

1 SENATE BILL 180

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

3 INTRODUCED BY

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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 ~~[C. 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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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.