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HOUSE BILL 185

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Thomas A. Anderson

AN ACT

RELATING TO ELECTION; LIMITING THE RULEMAKING AUTHORITY OF THE SECRETARY OF STATE; REQUIRING ALL PROCEDURES AND PRACTICES OF THE SECRETARY OF STATE TO BE ESTABLISHED BY RULE.

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

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

"1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--RULES
[~~AND REGULATIONS~~]~~--ENFORCEMENT POWERS.--~~

A. The secretary of state is the chief election officer of the state and shall:

(1) obtain and maintain uniformity in the application, operation and interpretation of the Election Code to ensure consistency in the application of the provisions to elections; provided that this shall not be construed as

.183488.1

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

underscoring material = new
[bracketed material] = delete

1 authority to alter, amend or add any requirement not included
2 in the Election Code;

3 (2) subject to the State Rules Act, make rules
4 [~~and regulations~~] pursuant to the provisions of, and necessary
5 to carry out the purposes of, the Election Code and shall
6 furnish to the county clerks copies of such rules [~~and~~
7 ~~regulations~~]; and

8 (3) through the attorney general or the
9 district attorney having jurisdiction, bring such actions as
10 deemed necessary and proper for the enforcement of the
11 provisions of the Election Code.

12 B. 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.

15 C. No practice or procedure established by the
16 secretary of state shall be effective until filed and published
17 as a rule."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2011.