

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 6

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

AN ACT

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

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

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

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

24  
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

3           "[NEW MATERIAL] REAL-TIME SYNCHRONIZATION.--As used in the  
4 Election Code, "real-time synchronization" means that the  
5 internet connection at a voting location is able to synchronize  
6 voting data with the office of the county clerk in real time."

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

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

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

17           "1-1-5.2. DEFINITION OF A VOTE--MACHINE-TABULATED--HAND-  
18 TALLIED--WRITE-IN.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 "1-1-16. REGISTRATION OFFICER.--As used in the Election  
16 Code, "registration officer" means the secretary of state, a  
17 county clerk, ~~[or]~~ a clerk's authorized deputy, a clerk-  
18 authorized member of ~~[the]~~ an election board ~~[of registration]~~  
19 or a state employee performing registration duties in  
20 accordance with the federal National Voter Registration Act of  
21 1993 or Section 1-4-5.2 NMSA 1978."

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

24 "1-1-27. [NEW MATERIAL] PUBLIC RECORDS--DISCLOSURE--  
25 PROCEDURE.--

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

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

10           SECTION 6. A new section of Chapter 1, Article 2 NMSA  
11 1978 is enacted to read:

12           "[NEW MATERIAL] ELECTIONS SECURITY PROGRAM--GENERAL  
13 RESPONSIBILITIES.--

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

23           B. The elections security program may conduct  
24 assessments, inspections and incident response in relation to  
25 networks and equipment deemed to be elections-critical

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1 infrastructure, both at the state and county levels.

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

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

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

18 SECTION 7. 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

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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 authorized or  
12 required by the Election Code and issued or approved by the  
13 secretary of state, only the form issued or approved by the  
14 secretary may be used."

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

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

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

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

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

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

8 (2) be able to read and write;

9 (3) have the necessary capacity to carry out  
10 an election board member's functions with acceptable skill and  
11 dispatch; and

12 (4) execute the election board member's oath  
13 of office.

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

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

20 (1) who is a candidate to be voted for at the  
21 election;

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

25 (3) who is married to a parent, child, brother

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1 or sister of any candidate to be voted for at the election or  
 2 who is the parent of the spouse or domestic partner of any  
 3 candidate to be voted for at the election; or

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

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

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

13 (2) be registered to vote; and

14 [~~2~~] (3) be sixteen or seventeen years of age  
 15 at the time of the election in which the [~~minor~~] qualified  
 16 resident is serving as a member of an election board

17 [~~3~~] ~~be a citizen at the time of the election~~  
 18 ~~for which the minor will be serving as a member of an election~~  
 19 ~~board;~~

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

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

25 (6) ~~be appointed to an election board in the~~

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1 ~~county in which the minor's parent or legal guardian resides,~~  
2 ~~in accordance with the provisions of Section 1-2-11 NMSA 1978].~~

3 E. A ~~[minor]~~ qualified resident appointed to an  
4 election board shall not serve as the presiding judge or as an  
5 election judge."

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

8 "1-2-12. ELECTION BOARD--POSITIONS ON EACH BOARD.--

9 A. Each election board shall consist of:

- 10 (1) a presiding judge;  
11 (2) two election judges; and  
12 (3) election clerks who are appointed to  
13 assist the presiding judge and election judges.

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

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

23 (2) a judge of an election board shall not  
24 continue to serve on an election board if the judge changes  
25 party registration after the date of appointment in such a

1 manner to make the judge ineligible to serve on the assigned  
2 election board.

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

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

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

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

25 "1-2-16. ELECTION BOARD--MESSENGERS--COMPENSATION.--

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

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

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

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

25           D. For purposes of determining eligibility for

1 membership in the public employees retirement association and  
 2 pursuant to the provisions of Subsection B of Section 10-11-3  
 3 NMSA 1978, election board members and messengers are designated  
 4 as seasonal employees."

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

7 "1-2-20. MESSENGERS--~~[COMPENSATION]~~ APPOINTMENT.--

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

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

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

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1 messengers."

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

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

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

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1 beginning with the first day following the first training for  
2 an election and concluding with the adjournment of the state or  
3 county canvass board for that election, whichever is later.  
4 The training shall be open to any interested person, and the  
5 county clerk shall post notice of each training at least four  
6 days before the training is to be held.

7 B. Challengers shall be voters of a precinct  
8 located in the county to which the challenger is appointed.  
9 Watchers shall be voters of a precinct in this state.

10 C. A person shall not be qualified for appointment  
11 or service as a challenger, watcher or election observer if the  
12 person:

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

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

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

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

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

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1                   (6) has been removed from service as a  
2 challenger, watcher, election observer or county canvass  
3 observer in the current or immediately preceding election cycle  
4 by unanimous vote of the presiding judge and election judges of  
5 an election board for violating the permitted or prohibited  
6 activities of challengers, watchers, election observers or  
7 county canvass observers; provided that the election board  
8 detailed with reasonable specificity the conduct that led to  
9 the violation on a form prescribed by the secretary of state  
10 and the form is retained by the county clerk; or

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

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

16                   "1-2-25. CHALLENGERS, WATCHERS, COUNTY CANVASS  
17 OBSERVERS--PERMITTED AND PROHIBITED ACTIVITIES.--

18                   A. Challengers, watchers and county canvass  
19 observers shall:

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

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

25                               (3) not be allowed to view a voter's full date

1 of birth or any portion of the voter's social security number;  
2 provided that a challenger, watcher or observer shall be  
3 allowed to see the presence of a signature and the last four  
4 digits of a social security number on an official mailing  
5 envelope containing a voted ballot;

6 (4) not interfere with the orderly conduct of  
7 the election, the counting or tallying of the ballots or the  
8 county canvass;

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

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

16 (7) be permitted to speak with the presiding  
17 judge or an election judge designated by the presiding judge to  
18 ask a question or to advise of a potential breach of the  
19 Election Code; provided that doing so does not interfere with  
20 the orderly conduct of the election; and in the case of a  
21 challenger, to interpose a challenge;

22 [~~5~~] (8) be allowed in the room in which the  
23 voting is being conducted at a polling location; provided that  
24 at any given time, each political party, candidate or election-  
25 related organization may have no more than one person present;

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1 and

2                   ~~[(6)]~~ (9) be allowed in the room in which the  
3 absent voter election board, the recount election board or the  
4 election board for a special election conducts its business or,  
5 in the case of county canvass observers, in which the county  
6 canvass is conducted; provided that each political party,  
7 candidate or election-related organization shall have no more  
8 than:

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

11                   (b) four persons present at any given  
12 time in counties with more than fifty thousand registered  
13 voters; or

14                   (c) fifteen persons present at any given  
15 time in counties with more than one hundred fifty thousand  
16 registered voters.

17                   B. Subject to permission granted by the county  
18 clerk, additional challengers may be present in the room in  
19 which the absent voter election board, the recount election  
20 board or the election board for a special election conducts its  
21 business in a partisan election; provided that the number of  
22 additional challengers allowed pursuant to this subsection is  
23 identical for each political party participating in the  
24 election."

25                   SECTION 15. Section 1-3-4 NMSA 1978 (being Laws 1975,

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

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

4 A. The board of county commissioners [~~may permit~~  
5 ~~voters in the county to cast ballots in statewide elections at~~]  
6 shall establish voter convenience centers through the use of  
7 consolidated precincts [~~authorized pursuant to this section~~]  
8 for voting in a statewide election.

9 B. When precincts are consolidated and voter  
10 convenience centers are established for statewide elections:

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

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

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

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

23 (5) each voter convenience center shall have a  
24 broadband internet connection and real-time synchronization to  
25 access [~~to~~] the voter registration electronic management

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1 system;

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

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

22 C. Unless the county clerk receives a written  
23 waiver from the secretary of state specifying the location and  
24 specific provision being waived, each voter convenience center  
25 shall:

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

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

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

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

12 (5) have sufficient check-in stations to  
13 accommodate voters throughout the day as provided in Section  
14 1-9-5 NMSA 1978;

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

18 (7) issue a ballot to voters who have provided  
19 the required voter identification after the voter has signed a  
20 signature roster or an electronic equivalent approved by the  
21 voting system certification committee or after the voter has  
22 subscribed an application to vote on a form approved by the  
23 secretary of state; and

24 (8) be in a location that is accessible and  
25 compliant with the requirements of the federal Americans with

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

1 Disabilities Act of 1990.

2 ~~[D. As a prerequisite to consolidation, the~~  
3 ~~authorizing resolution must find that consolidation will make~~  
4 ~~voting more convenient and accessible to voters of the~~  
5 ~~consolidated precinct and will not result in delays for voters~~  
6 ~~in the voting process and that the voter convenience center~~  
7 ~~will be centrally located within the consolidated precinct.~~  
8 ~~The board of county commissioners shall give due consideration~~  
9 ~~to input received from any local public body in the county~~  
10 ~~regarding the location of voter convenience centers.]"~~

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

13 "1-3-13.1. [NEW MATERIAL] LOCAL PUBLIC BODIES--RESIDENCE  
14 IN DISTRICTS--ELECTION AT LARGE.--

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

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

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

25 B. Members of elected governing bodies of a

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1 political subdivision of the state with a population of ten  
2 thousand residents or more according to the most recent federal  
3 decennial census shall be elected from districts by the voters  
4 of the district and shall be a resident of the districted area  
5 from which the member is elected. If a member permanently  
6 removes residence from or maintains no residence in the  
7 districted area from which the person was elected, or to which  
8 the person was appointed in the case of an appointment, the  
9 member shall be deemed to have resigned.

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

25 D. Members of the elected governing body of an H

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1 class county are not required to be districted and, if not  
2 districted, may reside at any location within the county and be  
3 elected at large by the voters of the county. If an H class  
4 county is districted, the members may be elected at large by  
5 the voters of the political subdivision but shall be residents  
6 of the districted area for which the members are elected, or  
7 may be elected from each district by the voters of the district  
8 and shall be residents of the districted area from which the  
9 members are elected. If an H class county is districted, a  
10 member who permanently removes residence from or maintains no  
11 residence in the districted area from which the person was  
12 elected, or to which the person was appointed in the case of an  
13 appointment, the member shall be deemed to have resigned.

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

16 (1) the new districting plan is effective  
17 following the expiration of the term of office for each seat on  
18 the governing body;

19 (2) a person serving as a member of the  
20 governing body when a new districting plan is adopted shall  
21 continue to serve the area the person was elected to represent  
22 for the remainder of the term of office for which the person  
23 was elected, or in the case of an appointee, to represent the  
24 area the person was appointed to represent until the next  
25 election at which the position is subject to election; and

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1 (3) where the terms of office of the elected  
2 governing body of a political subdivision of the state are  
3 staggered, a person serving as a member of the governing body  
4 who, at the time a new districting or redistricting plan is  
5 adopted, has more than two years remaining in the term of  
6 office to which the person was elected, but where the plan  
7 places the person's residence into a districted area for which  
8 the next election for the new district is less than two years  
9 away, the person may be a candidate in the new district and if  
10 elected, upon being sworn in, shall be deemed to have resigned  
11 from the old district seat, creating a vacancy subject to  
12 appointment pursuant to the laws applicable to that political  
13 subdivision of the state.

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

23 G. The provisions of this section are to be carried  
24 out once per decade following each federal decennial census and  
25 as provided in Section 1-3-13 NMSA 1978. After concluding the

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1 redistricting, each political subdivision in the state shall  
2 provide to the county clerk of the county in which the  
3 administrative office of the subdivision is situate and to the  
4 secretary of state updated street file maps in a format  
5 provided for by the secretary of state."

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

8 "1-4-1.1. AUTHORIZATION TO VERIFY VOTER REGISTRATION  
9 INFORMATION--INVESTIGATION AND RECONCILIATION.--

10 A. The secretary of state may:

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

22 (2) request from the chief election officer of  
23 another state or a consortium of chief election officers of  
24 other states information that the secretary of state deems  
25 necessary to maintain the statewide voter registration list.

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1           B. The secretary of state may enter into a written  
2 agreement with an agency or political subdivision of this state  
3 or with a department of the federal government pursuant to  
4 which the state agency, political subdivision or federal  
5 department shall provide to the secretary of state information  
6 that is in the possession of the state agency, political  
7 subdivision or federal department and that the secretary of  
8 state deems necessary to maintain the statewide voter  
9 registration list.

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

23           D. The secretary of state shall provide to the  
24 appropriate county clerk in this state and to no other person  
25 necessary information or documentation received by the

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1 secretary of state from or through an agency or political  
2 subdivision of this state, a federal department, the chief  
3 election officer of another state or a consortium of chief  
4 election officers of other states that calls into question the  
5 information provided on a certificate of registration; that  
6 raises questions regarding the status of a person registered to  
7 vote in this state; or that suggests that a voter may have  
8 voted in two states during the same election. The county clerk  
9 shall ~~[only]~~ not disclose information received from the  
10 secretary of state pursuant to this subsection except as  
11 necessary to complete an investigation pursuant to this  
12 section. ~~[E.]~~ The county clerk shall investigate or reconcile  
13 the information received from the secretary of state.

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

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1                   (1) cancel certificates of registration for  
 2 voters:

3                   (a) confirmed to have voted in another  
 4 state requiring residence in that state if previous to the out-  
 5 of-state vote, the voter was registered to vote in this state;  
 6 or

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

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

17           SECTION 18. Section 1-4-5.7 NMSA 1978 (being Laws 2019,  
 18 Chapter 67, Section 1, as amended) is repealed and a new  
 19 Section 1-4-5.7 NMSA 1978 is 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

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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 or any early or  
8 election day voting location; provided that the secretary of  
9 state shall establish procedures to ensure that a registration  
10 officer has an opportunity to review the information of a  
11 qualified elector who registers to vote or updates an existing  
12 certificate of registration immediately before the qualified  
13 elector votes.

14 C. A voter whose political party affiliation on the  
15 voter's certificate of registration is with a major political  
16 party shall not be allowed to change party affiliation when  
17 updating an existing certificate of registration or registering  
18 to vote at a voting location immediately before voting in a  
19 primary election.

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

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1 ballot and balloting materials immediately after the qualified  
2 elector registers to vote or updates the existing certificate  
3 of registration.

4 E. A qualified elector seeking to register to vote  
5 or update an existing certificate of registration pursuant to  
6 this section shall provide a physical form of identification  
7 that is issued by the federal government, a state government or  
8 a federally recognized Indian nation, tribe or pueblo and that:

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

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

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

17 (4) shall either:

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

20 (b) be accompanied by an original or  
21 copy of a utility bill, bank statement, government check,  
22 paycheck or other document issued by an educational institution  
23 or government, including a document issued by a federally  
24 recognized Indian nation, tribe or pueblo, dated within the  
25 ninety days prior to the qualified elector registering to vote

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1 or updating an existing certificate of registration and that  
2 contains the name of the qualified elector, which shall  
3 reasonably match the name provided on the certificate of  
4 registration, and an address that matches the address provided  
5 for the certificate of registration.

6 F. If a voting location does not have real-time  
7 synchronization with the voting data at the office of the  
8 county clerk, a voter desiring to update an existing  
9 certificate of registration or to register to vote shall be  
10 issued a provisional paper ballot. A provisional paper ballot  
11 issued pursuant to this section shall be qualified and  
12 tabulated once the county clerk determines that the voter did  
13 not vote any other ballot in the same election and if no  
14 challenge is successfully interposed."

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

17 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF  
18 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except  
19 for qualified electors who register to vote or update a  
20 certificate of registration at a voting location prior to  
21 voting pursuant to Section 1-4-5.7 NMSA 1978, for qualified  
22 electors seeking to register to vote or update an existing  
23 voter registration in the state, the following provisions shall  
24 apply:

25 A. to participate in an election, the deadline to

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1 register to vote or update an existing voter registration is  
2 twenty-eight days prior to that election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 any appeals provided for in the Election Code.

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

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

11 "1-4-34. BOARD OF REGISTRATION--BOARD OF COUNTY  
12 COMMISSIONERS--APPOINTMENT.--

13 A. The board of county commissioners shall, [~~at its~~  
14 ~~first regular scheduled meeting~~] in June or July of each odd-  
15 numbered year, appoint five voters who shall constitute the  
16 board of registration for the county; provided that a [~~class B~~]  
17 county [~~as defined in Section 4-44-1 NMSA 1978 shall~~] with  
18 fewer than five thousand residents as of the last federal  
19 decennial census may appoint three voters who shall constitute  
20 the board of registration for the county.

21 B. Members of the board of registration shall not  
22 during their service be county employees, elected officials or  
23 candidates for public office, and not more than two members of  
24 the board of registration shall be members of the same  
25 political party at the time of their appointment; provided

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1 that:

2 (1) a member of the board of registration  
3 shall not have changed party registration in the two years next  
4 preceding the member's appointment in such a manner that the  
5 member's prior party registration would make the member  
6 ineligible to serve on the board of registration; and

7 (2) a member of the board of registration  
8 shall not continue to serve on the board of registration if the  
9 member changes party registration after the date of appointment  
10 in such a manner to make the member ineligible to serve on the  
11 board of registration.

12 C. In the event that a position on the board of  
13 registration becomes vacant for any of the reasons described in  
14 Section 10-3-1 NMSA 1978, the board of county commissioners  
15 shall appoint a replacement who shall qualify pursuant to  
16 Subsection B of this section and serve until the expiration of  
17 the original term."

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

20 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

21 A. Every person who is a qualified elector and is  
22 applying for a driver's license, to renew a driver's license or  
23 for an identification card shall, if qualified to register to  
24 vote, with the consent of the applicant be simultaneously  
25 registered to vote.

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1           B. The secretary of taxation and revenue shall  
2 select certain employees of the motor vehicle division of the  
3 taxation and revenue department or employees of entities on  
4 contract to provide field services to the motor vehicle  
5 division to provide assistance to any applicant requesting  
6 voter registration assistance.

7           C. Every motor vehicle division office, field  
8 office or contract field office of the division shall display  
9 within the offices clearly visible signs stating "voter  
10 registration assistance available" and:

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

17                   (2) voter registration shall be conducted in a  
18 manner such that the applicant completes the full certificate  
19 of registration electronically; ~~and~~

20                   (3) the applicant's digital signature shall be  
21 affixed to the certificate of registration using an electronic  
22 signature in conformance with the Electronic Authentication of  
23 Documents Act and the Uniform Electronic Transactions Act, and  
24 the form and signature shall be transmitted to the secretary of  
25 state along with any other available images of the voter's

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1 signature contained in the motor vehicle division's records for  
2 the secretary of state to include in a database of signatures;  
3 and

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

9 D. A motor vehicle division employee or contractor  
10 shall not intentionally influence the prospective registrant in  
11 the selection of political party, or independent status, by  
12 word or act. A motor vehicle division employee or contractor  
13 shall not reveal the existence of or the nature of the voter  
14 registration to anyone other than a registration officer.

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

22 F. The secretary of state shall work with the motor  
23 vehicle division to:

24 (1) ensure compliance in the application of  
25 the provisions of this section with the federal National Voter

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1 Registration Act of 1993;

2 (2) ensure consistent implementation in the  
3 various counties, based on county classification and developing  
4 technology; and

5 (3) develop procedures to ensure that, once  
6 voter registration information is transmitted to the  
7 appropriate registration officer, the voter's certificate of  
8 registration is printed and placed in the county's register of  
9 voters."

10 SECTION 23. Section 1-5-6 NMSA 1978 (being Laws 1969,  
11 Chapter 240, Section 108, as amended) is amended to read:

12 "1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER  
13 PREPARATION--ELECTRONIC POLL BOOK ALTERNATIVE--

14 A. The county clerk shall provide for preparation  
15 of precinct voter lists and signature rosters generated from  
16 the official state voter file for any precincts or an  
17 electronic poll book alternative approved by the voting system  
18 certification committee and certified by the secretary of  
19 state.

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

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

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

2 A. In a statewide election, application by a voter  
3 for a mailed ballot shall be made only on ~~[a]~~ the official  
4 paper form approved by the secretary of state or its online  
5 equivalent accessed through a website authorized by the  
6 secretary of state. The form shall identify the applicant and  
7 contain information to establish the applicant's qualification  
8 for issuance of a mailed ballot under the Absent Voter Act.  
9 ~~[provided that only on the application form for a primary~~  
10 ~~election ballot there shall be a box, space or place provided~~  
11 ~~for designation of the voter's political party affiliation]~~  
12 The address for the website authorized by the secretary of  
13 state to submit an online application for a mailed ballot may  
14 be disseminated by any election official, campaign or third-  
15 party individual or organization. The official paper form to  
16 apply for a mailed ballot shall be provided to a voter only by  
17 the county clerk for the county in which the voter is  
18 registered to vote and by no other person; provided that a  
19 federal qualified elector may apply for a mailed ballot using  
20 any of the methods described in the Uniform Military and  
21 Overseas Voters Act.

22 B. Each application on a paper form for a mailed  
23 ballot shall be signed by the applicant and shall require the  
24 applicant's printed name, registration address and year of  
25 birth ~~[to be supplied by the applicant, which shall constitute~~

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

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

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

24 "By clicking the boxes below, I swear or affirm all of the  
25 following:

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

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

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

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

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1 than March 15 of even-numbered years.

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

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

11 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

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

24 B. If the applicant does not have a valid  
25 certificate of registration on file in the county, a mailed

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1 ballot shall not be issued and the county clerk shall mark the  
2 application "rejected" and file the application in a separate  
3 file from those accepted [~~and notify the applicant in writing~~  
4 ~~with an explanation why the application was rejected~~].

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

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

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

25 F. A mailed ballot shall not be delivered by the

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

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

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1 notice of requested mailed ballot shall be sent to the address  
2 provided on the voter's certificate of registration on the same  
3 day the county clerk sends the mailed ballot to the address  
4 requested by the voter.

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

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

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

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1 "1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING  
2 PROCEDURES--COUNTY CLERK'S OFFICE--ALTERNATE VOTING  
3 LOCATIONS.--

4 A. Commencing on the twenty-eighth day preceding  
5 the election during the regular hours and days of business at  
6 the county clerk's office and [~~from 10:00 a.m. to 6:00 p.m.~~] on  
7 the Saturday immediately prior to the date of the election,  
8 early voting shall be conducted in each office of the county  
9 clerk; provided that:

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

24 (2) the act of marking the ballot in the  
25 office of the county clerk shall be a convenience to the voter

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1 in the delivery of the ballot and does not make the office of  
2 the county clerk a polling place subject to the requirements of  
3 a polling place in the Election Code; [~~and~~]

4 (3) in addition to the regular business hours  
5 and days of business of the county clerk's office and on the  
6 Saturday immediately prior to the date of the election, early  
7 voting may be conducted in each office of the county clerk no  
8 earlier than 7:00 a.m. and shall close no later than 9:00 p.m.  
9 and shall be available for at least eight consecutive hours  
10 each day; and not later than ninety days before each statewide  
11 election, the county clerk shall post the location and hours of  
12 operation at the county clerk's office and shall not modify the  
13 location or hours of operation of early voting at the county  
14 clerk's office except with the written approval of the  
15 secretary of state and upon posting the approved changes; and

16 [~~(3)~~] (4) if the county clerk establishes an  
17 additional alternate voting location near the clerk's office,  
18 ballots may be marked in person at that location during the  
19 regular hours and days of business beginning on the twenty-  
20 eighth day preceding the election and during the hours for  
21 voting at alternate voting locations commencing on the third  
22 Saturday prior to the election through the Saturday immediately  
23 prior to the election. The additional alternate voting  
24 location may be operated by the county clerk and the county  
25 clerk's staff.

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1           B. Commencing on the third Saturday prior to a  
2 statewide election and ending on the Saturday immediately prior  
3 to the date of the election, an early voter may vote in person  
4 on a voting system at alternate voting locations that may be  
5 established by the county clerk; provided that:

6                   (1) the county clerk shall establish:

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

9                           (b) in counties with more than fifty  
10 thousand voters, not fewer than four alternate voting  
11 locations; and

12                           (c) in counties with more than one  
13 hundred fifty thousand voters, not fewer than fifteen alternate  
14 voting locations; and

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

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1 Mondays during the early voting period.

2 C. Each early voting location shall comply with the  
3 following provisions, unless the county clerk receives a  
4 written waiver from the secretary of state specifying the  
5 location and specific provision being waived:

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

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

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

12 (4) have a broadband internet connection;

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

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

19 (7) be in a location that is accessible and  
20 compliant with the requirements of the federal Americans with  
21 Disabilities Act of 1990.

22 D. When voting at an early voting location, the  
23 voter shall provide the required voter identification to the  
24 election board, county clerk or the clerk's authorized  
25 representative. If the voter does not provide the required

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

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

12 "1-6-6. BALLOT REGISTER.--

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

- 16 (1) the name and address of each absentee  
17 ballot applicant;
- 18 (2) the date [~~and time~~] of receipt of the  
19 application;
- 20 (3) whether the application was accepted or  
21 rejected;
- 22 (4) the date of issue of an absentee ballot at  
23 an early voting location or the mailing of an absentee ballot  
24 to the applicant;
- 25 (5) the applicant's precinct;

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1 (6) whether the applicant is a voter and  
2 whether the voter is a uniformed-service voter or an overseas  
3 voter;

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

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

11 B. For each special election, the county clerk  
12 shall keep a "mailed ballot register", in which the county  
13 clerk shall enter:

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

16 (2) the date of mailing of a mailed ballot to  
17 the voter;

18 (3) the applicant's precinct;

19 (4) whether the voter is a uniformed-service  
20 voter or an overseas voter;

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

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

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1           C. Each ballot register is a public record open to  
2 public inspection in the county clerk's office during regular  
3 office hours. The county clerk shall have an updated ballot  
4 register available for public inspection Monday through Friday  
5 during regular office hours.

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

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

1           ~~[F. If the county clerk has available the~~  
2 ~~technology to do so, at the request of a candidate or chair of~~  
3 ~~a political party of the county, the county clerk shall~~  
4 ~~electronically transmit to the candidate or chair via the~~  
5 ~~internet the information, when updated, on the absentee ballot~~  
6 ~~register indicating voters who have requested absentee ballots,~~  
7 ~~returned their absentee ballots or voted early in person.]"~~

8           SECTION 28. Section 1-6-8 NMSA 1978 (being Laws 1969,  
9 Chapter 240, Section 134, as amended) is amended to read:

10           "1-6-8. MAILED BALLOT ENVELOPES.--

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

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

15                   (2) official mailing envelopes for use in  
16 returning the official inner envelope to the county clerk,  
17 which shall be postage-paid; provided that only the official  
18 mailing envelope for absentee ballots in a political party  
19 primary shall contain a designation of party affiliation;

20                   (3) mailed ballot instructions, describing  
21 proper methods for completion of the ballot and returning it;  
22 and

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

25           B. Official transmittal envelopes and official

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

1 mailing envelopes for transmission of mailed ballot materials  
2 to and from the county clerk and voters shall be printed in  
3 black in substantially similar form. All official inner  
4 envelopes shall be printed in black.

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

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

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

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

12 B. In a special election, each mailed ballot sent  
13 to a voter in the election shall contain the following notice:  
14 "This ballot may be returned to the office of the county clerk  
15 or a monitored secured container in the county where you are  
16 registered to vote at any time up to 7:00 p.m. on the day of  
17 the election. If this ballot is returned by mail, to ensure  
18 timely postal delivery to the county clerk, the ballot should  
19 be mailed no later than \_\_\_\_\_."

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

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

24 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY  
25 METHODS.--

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

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

24           C. The official mailing envelope may be returned  
25 using a commercial delivery service; provided that unless the

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

4 D. The official mailing envelope may be returned in  
5 person to the office of the county clerk or, in a statewide  
6 election, to an alternate voting location, mobile alternate  
7 voting location, ~~[or]~~ election day voting location or other  
8 location where the receipt and storage of the official mailing  
9 envelope containing a voted ballot is under the supervision of  
10 an election official or county employee.

11 E. The official mailing envelope may be returned by  
12 depositing the official mailing envelope in a monitored secured  
13 container made available by the county clerk to receive an  
14 official mailing envelope containing a voted ~~[mailed ballots]~~  
15 ballot for that election; provided that:

16 (1) the location of the containers and the  
17 days and times the containers will be available to receive  
18 ballots are posted by the county clerk at least ~~[ninety days~~  
19 ~~before a statewide election or]~~ forty-two days before [~~a~~  
20 ~~special]~~ an election;

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

25 (3) all secured containers shall be monitored

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1 by video surveillance cameras and the video recorded by that  
2 system shall be retained by the county clerk as a record  
3 related to voting pursuant to the provisions of Section 1-12-69  
4 NMSA 1978;

5 (4) signage at the location of a monitored  
6 secured container shall inform voters and those dropping off  
7 ballots at the location:

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

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

14 (c) of the range of dates and  
15 approximate time the ballots will be collected for that  
16 election; and

17 (5) at least [~~once a day~~] every three days and  
18 on election day after the polls close, the county clerk, [~~or a~~  
19 ~~full-time~~] deputy county clerk, election board member or  
20 messenger shall collect the ballots from the monitored secured  
21 containers and register the date [~~and time stamp~~] and container  
22 location on each official mailing envelope [~~and identify the~~  
23 ~~location of the secured container in the ballot register~~].

24 F. It is a violation of Section 1-20-6 NMSA 1978  
25 for any person to possess a key to a monitored secured

1 container without authorization from the county clerk. It is a  
 2 violation of Section 1-20-7 NMSA 1978 for any person other than  
 3 the county clerk to provide and operate a monitored secured  
 4 container or other receptacle to receive voted ballots."

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

7 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

8 ~~[A. The county clerk shall mark on each completed~~  
 9 ~~official mailing envelope the date and time of receipt in the~~  
 10 ~~clerk's office, record this information in the absentee or~~  
 11 ~~mailed ballot register and safely keep the official mailing~~  
 12 ~~envelope unopened in a locked and number-sealed ballot box~~  
 13 ~~until it is delivered to the proper election board, counted in~~  
 14 ~~the county canvass or canceled and destroyed in accordance with~~  
 15 ~~law.]~~

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

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1 received, the county clerk shall update the number of late  
2 ballots from each category to the secretary of state.

3 B. On the day a returned mailed ballot is received  
4 by the county clerk, the county clerk shall mark the date of  
5 receipt on the outside of the official mailing envelope.  
6 Within one business day of receiving a returned official  
7 mailing envelope, the county clerk shall remove the privacy  
8 flap to verify that the voter signed the official mailing  
9 envelope and to confirm that the last four digits of the social  
10 security number provided by the voter match the information  
11 available to the county clerk.

12 C. If the voter's signature is present and the last  
13 four digits of the voter's social security number match, the  
14 county clerk shall note in the absentee ballot register that  
15 the information required to be provided by the voter under the  
16 privacy flap has been verified and shall safely keep the  
17 official mailing envelope unopened in a locked and number-  
18 sealed ballot box until it is delivered to the absent voter  
19 election board.

20 D. If either the voter's signature is missing or  
21 the last four digits of the voter's social security number are  
22 not provided or do not match, the county clerk shall make the  
23 appropriate notation in the absentee ballot register and shall  
24 safely keep the official mailing envelope unopened in a secured  
25 ballot box designated for those official mailing envelopes

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1 received that are missing the voter's signature or the last  
2 four digits of the voter's social security number or where the  
3 last four digits of the social security number do not match the  
4 information available to the county clerk. The county clerk  
5 shall immediately send the voter a notice to cure containing  
6 information regarding how the voter may provide documentation  
7 to cure the missing or incorrect information.

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

25 F. The voter may provide the missing or corrected

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1 information at any time up to the conclusion of the appeal  
2 process for rejected ballots. If a voter provides the missing  
3 or corrected information:

4 (1) before the absent voter election board has  
5 been convened, the county clerk shall attach the documentation  
6 to the unopened official mailing envelope, update the ballot  
7 register accordingly and transfer the ballot to the locked and  
8 number-sealed ballot box until it is delivered to the absent  
9 voter election board;

10 (2) after the absent voter election board has  
11 been convened, the county clerk shall attach the documentation  
12 to the unopened official mailing envelope, update the ballot  
13 register accordingly and transfer the ballot to the absent  
14 voter election board;

15 (3) after the adjournment of the absent voter  
16 election board but before the conclusion of the county canvass  
17 process, the county clerk shall attach the documentation to the  
18 unopened official mailing envelope, update the ballot register  
19 accordingly and transfer the ballot to an election board  
20 convened to assist in preparation of the county canvass report;  
21 and

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

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1           ~~[B.]~~ G. In a statewide election, if the unopened  
2 official mailing envelope is received by the county clerk from  
3 an election board before the absent voter election board has  
4 adjourned, the unopened official mailing envelope shall be  
5 ~~[logged and]~~ transmitted to the absent voter election board to  
6 be tallied immediately. If the unopened official mailing  
7 envelope is received by the county clerk from an election board  
8 after the absent voter election board has adjourned, the  
9 unopened official mailing envelope shall be ~~[logged and]~~  
10 transmitted to an election board convened to assist in  
11 preparation of the county canvass report to be tallied and  
12 included in the canvass report of that county for the  
13 appropriate precinct.

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

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

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

3           "1-6-10.1. ABSENTEE BALLOT--DELIVERY TO COUNTY CLERK.--

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

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

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

15           "1-6-14. HANDLING MAILED BALLOTS.--

16           A. ~~[At any time after mailed ballots have been sent~~  
17 ~~to voters and until the fifth day before the election, the~~  
18 ~~county clerk may convene an election board to meet during the~~  
19 ~~normal business hours of the office of the county clerk to~~  
20 ~~qualify the mailed ballots that are returned.] An absent voter~~  
21 ~~election board may convene as provided in this section to~~  
22 ~~process the official mailing envelopes that have been returned.~~  
23 Before opening an official mailing envelope, the presiding  
24 judge and the election judges shall determine that the county  
25 clerk has verified the required information [~~has been~~

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1 completed] on the reverse side of the official mailing  
2 envelope.

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

13 B. The verification of the county clerk is subject  
14 to the interposition of a challenge by or before the absent  
15 voter election board.

16 C. At a convening of the absent voter election  
17 board that shall take place no earlier than thirteen days prior  
18 to election day, the absent voter election board shall confirm  
19 the verification process of official mailing envelopes  
20 conducted by the county clerk using a sampling of official  
21 mailing envelopes equal to two percent of mailed ballots  
22 requested or twenty mailed ballots, whichever is greater. If  
23 the verification process is confirmed by the absent voter  
24 election board, the official mailing envelopes containing voted  
25 ballots shall be deemed qualified, subject to the interposition

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1 of a challenge to the ballot of any specified individual mailed  
2 ballot voter. If the verification by the county clerk is not  
3 confirmed by the absent voter election board, the board shall  
4 qualify each official mailing envelope returned with a voted  
5 ballot in that election.

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

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

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

25 (2) the official mailing envelope does not

1 contain a signature;

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

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

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

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

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

24 [~~F.~~] H. For any election in which fewer than ten  
25 thousand mailed ballots were sent to the voters of a county,

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1 only between 8:00 a.m. and 10:00 p.m. on the five days  
2 preceding the election, and beginning at 7:00 a.m. on election  
3 day, under the personal supervision of the presiding election  
4 judge, shall the election judges open the official mailing  
5 envelope and the official inner envelope and insert the  
6 enclosed ballot into an electronic voting machine to be  
7 registered and retained until votes are counted [~~and canvassed~~  
8 ~~following the closing of the polls on election night~~] by  
9 generating the report of the ballot results beginning no sooner  
10 than 9:00 a.m. on election day.

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

24 [~~H.~~] J. It is unlawful for a person to disclose the  
25 results of a count and tally or the registration on a voting

1 machine of mailed ballots prior to the later of the closing of  
2 the polls or the deadline for receiving mailed ballots pursuant  
3 to Section 1-6-10 NMSA 1978.

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

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

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

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1 county clerk shall provide as much notice as is practicable in  
2 order to secure law enforcement personnel to secure the  
3 uncounted ballots overnight. Beginning at 11:00 p.m. on  
4 election night, a sheriff's deputy, state police officer or  
5 other certified law enforcement officer is required for  
6 overnight watch any time the absent voter election board is not  
7 present until the return of the absent voter election board.  
8 If a sheriff's deputy, a state police officer or other  
9 certified law enforcement officer is not available, the county  
10 clerk or chief deputy shall remain on-site with or near the  
11 uncounted ballots until the return of the absent voter election  
12 board and shall allow any watcher or observer to remain present  
13 as well. A class A county shall also have video surveillance  
14 in the area containing uncounted ballots, which shall be  
15 considered a record related to voting pursuant to Section  
16 1-12-69 NMSA 1978."

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

19 "1-6-16. MAILED BALLOTS--REPLACEMENT AND PROVISIONAL  
20 PAPER BALLOTS.--

21 A. A voter who has applied for a mailed ballot or  
22 who has been sent a mailed ballot may execute an affidavit  
23 stating that the person did not and will not vote the mailed  
24 ballot that was issued. Upon receipt of the sworn affidavit,  
25 if the ballot register does not show that a ballot from the

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1 voter has been cast in that election, the county clerk shall  
2 void the mailed ballot that was previously issued to the voter.

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

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

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

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

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

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

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

25 (b) during the period for early voting

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1 until the time the county clerk begins qualifying mailed  
2 ballots if the county clerk does not have real-time  
3 synchronization between the early voting locations and the  
4 qualification of mailed ballots; and

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

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

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

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

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

24 ~~[F.]~~ G. The secretary of state shall prescribe the  
25 form of the affidavit and the manner in which the county clerk

1 shall void the previously requested absentee ballot."

2 SECTION 35. Section 1-6-16.1 NMSA 1978 (being Laws 1989,  
3 Chapter 368, Section 1, as amended) is amended to read:

4 "1-6-16.1. ABSENTEE BALLOT--CONDUCT OF ELECTION--WHEN NOT  
5 TIMELY RECEIVED--EMERGENCY PROCEDURE FOR VOTING AND COUNTING.--

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

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

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1 that no other ballot from the same voter has been processed in  
2 that election."

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

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

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

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

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

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

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1 place in that precinct on election day.

2 ~~[D. The county clerk shall keep a sufficient number~~  
3 ~~of ballots from a mail ballot election precinct such that a~~  
4 ~~voter from that precinct may vote on a replacement or~~  
5 ~~provisional paper ballot pursuant to Section 1-6-16 NMSA 1978~~  
6 ~~or on an emergency paper ballot pursuant to Section 1-6-16.2~~  
7 ~~NMSA 1978.]"~~

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

10 "1-6B-5. METHODS OF REGISTERING TO VOTE.--

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

15 (1) using the procedures provided in Chapter  
16 1, Article 4 NMSA 1978; or

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

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

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

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

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

9 D. A federal qualified elector who registered for  
10 the first time in this state by mail is exempt pursuant to  
11 federal law from the requirement to provide documentary  
12 identification as otherwise required by Subsection F of Section  
13 1-6-4 NMSA 1978."

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

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

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

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

25 (2) using the federal postcard application or

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underscored material = new  
[bracketed material] = delete

1 the application's electronic equivalent.

2 B. A federal qualified elector who is not currently  
3 registered to vote in this state may, by the deadline in the  
4 Election Code for registering to vote, simultaneously register  
5 to vote and apply for a military-overseas ballot by using a  
6 federal postcard application or the application's electronic  
7 equivalent.

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

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

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1 for receipt of mailed ballot applications."

2 SECTION 39. Section 1-6B-10 NMSA 1978 (being Laws 2015,  
3 Chapter 145, Section 34, as amended) is amended to read:

4 "1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--  
5 QUALIFICATION.--

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

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

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

25 SECTION 40. Section 1-6C-2 NMSA 1978 (being Laws 2019,

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1 Chapter 226, Section 2) is amended to read:

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

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

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

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

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

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

25 F. "delivery address" means the address where a

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1 voter-participant receives mail;

2 G. "election" means a statewide or special election  
3 called, conducted and canvassed pursuant to the provisions of  
4 the Election Code;

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

9 I. "voter-participant" means a participant who is  
10 also a voter or a participant who is also a qualified resident  
11 who may be considered a voter pursuant to Section 1-4-2 NMSA  
12 1978."

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

15 "1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS.--

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

21 B. The request shall not reveal the name or address  
22 of the voter-participant. In place of a voter-participant's  
23 name and address, the administrator shall provide the  
24 appropriate county clerk the random identifier and verification  
25 code associated with the voter-participant for that election.

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1 The request made pursuant to this section is a record related  
2 to voting subject to the disclosure and retention procedures of  
3 Section 1-12-69 NMSA 1978.

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

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

20 E. When a participant registers to vote or updates  
21 a voter registration after the thirty-fifth day before an  
22 election but before the deadline to register to vote or to  
23 update an existing registration pursuant to Section 1-4-8 NMSA  
24 1978, the administrator shall:

25 (1) request from the appropriate county clerk,

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1 and the appropriate county clerk shall transmit to the  
2 administrator as soon as practicable, a ballot and balloting  
3 materials; and

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

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

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

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1 and ballot materials, which shall include the voter-  
2 participant's random identifier, but the county clerk shall not  
3 provide to the voter-participant the verification code when  
4 issuing a replacement ballot pursuant to this subsection."

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

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

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

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

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1 administrator for use in that election and matches the random  
 2 identifier assigned by the administrator to identify the voter-  
 3 participant, the ballot shall be qualified and processed in the  
 4 same manner as mailed absentee ballots or mailed ballots  
 5 received and qualified in that election.

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

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

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

21 "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--  
 22 DESIGNATED NOMINEES.--

23 A. If the rules of a minor political party require  
 24 nomination by political convention:

25 (1) the chair and secretary of the state

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1 political convention shall certify to the secretary of state  
2 the names of their party's nominees for United States senator,  
3 United States representative, all elective state offices,  
4 legislative offices elected from multicounty districts, [~~the~~  
5 ~~public regulation commission~~] all elective judicial officers in  
6 the judicial department and all offices representing a district  
7 composed of more than one county; and

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

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

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

21 (2) in the district for offices other than  
22 statewide offices; provided that if there are fewer members of  
23 the minor party registered to vote in the state for statewide  
24 offices or registered to vote in the district for offices other  
25 than statewide offices than the number of signatures required

1 for that office, nominating petitions shall contain the  
2 signatures of voters totaling not less than the required number  
3 of signatures of voters for independent candidates for the same  
4 office; and provided further that for the public education  
5 commission, nominating petitions shall be signed by at least  
6 one-third of the number of signatures that would otherwise be  
7 required, and for a judicial office, nominating petitions shall  
8 be signed by two-thirds of the number of signatures that would  
9 otherwise be required.

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

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

21 (1) in the county for countywide offices; and  
22 (2) in the district for offices other than  
23 countywide offices; provided that if there are fewer members of  
24 the minor party registered to vote in the county for countywide  
25 offices or registered to vote in the district for offices other

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           A. Vacancies on the general election ballot may be

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

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

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

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

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

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

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1 election using the form prescribed by the secretary of state,  
2 along with [~~a~~] the declaration of candidacy subscribed and  
3 sworn by the selected nominee and the required form for  
4 candidates pursuant to the Campaign Reporting Act.

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

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

10 "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING  
11 AFTER PRIMARY.--

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

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

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

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

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

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

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1 form subscribed and sworn by the selected nominee and the  
2 [~~required~~] form for candidates pursuant to the Campaign  
3 Reporting Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           SECTION 50. Section 1-8-16 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 165, as amended) is amended to read:

2 "1-8-16. PRIMARY [~~ELECTION LAW~~] AND GENERAL ELECTIONS--  
 3 PROCLAMATION--AMENDMENT.--The [~~governor~~] secretary of state may  
 4 amend the proclamation between the time of its issuance and the  
 5 first Tuesday in March to include a newly created public office  
 6 that is capable by law of being filled at the next succeeding  
 7 general election, or any existing office becoming vacant by  
 8 removal, resignation or death when such vacancy occurs no later  
 9 than the last Friday before the first Tuesday in March, or to  
 10 provide for any corrections or omissions."

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

13 "1-8-18. PRIMARY ELECTION LAW--WHO MAY BECOME A  
 14 CANDIDATE.--

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

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

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

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1 United States representative, residence within New Mexico on  
2 the date of the secretary of state's general election  
3 proclamation.

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

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

18 "1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON  
19 PRIMARY BALLOT.--

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

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1 ~~convention designation by a major political party may file new~~  
 2 ~~declarations of candidacy and nominating petitions pursuant to~~  
 3 ~~Section 1-8-33 NMSA 1978.~~

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

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

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

21 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS  
 22 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

23 ~~[A. Declarations of candidacy by preprimary~~  
 24 ~~convention designation for any statewide office or for the~~  
 25 ~~office of United States representative shall be filed with the~~

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1 ~~proper filing officer on the first Tuesday in February of each~~  
2 ~~even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.~~

3 ~~B.]~~ A. Declarations of candidacy for any ~~[other]~~  
4 office to be nominated in the primary election shall be filed  
5 with the proper filing officer on the second Tuesday of March  
6 of each even-numbered year between the hours of 9:00 a.m. and  
7 5:00 p.m.

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

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

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

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

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

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

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

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

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"DECLARATION OF CANDIDACY

~~[BY PRE-PRIMARY CONVENTION DESIGNATION~~

~~(OR BY NOMINATING PETITION)]~~

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

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

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

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

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

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

4 \_\_\_\_\_  
5 (Declarant)

6 \_\_\_\_\_  
7 (Mailing Address)

8 \_\_\_\_\_  
9 (Residence Address)

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

11 \_\_\_\_\_  
12 (Notary Public)

13 My commission expires:

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

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

17 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--  
18 NUMBER OF SIGNATURES REQUIRED.--

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

23 [~~B. Candidates who seek preprimary convention~~  
24 ~~designation shall file nominating petitions at the time of~~  
25 ~~filing declarations of candidacy. Nominating petitions for~~

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underscored material = new  
[bracketed material] = delete

1 ~~those candidates shall be signed by a number of voters equal to~~  
2 ~~at least two percent of the total vote of the candidate's party~~  
3 ~~in the state or congressional district, or the following number~~  
4 ~~of voters, whichever is greater: for statewide offices, two~~  
5 ~~hundred thirty voters; and for congressional candidates,~~  
6 ~~seventy-seven voters.~~

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

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

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

24 [~~D. A candidate who fails to receive the preprimary~~  
25 ~~convention designation that the candidate sought may collect~~

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

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

15 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

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

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

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1 candidate in the primary election for the political party for  
2 which the person is a write-in candidate.

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

12 D. ~~[At the time of filing the declaration of intent~~  
13 ~~to be a write-in candidate, the]~~ A person shall not be a  
14 declared write-in candidate until the person has been notified  
15 in writing by the proper filing officer that the certificate of  
16 registration on file, the declaration of candidacy and the  
17 nominating petition, if required, are in proper order and that  
18 the person, based on those documents, is qualified to be a  
19 candidate. The proper filing officer shall mail the notice on  
20 the Friday following the filing date. The determination by the  
21 proper filing officer that a person is a declared write-in  
22 candidate is subject to the provisions of Section 1-8-18 NMSA  
23 1978.

24 E. If a person is notified by the proper filing  
25 officer that the person is not qualified to be a write-in

1 candidate, the person may challenge that decision by filing a  
 2 petition with the district court within ten days of the  
 3 notification. The district court shall hear and render a  
 4 decision on the matter within ten days after the petition is  
 5 filed. The decision of the district court may be appealed to  
 6 the supreme court within five days after the decision is  
 7 rendered. The supreme court shall hear and render a decision  
 8 on the appeal forthwith.

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

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

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

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

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

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

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

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

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

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

1 at least one-third of the number of signatures that would  
2 otherwise be required, and for a judicial office, nominating  
3 petitions shall be signed by two-thirds of the number of  
4 signatures that would otherwise be required.

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

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

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

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1 independent candidate.

2 G. A voter shall not sign a petition for an  
3 independent candidate as provided in this section if the voter  
4 has signed a petition for another independent candidate for the  
5 same office."

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

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

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

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

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1 required, are in proper order and that the person, based on  
2 those documents, is qualified to be a candidate. The proper  
3 filing officer shall mail the notice on the Friday following  
4 the filing date. The determination by the proper filing  
5 officer that a person is a declared write-in candidate is  
6 subject to the provisions of Section 1-8-18 NMSA 1978.

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

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

24 ~~[D.]~~ E. The secretary of state shall, not more than  
25 ten days after the filing date, certify the names of the

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1 declared write-in candidates to the county clerks of every  
2 county affected by such candidacy.

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

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

13 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM  
14 DEFINED.--

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

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

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

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

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

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

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

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

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

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

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

7 "1-10-4. BALLOTS--PREPARATION.--

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

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

23 C. In a regular local election, not less than  
24 [~~sixty~~] fifty-six days before the election, each county clerk  
25 shall certify in writing the ballot for each precinct in the

1 county containing the name of each candidate who has been  
2 qualified by a proper filing officer, a space for any offices  
3 with a declared write-in candidate and any ballot questions to  
4 be voted on at the regular local election.

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

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

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

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

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

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

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

22 "1-10-6. BALLOTS--NAME TO BE PRINTED--ORDER OF  
23 NAMES--SIMILAR NAMES--NAMES NOT TO BE PRINTED.--

24 A. In the preparation of ballots for a statewide  
25 election, the candidate's name shall be printed on the ballot

1 as it appears on the candidate's certificate of registration  
2 that is on file in the county clerk's office on the day the  
3 secretary of state issues the proclamation for that election;  
4 provided that:

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

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

9 (3) periods after initials shall not be  
10 printed;

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

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

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

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

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

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

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

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

15                   (4) the voter registration of the candidate is  
16 canceled for any reason provided in Chapter 1, Article 4 NMSA  
17 1978."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 "1-11-4.1. [NEW MATERIAL] VOTER NOTIFICATION.--

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

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

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

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

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

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

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

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

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

14 (4) ballot, in a statewide election, is  
15 delivered pursuant to the provisions of Section 1-6-22.1 NMSA  
16 1978."

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

19 "1-11-5. VOTING DEVICE--PREPARATION--CERTIFICATION.--

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

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1 certifying and sealing electronic voting machines shall be open  
2 to observation by the public.

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

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

9 "1-11-19. COSTS OF ELECTIONS--~~[LOCAL ELECTION ASSESSMENT]~~  
10 STATE ELECTION FUND [ESTABLISHED].--

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

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

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

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

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

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

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

13                   (1) money appropriated to the fund by the  
14 legislature;

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

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

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

24                   [~~(3)~~] (5) grants or capital outlay funds  
25 received by the secretary of state for the purposes of

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1 Subsection A of this section and not designated for any other  
 2 fund.

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

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

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

15 "1-11-20. [NEW MATERIAL] COSTS OF ELECTIONS--COUNTY  
 16 ELECTION FUND.--

17 A. A "county election fund" is created within the  
 18 county treasury of each county.

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

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

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

5                   (2) other money appropriated to the fund by  
6 the board of county commissioners;

7                   (3) filing fees paid for elections;

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

11                   (5) grants and reimbursements from the state  
12 for elections costs;

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

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

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

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1 balances of state funds within the county election fund as  
2 required by the secretary of state."

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

5 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--  
6 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

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

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

21 C. Beginning with the closing of the polls on  
22 election day through the tenth day following the election, the  
23 county clerk shall notify by mail each person whose provisional  
24 paper ballot was not counted of the reason the ballot was not  
25 counted. The voter shall have until the Friday prior to the

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1 meeting of the state canvassing board to appeal to the county  
2 clerk a decision to reject the voter's ballot. At any time up  
3 to and including the appeal, the voter may provide information  
4 or documentation to satisfy the reason the ballot was  
5 rejected."

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

8 "1-12-65. [~~EMERGENCY SITUATIONS~~] PAPER BALLOTS--COUNTING  
9 AND TALLYING PROCEDURES.--

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

21 B. The presiding judge and the election judges,  
22 assisted by the election clerks, shall count the number of  
23 machine-tabulated paper ballots with write-in votes, write the  
24 number of such ballots on each copy of the certificate of  
25 returns for that polling place and place those paper ballots

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1 with write-in votes in an envelope provided for that purpose.  
 2 The envelope shall not be locked in the ballot box but shall  
 3 instead be sealed either with a numbered seal or a locking  
 4 device and transmitted directly to the county clerk for manual  
 5 counting of the write-in votes.

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

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

21 **SECTION 72.** Section 1-12-69 NMSA 1978 (being Laws 1977,  
 22 Chapter 222, Section 72, as amended) is repealed and a new  
 23 Section 1-12-69 NMSA 1978 is enacted to read:

24 "1-12-69. [NEW MATERIAL] DISPOSITION OF PAPER BALLOTS AND  
 25 RECORDS RELATED TO VOTING.--

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1           A. Paper ballots marked by voters and records  
2 related to voting in any election shall be retained and  
3 preserved for the greater of:

4                   (1) twenty-two months from the date of the  
5 election for any election in which a federal office appears on  
6 the ballot;

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

9                   (3) four months following resolution of a  
10 contest or other judicial inquiry, including all appeals, for  
11 any election, precinct or polling place that is the subject of  
12 the contest or other judicial inquiry.

13           B. Following the retention period, paper ballots  
14 marked by voters and records related to voting retained and  
15 preserved in the county may be destroyed at a time and in a  
16 manner as determined by the county clerk; provided that the  
17 county clerk shall use one of the destruction methods approved  
18 by the state records administrator for destruction of public  
19 records. Any interested person shall be permitted to be  
20 present during the destruction of paper ballots marked by a  
21 voter and records related to voting by the county clerk. At  
22 least seven days prior to a destruction, the clerk shall post  
23 on the county website a notice of destruction of paper ballots  
24 and records related to voting and shall provide notice to the  
25 county chair of each political party participating in that

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1 election. The notice shall include information regarding the  
2 election that is the subject of the records destruction and the  
3 date, time and place where marked ballots and records related  
4 to voting will be destroyed.

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

21 D. Paper ballots marked by voters, their digitized  
22 equivalents and records related to voting are exempt from  
23 third-party inspection except as otherwise provided in the  
24 Election Code until the later of sixty days following  
25 adjournment of the state or county canvassing board for that

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

16 SECTION 73. Section 1-13-1 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 303, as amended) is amended to read:

18 "1-13-1. POST-ELECTION DUTIES--COUNTY CANVASSING BOARD.--

19 A. The board of county commissioners is ex officio  
20 the county canvassing board in each county.

21 B. The board of county commissioners may designate  
22 the board of registration to serve as the county canvassing  
23 board for the county. The designation shall be made in the  
24 polling place resolution adopted pursuant to Section 1-3-2 NMSA  
25 1978 and is valid for all statewide and special elections

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1 conducted within the county until the expiration of the  
2 resolution.

3 C. The county canvass report prepared by the county  
4 clerk and approved by the county canvassing board shall consist  
5 of:

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

8 (2) a report of the final vote counts for each  
9 candidate contest and ballot question voted on by voters of the  
10 county separated by mailed ballots, early voting and election  
11 day voting;

12 (3) a report of the total ballots requested,  
13 returned, accepted and rejected from uniformed-service voters  
14 or overseas voters; and

15 (4) a report of all provisional ballots  
16 accepted and rejected.

17 D. Immediately after the meeting of the county  
18 canvassing board, the county clerk shall transmit a copy of the  
19 county canvass report, along with any hand tally sheets, to the  
20 secretary of state."

21 **SECTION 74.** Section 1-13-4 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 306, as amended) is amended to read:

23 "1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--METHOD.--  
24 The county clerk shall:

25 A. appoint an election board to conduct a machine-

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1 tabulation or hand-tally if the county clerk has received and  
2 logged any:

3 (1) paper ballots not previously tabulated;

4 (2) absentee ballots delivered to an election  
5 board not previously tabulated;

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

8 (4) ballots with write-in votes not previously  
9 counted;

10 ~~[A.]~~ B. prepare the report of the canvass of the  
11 election returns by carefully examining the returns of each  
12 precinct to ascertain if they contain the properly executed  
13 certificates required by the Election Code and to ascertain  
14 whether any discrepancy, omission or error appears on the face  
15 of the election returns; ~~and~~

16 ~~B.]~~ C. present the report of the canvass to the  
17 county canvassing board for the board's consideration and  
18 approval; and

19 D. provide the county canvassing board a summary  
20 report of the ballots tallied by the election board pursuant to  
21 Subsection A of this section and deliver directly to the  
22 secretary of state a cumulative report to be used in the event  
23 of a recount."

24 SECTION 75. Section 1-13-8 NMSA 1978 (being Laws 1969,  
25 Chapter 240, Section 310, as amended) is amended to read:

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1           "1-13-8. POST-ELECTION DUTIES--COUNTY CANVASS--SEARCH FOR  
 2 MISSING RETURNS.--If it is necessary to open a ballot box on  
 3 election night through the adjournment of the state canvass to  
 4 ascertain if missing election returns are enclosed in the  
 5 ballot box, the ballot box shall be opened in the presence of a  
 6 presiding judge and two election judges of an election board by  
 7 the county clerk [~~and the district judge~~] or [~~someone~~] a deputy  
 8 clerk designated by the [~~district judge. In the presence of~~  
 9 ~~the district judge or the designated representative of the~~  
 10 ~~district judge~~] county clerk. The county clerk or deputy clerk  
 11 may remove the missing returns necessary to canvass the  
 12 election. [~~When such omission or negligence of the precinct~~  
 13 ~~board causes an additional expense to be incurred, no~~  
 14 ~~compensation shall be paid to the precinct board for its~~  
 15 ~~services on election day~~] The presiding judge and election  
 16 judges shall document the search for missing returns using a  
 17 form prescribed by the secretary of state."

18           SECTION 76. Section 1-14-9 NMSA 1978 (being Laws 1971,  
 19 Chapter 249, Section 2) is amended to read:

20           "1-14-9. IMPOUNDING BALLOTS--APPLICATION FOR COURT  
 21 ORDER--DEPOSIT REQUIRED.--

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

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1           B. Any candidate in an election may petition the  
2 district court for an order impounding ballots in one or more  
3 precincts or polling places within which ~~[he is a candidate]~~  
4 the candidate's name appeared on the ballot. The action shall  
5 be brought in the district court for the county in which the  
6 precincts or polling places are located. The petition shall  
7 state what specific items of ballots are requested to be  
8 impounded. Upon receipt of the petition, along with a  
9 sufficient cash deposit [of twenty-five dollars (\$25.00) per  
10 precinct] or a sufficient surety bond, to cover the costs of  
11 each precinct or polling place for which impoundment is  
12 demanded, the court shall issue an order of impoundment.

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

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

24           SECTION 77. Section 1-14-13.2 NMSA 1978 (being Laws 2009,  
25 Chapter 233, Section 1, as amended) is amended to read:

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

2 A. At least ninety days prior to each [~~general~~]  
3 statewide election or as soon as practicable prior to an  
4 election to fill a vacancy in the office of United States  
5 representative, the secretary of state shall contract with an  
6 auditor qualified by the state auditor to audit state agencies  
7 to oversee a check on the accuracy of precinct electronic vote  
8 tabulators, alternate voting location electronic vote  
9 tabulators and absent voter precinct electronic vote  
10 tabulators. The voting system check shall be conducted for all  
11 federal offices, for governor and for the statewide elective  
12 office, other than the office of the governor, for which the  
13 winning candidate won by the smallest percentage margin of all  
14 candidates for statewide office in New Mexico. The voting  
15 system check is waived for any office for which [~~a~~] an  
16 automatic recount is conducted.

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

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

12 Table 1

13	Winning margin between top	Number of precincts in the
14	two candidates for the	state to be tested for that
15	office according to the	office
16	county canvasses	

17 Percent

18	greater than 15	no precincts for that
19		office

20 greater than 14

21	but less than or equal to 15	4
----	------------------------------	---

22 greater than 13

23	but less than or equal to 14	4
----	------------------------------	---

24 greater than 12

25	but less than or equal to 13	5
----	------------------------------	---

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

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

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

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1	but less than or equal to 3.0	26
2	greater than 2.0	
3	but less than or equal to 2.5	32
4	greater than 1.8	
5	but less than or equal to 2.0	37
6	greater than 1.6	
7	but less than or equal to 1.8	42
8	greater than 1.4	
9	but less than or equal to 1.6	47
10	greater than 1.2	
11	but less than or equal to 1.4	54
12	greater than 1.1	
13	but less than or equal to 1.2	59
14	greater than 1.0	
15	but less than or equal to 1.1	65
16	greater than 0.9	
17	but less than or equal to 1.0	73
18	greater than 0.8	
19	but less than or equal to 0.9	82
20	greater than 0.7	
21	but less than or equal to 0.8	93
22	greater than 0.6	
23	but less than or equal to 0.7	109
24	greater than 0.5	
25	but less than or equal to 0.6	130

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1 0.5 or less 165.

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

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

12 (1) in a primary or general election, the  
13 auditor shall direct the appropriate county clerks to compare  
14 the original machine count precinct vote totals [~~including~~  
15 ~~early absentee and absentee by mail machine count vote totals~~]  
16 for candidates for offices subject to the voting system check  
17 from the selected precincts for each office with the respective  
18 vote totals of a hand recount of the paper ballots from those  
19 precincts;

20 (2) in a regular local election, the size of  
21 the random sample shall be the largest number of precincts that  
22 were used for the random sample in the previous general  
23 election. The auditor shall direct the appropriate county  
24 clerks to compare the original machine count precinct vote  
25 totals for the three contests with the closest margin between

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1 the two candidates receiving the greatest number of votes  
2 affecting the final outcome for an office from each of the  
3 selected precincts with the respective vote totals of a hand  
4 recount of the paper ballots from those precincts; provided  
5 that if there are fewer than three contested contests in a  
6 precinct, the auditor shall randomly select one or more  
7 contests so that three contests are included in the sample from  
8 that precinct; and

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

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

23 [~~D.~~] F. Based on the results of the voting system  
24 check and any other auditing results, the auditor shall  
25 determine the error rate in the sample for each office. If the

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

12 ~~[E.]~~ G. The auditor shall report the results of the  
13 voting system check to the secretary of state upon completion  
14 of the voting system check and release the results to the  
15 public.

16 ~~[F.]~~ H. Persons designated as county canvass  
17 observers may observe the hand recount described in Subsection  
18 ~~[G.]~~ D of this section. Observers shall comply with the  
19 procedures governing county canvass observers as provided in  
20 Section 1-2-31 NMSA 1978.

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

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1 ballots for the recount.

2 [H.] J. All costs of a voting system check or  
3 required hand recount shall be paid in the same manner as  
4 automatic recounts."

5 SECTION 78. Section 1-14-15 NMSA 1978 (being Laws 1978,  
6 Chapter 48, Section 1, as amended) is amended to read:

7 "1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

8 A. An applicant for a recount shall deposit with  
9 the proper canvassing board or, in the case of an office for  
10 which the state canvassing board issues a certificate of  
11 nomination or election, with the secretary of state sufficient  
12 cash, or a sufficient surety bond, to cover the cost of a  
13 recount for each precinct for which a recount is demanded. An  
14 applicant for a recheck shall deposit with the proper  
15 canvassing board or, in the case of an office for which the  
16 state canvassing board issues a certificate of nomination or  
17 election, with the secretary of state sufficient cash, or a  
18 sufficient surety bond, to cover the cost of the recheck for  
19 each voting machine to be rechecked. The state canvassing  
20 board shall determine the estimated actual cost of a recount  
21 per ~~[precinct]~~ polling place and for mailed ballots and a  
22 recheck per voting machine no later than March 15 of even-  
23 numbered years. The secretary of state shall post the recount  
24 and recheck cost determinations on the secretary of state's  
25 ~~[web site]~~ website when the state canvassing board issues its

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1 cost determinations.

2 B. The deposit or surety bond shall be security for  
3 the payment of the costs and expenses of the recount or recheck  
4 in case the results of the recount or recheck are not  
5 sufficient to change the results of the election.

6 C. If it appears that error or fraud sufficient to  
7 change the winner of the election has been committed, the costs  
8 and expenses of the recount or recheck shall be paid by the  
9 state upon warrant issued by the secretary of finance and  
10 administration supported by a voucher of the secretary of  
11 state, or shall be paid by the county upon warrant of the  
12 county clerk from the general fund of the county, as the case  
13 may be.

14 D. If no error or fraud appears to be sufficient to  
15 change the winner, the costs and expenses for the recount or  
16 recheck shall be paid by the applicant. Costs shall consist of  
17 any docket fees, mileage of the sheriff in serving summons and  
18 fees and mileage of [~~precinct~~] election board members, at the  
19 same rates allowed witnesses in civil actions. If error or  
20 fraud has been committed by [~~a precinct~~] an election board, the  
21 board members shall not be entitled to such mileage or fees."

22 SECTION 79. Section 1-14-24 NMSA 1978 (being Laws 2008,  
23 Chapter 41, Section 1, as amended) is amended to read:

24 "1-14-24. AUTOMATIC RECOUNTS-- [~~ELECTIONS FOR STATE AND~~  
25 ~~FEDERAL OFFICES~~] PROCEDURES.--

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

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

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

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

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

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

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

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

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

1 court; or

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

6 B. For an office for which ballots were cast in  
7 more than one county, the secretary of state shall file notice  
8 with the state canvassing board upon the completion of the  
9 state canvass that an automatic recount is required, and the  
10 state canvassing board shall order a recount of the ballots for  
11 the specified office. For an office in which ballots were cast  
12 solely within one county, the secretary of state shall file  
13 notice with the state canvassing board within seven days after  
14 receiving notice from the county clerk following the completion  
15 of the county canvass that an automatic recount is required,  
16 and the state canvassing board shall order a recount of the  
17 ballots for the specified office.

18 C. Automatic recounts shall be conducted pursuant  
19 to the recount procedures established in Sections 1-14-16 and  
20 1-14-18 through 1-14-23 NMSA 1978."

21 **SECTION 80.** Section 1-15-21 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 371) is amended to read:

23 "1-15-21. EXPIRING TERM AND NEXT SUCCEEDING TERM--  
24 NOMINATION.--

25 A. If a vacancy in the office of United States

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1 representative occurs for an expiring term after the last day  
2 to amend a general election proclamation, no election shall be  
3 held pursuant to Section 1-15-18.1 NMSA 1978.

4 [A.] B. If any political party [~~convention~~]  
5 nominates any individual to be placed on the general election  
6 ballot for the term next succeeding the expiring term, then  
7 [~~such~~] the person nominated by the party [~~convention~~] shall be  
8 deemed to also be designated by the [~~convention~~] party for the  
9 expiring term. No candidate may be designated by the  
10 [~~convention~~] party for the expiring term only.

11 [B.] C. Any candidate whose name is placed on the  
12 [~~direct primary~~] general election ballot [~~in the primary~~  
13 ~~election~~] for the term next succeeding the expiring term shall  
14 be conclusively presumed to have declared as a candidate for  
15 both the expiring term and the succeeding term."

16 SECTION 81. Section 1-15A-9 NMSA 1978 (being Laws 1977,  
17 Chapter 230, Section 8, as amended) is amended to read:

18 "1-15A-9. CERTIFICATION OF PRESIDENTIAL PRIMARY VOTE FOR  
19 NATIONAL CONVENTION.--[A.] Upon the completion of the state  
20 canvass of the results of the presidential primary, the  
21 secretary of state shall forthwith certify to the state  
22 [~~chairman~~] chair of each political party participating in the  
23 primary and to the credentials committee of the national  
24 convention of each [~~such~~] political party [~~the following:~~

25 (~~1~~) the names of all candidates [~~and~~

1 ~~uncommitted category; and~~

2 ~~(2)] in that party's presidential primary, the~~  
3 ~~total vote and the percentage of the total vote [of such] the~~  
4 ~~candidates [or uncommitted category] received.~~

5 ~~[B. Each political party shall select as many~~  
6 ~~delegates and alternates to the national party convention in~~  
7 ~~the manner prescribed by the rules of that party and as are~~  
8 ~~allotted to it by the national committee of that party.~~

9 ~~C. The vote of the delegates or their alternates to~~  
10 ~~the national convention from each such political party from New~~  
11 ~~Mexico shall be cast on the first presidential nomination~~  
12 ~~ballot of the national convention by the chairman of the~~  
13 ~~delegation. The manner of casting the vote of each party~~  
14 ~~delegation shall be as follows:~~

15 ~~(1) each candidate and the uncommitted~~  
16 ~~category shall be entitled to a share of the total vote~~  
17 ~~allotted to the delegation that is equal to the proportion that~~  
18 ~~the vote he received in the presidential primary bears to the~~  
19 ~~total combined vote received by all qualified candidates;~~  
20 ~~provided that no candidate shall be excluded who has received~~  
21 ~~at least fifteen percent of the total vote cast for candidates~~  
22 ~~for president of that party, and no candidate shall be excluded~~  
23 ~~in violation of any political party rule; and~~

24 ~~(2) the method used to compute the total votes~~  
25 ~~allowed to a candidate or the uncommitted category shall be~~

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1 ~~determined by the party rules on file in the office of the~~  
2 ~~secretary of state.~~

3 ~~D. The provisions of this section with regard to~~  
4 ~~the manner of voting by the New Mexico delegations at the~~  
5 ~~national party conventions apply only to the first nominating~~  
6 ~~ballot cast at such conventions. Such delegations may be~~  
7 ~~released prior to the first ballot from voting in the manner~~  
8 ~~provided by this section upon death of the candidate or upon~~  
9 ~~his written unconditional release of such votes allotted to~~  
10 ~~him. Any votes so released shall be cast in the manner of~~  
11 ~~votes allotted to the uncommitted category.]"~~

12 SECTION 82. Section 1-17-8 NMSA 1978 (being Laws 1969,  
13 Chapter 240, Section 393) is amended to read:

14 "1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE  
15 CIRCULATION.--

16 A. Before any referendum petition is circulated for  
17 signatures, the sponsors shall submit the original draft  
18 thereof to the secretary of state to determine whether or not  
19 it meets the requirements of law for referendum petitions. At  
20 the same time the original draft is submitted to the secretary  
21 of state, the sponsors shall also submit a suggested popular  
22 name for the law ~~[which]~~ that is the object of the petition.

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

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

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

6 SECTION 83. Section 1-17-10 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 395) is amended to read:

8 "1-17-10. REFERENDUM PETITIONS--SUFFICIENCY OR  
9 INSUFFICIENCY.--The secretary of state shall ascertain and  
10 declare the sufficiency or insufficiency of each complete  
11 referendum petition within [~~fifteen~~] thirty days after it is  
12 filed in [~~his~~] the secretary's office."

13 SECTION 84. Section 1-19-26 NMSA 1978 (being Laws 1979,  
14 Chapter 360, Section 2, as amended) is amended to read:

15 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting  
16 Act:

17 A. "advertisement" means a communication referring  
18 to a candidate or ballot question that is published,  
19 disseminated, distributed or displayed to the public by print,  
20 broadcast, satellite, cable or electronic media, including  
21 recorded phone messages, or by printed materials, including  
22 mailers, handbills, signs and billboards, but "advertisement"  
23 does not include:

24 (1) a communication by a membership  
25 organization or corporation to its current members,

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1 stockholders or executive or administrative personnel;

2 (2) a communication appearing in a news story  
3 or editorial distributed through a print, broadcast, satellite,  
4 cable or electronic medium;

5 (3) a candidate debate or forum or a  
6 communication announcing a candidate debate or forum paid for  
7 on behalf of the debate or forum sponsor; provided that two or  
8 more candidates for the same position have been invited to  
9 participate or, in the case of an uncontested election, that  
10 the single candidate for the position has been invited to  
11 participate;

12 (4) nonpartisan voter guides allowed by the  
13 federal Internal Revenue Code of 1986, as amended, for Section  
14 501(c)(3) organizations; or

15 (5) statements made to a court or  
16 administrative board in the course of a formal judicial or  
17 administrative proceeding;

18 B. "anonymous contribution" means a contribution  
19 the contributor of which is unknown to the candidate or the  
20 candidate's agent or the political committee or its agent who  
21 accepts the contribution;

22 C. "ballot question" means a constitutional  
23 amendment or other question submitted to the voters in an  
24 election;

25 D. "bank account" means an account in a financial

1 institution regulated by the United States or a state of the  
2 United States;

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

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

11 G. "candidate" means an individual who seeks or  
12 considers an office in an election covered by the Campaign  
13 Reporting Act, including a public official, who has filed a  
14 declaration of candidacy and has not subsequently filed a  
15 statement of withdrawal or:

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

22 (2) for a statewide office, has received  
23 contributions or made expenditures of more than three thousand  
24 dollars (\$3,000) or authorized another person or campaign  
25 committee to receive contributions or make expenditures of more

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1 than three thousand dollars (\$3,000) for the purpose of seeking  
2 election to the office or for candidacy exploration purposes in  
3 the years prior to the year of the election;

4 H. "contribution":

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

10 (2) includes a coordinated expenditure;

11 (3) does not include the value of services  
12 provided without compensation or unreimbursed travel or other  
13 personal expenses of individuals who volunteer a portion or all  
14 of their time on behalf of a candidate or political committee  
15 nor does it include the administrative or solicitation expenses  
16 of a political committee that are paid by an organization that  
17 sponsors the committee; and

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

21 I. "coordinated expenditure" means an expenditure  
22 that is made:

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

25 (2) at the request or suggestion of, or in

1 cooperation, consultation or concert with, a candidate,  
2 campaign committee or political party or any agent or  
3 representative of a candidate, campaign committee or  
4 political party; and

5 (3) for the purpose of:

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

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

13 J. "deliver" or "delivery" means to deliver by  
14 certified or registered mail, telecopier, electronic  
15 transmission or facsimile or by personal service;

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

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

23 M. "expenditure" means a payment, transfer or  
24 distribution or obligation or promise to pay, transfer or  
25 distribute any money or other thing of value for a political

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1 purpose, including payment of a debt incurred in an election  
2 campaign [~~or pre-primary convention~~];

3 N. "independent expenditure" means an expenditure  
4 that is:

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

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

9 (3) made to pay for an advertisement that:

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

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

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

22 O. "legislative caucus committee" means a political  
23 committee established by the members of a political party in a  
24 chamber of the legislature;

25 P. "person" means an individual or entity;

1 Q. "political committee" means:

2 (1) a political party;

3 (2) a legislative caucus committee;

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

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

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

17 S. "political purpose" means for the purpose of  
18 supporting or opposing a ballot question or the nomination or  
19 election of a candidate;

20 T. "prescribed form" means a form or electronic  
21 format prepared and prescribed by the secretary of state;

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

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1           V. "reporting individual" means a public official,  
2 candidate or treasurer of a campaign committee or a treasurer  
3 of a political committee."

4           SECTION 85. Section 1-19-29 NMSA 1978 (being Laws 1993,  
5 Chapter 46, Section 5, as amended) is amended to read:

6           "1-19-29. TIME AND PLACE OF FILING REPORTS.--

7           A. Except as otherwise provided in this section,  
8 all reporting individuals shall file with the secretary of  
9 state no later than the second Monday in April and October a  
10 report of all expenditures made and contributions received on  
11 or before the first Monday in those months and not previously  
12 reported; provided that, if the date falls on a state holiday,  
13 the report shall be filed no later than the next business day.  
14 The report shall be filed biannually until the provisions  
15 specified in Subsection F or G [~~or~~ H] of this section have been  
16 satisfied.

17           B. In an election year, instead of the biannual  
18 reports provided for in Subsection A of this section, all  
19 reporting individuals, except for public officials who are not  
20 candidates in an election that year, shall file reports of all  
21 expenditures made and contributions received or, if applicable,  
22 statements of no activity, according to the following schedule:

23                   (1) no later than the second Monday in April,  
24 a report of all expenditures made and contributions received on  
25 or before the first Monday in April and not previously

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1 reported;

2 (2) no later than the second Monday in May, a  
3 report of all expenditures made and contributions received on  
4 or before the first Monday in May and not previously reported;

5 (3) no later than the second Monday in  
6 September, a report of all expenditures made and contributions  
7 received on or before the first Monday in September and not  
8 previously reported;

9 (4) no later than the second Monday in  
10 October, a report of all expenditures made and contributions  
11 received on or before the first Monday in October and not  
12 previously reported; provided that if the second Monday of  
13 October is a state holiday, the report shall be made on the  
14 following day;

15 (5) no later than the Thursday before a  
16 primary, general or statewide special election, a report of all  
17 expenditures made and contributions received by 5:00 p.m. on  
18 the Tuesday before the election and not previously reported.  
19 Any contribution or pledge to contribute that is received after  
20 5:00 p.m. on the Tuesday before the election and that is for  
21 more than one thousand dollars (\$1,000) in a nonstatewide  
22 election, or more than three thousand dollars (\$3,000) in a  
23 statewide election, shall be reported to the secretary of state  
24 either in a supplemental report on a prescribed form within  
25 twenty-four hours of receipt or in the report to be filed no

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1 later than the Thursday before a primary, general or statewide  
2 special election, except that any such contribution or pledge  
3 to contribute that is received after 5:00 p.m. on the Friday  
4 before the election may be reported by 12:00 noon on the Monday  
5 before the election;

6 (6) no later than the thirtieth day after a  
7 primary election, a report by all reporting individuals, except  
8 those individuals that become candidates after the primary  
9 election, of all expenditures made and contributions received  
10 on or before the twenty-fifth day after the primary election  
11 and not previously reported;

12 (7) no later than the thirtieth day after a  
13 statewide special election, a report of all expenditures made  
14 and contributions received on or before the twenty-fifth day  
15 after the statewide special election and not previously  
16 reported; and

17 (8) no later than January 7 after a general  
18 election, a report of all expenditures made and contributions  
19 received on or before December 31 after the general election  
20 and not previously reported.

21 C. If a candidate, political committee, campaign  
22 committee or public official has not received any contributions  
23 and has not made any expenditures since the candidate's,  
24 committee's or official's last report was filed with the proper  
25 filing officer, the candidate, committee or official shall only

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1 be required to file a statement of no activity, which shall not  
2 be required to be notarized, in lieu of a full report when that  
3 report would otherwise be due and shall not be required to file  
4 a full report until the next required filing date occurring  
5 after an expenditure is made or a contribution is received.

6 D. In an election year, a public official who is  
7 not a candidate shall file biannual reports of expenditures  
8 made and contributions received or statements of no activity in  
9 accordance with the schedule provided for in Subsection A of  
10 this section.

11 E. A report of expenditures and contributions filed  
12 after a deadline set forth in this section shall not be deemed  
13 to have been timely filed.

14 F. Except for candidates, campaign committees and  
15 public officials who file a statement of no activity, each  
16 candidate, campaign committee or public official shall file a  
17 report of expenditures and contributions pursuant to the filing  
18 schedules set forth in this section, regardless of whether any  
19 expenditures were made or contributions were received during  
20 the reporting period. Reports shall be required until the  
21 reporting individual delivers a report to the secretary of  
22 state stating that:

- 23 (1) there are no outstanding campaign debts;  
24 (2) all money has been expended in accordance  
25 with the provisions of Section 1-19-29.1 NMSA 1978; and

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1 (3) the bank accounts have been closed.

2 [~~G.~~ If, during a nonelection year, a political  
3 committee has not received any contributions or made any  
4 coordinated or independent expenditures since it filed its last  
5 report pursuant to this section, it need not file any report  
6 under this section until the next reporting period, if any, in  
7 which it receives contributions or makes expenditures. A  
8 political committee that has not received any contributions or  
9 made any coordinated or independent expenditures for a  
10 continuous period of at least one year may cancel its  
11 registration as a political committee by submitting an  
12 appropriate request in writing to the secretary of state. The  
13 committee shall retain the obligation to submit a new  
14 registration pursuant to Section 1-19-26.1 NMSA 1978 in the  
15 event that its future activities meet the requisites for  
16 registration under that section.

17 H.] G. A reporting individual who is a candidate  
18 within the meaning of the Campaign Reporting Act because of the  
19 amount of contributions the candidate receives or expenditures  
20 the candidate makes and who does not ultimately file a  
21 declaration of candidacy or a nominating petition with the  
22 secretary of state and does not file a statement of no activity  
23 shall file biannual reports in accordance with Subsection A of  
24 this section.

25 [~~F.~~] H. Reports required by this section shall be

1 subscribed and sworn to by the candidate or the treasurer of  
 2 the political committee or, in the case of candidates for  
 3 judicial office, by the treasurer of the candidate's campaign  
 4 committee. A report filed electronically shall be  
 5 electronically authenticated by the candidate or the treasurer  
 6 of the committee using an electronic signature in conformance  
 7 with the Electronic Authentication of Documents Act and the  
 8 Uniform Electronic Transactions Act. For the purposes of the  
 9 Campaign Reporting Act, a report that is electronically  
 10 authenticated in accordance with the provisions of this  
 11 subsection shall be deemed to have been subscribed and sworn to  
 12 by the candidate or the treasurer of the committee who was  
 13 required to file the report.

14 ~~[J.]~~ I. Reports required by this section shall be  
 15 filed electronically by all reporting individuals.

16 ~~[K.]~~ J. Reporting individuals may apply to the  
 17 secretary of state for exemption from electronic filing in case  
 18 of hardship, which shall be defined by the secretary of state."

19 **SECTION 86.** Section 1-19-34.1 NMSA 1978 (being Laws 1993,  
 20 Chapter 46, Section 12, as amended) is amended to read:

21 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING  
 22 PROHIBITION.--

23 A. It is unlawful during the prohibited period for  
 24 ~~[a state legislator, the attorney general, the secretary of~~  
 25 ~~state, the state treasurer, the commissioner of public lands or~~

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1 ~~the state auditor or a candidate for state legislator, attorney~~  
2 ~~general, secretary of state, state treasurer, commissioner of~~  
3 ~~public lands or state auditor, or any agent on behalf of the~~  
4 ~~attorney general, the secretary of state, the state treasurer,~~  
5 ~~the commissioner of public lands or the state auditor or a~~  
6 ~~candidate for attorney general, the secretary of state, state~~  
7 ~~treasurer, commissioner of public lands or state auditor] an~~  
8 ~~incumbent or candidate for a proscribed office, a campaign~~  
9 ~~committee or a legislative caucus committee to [knowingly]:~~

10 (1) solicit a contribution governed by the  
11 Campaign Reporting Act; ~~[For purposes of this subsection,~~  
12 ~~"prohibited period" means that period beginning January 1 prior~~  
13 ~~to any regular session of the legislature or, in the case of a~~  
14 ~~special session, after the proclamation has been issued, and~~  
15 ~~ending on adjournment of the regular or special session;~~

16 ~~B. It is unlawful during the prohibited period for~~  
17 ~~the governor or the lieutenant governor, or any agent on the~~  
18 ~~governor's or the lieutenant governor's behalf, to knowingly~~  
19 ~~solicit a contribution governed by the Campaign Reporting Act;~~  
20 ~~For purposes of this subsection, "prohibited period" means that~~  
21 ~~period beginning January 1 prior to any regular session of the~~  
22 ~~legislature or, in the case of a special session, after the~~  
23 ~~proclamation has been issued, and ending on the twentieth day~~  
24 ~~following the adjournment of the regular or special session.]~~

25 (2) accept a contribution from a lobbyist,

1 lobbyist's employer, incumbent or candidate, campaign committee  
2 or political committee;

3 (3) accept a contribution from any person,  
4 other than a person excluded by Paragraph (2) of this  
5 subsection, who prior to the start of a prohibited period  
6 signed up to have an automated, recurring contribution of more  
7 than two hundred dollars (\$200) per month; or

8 (4) accept a contribution from any person,  
9 other than a person excluded by Paragraph (2) of this  
10 subsection or allowed by Paragraph (3) of this subsection, of  
11 more than one hundred dollars (\$100); provided that the  
12 aggregate of contributions of one hundred dollars (\$100) or  
13 less accepted during the prohibited period shall not exceed:

14 (a) two thousand dollars (\$2,000) for a  
15 campaign committee, a legislative caucus committee or an  
16 incumbent or candidate for a statewide office; and

17 (b) five hundred dollars (\$500) for any  
18 other incumbent or candidate for a proscribed office.

19 B. Any contribution received during the prohibited  
20 period in excess of the limits established in this section  
21 shall be returned to the donor or donated to the public  
22 election fund prior to the end of the reporting period in which  
23 the excess donation was received.

24 C. As used in this section:

25 (1) "incumbent or candidate" means:

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1                   (a) a person currently holding an office  
2 subject to election;

3                   (b) a person who is a candidate for an  
4 office subject to election;

5                   (c) a campaign committee; or

6                   (d) an agent on behalf of a person or a  
7 committee described in Subparagraphs (a) through (c) of this  
8 paragraph;

9                   (2) "lobbyist" means a person who is required  
10 to register as a lobbyist pursuant to the provisions of the  
11 Lobbyist Regulation Act;

12                   (3) "lobbyist's employer" means the person  
13 whose interests are being represented and by whom a lobbyist is  
14 directly or indirectly retained, compensated or employed;

15                   (4) "prohibited period" means:

16                   (a) for an incumbent or candidate for  
17 any proscribed office other than governor or lieutenant  
18 governor and for a campaign committee or a legislative caucus  
19 committee, the period beginning January 1 prior to any regular  
20 session of the legislature or, in the case of a special or  
21 extraordinary session, the lesser of the period beginning after  
22 the proclamation has been issued or seventy-two hours prior to  
23 the start of the special or extraordinary session, and ending  
24 on the first calendar day after adjournment of the regular,  
25 special or extraordinary session; and

1                   (b) for an incumbent or candidate for  
 2 governor or lieutenant governor, the period beginning January 1  
 3 prior to any regular session of the legislature or, in the case  
 4 of a special or extraordinary session, the lesser of the period  
 5 beginning after the proclamation has been issued or seventy-two  
 6 hours prior to the start of the special or extraordinary  
 7 session, and ending on the earlier of the twenty-first day  
 8 following adjournment of the regular, special or extraordinary  
 9 session or the first calendar day after all bills passed by the  
 10 legislature have been signed or vetoed and deposited with the  
 11 secretary of state; and

12                   (5) "proscribed office" means:

- 13                   (a) governor;
- 14                   (b) lieutenant governor;
- 15                   (c) secretary of state;
- 16                   (d) attorney general;
- 17                   (e) state auditor;
- 18                   (f) state treasurer;
- 19                   (g) commissioner of public lands;
- 20                   (h) state senator; and
- 21                   (i) state representative."

22                   SECTION 87. Section 1-19A-7 NMSA 1978 (being Laws 2003,  
 23 Chapter 14, Section 7, as amended) is amended to read:

24                   "1-19A-7. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS  
 25 TO AND EXPENDITURES OF CERTIFIED CANDIDATES.--

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

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

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

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

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

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

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

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

25           C. A certified candidate shall return to the fund

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

4 D. A certified candidate shall limit total campaign  
5 expenditures to the amount of money distributed to that  
6 candidate from the fund, money received from a political party  
7 pursuant to Section 1-19A-8 NMSA 1978 and contributions  
8 collected pursuant to Section [~~8 of this 2019 act~~] 1-19A-4.1  
9 NMSA 1978. A certified candidate shall not accept  
10 contributions from any other source except the certified  
11 candidate's political party, as specified in Section 1-19A-8  
12 NMSA 1978 and contributions collected pursuant to Section [~~8 of~~  
13 ~~this 2019 act~~] 1-19A-4.1 NMSA 1978.

14 E. A certified candidate who does not remain a  
15 candidate in the general election shall, within thirty days  
16 after the primary election, transfer to the secretary for  
17 deposit in the fund any amount received from the fund, from a  
18 political party pursuant to Section 1-19A-8 NMSA 1978 or from  
19 private contributors pursuant to Section [~~8 of this 2019 act~~]  
20 1-19A-4.1 NMSA 1978 that remains unspent or unencumbered by the  
21 date of the primary election.

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

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1 private contributors pursuant to Section [~~8 of this 2019 act~~]  
2 1-19A-4.1 NMSA 1978 that remains unspent or unencumbered by the  
3 date of the general election.

4 G. If a certified candidate ceases to be a  
5 certified candidate for any reason, the previously certified  
6 candidate or candidate's campaign committee shall, within  
7 thirty days thereafter, transfer to the secretary for deposit  
8 in the fund any amount received from the fund, from a political  
9 party pursuant to Section 1-19A-8 NMSA 1978 or from private  
10 contributors pursuant to Section [~~8 of this 2019 act~~] 1-19A-4.1  
11 NMSA 1978 that remains unspent or unencumbered by the date  
12 the candidate ceases to be a certified candidate."

13 SECTION 88. Section 1-20-6 NMSA 1978 (being Laws 1969,  
14 Chapter 240, Section 431) is amended to read:

15 "1-20-6. UNLAWFUL POSSESSION OF KEYS.--Unlawful  
16 possession of keys consists of the possession at any time of  
17 any key to a voting machine, [~~or~~] ballot box or monitored  
18 secured container, or possession of an imitation or duplicate  
19 thereof, or making or causing to be made any imitation or  
20 duplicate thereof, unless authorized by the Election Code.  
21 Whoever commits unlawful possession of keys is guilty of a  
22 fourth degree felony."

23 SECTION 89. Section 1-20-7 NMSA 1978 (being Laws 1971,  
24 Chapter 111, Section 1, as amended) is amended to read:

25 "1-20-7. UNLAWFUL POSSESSION OF ABSENTEE BALLOT.--

1 Unlawful possession of absentee ballot consists of the  
 2 possession at any time of absentee ballot materials when not  
 3 authorized by the Election Code to be in possession of such  
 4 materials, or when such materials were obtained in an unlawful  
 5 manner, and includes the establishment, designation or  
 6 operation of any container or receptacle to receive voted  
 7 ballots by a person who is not authorized by the Election Code  
 8 and entering information into or altering the absentee ballot  
 9 register. As used in this section, "absentee ballot materials"  
 10 means an absentee ballot, absentee ballot envelopes, the  
 11 absentee ballot register or an absentee ballot return. Whoever  
 12 commits unlawful possession of absentee ballot is guilty of a  
 13 fourth degree felony."

14 SECTION 90. Section 1-20-17 NMSA 1978 (being Laws 1969,  
 15 Chapter 240, Section 441, as amended) is amended to read:

16 "1-20-17. OBSTRUCTING THE POLLING PLACE.--

17 A. Obstructing the polling place consists of

18 [~~(1) any person other than a voter offering to~~  
 19 ~~vote, a member of the precinct board, a lawfully appointed~~  
 20 ~~challenger or watcher, an election observer, an election~~  
 21 ~~official having business in the polling place or a person~~  
 22 ~~authorized by the Election Code to give assistance to a voter~~  
 23 ~~who, during the conduct of the election, approaches nearer than~~  
 24 ~~fifty feet from the door through which voters may enter to vote~~  
 25 ~~at the office of the county clerk, an alternate voting~~

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1 ~~location, a mobile voting site or any location used as a~~  
2 ~~polling place; or~~

3 ~~(2) any~~ a person other than an authorized  
4 individual approaching nearer than fifty feet from the door  
5 through which voters may enter to vote at a polling place or a  
6 person who willfully blocks the entrance to a polling place so  
7 as to prevent free ingress and egress.

8 B. A person conducting lawful, non-election-related  
9 business nearer than fifty feet from the door through which  
10 voters may enter to vote is not guilty of obstructing a polling  
11 place, provided the person does not willfully block the  
12 entrance to the polling place.

13 C. As used in this section, "authorized individual"  
14 means an individual who is not electioneering and who is:

- 15 (1) a voter offering to vote;  
16 (2) a member of the election board;  
17 (3) a lawfully appointed watcher, challenger  
18 or election observer;  
19 (4) an individual giving assistance to a  
20 specific person offering to vote;  
21 (5) an election official or contractor having  
22 business in the polling place;  
23 (6) an attorney representing the county or  
24 state, a political party or a candidate having business in the  
25 polling place; or

1                   (7) a language translator where required by  
 2 federal law.

3                   [~~G.~~] D. Whoever obstructs the polling place is  
 4 guilty of a petty misdemeanor."

5                   **SECTION 91.** Section 1-20-21 NMSA 1978 (being Laws 1969,  
 6 Chapter 240, Section 445) is amended to read:

7                   "1-20-21. UNLAWFUL POSSESSION OF ALCOHOLIC LIQUORS.--  
 8 Unlawful possession of alcoholic liquors consists of the use or  
 9 possession of any alcoholic liquor by any member of the  
 10 [~~precinct~~] election board while performing [~~his~~] official  
 11 duties on election day. [~~Unlawful possession also consists of~~  
 12 ~~the use, possession or carrying of alcoholic liquor within two~~  
 13 ~~hundred feet of the polling place during any election.]~~

14                   Whoever commits unlawful possession of alcoholic liquors  
 15 is guilty of a petty misdemeanor."

16                   **SECTION 92.** Section 1-22-3 NMSA 1978 (being Laws 2018,  
 17 Chapter 79, Section 18, as amended) is amended to read:

18                   "1-22-3. REGULAR LOCAL ELECTIONS--SPECIAL LOCAL  
 19 ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF CANDIDATES.--

20                   A. A regular local election shall be held on the  
 21 first Tuesday after the first Monday in November of each odd-  
 22 numbered year. A regular local election shall be held to elect  
 23 qualified persons to membership on a local governing body and,  
 24 where applicable, to elective municipal executive office and to  
 25 municipal judicial office.

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1           B. A regular local election shall be a nonpartisan  
2 election, and the names of all candidates shall be listed on  
3 the ballot with no party or slate designation. No person shall  
4 become a candidate in a regular local election unless the  
5 person physically resides within the boundaries of the district  
6 or districted area in which the person desires to be elected or  
7 to represent, unless otherwise allowed pursuant to Section  
8 1-3-13.1 NMSA 1978, and the person's record of voter  
9 registration shows that the person is both a qualified elector  
10 of the state and was registered to vote in the area to be  
11 elected to represent on the date the proclamation calling a  
12 local election is filed in the office of the secretary of  
13 state.

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

16                   (1) at a regular local election or a general  
17 election as provided by Subsection B of Section 1-16-3 NMSA  
18 1978; or

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

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

25           **SECTION 93.** Section 1-22-4 NMSA 1978 (being Laws 2018,  
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1 Chapter 79, Section 19, as amended) is amended to read:

2 "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--  
3 PUBLICATION.--

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

13 ~~B.]~~ A. The secretary of state shall by resolution  
14 issue a public proclamation in Spanish and English calling a  
15 regular local election. The proclamation shall be issued and  
16 filed by the secretary of state in the office of the secretary  
17 of state [~~ninety~~] twenty-one days preceding the filing date  
18 [~~of~~] for the regular local election, and upon filing the  
19 proclamation, the secretary of state shall post the  
20 proclamation and certify it to each county clerk. The  
21 proclamation may be amended no later than eleven days before  
22 the filing date for the regular local election.

23 ~~[C.]~~ B. The proclamation shall specify:

- 24 (1) the date when the election will be held;  
25 (2) each elective office, local governing body

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1 and judicial position to be filled;

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

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

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

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

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

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

24 (3) the date on which declarations of  
25 candidacy are to be filed and the date on which declarations of

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1 intent to be a write-in candidate are to be filed;

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

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

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

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

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

23 D. To assist the secretary of state with  
24 preparation of the proclamation, during the month of June  
25 preceding a regular local election, each county clerk shall

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1 communicate with each local government whose primary  
2 administrative office is located in the county. The county  
3 clerk shall inquire as to which local government positions are  
4 to be filled at the next regular local election and whether the  
5 position is to be filled for a full term or a partial term, as  
6 well as the expiration date of each term. Each county clerk  
7 shall inform the secretary of state of all known positions to  
8 be filled no later than the last business day in June preceding  
9 a regular local election."

10 SECTION 94. Section 1-22-7 NMSA 1978 (being Laws 2018,  
11 Chapter 79, Section 20, as amended) is amended to read:

12 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--  
13 PENALTY.--

14 A. A candidate for a position that will be filled  
15 at a regular local election shall file a declaration of  
16 candidacy with the proper filing officer between 9:00 a.m. and  
17 5:00 p.m. on the seventieth day before the date of the regular  
18 local election.

19 B. A candidate shall file for only one position in  
20 the same local government but may file for a position in more  
21 than one local government on the same filing day.

22 C. A declaration of candidacy shall not be amended  
23 after it has been filed with the proper filing officer.

24 D. Each declaration of candidacy shall be  
25 accompanied by a nominating petition containing at least the

1 number of signatures as required by law for the specific  
 2 office. If not otherwise required by law for the specific  
 3 office, the declaration of candidacy shall be accompanied by a  
 4 nominating petition containing no fewer than ten signatures or  
 5 a fifty-dollar (\$50.00) filing fee.

6 ~~[D.]~~ E. Each declaration of candidacy shall be  
 7 delivered for filing in person by the eligible candidate or by  
 8 a person acting by virtue of written authorization. The proper  
 9 filing officer shall not accept for filing from any one  
 10 individual more than one declaration of candidacy.

11 ~~[E.]~~ F. Whoever knowingly makes a false statement  
 12 in a declaration of candidacy is guilty of a fourth degree  
 13 felony and shall be sentenced pursuant to the provisions of  
 14 Section 31-18-15 NMSA 1978."

15 SECTION 95. Section 1-22-8.1 NMSA 1978 (being Laws 2018,  
 16 Chapter 79, Section 22, as amended) is amended to read:

17 "1-22-8.1. WRITE-IN CANDIDATES.--

18 A. Write-in candidates shall be permitted in  
 19 regular local elections.

20 B. A person may be a write-in candidate only if the  
 21 person has the qualifications to be a candidate for the  
 22 position for which the person is running.

23 C. A person desiring to be a write-in candidate for  
 24 an office shall file with the proper filing officer a  
 25 declaration of ~~[candidacy]~~ intent to be a write-in candidate.

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1 The declaration shall be filed between 9:00 a.m. and 5:00 p.m.  
2 on the sixty-third day preceding the date of the election.

3 ~~[The county clerk shall ensure that a declaration of candidacy~~  
4 ~~filed pursuant to this section specifies that it is for a~~  
5 ~~write-in candidate.]~~

6 D. ~~[At the time of filing the declaration of~~  
7 ~~candidacy]~~ The declaration of intent to be a write-in candidate  
8 shall be accompanied by a nominating petition containing the  
9 same number of signatures or the filing fee required of other  
10 candidates for the same office.

11 E. A write-in candidate shall be considered a  
12 candidate for all purposes and provisions relating to  
13 candidates in the Local Election Act, except that the write-in  
14 candidate's name shall not be printed on the ballot nor posted  
15 in any polling place."

16 SECTION 96. Section 1-22-10 NMSA 1978 (being Laws 2018,  
17 Chapter 79, Section 24, as amended) is amended to read:

18 "1-22-10. CANDIDATE QUALIFICATION--CHALLENGES--BALLOTS.--

19 A. The proper filing officer shall determine  
20 whether a candidate filing a declaration of candidacy is  
21 registered to vote within the area to be elected to represent  
22 and, if required for the office being sought, whether the  
23 candidate's nominating petition for that office has been filed  
24 with a number of signatures that is equal to or greater than  
25 the number required for that office. If the candidate is so

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1 qualified and no withdrawal of candidacy has been filed as  
2 provided in the Local Election Act, the proper filing officer  
3 shall place the candidate's name on the ballot for the position  
4 specified in the declaration of candidacy and notify each  
5 candidate in writing no later than [~~5:00 p.m. on the sixtieth~~]  
6 the sixty-seventh day before the local election.

7 B. Any voter may challenge the candidacy of any  
8 person seeking election at the regular local election for the  
9 reason that the person does not meet the requirements for the  
10 office sought by filing a petition in the district court within  
11 seven days after the day for filing a declaration of candidacy.  
12 The district court shall hear and render a decision on the  
13 matter within ten days after the filing of the petition. The  
14 decision of the district court may be appealed to the supreme  
15 court within five days after the decision is rendered. The  
16 supreme court shall hear and render a decision on the appeal  
17 forthwith.

18 C. Ballots for the regular local election shall be  
19 prepared by the proper filing officer and printed in accordance  
20 with the provisions of Section 1-10-5 NMSA 1978.

21 D. The printed ballot shall contain the name of  
22 each person who is a candidate and the position for which the  
23 person is a candidate.

24 E. The ballot shall also contain all ballot  
25 questions that are to be submitted to the voters as certified

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1 by a local governing body to the county clerk in each county in  
2 which the local government is situate and shall conform to the  
3 requirements for ballot questions on the regular local election  
4 ballot as provided in Chapter 1, Article 16 NMSA 1978."

5 SECTION 97. Section 1-22-18 NMSA 1978 (being Laws 2018,  
6 Chapter 79, Section 31) is amended to read:

7 "1-22-18. LOCAL ELECTION--DATE TERM OF OFFICE BEGINS.--

8 A. A candidate to whom a certificate of election  
9 has been issued shall take the oath of office before entering  
10 upon the duties of the office to which the person was elected.

11 B. The term of office of a candidate elected in a  
12 regular local election [~~or ensuing top-two runoff election~~]  
13 shall begin on January 1 following the candidate's election  
14 [~~and the candidate to whom a certificate of election has been~~  
15 ~~issued shall take the oath of office before entering upon the~~  
16 ~~duties of office].~~

17 C. A candidate elected in a regular local election  
18 to serve the remainder of an unexpired term shall enter upon  
19 the duties of that office on or after January 1 following the  
20 candidate's election."

21 SECTION 98. Section 1-24-3 NMSA 1978 (being Laws 2019,  
22 Chapter 212, Section 156) is amended to read:

23 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

24 A. All special elections in this state shall be  
25 conducted absentee. Mailed ballots shall be used exclusively

1 for voting in special elections. Except as otherwise provided  
2 in the Special Election Act, all special elections in this  
3 state shall be conducted and canvassed as provided in the  
4 Election Code.

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

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

14 (2) whose voter notification pursuant to  
15 Section 1-11-4.1 NMSA 1978 was returned to the county clerk as  
16 undeliverable and the voter has not communicated with the  
17 county that the voter notification was returned as  
18 undeliverable in error or filed a certificate of registration  
19 with a new address;

20 [~~(2)~~] (3) whose official election-related mail  
21 sent through a uniform, nondiscriminatory process was returned  
22 to the county clerk or the secretary of state as undeliverable  
23 and the voter has not communicated with the county clerk that  
24 the official election-related mail was returned as  
25 undeliverable in error or filed a certificate of registration

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1 with a new address; or

2 (4) whose ballot is delivered pursuant to the  
3 provisions of the Intimate Partner Violence Survivor Suffrage  
4 Act.

5 C. Forty-two days before the election or in the  
6 case of a voter notification returned to the county clerk, as  
7 soon thereafter as practicable, the county clerk shall send to  
8 each voter of the county or local public body described in  
9 Paragraphs (1) [~~and (2)~~] through (3) of Subsection B of this  
10 section notice, sent by forwardable mail, that the voter will  
11 not be sent a ballot for the special election unless the voter  
12 updates the voter's address as provided by the Election Code or  
13 informs the county clerk that the address on the certificate of  
14 registration is valid. The notice shall include contact  
15 information for the office of the county clerk and an internet  
16 address where the voter may update the voter's address or  
17 communicate with the county clerk. The mailed ballot register  
18 shall note which voters were sent a notice pursuant to this  
19 subsection.

20 D. Between the twenty-seventh and twenty-fifth day  
21 before the election, pursuant to Subsection B of this section,  
22 the county clerk shall send to each voter a ballot for the  
23 special election, along with a postage-paid return envelope, a  
24 notice that there will be no traditional polling places for the  
25 election, the recommended deadline to deposit the voted mailed

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1 ballot with the United States postal service for return by  
 2 mail, the deadline for the ballot to be received by the county  
 3 clerk and a list of the times and locations of monitored  
 4 secured containers available in [~~addition to the United States~~  
 5 ~~postal service for a voter to return the ballot~~] the county.

6 E. Beginning twenty-two days before the election,  
 7 the county clerk shall issue replacement and provisional  
 8 ballots as provided in the Absent Voter Act for the mailed  
 9 ballot process. In addition, the county clerk shall send a  
 10 ballot to any voter described in Paragraphs (1) [~~and (2)~~]  
 11 through (3) of Subsection B of this section who has not  
 12 previously been sent a ballot if the voter submits an  
 13 application pursuant to Section 1-6-4 NMSA 1978.

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

25 SECTION 99. Section 2-11-8.1 NMSA 1978 (being Laws 1993,

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1 Chapter 46, Section 23, as amended) is amended to read:

2 "2-11-8.1. RESTRICTIONS ON CAMPAIGN ACTIVITIES AND  
3 CONTRIBUTIONS.--

4 A. ~~[No]~~ A lobbyist ~~[may]~~ shall not serve as a  
5 campaign chair, treasurer or fundraising chair for a candidate  
6 for the legislature or other state office.

7 B. It is unlawful during the prohibited period, as  
8 that term is defined in Section 1-19-34.1 NMSA 1978, for any  
9 lobbyist or lobbyist's employer to contribute to or act as an  
10 agent or intermediary for political contributions to or arrange  
11 for the making of political contributions to the campaign funds  
12 of any statewide elected official or legislator or any  
13 candidate for those offices.

14 ~~[C. For purposes of this section, "prohibited~~  
15 ~~period" is that period beginning January 1 prior to any regular~~  
16 ~~session of the legislature or, in the case of a special~~  
17 ~~session, after the proclamation has been issued, and ending on:~~

18 ~~(1) the day the session ends for:~~

19 ~~(a) any statewide elected official or~~  
20 ~~candidate for statewide office except the governor; and~~

21 ~~(b) a legislator or any candidate for~~  
22 ~~the legislature; and~~

23 ~~(2) the twentieth day following the~~  
24 ~~adjournment of the regular or special session for the governor~~  
25 ~~or candidate for governor.]"~~

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1           SECTION 100. Section 3-11-5 NMSA 1978 (being Laws 1965,  
2 Chapter 300, Section 14-10-5, as amended) is amended to read:

3           "3-11-5. MAYOR--APPOINTMENT OF OFFICERS AFTER [ELECTION]  
4 NEW TERMS BEGIN.--

5           A. At the organizational meeting of the governing  
6 body, the mayor shall submit, for confirmation by the governing  
7 body, the names of persons who shall fill the appointive  
8 offices of the municipality [~~and the names of persons who shall~~  
9 ~~be employed by the municipality~~]. If the governing body fails  
10 to confirm any person as an appointive official [~~or employee~~]  
11 of the municipality, the mayor at the next regular meeting of  
12 the governing body shall submit the name of another person to  
13 fill the appointed office [~~or to be employed by the~~  
14 ~~municipality~~].

15           B. The organizational meeting shall be held within  
16 the first thirty days following the commencement of new terms  
17 of office after each regular municipal election. The  
18 organizational meeting may be a special meeting or a regular  
19 meeting of the governing body.

20           [~~B-~~] C. Any person holding an appointed office at  
21 the time of the municipal election shall continue in that  
22 office until the person's successor has been appointed and is  
23 qualified."

24           SECTION 101. Section 3-12-2 NMSA 1978 (being Laws 1965,  
25 Chapter 300, Section 14-11-2, as amended) is amended to read:

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1 "3-12-2. GOVERNING BODY--CORPORATE AUTHORITY--  
2 LEGISLATIVE BODY--MEMBERS OF COUNCIL AND BOARDS OF TRUSTEES--  
3 QUORUM.--

4 A. The corporate authority of a municipality is  
5 vested in the governing body that shall constitute the  
6 legislative branch of the municipality and shall not perform  
7 any executive functions except those functions assigned to it  
8 by law.

9 B. A majority of the members of the governing body  
10 is a quorum for the purpose of transacting business.

11 C. Unless otherwise provided by law, a question  
12 before the governing body shall be decided by a majority vote  
13 of the members present.

14 D. The governing body of a municipality having a  
15 mayor-council form of government is the council or board of  
16 trustees whose members are the mayor and not less than four or  
17 more than ten [~~councilmen~~] council members or trustees. Any  
18 governing body of more than six [~~councilmen~~] council members or  
19 trustees may provide by ordinance for the election of two  
20 [~~councilmen~~] council members or trustees for each ward or  
21 district or create or abolish wards or districts or alter the  
22 boundary of existing wards or districts; provided that only one  
23 [~~councilman~~] council member or trustee shall be elected from a  
24 ward or district at any one election.

25 E. In those municipalities with a mayor-council

1 form of government, when there is a requirement that a certain  
 2 fraction or percentage of the members of the entire governing  
 3 body or of all the members of the governing body or of the  
 4 entire membership of the governing body or other similar  
 5 language other than the requirement of a simple majority vote  
 6 for the measure, the mayor shall not be counted in determining  
 7 the actual number of votes needed but [he] shall vote to break  
 8 a tie vote as provided in Section 3-11-3 NMSA 1978 unless [he]  
 9 the mayor has declared a conflict of interest.

10 [F. ~~The governing body of a municipality may~~  
 11 ~~redistrict the municipality whenever redistricting is~~  
 12 ~~warranted. Upon petition signed by qualified electors equal in~~  
 13 ~~number to the votes cast for the councilman or trustee~~  
 14 ~~receiving the greatest number of votes at the last regular~~  
 15 ~~municipal election, the governing body of the municipality~~  
 16 ~~shall redistrict the municipality.]"~~

17 SECTION 102. Section 3-14-10 NMSA 1978 (being Laws 1965,  
 18 Chapter 300, Section 14-13-10) is amended to read:

19 "3-14-10. COMMISSION-MANAGER--SELECTION OF MAYOR--  
 20 DUTIES.--

21 A. At the [first] organizational meeting of the new  
 22 commission [after each election or as soon thereafter as  
 23 ~~practical~~] held within the first thirty days following the  
 24 commencement of new terms of office after each regular  
 25 municipal election, the commissioners shall select one of their

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1 number as mayor to act for two years or until a successor is  
2 selected and qualified unless sooner removed by death,  
3 resignation or removal from office.

4 B. The mayor shall preside at all meetings of the  
5 commission and perform other duties consistent with ~~[his]~~ the  
6 office as imposed by the commission. The mayor has all powers  
7 and duties of a commissioner, including the right to vote upon  
8 all questions considered by the commission. ~~[He]~~ The mayor is  
9 the official head of the municipality for all ceremonial  
10 purposes, for the purpose of civil process and for military  
11 purposes. During ~~[his]~~ the mayor's absence or disability,  
12 ~~[his]~~ the mayor's duties shall be performed by another member  
13 of the commission appointed by a majority of the commission and  
14 designated as mayor pro tem.

15 C. The commission shall meet at least twice each  
16 month."

17 **SECTION 103.** A new Section 4-38-17.2 NMSA 1978 is enacted  
18 to read:

19 "4-38-17.2. [NEW MATERIAL] APPROPRIATIONS FOR  
20 ELECTIONS.--The board of county commissioners shall appropriate  
21 from the county general fund all funds necessary for the  
22 administration of elections. Such funds shall be deposited  
23 into the county election fund for election-related expenses as  
24 provided by law."

25 **SECTION 104.** A new Section 4-40-11 NMSA 1978 is enacted  
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1 to read:

2 "4-40-11. [NEW MATERIAL] QUALIFICATIONS FOR CLERK'S  
3 CERTIFICATES.--The secretary of state, in cooperation and in  
4 keeping with the standards of accredited educational programs,  
5 shall establish by rule the qualifications that are  
6 prerequisite to the issuance of each grade of clerk's  
7 certificate."

8 SECTION 105. A new Section 4-40-12 NMSA 1978 is enacted  
9 to read:

10 "4-40-12. [NEW MATERIAL] ADDITIONAL COMPENSATION TO  
11 CLERKS.--In addition to the salaries provided for county clerks  
12 in Chapter 4, Article 44 NMSA 1978, county clerks may receive:

13 A. an additional five hundred dollars (\$500) a year  
14 for holding a "clerk 1" certificate;

15 B. an additional one thousand dollars (\$1,000) a  
16 year for holding a "clerk 2" certificate;

17 C. an additional one thousand dollars (\$1,000) a  
18 year for holding a "clerk 3" certificate; and

19 D. an additional one thousand dollars (\$1,000) a  
20 year for holding a "clerk 4" certificate."

21 SECTION 106. A new Section 4-40-13 NMSA 1978 is enacted  
22 to read:

23 "4-40-13. [NEW MATERIAL] ADDITIONAL COMPENSATION TO  
24 DEPUTY CLERKS.--A board of county commissioners may provide  
25 additional cumulative increments to the salary of any chief

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1 deputy or deputy clerk employed in the office of the clerk as  
2 an incentive for obtaining greater qualification levels up to  
3 the following amounts:

4 A. an additional five hundred dollars (\$500) a year  
5 for holding a "clerk 1" certificate;

6 B. an additional one thousand five hundred dollars  
7 (\$1,500) a year for holding a "clerk 2" certificate;

8 C. an additional two thousand five hundred dollars  
9 (\$2,500) a year for holding a "clerk 3" certificate; and

10 D. an additional three thousand dollars (\$3,000) a  
11 year for holding a "clerk 4" certificate."

12 SECTION 107. Section 7-1-8.8 NMSA 1978 (being Laws 2019,  
13 Chapter 87, Section 2, as amended) is amended to read:

14 "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE  
15 AGENCIES.--An employee of the department may reveal to:

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

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

23 C. the commissioner of public lands, return  
24 information for use in auditing that pertains to rentals,  
25 royalties, fees and other payments due the state under land

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1 sale, land lease or other land use contracts;

2 D. the secretary of human services or the  
3 secretary's delegate under a written agreement with the  
4 department, the last known address with date of all names  
5 certified to the department as being absent parents of children  
6 receiving public financial assistance, but only for the purpose  
7 of enforcing the support liability of the absent parents by the  
8 child support enforcement division or any successor  
9 organizational unit;

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

17 F. the state courts, the random jury lists produced  
18 by the department of information technology under Subsection E  
19 of this section;

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

25 H. the public regulation commission, return

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1 information with respect to the Corporate Income and Franchise  
2 Tax Act required to enable the commission to carry out its  
3 duties;

4 I. the state racing commission, return information  
5 with respect to the state, municipal and county gross receipts  
6 taxes paid by racetracks;

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

10 K. the director of the workers' compensation  
11 administration or to the director's representatives authorized  
12 for this purpose, return information to facilitate the  
13 identification of taxpayers that are delinquent or noncompliant  
14 in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA  
15 1978;

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

22 M. the New Mexico finance authority, information  
23 with respect to the amount of municipal and county gross  
24 receipts taxes collected by municipalities and counties  
25 pursuant to any local option municipal or county gross receipts

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1 taxes imposed, and information with respect to the amount of  
2 governmental gross receipts taxes paid by every agency,  
3 institution, instrumentality or political subdivision of the  
4 state pursuant to Section 7-9-4.3 NMSA 1978;

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

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

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

22 (3) return information required to administer  
23 the Health Care Quality Surcharge Act;

24 O. the superintendent of insurance, return  
25 information with respect to the premium tax and the health

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1 insurance premium surtax;

2 P. the secretary of finance and administration or  
3 the secretary's designee, return information concerning a  
4 credit pursuant to the Film Production Tax Credit Act;

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

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

11 S. the secretary of transportation or the  
12 secretary's designee, return information concerning the Weight  
13 Distance Tax Act;

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

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

23 V. the secretary of state or the secretary's  
24 designee, taxpayer information required to maintain voter  
25 registration records and as otherwise provided in the Election

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1 Code."

2 SECTION 108. Section 8-4-4 NMSA 1978 (being Laws 1969,  
3 Chapter 272, Section 1, as amended) is amended to read:

4 "8-4-4. FEES OF SECRETARY OF STATE.--

5 A. The secretary of state shall collect the  
6 following fees to be deposited with the state treasurer for  
7 credit to the general fund:

8 [A.] (1) photocopies of records, per page ----  
9 ----- twenty-five cents (\$.25);

10 [B.] (2) each certification -----  
11 -----three dollars (\$3.00);

12 [~~C. filing each official oath -----~~  
13 -----three dollars (\$3.00);]

14 [D.] (3) search of records where another fee  
15 is not prescribed, per hour of search -----  
16 ----- ten dollars (\$10.00);

17 [E.] (4) duplicate commission of office or  
18 certificate----- three dollars (\$3.00);

19 [F.] (5) service of process where another fee  
20 is not prescribed -----  
21 ----- twenty-five dollars (\$25.00);

22 [G.] (6) computer printout of Uniform  
23 Commercial Code records, per page -----  
24 ----- one dollar (\$1.00); and

25 [H.] (7) computer generated records other than

underscoring material = new  
[bracketed material] = delete

1 voter registration records, per record -----  
2 ----- ten cents (\$.10).

3 B. The secretary of state shall not collect a fee  
4 for the following documents when filed in the office of the  
5 secretary of state:

- 6 (1) oath of office; and
- 7 (2) notice of appointment to a vacancy in  
8 office."

9 SECTION 109. Section 14-8-12.2 NMSA 1978 (being Laws  
10 1985, Chapter 122, Section 2, as amended) is amended to read:

11 "14-8-12.2. COUNTY CLERK RECORDING AND FILING FUND--  
12 USES.--

13 A. A "county clerk recording and filing fund" is  
14 established in each county.

15 B. Expenditures from the county clerk recording and  
16 filing fund shall be determined [~~annually~~] by the county clerk  
17 [~~and approved by the board of county commissioners~~].

18 C. Expenditures from the county clerk recording and  
19 filing fund may be expended only:

- 20 (1) to rent, purchase, lease or lease-purchase
- 21 recording, redaction and archiving equipment and services and
- 22 for supplies, training and maintenance for such equipment;
- 23 provided that equipment acquired pursuant to this paragraph may
- 24 be used for other regular duties in the county clerk's office
- 25 as long as the primary purpose of the equipment is recordation,

underscored material = new  
[bracketed material] = delete

1 redaction and archiving;

2 (2) to rent, purchase, lease or lease-purchase  
3 vehicles associated with all regular duties in the county  
4 clerk's office and for supplies, training and maintenance for  
5 such vehicles; provided that the county clerk shall report  
6 annually to the board of county commissioners the usage,  
7 mileage and necessity of any vehicle acquired pursuant to this  
8 paragraph;

9 (3) for technical assistance or for training  
10 associated with all regular duties of the county clerk's  
11 office; or

12 (4) for staff travel associated with all  
13 regular duties of the county clerk's office pursuant to the Per  
14 Diem and Mileage Act.

15 D. The county clerk recording and filing fund is  
16 subject to being audited in the same manner as other funds in  
17 the county. The county clerk shall prepare a report detailing  
18 the source of funds deposited into the county clerk recording  
19 and filing fund, the use of funds and remaining balances within  
20 the county clerk recording and filing fund during the annual  
21 county budgeting process."

22 SECTION 110. Section 40-13B-1 NMSA 1978 (being Laws 2018,  
23 Chapter 40, Section 1) is amended to read:

24 "40-13B-1. SHORT TITLE.--~~[This act]~~ Chapter 40, Article  
25 13B NMSA 1978 may be cited as the "Confidential Substitute

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1 Address Act"."

2 SECTION 111. Section 40-13B-3 NMSA 1978 (being Laws 2018,  
3 Chapter 40, Section 3) is amended to read:

4 "40-13B-3. CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM--  
5 APPLICATION.--

6 A. The "confidential substitute address program" is  
7 created in the office of the secretary of state to provide a  
8 process by which a victim of domestic violence may protect the  
9 confidentiality of the victim's residential and delivery  
10 addresses in public records.

11 B. An applicant, with the assistance of an  
12 application assistant, shall submit an application to the  
13 secretary of state on a form prescribed by the secretary of  
14 state. The application assistant's signature shall serve as  
15 recommendation that the applicant participate in the  
16 confidential substitute address program.

17 C. An application shall be signed and dated by the  
18 applicant and the application assistant and shall include:

19 (1) the applicant's name;  
20 (2) the applicant's statement that the  
21 applicant fears for the safety of the applicant, the  
22 applicant's child or another person in the applicant's  
23 household because of a threat of immediate or future harm;

24 (3) the applicant's statement that the  
25 disclosure of the applicant's residential or delivery address

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1 would endanger the applicant, the applicant's child or another  
2 person in the applicant's household;

3 (4) the applicant's statement that the  
4 applicant has confidentially relocated in the past ninety days  
5 or will relocate within the state in the next ninety days;

6 (5) a designation of the secretary of state as  
7 the applicant's agent for the purpose of receiving mail,  
8 deliveries and service of process, notice or demand;

9 (6) the names and ages of those persons in the  
10 applicant's household who will also be participants in the  
11 program if the applicant is admitted into the program. Each  
12 person in an applicant's household listed in the application  
13 shall be considered a separate participant in the program;

14 [~~6~~] (7) the applicant's residential and  
15 delivery addresses, if different, the confidentiality of which  
16 the applicant seeks to protect;

17 [~~7~~] (8) the applicant's telephone number and  
18 email address; and

19 [~~8~~] (9) the applicant's statement under  
20 penalty of perjury that the information contained in the  
21 application is true."

22 SECTION 112. Section 40-13B-6 NMSA 1978 (being Laws 2018,  
23 Chapter 40, Section 6) is amended to read:

24 "40-13B-6. CHANGE OF PARTICIPANT NAME, ADDRESS OR  
25 TELEPHONE NUMBER--REQUIREMENTS.--

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1           A. A participant shall notify the secretary of  
2 state within ten days of legally changing the participant's  
3 name and shall provide the secretary of state with a certified  
4 copy of documentation of the legal name change.

5           B. A participant shall notify the secretary of  
6 state within ten days of a change to the participant's  
7 residential address, delivery address, telephone number or  
8 email address.

9           C. A participant shall notify the secretary of  
10 state within ten days if a new person in the participant's  
11 household needs to become a participant in the program."

12           SECTION 113. Section 40-13B-7 NMSA 1978 (being Laws 2018,  
13 Chapter 40, Section 7) is amended to read:

14           "40-13B-7. PARTICIPANT DECERTIFICATION.--

15           A. A participant shall be decertified from the  
16 confidential substitute address program if:

17                   (1) the participant submits a request to  
18 withdraw from the confidential substitute address program to  
19 the secretary of state;

20                   (2) the participant fails to notify the  
21 secretary of state of a legal name change or a change to the  
22 participant's residential address, delivery address, telephone  
23 number or email address; [or]

24                   (3) mail that is forwarded by the secretary of  
25 state to the participant's delivery address is returned as

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1 undeliverable; or

2 (4) the participant does not comply with the  
 3 provisions of the Intimate Partner Violence Survivor Suffrage  
 4 Act.

5 B. If the secretary of state determines that one or  
 6 more of the causes for decertification provided in Subsection A  
 7 of this section exist, the secretary of state shall send notice  
 8 of the participant's decertification to the participant's  
 9 delivery and residential addresses and shall attempt to notify  
 10 the participant by telephone and email. The participant shall  
 11 be given ten days from the date of decertification to appeal  
 12 the decertification.

13 C. A person who is decertified from the  
 14 confidential substitute address program shall not continue to  
 15 use the person's confidential substitute address.

16 D. For six months after a participant has been  
 17 decertified, the secretary of state shall forward mail and  
 18 deliveries to an address provided by the former participant.  
 19 Upon receipt of mail and deliveries pursuant to this  
 20 subsection, a former participant shall provide an updated  
 21 address to the sender."

22 SECTION 114. Section 40-13B-8 NMSA 1978 (being Laws 2018,  
 23 Chapter 40, Section 8, as amended) is amended to read:

24 "40-13B-8. PARTICIPANT RECORDS--CONFIDENTIALITY--  
 25 DISCLOSURE PROHIBITED.--

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1           A. The secretary of state and an agency shall not  
2 disclose the residential address, delivery address, telephone  
3 number or email address of a participant unless the information  
4 is required to be disclosed pursuant to a court order. A  
5 person or agency that receives a participant's residential  
6 address, delivery address, telephone number or email address  
7 pursuant to a court order shall not in turn disclose that  
8 information unless pursuant to a court order or unless the  
9 person who was a participant has been decertified.

10           B. The secretary of state shall maintain the  
11 confidentiality of all records relating to an applicant for or  
12 participant in the confidential substitute address program  
13 while the person is a participant and shall:

14                   (1) store all tangible copies of program  
15 records in locked equipment;

16                   (2) store all electronic copies of program  
17 records in a password-protected system;

18                   (3) restrict access to all program records to  
19 secretary of state staff members who are approved to access the  
20 records as provided in this section; and

21                   (4) release program records only on a court's  
22 order.

23           C. The secretary of state shall establish a system  
24 for restricting access to program records to approved staff  
25 members. Before being approved and granted access to program

1 records, the staff member shall:

- 2 (1) submit to a criminal background check  
 3 performed by the department of public safety;
- 4 (2) not have a record of a sex offense, felony  
 5 or a misdemeanor violation related to domestic violence or  
 6 sexual assault on the results of the person's criminal  
 7 background check; and
- 8 (3) complete forty hours of training,  
 9 including a domestic violence training course provided by the  
 10 children, youth and families department and sexual assault  
 11 training provided by the department of health or the crime  
 12 victims reparation commission or its successor.

13 D. The secretary of state shall appoint a person to  
 14 be the administrator of the election component of the  
 15 confidential substitute address program in accordance with the  
 16 Intimate Partner Violence Survivor Suffrage Act. The  
 17 administrator shall meet the requirements of Subsection C of  
 18 this section, and administration of the Intimate Partner  
 19 Violence Survivor Suffrage Act shall conform to the  
 20 requirements of Subsections A and B of this section and  
 21 Subsection E of Section 40-13B-5 NMSA 1978."

22 SECTION 115. Section 73-1-13 NMSA 1978 (being Laws 1931,  
 23 Chapter 97, Section 13) is amended to read:

24 "73-1-13. COMMISSIONERS--DIRECTORS' DISTRICTS--  
 25 COMPENSATION--EMPLOYEES--EXPENSES.--

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1           A. Within ten [~~10~~] days after entering the decree  
2 declaring the district organized, the court shall appoint three  
3 [~~3~~] owners of lands within the district, representative of  
4 all parts of the district, to determine and define the  
5 boundaries of [~~such~~] the district and to make up a list of the  
6 property to be embraced and included in the district. The  
7 persons so appointed [~~to be hereinafter~~] shall be referred to  
8 as the "commissioners". [~~Said~~]

9           B. The commissioners shall include all property in  
10 the district [~~which~~] that has within four years received some  
11 benefit, either directly or indirectly, from the artesian  
12 waters underlying the district or [~~which~~] that may be benefited  
13 in some degree by the improvements to be made by the district.  
14 Property benefited by the artesian waters and the improvements  
15 to be made by the district shall include property upon which  
16 waters from [~~such~~] the basin [~~or basins~~] is or may be used for  
17 irrigation, domestic, public or commercial purposes and shall  
18 include any such property, whether [~~the same be~~] it is owned by  
19 an individual, corporation, village, town, city or other  
20 municipality or public corporation.

21           C. The commissioners, in making up a description of  
22 the property and list of owners [~~thereof~~] to be embraced in or  
23 affected by the district, shall have access to the assessment  
24 or tax rolls of the county or counties [~~wherein~~] where the  
25 lands are situated and may hear and determine all protests

1 concerning any particular tract or parcel of land to be  
2 included in the district, at such time, [~~and~~] in such manner  
3 and upon such notice as they may prescribe, subject to the  
4 right of appeal to the district court, which appeal shall be  
5 heard and determined by [~~said~~] the court at the time provided  
6 for the entering of the final decree respecting the boundaries  
7 of the district and property to be embraced [~~therein as herein~~  
8 ~~provided and~~] in the district. After completing [~~such~~] the  
9 list and defining the boundaries of the district and the lands  
10 to be embraced [~~therein, said~~] in the district, the  
11 commissioners shall, with the approval of the court, divide  
12 [~~said~~] the district into five [~~(5)~~] sections or divisions,  
13 having due regard for the value and amount of acreage to be  
14 included in each, so that there will be an equitable  
15 relationship in value and acreage between the several sections  
16 or subdivisions of the district. [~~Said~~] The subdivisions shall  
17 be numbered one to five and shall be known as "directors'  
18 districts". [~~The commissioners shall draft an election code to~~  
19 ~~govern the method and prescribe the procedure for the election~~  
20 ~~of directors from each of the directors' districts. Said code~~  
21 ~~shall provide for the election of a director from each of said~~  
22 ~~districts by popular vote of the property owners in the same,~~  
23 ~~respectively, owning property affected by the district, and~~  
24 ~~whether residing therein, or not.~~]

25 D. Each director so elected, at the time of [~~his~~]

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1 election, ~~[must]~~ shall be a freeholder in the district from  
2 which ~~[he]~~ the director is elected. ~~[After being approved by~~  
3 ~~the court, as hereinafter provided the said election code may~~  
4 ~~be changed only by unanimous consent of the directors elected~~  
5 ~~pursuant thereto. Said]~~

6 E. ~~The~~ list of property ~~[and the election code]~~ shall  
7 be approved by the court by entering a decree as ~~[herein]~~  
8 provided, but ~~[said]~~ the list shall be subject to the  
9 correction of errors in description of the property affected at  
10 any time upon order of the court. ~~[A copy of the election~~  
11 ~~code, as approved, shall be filed in the original court~~  
12 ~~proceeding and the same ordered printed for use of those~~  
13 ~~desiring copies, the cost of which shall be taxed as costs in~~  
14 ~~the proceeding.]~~ The commissioners so appointed are ~~[hereby]~~  
15 vested with full power and authority to employ, with the  
16 approval of the court, legal counsel and clerical and  
17 stenographic help necessary for carrying out their duties ~~[as~~  
18 ~~herein prescribed]~~, the compensation of such employees to be  
19 fixed by the court. The commissioners shall ~~[each receive five~~  
20 ~~(\$5.00) dollars for each day's service in performing their~~  
21 ~~duties, but not to exceed one hundred and fifty (\$150.00)~~  
22 ~~dollars each]~~ be reimbursed for per diem and mileage pursuant  
23 to the Per Diem and Mileage Act. The expenses incurred by  
24 ~~[said]~~ the commissioners and the salaries of their employees  
25 and their compensation shall also be taxed as costs in the

1 original proceeding [~~and said~~]. The commissioners are [~~hereby~~]  
 2 authorized to borrow, with the approval of the court, an amount  
 3 sufficient to pay all costs of the proceeding so taxed, at a  
 4 rate of interest not to exceed eight [~~(8%)~~] percent, which  
 5 [~~said~~] loan shall be a debt, charge and valid obligation of the  
 6 district, to be paid out of the proceeds from the first tax  
 7 levy [~~hereinafter provided for~~]."

8 SECTION 116. Section 73-1-16 NMSA 1978 (being Laws 1931,  
 9 Chapter 97, Section 14) is amended to read:

10 "73-1-16. ELECTIONS--DIRECTORS--TERMS--VACANCIES.-- [~~The~~  
 11 ~~directors elected pursuant to such election code~~]

12 A. All elections shall be conducted pursuant to the  
 13 provisions of the Local Election Act.

14 B. Directors shall be elected for a term of six years  
 15 each. Each director shall hold office for the term for which  
 16 [~~he~~] the director was elected and until [~~his~~] a successor is  
 17 duly appointed or elected and has qualified, except as  
 18 hereinafter provided, being removable [~~therefrom~~] only for  
 19 cause after a hearing upon a motion filed by any interested  
 20 person in the original proceeding in which the district was  
 21 organized. [~~Unless otherwise provided by the Election Code~~]  
 22 Vacancies shall be filled by appointment of the district court  
 23 having jurisdiction. Upon the election of the first board of  
 24 directors, the directors shall draw numbers by lot: numbers  
 25 one [~~(1)~~] and two [~~(2)~~] shall serve two [~~(2)~~] years; numbers

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1 three [~~3~~] and four [~~4~~] shall serve four [~~4~~] years; and  
2 number five [~~5~~] shall serve six [~~6~~] years."

3 SECTION 117. Section 73-1-17 NMSA 1978 (being Laws 1931,  
4 Chapter 97, Section 15) is amended to read:

5 "73-1-17. DIRECTORS--OATH--OFFICERS--SEAL--RECORDS--  
6 BYLAWS.--~~[As soon as practical after the]~~

7 A. At the first meeting in January following an  
8 election, the directors shall meet for the purpose of  
9 organizing the board of directors. Each director, before  
10 entering upon [~~his~~] official duties, shall take and subscribe  
11 to an oath before an officer authorized to administer oaths  
12 that [~~he~~] the director will honestly, faithfully and  
13 impartially perform the duties of [~~his~~] office and that [~~he~~]  
14 the director will not be interested, directly or indirectly, in  
15 any contract let by [~~said~~] the district, which [~~said~~] oath  
16 shall be filed in the original court proceeding for the  
17 formation of the district.

18 B. Upon taking the oath, the board shall choose one  
19 of [~~their~~] its members [~~chairman~~] as chair of the board and  
20 president of the district and shall elect some suitable person  
21 secretary and treasurer of the board, who may or may not be a  
22 member of the board, and shall require of the [~~said~~] secretary  
23 and treasurer a bond conditioned for the faithful performance  
24 of [~~his~~] the secretary's and treasurer's duties, in such amount  
25 as [~~to~~] the directors may [~~be deemed~~] deem to be adequate for

1 the protection of the district. [~~Such~~]

2 C. The board shall adopt a seal and shall keep, in a  
 3 well-bound book, a record of all its proceedings, minutes of  
 4 all meetings, certificates, contracts, bonds given by employees  
 5 and all corporate acts [~~which shall be open to the inspection~~  
 6 ~~of all owners of property in the district as well as to all~~  
 7 ~~other interested parties~~]. It shall adopt a set of bylaws not  
 8 inconsistent with the provisions of [~~this Act~~] Chapter 73,  
 9 Article 1 NMSA 1978 for the conduct of the business and affairs  
 10 of the district [~~and, when adopted, the same shall not be~~  
 11 ~~altered, amended or repealed except upon three (3) days' notice~~  
 12 ~~to each member of the board, service to be had by personal~~  
 13 ~~delivery or by mailing a copy of such notice in a sealed~~  
 14 ~~envelope, postage fully prepaid, to the address of the director~~  
 15 ~~to be served or at a regular or called meeting at which all~~  
 16 ~~directors are present~~]."

17 SECTION 118. Section 73-14-17 NMSA 1978 (being Laws 1927,  
 18 Chapter 45, Section 301, as amended) is amended to read:

19 "73-14-17. APPOINTMENT OF DIRECTORS.--

20 [~~(1)~~] A. Within thirty [~~(30)~~] days after entering the  
 21 decree incorporating [~~said~~] the district or, in cases of  
 22 conservancy districts [~~heretofore~~] previously created under the  
 23 laws of the state [~~of New Mexico~~], within thirty [~~(30)~~] days  
 24 after the passage and approval of [~~this~~] the Conservancy Act  
 25 [~~(Sees. 77-2701--77-2928, 77-3001--77-3024)~~], the conservancy

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1 court shall appoint, as a board of directors of the district,  
2 five [~~5~~] persons. Directors [~~must~~] shall be residents of and  
3 owners of property in the district; provided, however, in  
4 districts embracing lands situate in four or more counties, the  
5 number of directors appointed shall be seven [~~7~~], and at  
6 least one [~~1~~] director shall be a resident of and appointed  
7 from each county [~~therein and~~]. No more than two [~~2~~]  
8 directors so appointed shall be residents of the same county  
9 [~~and~~]. Provided further that in districts embracing lands  
10 situate in four [~~4~~] or more counties, at least one [~~1~~]  
11 director shall be appointed from each county having land within  
12 [~~such~~] the district, and each director so appointed shall be a  
13 person who is a resident of and owner of land within the  
14 district and who derives not less than [75%] seventy-five  
15 percent of [~~his~~] income from irrigation farming. [~~Said~~] The  
16 directors shall be appointed for terms of six [~~6~~] years. The  
17 court shall fill all vacancies [~~which~~] that may occur on [~~said~~]  
18 the board. Each director shall hold office during the term for  
19 which [~~he~~] the director is appointed and until [~~his~~] a  
20 successor is duly appointed and has qualified, being removable  
21 [~~therefrom~~] from the board only for cause after a hearing upon  
22 a motion filed by any interested person in the original  
23 proceeding in which the district was organized [~~and~~]. Each  
24 director shall furnish a corporate surety bond at the expense  
25 of the district in amount and form fixed and approved by the

1 court, conditioned upon the faithful performance of [~~his~~]  
 2 duties as [~~such~~] director, which bond shall be filed in the  
 3 office of the clerk.

4 [~~(2)~~] B. All of the provisions of [~~this~~] the  
 5 Conservancy Act [~~(Secs. 77-2701--77-2928, 77-3001--77-3024)~~]  
 6 and of proceedings [~~thereunder~~] under that act and relating to  
 7 the qualification, powers and duties of "director" and  
 8 "[~~boards~~] board of directors" shall apply to the  
 9 "commissioners" and "board of commissioners" provided for in  
 10 this section [~~and~~]. Whenever the term "director" or "board of  
 11 directors" is used in [~~this~~] the Conservancy Act [~~(Secs.~~  
 12 ~~77-2701--77-2928,77-3001--77-3024)~~] with reference to [~~their~~]  
 13 its organization, powers and duties, it [~~shall be taken and~~  
 14 ~~construed to mean and include~~] means and includes the  
 15 "commissioners" and "board of commissioners" created by this  
 16 section. Vacancies on the board by expiration of term or  
 17 otherwise shall be filled in the same manner as original  
 18 appointment. The office of director and the board of directors  
 19 created under Laws 1923, Chapter 140 [~~of the Laws of 1923~~], so  
 20 far as [~~it relates~~] they relate to any conservancy district  
 21 organized [~~thereunder~~] for the protection and conservation of  
 22 lands in the Rio Grande valley, extending into two [~~(2)~~] or  
 23 more judicial districts is [~~hereby~~] terminated [~~and~~  
 24 ~~abolished~~]."

25 SECTION 119. Section 73-14-19 NMSA 1978 (being Laws 1975,

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1 Chapter 262, Section 2, as amended) is amended to read:

2 "73-14-19. BOARDS OF DIRECTORS--MEMBERSHIP--  
3 QUALIFICATIONS.--The boards of directors created [~~by~~] pursuant  
4 to Sections 73-14-18 through [73-14-32] 73-14-31 NMSA 1978  
5 shall consist of [~~three directors from and representing that~~  
6 ~~portion of the most populous county within the conservancy~~  
7 ~~district, one director each from and representing those~~  
8 ~~portions of each of the remaining counties within the~~  
9 ~~conservancy district and one director from and representing the~~  
10 ~~district at large] seven or nine directors, as determined by  
11 the directors in the year following receipt of the results of  
12 the federal decennial census; provided that each director:~~

13 A. is a qualified elector of the conservancy  
14 district; and

15 B. resides within the [~~conservancy district and the~~  
16 ~~county from which he is elected or, if representing the~~  
17 ~~district at large, resides within one of the four counties of~~  
18 ~~the conservancy district] districted area of the conservancy  
19 district from which the director is elected."~~

20 SECTION 120. Section 73-14-21 NMSA 1978 (being Laws 1975,  
21 Chapter 262, Section 4) is amended to read:

22 "73-14-21. BOARD OF DIRECTORS--ELECTION--TERMS.--

23 A. Each member of the board of directors shall be  
24 elected for a term of four years and, unless removed from  
25 office, shall serve until [~~his~~] a successor is duly elected and

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1 has qualified [~~provided that in the first election immediately~~  
 2 ~~following the effective date of the provisions of this act,~~  
 3 ~~candidates for positions 1, 2 and 5 shall be elected for two-~~  
 4 ~~year terms each, and candidates for positions 3, 4, 6 and 7~~  
 5 ~~shall be elected for four-year terms each]. In the year  
 6 following a presidential election, the odd-numbered districts  
 7 shall be elected, and in the year following a gubernatorial  
 8 election, the even-numbered districts shall be elected.~~

9 B. Vacancies on the board of directors shall be  
 10 filled by the remaining members of the board of directors for  
 11 the unexpired term of the director whose office becomes vacant.  
 12 The person appointed to fill the vacancy shall have the same  
 13 qualifications as the member whose unexpired term [~~he~~] the  
 14 person is completing."

15 SECTION 121. Section 73-14-25 NMSA 1978 (being Laws 1975,  
 16 Chapter 262, Section 8, as amended) is amended to read:

17 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF  
 18 ELECTORS.--

19 A. [~~Any~~] A person who desires to become a candidate  
 20 for election as a member of the conservancy district board of  
 21 directors shall file [~~his~~] a written declaration of candidacy  
 22 with the [~~election director or with the election officer at~~  
 23 ~~least sixty days before the election. The election officer or~~  
 24 ~~the election director shall certify the candidates to the board~~  
 25 ~~of directors] proper filing officer pursuant to the Local~~

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1 Election Act.

2 B. The declaration of candidacy shall [~~contain:~~

3 ~~(1) a statement that the candidate is a~~  
4 ~~qualified elector of the district and meets the qualifications~~  
5 ~~of a director as required by law;~~

6 ~~(2) the candidate's name, address, county of~~  
7 ~~residence and date of declaration of candidacy;~~

8 ~~(3) the numerical designation of the position on~~  
9 ~~the board of directors for which he desires to be a candidate;~~

10 ~~(4) if a candidate for a position representing a~~  
11 ~~county in the conservancy district] be accompanied by a~~  
12 ~~petition signed by at least seventy-five qualified electors of~~  
13 ~~the [district who reside in that county;~~

14 ~~(5) if a candidate for the position at large in~~  
15 ~~the conservancy district, a petition signed by at least one~~  
16 ~~hundred twenty-five qualified electors; and~~

17 ~~(6) a statement that the candidate resides~~  
18 ~~within the conservancy district and in the county for which he~~  
19 ~~desires to be a candidate on the board of directors] districted~~  
20 ~~area of the district in which the person resides and seeks to~~  
21 ~~represent."~~

22 SECTION 122. Section 73-14-26 NMSA 1978 (being Laws 1975,  
23 Chapter 262, Section 9) is amended to read:

24 "73-14-26. DESIGNATION OF POSITIONS FOR PURPOSES OF  
25 ELECTION.--For purposes of election to the board of directors

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1 of the conservancy district, each office on the board shall be  
 2 assigned a position number in numerical sequence [~~beginning~~  
 3 ~~with the at-large position, and then next those positions~~  
 4 ~~within the most populous county~~]. At all elections the same  
 5 position numbers shall be used to designate the same offices."

6 SECTION 123. Section 73-14-55 NMSA 1978 (being Laws 1943,  
 7 Chapter 126, Section 2) is amended to read:

8 "73-14-55. BOARDS OF DIRECTORS--MEMBERSHIP--  
 9 QUALIFICATIONS.--The boards of directors [~~hereby~~] created in  
 10 Sections 73-14-54 through 73-14-69 NMSA 1978 shall consist of  
 11 five [~~5~~] directors, each of whom [~~must~~] shall own real  
 12 property within the conservancy district [~~which~~] that is  
 13 subject to conservancy district appraisals, assessments, levies  
 14 and taxes, and each of whom [~~must~~] shall actually reside within  
 15 the conservancy district [~~and also within the county from which~~  
 16 ~~he shall be elected as hereinafter provided~~]."

17 SECTION 124. Section 73-14-61 NMSA 1978 (being Laws 1943,  
 18 Chapter 126, Section 8, as amended) is amended to read:

19 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF ELECTORS.--  
 20 [~~Any~~] A qualified elector [~~as herein defined~~] who desires to  
 21 become a candidate for election as a director shall [~~at least~~  
 22 ~~forty days prior to the election~~] file with [~~the secretary of~~  
 23 ~~the board of directors then in office his~~] the proper filing  
 24 officer pursuant to the Local Election Act a written notice of  
 25 candidacy, [~~which shall state his name and residence and the~~

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1 ~~term for which he is a candidate for election within the~~  
2 ~~conservancy district. If he is a candidate at large, his~~  
3 ~~notice of candidacy must be~~ accompanied by a petition signed  
4 by twenty qualified electors [~~resident~~] who reside within that  
5 particular portion of the district from which the candidate  
6 seeks to be elected. [~~If he is a candidate only from that~~  
7 ~~portion of the district which lies within one county, his~~  
8 ~~notice of candidacy must be signed by ten qualified electors~~  
9 ~~who reside within that particular portion of the district and~~  
10 ~~county from which the candidate seeks to be elected. No person~~  
11 ~~who has not filed his notice of candidacy as and within the~~  
12 ~~time required in this section shall be placed on the ballot.]"~~

13 SECTION 125. Section 73-16-5 NMSA 1978 (being Laws 1961,  
14 Chapter 123, Section 1) is amended to read:

15 "73-16-5. [~~ELECTION FOR APPROVAL OF~~] DISTRICT  
16 CONSTRUCTION FUND ASSESSMENT LEVY [~~OF CERTAIN DISTRICTS~~]  
17 ELECTION--FORM OF BALLOT--SUPPLEMENTAL LEVIES.--

18 A. In all cases, excepting those [~~hereinafter~~]  
19 ~~excluded by the provisions of the Conservancy Act, as soon as~~  
20 ~~the first construction fund assessment levy is made, the board~~  
21 ~~shall call an election~~ [~~to be held not less than sixty days~~  
22 ~~after notice of the election is completed by publication. The~~  
23 ~~procedure for and conduct of the election shall be that~~  
24 ~~provided for election of boards of directors who are elected]~~  
25 pursuant to the Local Election Act. The question to be

1 referred to the voters shall be the approval or rejection of  
2 the construction fund assessment levy resolved by the board.  
3 The form of ballots shall be substantially as follows:

4 CONSTRUCTION FUND ASSESSMENT LEVY FOR \_\_\_\_\_  
5 \_\_\_\_\_ DISTRICT

6 [~~Name of District~~]

7 FOR the construction fund assessment levy [~~of the district~~  
8 ~~in the maximum total sum of \$ \_\_\_\_\_~~] . . . .

9 \_\_\_\_\_

10 AGAINST the construction fund assessment levy [~~of the~~  
11 ~~district in the maximum total sum of \$ \_\_\_\_\_~~] . . .

12 . \_\_\_\_\_ .

13 B. If the majority of voters are against the levy,  
14 upon exhibit to the court of the returns so proving, the  
15 district shall be dissolved after insuring payment of all  
16 outstanding debts. If the majority of voters are for the levy,  
17 upon exhibit to the court of the returns so proving, the levy  
18 shall be ordered executed and the secretary shall prepare the  
19 construction fund assessment record of the district.

20 C. Thereafter, from time to time, as the affairs of  
21 the district may demand, the board may make supplemental levies  
22 for the construction fund; provided that the aggregate of all  
23 these supplemental levies shall not exceed ten percent of the  
24 first levy approved in the election or, in principal, the  
25 appraised benefits adjudicated, whichever is less; provided

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underscored material = new  
[bracketed material] = delete

1 further that if for any reason the affairs of the district  
2 [~~shall~~] demand a supplemental levy in excess of ten percent, an  
3 election as [~~herein~~] provided in this section shall be required  
4 to approve and order [~~them~~] the levy into execution [~~and~~]. In  
5 the event [~~they are~~] that the levy is rejected, the district  
6 shall not execute supplemental levies in excess of the limits  
7 [~~above stated~~] provided in this subsection; and provided  
8 further that in no case shall a levy be submitted to election  
9 where the amount [~~thereof~~] of the levy exceeds in principal the  
10 appraised benefits adjudicated.

11 D. Nothing in this section applies to any district  
12 [~~which~~] that has commenced or completed any phase of  
13 improvements pursuant to official plans or to any district  
14 containing between fifteen thousand to thirty thousand acres."

15 SECTION 126. Section 73-16-29 NMSA 1978 (being Laws 1927,  
16 Chapter 45, Section 528) is amended to read:

17 "73-16-29. COMPENSATION OF OFFICIALS.--

18 [~~(1) Each~~] A. A member of the board of directors  
19 shall receive [~~five (\$5.00) dollars per day and his necessary~~  
20 ~~expenses for the time actually employed in the performance of~~  
21 ~~his duties~~] compensation pursuant to the Per Diem and Mileage  
22 Act.

23 [~~(2) Each~~] B. An appraiser shall receive [~~ten~~  
24 ~~(\$10.00) dollars per day and his expenses for the time actually~~  
25 ~~employed in the performance of his duties~~] compensation as set

1 by the board of directors.

2 [~~3~~] C. Before any duties devolve upon the county  
3 treasurers under [~~this~~] the Conservancy Act, the board shall  
4 consult them and agree upon the salaries for the extra clerical  
5 force, if any, required in their respective offices to carry  
6 out the requirements of [~~the~~] law by reason of the  
7 establishment of a district [~~and~~]. The [~~said~~] board shall  
8 provide for and pay [~~said~~] the salaries to [~~said clerk or~~] the  
9 clerks while engaged on the work of the district, which clerks  
10 shall be selected and appointed by each of [~~said~~] the county  
11 officers for their respective offices. In case of disagreement  
12 as to the compensation of [~~such~~] the extra clerical force, the  
13 matter shall be referred to the court for its determination."

14 SECTION 127. Section 73-18-29 NMSA 1978 (being Laws 1955,  
15 Chapter 281, Section 5) is amended to read:

16 "73-18-29. CONSERVANCY DISTRICT BOARD--HOW CONSTITUTED.--  
17 [~~After the election herein provided, boards~~]

18 A. The board of directors of [such districts] a  
19 district organized pursuant to Sections 73-18-25 through  
20 73-18-43 NMSA 1978 shall consist of either three or five  
21 elected directors, [one representing each election precinct of  
22 such district and one director-at-large] as determined by the  
23 directors in the year following receipt of the results of the  
24 federal decennial census; provided that each elected director:

25 (1) is a qualified elector of the conservancy

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1 district; and

2 (2) resides within the districted area of the  
3 conservancy district from which the director is elected.

4 B. All [~~of such~~] elected directors shall have equal  
5 powers and responsibilities. In case of vacancy through death,  
6 resignation, removal from the district or failure of any  
7 elected director to qualify, the remaining members of the board  
8 shall by majority vote fill [~~such~~] the vacancy. The person  
9 selected to fill [~~such~~] the vacancy shall hold [~~such~~] the  
10 position until the next election of directors in [~~such~~] the  
11 district. At the next regular local election [~~of directors of~~  
12 ~~such district~~] following a vacancy, a director shall be elected  
13 to fill [~~such~~] the unexpired term of the vacancy.

14 C. In the year following receipt of the results of  
15 the federal decennial census, the directors shall determine if  
16 the elected directors shall be:

17 (1) elected at large by candidates who reside  
18 anywhere in the district;

19 (2) elected at large by candidates who reside  
20 within a districted area of the district; or

21 (3) elected for a districted area of the  
22 district by candidates who reside in the districted area.

23 D. The directors may by resolution restrict candidacy  
24 to qualified electors who reside in the unincorporated areas of  
25 the district; provided that a resolution adopted pursuant to

1 this subsection shall also provide that no tax, fee or  
 2 assessment shall be levied on the municipal areas of the  
 3 district.

4 E. In addition to the elected board members, in the  
 5 year following receipt of the results of the federal decennial  
 6 census, the board may by resolution designate two board  
 7 positions to serve by appointment. The appointment of board  
 8 members shall be for a term of two years beginning July 1 of  
 9 each even-numbered year and ending June 30 of the following  
 10 even-numbered year. Appointed board members are not required  
 11 to be qualified electors nor residents of the district.

12 F. An appointed board member may vote on all matters  
 13 except for a tax or assessment of any kind proposed or approved  
 14 pursuant to authority granted by Article 8, Section 9 of the  
 15 constitution of New Mexico, which is limited to a vote of the  
 16 elected members only."

17 **SECTION 128.** Section 73-18-34 NMSA 1978 (being Laws 1955,  
 18 Chapter 281, Section 10, as amended) is amended to read:

19 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any person  
 20 wishing to become a candidate for the office of director in any  
 21 district shall ~~[by the last Friday of July before the election]~~  
 22 file ~~[in the office of the secretary of the district]~~ with the  
 23 proper filing officer pursuant to the Local Election Act a  
 24 declaration of candidacy, ~~[stating the election precinct for~~  
 25 ~~which the person is a candidate]~~ accompanied by a petition

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1 signed by not less than ten qualified electors of the [~~election~~  
2 ~~precinct~~] area for which the person is a candidate to  
3 represent. [~~No declaration of candidacy shall be accepted by~~  
4 ~~the secretary unless accompanied by such petition, signed by~~  
5 ~~electors.]"~~

6 SECTION 129. Section 73-20-12 NMSA 1978 (being Laws 1957,  
7 Chapter 210, Section 12, as amended) is amended to read:

8 "73-20-12. DIRECTORS--~~[ELECTION]~~ APPOINTMENT.--

9 A. [~~At the next regular local election held pursuant~~  
10 ~~to the Local Election Act after a watershed district is~~  
11 ~~created]~~ The board of supervisors of the soil and water  
12 conservation district [~~involved~~] shall [~~cause an election to be~~  
13 ~~held for the election of a]~~ appoint the board of directors of  
14 the watershed district. The board shall consist of five  
15 members, with one member being a current or former elected  
16 supervisor of the watershed district. The [~~first~~] board of  
17 supervisors shall [~~determine by lot from among its membership~~]  
18 choose two members to serve terms of two years and three  
19 members to serve terms of four years. Thereafter, as these  
20 initial terms expire, their replacements shall be [~~elected~~]  
21 appointed for terms of four years. Vacancies occurring before  
22 the expiration of a term shall be filled by the [~~remaining~~]  
23 members of the board of supervisors for the unexpired term.  
24 [~~Two or more vacancies occurring simultaneously shall be filled~~  
25 ~~by appointment by the board of supervisors.]~~ The board of

1 directors shall, under the supervision of the board of  
2 supervisors, be the governing body of the watershed district.

3 B. If the territory embraced within a watershed  
4 district lies within more than one soil and water conservation  
5 district, each additional soil and water conservation district  
6 having a minority of the land involved in the watershed shall  
7 be entitled to ~~[elect]~~ appoint three additional directors,  
8 ~~[These additional directors after their election shall~~  
9 ~~determine by lot one]~~ one of whom shall be a current or former  
10 elected supervisor of the soil and water conservation district.  
11 One of their number ~~[to]~~ shall serve a term of two years and  
12 two a term of four years. Thereafter, their successors shall  
13 be ~~[elected]~~ appointed for terms of four years. The  
14 ~~[representatives]~~ board of supervisors of each of these  
15 minority districts shall fill vacancies in the district's  
16 membership for the unexpired term.

17 C. The board of directors shall annually elect from  
18 its membership a chair, secretary and treasurer. The treasurer  
19 shall execute an official bond for the faithful performance of  
20 the duties of office to be approved by the board of directors.  
21 The bond shall be executed with at least three solvent personal  
22 sureties whose solvency shall exceed the amount of the bond, or  
23 by a surety company authorized to do business in this state,  
24 and shall be in an amount determined by the board of directors.  
25 If the treasurer is required to execute a surety company bond,

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1 the premium of the bond shall be paid by the board of  
2 directors.

3 D. The board of directors shall prepare and submit to  
4 the department of finance and administration such reports as it  
5 may require from among those required to be submitted by other  
6 political subdivisions.

7 ~~[E. Each person desiring to be a director of a  
8 watershed district shall file a nominating petition with the  
9 proper filing office in accordance with the provisions of the  
10 Local Election Act, signed by ten or more qualified electors.]"~~

11 SECTION 130. TEMPORARY PROVISION--VOTER EDUCATION AND  
12 ELECTIONS TASK FORCE--CREATED--DUTIES--REPORTING.--

13 A. The "voter education and elections task force" is  
14 created to study and provide recommendations on best practices  
15 to educate the voters of New Mexico on electoral procedures,  
16 voter registration and election safeguards. The voter  
17 education and elections task force shall evaluate opportunities  
18 for improvements to the electoral process to maximize voter  
19 accessibility and accurate voter rolls while continuing to  
20 maintain efficient and secure elections. The task force shall  
21 function from the date of its appointment until December 31,  
22 2022. Staff and administrative support for the task force  
23 shall be jointly coordinated and provided by the secretary of  
24 state and the legislative council service.

25 B. By April 20, 2022, the members of the voter

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1 education and elections task force shall be appointed as  
2 follows:

3 (1) six members who are legislators, with the  
4 two political parties with the most members in the state being  
5 represented in equal numbers, appointed as follows:

6 (a) three members of the house of  
7 representatives appointed by the speaker of the house of  
8 representatives; and

9 (b) three members of the senate appointed by  
10 the senate committees' committee or, if the legislature is not  
11 in session at the time of appointment, appointed by the  
12 president pro tempore of the senate in consultation with and  
13 agreement of a majority of the members who served on the senate  
14 committees' committee during the second session of the  
15 fifty-fifth legislature;

16 (2) the secretary of state or the secretary's  
17 designee;

18 (3) the secretary of taxation and revenue, or a  
19 designee of the secretary who has oversight or knowledge of  
20 data collection and system operations within the taxation and  
21 revenue department;

22 (4) four public members, with the two political  
23 parties with the most members in the state being represented in  
24 equal numbers, who have expertise in elections, campaigns and  
25 private sector organizational structure and operations and who

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1 reflect the ethnic, cultural and geographic diversity of the  
2 state, two appointed by the speaker of the house and two  
3 appointed by the president pro tempore of the senate; and

4 (5) four county clerks, with the two political  
5 parties with the most members in the state being represented in  
6 equal numbers, appointed by the county clerks affiliate of the  
7 New Mexico association of counties.

8 C. One representative each from the state registrar  
9 and the administrative office of the courts and one  
10 representative of the county assessors, appointed by the  
11 director of the property tax division of the taxation and  
12 revenue department, shall serve as advisory members of the task  
13 force, and the voter education and elections task force shall  
14 invite the United States postal service in New Mexico to  
15 appoint a representative to participate as an advisory member  
16 of the task force.

17 D. Public members of the voter education and  
18 elections task force are entitled to receive per diem and  
19 mileage pursuant to the Per Diem and Mileage Act but shall  
20 receive no other compensation, perquisite or allowance.

21 E. The voter education and elections task force shall  
22 be co-chaired by the secretary of state, or the secretary's  
23 designee, and one of the legislator-appointed members from the  
24 minority political party, elected by the membership of the task  
25 force to serve as co-chair. The task force shall meet at the

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1 call of a co-chair or at the request of one-third of its  
2 membership, and as necessary to carry out its duties, but no  
3 less than once and no more than twice a month. The first  
4 meeting of the task force shall be held no later than May 1,  
5 2022, and the first meeting of the task force shall be an  
6 organizational meeting for the task force to develop a work  
7 plan to carry out the task force's duties.

8 F. A vacancy on the voter education and elections  
9 task force shall be filled by the original appointing  
10 authority. A member who misses three meetings shall be removed  
11 from the task force and upon the request of the co-chairs, the  
12 appointing authority shall replace the member who has failed to  
13 attend three meetings.

14 G. A majority of the members constitutes a quorum for  
15 the transaction of business. The support of a majority of the  
16 members is required for adoption of any action; provided that  
17 the final report of the voter education and elections task  
18 force, including its recommendations and proposed legislation,  
19 shall have, at minimum, the support of a majority of the  
20 legislative members.

21 H. The voter education and elections task force may  
22 create subcommittees by a majority vote of the members. A  
23 subcommittee shall be composed of at least one member from the  
24 senate and one member from the house of representatives,  
25 including at least one member of a minority political party

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1 that is represented in either the senate or house of  
2 representatives.

3 I. Meetings of the voter education and elections task  
4 force shall be subject to the Open Meetings Act, and the task  
5 force shall actively solicit public input.

6 J. The voter education and elections task force shall  
7 develop policy recommendations and proposed legislation to  
8 educate voters on electoral procedures, voter registration and  
9 election safeguards. The task force shall also consider  
10 improvements to the Election Code to make electoral processes  
11 more efficient and accessible to all voters while continuing to  
12 maintain election integrity. In developing its policy  
13 recommendations and proposed legislation, the task force shall  
14 review and consider:

15 (1) how to educate voters on why a voter's  
16 certificate of registration must be kept up to date and,  
17 overall, how to effectively disseminate information and engage  
18 the public in the electoral process;

19 (2) federal and state law, constitutional  
20 provisions, rules and court decisions governing elections,  
21 voter registration and the maintenance of voter rolls;

22 (3) the accessibility and ease of use of  
23 currently used election systems, including the online voter  
24 registration system, the vote tabulation systems, election  
25 websites and other systems used by voters;

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1                   (4) use of voting best practices and  
2 implementation of additional voting modernizations used in  
3 other states, including automatic voter registration, same-day  
4 registration, geo-enabling the voter rolls, absentee voting,  
5 residency requirements and risk-limiting audits that may  
6 promote improved voting accessibility and election security;

7                   (5) best practices and standards for maintaining  
8 accurate voter rolls, including how best to ensure the ease by  
9 which voters cancel registrations in one state and register in  
10 another and ensure the integrity of the voter rolls;

11                   (6) best practices and standards for the prompt  
12 removal of deceased persons from the voter rolls;

13                   (7) the impacts of issues relating to the United  
14 States postal service on ballot tracking, ballot delivery and  
15 addressing, inconsistent or non-delivery to valid addresses and  
16 how best to use intelligent mail bar codes, the national change  
17 of address database and standard addressing to improve election  
18 procedures; and

19                   (8) how to improve data collection and sharing  
20 between the taxation and revenue department and the secretary  
21 of state and county clerks for the purposes of improving  
22 election efficiencies and updating certificates of  
23 registration.

24                   K. No later than December 1, 2022, the voter  
25 education and elections task force shall draft a report of its

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1 findings and recommendations for consideration by the governor  
2 and the legislature and shall present its report to the New  
3 Mexico legislative council, the legislative finance committee,  
4 the interim committee that studies courts, corrections and  
5 justice issues and the county clerks affiliate of the New  
6 Mexico association of counties. The task force shall provide a  
7 final report, including any proposed legislation, to the  
8 governor and all legislators by December 31, 2022.

9 L. The secretary of state, county clerks and other  
10 relevant state agencies shall cooperate with the voter  
11 education and elections task force and provide the task force  
12 with information regarding databases, information technology  
13 systems, cybersecurity, budget, staffing, organizational  
14 structure and other information as relevant to the duties of  
15 the task force and as requested by the task force.

16 SECTION 131. TEMPORARY PROVISION--CONSERVANCY DISTRICTS--  
17 EXPIRATION OF MEMBER TERMS--LEGISLATIVE FINDINGS.--

18 A. The term of a conservancy district board member  
19 that was set to expire on or before June 30, 2024 shall expire  
20 on December 31, 2023, and that member's successor shall be  
21 elected in the regular local election held on the first Tuesday  
22 after the first Monday of November 2023 for a term beginning on  
23 January 1, 2024.

24 B. The term of a conservancy district board member  
25 that was set to expire on or after July 1, 2024 but on or

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1 before June 30, 2026 shall expire on December 31, 2025, and  
2 that member's successor shall be elected in the local election  
3 held on the first Tuesday after the first Monday of November  
4 2025 for a term beginning on January 1, 2026.

5 C. The term of a conservancy district board member  
6 not impacted by Subsections A and B of this section that was  
7 set to expire on or after July 1, 2026 shall expire on December  
8 31, 2025, and that member's successor shall be elected in the  
9 local election held on the first Tuesday after the first Monday  
10 of November 2025 for a term beginning on January 1, 2026.

11 D. Pursuant to Article 20, Section 3 of the  
12 constitution of New Mexico, the legislature finds that the  
13 conservancy district term adjustments provided for in this 2022  
14 act are necessary to align the conservancy district elections  
15 with the Local Election Act, passed and signed into law in  
16 2018, to ensure the efficient administration of elections and  
17 to increase clarity for voters.

18 SECTION 132. TEMPORARY PROVISION--TERMS OF DIRECTORS  
19 PRIOR TO EFFECTIVE DATE OF THIS ACT.--

20 A. The term of a director elected prior to the  
21 effective date of this act pursuant to Section 73-1-16 NMSA  
22 1978 or the Watershed District Act shall continue and expire on  
23 December 31, 2023, and the term of that member's successor  
24 shall begin on January 1, 2024.

25 B. Pursuant to Article 20, Section 3 of the

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1 constitution of New Mexico, the legislature finds that the term  
2 adjustments provided for in this 2022 act are necessary to  
3 align the elections with the Local Election Act, passed and  
4 signed into law in 2018, to ensure the efficient administration  
5 of elections and to increase clarity for voters.

6 SECTION 133. TEMPORARY PROVISION--2021 POLLING PLACE  
7 RESOLUTION--VOTER CONVENIENCE CENTER FOR ALL STATEWIDE  
8 ELECTIONS IN CALENDAR YEARS 2022 AND 2023.--Each election day  
9 polling place established in the 2021 polling place resolution  
10 for each county or any election day polling place established  
11 by any subsequent amendment to such a resolution shall operate  
12 as a voter convenience center for all statewide elections in  
13 calendar years 2022 and 2023.

14 SECTION 134. TEMPORARY PROVISION--RECOMPILATION.--  
15 Section 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section  
16 15) is recompiled as a section of the Campaign Reporting Act.

17 SECTION 135. TEMPORARY PROVISION--COMPILER'S  
18 INSTRUCTION.--

19 A. The compiler shall rename in tables of contents  
20 and headings Chapter 2, Article 21 NMSA 1978 as "Recompiled".

21 B. The compiler shall change the title of Chapter 12,  
22 Article 4 NMSA 1978 to "Repealed".

23 SECTION 136. REPEAL.--

24 A. Sections 1-6-9.2, 1-8-41, 1-10-8.1, 1-15A-8,  
25 1-15A-10, 1-15A-11, 3-12-1.1, 3-14-11, 4-38-3, 22-5-1.1,

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1 73-14-20, 73-14-20.1, 73-14-22, 73-14-57, 73-14-67, 73-14-71,  
 2 73-14-88 through 73-14-92, 73-18-26, 73-18-28, 73-18-30 through  
 3 73-18-32, 73-18-33, 73-18-41 and 73-18-43 NMSA 1978 (being Laws  
 4 1999, Chapter 267, Section 1; Laws 1973, Chapter 228, Section  
 5 11; Laws 1981, Chapter 166, Section 1; Laws 1977, Chapter 230,  
 6 Section 7; Laws 1977, Chapter 230, Section 9; Laws 1977,  
 7 Chapter 230, Section 11; Laws 1985, Chapter 203, Section 1;  
 8 Laws 1965, Chapter 300, Section 14-13-11; Laws 1876, Chapter 1,  
 9 Section 10; Laws 1985, Chapter 202, Section 1; Laws 1975,  
 10 Chapter 262, Section 3; Laws 1990, Chapter 48, Section 1; Laws  
 11 1975, Chapter 262, Section 5; Laws 1943, Chapter 126, Sections  
 12 4 and 14; Laws 1961, Chapter 67, Sections 3 and 20; Laws 1996,  
 13 Chapter 42, Sections 1 through 4; and Laws 1955, Chapter 281,  
 14 Sections 2, 4, 6 through 9, 17 and 19, as amended) are  
 15 repealed.

16 B. Laws 2020, Chapter 9, Sections 1 through 9 and  
 17 Laws 2018, Chapter 79, Sections 139, 140, 142, 144, 145, 147,  
 18 149, 154, 155, 156 and 158 are repealed.

19 **SECTION 137. DELAYED REPEAL.**--Sections 1-8-21.1 and  
 20 1-8-39.1 NMSA 1978 (being Laws 1993, Chapter 55, Sections 11  
 21 and 10, as amended) are repealed effective July 1, 2023.

22 **SECTION 138. APPLICABILITY.**--

23 A. The provisions of this act relating to the  
 24 procedures for conducting elections shall not apply to the 2022  
 25 municipal officer election.

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