

1 SENATE BILL 180

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Katy M. Duhigg and Leo Jaramillo and Gail Chasey

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10 AN ACT

11 RELATING TO ELECTIONS; AMENDING THE ELECTION CODE; SPECIFYING  
12 WHEN THE INSPECTION OF PUBLIC RECORDS ACT APPLIES TO  
13 DISCLOSURES PURSUANT TO THE ELECTION CODE; AMENDING AND  
14 ENACTING DEFINITIONS; ALLOWING ELECTRONIC NOMINATING PETITION  
15 SIGNATURES; CREATING AN ELECTIONS SECURITY PROGRAM; REQUIRING  
16 THE USE OF FORMS APPROVED BY THE SECRETARY OF STATE; REQUIRING  
17 SERVICE OF PROCESS ON THE SECRETARY OF STATE FOR ELECTION-  
18 RELATED LITIGATION; ADDRESSING QUALIFICATIONS OF ELECTION BOARD  
19 MEMBERS; REVISING ELECTION BOARD AND MESSENGER COMPENSATION;  
20 REQUIRING TRAINING FOR CHALLENGERS AND WATCHERS; REQUIRING  
21 VOTER CONVENIENCE CENTERS; PROVIDING FOR A PROGRAM TO RECONCILE  
22 VOTER REGISTRATION LISTS; ALLOWING FOR AN ELECTRONIC POLL BOOK  
23 ALTERNATIVE; ADJUSTING VOTER REGISTRATION PROCESSING  
24 PROCEDURES; AMENDING REQUIREMENTS FOR REGISTRATION AT VOTING  
25 LOCATIONS PRIOR TO VOTING; REVISING PROCEDURES AND REQUIREMENTS

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

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

9 "1-1-5.2. DEFINITION OF A VOTE--MACHINE-TABULATED--HAND-  
10 TALLIED--WRITE-IN.--

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

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

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

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

22 (1) the ballot is marked in accordance with  
23 the instructions for that ballot type;

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

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

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

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

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

14 (2) written as first and last name; first  
15 name, middle name or initial and last name; one or two initials  
16 and last name; or last name alone if there is no other declared  
17 write-in candidate for the office or position that is the same  
18 or so similar as to tend to confuse the candidates' identities;  
19 provided that:

20 (a) when the presiding judge and  
21 election judges reviewing the write-in vote unanimously agree  
22 that the voter's intent is clearly discernable, an  
23 abbreviation, misspelling or other minor variation in the form  
24 of the name of a declared write-in candidate shall be accepted  
25 as a valid vote; and

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

5 SECTION 3. Section 1-1-7.2 NMSA 1978 (being Laws 1973,  
6 Chapter 228, Section 5, as amended) is amended to read:

7 "1-1-7.2. PETITIONS--NOMINATIONS--SIGNATURES TO BE  
8 COUNTED.--

9 A. A person who signs a nominating petition shall  
10 sign only one petition for the same office unless more than one  
11 candidate is to be elected to that office, and in that case, a  
12 person may sign not more than the number of nominating  
13 petitions equal to the number of candidates to be elected to  
14 the office.

15 B. A person who signs a nominating petition shall  
16 indicate the person's registration address. If the person does  
17 not have a standard street address, the person may provide the  
18 mailing address as shown on the person's certificate of  
19 registration.

20 C. A signature shall be counted on a nominating  
21 petition unless there is evidence presented that the petition  
22 does not provide the information required by the nominating  
23 petition for each person signing or the person signing:

24 (1) is not a voter of the state, district,  
25 county or area to be represented by the office for which the

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1 person seeking the nomination is a candidate;

2 (2) has signed more than one petition for the  
3 same office, except as provided in Subsection A of this  
4 section, and if the person has signed more than one petition  
5 for the same office and in the same election cycle, none of the  
6 challenged signatures from that person shall count toward the  
7 total number of signatures required for any candidate for that  
8 office;

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

13 (4) in a primary election, is not of the same  
14 political party as the candidate named in the nominating  
15 petition as shown by the signer's certificate of registration;  
16 or

17 (5) is not the person whose name appears on  
18 the nominating petition.

19 D. The procedures set forth in this section shall  
20 be used to validate signatures on any petition required by the  
21 Election Code, except that Paragraph (4) of Subsection C of  
22 this section shall not apply to petitions filed by unaffiliated  
23 candidates or petitions filed by candidates of minor political  
24 parties.

25 E. No later than January 1, 2024, the secretary of

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1 state shall implement a secure internet application, in  
2 addition to the paper circulation process, to gather electronic  
3 signatures in accordance with rules developed by the secretary  
4 of state. The secure internet application shall provide for  
5 the ability to verify that a person signing the petition is a  
6 registered voter and is eligible to sign the petition for a  
7 particular candidate."

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

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

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

19 "1-1-27. [NEW MATERIAL] PUBLIC RECORDS--DISCLOSURE--  
20 PROCEDURE.--

21 A. Where the Election Code provides for disclosure  
22 or nondisclosure of public records relating to elections, the  
23 provisions of the Election Code shall apply, and the provisions  
24 of the Inspection of Public Records Act shall not be applicable  
25 to the disclosure or nondisclosure.

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1           B. For any public records relating to elections  
2 where the Election Code does not provide for disclosure or  
3 nondisclosure of the public records, the provisions of the  
4 Inspection of Public Records Act shall apply."

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

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

13           SECTION 7. A new section of Chapter 1, Article 2 NMSA  
14 1978 is enacted to read:

15           "[NEW MATERIAL] ELECTIONS SECURITY PROGRAM--GENERAL  
16 RESPONSIBILITIES.--

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

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

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

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

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

21           SECTION 8. Section 1-2-1 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 22, as amended) is amended to read:

23           "1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--  
24 RULES.--

25           A. The secretary of state is the chief election  
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1 officer of the state.

2 B. The secretary of state shall:

3 (1) obtain and maintain uniformity in the  
4 application, operation and interpretation of the Election Code;  
5 and

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

12 C. No forms or procedures shall be used in any  
13 election held pursuant to the Election Code without prior  
14 approval of the secretary of state. If a form is authorized or  
15 required by the Election Code and issued or approved by the  
16 secretary of state, only the form issued or approved by the  
17 secretary may be used."

18 SECTION 9. A new Section 1-2-1.2 NMSA 1978 is enacted to  
19 read:

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

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1 of state is a party to the action."

2 SECTION 10. Section 1-2-7 NMSA 1978 (being Laws 1969,  
3 Chapter 240, Section 29, as amended) is amended to read:

4 "1-2-7. ELECTION BOARD--QUALIFICATION OF MEMBERS--  
5 QUALIFICATION OF PRESIDING JUDGES--QUALIFICATION OF [MINORS]  
6 QUALIFIED RESIDENTS.--

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

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

11 (2) be able to read and write;

12 (3) have the necessary capacity to carry out  
13 an election board member's functions with acceptable skill and  
14 dispatch; and

15 (4) execute the election board member's oath  
16 of office.

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

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

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

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

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

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

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

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

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

16 (2) be registered to vote; and

17 [~~(2)~~] (3) be sixteen or seventeen years of age  
18 at the time of the election in which the [~~minor~~] qualified  
19 resident is serving as a member of an election board

20 [~~(3) be a citizen at the time of the election~~  
21 ~~for which the minor will be serving as a member of an election~~  
22 ~~board;~~

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

25 (5) ~~attend at least one school of instruction~~

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1 ~~in accordance with the provisions of Section 1-2-17 NMSA 1978;~~  
2 ~~and~~

3 ~~(6) be appointed to an election board in the~~  
4 ~~county in which the minor's parent or legal guardian resides,~~  
5 ~~in accordance with the provisions of Section 1-2-11 NMSA 1978].~~

6 E. A ~~[minor]~~ qualified resident appointed to an  
7 election board shall not serve as the presiding judge or as an  
8 election judge."

9 SECTION 11. Section 1-2-12 NMSA 1978 (being Laws 1969,  
10 Chapter 240, Section 32, as amended) is amended to read:

11 "1-2-12. ELECTION BOARD--POSITIONS ON EACH BOARD.--

12 A. Each election board shall consist of:

- 13 (1) a presiding judge;  
14 (2) two election judges; and  
15 (3) election clerks who are appointed to  
16 assist the presiding judge and election judges.

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

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

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1 (2) a judge of an election board shall not  
2 continue to serve on an election board if the judge changes  
3 party registration after the date of appointment in such a  
4 manner to make the judge ineligible to serve on the assigned  
5 election board.

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

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

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

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1           SECTION 12. Section 1-2-16 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 36, as amended) is amended to read:

3           "1-2-16. ELECTION BOARD--MESSENGERS--COMPENSATION.--

4           A. Members of an election board and messengers  
5 shall be compensated for their services at an hourly rate set  
6 by the secretary of state; provided that the rate [of] in each  
7 county shall not be less than the federal minimum hourly wage  
8 rate nor more than [two hundred dollars (\$200)] four hundred  
9 dollars (\$400) for an election day; and provided further that  
10 the rate may differentiate among the presiding judge, election  
11 judges, election clerks and messengers. Election board members  
12 and messengers shall be paid for training and may additionally  
13 be paid mileage as provided in the Per Diem and Mileage Act  
14 each way over the usually traveled route when an election board  
15 member or messenger travels by private vehicle.

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

20           C. Compensation shall be paid within thirty days  
21 following the date of election.

22           D. For purposes of determining eligibility for  
23 membership in the public employees retirement association and  
24 pursuant to the provisions of Subsection B of Section 10-11-3  
25 NMSA 1978, election board members and messengers are designated

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1 as seasonal employees."

2 SECTION 13. Section 1-2-20 NMSA 1978 (being Laws 1969,  
3 Chapter 240, Section 39, as amended) is amended to read:

4 "1-2-20. MESSENGERS--~~[COMPENSATION]~~ APPOINTMENT.--

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

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

19 G.] B. Messengers shall take an oath of office  
20 before entering into service as a messenger. No person shall  
21 serve as a messenger unless the person would also meet the  
22 requirements to be a challenger, watcher or election observer  
23 pursuant to Paragraphs (1) through (4) and (6) of Subsection C  
24 of Section 1-2-22 NMSA 1978. Messengers may be appointed to  
25 serve solely in that capacity or may be election board members

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1 or county employees also appointed to serve as messengers."

2 SECTION 14. 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) for challengers and watchers, has not  
12 completed the training and received a certificate from the  
13 county clerk pursuant to Subsection A of this section."

14                   SECTION 15. Section 1-3-4 NMSA 1978 (being Laws 1975,  
15 Chapter 255, Section 30, as amended) is amended to read:

16                   "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE  
17 CENTERS.--

18                   A. The board of county commissioners [~~may permit~~  
19 ~~voters in the county to cast ballots in statewide elections at~~]  
20 shall establish voter convenience centers through the use of  
21 consolidated precincts [~~authorized pursuant to this section~~]  
22 for voting in a statewide election.

23                   B. When precincts are consolidated and voter  
24 convenience centers are established for statewide elections:

25                   (1) the resolution required by Section 1-3-2

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1 NMSA 1978, in addition to the other matters required by law,  
2 shall state therein which precincts have been consolidated and  
3 the location of the voter convenience center within that  
4 consolidated precinct;

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

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

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

12 (5) each voter convenience center shall have a  
13 broadband internet connection and real-time synchronization to  
14 access ~~[to]~~ the voter registration electronic management  
15 system;

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

23 (7) the board of county commissioners may  
24 permit certain precincts to be exempted from operating as a  
25 voter convenience center or being a part of a consolidated

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1 precinct [~~provided that~~] if the precinct is [~~not~~] designated as  
2 a mail ballot election precinct pursuant to Section 1-6-22.1  
3 NMSA 1978 [~~and the polling place for that precinct does not~~  
4 ~~have real-time access to the voter registration electronic~~  
5 ~~management system, voters registered in a precinct as described~~  
6 ~~in this paragraph are permitted to vote at any voter~~  
7 ~~convenience center on election day only by use of a provisional~~  
8 ~~paper ballot, which shall be counted after the county clerk~~  
9 ~~confirms that the voter did not also vote in the same election~~  
10 ~~on any other ballot].~~

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

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

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

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

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

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1 (5) have sufficient check-in stations to  
2 accommodate voters throughout the day as provided in Section  
3 1-9-5 NMSA 1978;

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

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

13 (8) be in a location that is accessible and  
14 compliant with the requirements of the federal Americans with  
15 Disabilities Act of 1990.

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

25 SECTION 16. Section 1-4-1.1 NMSA 1978 (being Laws 2015,  
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1 Chapter 145, Section 19, as amended) is amended to read:

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

4 A. The secretary of state may:

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

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

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

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1 subdivision or federal department and that the secretary of  
2 state deems necessary to maintain the statewide voter  
3 registration list.

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

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

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1 vote in this state; or that suggests that a voter may have  
2 voted in two states during the same election. The county clerk  
3 shall ~~[only]~~ not disclose information received from the  
4 secretary of state pursuant to this subsection except as  
5 necessary to complete an investigation pursuant to this  
6 section. ~~[E.]~~ The county clerk shall investigate or reconcile  
7 the information received from the secretary of state.

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

20 (1) confirmed to have voted in another state  
21 requiring residence in that state if previous to the out-of-  
22 state vote, the voter was registered to vote in this state; or

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

25 SECTION 17. Section 1-4-8 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 66, as amended) is amended to read:

2 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF  
3 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except  
4 for qualified electors who register to vote or update a  
5 certificate of registration at a voting location prior to  
6 voting pursuant to Section 1-4-5.7 NMSA 1978, for qualified  
7 electors seeking to register to vote or update an existing  
8 voter registration in the state, the following provisions shall  
9 apply:

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

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

- 21 (1) statewide election, within the county; or
- 22 (2) special election, within any precinct in
- 23 the county in which votes may be cast in the special election;

24 C. between the deadline to register to vote or  
25 update an existing voter registration through the day of the

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1 election, the county clerk shall process all:

2 (1) new voter registrations that meet the  
3 requirements of this section;

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

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

17 D. certificates of registration and cancellations  
18 of existing voter registrations not processed pursuant to  
19 Subsection B or C of this section [~~shall~~] may be processed  
20 beginning [~~thirty-five days after~~] the Monday following an  
21 election and shall be processed beginning no later than the  
22 first business day after the approval of the county canvass  
23 report for that election, at which time a voter information  
24 document shall be mailed to the registrant at the address shown  
25 on the certificate of registration; provided that if there is a

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1 subsequent election scheduled at which a qualified elector or  
2 voter would be eligible to vote if the certificate of  
3 registration were processed on an earlier date, the certificate  
4 of registration for that qualified elector or voter shall be  
5 processed by the county clerk on a day and in a manner to  
6 ensure the ability of the qualified elector or voter to vote in  
7 the subsequent election;

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

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

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

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

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

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

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

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

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

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

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

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

24 E. If the county clerk rejects a certificate of  
25 registration because required information is not provided on

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

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

19 SECTION 19. Section 1-4-34 NMSA 1978 (being Laws 1969,  
20 Chapter 240, Section 90, as amended) is amended to read:

21 "1-4-34. BOARD OF REGISTRATION--BOARD OF COUNTY  
22 COMMISSIONERS--APPOINTMENT.--

23 A. The board of county commissioners shall, ~~[at its~~  
24 ~~first regular scheduled meeting]~~ in June or July of each odd-  
25 numbered year, appoint five voters who shall constitute the

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1 board of registration for the county; provided that a [~~class B~~]  
2 county [~~as defined in Section 4-44-1 NMSA 1978 shall~~] with  
3 fewer than five thousand residents as of the last federal  
4 decennial census may appoint three voters who shall constitute  
5 the board of registration for the county.

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

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

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

22 C. In the event that a position on the board of  
23 registration becomes vacant for any of the reasons described in  
24 Section 10-3-1 NMSA 1978, the board of county commissioners  
25 shall appoint a replacement who shall qualify pursuant to

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1 Subsection B of this section and serve until the expiration of  
2 the original term."

3 SECTION 20. Section 1-4-47 NMSA 1978 (being Laws 1991,  
4 Chapter 80, Section 4, as amended) is amended to read:

5 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

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

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

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

21 (1) personnel in each office shall advise each  
22 person who is a qualified elector and an applicant for  
23 licensure or renewal or for an identification card that initial  
24 voter registration or a change of address for voter  
25 registration may be made simultaneously with the motor vehicle

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1 application;

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

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

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

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

22 E. Any certificate of voter registration completed  
23 on a paper form and made or accepted at a motor vehicle  
24 division office, ~~[or motor vehicle division]~~ field office or  
25 contract field office shall be transmitted to the secretary of

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1 state ~~[and]~~ or the ~~[appropriate registration officer]~~ county  
2 clerk of the county in which the office is located within seven  
3 ~~[calendar]~~ days.

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

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

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

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

17 SECTION 21. Section 1-5-6 NMSA 1978 (being Laws 1969,  
18 Chapter 240, Section 108, as amended) is amended to read:

19 "1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER  
20 PREPARATION--ELECTRONIC POLL BOOK ALTERNATIVE.--

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

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1 state.

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

6           SECTION 22. Section 1-6-4 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 130, as amended) is amended to read:

8           "1-6-4. MAILED BALLOT APPLICATION.--

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

16 ~~[provided that only on the application form for a primary~~  
17 ~~election ballot there shall be a box, space or place provided~~  
18 ~~for designation of the voter's political party affiliation]~~

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

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

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

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

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

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

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

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

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

24           G. A person who willfully and with knowledge and  
25 intent to deceive or mislead any voter, election board,

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

6 SECTION 23. Section 1-6-5 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 131, as amended) is amended to read:

8 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

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

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

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1 ~~with an explanation why the application was rejected].~~

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

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

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

22 F. A mailed ballot shall not be delivered by the  
23 county clerk to any person other than the applicant for the  
24 ballot. Mailed ballots shall be sent to applicants beginning  
25 twenty-eight days before the election. For each application

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

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

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1 requested by the voter.

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

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

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

24 "1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING  
25 PROCEDURES--COUNTY CLERK'S OFFICE--ALTERNATE VOTING

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1 LOCATIONS.--

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

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

22 (2) the act of marking the ballot in the  
23 office of the county clerk shall be a convenience to the voter  
24 in the delivery of the ballot and does not make the office of  
25 the county clerk a polling place subject to the requirements of

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1 a polling place in the Election Code; [~~and~~]

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

14 [~~(3)~~] (4) if the county clerk establishes an  
15 additional alternate voting location near the clerk's office,  
16 ballots may be marked in person at that location during the  
17 regular hours and days of business beginning on the twenty-  
18 eighth day preceding the election and during the hours for  
19 voting at alternate voting locations commencing on the third  
20 Saturday prior to the election through the Saturday immediately  
21 prior to the election. The additional alternate voting  
22 location may be operated by the county clerk and the county  
23 clerk's staff.

24 B. Commencing on the third Saturday prior to a  
25 statewide election and ending on the Saturday immediately prior

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1 to the date of the election, an early voter may vote in person  
2 on a voting system at alternate voting locations that may be  
3 established by the county clerk; provided that:

4 (1) the county clerk shall establish:

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

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

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

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

25 C. Each early voting location shall comply with the

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1 following provisions, unless the county clerk receives a  
2 written waiver from the secretary of state specifying the  
3 location and specific provision being waived:

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

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

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

10 (4) have a broadband internet connection;

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

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

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

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

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

8 SECTION 25. Section 1-6-6 NMSA 1978 (being Laws 1969,  
9 Chapter 240, Section 132, as amended) is amended to read:

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

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

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

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1 voter;

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

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

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

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

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

16 (3) the applicant's precinct;

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

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

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

24 C. Each ballot register is a public record open to  
25 public inspection in the county clerk's office during regular

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1 office hours. The county clerk shall have an updated ballot  
2 register available for public inspection Monday through Friday  
3 during regular office hours.

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

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

24 [~~F. If the county clerk has available the~~  
25 ~~technology to do so, at the request of a candidate or chair of~~

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1 ~~a political party of the county, the county clerk shall~~  
2 ~~electronically transmit to the candidate or chair via the~~  
3 ~~internet the information, when updated, on the absentee ballot~~  
4 ~~register indicating voters who have requested absentee ballots,~~  
5 ~~returned their absentee ballots or voted early in person.]"~~

6 SECTION 26. Section 1-6-8 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 134, as amended) is amended to read:

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

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

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

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

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

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

23 B. Official transmittal envelopes and official  
24 mailing envelopes for transmission of mailed ballot materials  
25 to and from the county clerk and voters shall be printed in

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1 black in substantially similar form. All official inner  
2 envelopes shall be printed in black.

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

23 SECTION 27. A new Section 1-6-8.1 NMSA 1978 is enacted to  
24 read:

25 "1-6-8.1. [NEW MATERIAL] MAILED BALLOTS--NOTICE TO

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1 VOTERS.--

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

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

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

21 SECTION 28. Section 1-6-9 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 135, as amended) is amended to read:

23 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY  
24 METHODS.--

25 A. When voting a mailed ballot, the voter shall

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

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

23 C. The official mailing envelope may be returned  
24 using a commercial delivery service; provided that unless the  
25 secretary of state has approved the use of a specific

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1 commercial delivery service, the voter shall be responsible for  
2 the costs of delivery by means of such service.

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

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

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

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

24 (3) all secured containers shall be monitored  
25 by video surveillance cameras and the video recorded by that

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1 system shall be retained by the county clerk as a record  
2 related to voting pursuant to the provisions of Section 1-12-69  
3 NMSA 1978;

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

7 (a) that it is a violation of law for  
8 any person who is not an immediate family member, which  
9 includes a voter's spouse, child, parent, domestic partner,  
10 grandchild, grandparent, sibling or person with whom the voter  
11 has a continuing personal relationship, to collect and deliver  
12 a ballot for another person except as authorized by the  
13 Election Code;

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

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

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

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1                   F. It is a violation of Section 1-20-6 NMSA 1978  
2                   for any person to possess a key to a monitored secured  
3                   container without authorization from the county clerk. It is a  
4                   violation of Section 1-20-7 NMSA 1978 for any person other than  
5                   the secretary of state or the county clerk to provide or  
6                   operate a monitored secured container or other receptacle to  
7                   receive voted ballots."

8                   SECTION 29. Section 1-6-10 NMSA 1978 (being Laws 1969,  
9                   Chapter 240, Section 136, as amended) is amended to read:

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

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

19                   A. Completed official mailing envelopes that are  
20                   received at the county clerk's office or a polling place or  
21                   that are retrieved from the post office or a monitored secured  
22                   container shall be accepted until 7:00 p.m. on election day. A  
23                   completed official mailing envelope received after that time  
24                   shall not be qualified or opened but shall be preserved by the  
25                   county clerk for the applicable retention period provided in

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1 Section 1-12-69 NMSA 1978. The county clerk shall report the  
2 number of late ballots from voters, uniformed-service voters  
3 and overseas voters and report the number from each category to  
4 date on the final mailed ballot report and as part of the  
5 county canvass report. If additional late ballots are  
6 received, the county clerk shall update the number of late  
7 ballots from each category to the secretary of state.

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

22 C. If the voter's signature is present and the last  
23 four digits of the voter's social security number match, the  
24 county clerk shall note in the absentee ballot register that  
25 the information required to be provided by the voter under the

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1 privacy flap has been verified and shall safely keep the  
2 official mailing envelope unopened in a locked and number-  
3 sealed ballot box until it is delivered to the absent voter  
4 election board.

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

18 E. If, pursuant to Subsection F of Section 1-6-4  
19 NMSA 1978, the voter was notified of the need to comply with  
20 federal identification requirements when returning the  
21 requested ballot and failed to comply, the county clerk shall  
22 preserve the inner envelope with the official mailing envelope  
23 and write "Rejected" on the front of the official mailing  
24 envelope, and the county clerk shall update the ballot register  
25 accordingly and immediately send the voter a notice to cure

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1 containing information regarding how the voter may provide the  
2 missing or incorrect information. The county clerk shall place  
3 the official mailing envelope with the attached inner envelope  
4 in a container provided for rejected ballots; provided that if  
5 the county clerk was required to open the inner envelope to  
6 determine that the required documentary identification was not  
7 included, the untallied ballot shall be returned to the inner  
8 envelope and preserved along with the official mailing envelope  
9 in a container for this purpose.

10 F. The voter may provide the missing or corrected  
11 information at any time up to the conclusion of the appeal  
12 process for rejected ballots. If a voter provides the missing  
13 or corrected information:

14 (1) before the absent voter election board has  
15 been convened, the county clerk shall attach the documentation  
16 to the unopened official mailing envelope, update the ballot  
17 register accordingly and transfer the ballot to the locked and  
18 number-sealed ballot box until it is delivered to the absent  
19 voter election board;

20 (2) after the absent voter election board has  
21 been convened, the county clerk shall attach the documentation  
22 to the unopened official mailing envelope, update the ballot  
23 register accordingly and transfer the ballot to the absent  
24 voter election board;

25 (3) after the adjournment of the absent voter

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1 election board but before the conclusion of the county canvass  
2 process, the county clerk shall attach the documentation to the  
3 unopened official mailing envelope, update the ballot register  
4 accordingly and transfer the ballot to an election board  
5 convened to assist in preparation of the county canvass report;  
6 and

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

11 ~~[B.]~~ G. In a statewide election, if the unopened  
12 official mailing envelope is received by the county clerk from  
13 an election board before the absent voter election board has  
14 adjourned, the unopened official mailing envelope shall be  
15 ~~[logged and]~~ transmitted to the absent voter election board to  
16 be tallied immediately. If the unopened official mailing  
17 envelope is received by the county clerk from an election board  
18 after the absent voter election board has adjourned, the  
19 unopened official mailing envelope shall be ~~[logged and]~~  
20 transmitted to an election board convened to assist in  
21 preparation of the county canvass report to be tallied and  
22 included in the canvass report of that county for the  
23 appropriate precinct.

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

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

11           SECTION 30. Section 1-6-10.1 NMSA 1978 (being Laws 2003,  
12 Chapter 357, Section 5, as amended) is amended to read:

13           "1-6-10.1. ABSENTEE BALLOT--DELIVERY TO COUNTY CLERK.--

14           A. A voter, caregiver to that voter or member of  
15 that voter's immediate family or household may deliver that  
16 voter's absentee ballot to the county clerk in person or by  
17 mail; provided that the voter has subscribed the official  
18 mailing envelope of the absentee ballot.

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

23           SECTION 31. Section 1-6-14 NMSA 1978 (being Laws 1971,  
24 Chapter 317, Section 11, as amended) is amended to read:

25           "1-6-14. HANDLING MAILED BALLOTS.--

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

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

23           B. No sooner than the Monday before the election  
24 and before the absent voter election board adjourns, the board  
25 shall review each uncured returned official mailing envelope

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1 that the county clerk determined was missing a signature or the  
2 last four digits of the voter's social security number or for  
3 which the social security number did not match the information  
4 available to the county clerk and determine if the official  
5 mailing envelope should be qualified or rejected. An official  
6 mailing envelope rejected by the absent voter election board  
7 may be qualified if the reason for the rejection is cured at  
8 any time before the approval of the county canvass report or  
9 prior to the conclusion of an appeal by the voter.

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

14 (1) the official mailing envelope has been  
15 opened by someone other than the voter prior to being received  
16 by the absent voter election board;

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

19 (3) the official mailing envelope does not  
20 contain the required voter identification; or

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

23 D. If a challenge is upheld by unanimous vote of  
24 the presiding judge and the election judges, the official  
25 mailing envelope shall not be opened but shall be placed in a

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1 container provided for challenged ballots. If the reason for  
2 the challenge is satisfied by the voter before the conclusion  
3 of the county canvass or as part of an appeal, the official  
4 mailing envelope shall be opened and the vote counted.

5 E. If the form on the reverse of the official  
6 mailing envelope has been [~~properly subscribed~~] completed by  
7 the voter with the voter's correct information, as verified by  
8 the county clerk, and the [voter] ballot has not been  
9 successfully challenged, the judges or election clerks shall  
10 [~~enter the voter's name and residence address as shown on the~~  
11 ~~official mailing envelope and shall~~] make the appropriate  
12 notation [~~opposite the voter's name in the "Notations" column~~  
13 ~~of~~] in the ballot register.

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

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

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

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

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

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1 Election Code.

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

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1 uncounted ballots until the return of the absent voter election  
2 board and shall allow any watcher or observer to remain present  
3 as well. A class A county shall also have video surveillance  
4 in the area containing uncounted ballots, which shall be  
5 considered a record related to voting pursuant to Section  
6 1-12-69 NMSA 1978."

7 SECTION 32. Section 1-6-16 NMSA 1978 (being Laws 2019,  
8 Chapter 212, Section 74) is amended to read:

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

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

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

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

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

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1 the mailed ballot previously issued to the voter.

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

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

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

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

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

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

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

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

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

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

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

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

17 **SECTION 33.** Section 1-6-16.1 NMSA 1978 (being Laws 1989,  
18 Chapter 368, Section 1, as amended) is amended to read:

19 "1-6-16.1. ABSENTEE BALLOT--CONDUCT OF ELECTION--WHEN NOT  
20 TIMELY RECEIVED--EMERGENCY PROCEDURE FOR VOTING AND COUNTING.--

21 A. A voter who applies for a mailed ballot or who  
22 was sent a mailed ballot pursuant to Section 1-6-22.1 NMSA 1978  
23 but [has not received or returned the ballot by mail] whose  
24 voted ballot has not been received by the county clerk as of  
25 the date of the election may go to ~~[the voter's assigned~~

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1 ~~polling place or~~] a voter convenience center and, after  
2 executing an affidavit stating that the person [~~did not and~~  
3 ~~will not vote the~~] wishes to void any previous mailed ballot  
4 that was issued, shall be permitted to vote [~~on a provisional~~  
5 ~~paper ballot~~].

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

18 SECTION 34. Section 1-6-22.1 NMSA 1978 (being Laws 2009,  
19 Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1,  
20 as amended) is amended to read:

21 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING  
22 IN LIEU OF POLLING PLACE.--

23 A. Notwithstanding the provisions of Sections  
24 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday in  
25 November of each odd-numbered year, a board of county

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1 commissioners may designate a precinct as a mail ballot  
2 election precinct if, upon a written request of the county  
3 clerk, it finds that the precinct has fewer than one hundred  
4 voters and the nearest polling place for an adjoining precinct  
5 is more than twenty miles driving distance from the boundary  
6 for the precinct in question.

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

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

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

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

23 SECTION 35. Section 1-6B-5 NMSA 1978 (being Laws 2015,  
24 Chapter 145, Section 29, as amended) is amended to read:

25 "1-6B-5. METHODS OF REGISTERING TO VOTE.--

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

5                   (1) using the procedures provided in Chapter  
6 1, Article 4 NMSA 1978; or

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

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

13           C. In registering to vote, a federal qualified  
14 elector shall use and must be assigned to the voting precinct  
15 of the address of:

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

18                   (2) the last place of residence of the voter  
19 in this state, or the last place of residence in this state of  
20 the parent or legal guardian of the voter if the voter did not  
21 reside in this state; provided that if that address is no  
22 longer a recognized residential address, the voter shall be  
23 assigned an address or other location within that precinct.

24           D. A federal qualified elector who registered for  
25 the first time in this state by mail is exempt pursuant to

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1 federal law from the requirement to provide documentary  
2 identification as otherwise required by Subsection F of Section  
3 1-6-4 NMSA 1978."

4 SECTION 36. Section 1-6B-6 NMSA 1978 (being Laws 2015,  
5 Chapter 145, Section 30, as amended) is amended to read:

6 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS  
7 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS  
8 BALLOT.--

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

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

15 (2) using the federal postcard application or  
16 the application's electronic equivalent.

17 B. A federal qualified elector who is not currently  
18 registered to vote in this state may, by the deadline in the  
19 Election Code for registering to vote, simultaneously register  
20 to vote and apply for a military-overseas ballot by using a  
21 federal postcard application or the application's electronic  
22 equivalent.

23 C. An application for a military-overseas ballot  
24 for [~~a primary election~~] any election conducted pursuant to the  
25 Election Code, whether or not timely, is effective as an

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1 automatic application for a military-overseas ballot for [~~the~~  
2 ~~general election~~] all subsequent elections the voter is  
3 eligible to participate in through the conclusion of the  
4 election cycle.

5 D. An application [~~for a military-overseas ballot~~  
6 ~~is effective as an automatic application for a military-~~  
7 ~~overseas ballot for a top-two runoff election necessary to~~  
8 ~~conclude the election for which the application was submitted~~]  
9 from a federal qualified elector who provides information  
10 permitting secured electronic delivery of the ballot is timely  
11 if received by the county clerk no later than three days prior  
12 to election day. An application from a federal qualified  
13 elector who does not provide information permitting secured  
14 electronic delivery of the ballot is timely if received by the  
15 county clerk by the deadline specified in the Absent Voter Act  
16 for receipt of mailed ballot applications."

17 SECTION 37. Section 1-6B-10 NMSA 1978 (being Laws 2015,  
18 Chapter 145, Section 34, as amended) is amended to read:

19 "1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--  
20 QUALIFICATION.--

21 A. A federal qualified elector may use a federal  
22 write-in absentee ballot to vote for all offices and ballot  
23 questions in an election.

24 B. In completing the federal write-in absentee  
25 ballot, the federal qualified elector may designate a candidate

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1 by writing in the name of the candidate. In a general election  
2 when voting for a specified office, a federal qualified elector  
3 may in the alternate complete the federal write-in absentee  
4 ballot by writing in the name of a political party, in which  
5 case the ballot shall be counted for the candidate of that  
6 political party.

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

15 SECTION 38. Section 1-6C-2 NMSA 1978 (being Laws 2019,  
16 Chapter 226, Section 2) is amended to read:

17 "1-6C-2. DEFINITIONS.--As used in the Intimate Partner  
18 Violence Survivor Suffrage Act:

19 A. "administrator" means the person appointed by  
20 the secretary of state to administer the election component of  
21 the confidential substitute address program;

22 B. "appropriate county clerk" means the county  
23 clerk of the county in which the residential address on a voter  
24 registration certificate is located and includes the elected  
25 official, the county clerk's chief deputy, an appointed

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1 election board and employees or agents of the county clerk with  
2 duties related to the Intimate Partner Violence Survivor  
3 Suffrage Act;

4 C. "certification" means the procedure provided by  
5 the Confidential Substitute Address Act for a person to be  
6 certified as a participant in the confidential substitute  
7 address program;

8 D. "confidential substitute address program" means  
9 the program administered by the secretary of state pursuant to  
10 the Confidential Substitute Address Act;

11 E. "decertification" means the procedure provided  
12 by the Confidential Substitute Address Act for a person to be  
13 decertified as a participant in the confidential substitute  
14 address program;

15 F. "delivery address" means the address where a  
16 voter-participant receives mail;

17 G. "election" means a statewide or special election  
18 called, conducted and canvassed pursuant to the provisions of  
19 the Election Code;

20 H. "participant" means a person certified to  
21 participate in the confidential substitute address program  
22 pursuant to the procedures of the Confidential Substitute  
23 Address Act; and

24 I. "voter-participant" means a participant who is  
25 also a voter or a participant who is also a qualified resident

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1 who may be considered a voter pursuant to Section 1-4-2 NMSA  
2 1978."

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

5 "1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS.--

6 A. On the thirty-fifth day before an election, on  
7 behalf of each voter-participant eligible to vote in that  
8 election, the administrator shall request from each appropriate  
9 county clerk the ballot to be used by each voter-participant  
10 registered to vote in that county.

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

19 C. No later than thirty-two days before the  
20 election, the appropriate county clerk shall transmit to the  
21 administrator the ballot for each voter-participant registered  
22 to vote in that county.

23 D. Twenty-eight days before the election, the  
24 administrator shall mail a ballot and balloting materials to a  
25 voter-participant's delivery address, along with a return

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1 envelope necessary to return the voted ballot to the  
2 appropriate county clerk. The return envelope shall be the  
3 same as for all other voters, except that in place of the  
4 required voter identification to be written under the privacy  
5 flap, the administrator shall provide the random identifier  
6 assigned to that voter-participant for that election. The  
7 return envelope for the voted ballot shall be postage-paid and  
8 the return address shall be the address for the appropriate  
9 county clerk.

10 E. When a participant registers to vote or updates  
11 a voter registration after the thirty-fifth day before an  
12 election but before the deadline to register to vote or to  
13 update an existing registration pursuant to Section 1-4-8 NMSA  
14 1978, the administrator shall:

15 (1) request from the appropriate county clerk,  
16 and the appropriate county clerk shall transmit to the  
17 administrator as soon as practicable, a ballot and balloting  
18 materials; and

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

22 F. When an unvoted ballot is transmitted to the  
23 administrator on behalf of a voter-participant, the appropriate  
24 county clerk shall note in the ballot register the random  
25 identifier in place of the voter-participant's name and the

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1 address of the confidential substitute address program in place  
2 of the voter-participant's address and shall not note the  
3 voter-participant's gender or year of birth.

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

20 SECTION 40. Section 1-6C-7 NMSA 1978 (being Laws 2019,  
21 Chapter 226, Section 7) is amended to read:

22 "1-6C-7. RECEIPT OF VOTED BALLOTS FROM VOTER-  
23 PARTICIPANTS.--

24 A. A voted ballot shall be returned by the voter-  
25 participant to the appropriate county clerk. A voted ballot

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1 from a voter-participant shall be considered timely if it is  
2 received no later than the deadline for receiving mailed  
3 absentee ballots or mailed ballots pursuant to Section 1-6-10  
4 NMSA 1978.

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

21 C. If either the random identifier or the  
22 verification code is missing, or if the random identifier and  
23 verification code under the privacy flap do not match, the  
24 ballot shall not be qualified and shall be disposed of in the  
25 same manner as mailed absentee ballots or mailed ballots

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1 received in that election and not qualified.

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

9 SECTION 41. Section 1-8-2 NMSA 1978 (being Laws 1969,  
10 Chapter 240, Section 152, as amended) is amended to read:

11 "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--  
12 DESIGNATED NOMINEES.--

13 A. If the rules of a minor political party require  
14 nomination by political convention:

15 (1) the chair and secretary of the state  
16 political convention shall certify to the secretary of state  
17 the names of their party's nominees for United States senator,  
18 United States representative, all elective state offices,  
19 legislative offices elected from multicounty districts, all  
20 elective judicial officers in the judicial department and all  
21 offices representing a district composed of more than one  
22 county; and

23 (2) the chair and secretary of the county  
24 political convention shall certify to the county clerk the  
25 names of their party's nominees for elected county offices and

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1 for legislative offices elected from a district located wholly  
2 within one county or that is composed of only one county.

3 B. The names certified to the secretary of state  
4 shall be filed on the twenty-third day following the primary  
5 election in the year of the general election and shall be  
6 accompanied by a nominating [~~petitions~~] petition containing the  
7 signatures of voters totaling not less than one percent of the  
8 total number of votes cast for governor at the last preceding  
9 general election at which a governor was elected:

10 (1) in the state for statewide offices;  
11 provided that if there are fewer members of the minor party  
12 registered to vote in the state for statewide offices or  
13 registered to vote in the district for offices other than  
14 statewide offices than the number of signatures required for  
15 that office, a nominating petition shall contain the signatures  
16 of voters totaling not less than the required number of  
17 signatures of voters for independent candidates for the same  
18 office; and provided further that for the public education  
19 commission, a nominating petition shall be signed by at least  
20 two-thirds of the number of signatures that would otherwise be  
21 required, and for a judicial office, a nominating petition  
22 shall be signed by two-thirds of the number of signatures that  
23 would otherwise be required; and

24 (2) in the district for offices other than  
25 statewide offices.

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1           The petition shall contain a statement that the voters  
2 signing the petition are residents of the area to be  
3 represented by the office for which the person being nominated  
4 is a candidate.

5           C. The names certified to the county clerk shall be  
6 filed on the twenty-third day following the primary election in  
7 the year of the general election and shall be accompanied by a  
8 nominating petition containing the signatures of voters  
9 totaling not less than one percent of the total number of votes  
10 cast for governor at the last preceding general election at  
11 which a governor was elected:

12                     (1) in the county for countywide offices; and

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

24           The petition shall contain a statement that the voters  
25 signing the petition are residents of the area to be

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1 represented by the office for which the person being nominated  
2 is a candidate.

3 D. Except in the case of a political party  
4 certified in the year of the election, persons certified as  
5 candidates shall be members of that party on the day the  
6 secretary of state issues the general election proclamation.

7 E. When a political party is certified in the year  
8 of the general election, and after the day the secretary of  
9 state issues the general election proclamation, a person  
10 certified as a candidate shall be:

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

14 (2) a resident in the district of the office  
15 for which the person is a candidate on the date of the  
16 secretary of state's proclamation for the general election or  
17 in the case of a person seeking the office of United States  
18 senator or United States representative, a resident within New  
19 Mexico on the date of the secretary of state's proclamation for  
20 the general election. No person who is a candidate for a party  
21 in a primary election may be certified as a candidate for a  
22 different party in the general election in the same election  
23 cycle.

24 F. No voter shall sign a petition prescribed by  
25 this section for more persons than the number of candidates

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1 necessary to fill the office at the next ensuing general  
2 election."

3 SECTION 42. Section 1-8-7 NMSA 1978 (being Laws 1969,  
4 Chapter 240, Section 157, as amended) is amended to read:

5 "1-8-7. VACANCY ON GENERAL ELECTION BALLOT--DEATH OF  
6 CANDIDATE OR RESIGNATION OR DEATH OF OFFICE HOLDER BEFORE  
7 PRIMARY.--

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

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

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

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

25 B. The vacancy may be filled subsequent to the

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1 primary election by the central committee of the state or  
2 county political party, as the case may be, as provided by  
3 Subsection A of Section 1-8-8 NMSA 1978.

4 C. ~~[The name of the person to fill the vacancy on~~  
5 ~~the general election ballot shall be]~~ Appointments to fill  
6 vacancies in the list of a party's nominees for the general  
7 election ballot shall be made and filed with the proper filing  
8 officer ~~[on a form approved by the secretary of state]~~ on the  
9 twenty-third day after the primary election using the form  
10 prescribed by the secretary of state, along with ~~[a]~~ the  
11 declaration of candidacy subscribed and sworn by the selected  
12 nominee and the required form for candidates pursuant to the  
13 Campaign Reporting Act.

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

17 SECTION 43. Section 1-8-8 NMSA 1978 (being Laws 1969,  
18 Chapter 240, Section 158, as amended) is amended to read:

19 "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING  
20 AFTER PRIMARY.--

21 A. If after a primary election, but ~~[seventy]~~  
22 ninety or more days before the general election, a vacancy  
23 occurs, for any cause, in the list of the nominees of a  
24 qualified political party for any public office to be filled in  
25 the general election, or a vacancy occurs because of the

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1 resignation or death of a person holding a public office not  
2 included in the secretary of state's general election  
3 proclamation and which office is required by law to be filled  
4 at the next succeeding general election, or a vacancy occurs  
5 because a new public office is created and was not included in  
6 the secretary of state's general election proclamation but is  
7 capable by law of being filled at the next succeeding general  
8 election, the vacancy on the general election ballot may be  
9 filled by:

10 (1) the central committee of the state  
11 political party filing the name of its nominee for the office  
12 with the proper filing officer when the office is a federal  
13 office, state office, district office or multicounty  
14 legislative district office; and

15 (2) the central committee of the county  
16 political party filing the name of its nominee for the office  
17 with the proper filing officer when the office is a magistrate  
18 office, county office or legislative district office where the  
19 district is entirely within the boundaries of a single county.

20 B. Appointments made pursuant to Subsection A of  
21 this section shall qualify pursuant to Section 1-8-18 NMSA  
22 1978.

23 C. The county or state central committee members  
24 making the appointment pursuant to Subsection A of this section  
25 shall be as provided for in the rules of the respective party;

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1 provided that, at a minimum, the committee shall include those  
2 members residing within the boundaries of the area to be  
3 represented by the public office.

4 D. Appointments to fill vacancies in the list of a  
5 party's nominees shall be made and filed with the proper filing  
6 officer on or before the seventieth day prior to a general  
7 election using [a] the form [approved] prescribed by the  
8 secretary of state [~~at least sixty-three days prior to the~~  
9 ~~general election~~], along with [a] the declaration of candidacy  
10 form subscribed and sworn by the selected nominee and the  
11 [~~required~~] form for candidates pursuant to the Campaign  
12 Reporting Act.

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

16 SECTION 44. A new Section 1-8-10.1 NMSA 1978 is enacted  
17 to read:

18 "1-8-10.1. [NEW MATERIAL] SHORT TITLE.--Sections 1-8-10.1  
19 through 1-8-52 NMSA 1978 may be cited as the "Primary Election  
20 Law"."

21 SECTION 45. Section 1-8-13 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 162, as amended) is amended to read:

23 "1-8-13. PRIMARY [~~ELECTION LAW~~] AND GENERAL ELECTION--  
24 CONTENTS OF PROCLAMATION.--The general election proclamation  
25 calling a primary and general election shall contain:

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

3           B. the offices to be elected at the general  
4 election and for which each political party shall nominate  
5 candidates; provided that if any law is enacted by the  
6 legislature in the year in which the primary election is held  
7 and the law does not take effect until after the date to amend  
8 the proclamation but prior to the date to fill vacancies  
9 pursuant to Section 1-8-7 or 1-8-8 NMSA 1978, the secretary of  
10 state shall conform the proclamation to the intent of the law  
11 with respect to the offices for which each political party  
12 shall nominate candidates;

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

23           D. the date on and place at which declarations of  
24 candidacy shall be filed for any other office and filing fees  
25 paid or, in lieu thereof, a ~~[pauper's statement of inability to~~

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1 ~~pay~~] nominating petition;

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

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

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

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

19 I. the date on which declarations of candidacy for  
20 unaffiliated candidates shall be filed and the places where the  
21 declarations of candidacy shall be filed in order to have the  
22 unaffiliated candidate names printed on the official ballot of  
23 the general election;

24 J. the date on which declarations of candidacy for  
25 nonpartisan judicial retention shall be filed and the places

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1 where the declarations of candidacy shall be filed in order to  
2 have the judicial retention names printed on the official  
3 ballot of the general election; and

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

9 SECTION 46. Section 1-8-16 NMSA 1978 (being Laws 1969,  
10 Chapter 240, Section 165, as amended) is amended to read:

11 "1-8-16. PRIMARY ~~[ELECTION LAW]~~ AND GENERAL ELECTIONS--  
12 PROCLAMATION--AMENDMENT.--The ~~[governor]~~ secretary of state may  
13 amend the proclamation between the time of its issuance and the  
14 first Tuesday in March to include a newly created public office  
15 that is capable by law of being filled at the next succeeding  
16 general election, or any existing office becoming vacant by  
17 removal, resignation or death when such vacancy occurs no later  
18 than the last Friday before the first Tuesday in March, or to  
19 provide for any corrections or omissions."

20 SECTION 47. Section 1-8-21 NMSA 1978 (being Laws 1996,  
21 Chapter 20, Section 3, as amended) is amended to read:

22 "1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON  
23 PRIMARY BALLOT.--

24 A. All candidates seeking primary election  
25 nomination to a statewide office or the office of United States

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1 representative shall file declarations of candidacy with the  
2 proper filing officer. Candidates shall file nominating  
3 petitions at the time of filing their declarations of  
4 candidacy. Candidates who seek, but do not obtain, preprimary  
5 convention designation by a major political party may file new  
6 declarations of candidacy and nominating petitions pursuant to  
7 Section 1-8-33 NMSA 1978.

8 B. Except as provided in Subsection C of this  
9 section, candidates for any other state or federal office  
10 listed in the proclamation issued pursuant to Section [~~1-8-13C~~]  
11 1-8-13 NMSA 1978 shall have their names placed on the primary  
12 election ballot by filing declarations of candidacy and  
13 nominating petitions with the proper filing officer.

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

23 SECTION 48. Section 1-8-29 NMSA 1978 (being Laws 1973,  
24 Chapter 228, Section 3, as amended) is amended to read:

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

5 "DECLARATION OF CANDIDACY  
6 BY PRE-PRIMARY CONVENTION DESIGNATION  
7 (OR BY NOMINATING PETITION)

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

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

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

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

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

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

8 \_\_\_\_\_  
9 (Declarant)

10 \_\_\_\_\_  
11 (Mailing Address)

12 \_\_\_\_\_  
13 (Residence Address)

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

15 \_\_\_\_\_  
16 (Notary Public)

17 My commission expires:  
18 \_\_\_\_\_"."

19           SECTION 49. Section 1-8-33 NMSA 1978 (being Laws 1973,  
20 Chapter 228, Section 7, as amended) is amended to read:

21           "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--  
22 NUMBER OF SIGNATURES REQUIRED.--

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

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1 party's candidate for governor was nominated.

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

11 C. Nominating petitions for candidates for any  
12 other office to be voted on at the primary election for which  
13 nominating petitions are required shall be signed by a number  
14 of voters equal to at least the greater of:

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

22 (2) for metropolitan court and magistrate  
23 courts, ten voters; for the public education commission,  
24 twenty-five voters; for state representative, ten voters; for  
25 state senator, seventeen voters; and for district attorney and

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1 district judge, fifteen voters.

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

16 SECTION 50. Section 1-8-36.1 NMSA 1978 (being Laws 1981,  
17 Chapter 156, Section 1, as amended) is amended to read:

18 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

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

24 B. A person may be a write-in candidate only for  
25 nomination by the major political party with which the person

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1 is affiliated as shown by the certificate of registration, and  
2 such person shall have the same qualifications to be a  
3 candidate in the primary election for the political party for  
4 which the person is a write-in candidate.

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

14 D. [~~At the time of filing the declaration of intent~~  
15 ~~to be a write-in candidate, the]~~ A person shall not be a  
16 declared write-in candidate until the person has been notified  
17 in writing by the proper filing officer that the certificate of  
18 registration on file, the declaration of candidacy and the  
19 nominating petition, if required, are in proper order and that  
20 the person, based on those documents, is qualified to be a  
21 candidate. The proper filing officer shall mail the notice on  
22 the Friday following the filing date. The determination by the  
23 proper filing officer that a person is a declared write-in  
24 candidate is subject to the provisions of Section 1-8-18 NMSA  
25 1978.

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1           E. If a person is notified by the proper filing  
2 officer that the person is not qualified to be a write-in  
3 candidate, the person may challenge that decision by filing a  
4 petition with the district court within ten days of the  
5 notification. The district court shall hear and render a  
6 decision on the matter within ten days after the petition is  
7 filed. The decision of the district court may be appealed to  
8 the supreme court within five days after the decision is  
9 rendered. The supreme court shall hear and render a decision  
10 on the appeal forthwith.

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

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

18           "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
19 STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--REQUIRED  
20 NUMBER OF SIGNATURES.--

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

25           B. Nominating petitions for an independent

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1 candidate for president of the United States shall be signed by  
2 a number of voters equal to the number of signatures required  
3 to form a new political party.

4 C. Nominating petitions for an independent  
5 candidate for United States senator or any other statewide  
6 elective office shall be signed by a number of voters equal to  
7 at least two percent of the total number of votes cast in the  
8 state.

9 D. Nominating petitions for an independent  
10 candidate for United States representative shall be signed by a  
11 number of voters equal to at least two percent of the total  
12 number of votes cast in the district.

13 E. Nominating petitions for an independent  
14 candidate for a member of the legislature, district judge,  
15 district attorney [~~member of the public education commission,~~  
16 ~~magistrate~~] or county office shall be signed by a number of  
17 voters equal to at least two percent of the total number of  
18 votes cast in the district, division or county, as the case may  
19 be; provided that for the public education commission,  
20 nominating petitions shall be signed by at least two-thirds of  
21 the number of signatures that would otherwise be required, and  
22 for a judicial office, nominating petitions shall be signed by  
23 at least two-thirds of the number of signatures that would  
24 otherwise be required.

25 F. When a vacancy for any office occurs on the

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1 general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA  
2 1978 in which all political parties may name a general election  
3 candidate or when a vacancy occurs in the office of United  
4 States representative pursuant to Section 1-15-18.1 NMSA 1978,  
5 an independent candidate may file a declaration of candidacy on  
6 or by the same deadline applicable to the political parties.  
7 The nominating petitions for an independent candidate in such  
8 circumstances shall be signed by the number of voters provided  
9 in this section, unless there are fewer than:

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

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

22 G. A voter shall not sign a petition for an  
23 independent candidate as provided in this section if the voter  
24 has signed a petition for another independent candidate for the  
25 same office."

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1           SECTION 52. Section 1-8-66 NMSA 1978 (being Laws 1981,  
2 Chapter 156, Section 2, as amended) is amended to read:

3           "1-8-66. GENERAL ELECTIONS--WRITE-IN CANDIDATES.--

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

13           B. ~~[The form of the declaration of intent shall be~~  
14 ~~prescribed by the secretary of state and shall contain a sworn~~  
15 ~~statement by the person that the person is qualified to be a~~  
16 ~~candidate for and to hold the office for which the person is~~  
17 ~~filing]~~ A person shall not be a declared write-in candidate  
18 until the person has been notified in writing by the proper  
19 filing officer that the certificate of registration on file,  
20 the declaration of candidacy and the nominating petition, if  
21 required, are in proper order and that the person, based on  
22 those documents, is qualified to be a candidate. The proper  
23 filing officer shall mail the notice on the Friday following  
24 the filing date. The determination by the proper filing  
25 officer that a person is a declared write-in candidate is

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1 subject to the provisions of Section 1-8-18 NMSA 1978.

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

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

19 ~~[D.]~~ E. The secretary of state shall, not more than  
20 ten days after the filing date, certify the names of the  
21 declared write-in candidates to the county clerks of every  
22 county affected by such candidacy.

23 ~~[E.]~~ F. No person shall be a write-in candidate in  
24 the general election who was a candidate or who filed a  
25 declaration of candidacy in the primary election immediately

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1 prior to the general election. A write-in candidate for  
2 governor or lieutenant governor in the general election shall  
3 have a companion write-in candidate, and they shall be  
4 candidates to be elected jointly by the casting by a voter of a  
5 single vote applicable to both offices."

6 SECTION 53. Section 1-9-1 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 184, as amended) is amended to read:

8 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM  
9 DEFINED.--

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

21 B. As used in Chapter 1, Article 9 NMSA 1978,  
22 "voting system" means a combination of mechanical,  
23 electromechanical or electronic equipment, including the  
24 software and firmware required to program and control the  
25 equipment, that is used to cast and count votes, and also

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1 including any type of system that is designed to print or to  
2 mark ballots at a polling location; equipment that is not an  
3 integral part of a voting system but that can be used as an  
4 adjunct to it is considered to be a component of the system."

5 SECTION 54. Section 1-9-7.4 NMSA 1978 (being Laws 2010,  
6 Chapter 28, Section 2) is amended to read:

7 "1-9-7.4. VOTING SYSTEMS--AUTHORITY OF THE SECRETARY OF  
8 STATE TO RECERTIFY AND DECERTIFY.--

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

15 B. If at any time the secretary of state becomes  
16 aware that a voting system certified for use in this state does  
17 not comply with all requirements in the Election Code or meet  
18 federal election standards, the secretary of state shall  
19 undertake an investigation to determine if the voting system  
20 should continue to be certified for use in the state. Tests  
21 and inspections conducted pursuant to this section shall  
22 commence upon the order of the secretary of state and shall  
23 follow the procedures in Section 1-9-14 NMSA 1978. A voting  
24 system that does not comply with all requirements in the  
25 Election Code and the most recent voluntary voting system

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1 guidelines adopted and implemented by the United States  
2 election assistance commission shall be decertified for use in  
3 this state."

4 SECTION 55. Section 1-9-7.10 NMSA 1978 (being Laws 2010,  
5 Chapter 28, Section 8) is amended to read:

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

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

12 B. accept a ballot in any orientation when inserted  
13 by a voter;

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

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

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

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

24 SECTION 56. Section 1-9-14 NMSA 1978 (being Laws 1983,  
25 Chapter 226, Section 1, as amended) is amended to read:

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

3 A. The secretary of state shall provide for the  
4 testing and evaluation of voting systems designed for the  
5 purpose of recording and tabulating votes within polling places  
6 in New Mexico. All voting systems certified for use in the  
7 state shall be tested by an independent authority and shall  
8 comply with all requirements in the Election Code and the most  
9 recent voluntary voting system guidelines adopted and  
10 implemented by the United States election assistance  
11 commission.

12 B. Any person who has a voting system that is  
13 designed for the purpose of recording and tabulating votes  
14 within a polling place may apply on or before June 1 of any  
15 odd-numbered year to the secretary of state to have the  
16 equipment examined and tested for certification. At the time  
17 application is made for initial certification, the applicant  
18 shall pay for testing each system in an amount that reflects  
19 the actual cost of such test. Upon receipt of the application,  
20 the secretary of state shall examine and study the voting  
21 system to ensure that it complies with all requirements in the  
22 Election Code and the most recent voluntary voting system  
23 guidelines adopted and implemented by the United States  
24 election assistance commission. As part of the examination,  
25 the secretary of state shall require the system to be

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1 independently inspected by persons or testing laboratories  
2 technically qualified to evaluate and test the operation and  
3 component parts of voting systems and shall require a written  
4 report on the results of such testing. The secretary of state  
5 may authorize field testing of the equipment in one or more  
6 polling places in any state or local government election;  
7 provided that such field tests shall be conducted at no cost to  
8 the state or any local government.

9 C. Upon completion of all tests and examination of  
10 all written test reports, the secretary of state shall make a  
11 written report of the result of the findings and shall file  
12 that report, together with the written test reports, in the  
13 office of the secretary of state and post them on the secretary  
14 of state's website. The secretary of state shall accept public  
15 comment during the twenty-one days following the filing of the  
16 written report.

17 D. Following the period of public comment, the  
18 secretary of state shall submit the filed reports and any  
19 public comments for consideration by the voting system  
20 certification committee. The voting system certification  
21 committee shall make recommendations regarding the suitability  
22 and reliability of the use of such equipment in the conduct of  
23 elections under the Election Code.

24 E. The voting system certification committee shall  
25 recommend that a voting system be certified for use in the

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1 state only if it complies with all requirements in the Election  
2 Code and the most recent voluntary voting system guidelines  
3 adopted and implemented by the United States election  
4 assistance commission.

5 F. If the voting system certification committee  
6 report finds that the voting system does not comply with all  
7 requirements in the Election Code or does not meet federal  
8 election standards, the secretary of state shall allow thirty  
9 days for an appeal of the findings to be filed or for the  
10 deficiencies to be corrected, following which the secretary of  
11 state shall report back to the voting system certification  
12 committee with a written final report.

13 G. The voting system certification committee shall  
14 reconvene to consider the final report of the secretary of  
15 state and shall make final recommendations regarding the  
16 suitability and reliability of the use of such equipment in the  
17 conduct of elections under the Election Code.

18 H. If the voting system certification committee  
19 recommends that the voting system is suitable for use in  
20 elections in New Mexico, within thirty days of receiving the  
21 recommendation, the secretary of state shall certify or  
22 recertify the equipment for use in elections in this state.

23 I. If the voting system certification committee  
24 does not recommend that the voting system for recording and  
25 tabulating votes is suitable for use in elections in New

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1 Mexico, within thirty days of receiving the recommendation, the  
2 secretary of state shall deny the application or decertify the  
3 equipment for use in elections in this state."

4 SECTION 57. Section 1-10-4 NMSA 1978 (being Laws 1977,  
5 Chapter 222, Section 27, as amended) is amended to read:

6 "1-10-4. BALLOTS--PREPARATION.--

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

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

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

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1 qualified by a proper filing officer, a space for any offices  
2 with a declared write-in candidate and any ballot questions to  
3 be voted on at the regular local election.

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

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

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

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

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

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

19 SECTION 58. Section 1-10-6 NMSA 1978 (being Laws 1977,  
20 Chapter 222, Section 29, as amended) is amended to read:

21 "1-10-6. BALLOTS--NAME TO BE PRINTED--ORDER OF NAMES--  
22 SIMILAR NAMES--NAMES NOT TO BE PRINTED.--

23 A. In the preparation of ballots for a statewide  
24 election, the candidate's name shall be printed on the ballot  
25 as it appears on the candidate's certificate of registration

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1 that is on file in the county clerk's office on the day the  
2 secretary of state issues the proclamation for that election;  
3 provided that:

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

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

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

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

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

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

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

25 [~~C.~~] D. A candidate's name shall not be printed on

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1 the ballot if at least seventy days before a general election,  
2 sixty-three days before a primary election or regular local  
3 election or seven days after the filing day for declarations of  
4 candidacy for any other election:

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

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

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

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

17 SECTION 59. Section 1-10-8 NMSA 1978 (being Laws 2019,  
18 Chapter 212, Section 103, as amended) is amended to read:

19 "1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT  
20 QUESTIONS.--

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

25 (1) in a presidential primary, president;

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

3 (3) United States senator;

4 (4) United States representative;

5 (5) state senator;

6 (6) state representative;

7 (7) supreme court;

8 (8) court of appeals;

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

11 (10) district attorney;

12 [~~(10)~~] (11) district court;

13 [~~(11)~~] (12) metropolitan court;

14 [~~(12)~~] (13) county clerk;

15 [~~(13)~~] (14) county treasurer; [and

16 ~~(14)] (15) county commission; [districts and~~  
17 ~~positions with odd-numbered designations] and~~

18 (16) when applicable:

19 (a) county sheriff;

20 (b) county assessor; and

21 (c) probate judge.

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

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

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1 ~~positions with even-numbered designations; and~~

2 ~~(22)]~~ (21) probate judge; and

3 (22) when applicable:

4 (a) county clerk; and

5 (b) county treasurer.

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

9 (1) municipal, with elective executive  
10 officers listed first, governing board members listed second  
11 and judicial officers listed third;

12 (2) board of education of a school district;

13 (3) community college, branch community  
14 college, technical and vocational institute district or  
15 learning center district; and

16 (4) special districts listed in order by  
17 voting population of each special district, with the most  
18 populous listed first and the least populous listed last.

19 D. The ballot in a statewide election shall  
20 contain, when applicable, nonpartisan judicial retention and in  
21 a statewide or special election, when applicable, ballot  
22 questions to be voted on in the following order, unless a  
23 different order is prescribed by the secretary of state:

24 (1) judicial retention;

25 (2) proposed state constitutional amendments;

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

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

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

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

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1 districts; and

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

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

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

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

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

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

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

13 SECTION 60. A new Section 1-11-4.1 NMSA 1978 is enacted  
14 to read:

15 "1-11-4.1. [NEW MATERIAL] VOTER NOTIFICATION.--

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

- 20 (1) the date and purpose of the election;
- 21 (2) an internet address where a voter may  
22 apply for a mailed ballot;
- 23 (3) a telephone number where a voter may call  
24 to request the paper form of the mailed ballot application;
- 25 (4) a list of the days and times and addresses

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1 of early voting locations and voter convenience centers where a  
2 voter may vote in person; and

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

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

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

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

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

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

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

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

25 (1) election mail has been returned as

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1 undeliverable and who has not updated the voter's certificate  
2 of registration with a new address;

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

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

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

11 SECTION 61. Section 1-11-5 NMSA 1978 (being Laws 1969,  
12 Chapter 240, Section 215, as amended) is amended to read:

13 "1-11-5. VOTING DEVICE--PREPARATION--CERTIFICATION.--

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

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

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1           SECTION 62. Section 1-11-19 NMSA 1978 (being Laws 2018,  
2 Chapter 79, Section 33, as amended) is amended to read:

3           "1-11-19. COSTS OF ELECTIONS--~~[LOCAL ELECTION ASSESSMENT]~~  
4 ELECTION FUND ~~[ESTABLISHED]~~.--

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

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

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

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

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

20           B. The state treasurer shall invest the election  
21 fund as other state funds are invested, and all income derived  
22 from the fund shall be credited directly to the fund.

23 Remaining balances at the end of a fiscal year shall remain in  
24 the fund and not revert to the general fund. Money in the fund  
25 is appropriated to the office of the secretary of state for the

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

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

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

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

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

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

18 ~~(3)~~ (5) grants or capital outlay funds  
19 received by the secretary of state for the purposes of  
20 Subsection A of this section and not designated for any other  
21 fund.

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

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1 the current fiscal year.

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

7 **SECTION 63.** Section 1-12-25.2 NMSA 1978 (being Laws 2003,  
8 Chapter 356, Section 3, as amended) is amended to read:

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

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

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

25 C. Beginning with the closing of the polls on

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

10 SECTION 64. Section 1-12-65 NMSA 1978 (being Laws 1977,  
11 Chapter 222, Section 68, as amended) is amended to read:

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

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

25 B. The presiding judge and the election judges,

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

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

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

25 SECTION 65. Section 1-12-69 NMSA 1978 (being Laws 1977,

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1 Chapter 222, Section 72, as amended) is repealed and a new  
2 Section 1-12-69 NMSA 1978 is enacted to read:  
3 "1-12-69. [NEW MATERIAL] DISPOSITION OF PAPER BALLOTS AND  
4 RECORDS REQUISITE TO VOTING.--

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

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

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

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

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

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

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

25 D. Paper ballots marked by voters, their digitized

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

20           SECTION 66. Section 1-13-1 NMSA 1978 (being Laws 1969,  
21      Chapter 240, Section 303, as amended) is amended to read:

22           "1-13-1. POST-ELECTION DUTIES--COUNTY CANVASSING BOARD.--

23                   A. The board of county commissioners is ex officio  
24      the county canvassing board in each county.

25                   B. The board of county commissioners may designate

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

7 C. The county canvass report prepared by the county  
8 clerk and approved by the county canvassing board shall consist  
9 of:

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

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

16 (3) a report of the total ballots requested,  
17 returned, accepted and rejected from uniformed-service voters  
18 or overseas voters; and

19 (4) a report of all provisional ballots  
20 accepted and rejected.

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

25 SECTION 67. Section 1-13-4 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 306, as amended) is amended to read:

2 "1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--METHOD.--

3 The county clerk shall:

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

7 (1) paper ballots not previously tabulated;

8 (2) absentee ballots delivered to an election  
9 board not previously tabulated;

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

12 (4) ballots with write-in votes not previously  
13 counted;

14 [~~A.] B. prepare the report of the canvass of the~~

15 election returns by carefully examining the returns of each

16 precinct to ascertain if they contain the properly executed

17 certificates required by the Election Code and to ascertain

18 whether any discrepancy, omission or error appears on the face

19 of the election returns; [~~and~~

20 ~~B.] C. present the report of the canvass to the~~

21 county canvassing board for the board's consideration and

22 approval; and

23 D. provide the county canvassing board a summary  
24 report of the ballots tallied by the election board pursuant to  
25 Subsection A of this section and deliver directly to the

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1 secretary of state a cumulative report to be used in the event  
2 of a recount."

3 SECTION 68. Section 1-13-8 NMSA 1978 (being Laws 1969,  
4 Chapter 240, Section 310, as amended) is amended to read:

5 "1-13-8. POST-ELECTION DUTIES--COUNTY CANVASS--SEARCH FOR  
6 MISSING RETURNS.--If it is necessary to open a ballot box on  
7 election night through the adjournment of the state canvass to  
8 ascertain if missing election returns are enclosed in the  
9 ballot box, the ballot box shall be opened in the presence of  
10 the presiding judge and two election judges of an election  
11 board that meets the requirements of Subsection B of Section  
12 1-2-12 NMSA 1978 by the county clerk [~~and the district judge~~]  
13 or [~~someone~~] a deputy clerk designated by the [~~district judge.~~  
14 ~~In the presence of the district judge or the designated~~  
15 ~~representative of the district judge~~] county clerk. The county  
16 clerk or deputy clerk may remove the missing returns necessary  
17 to canvass the election. [~~When such omission or negligence of~~  
18 ~~the precinct board causes an additional expense to be incurred,~~  
19 ~~no compensation shall be paid to the precinct board for its~~  
20 ~~services on election day~~] The presiding judge and election  
21 judges shall document the search for missing returns using a  
22 form prescribed by the secretary of state."

23 SECTION 69. Section 1-13-10 NMSA 1978 (being Laws 1969,  
24 Chapter 240, Section 313, as amended) is amended to read:

25 "1-13-10. POST-ELECTION DUTIES--VOTING MACHINE RECHECK--  
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1 COST.--

2 A. Before any recheck and comparison of returns and  
3 voting machines is made pursuant to Section [~~3-13-11 NMSA 1953~~]  
4 1-13-9 NMSA 1978, the candidate making the request, or the  
5 petitioners, shall deposit a sum of money or a surety bond made  
6 in favor of the county to defray the cost of the recheck. [~~The~~  
7 ~~deposit or the surety bond shall be in the amount of ten~~  
8 ~~dollars (\$10.00) for each machine to be rechecked.~~] The state  
9 canvassing board shall determine the estimated actual cost of a  
10 recheck per voting machine no later than March 15 of even-  
11 numbered years.

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

18 SECTION 70. 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 71. 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, for contests in the regular  
12 local election and for the statewide elective office, other  
13 than the office of the governor, for which the winning  
14 candidate won by the smallest percentage margin of all  
15 candidates for statewide office in New Mexico. The voting  
16 system check is waived for any office for which [a] an  
17 automatic recount is conducted.

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

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

13 Table 1

14 Winning margin between top	Number of precincts in the
15 two candidates for the	state to be tested for that
16 office according to the	office
17 county canvasses	
18 Percent	
19 greater than 15	no precincts for that 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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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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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

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

7           SECTION 72. Section 1-14-14 NMSA 1978 (being Laws 1969,  
8 Chapter 240, Section 343, as amended) is amended to read:

9           "1-14-14. RECOUNTS--RECHECKS--APPLICATION.--

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

20           B. ~~[In the case of any office for which the state~~  
21 ~~canvassing board issues a certificate of nomination or~~  
22 ~~election, application]~~ All applications for recount or recheck  
23 shall be filed with the secretary of state.

24           ~~[C. In the case of any office for which the county~~  
25 ~~canvassing board or secretary of state issues a certificate of~~

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1 ~~nomination or election, application for recount or recheck~~  
2 ~~shall be filed with the district judge for the county in which~~  
3 ~~the applicant resides.]"~~

4 SECTION 73. Section 1-14-15 NMSA 1978 (being Laws 1978,  
5 Chapter 48, Section 1, as amended) is amended to read:

6 "1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

7 A. An applicant for a recount shall deposit with  
8 the proper canvassing board or, in the case of an office for  
9 which the state canvassing board issues a certificate of  
10 nomination or election, with the secretary of state sufficient  
11 cash, or a sufficient surety bond, to cover the cost of a  
12 recount for each precinct for which a recount is demanded. An  
13 applicant for a recheck shall deposit with the proper  
14 canvassing board or, in the case of an office for which the  
15 state canvassing board issues a certificate of nomination or  
16 election, with the secretary of state sufficient cash, or a  
17 sufficient surety bond, to cover the cost of the recheck for  
18 each voting machine to be rechecked. The state canvassing  
19 board shall determine the estimated actual cost of a recount  
20 per [~~precinct~~] polling place and for mailed ballots and a  
21 recheck per voting machine no later than March 15 of even-  
22 numbered years. The secretary of state shall post the recount  
23 and recheck cost determinations on the secretary of state's  
24 [~~web site~~] website when the state canvassing board issues its  
25 cost determinations.

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1           B. The deposit or surety bond shall be security for  
2 the payment of the costs and expenses of the recount or recheck  
3 in case the results of the recount or recheck are not  
4 sufficient to change the results of the election.

5           C. If it appears that error or fraud sufficient to  
6 change the winner of the election has been committed, the costs  
7 and expenses of the recount or recheck shall be paid by the  
8 state upon warrant issued by the secretary of finance and  
9 administration supported by a voucher of the secretary of  
10 state, or shall be paid by the county upon warrant of the  
11 county clerk from the general fund of the county, as the case  
12 may be.

13           D. If no error or fraud appears to be sufficient to  
14 change the winner, the costs and expenses for the recount or  
15 recheck shall be paid by the applicant. Costs shall consist of  
16 any docket fees, mileage of the sheriff in serving summons and  
17 fees and mileage of [~~precinct~~] election board members, at the  
18 same rates allowed witnesses in civil actions. If error or  
19 fraud has been committed by [~~a precinct~~] an election board, the  
20 board members shall not be entitled to such mileage or fees."

21           SECTION 74. Section 1-14-24 NMSA 1978 (being Laws 2008,  
22 Chapter 41, Section 1, as amended) is amended to read:

23           "1-14-24. AUTOMATIC RECOUNTS [~~ELECTIONS FOR STATE AND~~  
24 ~~FEDERAL OFFICES~~]-PROCEEDURES.--

25           A. An automatic recount of the vote is required

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1 when the canvass of returns indicates that the margin between  
2 the two candidates receiving the greatest number of votes for  
3 an office, the margin between those supporting and those  
4 opposing a ballot question or the margin affecting the outcome  
5 of a nonpartisan judicial retention election is less than:

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

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

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

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

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

17 (a) for that office in the case of a  
18 public education commissioner, district attorney or any office  
19 elected countywide in a county with more than one hundred fifty  
20 thousand registered voters;

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

23 (c) on a nonpartisan judicial retention  
24 election in the case of a district court or the metropolitan  
25 court; or

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

5 B. For an office for which ballots were cast in  
6 more than one county, the secretary of state shall file notice  
7 with the state canvassing board upon the completion of the  
8 state canvass that an automatic recount is required, and the  
9 state canvassing board shall order a recount of the ballots for  
10 the specified office. For an office in which ballots were cast  
11 solely within one county, the secretary of state shall file  
12 notice with the state canvassing board within seven days after  
13 receiving notice from the county clerk following the completion  
14 of the county canvass that an automatic recount is required,  
15 and the state canvassing board shall order a recount of the  
16 ballots for the specified office.

17 C. Automatic recounts shall be conducted pursuant  
18 to the recount procedures established in Sections 1-14-16 and  
19 1-14-18 through 1-14-23 NMSA 1978."

20 SECTION 75. Section 1-16-4 NMSA 1978 (being Laws 1969,  
21 Chapter 240, Section 377, as amended) is amended to read:

22 "1-16-4. BALLOT QUESTIONS--STATE CONSTITUTIONAL  
23 AMENDMENTS--PUBLICATION.--

24 A. The secretary of state shall cause the ballot  
25 question for a proposed constitutional amendment to be

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1 published as provided in Article 19, Section 1 of the  
2 constitution of New Mexico.

3 B. The secretary of state shall post a proposed  
4 constitutional amendment beginning no later than seventy days  
5 prior to the election at which the amendment is to be submitted  
6 to the voters of the state for their approval or rejection.

7 C. Each county clerk shall post a proposed  
8 constitutional amendment beginning no later than sixty-seven  
9 days prior to the election at which the amendment is to be  
10 submitted to the voters of the state for their approval or  
11 rejection."

12 SECTION 76. 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 77. 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 78. Section 1-19A-7 NMSA 1978 (being Laws 2003,  
14 Chapter 14, Section 7, as amended) is amended to read:

15 "1-19A-7. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS  
16 TO AND EXPENDITURES OF CERTIFIED CANDIDATES.--

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

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

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

25 (2) a contribution to another campaign of the

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1 candidate or a payment to retire debt from another such  
2 campaign;

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

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

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

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

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

20 D. A certified candidate shall limit total campaign  
21 expenditures to the amount of money distributed to that  
22 candidate from the fund, money received from a political party  
23 pursuant to Section 1-19A-8 NMSA 1978 and contributions  
24 collected pursuant to Section [~~8 of this 2019 act~~] 1-19A-4.1  
25 NMSA 1978. A certified candidate shall not accept

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1 contributions from any other source except the certified  
2 candidate's political party, as specified in Section 1-19A-8  
3 NMSA 1978 and contributions collected pursuant to Section [~~8 of~~  
4 ~~this 2019 act~~] 1-19A-4.1 NMSA 1978.

5 E. A certified candidate who does not remain a  
6 candidate in the general election shall, within thirty days  
7 after the primary election, transfer to the secretary for  
8 deposit in the fund any amount received from the fund, from a  
9 political party pursuant to Section 1-19A-8 NMSA 1978 or from  
10 private contributors pursuant to Section [~~8 of this 2019 act~~]  
11 1-19A-4.1 NMSA 1978 that remains unspent or unencumbered by the  
12 date of the primary election.

13 F. A certified candidate shall, within thirty days  
14 after the general election, transfer to the secretary for  
15 deposit in the fund any amount received from the fund, from a  
16 political party pursuant to Section 1-19A-8 NMSA 1978 or from  
17 private contributors pursuant to Section [~~8 of this 2019 act~~]  
18 1-19A-4.1 NMSA 1978 that remains unspent or unencumbered by the  
19 date of the general election.

20 G. If a certified candidate ceases to be a  
21 certified candidate for any reason, the previously certified  
22 candidate or candidate's campaign committee shall, within  
23 thirty days thereafter, transfer to the secretary for deposit  
24 in the fund any amount received from the fund, from a political  
25 party pursuant to Section 1-19A-8 NMSA 1978 or from private

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1 contributors pursuant to Section [~~8 of this 2019 act~~] 1-19A-4.1  
2 NMSA 1978 that remains unspent or unencumbered by the date the  
3 candidate ceases to be a certified candidate."

4 SECTION 79. Section 1-20-6 NMSA 1978 (being Laws 1969,  
5 Chapter 240, Section 431) is amended to read:

6 "1-20-6. UNLAWFUL POSSESSION OF KEYS.--Unlawful  
7 possession of keys consists of the possession at any time of  
8 any key to a voting machine, [~~or~~] ballot box or monitored  
9 secured container, or possession of an imitation or duplicate  
10 thereof, or making or causing to be made any imitation or  
11 duplicate thereof, unless authorized by the Election Code.  
12 Whoever commits unlawful possession of keys is guilty of a  
13 fourth degree felony."

14 SECTION 80. Section 1-20-7 NMSA 1978 (being Laws 1971,  
15 Chapter 111, Section 1, as amended) is amended to read:

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

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1 means an absentee ballot, absentee ballot envelopes, the  
2 absentee ballot register or an absentee ballot return. Whoever  
3 commits unlawful possession of absentee ballot is guilty of a  
4 fourth degree felony."

5 SECTION 81. Section 1-20-17 NMSA 1978 (being Laws 1969,  
6 Chapter 240, Section 441, as amended) is amended to read:

7 "1-20-17. OBSTRUCTING THE POLLING PLACE.--

8 A. Obstructing the polling place consists of

9 [~~(1) any person other than a voter offering to~~  
10 ~~vote, a member of the precinct board, a lawfully appointed~~  
11 ~~challenger or watcher, an election observer, an election~~  
12 ~~official having business in the polling place or a person~~  
13 ~~authorized by the Election Code to give assistance to a voter~~  
14 ~~who, during the conduct of the election, approaches nearer than~~  
15 ~~fifty feet from the door through which voters may enter to vote~~  
16 ~~at the office of the county clerk, an alternate voting~~  
17 ~~location, a mobile voting site or any location used as a~~  
18 ~~polling place; or~~

19 ~~(2) any]~~ a person other than an authorized  
20 individual approaching nearer than fifty feet from the door  
21 through which voters may enter to vote at a polling place or a  
22 person who willfully blocks access to a monitored secured  
23 container or the entrance to a polling place so as to prevent  
24 free ingress and egress.

25 B. A person conducting lawful, non-election-related

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1 business nearer than fifty feet from the door through which  
2 voters may enter to vote is not guilty of obstructing a polling  
3 place, provided the person does not willfully block access to a  
4 monitored secured container or the entrance to the polling  
5 place.

6 C. As used in this section, "authorized individual"  
7 means an individual who is not electioneering and who is:

8 (1) a voter offering to vote;

9 (2) a member of the election board;

10 (3) a lawfully appointed watcher, challenger  
11 or election observer;

12 (4) an individual giving assistance to a  
13 specific person offering to vote;

14 (5) an election official or contractor having  
15 business in the polling place;

16 (6) an attorney representing the county or  
17 state, a political party or a candidate having business in the  
18 polling place; or

19 (7) a language translator where required by  
20 federal law.

21 ~~[C.]~~ D. Whoever obstructs the polling place is  
22 guilty of a petty misdemeanor."

23 SECTION 82. Section 1-20-21 NMSA 1978 (being Laws 1969,  
24 Chapter 240, Section 445) is amended to read:

25 "1-20-21. UNLAWFUL POSSESSION OF ALCOHOLIC LIQUORS.--

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1 Unlawful possession of alcoholic liquors consists of the use or  
2 possession of any alcoholic liquor by any member of the  
3 ~~[precinct]~~ election board while performing ~~[his]~~ official  
4 duties on election day. ~~[Unlawful possession also consists of~~  
5 ~~the use, possession or carrying of alcoholic liquor within two~~  
6 ~~hundred feet of the polling place during any election.]~~

7       Whoever commits unlawful possession of alcoholic liquors  
8 is guilty of a petty misdemeanor."

9       **SECTION 83.** Section 1-22-4 NMSA 1978 (being Laws 2018,  
10 Chapter 79, Section 19, as amended) is amended to read:

11       "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--  
12 PUBLICATION.--

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

22       B. The secretary of state shall by resolution issue  
23 a public proclamation in Spanish and English calling a regular  
24 local election. The proclamation shall be issued and filed by  
25 the secretary of state in the office of the secretary of state

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1 ninety days preceding the date of the regular local election,  
2 and upon filing the proclamation, the secretary of state shall  
3 post the proclamation and certify it to each county clerk. The  
4 proclamation may be amended no later than eleven days before  
5 the filing date for the regular local election.

6 C. The proclamation shall specify:

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

18 D. After receipt of the proclamation from the  
19 secretary of state, the county clerk shall post the entire  
20 proclamation on the county clerk's website and, not less than  
21 seventy-five days before the date of the election, shall  
22 publish portions of the proclamation relevant to the county at  
23 least once in a newspaper of general circulation within the  
24 county. The publication of the proclamation shall conform to  
25 the requirements of the federal Voting Rights Act of 1965, as

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1 amended, and shall specify:

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

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

7 (3) the date on which declarations of  
8 candidacy are to be filed and the date on which declarations of  
9 intent to be a write-in candidate are to be filed;

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

12 (5) the location, days and hours for early  
13 voting at each alternate voting location and mobile alternate  
14 voting location;

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

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

19 ~~[E. Whenever two or more members of a local~~  
20 ~~governing body are to be elected at large for terms of the same~~  
21 ~~length of time, the secretary of state shall numerically~~  
22 ~~designate the positions on the ballot as "position one",~~  
23 ~~"position two" and such additional consecutively numbered~~  
24 ~~positions as are necessary, but only one member shall be~~  
25 ~~elected for each position. Whenever two or more members of a~~

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1 ~~local governing body are to be elected to represent the same~~  
2 ~~area with terms of different lengths of time, the secretary of~~  
3 ~~state shall list the office with the shorter length of time~~  
4 ~~first and shall designate each position with "for a term~~  
5 ~~expiring \_\_\_\_".]~~"

6 SECTION 84. Section 1-22-7 NMSA 1978 (being Laws 2018,  
7 Chapter 79, Section 20, as amended) is amended to read:

8 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--  
9 PENALTY.--

10 A. A candidate for a position that will be filled  
11 at a regular local election shall file a declaration of  
12 candidacy with the proper filing officer between 9:00 a.m. and  
13 5:00 p.m. on the seventieth day before the date of the regular  
14 local election.

15 B. A candidate shall file for only one position in  
16 the same local government but may file for a position in more  
17 than one local government on the same filing day.

18 C. A declaration of candidacy shall not be amended  
19 after it has been filed with the proper filing officer.

20 D. Each declaration of candidacy shall be  
21 accompanied by a nominating petition containing at least the  
22 number of signatures as required by law for the specific  
23 office. If not otherwise required by law for the specific  
24 office, the declaration of candidacy shall be accompanied by a  
25 nominating petition containing no fewer than ten signatures or

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1 a fifty-dollar (\$50.00) filing fee.

2           ~~[D.]~~ E. Each declaration of candidacy shall be  
3 delivered for filing in person by the eligible candidate or by  
4 a person acting by virtue of written authorization. The proper  
5 filing officer shall not accept for filing from any one  
6 individual more than one declaration of candidacy.

7           ~~[E.]~~ F. Whoever knowingly makes a false statement  
8 in a declaration of candidacy is guilty of a fourth degree  
9 felony and shall be sentenced pursuant to the provisions of  
10 Section 31-18-15 NMSA 1978."

11           **SECTION 85.** Section 1-22-8.1 NMSA 1978 (being Laws 2018,  
12 Chapter 79, Section 22, as amended) is amended to read:

13           "1-22-8.1. WRITE-IN CANDIDATES.--

14           A. Write-in candidates shall be permitted in  
15 regular local elections.

16           B. A person may be a write-in candidate only if the  
17 person has the qualifications to be a candidate for the  
18 position for which the person is running.

19           C. A person desiring to be a write-in candidate for  
20 an office shall file with the proper filing officer a  
21 declaration of ~~[candidacy]~~ intent to be a write-in candidate.  
22 The declaration shall be filed between 9:00 a.m. and 5:00 p.m.  
23 on the sixty-third day preceding the date of the election.

24 ~~[The county clerk shall ensure that a declaration of candidacy~~  
25 ~~filed pursuant to this section specifies that it is for a~~

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1 ~~write-in candidate.]~~

2 D. ~~[At the time of filing the declaration of~~  
3 ~~candidacy]~~ The declaration of intent to be a write-in candidate  
4 shall be accompanied by a nominating petition containing the  
5 same number of signatures or the filing fee required of other  
6 candidates for the same office.

7 E. A write-in candidate shall be considered a  
8 candidate for all purposes and provisions relating to  
9 candidates in the Local Election Act, except that the write-in  
10 candidate's name shall not be printed on the ballot nor posted  
11 in any polling place."

12 SECTION 86. Section 1-22-10 NMSA 1978 (being Laws 2018,  
13 Chapter 79, Section 24, as amended) is amended to read:

14 "1-22-10. CANDIDATE QUALIFICATION--CHALLENGES--BALLOTS.--

15 A. The proper filing officer shall determine  
16 whether a candidate filing a declaration of candidacy is  
17 registered to vote within the area to be elected to represent  
18 and, if required for the office being sought, whether the  
19 candidate's nominating petition for that office has been filed  
20 with a number of signatures that is equal to or greater than  
21 the number required for that office. If the candidate is so  
22 qualified and no withdrawal of candidacy has been filed as  
23 provided in the Local Election Act, the proper filing officer  
24 shall place the candidate's name on the ballot for the position  
25 specified in the declaration of candidacy and notify each

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1 candidate in writing no later than [~~5:00 p.m. on the sixtieth~~]  
2 the sixty-seventh day before the local election.

3 B. Any voter may challenge the candidacy of any  
4 person seeking election at the regular local election for the  
5 reason that the person does not meet the requirements for the  
6 office sought by filing a petition in the district court within  
7 seven days after the day for filing a declaration of candidacy.  
8 The district court shall hear and render a decision on the  
9 matter within ten days after the filing of the petition. The  
10 decision of the district court may be appealed to the supreme  
11 court within five days after the decision is rendered. The  
12 supreme court shall hear and render a decision on the appeal  
13 forthwith.

14 C. Ballots for the regular local election shall be  
15 prepared by the proper filing officer and printed in accordance  
16 with the provisions of Section 1-10-5 NMSA 1978.

17 D. The printed ballot shall contain the name of  
18 each person who is a candidate and the position for which the  
19 person is a candidate.

20 E. The ballot shall also contain all ballot  
21 questions that are to be submitted to the voters as certified  
22 by a local governing body to the county clerk in each county in  
23 which the local government is situate and shall conform to the  
24 requirements for ballot questions on the regular local election  
25 ballot as provided in Chapter 1, Article 16 NMSA 1978."

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1           SECTION 87. Section 1-24-3 NMSA 1978 (being Laws 2019,  
2 Chapter 212, Section 156) is amended to read:

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

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

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

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

19                       (2) whose voter notification pursuant to  
20 Section 1-11-4.1 NMSA 1978 or 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 voter notification or election-related mail was  
25 returned as undeliverable in error or filed a certificate of

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1 registration with a new address; or

2 (3) 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) of Subsection B of this section notice,  
10 sent by forwardable mail, that the voter will not be sent a  
11 ballot for the special election unless the voter updates the  
12 voter's address as provided by the Election Code or informs the  
13 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) of  
11 Subsection B of this section who has not previously been sent a  
12 ballot if the voter submits an application pursuant to Section  
13 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 88. 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 89.** Section 7-1-8.8 NMSA 1978 (being Laws 2019,  
2 Chapter 87, Section 2, as amended) is amended to read:

3           "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE  
4 AND LEGISLATIVE AGENCIES.--An employee of the department may  
5 reveal confidential return information to the following  
6 agencies; provided that a person who receives the information  
7 on behalf of the agency shall be subject to the penalties in  
8 Section 7-1-76 NMSA 1978 if the person fails to maintain the  
9 confidentiality required:

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

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

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

21           D. the secretary of human services or the  
22 secretary's delegate under a written agreement with the  
23 department:

24                   (1) the last known address with date of all  
25 names certified to the department as being absent parents of

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1 children receiving public financial assistance, but only for  
2 the purpose of enforcing the support liability of the absent  
3 parents by the child support enforcement division or any  
4 successor organizational unit;

5 (2) return information needed for reports  
6 required to be made to the federal government concerning the  
7 use of federal funds for low-income working families;

8 (3) return information of low-income taxpayers  
9 for the limited purpose of outreach to those taxpayers;  
10 provided that the human services department shall pay the  
11 department for expenses incurred by the department to derive  
12 the information requested by the human services department if  
13 the information requested is not readily available in reports  
14 for which the department's information systems are programmed;

15 (4) return information required to administer  
16 the Health Care Quality Surcharge Act; and

17 (5) return information in accordance with the  
18 provisions of the Easy Enrollment Act;

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

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1 F. the state courts, the random jury lists produced  
2 by the department of information technology under Subsection E  
3 of this section;

4 G. the director of the New Mexico department of  
5 agriculture or the director's authorized representative, upon  
6 request of the director or representative, the names and  
7 addresses of all gasoline or special fuel distributors,  
8 wholesalers and retailers;

9 H. the public regulation commission, return  
10 information with respect to the Corporate Income and Franchise  
11 Tax Act required to enable the commission to carry out its  
12 duties;

13 I. the state racing commission, return information  
14 with respect to the state, municipal and county gross receipts  
15 taxes paid by racetracks;

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

19 K. the director of the workers' compensation  
20 administration or to the director's representatives authorized  
21 for this purpose, return information to facilitate the  
22 identification of taxpayers that are delinquent or noncompliant  
23 in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA  
24 1978;

25 L. the secretary of workforce solutions or the  
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1 secretary's delegate, return information for use in enforcement  
2 of unemployment insurance collections pursuant to the terms of  
3 a written reciprocal agreement entered into by the department  
4 with the secretary of workforce solutions for exchange of  
5 information;

6 M. the New Mexico finance authority, information  
7 with respect to the amount of municipal and county gross  
8 receipts taxes collected by municipalities and counties  
9 pursuant to any local option municipal or county gross receipts  
10 taxes imposed, and information with respect to the amount of  
11 governmental gross receipts taxes paid by every agency,  
12 institution, instrumentality or political subdivision of the  
13 state pursuant to Section 7-9-4.3 NMSA 1978;

14 N. the superintendent of insurance, return  
15 information with respect to the premium tax and the health  
16 insurance premium surtax;

17 O. the secretary of finance and administration or  
18 the secretary's designee, return information concerning a  
19 credit pursuant to the Film Production Tax Credit Act;

20 P. the secretary of economic development or the  
21 secretary's designee, return information concerning a credit  
22 pursuant to the Film Production Tax Credit Act;

23 Q. the secretary of public safety or the  
24 secretary's designee, return information concerning the Weight  
25 Distance Tax Act;

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1           R. the secretary of transportation or the  
2 secretary's designee, return information concerning the Weight  
3 Distance Tax Act;

4           S. the secretary of energy, minerals and natural  
5 resources or the secretary's designee, return information  
6 concerning tax credits or deductions for which eligibility is  
7 certified or otherwise determined by the secretary or the  
8 secretary's designee; ~~and~~

9           T. the secretary of environment or the secretary's  
10 designee, return information concerning tax credits for which  
11 eligibility is certified or otherwise determined by the  
12 secretary or the secretary's designee; and

13           U. the secretary of state or the secretary's  
14 designee, taxpayer information required to maintain voter  
15 registration records and as otherwise provided in the Election  
16 Code."

17           SECTION 90. Section 8-4-4 NMSA 1978 (being Laws 1969,  
18 Chapter 272, Section 1, as amended) is amended to read:

19           "8-4-4. FEES OF SECRETARY OF STATE.--

20           A. The secretary of state shall collect the  
21 following fees to be deposited with the state treasurer for  
22 credit to the general fund:

23                   ~~[A.]~~ (1) photocopies of records, per page ----  
24 ----- twenty-five cents (\$.25);

25                   ~~[B.]~~ (2) each certification -----

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-----three dollars (\$3.00);  
[G. ~~filing each official oath~~-----  
-----three dollars (\$3.00);  
D.] (3) search of records where another fee is  
not prescribed, per hour of search -----  
----- ten dollars (\$10.00);  
[E.] (4) duplicate commission of office or  
certificate----- three dollars (\$3.00);  
[F.] (5) service of process where another fee  
is not prescribed -----  
----- twenty-five dollars (\$25.00);  
[G.] (6) computer printout of Uniform  
Commercial Code records, per page -----  
----- one dollar (\$1.00); and  
[H.] (7) computer generated records other than  
voter registration records, per record -----  
----- ten cents (\$.10).

B. The secretary of state shall not collect a fee  
for the following documents when filed in the office of the  
secretary of state:  
(1) oath of office; and  
(2) notice of appointment to a vacancy in  
office."

SECTION 91. Section 40-13B-1 NMSA 1978 (being Laws 2018,  
Chapter 40, Section 1) is amended to read:

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1 "40-13B-1. SHORT TITLE.--~~[This act]~~ Chapter 40, Article  
2 13B NMSA 1978 may be cited as the "Confidential Substitute  
3 Address Act"."

4 SECTION 92. Section 40-13B-3 NMSA 1978 (being Laws 2018,  
5 Chapter 40, Section 3) is amended to read:

6 "40-13B-3. CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM--  
7 APPLICATION.--

8 A. The "confidential substitute address program" is  
9 created in the office of the secretary of state to provide a  
10 process by which a victim of domestic violence may protect the  
11 confidentiality of the victim's residential and delivery  
12 addresses in public records.

13 B. An applicant, with the assistance of an  
14 application assistant, shall submit an application to the  
15 secretary of state on a form prescribed by the secretary of  
16 state. The application assistant's signature shall serve as  
17 recommendation that the applicant participate in the  
18 confidential substitute address program.

19 C. An application shall be signed and dated by the  
20 applicant and the application assistant and shall include:

21 (1) the applicant's name;

22 (2) the applicant's statement that the  
23 applicant fears for the safety of the applicant, the  
24 applicant's child or another person in the applicant's  
25 household because of a threat of immediate or future harm;

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1 (3) the applicant's statement that the  
2 disclosure of the applicant's residential or delivery address  
3 would endanger the applicant, the applicant's child or another  
4 person in the applicant's household;

5 (4) the applicant's statement that the  
6 applicant has confidentially relocated in the past ninety days  
7 or will relocate within the state in the next ninety days;

8 (5) a designation of the secretary of state as  
9 the applicant's agent for the purpose of receiving mail,  
10 deliveries and service of process, notice or demand;

11 (6) the names and ages of those persons in the  
12 applicant's household who will also be participants in the  
13 program if the applicant is admitted into the program. Each  
14 person in an applicant's household listed in the application  
15 shall be considered a separate participant in the program;

16 [~~(6)~~] (7) the applicant's residential and  
17 delivery addresses, if different, the confidentiality of which  
18 the applicant seeks to protect;

19 [~~(7)~~] (8) the applicant's telephone number and  
20 email address; and

21 [~~(8)~~] (9) the applicant's statement under  
22 penalty of perjury that the information contained in the  
23 application is true."

24 SECTION 93. Section 40-13B-6 NMSA 1978 (being Laws 2018,  
25 Chapter 40, Section 6) is amended to read:

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1 "40-13B-6. CHANGE OF PARTICIPANT NAME, ADDRESS OR  
2 TELEPHONE NUMBER--REQUIREMENTS.--

3 A. A participant shall notify the secretary of  
4 state within ten days of legally changing the participant's  
5 name and shall provide the secretary of state with a certified  
6 copy of documentation of the legal name change.

7 B. A participant shall notify the secretary of  
8 state within ten days of a change to the participant's  
9 residential address, delivery address, telephone number or  
10 email address.

11 C. A participant shall notify the secretary of  
12 state within ten days if a new person in the participant's  
13 household needs to become a participant in the program."

14 SECTION 94. Section 40-13B-7 NMSA 1978 (being Laws 2018,  
15 Chapter 40, Section 7) is amended to read:

16 "40-13B-7. PARTICIPANT DECERTIFICATION.--

17 A. A participant shall be decertified from the  
18 confidential substitute address program if:

19 (1) the participant submits a request to  
20 withdraw from the confidential substitute address program to  
21 the secretary of state;

22 (2) the participant fails to notify the  
23 secretary of state of a legal name change or a change to the  
24 participant's residential address, delivery address, telephone  
25 number or email address; [or]

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

4 (4) the participant does not comply with the  
5 provisions of the Intimate Partner Violence Survivor Suffrage  
6 Act.

7 B. If the secretary of state determines that one or  
8 more of the causes for decertification provided in Subsection A  
9 of this section exist, the secretary of state shall send notice  
10 of the participant's decertification to the participant's  
11 delivery and residential addresses and shall attempt to notify  
12 the participant by telephone and email. The participant shall  
13 be given ten days from the date of decertification to appeal  
14 the decertification.

15 C. A person who is decertified from the  
16 confidential substitute address program shall not continue to  
17 use the person's confidential substitute address.

18 D. For six months after a participant has been  
19 decertified, the secretary of state shall forward mail and  
20 deliveries to an address provided by the former participant.  
21 Upon receipt of mail and deliveries pursuant to this  
22 subsection, a former participant shall provide an updated  
23 address to the sender."

24 SECTION 95. Section 40-13B-8 NMSA 1978 (being Laws 2018,  
25 Chapter 40, Section 8, as amended) is amended to read:

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1 "40-13B-8. PARTICIPANT RECORDS--CONFIDENTIALITY--  
2 DISCLOSURE PROHIBITED.--

3 A. The secretary of state and an agency shall not  
4 disclose the residential address, delivery address, telephone  
5 number or email address of a participant unless the information  
6 is required to be disclosed pursuant to a court order. A  
7 person or agency that receives a participant's residential  
8 address, delivery address, telephone number or email address  
9 pursuant to a court order shall not in turn disclose that  
10 information unless pursuant to a court order or unless the  
11 person who was a participant has been decertified.

12 B. The secretary of state shall maintain the  
13 confidentiality of all records relating to an applicant for or  
14 participant in the confidential substitute address program  
15 while the person is a participant and shall:

- 16 (1) store all tangible copies of program  
17 records in locked equipment;
- 18 (2) store all electronic copies of program  
19 records in a password-protected system;
- 20 (3) restrict access to all program records to  
21 secretary of state staff members who are approved to access the  
22 records as provided in this section; and
- 23 (4) release program records only on a court's  
24 order.

25 C. The secretary of state shall establish a system  
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1 for restricting access to program records to approved staff  
2 members. Before being approved and granted access to program  
3 records, the staff member shall:

4 (1) submit to a criminal background check  
5 performed by the department of public safety;

6 (2) not have a record of a sex offense, felony  
7 or a misdemeanor violation related to domestic violence or  
8 sexual assault on the results of the person's criminal  
9 background check; and

10 (3) complete forty hours of training,  
11 including a domestic violence training course provided by the  
12 children, youth and families department and sexual assault  
13 training provided by the department of health or the crime  
14 victims reparation commission or its successor.

15 D. The secretary of state shall appoint a person to  
16 be the administrator of the election component of the  
17 confidential substitute address program in accordance with the  
18 Intimate Partner Violence Survivor Suffrage Act. The  
19 administrator shall meet the requirements of Subsection C of  
20 this section, and administration of the Intimate Partner  
21 Violence Survivor Suffrage Act shall conform to the  
22 requirements of Subsections A and B of this section and  
23 Subsection E of Section 40-13B-5 NMSA 1978."

24 SECTION 96. TEMPORARY PROVISION--2021 POLLING PLACE  
25 RESOLUTION--VOTER CONVENIENCE CENTER FOR ALL STATEWIDE

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1 ELECTIONS IN CALENDAR YEAR 2023.--Each election day polling  
2 place established in the 2021 polling place resolution for each  
3 county or any election day polling place established by any  
4 subsequent amendment to such a resolution shall operate as a  
5 voter convenience center for all statewide elections in  
6 calendar year 2023.

7 SECTION 97. TEMPORARY PROVISION--RECOMPILATION.--Section  
8 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section 15) is  
9 recompiled as a section of the Campaign Reporting Act.

10 SECTION 98. REPEAL.--Sections 1-6-9.2, 1-8-41, 1-10-8.1,  
11 1-15A-8, 1-15A-10 and 1-15A-11 NMSA 1978 (being Laws 1999,  
12 Chapter 267, Section 1; Laws 1973, Chapter 228, Section 11;  
13 Laws 1981, Chapter 166, Section 1; Laws 1977, Chapter 230,  
14 Section 7; Laws 1977, Chapter 230, Section 9 and Laws 1977,  
15 Chapter 230, Section 11; as amended) are repealed.