

FIFTY-THIRD LEGISLATURE  
FIRST SESSION, 2017

HB 98/a

March 11, 2017

Mr. President:

Your **RULES COMMITTEE**, to whom has been referred

**HOUSE BILL 98**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, before the period, insert "; PROVIDING FOR ONLINE APPLICATION FOR ABSENTEE BALLOTS; CHANGING DEADLINES FOR BALLOT CHANGES AND MAKING CONFORMING AMENDMENTS; CHANGING REGISTRATION CLOSURE TIMES; CHANGING REQUIREMENTS FOR THE INVALIDATION OF NOMINATING PETITIONS; PROVIDING FOR REPLACEMENT BALLOTS FOR ABSENTEE VOTERS; CHANGING DEADLINES FOR TESTING OF NEW VOTING SYSTEMS".

2. On page 1, between lines 15 and 16, insert the following sections to read:

"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.--

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

B. The secretary of state shall:

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

(2) subject to the State Rules Act, make rules pursuant to the provisions of, and necessary to carry out the purposes of, the Election Code and shall furnish to the county clerks copies of such rules; provided that no rule is adopted or amended within the [~~fifty-six~~] sixty-three days before a primary or

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a general election.

C. No forms or procedures shall be used in any election held pursuant to the Election Code without prior approval of the secretary of state."

**SECTION 2.** Section 1-4-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 66, as amended) is amended to read:

"1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--For qualified electors, the following provisions shall apply:

A. the county clerk shall receive certificates of registration at all times during normal working hours, except that the clerk shall close registration at [~~5:00 p.m. on~~] the end of the twenty-eighth day immediately preceding any election at which the registration books are to be furnished to the precinct board;

B. registration shall be reopened on the Monday following the election;

C. for purposes of a municipal or school election, the registration period for those precincts within the municipality or school district is closed at [~~5:00 p.m. on~~] the end of the twenty-eighth day immediately preceding the municipal or school election and is opened again on the Monday following the election;

D. during the period when registration is closed, the county clerk shall receive certificates of registration and other documents pertaining thereto but shall not file any certificate of registration in the registration book until the Monday following the election, at which time a voter information document shall be mailed to the registrant at the address shown on the certificate of registration;

E. when the twenty-eighth day prior to any election

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referred to in this section is a Saturday, Sunday or legal holiday, registration shall be closed at [~~5:00 p.m.~~] the end of the next succeeding regular business day for the office of the county clerk; and

F. the county clerk shall accept for filing any certificate of registration that is subscribed and dated on or before the twenty-eighth day preceding the election and:

(1) received by the county clerk [~~before 5:00 p.m.~~] by the end of the regular business day for the office of the county clerk on the Friday immediately following the close of registration;

(2) mailed and postmarked not less than twenty-eight days prior to any election referred to in this section; or

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

**SECTION 3.** Section 1-6-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 130, as amended) is amended to read:

"1-6-4. ABSENTEE BALLOT APPLICATION.--

A. Application by a voter for an absentee ballot shall be made only on a paper form or its electronic equivalent as prescribed by the secretary of state. The form shall identify the applicant and contain information to establish the applicant's qualification for issuance of an absentee ballot under the Absent Voter Act; provided that on the application form for a general election ballot there shall be no box, space or place provided for designation of the voter's political party affiliation.

B. Each application for an absentee ballot shall be signed by the applicant and shall require the applicant's printed name, registration address and year of birth to be supplied by the applicant, which shall constitute the required form of

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identification, except for new registrants who have registered by mail and at that time did not provide acceptable identification. The secretary of state shall issue rules to exempt voters from submitting identification only as required by federal law and shall review and, if necessary, update these rules no later than March 15 of even-numbered years.

C. A person who willfully and with knowledge and intent to deceive or mislead any voter, precinct board, canvassing board, county clerk or other election official and who falsifies any information on an absentee ballot request form or who affixes a signature or mark other than the person's own on an absentee ballot request form is guilty of a fourth degree felony."

**SECTION 4.** Section 1-6-16.2 NMSA 1978 (being Laws 1993, Chapter 353, Section 1, as amended) is amended to read:

"1-6-16.2. ADDITIONAL EMERGENCY PROCEDURE FOR VOTING.--

A. After the close of the period for requesting absentee ballots by mail, any voter who is unable to go to the polls due to unforeseen illness or disability resulting in [~~his~~] the voter's confinement in a hospital, sanatorium, nursing home or residence and who is unable to vote [~~at his regular polling place or alternate location~~] in person may request in writing that [~~an alternative~~] a provisional paper ballot be made available to [~~him~~] the voter. The written request shall be signed by the voter and a health care provider under penalty of perjury.

B. The [~~alternative~~] provisional paper ballot shall be made available by the county clerk of the county in which the voter resides to any authorized representative of the voter who through [~~his~~] the representative has presented the written request to the office of the county clerk.

C. Before releasing the [~~alternative~~] provisional paper ballot, the county clerk shall compare the signature on the written

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request with the signature on the voter's affidavit of registration. If the county clerk determines that the signature on the written request is not the signature of the voter, ~~[he]~~ the county clerk shall reject the request for ~~[an alternative]~~ a provisional paper ballot.

D. The voter shall mark the ~~[alternative]~~ provisional paper ballot, place it in an identification envelope ~~[similar to that used for absentee ballots]~~, fill out and sign the envelope and return the ballot to the office of the county clerk of the county in which the voter resides no later than the time of closing of the polls on election day. ~~[The voter's name shall be compared to the roster of voters and the ballot shall only be counted if there is no signature for that voter on the roster of the precinct where that voter's name appears.]~~

~~E. Alternative ballots shall be processed and counted in the same manner as absentee ballots.~~

~~F. The secretary of state shall prescribe the form of alternative ballots and shall distribute an appropriate number of alternative ballots to each county clerk.]~~ A provisional paper ballot issued pursuant to this section shall be qualified and tabulated once the county clerk determines that the person did not cast any other ballot and if no challenge is successfully interposed."

**SECTION 5.** Section 1-6-22.1 NMSA 1978 (being Laws 2009, Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1, as amended) is amended to read:

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

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

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

B. If a precinct is designated a mail ballot election precinct, in addition to the notice required pursuant to Section 1-3-8 NMSA 1978, the county clerk shall notify by mail with delivery confirmation all voters in that precinct at least forty-two days before an election that each voter will be sent an absentee ballot twenty-eight days before the election and that there will be no polling place for the precinct on election day. The county clerk shall include in the notice a card informing the voter that if the voter does not want to receive an absentee ballot for that election, the voter should return the card before the date the county clerk is scheduled to mail out absentee ballots. The notice shall also inform the voter that a voting system equipped for persons with disabilities will be available at all early voting sites before election day and in the office of the county clerk on election day in case the voter prefers to vote in person and not by mail. In addition, the notice shall inform the voter if the county is consolidating precincts on election day and, if so, the ability of the voter to cast a ballot at any consolidated precinct on election day if the voter chooses not to receive an absentee ballot, or to cast a provisional ballot at any consolidated precinct if the voter does not receive an absentee ballot, which will be counted upon confirmation that the voter has not returned the absentee ballot.

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

D. The county clerk shall keep a sufficient number of ballots from a mail ballot election precinct such that [±f] a voter

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from that precinct [~~does not receive an absentee ballot before election day, the voter~~] may vote on [~~an absentee~~] a replacement or provisional paper ballot [~~in the office of the county clerk on election day in lieu of voting on the missing ballot~~] pursuant to Section 1-6-16 NMSA 1978 or on an emergency paper ballot pursuant to Section 1-6-16.2 NMSA 1978."

**SECTION 6.** Section 1-8-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 154, as amended by Laws 2014, Chapter 40, Section 4 and by Laws 2014, Chapter 81, Section 4) is amended to read:

"1-8-4. SECRETARY OF STATE--CERTIFICATION OF NOMINEES--MINOR POLITICAL PARTY.--

A. Upon receipt of certificates of nomination of any minor political party and nominating petitions, and no later than 5:00 p.m. on the first Tuesday following the filing date, the proper filing officer shall:

(1) determine whether the method of nomination used by the certifying political party complies with the current rules of that party on file in the secretary of state's office;

(2) determine whether the number of signatures required have been submitted and all the requirements of Sections 1-8-1 through 1-8-3 NMSA 1978 have been complied with; and

(3) if such determinations are answered in the affirmative, mail notice to the certifying party and the candidate no later than 5:00 p.m. on the Tuesday following the filing date that the certificates of nomination and nominating petitions are in proper order and that the candidate, based on those documents, is qualified to have the candidate's name placed on the ballot.

B. If a minor political party candidate is notified by the proper filing officer that the candidate is not qualified to have the candidate's name appear on the ballot, the candidate may

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challenge the decision by filing a petition with the district court within ten days of the notification. The district court shall hear and render a decision on the matter within ten days after the petition is filed. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision no later than [~~fifty-six~~] sixty-three days prior to the general election.

C. Any voter may file a court action challenging a minor political party candidate's nominating petitions pursuant to the provisions of Section 1-8-35 NMSA 1978."

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

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

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

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

(2) the resignation or death of a person holding a public office after the last Friday before the first Tuesday in March, when such office was not included in the governor's proclamation and is required by law to be filled at the next succeeding general election after the vacancy is created.

B. The vacancy may be filled subsequent to the primary election by the central committee of the state or county political

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party, as the case may be, as provided by Subsection A of Section 1-8-8 NMSA 1978. The name of the person to fill the vacancy on the general election ballot shall be filed with the proper filing officer on a form approved by the secretary of state within fifteen days after the primary election, and when so filed, it shall be placed on the general election ballot as the political party's nominee for such office."

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

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

A. If after a primary election, but seventy or more days before the general election, a vacancy occurs, for any cause, in the list of the nominees of a qualified political party for any public office to be filled in the general election, or a vacancy occurs because of the resignation or death of a person holding a public office not included in the governor's proclamation and which office is required by law to be filled at the next succeeding general election, or a vacancy occurs because a new public office is created and was not included in the governor's proclamation but is capable by law of being filled at the next succeeding general election, the vacancy on the general election ballot may be filled by:

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

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

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

C. The county or state central committee members making the appointment pursuant to Subsection A of this section shall be as provided for in the rules of the respective party; provided that, at a minimum, the committee shall include those members residing within the boundaries of the area to be represented by the public office.

D. Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the proper filing officer using a form approved by the secretary of state at least [~~fifty-six~~] sixty-three days prior to the general election.

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

**SECTION 9.** Section 1-8-9 NMSA 1978 (being Laws 1975, Chapter 255, Section 104, as amended) is amended to read:

"1-8-9. GENERAL ELECTION--WITHDRAWAL OF CANDIDATES.--No candidate shall withdraw from a general election unless the candidate withdraws at least [~~sixty-three~~] seventy days prior to that election and the candidate files a signed and notarized statement of withdrawal with the proper filing officer."

**SECTION 10.** Section 1-8-31 NMSA 1978 (being Laws 1973, Chapter 228, Section 5, as amended) is amended to read:

"1-8-31. [~~PRIMARY ELECTION LAW~~] NOMINATING PETITION--SIGNATURES TO BE COUNTED.--

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

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of candidates to be elected to the office.

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

C. A signature shall be counted on a nominating petition unless there is evidence presented that the person signing:

~~[(1) was not a registered member of the candidate's political party ten days prior to the filing of the nominating petition;~~

~~(2)]~~ (1) failed to provide information required by the nominating petition;

~~[(3)]~~ (2) is not a voter of the state, district, county or area to be represented by the office for which the person seeking the nomination is a candidate;

~~[(4)]~~ (3) has signed more than one petition for the same office, except as provided in Subsection A of this section, or has signed one petition more than once;

~~[(5)]~~ (4) is not of the same political party as the candidate named in the nominating petition as shown by the signer's certificate of registration; or

~~[(6)]~~ (5) is not the person whose name appears on the nominating petition.

D. The following information shall be listed in the appropriate space at the top of the nominating petition before the petition has been signed by any voter:

(1) the party affiliation of voters signing the

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petition;

(2) the candidate's name [~~the candidate's address, the candidate's county of residence and~~];

(3) the office sought by the candidate [~~which shall include~~]; and

(4) the district [~~or division~~] of the office sought, or, if [applicable] the office sought is a judicial division office within a judicial district, the judicial division number.

E. With or without a showing of fraud or reasonable opportunity for fraud, a nominating petition, including all signatures on the petition page, shall be invalid if any of the [~~preceding~~] information required by Subsection D of this section is not listed on the petition before the petition is signed by a voter or if any of the [~~preceding~~] required information is altered.

~~[E.]~~ F. The procedures set forth in this section shall be used to validate signatures on any petition required by the Election Code, except that [~~Paragraphs (1) and (5)~~] Paragraph (4) of Subsection C of this section shall not apply to petitions filed by unaffiliated candidates or petitions filed by candidates of minor political parties."".

3. Renumber the succeeding section accordingly.

4. On page 2, between lines 16 and 17, insert the following sections to read:

**"SECTION 12.** Section 1-9-7.2 NMSA 1978 (being Laws 2005, Chapter 270, Section 57, as amended) is amended to read:

**"1-9-7.2. VOTING SYSTEMS--TESTING OF PREVIOUSLY CERTIFIED SYSTEMS.--**The secretary of state may voluntarily test and certify voting systems without an application by the manufacturer if the

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system has been previously certified by the United States election assistance commission. Tests and inspections conducted pursuant to this section shall follow the procedures in Section 1-9-14 NMSA 1978 [~~and shall be completed within six months of the date on which the secretary of state orders testing to begin~~]; provided, however, if the manufacturer has not applied for certification of that voting system, the manufacturer shall not be required to pay for the costs of testing and certification."

**SECTION 13.** Section 1-9-14 NMSA 1978 (being Laws 1983, Chapter 226, Section 1, as amended) is amended to read:

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

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

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

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testing laboratories technically qualified to evaluate and test the operation and component parts of voting systems and shall require a written report on the results of such testing. The secretary of state may authorize field testing of the equipment in one or more polling places in any state or local government election; provided that such field tests shall be conducted at no cost to the state or any local government. ~~[These tests and inspections shall be completed within six months of the date of application.]~~

C. Upon completion of all tests and examination of all written test reports, the secretary of state shall make a written report of the result of the findings and shall file that report, together with the written test reports, in the office of the secretary of state and post them on the secretary of state's ~~[web site]~~ website. The secretary of state shall accept public comment during the twenty-one days following the filing of the written report.

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

E. The voting system certification committee shall recommend that a voting system be certified for use in the state only if it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

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

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voting system certification committee with a written final report.

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

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

I. If the voting system certification committee does not recommend that the voting system for recording and tabulating votes is suitable for use in elections in New Mexico, within thirty days of receiving the recommendation, the secretary of state shall deny the application or decertify the equipment for use in elections in this state."

**SECTION 14.** Section 1-10-4 NMSA 1978 (being Laws 1977, Chapter 222, Section 27, as amended) is amended to read:

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

A. Not less than [~~fifty-six~~] sixty-three days before the primary election, each proper filing officer shall group all candidates for each party by themselves and prepare in writing a separate ballot for each party and certify the candidates for each ballot position to the printer.

B. Not less than [~~fifty-six~~] sixty-three days before the general election, each proper filing officer shall prepare in writing the ballot containing the name of each candidate that has been certified and filed as the nominee of a party and any constitutional amendments, questions or other propositions that are

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to be voted on and certify all such information to the ballot printer. A copy of each certification shall be kept on file in the office of the secretary of state.

C. Upon request of the county chair of a political party participating in the election, the county clerk shall furnish proof sheets or a copy of the proof sheets of the ballot as soon as they become available."

**SECTION 15.** Section 1-12-25.2 NMSA 1978 (being Laws 2003, Chapter 356, Section 3, as amended) is amended to read:

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

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

B. The [~~county clerk~~] secretary of state shall provide a free access system, such as a toll-free telephone number or internet [~~web site~~] website, that a voter who casts a provisional paper ballot may access to ascertain whether the voter's ballot was counted and, if the vote was not counted, the reason it was not counted and how to appeal the decision pursuant to rules issued by the secretary of state. Access to information about an individual voter's provisional paper ballot through the free access system is restricted to the voter who cast the ballot.

C. Beginning with the closing of the polls on election day through the tenth day following the election, the county clerk shall notify by mail each person whose provisional paper ballot was not counted of the reason the ballot was not counted. The voter shall have until the Friday prior to the meeting of the state canvassing board to appeal to the county clerk a decision to reject the voter's

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ballot."

**SECTION 16.** Section 1-15-3 NMSA 1978 (being Laws 1969, Chapter 240, Section 353, as amended) is amended to read:

"1-15-3. PRESIDENTIAL ELECTORS--NOMINATION.--

A. Any qualified political party in New Mexico desiring to have candidates for president and vice president on the general election ballot in a presidential election year shall, at a state party convention held in the year of such election, choose from the voters of [~~such~~] the party the number of presidential electors required by law and no more.

B. The presidential electors shall be nominated by the state convention according to the rules of that party on file with the secretary of state.

C. Upon the nomination of presidential electors, the [~~chairman~~] chair and secretary of the convention shall certify the names and addresses of [~~such~~] the nominees not less than [~~fifty-six~~] sixty-three days prior to the election to the secretary of state. The secretary of state shall record the nominees' names in [~~his~~] the secretary's office as the presidential elector nominees of that party."

**SECTION 17.** Section 1-15A-7 NMSA 1978 (being Laws 1977, Chapter 230, Section 6, as amended by Laws 1980, Chapter 13, Section 2 and also by Laws 1980, Chapter 43, Section 2) is amended to read:

"1-15A-7. NOTIFICATION TO CANDIDATES.--The secretary of state shall contact each person who has been nominated by the committee or by petition and notify [~~him~~] the person in writing by certified mail, with return receipt requested, that [~~his~~] the person's name will be printed as a candidate on the New Mexico presidential primary ballot unless [~~he~~] the person requests in writing otherwise at least [~~fifty~~] sixty-three days prior to the election."

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**SECTION 18.** Section 1-16-3 NMSA 1978 (being Laws 1969, Chapter 240, Section 376, as amended) is amended to read:

"1-16-3. STATE CONSTITUTIONAL AMENDMENTS--CERTIFICATION.--  
Whenever a proposed constitutional amendment or other question is to be submitted to the voters of the entire state, the secretary of state, not less than [~~fifty-six~~] sixty-three days before the election at which it is to be submitted, shall certify the proposed constitutional amendment or question to the county clerk of each county."

**SECTION 19.** Section 1-24-2 NMSA 1978 (being Laws 1989, Chapter 295, Section 2, as amended) is amended to read:

"1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--  
PUBLICATION.--

A. Whenever a local government special election is to be called or is required by law, the governing body shall by resolution issue a public proclamation calling the election. The proclamation shall forthwith be filed with the county clerk. The proclamation shall specify:

(1) the date on which the special election will be held;

(2) the purpose for which the special election is called;

(3) if officers are to be elected or positions on the governing body are to be filled, the date on which declarations of candidacy are to be filed;

(4) if a question is to be voted upon, the text of that question;

(5) the precincts in each county in which the

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election is to be held and the location of each polling place in the precinct;

(6) the hours that each polling place will be open;  
and

(7) the date and time of closing the registration books by the county clerk as required by law.

B. After filing with the county clerk the proclamation issued pursuant to Subsection A of this section, and not less than [~~fifty-six~~] sixty-three days before the date of the election, the governing body shall publish the proclamation once each week for two consecutive weeks in a newspaper of general circulation within the boundaries of the local government or special district. The proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended.

C. Whenever a statewide special election is to be called or is required by law, the governor shall by resolution issue a public proclamation calling the election. Whenever an election to fill a vacancy in the office of United States representative is to be called or is required by law, the governor shall by resolution issue a public proclamation calling the election pursuant to the requirements of Section 1-15-18.1 NMSA 1978. The proclamation shall forthwith be filed with the secretary of state. The proclamation shall specify:

(1) the date on which the special election will be held;

(2) the purpose for which the special election is called;

(3) if a vacancy in the office of United States representative is to be filled, the date on which declarations of candidacy are to be filed;

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(4) if a question is to be voted upon, the text of that question; and

(5) the date and time of closing the registration books by the county clerk as required by law.

D. After the proclamation issued pursuant to Subsection C of this section is filed with the secretary of state, the secretary of state shall within five days certify the proclamation to each county clerk in the state. Not less than [~~fifty-six~~] sixty-three days before the date of the election, the county clerk shall publish the proclamation once each week for two consecutive weeks in a newspaper of general circulation, which shall include the precincts in the county in which the election is to be held and the location of each polling place in the precinct and the hours that each polling place will be open. For an election called pursuant to Subsection F of Section 1-15-18.1 NMSA 1978, the proclamation shall be published consistent with this subsection not less than thirty-six days before the date of the election. The proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended."",

and thence referred to the **JUDICIARY COMMITTEE.**

FIFTY-THIRD LEGISLATURE  
FIRST SESSION, 2017

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Respectfully submitted,

\_\_\_\_\_  
LINDA M. LOPEZ, CHAIRMAN

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Baca, Ingle, Moores, Pirtle, Sanchez

Absent: None

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