



Review of Elections Legislation and SOS Implementations

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Office of the NM Secretary of State
&
Senator Daniel A. Ivey-Soto

Contact Information



Bureau of Elections

WEB: Sos.state.nm.us

Email: SOS.elections@state.nm.us

Phone: 505-827-3600

Senator Daniel A. Ivey-Soto
“They know how to reach me”

Sharon Pino
Deputy Secretary of State/COS
505-827-3636
Sharon.Pino@state.nm.us

Mandy Vigil
Elections Director
505-827-3617
Mandy.Vigil@state.nm.us

Dylan Lange
Director of Special Projects and Legislative
Initiatives
505-827-3629
Dylan.Lange@state.nm.us



2019 ELECTIONS LEGISLATION

- The Legislature's recent updates to our election laws make it easier for New Mexicans to register to vote, enhance election security, and improve accessibility at the ballot box for eligible voters.
 - Election Law Tune-Up - House Bill 407
 - Local Election Act
 - SOS Admin Rules
 - Ballot Realignment
 - Voter Registration Changes
 - Intimate Violence Survivor Suffrage – SB 190
 - Same Day Voter Registration – SB 672
 - Automated Voter Registration – SB 672
 - Campaign Finance – SB 3
 - Admin Rule
 - Public Financing – SB 4

2018 ELECTION OVERVIEW

- There were 1,261,712 registered voters in NM for the 2018 November general election.
- Of those, 698,495, or 55.4% voted in the 2018 election.
- Highest midterm turnout NM has seen in over 20 years.
- Early in-person voting represented over a majority 54% of voters
- 27% of voters participated on Election Day
- 19% voters voted absentee by mail
- 54% of voters are female and 46% are male.
- Females that requested a mailed ballot – 100% voted in some manner
- Males who requested a mailed ballot – 79.25% voted in some manner

Electronic Registration Information Center

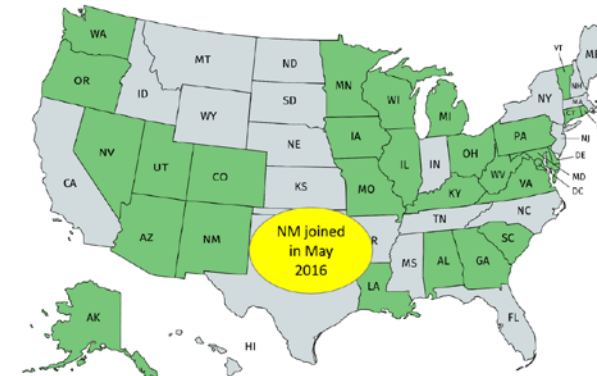


Report Type	Records Sent
Eligible but unregistered In DMV but not registered to vote	34,000,000

Help state and local election officials improve the accuracy of their voter rolls, register more eligible citizens, reduce costs, and improve efficiencies in the voting process.

Report Type	Total Records
In-state movers/updates (902,000 contact info only) More recent activity in DMV record	7,940,263
Cross-state movers More recent registration/license in other state	2,523,475
Deceased Appears on national death index	243,592
In-state duplicates Duplicate voter records	322,235
TOTAL	11,029,565

29 members with a VEP of 112 million:





Voter Benefits - HB 407

- House Bill 407 was important for New Mexicans because our election laws must continually evolve to meet the needs of 21st Century voters.
- Serve Constituents and Voters better and integrates Local Elections
- Benefits
 - Filing Declarations of Candidacy without travel
 - Absentee ballots pre-paid postage
 - Election consolidation/efficiency – County clerks run all Regular Local Elections (RLE)
 - Voter expectations/education
- Drop-off boxes for mail-in ballots
 - Security of the drop off boxes
- Absentee ballots are protected the same way as Provisional ballots .
- Voter Registration – privacy improvements
- Ballot Management

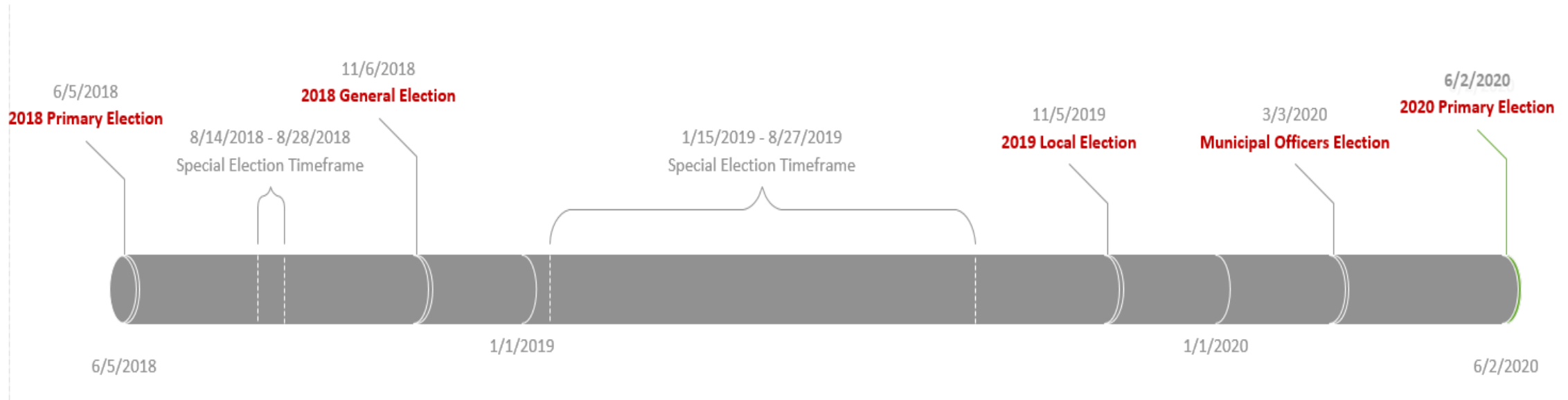
Proper Filing Officer – HB 407 Definitions

"proper filing officer" means, for the purposes of filing:

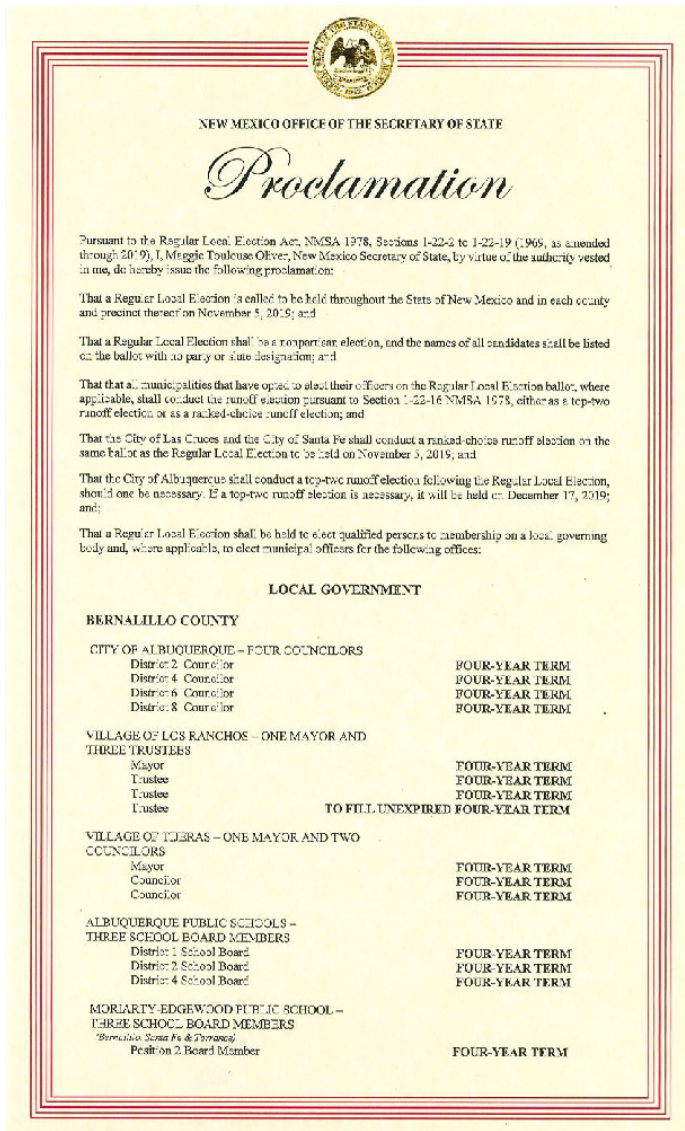
- A. reports required by the Campaign Reporting Act and the School District Campaign Reporting Act, the secretary of state;
- B. declarations of candidacy and candidate qualification documents by any candidate for statewide or federal office, the secretary of state; and
- C. declarations of candidacy and candidate qualification documents by all other candidates, the county clerk of the county in which the candidate resides.

What does this mean for candidates?

Election Timeline



2019 Regular Local Election



- Over 900 candidates declare for the first Regular Local Election in NM
- Over 250 candidate contests across the state
- Santa Fe and Las Cruces will have Ranked Choice Voting for Municipal Officer elections.
- City of Albuquerque will have its Top-Two Runoff election on December 10, 2019, if necessary.
- May register to vote or update an existing registration up to November 2, 2019.
- Local Government Ballot Questions also to appear.



Definitions in LEA

- “local government” means:
 - political subdivision of the state with or without authority to levy taxes pursuant to Article 8, Section 9 of the constitution of New Mexico and its enabling legislation,
 - but and does not include a conservancy district governed pursuant to Chapter 73, Article 14 or 18 NMSA 1978 or a county;
 - political subdivisions whose statutory provisions provide for election of officers or ballot questions to be decided pursuant to the Local Election Act
- "regular local election" means:
 - the biennial local election at which local governing body members are elected pursuant to the provisions of the Local Election Act; and
- "special local election" means
 - a local election conducted at a time other than a statewide election at which only ballot questions are considered pursuant to the provisions of the Special Election Act."
- "municipal officers" means
 - the local governing body and any elective executive and judicial officers of a municipality;

Municipalities have a Choice

If a Municipality takes no action:

- Municipal Officer Elections remain in March of even-numbered years (may also include ballot questions).
- City Clerk still conducts and pays for regular and special municipal elections (except recall elections).

OR

Opt-In to the Local Election Act by Ordinance:

- Municipal elections appear on the Local Election ballot each November of the odd-numbered year.
- County Clerks conduct all regular local elections and special elections.



What's the Benefit of Opting-in?

- No Annual Assessment (post HB 407)
- County Clerk Conducts Election – No cost to Municipality
- Voter Education- Elections every November
- Can request alternative voting location
- Select an instant runoff election
- State reimburses Counties for costs associated with this Statewide election
 - Impact to Secretary of State



Implementing HB 407 Legislative Mandate

- SOS Administrative Rules
 - Ballot Questions Rule
 - Form of Ballot Question
 - Local government must post full act, charter amendment, or ordinance
 - Ranked Choice Voting and Top-Two Runoff Elections
- One Time Realignment
 - Implemented in July by assigning district numbers and where necessary extending terms
 - August Supreme Court Ruling – Back to status quo

Legislative Outcomes- Election Administration

Voter Registration Form

VOTER REGISTRATION APPLICATION

1. Complete the application
2. Detach and Retain your receipt
3. Moisten where indicated, fold, seal and mail.

*** PRIVACY NOTICE**

The provided protected personal identifier information is required to register to vote in New Mexico. Pursuant to state and federal law, the Secretary of State, a County Clerk or any other registration agent, will not release the provided protected information. A person who unlawfully copies, conveys or uses information from a certificate of registration is guilty of a fourth degree felony. Additionally, voter files provided to the public shall not include email addresses.

Please PRINT Clearly

Required: See Privacy Notice
Enter last 4 digits of SSN, or full NM Driver's License or ID Number

1	NAME Last	First	Middle Name or Initial	Gender
2	PHYSICAL STREET ADDRESS WHERE YOU LIVE NOW			
	Street Address	Apartment, Unit, or Lot #		City Zip
3	ADDRESS WHERE YOU GET YOUR MAIL (if different from above)			
	Mailing Address	City	Zip	
4	If you are changing your name on this application, under what full name were you previously registered? Last, First, Middle			5
				E-Mail Address (*optional)
6	POLITICAL PARTY		DAYTIME TELEPHONE NUMBER (optional)	
	NOTE: You must name a major political party to vote in primary elections. ▶▶▶▶ Party		If you choose NO PARTY check this box <input type="checkbox"/> 7	
8	I hereby authorize you to cancel my previous registration in the following county and state.		City or Township	County State
9	ATTESTATION OF QUALIFICATION			
	Please answer the following questions.			
	Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No			
	If you checked "NO" do not complete this form.			
	If you have been convicted of a felony and are currently on parole or supervised probation, do not complete this form.			
	TODAY'S DATE: _____			
	Month Day Year			
10	Name of person who assisted you in filing out this form:		VRATID #	

SIGN YOUR FULL NAME OR MARK ON THE YELLOW LINE BELOW:

Same-Day Voter Registration – SB672

- In order to vote in the Regular Local Election, the applicant must register online or by mail at least 28 days prior to the election date.
- However, for 2019, an applicant may also register in person by 6:00 pm on the Saturday immediately prior to the date of the election at a county clerk's office or at an alternative voting location if a county clerk has assigned a county clerk employee to be the clerk's authorized deputy to serve as a registration officer.

SOS Implementation Plan for Same day voter Registration

- 2019 & 2020:
 - Clerk's Offices
 - Optional at additional EV Sites
- 2021:
 - Clerk's Offices
 - EV Sites
 - ED Polling Locations

Automated Voter Registration – SB 672

- Codifying Current System
 - Improvements to registration process
 - MVD is required to produce a receipt
- Expand to other state agencies (i.e. HSD)
- Voter still must take affirmative action to register

Safe at Home - SB 190

- SB 190- Intimate Partner Violence Survivor Suffrage Act
 - Provides a voting process for Safe at Home participants
- SOS Website: Safe at Home
 - About
 - Q & A
 - Application Packet
 - Brochures



Voter Action Act – SB 4 (Statewide Judges and PRC Candidates Only)

- Repeals provisions that pertain to seed money and matching funds
- Added electronic payments to the acceptable forms of payment for qualifying contributions to the public election fund;
- Changed the prohibited uses of money specified to allow a certified candidate to use public election fund money for joint advertisements or services with other certified candidates;
- Removes any funding for an uncontested general election.

Campaign Finance Updates – SB 3

- Resolved Constitutional Issues with NM Campaign Finance Law
 - Replaces the two-tier, **\$2,600** limit for contributions to non-statewide candidates and **\$5,700** limit for statewide candidates with a blanket, **\$5,000** limit for all candidates in primary and general elections, except for gubernatorial candidates. NMSA 1978, § 1-19-34.7(A).
 - Limits for contributions to gubernatorial candidates shall be **twice the limit** for other candidates (**\$10,000** per primary or general election). NMSA 1978, § 1-19-34.7(B).
 - **Exempts** from contribution limits contributions to political committees that only make independent expenditures and contributions to political committees that are deposited in a segregated bank account that may only be used for independent expenditures. NMSA 1978, § 1-19-34.7(I).

Independent Expenditures (IEs)

- **"independent expenditure"** - an expenditure that is:
 - made by a person other than a candidate or campaign committee;
 - not a coordinated expenditure as defined in the Campaign Reporting Act; and
 - made to pay for an **advertisement** that:
 - **expressly advocates** the election or defeat...;
 - **is susceptible to no other reasonable interpretation** than as an appeal to vote for or against...; or
 - **refers to a clearly identified candidate or ballot question and is published and disseminated to the relevant electorate...** within 30 days before the primary election or 60 before the general election...

Reporting Requirements for IEs

NMSA 1978, § 1-19-27.3

- Within 3 days of making the expenditure
 - \$1,000 in a non-statewide contest
 - \$3,000 in a statewide contest
- Within 24 hours of making the expenditure if amount is \$3,000 or more and is made within 7 days before a non-statewide or statewide contest
- \$3,000 or less in non-statewide or \$9,000 or less in a statewide
 - More reporting requirements aimed at transparency

Campaign Finance Updates – SB 3

- LEGISLATIVE CAUCUS COMMITTEES
 - Added a definition of “legislative caucus committee” and includes a legislative caucus committee in the definition of “political committee”
 - limit a political party caucus to one legislative caucus committee in each chamber of the legislature

Campaign Finance Updates – SB 3

- Creates a separate limit for contributions to political parties and legislative caucus committees of **five times** the limits for contributions to non-gubernatorial candidates (\$25,000 per primary or general election). NMSA 1978, § 1-19-34.7(C).
- Exempts from contribution limits in-kind contributions by political parties and legislative caucus committees to their parties' candidates. NMSA 1978, § 1-19.34.7(J).

Contribution Limits

- remove the cap of \$50 per occurrence on the value of the incidental use of a candidate's personal property;
- home or business use for campaign purposes that is excluded from the definition of "contribution" for purposes of the Campaign Reporting Act;
- add a requirement that changes in a political committee's statement of organization and when a new treasurer is appointed, be reported to the secretary of state within 10 days

Campaign Finance Rule and Implementation of new CFIS System

- CF Rule changes – SB 3 mandated rules
- CIFS
 - February 2020

Financial Disclosure Changes

Financial Disclosures - only need to file once per calendar year

State Ethics Commission enforce Financial Disclosures

Questions?

