last four digits of the social
18 security number provided by the voter match the information
19 available to the county clerk.

20 C. If the voter's signature is present and the last
21 four digits of the voter's social security number match, the
22 county clerk shall note in the absentee ballot register that
23 the information required to be provided by the voter under the
24 privacy flap has been verified and shall safely keep the
25 official mailing envelope unopened in a locked and number-

.220404.4

1 sealed ballot box until it is delivered to the absent voter
2 election board.

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

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

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

.220404.4

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

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

13 (4) after the county canvass report has been
14 approved, the voter may appeal in accordance with appeal
15 procedures for provisional ballots pursuant to Section
16 1-12-25.2 NMSA 1978.

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

.220404.4

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

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

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

17 SECTION 21. Section 1-6-10.1 NMSA 1978 (being Laws 2003,
 18 Chapter 357, Section 5, as amended) is amended to read:

19 "1-6-10.1. ABSENTEE BALLOT--DELIVERY TO COUNTY CLERK.--

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

25 B. As used in this section, "immediate family"

.220404.4

1 means the spouse, children, parents, domestic partner,
2 grandchildren, grandparents or siblings of a voter or a person
3 with whom the voter has a continuing personal relationship."

4 SECTION 22. Section 1-6-14 NMSA 1978 (being Laws 1971,
5 Chapter 317, Section 11, as amended) is amended to read:

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

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

17 [~~B. If the voter's signature or the required voter~~
18 ~~identification is missing, the presiding judge shall write~~
19 ~~"Rejected" on the front of the official mailing envelope. The~~
20 ~~judge or election clerk shall enter the voter's name in the~~
21 ~~signature rosters or register and shall write the notation~~
22 ~~"Rejected--Missing Signature" or "Rejected--Missing Required~~
23 ~~Voter Identification" in the "Notations" column of the~~
24 ~~register. The presiding judge shall place the official mailing~~
25 ~~envelope unopened in a container provided for rejected~~

.220404.4

1 ~~ballots.]~~ The verification of the county clerk is subject to an
2 interposition of a challenge by or before the absent voter
3 election board pursuant to Subsection C of this section.

4 B. If, pursuant to Subsection F of Section 1-6-4
5 NMSA 1978, the voter was notified of the need to comply with
6 federal identification requirements when returning the
7 requested ballot and failed to comply, the judge or election
8 clerk shall preserve the inner envelope with the official
9 mailing envelope and write "Rejected" on the front of the
10 official mailing envelope, and the judge or election clerk
11 shall update the ballot register accordingly. The presiding
12 judge shall place the official mailing envelope with the
13 attached inner envelope in a container provided for rejected
14 ballots; provided that if the judge or election clerk was
15 required to open the inner envelope to determine that the
16 required documentary identification was not included, the
17 untallied ballot shall be returned to the inner envelope and
18 preserved along with the official mailing envelope in a
19 container for this purpose.

20 C. A lawfully appointed challenger may view the
21 official mailing envelope and may challenge the ballot of any
22 mailed ballot voter for the following reasons:

23 (1) the official mailing envelope has been
24 opened by someone other than the voter prior to being received
25 by the absent voter election board;

.220404.4

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

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

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

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

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

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

.220404.4

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

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

23 H. It is unlawful for a person to disclose the
24 results of a count and tally or the registration on a voting
25 machine of mailed ballots prior to the later of the closing of

.220404.4

1 the polls or the deadline for receiving mailed ballots pursuant
2 to Section 1-6-10 NMSA 1978.

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

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

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

.220404.4

1 absent voter election board is not present until the return of
2 the absent voter election board. If neither a sheriff's deputy
3 nor a state police patrolman is available, the county clerk or
4 chief deputy shall remain on site until the return of the
5 absent voter election board and shall allow any challenger or
6 observer to remain present as well."

7 SECTION 23. Section 1-6-16 NMSA 1978 (being Laws 2019,
8 Chapter 212, Section 74) is amended to read:

9 "1-6-16. MAILED BALLOTS--REPLACEMENT AND PROVISIONAL
10 PAPER BALLOTS.--

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

18 B. A voter shall be mailed a replacement ballot to
19 be returned to the county clerk for tabulation by the absent
20 ballot election board if the voter:

21 (1) communicates with the office of the county
22 clerk and requests a replacement mailed ballot be delivered to
23 the voter; and

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

.220404.4

1 the mailed ballot previously issued to the voter.

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

5 ~~[C.]~~ D. A voter shall be issued a replacement
6 ballot to be filled out and fed by the voter into the
7 electronic vote tabulator if the voter:

8 (1) appears at the office of the county clerk,
9 an alternate voting location or a mobile alternate voting
10 location:

11 (a) at any time during the period for
12 early voting if the county clerk has real-time synchronization
13 between the early voting locations and the qualification of
14 mailed ballots; or

15 (b) during the period for early voting
16 until the time the county clerk begins qualifying mailed
17 ballots if the county clerk does not have real-time
18 synchronization between the early voting locations and the
19 qualification of mailed ballots; and

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

23 ~~[D.]~~ E. If the county clerk does not have real-time
24 synchronization between the early voting locations and the
25 qualification of mailed ballots, a voter shall be issued a

.220404.4

1 provisional paper ballot to be filled out and delivered to the
2 county clerk for tabulation during the county canvass if:

3 (1) the voter appears at an early voting
4 location after the time the county clerk begins qualifying
5 mailed ballots; and

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

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

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

17 H. For the purposes of this section, "real-time
18 synchronization" means that at the time the replacement ballot
19 is issued, the broadband internet connection at the location
20 where the replacement ballot is issued is able to synchronize
21 voting data with the office of the county clerk."

22 **SECTION 24.** Section 1-6-22.1 NMSA 1978 (being Laws 2009,
23 Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1,
24 as amended) is amended to read:

25 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING

.220404.4

1 IN LIEU OF POLLING PLACE.--

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

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

.220404.4

1 day in case the voter prefers to vote in person and not by
 2 mail. In addition, the notice shall inform the voter [~~if the~~
 3 ~~county is consolidating precincts on election day and, if so]~~
 4 of the ability of the voter to cast a ballot at any
 5 [~~consolidated precinct]~~ voter convenience center on election
 6 day if the voter chooses not to receive an absentee ballot, or
 7 to cast a [~~provisional~~] replacement ballot at any [~~consolidated~~
 8 ~~precinct]~~ voter convenience center if the voter does not
 9 receive an absentee ballot, which will be counted upon
 10 confirmation that the voter has not returned the absentee
 11 ballot.

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

17 [~~D. The county clerk shall keep a sufficient number~~
 18 ~~of ballots from a mail ballot election precinct such that a~~
 19 ~~voter from that precinct may vote on a replacement or~~
 20 ~~provisional paper ballot pursuant to Section 1-6-16 NMSA 1978~~
 21 ~~or on an emergency paper ballot pursuant to Section 1-6-16.2~~
 22 ~~NMSA 1978.]"~~

23 SECTION 25. Section 1-6B-6 NMSA 1978 (being Laws 2015,
 24 Chapter 145, Section 30, as amended) is amended to read:

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

.220404.4

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

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

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

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

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

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

24 D. An application [~~for a military-overseas ballot~~
25 ~~is effective as an automatic application for a military-~~

1 ~~overseas ballot for a top-two runoff election necessary to~~
 2 ~~conclude the election for which the application was submitted]~~
 3 from a federal qualified elector who provides information
 4 permitting secured electronic delivery of the ballot is timely
 5 if received by the county clerk no later than seven days prior
 6 to election day. An application from a federal qualified
 7 elector who does not provide information permitting secured
 8 electronic delivery of the ballot is timely if received by the
 9 county clerk no later than fourteen days prior to election
 10 day."

11 SECTION 26. Section 1-6B-10 NMSA 1978 (being Laws 2015,
 12 Chapter 145, Section 34, as amended) is amended to read:

13 "1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--
 14 QUALIFICATION.--

15 A. A federal qualified elector may use a federal
 16 write-in absentee ballot to vote for all offices and ballot
 17 questions in an election.

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

.220404.4

1 C. A qualified federal write-in absentee ballot
2 shall be processed ~~[by]~~ during the ~~[canvassing board]~~ county
3 canvass in the same manner as a provisional ballot. A federal
4 write-in absentee ballot from a federal qualified elector shall
5 not be qualified if the federal qualified elector voted on any
6 other type of ballot. A federal write-in absentee ballot of an
7 overseas voter shall not be qualified if the ballot is
8 submitted from any location in the United States."

9 **SECTION 27.** Section 1-6C-6 NMSA 1978 (being Laws 2019,
10 Chapter 226, Section 6) is amended to read:

11 "1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS.--

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

17 B. The request shall not reveal the name or address
18 of the voter-participant. In place of a voter-participant's
19 name and address, the administrator shall provide the
20 appropriate county clerk the random identifier and verification
21 code associated with the voter-participant for that election.
22 The request made pursuant to this section is a record related
23 to voting subject to the disclosure and retention procedures of
24 Section 1-12-69 NMSA 1978.

25 C. No later than thirty-two days before the

1 election, the appropriate county clerk shall transmit to the
2 administrator the ballot for each voter-participant registered
3 to vote in that county.

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

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

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

25 (2) send a voter-participant the ballot and

.220404.4

1 balloting materials within twenty-four hours of receipt from
2 the appropriate county clerk.

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

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

25 SECTION 28. Section 1-6C-7 NMSA 1978 (being Laws 2019,

.220404.4

1 Chapter 226, Section 7) is amended to read:

2 "1-6C-7. RECEIPT OF VOTED BALLOTS FROM VOTER-
3 PARTICIPANTS.--

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

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

.220404.4

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

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

14 SECTION 29. Section 1-8-2 NMSA 1978 (being Laws 1969,
15 Chapter 240, Section 152, as amended) is amended to read:

16 "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--
17 CONVENTION--DESIGNATED NOMINEES.--

18 A. If the rules of a minor political party require
19 nomination by political convention:

20 (1) the chair and secretary of the state
21 political convention shall certify to the secretary of state
22 the names of their party's nominees for United States senator,
23 United States representative, all elective state offices,
24 legislative offices elected from multicounty districts, [~~the~~
25 ~~public regulation commission]~~ all elective judicial officers in

.220404.4

1 the judicial department and all offices representing a district
2 composed of more than one county; and

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

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

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

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

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

22 C. The names certified to the county clerk shall be
23 filed on the twenty-third day following the primary election in
24 the year of the general election and shall be accompanied by a
25 nominating petition containing the signatures of voters

.220404.4

1 totaling not less than one percent of the total number of votes
2 cast for governor at the last preceding general election at
3 which a governor was elected:

- 4 (1) in the county for countywide offices; and
- 5 (2) in the district for offices other than
6 countywide offices.

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

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

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

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

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

.220404.4

1 senator or United States representative, a resident within New
 2 Mexico on the date of the secretary of state's proclamation for
 3 the general election. No person who is a candidate for a party
 4 in a primary election may be certified as a candidate for a
 5 different party in the general election in the same election
 6 cycle.

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

11 SECTION 30. Section 1-8-3 NMSA 1978 (being Laws 1969,
 12 Chapter 240, Section 153, as amended) is amended to read:

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

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

25 B. the county [~~chairman~~] chair and the governing

.220404.4

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

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

11 SECTION 31. Section 1-8-8 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 158, as amended) is amended to read:

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

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

.220404.4

1 capable by law of being filled at the next succeeding general
2 election, the vacancy on the general election ballot may be
3 filled by:

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

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

14 B. Appointments made pursuant to Subsection A of
15 this section shall qualify pursuant to Section 1-8-18 NMSA
16 1978.

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

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

.220404.4

1 election using [a] the form [~~approved~~] prescribed by the
2 secretary of state [~~at least sixty-three days prior to the~~
3 ~~general election~~], along with [a] the declaration of candidacy
4 form subscribed and sworn by the selected nominee and the
5 [~~required~~] form for candidates pursuant to the Campaign
6 Reporting Act.

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

10 SECTION 32. A new Section 1-8-10.1 NMSA 1978 is enacted
11 to read:

12 "1-8-10.1. [NEW MATERIAL] SHORT TITLE.--Sections 1-8-10.1
13 through 1-8-52 NMSA 1978 may be cited as the "Primary Election
14 Law"."

15 SECTION 33. Section 1-8-13 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 162, as amended) is amended to read:

17 "1-8-13. PRIMARY ELECTION LAW--CONTENTS OF
18 PROCLAMATION.--The general election proclamation calling a
19 primary and general election shall contain:

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

22 B. the offices to be elected at the general
23 election and for which each political party shall nominate
24 candidates; provided that if any law is enacted by the
25 legislature in the year in which the primary election is held

.220404.4

1 and the law does not take effect until after the date to amend
2 the proclamation but prior to the date to fill vacancies
3 pursuant to Section 1-8-7 or 1-8-8 NMSA 1978, the secretary of
4 state shall conform the proclamation to the intent of the law
5 with respect to the offices for which each political party
6 shall nominate candidates;

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

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

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

.220404.4

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

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

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

13 I. the date on which declarations of candidacy for
14 unaffiliated candidates shall be filed and the places where the
15 declarations of candidacy shall be filed in order to have the
16 unaffiliated candidate names printed on the official ballot of
17 the general election;

18 J. the date on which declarations of candidacy for
19 nonpartisan judicial retention shall be filed and the places
20 where the declarations of candidacy shall be filed in order to
21 have the judicial retention names printed on the official
22 ballot of the general election; and

23 K. the date on which declarations to be a write-in
24 candidate are to be filed and the places where the declarations
25 of candidacy shall be filed in order to have write-in votes

.220404.4

1 counted and canvassed at the political party primary or general
2 election."

3 SECTION 34. Section 1-8-33 NMSA 1978 (being Laws 1973,
4 Chapter 228, Section 7, as amended) is amended to read:

5 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--
6 NUMBER OF SIGNATURES REQUIRED.--

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

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

20 C. Nominating petitions for candidates for any
21 other office to be voted on at the primary election for which
22 nominating petitions are required shall be signed by a number
23 of voters equal to at least three percent of the total vote of
24 the candidate's party in the district or division, or the
25 following number of voters, whichever is greater: for

.220404.4

1 metropolitan court and magistrate courts, ten voters; [~~for the~~
2 ~~public regulation commission, fifty voters~~] for the public
3 education commission, twenty-five voters; for state
4 representative, ten voters; for state senator, seventeen
5 voters; and for district attorney and district judge, fifteen
6 voters.

7 D. A candidate who fails to receive the preprimary
8 convention designation that the candidate sought may collect
9 additional signatures to total at least four percent of the
10 total vote of the candidate's party in the state or
11 congressional district, whichever applies to the office the
12 candidate seeks, and file a new declaration of candidacy and
13 nominating petitions for the office for which the candidate
14 failed to receive a preprimary designation. The declaration of
15 candidacy and nominating petitions shall be filed with the
16 secretary of state either ten days following the date of the
17 preprimary convention at which the candidate failed to receive
18 the designation or on the date all declarations of candidacy
19 and nominating petitions are due pursuant to the provisions of
20 the Primary Election Law, whichever is later."

21 SECTION 35. Section 1-8-36.1 NMSA 1978 (being Laws 1981,
22 Chapter 156, Section 1, as amended) is amended to read:

23 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

24 A. Write-in candidates are permitted in the primary
25 election only for the offices of United States representative,

.220404.4

1 members of the legislature, district judges, district
 2 attorneys, [~~public regulation commission~~] public education
 3 commission, magistrates and any office voted upon by all voters
 4 of the state.

5 B. A person may be a write-in candidate only for
 6 nomination by the major political party with which the person
 7 is affiliated as shown by the certificate of registration, and
 8 such person shall have the qualifications to be a candidate in
 9 the primary election for the political party for which the
 10 person is a write-in candidate.

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

17 D. At the time of filing the declaration of intent
 18 to be a write-in candidate, the write-in candidate shall be
 19 considered a candidate for all purposes and provisions relating
 20 to candidates in the Election Code, including the obligations
 21 to report pursuant to the Campaign Reporting Act, except that
 22 the write-in candidate's name shall not be printed on the
 23 ballot."

24 **SECTION 36.** Section 1-8-51 NMSA 1978 (being Laws 1977,
 25 Chapter 322, Section 7, as amended) is amended to read:

.220404.4

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

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

8 B. Nominating petitions for an independent
9 candidate for president of the United States shall be signed by
10 a number of voters equal to the number of signatures required
11 to form a new political party.

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

17 D. Nominating petitions for an independent
18 candidate for United States representative shall be signed by a
19 number of voters equal to at least two percent of the total
20 number of votes cast in the district.

21 E. Nominating petitions for an independent
22 candidate for a member of the legislature, [~~public regulation~~
23 ~~commission~~] district judge, district attorney, member of the
24 public education commission, magistrate or county office shall
25 be signed by a number of voters equal to at least two percent

.220404.4

underscoring material = new
[bracketed material] = delete

1 of the total number of votes cast in the district, division or
2 county, as the case may be.

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

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

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

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

.220404.4

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

4 SECTION 37. Section 1-9-1 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 184, as amended) is amended to read:

6 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM
7 DEFINED.--

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

18 B. As used in Chapter 1, Article 9 NMSA 1978,
19 "voting system" means a combination of mechanical,
20 electromechanical or electronic equipment, including the
21 software and firmware required to program and control the
22 equipment, that is used to cast and count votes, and also
23 including any type of system that is designed to print or to
24 mark ballots at a polling location; equipment that is not an
25 integral part of a voting system but that can be used as an

.220404.4

1 adjunct to it is considered to be a component of the system."

2 SECTION 38. Section 1-9-7.10 NMSA 1978 (being Laws 2010,
3 Chapter 28, Section 8) is amended to read:

4 "1-9-7.10. VOTING SYSTEMS--BALLOT HANDLING AND PROCESSING
5 REQUIREMENTS.--Voting systems certified for use in state
6 elections shall:

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

10 B. accept a ballot in any orientation when inserted
11 by a voter;

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

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

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

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

22 SECTION 39. 1-10-8 NMSA 1978 (being Laws 2019, Chapter
23 212, Section 103) is amended to read:

24 "1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT
25 QUESTIONS.--

.220404.4

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

5 (1) in a presidential primary, president;

6 (2) in a general election, president and vice
7 president as a ticket;

8 (3) United States senator;

9 (4) United States representative;

10 (5) state senator;

11 (6) state representative;

12 (7) supreme court;

13 (8) court of appeals;

14 ~~[(9) public regulation commission districts~~
15 ~~with odd-numbered designations;~~

16 ~~(10)]~~ (9) public education commission
17 ~~[districts with odd-numbered designations];~~

18 (10) district attorney;

19 (11) district court;

20 (12) metropolitan court;

21 (13) county clerk;

22 (14) county treasurer; ~~[and]~~

23 (15) county commission; ~~[districts and~~
24 ~~positions with odd-numbered designations]~~ and

25 (16) when applicable:

- 1 (a) county sheriff;
- 2 (b) county assessor; and
- 3 (c) probate judge.

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

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

.220404.4

underscoring material = new
[bracketed material] = delete

1 ~~(15)~~ (14) public education commission
2 ~~[districts with even-numbered designations];~~
3 ~~(16)~~ (15) district court;
4 ~~(17) district attorney;~~
5 ~~(18)~~ (16) metropolitan court;
6 ~~(19)~~ (17) magistrate court;
7 ~~(20)~~ (18) county sheriff;
8 ~~(21)~~ (19) county assessor;
9 ~~(22)~~ (20) county commission; ~~[districts and~~
10 ~~positions with even-numbered designations; and~~
11 ~~(23)~~ (21) probate judge; and
12 (22) when applicable:
13 (a) county clerk; and
14 (b) county treasurer.

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

- 18 (1) municipal, with elective executive
19 officers listed first, governing board members listed second
20 and judicial officers listed third;
21 (2) board of education of a school district;
22 (3) community college, branch community
23 college, technical and vocational institute district or
24 learning center district; and
25 (4) special districts listed in order by

1 voting population of each special district, with the most
2 populous listed first and the least populous listed last.

3 D. The ballot in a statewide election shall
4 contain, when applicable, nonpartisan judicial retention and in
5 a statewide or special election, when applicable, ballot
6 questions to be voted on in the following order, unless a
7 different order is prescribed by the secretary of state:

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

15 E. When multiple positions for the same
16 nondistricted, nonjudicial office are to be elected on the same
17 ballot and the qualifications for each of those positions are
18 the same, the nondistricted, nonjudicial district may adopt a
19 resolution and file with the local county clerk and the
20 secretary of state by June 1 of an odd-numbered year indicating
21 that its officers shall be elected at large in the next
22 election either by:

- 23 (1) a single contest on the ballot in which
24 voters shall be given the instruction to "vote for no more than
25 X". If two or more positions for the same office are to be

.220404.4

1 elected to represent the same area but with terms of different
2 lengths of time, the candidate receiving the highest number of
3 votes shall be elected to the position with the longest term
4 length, and the candidate receiving the next highest number of
5 votes shall be elected to the position with the next longest
6 term length, with additional candidates elected to positions
7 accordingly; or

8 (2) each position appearing on the ballot in
9 ascending numerical order; provided that the secretary of state
10 shall numerically designate the positions on the ballot as
11 "position one", "position two" and additional consecutively
12 numbered positions as necessary, and only one candidate shall
13 be elected for each position.

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

18 ~~[E.]~~ G. When multiple positions for the same
19 districted, nonjudicial office are listed on the same ballot
20 ~~[and each position is to be elected individually]~~ or the
21 qualifications for one or more at-large positions is distinct
22 from the qualifications of the rest:

23 (1) offices designated by district number
24 shall appear on the ballot in ascending numerical order of the
25 districts; and

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

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

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

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

22 (2) supreme court and court of appeals for
 23 partisan election shall appear on the ballot in ascending
 24 numerical order of the position number designated by the
 25 secretary of state for that election, based on the date of the

.220404.4

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

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

12 SECTION 40. A new section of Chapter 1, Article 11 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] NOTICE OF THE ELECTION.--Fifty days prior
15 to each statewide election, the secretary of state, on behalf
16 of each county clerk, shall mail to each voter a notice of the
17 election; provided that a notice shall not be mailed to a voter
18 whose election mail has been returned as undeliverable and who
19 has not updated the voter's certificate of registration with a
20 new address. The notice shall include:

- 21 A. the date and purpose of the election;
22 B. an internet web address where a voter may
23 request a mailed ballot;
24 C. a telephone number where a voter may call to
25 request the paper form of the mailed ballot application;

.220404.4

1 D. a list of the days and times and addresses of
2 early and election day polling locations where a voter may vote
3 in person; and

4 E. a list of the locations, dates and times other
5 than polling locations where a voter may return a mailed
6 ballot."

7 **SECTION 41.** Section 1-12-25.2 NMSA 1978 (being Laws 2003,
8 Chapter 356, Section 3, as amended) is amended to read:

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

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

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

25 C. Beginning with the closing of the polls on

.220404.4

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

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

10 SECTION 42. Section 1-12-65 NMSA 1978 (being Laws 1977,
11 Chapter 222, Section 68, as amended) is amended to read:

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

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

24 B. The presiding judge and the election judges,
25 assisted by the election clerks, shall count the number of

.220404.4

1 machine-tabulated paper ballots with write-in votes, write the
 2 number of such ballots on each copy of the certificate of
 3 returns for that polling place and place those paper ballots
 4 with write-in votes in an envelope provided for that purpose.
 5 The envelope shall not be locked in the ballot box but shall
 6 instead be transmitted directly to the county clerk for manual
 7 counting of the write-in votes.

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

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

22 SECTION 43. Section 1-13-1 NMSA 1978 (being Laws 1969,
 23 Chapter 240, Section 303, as amended) is amended to read:

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

25 A. The board of county commissioners is ex officio

.220404.4

1 the county canvassing board in each county.

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

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

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

14 (2) a report of the final vote counts for all
15 contests and ballot questions voted on by voters of the county
16 separated by mailed ballots, early voting and election day
17 voting;

18 (3) a report of the total ballots requested,
19 returned, accepted and rejected from federal qualified
20 electors; and

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

23 D. Immediately after the meeting of the county
24 canvassing board, the county clerk shall transmit a copy of the
25 county canvass report, along with any hand tally sheets, to the

.220404.4

1 secretary of state."

2 SECTION 44. Section 1-13-4 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 306, as amended) is amended to read:

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

5 The county clerk shall:

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

9 (1) paper ballots not previously tabulated;

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

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

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

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

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

25 D. provide the county canvassing board a summary

.220404.4

1 report of the ballots tallied by the election board."

2 SECTION 45. Section 1-14-9 NMSA 1978 (being Laws 1971,
3 Chapter 249, Section 2) is amended to read:

4 "1-14-9. IMPOUNDING BALLOTS--APPLICATION FOR COURT
5 ORDER--DEPOSIT REQUIRED.--Any candidate in an election may
6 petition the district court for an order impounding ballots in
7 one or more precincts within which ~~[he is a candidate]~~ the
8 candidate's name appeared on the ballot. The action shall be
9 brought in the district court for the county in which the
10 precincts are located. The petition shall state what specific
11 items of ballots are requested to be impounded. Upon ~~[receipt~~
12 ~~of the petition]~~ a finding that good cause exists to conduct an
13 investigation to determine fraudulent or false voting, along
14 with a sufficient cash deposit, ~~[of twenty-five dollars~~
15 ~~(\$25.00) per precinct]~~ or a sufficient surety bond, to cover
16 the costs of each precinct for which impoundment is demanded,
17 the court shall issue an order of impoundment."

18 SECTION 46. Section 1-14-13.2 NMSA 1978 (being Laws 2009,
19 Chapter 233, Section 1, as amended) is amended to read:

20 "1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM CHECK.--

21 A. At least ninety days prior to each general
22 election, the secretary of state shall contract with an auditor
23 qualified by the state auditor to audit state agencies to
24 oversee a check on the accuracy of precinct electronic vote
25 tabulators, alternate voting location electronic vote

.220404.4

1 tabulators and absent voter precinct electronic vote
2 tabulators. The voting system check shall be conducted for all
3 federal offices, for governor and for the statewide elective
4 office, other than the office of the governor, for which the
5 winning candidate won by the smallest percentage margin of all
6 candidates for statewide office in New Mexico. The voting
7 system check is waived for any office for which a recount is
8 conducted.

9 B. For each selected office, the auditor shall
10 publicly select a random sample of precincts from a pool of all
11 precincts in the state no later than twelve days after the
12 election. The random sample shall be chosen in a process that
13 will ensure, with at least ninety percent probability for the
14 selected offices, that faulty tabulators would be detected if
15 they would change the outcome of the election for a selected
16 office. The auditor shall select precincts starting with the
17 statewide office with the largest winning margin and ending
18 with the precincts for the statewide office with the smallest
19 winning margin and then, in the same manner, select precincts
20 from each congressional district. The size of the random
21 sample for each office shall be determined as provided in Table
22 1 of this subsection. When a precinct is selected for one
23 office, it shall be used in lieu of selecting a different
24 precinct when selecting precincts for another office in the
25 same congressional district, or for any statewide office. If

.220404.4

1 the winning margin in none of the offices for which a voting
2 system check is required is less than fifteen percent, a voting
3 system check for that general election shall not be required.

4 Table 1

5 Winning margin between top Number of precincts in the
6 two candidates for the state to be tested for that
7 office according to the office
8 county canvasses

9 Percent

10 greater than 15 no precincts for that
11 office

12 greater than 14

13 but less than or equal to 15 4

14 greater than 13

15 but less than or equal to 14 4

16 greater than 12

17 but less than or equal to 13 5

18 greater than 11

19 but less than or equal to 12 5

20 greater than 10

21 but less than or equal to 11 6

22 greater than 9.0

23 but less than or equal to 10 6

24 greater than 8.0

25 but less than or equal to 9.0 7

.220404.4

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

1	greater than 7.0	
2	but less than or equal to 8.0	9
3	greater than 6.0	
4	but less than or equal to 7.0	10
5	greater than 5.5	
6	but less than or equal to 6.0	11
7	greater than 5.0	
8	but less than or equal to 5.5	13
9	greater than 4.5	
10	but less than or equal to 5.0	14
11	greater than 4.0	
12	but less than or equal to 4.5	16
13	greater than 3.5	
14	but less than or equal to 4.0	18
15	greater than 3.0	
16	but less than or equal to 3.5	22
17	greater than 2.5	
18	but less than or equal to 3.0	26
19	greater than 2.0	
20	but less than or equal to 2.5	32
21	greater than 1.8	
22	but less than or equal to 2.0	37
23	greater than 1.6	
24	but less than or equal to 1.8	42
25	greater than 1.4	

.220404.4

1	but less than or equal to 1.6	47
2	greater than 1.2	
3	but less than or equal to 1.4	54
4	greater than 1.1	
5	but less than or equal to 1.2	59
6	greater than 1.0	
7	but less than or equal to 1.1	65
8	greater than 0.9	
9	but less than or equal to 1.0	73
10	greater than 0.8	
11	but less than or equal to 0.9	82
12	greater than 0.7	
13	but less than or equal to 0.8	93
14	greater than 0.6	
15	but less than or equal to 0.7	109
16	greater than 0.5	
17	but less than or equal to 0.6	130
18	0.5 or less	165.

19 C. The auditor shall notify the appropriate county
20 clerks of the precincts that are to be included in the voting
21 system check upon their selection. The auditor shall direct
22 the appropriate county clerks to open the locked ballot boxes,
23 remove ballots from the selected precincts and compare the
24 original machine count precinct vote totals, including early
25 absentee and absentee by mail machine count vote totals, for

.220404.4

1 candidates for offices subject to the voting system check from
2 the selected precincts for each office with the respective vote
3 totals of a hand recount of the paper ballots from those
4 precincts. The county clerks shall report their results to the
5 auditor within [~~ten~~] fourteen days of the notice to conduct the
6 voting system check unless a county clerk is aware of a recount
7 in any office that includes one or more precincts in the
8 county, in which case the county clerk shall report the results
9 of the post-election audit to the auditor within [~~ten~~] fourteen
10 days following the conclusion of the recount.

11 D. Based on the results of the voting system check
12 and any other auditing results, the auditor shall determine the
13 error rate in the sample for each office. If the winning
14 margin decreases and the error rate based on the difference
15 between the vote totals of hand recounts of the paper ballots
16 and the original precinct vote totals exceeds ninety percent of
17 the winning margin for an office, another sample equal in size
18 to the original sample shall be selected and the original
19 precinct vote totals compared to the vote totals of hand
20 recounts. The error rate based on the first and second sample
21 shall be reported, and if it exceeds ninety percent of the
22 winning margin for the office, the state canvassing board shall
23 order that a full hand recount of the ballots for that office
24 be conducted.

25 E. The auditor shall report the results of the

.220404.4

1 voting system check to the secretary of state upon completion
2 of the voting system check and release the results to the
3 public.

4 F. Persons designated as county canvass observers
5 may observe the hand recount described in Subsection C of this
6 section. Observers shall comply with the procedures governing
7 county canvass observers as provided in Section 1-2-31 NMSA
8 1978.

9 G. If a recount for an office selected for a voting
10 system check is conducted pursuant to the provisions of Chapter
11 1, Article 14 NMSA 1978, the vote totals from the hand count of
12 ballots for that office in precincts selected for the voting
13 system check may be used in lieu of recounting the same ballots
14 for the recount.

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

18 SECTION 47. Section 1-14-15 NMSA 1978 (being Laws 1978,
19 Chapter 48, Section 1, as amended) is amended to read:

20 "1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

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

.220404.4

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

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

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

.220404.4

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

9 **SECTION 48.** Section 1-14-24 NMSA 1978 (being Laws 2008,
10 Chapter 41, Section 1, as amended) is amended to read:

11 "1-14-24. AUTOMATIC RECOUNTS--ELECTIONS FOR STATE AND
12 FEDERAL OFFICES--PROCEDURES.--

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

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

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

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

25 (c) on a nonpartisan judicial retention

.220404.4

1 election in the case of the supreme court or the court of
2 appeals;

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

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

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

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

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

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

.220404.4

1 and the state canvassing board shall order a recount of the
2 ballots for the specified office.

3 C. Automatic recounts shall be conducted pursuant
4 to the recount procedures established in Sections 1-14-16 and
5 1-14-18 through 1-14-23 NMSA 1978."

6 SECTION 49. Section 1-17-8 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 393) is amended to read:

8 "1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE
9 CIRCULATION.--

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

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

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

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

25 SECTION 50. Section 1-17-10 NMSA 1978 (being Laws 1969,

1 Chapter 240, Section 395) is amended to read:

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

7 SECTION 51. Section 1-19A-2 NMSA 1978 (being Laws 2003,
8 Chapter 14, Section 2, as amended) is amended to read:

9 "1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

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

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

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

19 D. "contribution" means a gift, subscription, loan,
20 advance or deposit of money or other thing of value, including
21 the estimated value of an in-kind contribution, that is made or
22 received for the purpose of supporting or opposing the
23 nomination for election or election of a candidate for public
24 office, including payment of a debt incurred in an election
25 campaign and also including a coordinated expenditure, but

.220404.4

1 "contribution" does not include:

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

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

- 12 (1) by a person other than a candidate or
13 campaign committee;
- 14 (2) at the request or suggestion of, or in
15 cooperation, consultation or concert with, a candidate,
16 campaign committee or political party or any agent or
17 representative of such a candidate, campaign committee or
18 political party; and
- 19 (3) for the purpose of:
- 20 (a) supporting or opposing the
21 nomination or election of a candidate; or
- 22 (b) paying for an advertisement that
23 refers to a clearly identified candidate and that is published
24 and disseminated to the relevant electorate in New Mexico
25 within thirty days before the primary election or sixty days

.220404.4

1 before the general election in which the candidate is on the
2 ballot;

3 F. "covered office" means any office of the
4 judicial department subject to statewide elections [~~and the~~
5 ~~office of public regulation commissioner~~];

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

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

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

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

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

21 (3) acknowledged by a receipt that identifies
22 the contributor's name and residential address on forms
23 provided by the bureau of elections and that is signed by the
24 contributor, one copy of which is attached to the list of
25 contributors and sent to the bureau of elections;

.220404.4

1 J. "qualifying period" means:

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

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

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

14 SECTION 52. Section 1-19A-4 NMSA 1978 (being Laws 2003,
15 Chapter 14, Section 4, as amended) is amended to read:

16 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

17 A. Applicant candidates [~~shall obtain qualifying~~
18 ~~contributions as follows:~~

19 (1)] for all statewide judicial elective
20 offices [~~the number of~~] shall obtain qualifying contributions
21 equal to one-tenth of one percent of the number of voters in
22 the state [~~and~~

23 (2) ~~for the office of public regulation~~
24 ~~commissioner, the number of qualifying contributions equal to~~
25 ~~one-tenth of one percent of the number of voters in the~~

.220404.4

1 ~~district of the office for which the candidate is running].~~

2 B. Applicant candidates may accept qualifying
3 contributions from persons who become registered within the
4 statutory time frame that would enable ~~[that person]~~ those
5 persons to vote in the primary election.

6 C. Voters registered as independent are not
7 excluded from making qualifying contributions but shall be
8 registered within the statutory time frame as independent.

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

11 SECTION 53. Section 1-19A-10 NMSA 1978 (being Laws 2003,
12 Chapter 14, Section 10, as amended) is amended to read:

13 "1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

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

16 (1) financing the election campaigns of
17 certified candidates for covered offices;

18 (2) paying administrative and enforcement
19 costs of the Voter Action Act; and

20 (3) carrying out all other specified
21 provisions of the Voter Action Act.

22 B. The state treasurer shall invest the funds as
23 other state funds are invested, and all income derived from the
24 fund shall be credited directly to the fund. Remaining
25 balances at the end of a fiscal year shall remain in the fund

.220404.4

1 and not revert to the general fund.

2 C. Money received from the following sources shall
3 be deposited directly into the fund:

4 (1) qualifying contributions that have been
5 submitted to the secretary;

6 (2) any recurring balance of unspent fund
7 money distributed to a certified candidate who does not remain
8 a candidate through the primary or general election period for
9 which the money was distributed;

10 (3) money that remains unspent or unencumbered
11 by a certified candidate following the date of the primary
12 election;

13 (4) money that remains unspent or unencumbered
14 by a certified candidate following the date of the general
15 election;

16 (5) unspent contributions to a candidate;

17 (6) money distributed to the fund from funds
18 received pursuant to the Uniform Unclaimed Property Act (1995);
19 and

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

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

.220404.4

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

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

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

10 SECTION 54. Section 1-19A-13 NMSA 1978 (being Laws 2003,
 11 Chapter 14, Section 13, as amended) is amended to read:

12 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

13 A. By September 1 of each odd-numbered year, the
 14 secretary shall determine the amount of money to be distributed
 15 to each certified candidate for the election cycle ending with
 16 the next general election, based on the type of election and
 17 the provisions of Subsections B through G of this section.

18 B. For contested primary elections, the amount of
 19 money to be distributed to a certified candidate is equal to
 20 ~~[the following:~~

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

25 (2) ~~for the office of justice of the supreme~~

.220404.4

1 ~~court and judge of the court of appeals] fifteen cents (\$.15)~~
2 for each voter of the candidate's party in the state.

3 C. For uncontested primary elections in which
4 another candidate has filed a declaration of candidacy for
5 nomination in another party's primary for the same office and
6 that candidate's primary is contested, the amount of money to
7 be distributed to a certified candidate is equal to twenty
8 percent of the amount specified in Subsection B of this
9 section.

10 D. For uncontested primary elections in which
11 another candidate has filed a declaration of candidacy for
12 nomination in another party's primary for the same office, but
13 no primary for the office is contested, the amount of money to
14 be distributed to a certified candidate is equal to the average
15 of the amount each candidate would receive pursuant to
16 Subsection B of this section.

17 E. For contested general elections, the amount of
18 money to be distributed to a certified candidate is equal to
19 ~~[the following:~~

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

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

.220404.4

1 F. If a general election race that is initially
2 uncontested later becomes contested because of the
3 qualification of a candidate for that race, an amount of money
4 shall be distributed to the certified candidate to make that
5 candidate's distribution amount equal to the amount distributed
6 pursuant to Subsection E of this section.

7 G. Once the certification for candidates for the
8 primary election has been completed, the secretary shall
9 calculate the total amount of money to be distributed in the
10 primary election cycle, based on the number of certified
11 candidates and the allocations specified in this section. The
12 secretary shall also prepare an estimate of the total amount of
13 money that might be distributed in the general election cycle.
14 If the total amount to be distributed in the primary election
15 cycle and the estimated total amount to be distributed in the
16 general election cycle taken together exceed the amount
17 expected to be available in the fund, the secretary shall
18 allocate the amount available between the primary and general
19 election cycles. This allocation shall be based on the ratio
20 of the two total amounts.

21 H. If the allocation specified in Subsection G of
22 this section is greater than the total amount available for
23 distribution, then the amounts to be distributed to individual
24 candidates, specified in Subsections B through F of this
25 section, shall each be reduced by the same percentage as the

.220404.4

1 reduction by which the total amount needed has been reduced
2 relative to the total amount available.

3 I. At least every two years after January 1, 2007,
4 the secretary shall evaluate and modify as necessary the dollar
5 values originally determined by Subsections B through F of this
6 section and shall increase the amounts by the percentage of the
7 preceding two calendar years' increase of the consumer price
8 index for all urban consumers, United States city average for
9 all items, published by the United States department of labor.

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

14 SECTION 55. Section 1-22-4 NMSA 1978 (being Laws 2018,
15 Chapter 79, Section 19, as amended) is amended to read:

16 "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--
17 PUBLICATION.--

18 A. Between one hundred twenty and one hundred fifty
19 days before the next regular local election, each local
20 government shall notify the county clerk of the county in which
21 the primary administrative office of the local government is
22 situate of all local government positions that are to be filled
23 at the next regular local election. Each county clerk shall
24 inform the secretary of state of all positions to be filled no
25 later than one hundred twelve days before the regular local

.220404.4

1 election.

2 B. The secretary of state shall by resolution issue
3 a public proclamation in Spanish and English calling a regular
4 local election. The proclamation shall be issued and filed by
5 the secretary of state in the office of the secretary of state
6 ninety days preceding the date of the regular local election,
7 and upon filing the proclamation, the secretary of state shall
8 post the proclamation and certify it to each county clerk.

9 C. The proclamation shall specify:

- 10 (1) the date when the election will be held;
11 (2) each elective office, local governing body
12 and judicial position to be filled;
13 (3) the date on which declarations of
14 candidacy are to be filed;
15 (4) the date on which declarations of intent
16 to be a write-in candidate are to be filed; and
17 (5) the municipalities subject to a ranked-
18 choice voting runoff election and those subject to a top-two
19 runoff election and the date of the top-two runoff election
20 should one be necessary.

21 D. After receipt of the proclamation from the
22 secretary of state, the county clerk shall post the entire
23 proclamation on the county clerk's website and, not less than
24 seventy-five days before the date of the election, shall
25 publish portions of the proclamation relevant to the county at

.220404.4

1 least once in a newspaper of general circulation within the
2 county. The publication of the proclamation shall conform to
3 the requirements of the federal Voting Rights Act of 1965, as
4 amended, and shall specify:

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

6 (2) for each local government situated in
7 whole or in part in the county, each elective executive, local
8 governing body and judicial position to be filled by voters of
9 any precinct in the county;

10 (3) the date on which declarations of
11 candidacy are to be filed and the date on which declarations of
12 intent to be a write-in candidate are to be filed;

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

15 (5) the location, days and hours for early
16 voting at each alternate voting location and mobile alternate
17 voting location;

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

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

22 ~~[E. Whenever two or more members of a local~~
23 ~~governing body are to be elected at large for terms of the same~~
24 ~~length of time, the secretary of state shall numerically~~
25 ~~designate the positions on the ballot as "position one",~~

.220404.4

1 ~~"position two" and such additional consecutively numbered~~
 2 ~~positions as are necessary, but only one member shall be~~
 3 ~~elected for each position. Whenever two or more members of a~~
 4 ~~local governing body are to be elected to represent the same~~
 5 ~~area with terms of different lengths of time, the secretary of~~
 6 ~~state shall list the office with the shorter length of time~~
 7 ~~first and shall designate each position with "for a term~~
 8 ~~expiring ____".]~~"

9 SECTION 56. Section 7-1-8.8 NMSA 1978 (being Laws 2019,
 10 Chapter 87, Section 2, as amended) is amended to read:

11 "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE
 12 AGENCIES.--An employee of the department may reveal to:

13 A. a committee of the legislature for a valid
 14 legislative purpose, return information concerning any tax or
 15 fee imposed pursuant to the Cigarette Tax Act;

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

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

24 D. the secretary of human services or the
 25 secretary's delegate under a written agreement with the

.220404.4

1 department, the last known address with date of all names
2 certified to the department as being absent parents of children
3 receiving public financial assistance, but only for the purpose
4 of enforcing the support liability of the absent parents by the
5 child support enforcement division or any successor
6 organizational unit;

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

14 F. the state courts, the random jury lists produced
15 by the department of information technology under Subsection E
16 of this section;

17 G. the director of the New Mexico department of
18 agriculture or the director's authorized representative, upon
19 request of the director or representative, the names and
20 addresses of all gasoline or special fuel distributors,
21 wholesalers and retailers;

22 H. the public regulation commission, return
23 information with respect to the Corporate Income and Franchise
24 Tax Act required to enable the commission to carry out its
25 duties;

.220404.4

1 I. the state racing commission, return information
2 with respect to the state, municipal and county gross receipts
3 taxes paid by racetracks;

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

7 K. the director of the workers' compensation
8 administration or to the director's representatives authorized
9 for this purpose, return information to facilitate the
10 identification of taxpayers that are delinquent or noncompliant
11 in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA
12 1978;

13 L. the secretary of workforce solutions or the
14 secretary's delegate, return information for use in enforcement
15 of unemployment insurance collections pursuant to the terms of
16 a written reciprocal agreement entered into by the department
17 with the secretary of workforce solutions for exchange of
18 information;

19 M. the New Mexico finance authority, information
20 with respect to the amount of municipal and county gross
21 receipts taxes collected by municipalities and counties
22 pursuant to any local option municipal or county gross receipts
23 taxes imposed, and information with respect to the amount of
24 governmental gross receipts taxes paid by every agency,
25 institution, instrumentality or political subdivision of the

.220404.4

1 state pursuant to Section 7-9-4.3 NMSA 1978;

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

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

11 (2) the names and addresses of low-income
12 taxpayers for the limited purpose of outreach to those
13 taxpayers; provided that the human services department shall
14 pay the department for expenses incurred by the department to
15 derive the information requested by the human services
16 department if the information requested is not readily
17 available in reports for which the department's information
18 systems are programmed; and

19 (3) return information required to administer
20 the Health Care Quality Surcharge Act;

21 O. the superintendent of insurance, return
22 information with respect to the premium tax and the health
23 insurance premium surtax;

24 P. the secretary of finance and administration or
25 the secretary's designee, return information concerning a

.220404.4

1 credit pursuant to the Film Production Tax Credit Act;

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

5 R. the secretary of public safety or the
6 secretary's designee, return information concerning the Weight
7 Distance Tax Act;

8 S. the secretary of transportation or the
9 secretary's designee, return information concerning the Weight
10 Distance Tax Act;

11 T. the secretary of energy, minerals and natural
12 resources or the secretary's designee, return information
13 concerning tax credits or deductions for which eligibility is
14 certified or otherwise determined by the secretary or the
15 secretary's designee; [~~and~~]

16 U. the secretary of environment or the secretary's
17 designee, return information concerning tax credits for which
18 eligibility is certified or otherwise determined by the
19 secretary or the secretary's designee; and

20 V. the secretary of state or the secretary's
21 delegate, taxpayer information required to maintain voter
22 registration records and as otherwise provided in the Election
23 Code."

24 SECTION 57. Section 40-13B-7 NMSA 1978 (being Laws 2018,
25 Chapter 40, Section 7) is amended to read:

.220404.4

1 "40-13B-7. PARTICIPANT DECERTIFICATION.--

2 A. A participant shall be decertified from the
3 confidential substitute address program if:

4 (1) the participant submits a request to
5 withdraw from the confidential substitute address program to
6 the secretary of state;

7 (2) the participant fails to notify the
8 secretary of state of a legal name change or a change to the
9 participant's residential address, delivery address, telephone
10 number or email address; ~~[or]~~

11 (3) mail that is forwarded by the secretary of
12 state to the participant's delivery address is returned as
13 undeliverable; or

14 (4) the participant does not comply with the
15 provisions of the Intimate Partner Violence Survivor Suffrage
16 Act.

17 B. If the secretary of state determines that one or
18 more of the causes for decertification provided in Subsection A
19 of this section exist, the secretary of state shall send notice
20 of the participant's decertification to the participant's
21 delivery and residential addresses and shall attempt to notify
22 the participant by telephone and email. The participant shall
23 be given ten days from the date of decertification to appeal
24 the decertification.

25 C. A person who is decertified from the

1 confidential substitute address program shall not continue to
2 use the person's confidential substitute address.

3 D. For six months after a participant has been
4 decertified, the secretary of state shall forward mail and
5 deliveries to an address provided by the former participant.
6 Upon receipt of mail and deliveries pursuant to this
7 subsection, a former participant shall provide an updated
8 address to the sender."

9 SECTION 58. TEMPORARY PROVISION--RECOMPILATION.--Section
10 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section 15) is
11 recompiled as a section of the Campaign Reporting Act.

12 SECTION 59. TEMPORARY PROVISION--COMPILER'S
13 INSTRUCTION.--The compiler shall rename in tables of contents
14 and headings Chapter 2, Article 21 NMSA 1978 as "Recompiled".

15 SECTION 60. REPEAL.--

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

18 B. Laws 2020, Chapter 9, Sections 1 through 13 are
19 repealed.

20 SECTION 61. APPLICABILITY.--The provisions of this act
21 apply to the procedures for conducting any election occurring
22 on or after the effective date of this act.

23 SECTION 62. EFFECTIVE DATE.--The effective date of the
24 provisions of Section 9 of this act is July 1, 2025.