

1 SENATE BILL 331

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Bill Tallman

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10 AN ACT

11 RELATING TO ELECTION OFFICIALS; REQUIRING AN ADDITIONAL OATH OF  
12 OFFICE FOR THE SECRETARY OF STATE AND COUNTY CLERKS TO CARRY  
13 OUT THEIR DUTIES IN A FAIR AND NEUTRAL MANNER; PROHIBITING THE  
14 SECRETARY OF STATE AND COUNTY CLERKS FROM RUNNING FOR A  
15 DIFFERENT OFFICE DURING THEIR TERM OR FOR TWO YEARS THEREAFTER  
16 OR PARTICIPATING IN OFFICIAL DECISION MAKING THAT WOULD BENEFIT  
17 THE PERSON'S REELECTION CAMPAIGN; PROHIBITING THE SECRETARY OF  
18 STATE AND COUNTY CLERKS FROM PUBLICLY ENDORSING CANDIDATES FOR  
19 ELECTIVE OFFICE.

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21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. A new section of Chapter 4, Article 40 NMSA  
23 1978 is enacted to read:

24 "[NEW MATERIAL] OATH OF OFFICE.--In addition to the oath  
25 of office required pursuant to Article 20, Section 1 of the

.219032.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 constitution of New Mexico, a person elected or appointed to  
2 the office of county clerk shall take and subscribe to an oath  
3 or affirmation that the person will execute the duties of the  
4 office in a fair and neutral manner, provide equal and ample  
5 opportunity for all eligible citizens to register to vote, if  
6 registration is required by law, and to vote and ensure that  
7 the results of elections accurately reflect all valid votes."

8 SECTION 2. A new section of Chapter 4, Article 40 NMSA  
9 1978 is enacted to read:

10 "[NEW MATERIAL] PROHIBITIONS.--A person elected or  
11 appointed to the office of county clerk shall not:

12 A. be a candidate for a different elective office  
13 during the person's term as county clerk and for two years  
14 after the ending of the person's term as county clerk;

15 B. publicly endorse a candidate for any elective  
16 office during the person's term as county clerk; or

17 C. participate in decision making in the person's  
18 capacity as county clerk that could benefit the person's  
19 candidacy while running for reelection. The county clerk's  
20 authorized deputy shall assume the duties of the county clerk  
21 in such instances."

22 SECTION 3. A new section of Chapter 8, Article 4 NMSA  
23 1978 is enacted to read:

24 "[NEW MATERIAL] OATH OF OFFICE.--In addition to the oath  
25 of office required pursuant to Article 20, Section 1 of the

.219032.2

underscored material = new  
[bracketed material] = delete

1 constitution of New Mexico, a person elected or appointed to  
2 the office of secretary of state shall take and subscribe to an  
3 oath or affirmation that the person will execute the duties of  
4 the office in a fair and neutral manner, provide equal and  
5 ample opportunity for all eligible citizens to register to  
6 vote, if registration is required by law, and to vote and  
7 ensure that the results of elections accurately reflect all  
8 valid votes."

9 SECTION 4. A new section of Chapter 8, Article 4 NMSA  
10 1978 is enacted to read:

11 "[NEW MATERIAL] PROHIBITIONS.--A person elected or  
12 appointed to the office of secretary of state shall not:

13 A. be a candidate for a different elective office  
14 during the person's term as secretary of state and for two  
15 years after the ending of the person's term as secretary of  
16 state;

17 B. publicly endorse a candidate for any elective  
18 office during the person's term as secretary of state; or

19 C. participate in decision making in the person's  
20 capacity as secretary of state that could benefit the person's  
21 candidacy while running for reelection. The deputy secretary  
22 of state shall assume the duties of the secretary of state in  
23 such instances."

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