

1 SENATE BILL 218

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO ELECTION ADMINISTRATION; AMENDING THE ELECTION
12 CODE; PROVIDING A PROCESS FOR ELECTION ADMINISTRATIVE STAFF
13 HOME ADDRESS CONFIDENTIALITY; REQUIRING COUNTY CLERKS TO
14 PARTICIPATE IN A CERTIFICATION PROGRAM ADMINISTERED BY THE
15 SECRETARY OF STATE AND TO RECEIVE CERTIFICATION; PROVIDING
16 ELECTION DAY PROCEDURES FOR NEWLY APPOINTED ELECTION BOARD
17 MEMBERS; PROVIDING PROVISIONAL BALLOT REQUIREMENTS; REMOVING
18 THE ELECTIONS SECURITY PROGRAM FROM THE BUREAU OF ELECTIONS OF
19 THE OFFICE OF THE SECRETARY OF STATE; AMENDING THE PRIMARY
20 ELECTION LAW; REQUIRING THE SECRETARY OF STATE TO IMPLEMENT A
21 SECURE INTERNET APPLICATION TO GATHER ELECTRONIC SIGNATURES FOR
22 THE QUALIFICATION OF POLITICAL PARTIES; PROVIDING BALLOT
23 PROCEDURES; REQUIRING VOTER NOTIFICATIONS TO BE SENT TO
24 ELIGIBLE VOTERS; AMENDING THE CIRCUMSTANCES IN WHICH AN
25 AUTOMATIC RECOUNT IS REQUIRED; PROVIDING A PROCEDURE FOR

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1 QUALIFIED POLITICAL PARTIES TO PLACE A CANDIDATE FOR PRESIDENT
2 OR VICE PRESIDENT ON THE GENERAL ELECTION BALLOT; PROVIDING A
3 PROCEDURE FOR PRESIDENTIAL PRIMARY VACANCIES; AMENDING THE
4 VOTER ACTION ACT; EXPANDING THE DEFINITION OF "QUALIFYING
5 PERIOD"; PROVIDING PROCEDURES FOR DECLARATIONS OF INTENT;
6 REQUIRING THE LEGISLATURE TO NOTIFY THE SECRETARY OF STATE IN
7 WRITING OF THE CREATION OF A NEW COVERED OFFICE; AMENDING THE
8 LOCAL ELECTION ACT; REPEALING A SECTION RELATING TO MUNICIPAL
9 ELECTION PROCEDURES; AMENDING THE SPECIAL ELECTION ACT;
10 PROVIDING PROCEDURES FOR SPECIAL ELECTIONS CALLED BY COUNTIES
11 OR LOCAL PUBLIC BODIES; PROVIDING PROCEDURES FOR EMERGENCY
12 ELECTIONS; ELIMINATING PRE-PRIMARY CONVENTION DESIGNATIONS;
13 ELIMINATING REFERENCES TO PARTY CONVENTIONS; AMENDING,
14 REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 1-1-27.1 NMSA 1978 (being Laws 2023,
18 Chapter 39, Section 1) is amended to read:

19 "1-1-27.1. PUBLIC OFFICIAL AND ELECTION ADMINISTRATIVE
20 STAFF HOME ADDRESS CONFIDENTIALITY [RULEMAKING].--

21 A. The secretary of state shall promulgate rules to
22 allow an elected or appointed public official to designate as
23 confidential the public official's home address as stated in
24 election- and financial-related disclosures filed with the
25 secretary of state or county clerks. A home address designated

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1 as confidential pursuant to this section is exempt from
2 disclosure pursuant to an Inspection of Public Records Act
3 request and shall not be published on a governmental website.
4 Nothing in this section or the secretary of state's rule shall
5 prohibit the disclosure of the public official's home address
6 if relevant to a challenge brought pursuant to the Election
7 Code or a judicial proceeding. A requestor shall complete a
8 notarized affidavit that unredacted copies are being requested
9 for the purposes of a challenge brought pursuant to the
10 Election Code or a judicial proceeding and that any address
11 designated as confidential shall not be used for any other
12 purpose.

13 B. Nonelected and appointed employees of a county
14 clerk or the secretary of state may designate a confidential
15 home address that shall not be disclosed on voter lists and
16 file maintenance lists. The designation shall be made on a
17 form prescribed by the secretary of state.

18 C. For the purposes of this section, "public
19 official" means a person elected or appointed to a federal,
20 state, county or local office or a candidate thereof or a
21 person appointed to a federal, state, county or local
22 government position."

23 SECTION 2. Section 1-2-5 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 26, as amended) is amended to read:

25 "1-2-5. SECRETARY OF STATE--ELECTION SEMINARS--

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1 CERTIFICATION PROGRAM.--

2 A. In carrying out [his] the duties of the
3 secretary of state under the Election Code, the secretary of
4 state shall, once before [~~each and~~] every statewide election,
5 cause to be organized and conducted at convenient places and
6 times in this state seminars on the administration of the
7 Election Code. The secretary of state shall send written
8 notice of the seminar to each county clerk setting forth the
9 time and place of the seminar. Each county clerk, one of [~~his~~]
10 the county clerk's designated deputies and one voting machine
11 technician shall attend the seminar. Per diem and mileage
12 shall be paid out of the funds appropriated to the secretary of
13 state.

14 B. The secretary of state shall conduct a
15 certification program for county clerks and shall require each
16 county clerk to receive certification within twelve months of
17 an initial appointment, election or reelection.

18 C. The secretary of state shall review the
19 certification program every four years, upon passage of new
20 election laws or more often as appropriate.

21 D. By July 2026, all county clerks shall complete
22 initial participation in the certification program."

23 SECTION 3. Section 1-2-12 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 32, as amended) is amended to read:

25 "1-2-12. ELECTION BOARD--POSITIONS ON EACH BOARD.--

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1 A. Each election board shall consist of:

2 (1) a presiding judge;

3 (2) two election judges; and

4 (3) election clerks who are appointed to
5 assist the presiding judge and election judges.

6 B. The county clerk shall appoint presiding judges
7 and election judges so that not more than two of the three
8 judges belong to the same political party at the time of their
9 appointment; provided that:

10 (1) a judge of an election board shall not
11 have changed party registration in the two years next preceding
12 the judge's appointment in such a manner that the judge's prior
13 party registration would make the judge ineligible to serve on
14 the assigned election board; and

15 (2) a judge of an election board shall not
16 continue to serve on an election board if the judge changes
17 party registration after the date of appointment in such a
18 manner to make the judge ineligible to serve on the assigned
19 election board.

20 C. The county clerk may appoint teams of election
21 judges under the supervision of one or more presiding judges
22 for absent voter precincts, recounts and special elections;
23 provided that each team shall consist of two election judges
24 and that each election judge on a team shall not belong to the
25 same political party as any other election judge on the team at

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1 the time of the appointment; and provided further that an
2 election judge shall not have changed party registration in the
3 two years next preceding the judge's appointment in such manner
4 that the judge's prior party registration would make the judge
5 ineligible to serve on the assigned team.

6 D. The county clerk may appoint election clerks to
7 an election board as necessary to assist the presiding judge
8 and election judges if the county clerk determines that
9 additional election board members are needed.

10 E. County clerk employees may be assigned by the
11 county clerk to provide support to an election board or polling
12 location.

13 F. In the event a newly appointed election board
14 member must report directly to a polling location on election
15 day, the presiding judge shall administer the oath of office."

16 SECTION 4. Section 1-2-34 NMSA 1978 (being Laws 2023,
17 Chapter 39, Section 8) is amended to read:

18 "1-2-34. ELECTIONS SECURITY PROGRAM--GENERAL
19 RESPONSIBILITIES.--

20 A. The secretary of state shall maintain an
21 elections security program [~~within the bureau of elections~~].
22 The program shall have the general responsibility of advising
23 the secretary of state, county clerks and the voting system
24 certification committee regarding voting system and
25 cybersecurity requirements and ensuring their implementation

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1 and shall be the primary liaison working with federal oversight
2 and intelligence agencies regarding elections-critical
3 infrastructure.

4 B. The elections security program may conduct
5 assessments, inspections and incident response in relation to
6 networks and equipment deemed to be elections-critical
7 infrastructure, both at the state and county levels.

8 C. The elections security program shall monitor the
9 functionality of voting systems certified for use in the state
10 to ensure compliance with the security requirements provided
11 for in Chapter 1, Article 9 NMSA 1978 and administrative rules
12 adopted pursuant to that article.

13 D. Documents and communications related to election
14 security or that could put elections-critical infrastructure at
15 risk are exempt from disclosure.

16 E. As used in this section, "elections-critical
17 infrastructure" means those assets, systems and networks,
18 whether physical or virtual, that are considered so vital to
19 elections in this state that their infiltration, incapacitation
20 or destruction would have a debilitating effect on the
21 administration of elections, the secrecy of the ballot and the
22 efficient reporting of accurate results for any election
23 conducted pursuant to the Election Code."

24 SECTION 5. Section 1-7-2 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 145, as amended) is amended to read:

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1 "1-7-2. QUALIFICATION--REMOVAL--REQUALIFICATION.--

2 A. To qualify as a political party in New Mexico,
3 each political party through its governing body shall adopt
4 rules providing for the organization and government of that
5 party and shall file the rules with the secretary of state.
6 Uniform rules shall be adopted throughout the state by the
7 county organizations of that party, where a county organization
8 exists, and shall be filed with the county clerks. At the same
9 time the rules are filed with the secretary of state, the
10 governing body of the political party shall also file with the
11 secretary of state a petition containing the hand-printed
12 names, signatures, addresses of registration and counties of
13 residence of at least one-half of one percent of the total
14 votes cast for the office of governor at the preceding general
15 election who declare by their signatures on the petition that
16 they are voters of New Mexico and that they desire the party to
17 be a qualified political party in New Mexico. Blank petition
18 forms shall be available at any time from the secretary of
19 state.

20 B. Each county political party organization may
21 adopt supplementary rules insofar as they do not conflict with
22 the uniform state rules or do not abridge the lawful political
23 rights of any person. Such supplementary rules shall be filed
24 with the county clerk and the secretary of state in the same
25 manner as other rules are filed.

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1 C. A qualified political party shall cease to be
2 qualified for the purposes of the Election Code if two
3 successive general elections are held without at least one of
4 the party's candidates on the ballot or if the total votes cast
5 for the party's candidates for governor or president of the
6 United States, provided that the party has a candidate seeking
7 election to either of these offices, in a general election do
8 not equal at least one-half of one percent of the total votes
9 cast for the office of governor or president of the United
10 States, as applicable. No later than March 15 of an odd-
11 numbered year, the secretary of state shall send notice of
12 nonqualification to the state chair of any political party that
13 fails to remain qualified. The notice shall be delivered by
14 registered mail to the last known address of the state chair of
15 the political party, and a copy shall be kept in the secretary
16 of state's file of parties qualified in New Mexico.

17 D. The secretary of state shall then notify all
18 county clerks of the removal and nonqualification of the
19 political party and shall post the notice on the [~~web site~~]
20 website maintained by the secretary of state. The secretary of
21 state shall within forty-five days notify by mail all voters
22 registered as members of such party of the removal and
23 nonqualification of the party.

24 E. To requalify, the party shall again comply with
25 the provisions of the Election Code dealing with filing

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1 requirements for political parties.

2 F. No later than July 1, 2026, the secretary of
3 state shall implement a secure internet application, in
4 addition to the paper circulation process, to gather electronic
5 signatures pursuant to this section and in accordance with
6 rules developed by the secretary of state. The secure internet
7 application shall provide for the ability to verify that a
8 person signing the petition is an eligible voter."

9 SECTION 6. Section 1-8-6 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 156, as amended) is amended to read:

11 "1-8-6. VACANCY ON PRIMARY BALLOT.--Regardless of the
12 cause, no vacancy on the primary election ballot occurring
13 after the period for filing a declaration of candidacy [~~or the~~
14 ~~date of filing with the secretary of state a certificate of~~
15 ~~designation by state convention, whichever the case may be]~~
16 shall be filled."

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

19 "1-8-7. VACANCY ON GENERAL ELECTION BALLOT--DEATH OF
20 CANDIDATE OR RESIGNATION OR DEATH OF OFFICE HOLDER BEFORE
21 PRIMARY.--

22 A. Vacancies on the general election ballot may be
23 filled as provided in Subsection B of this section if after a
24 primary election there is no nominee of a major political party
25 for a public office to be filled in the general election and if

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1 the vacancy was caused by:

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

5 (2) the failure of a major political party to
6 nominate a candidate for lieutenant governor; provided that the
7 major political party nominated a candidate for governor; or

8 (3) the resignation or death of a person
9 holding a public office after the last Friday before the first
10 Tuesday in March, when such office was not included in the
11 general election proclamation and is required by law to be
12 filled at the next succeeding general election after the
13 vacancy is created.

14 B. The vacancy may be filled subsequent to the
15 primary election by the central committee of the state or
16 county political party, as the case may be, as provided by
17 Subsection A of Section 1-8-8 NMSA 1978.

18 C. Appointments to fill vacancies in the list of a
19 party's nominees for the general election ballot shall be made
20 and filed with the proper filing officer on the twenty-third
21 day after the primary election using the form prescribed by the
22 secretary of state, along with the declaration of candidacy
23 form subscribed and sworn by the selected nominee and the
24 required form for candidates pursuant to the Campaign Reporting
25 Act.

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

4 **SECTION 8.** Section 1-8-13 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 162, as amended) is amended to read:

6 "1-8-13. PRIMARY AND GENERAL ELECTION--CONTENTS OF
7 PROCLAMATION.--The general election proclamation calling a
8 primary and general election shall contain:

9 A. the names of the major political parties
10 participating in the primary election;

11 B. the offices to be elected at the general
12 election and for which each political party shall nominate
13 candidates; provided that if any law is enacted by the
14 legislature in the year in which the primary election is held
15 and the law does not take effect until after the date to amend
16 the proclamation but prior to the date to fill vacancies
17 pursuant to Section 1-8-7 or 1-8-8 NMSA 1978, the secretary of
18 state shall conform the proclamation to the intent of the law
19 with respect to the offices for which each political party
20 shall nominate candidates;

21 C. the date on which declarations of candidacy and
22 nominating petitions for United States representative, any
23 office voted upon by all the voters of the state, a legislative
24 office, the office of district judge, district attorney, public
25 education commission or magistrate shall be filed and the

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1 places where they shall be filed in order to have the
2 candidates' names printed on the official ballot of their party
3 at the primary election or in order to have the candidates'
4 names printed on the official ballot at the general election,
5 as applicable;

6 D. the date on and place at which declarations of
7 candidacy shall be filed for any other office and filing fees
8 paid or, in lieu thereof, a nominating petition;

9 ~~E. the final date on and place at which candidates~~
10 ~~for the office of United States representative and for any~~
11 ~~statewide office seeking preprimary convention designation by~~
12 ~~the major parties shall file petitions and declarations of~~
13 ~~candidacy;~~

14 ~~F. the final date on which the major political~~
15 ~~parties shall hold state preprimary conventions for the~~
16 ~~designation of candidates;~~

17 ~~G. the final date on and place at which~~
18 ~~certificates of designation of primary election candidates~~
19 ~~shall be filed by political parties with the secretary of~~
20 ~~state;~~

21 H.] E. the date on which declarations of candidacy
22 for minor party candidates shall be filed and the places where
23 the declarations of candidacy shall be filed in order to have
24 the minor party candidate names printed on the official ballot
25 of the general election;

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1 ~~[F.]~~ F. the date on which declarations of candidacy
2 for unaffiliated candidates shall be filed and the places where
3 the declarations of candidacy shall be filed in order to have
4 the unaffiliated candidate names printed on the official ballot
5 of the general election;

6 ~~[G.]~~ G. the date on which declarations of candidacy
7 for nonpartisan judicial retention shall be filed and the
8 places where the declarations of candidacy shall be filed in
9 order to have the judicial retention names printed on the
10 official ballot of the general election; and

11 ~~[K.]~~ H. the date on which declarations to be a
12 write-in candidate are to be filed and the places where the
13 declarations of candidacy shall be filed in order to have
14 write-in votes counted and canvassed at the political party
15 primary or general election."

16 **SECTION 9.** Section 1-8-18 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 167, as amended) is amended to read:

18 "1-8-18. PRIMARY ELECTION LAW--WHO MAY BECOME A
19 CANDIDATE.--

20 A. No person shall become a candidate for
21 nomination by a political party or have the person's name
22 printed on the primary election ballot unless the person's
23 record of voter registration shows:

24 (1) affiliation with that political party on
25 the date of the secretary of state's general election

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1 proclamation; and

2 (2) residence in the district of the office
3 for which the person is a candidate on the date of the
4 secretary of state's general election proclamation or, in the
5 case of a person seeking the office of United States senator or
6 United States representative, residence within New Mexico on
7 the date of the secretary of state's general election
8 proclamation.

9 B. A voter may challenge the candidacy of a person
10 seeking nomination by a political party for the reason that the
11 person does not meet the requirements of Subsection A of this
12 section by filing a petition in the district court within ten
13 days after the last day for filing a declaration of candidacy
14 [~~or a statement of candidacy for convention designation~~]. The
15 district court shall hear and render a decision on the matter
16 within ten days after the filing of the petition. The decision
17 of the district court may be appealed to the supreme court
18 within five days after the decision is rendered. The supreme
19 court shall hear and render a decision on the appeal
20 forthwith."

21 SECTION 10. Section 1-8-21 NMSA 1978 (being Laws 1996,
22 Chapter 20, Section 3, as amended) is amended to read:

23 "1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON
24 PRIMARY BALLOT.--

25 [~~A. All candidates seeking primary election~~

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1 ~~nomination to a statewide office or the office of United States~~
2 ~~representative shall file declarations of candidacy with the~~
3 ~~proper filing officer. Candidates shall file nominating~~
4 ~~petitions at the time of filing their declarations of~~
5 ~~candidacy. Candidates who seek, but do not obtain, preprimary~~
6 ~~convention designation by a major political party may file new~~
7 ~~declarations of candidacy and nominating petitions pursuant to~~
8 ~~Section 1-8-33 NMSA 1978.~~

9 ~~B. Except as provided in Subsection C of this~~
10 ~~section] A.~~ Candidates for any [other] state or federal office
11 listed in the proclamation issued pursuant to Section 1-8-13
12 NMSA 1978 shall have their names placed on the primary election
13 ballot by filing declarations of candidacy and nominating
14 petitions with the proper filing officer.

15 [G.] B. Candidates for any county office listed in
16 the proclamation issued pursuant to Section 1-8-13 NMSA 1978
17 shall have their names placed on the primary election ballot by
18 filing declarations of candidacy and paying a fifty-dollar
19 (\$50.00) filing fee or filing a nominating petition containing
20 no fewer than ten signatures for offices elected by district or
21 twenty signatures for offices elected countywide at the time of
22 filing declarations of candidacy with the proper filing
23 officer."

24 **SECTION 11.** Section 1-8-26 NMSA 1978 (being Laws 1975,
25 Chapter 295, Section 12, as amended) is amended to read:

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1 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS
2 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

3 A. Declarations of candidacy [~~by preprimary~~
4 ~~convention designation~~] for any statewide office or for the
5 office of United States representative shall be filed with the
6 proper filing officer on the first Tuesday in February of each
7 even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.

8 B. Declarations of candidacy for any other office
9 to be nominated in the primary election shall be filed with the
10 proper filing officer on the second Tuesday of March of each
11 even-numbered year between the hours of 9:00 a.m. and 5:00 p.m.

12 [~~C. Certificates of designation shall be submitted~~
13 ~~to the secretary of state on the first Tuesday following the~~
14 ~~preprimary convention at which the candidate's designation took~~
15 ~~place between the hours of 9:00 a.m. and 5:00 p.m.~~

16 ~~D.]~~ C. No name shall be placed on the ballot until
17 the person has been notified in writing by the proper filing
18 officer that the certificate of registration on file, the
19 declaration of candidacy and the petition, if required, are in
20 proper order and that the person, based on those documents, is
21 qualified to be a candidate. The proper filing officer shall
22 mail the notice [~~no later than 5:00 p.m.~~] on the Tuesday
23 following the filing date.

24 [~~E.]~~ D. If a person is notified by the proper
25 filing officer that the person is not qualified to be a

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1 candidate, the person may challenge that decision by filing a
2 petition with the district court within ten days of the
3 notification. The district court shall hear and render a
4 decision on the matter within ten days after the petition is
5 filed. The decision of the district court may be appealed to
6 the supreme court within five days after the decision is
7 rendered. The supreme court shall hear and render a decision
8 on the appeal forthwith."

9 SECTION 12. Section 1-8-27 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 172, as amended) is amended to read:

11 "1-8-27. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--
12 MANNER OF FILING.--Each declaration of candidacy [~~by nominating~~
13 ~~petition or by preprimary convention designation~~] shall be
14 delivered for filing in person by the candidate therein named
15 or by a person acting, by virtue of written authorization on a
16 form prescribed by the secretary of state, solely on the
17 candidate's behalf. The proper filing officer shall not accept
18 for filing more than one declaration of candidacy from any one
19 individual [~~except that candidates who seek but fail to receive~~
20 ~~preprimary convention designation shall file a declaration of~~
21 ~~candidacy by nomination, according to provisions of the Primary~~
22 ~~Election Law, to have their names placed on the primary~~
23 ~~election ballot~~]."

24 SECTION 13. Section 1-8-29 NMSA 1978 (being Laws 1973,
25 Chapter 228, Section 3, as amended) is amended to read:

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1 "1-8-29. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--
2 FORM.--In making a declaration of candidacy, [~~by nominating~~
3 ~~petition or by pre-primary convention designation~~] the
4 candidate shall submit substantially the following form as
5 approved by the secretary of state for that election:

6 "DECLARATION OF CANDIDACY
7 [~~BY PRE-PRIMARY CONVENTION DESIGNATION~~
8 ~~(OR BY NOMINATING PETITION)~~]

9 I, _____, (candidate's name on certificate
10 of registration) being first duly sworn, say that I reside at
11 _____, as shown by my certificate of registration
12 as a voter of Precinct No. _____ of the county of
13 _____, State of New Mexico;

14 I am a member of the _____ party as shown
15 by my certificate of registration and I have not changed such
16 party affiliation subsequent to the secretary of state's
17 general election proclamation calling the primary in which I
18 seek to be a candidate;

19 I desire to become a candidate for the office of
20 _____ at the primary election to be held on
21 the date set by law for this year, and that I actually reside
22 at the address designated on my certificate of voter
23 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 14. 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 ~~G.]~~ B. Nominating petitions for candidates for [any
12 other] an office to be voted on at the primary election for
13 which nominating petitions are required shall be signed by a
14 number 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

21 (2) for metropolitan court and magistrate
22 courts, ten voters; for the public education commission,
23 twenty-five voters; for state representative, ten voters; for
24 state senator, seventeen voters; and for district attorney and
25 district judge, fifteen voters.

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1 ~~[D. A candidate who fails to receive the preprimary~~
2 ~~convention designation that the candidate sought may collect~~
3 ~~additional signatures to total at least four percent of the~~
4 ~~total vote of the candidate's party in the state or~~
5 ~~congressional district, whichever applies to the office the~~
6 ~~candidate seeks, and file a new declaration of candidacy and~~
7 ~~nominating petitions for the office for which the candidate~~
8 ~~failed to receive a preprimary designation. The declaration of~~
9 ~~candidacy and nominating petitions shall be filed with the~~
10 ~~secretary of state either ten days following the date of the~~
11 ~~preprimary convention at which the candidate failed to receive~~
12 ~~the designation or on the date all declarations of candidacy~~
13 ~~and nominating petitions are due pursuant to the provisions of~~
14 ~~the Primary Election Law, whichever is later.]"~~

15 SECTION 15. Section 1-8-39.1 NMSA 1978 (being Laws 1993,
16 Chapter 55, Section 10) is amended to read:

17 "1-8-39.1. DECLARATION OF [~~PREPRIMARY DESIGNATION~~]
18 CANDIDACY FOR PRIMARY--CERTIFICATION BY SECRETARY OF STATE.--

19 A. Not later than six days after the [~~dates~~] first
20 Tuesday in February of each even-numbered year, the date for
21 filing declarations of candidacy, [~~by preprimary convention~~
22 ~~designation~~] the secretary of state shall certify to the
23 [~~chairman~~] chair of each state political party the names of
24 that party's candidates for office of United States
25 representative or for other statewide office who have filed

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1 their declarations of candidacy [~~by convention designation~~] and
2 have otherwise complied with the requirements of the Primary
3 Election Law.

4 B. No person shall be placed in nomination [~~at the~~
5 ~~convention~~] unless [~~he~~] the person has been certified by the
6 secretary of state."

7 SECTION 16. Section 1-8-40 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 175, as amended) is amended to read:

9 "1-8-40. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--
10 FALSE STATEMENT.--Any person knowingly making a false statement
11 in [~~his~~] the person's declaration of candidacy [~~by nominating~~
12 ~~petition or by preprimary convention designation~~] is guilty of
13 a fourth degree felony."

14 SECTION 17. Section 1-10-6 NMSA 1978 (being Laws 1977,
15 Chapter 222, Section 29, as amended) is amended to read:

16 "1-10-6. BALLOTS--NAME TO BE PRINTED--ORDER OF NAMES--
17 SIMILAR NAMES--NAMES NOT TO BE PRINTED.--

18 A. In the preparation of ballots for a statewide
19 election, the candidate's name shall be printed on the ballot
20 as it appears on the candidate's certificate of registration
21 that is on file in the county clerk's office on the day the
22 secretary of state issues the proclamation for that election;
23 provided that:

24 (1) the last name printed on the ballot shall
25 match the candidate's legal last name;

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1 (2) academic, honorific and elected titles
2 shall not be printed;

3 (3) periods after initials shall not be
4 printed;

5 (4) punctuation common to names, other than a
6 period, shall be printed as it appears on the candidate's
7 certificate of registration; and

8 (5) only letters and punctuation used in roman
9 typefaces shall be printed.

10 B. The order of candidates for the same office in a
11 statewide, federal and presidential election shall be
12 determined using a randomization method provided by rule.

13 C. If it appears that the names of two or more
14 candidates for any office to be voted on at the election are
15 the same or are so similar as to tend to confuse the voter as
16 to the candidates' identities, the candidates shall be
17 differentiated on the ballot in accordance with rules adopted
18 by the secretary of state.

19 D. A candidate's name shall not be printed on the
20 ballot if at least seventy days before a general election,
21 sixty-three days before a primary election or regular local
22 election or seven days after the filing day for declarations of
23 candidacy for any other election:

24 (1) the candidate files with the proper filing
25 officer a signed and notarized statement of withdrawal as a

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1 candidate in that election;

2 (2) a judicial determination is made that the
3 candidate does not qualify to be a candidate for the office
4 sought;

5 (3) the voter registration of the candidate is
6 updated by the candidate in such manner that the candidate does
7 not qualify to be a candidate for the office sought; or

8 (4) the voter registration of the candidate is
9 canceled for any reason provided in Chapter 1, Article 4 NMSA
10 1978."

11 SECTION 18. Section 1-10-13 NMSA 1978 (being Laws 1977,
12 Chapter 222, Section 50, as amended) is amended to read:

13 "1-10-13. BALLOTS--WRITE-IN CANDIDATES.--When a write-in
14 candidate has been qualified by the proper filing officer
15 pursuant to the Election Code:

16 A. a space for entering the name of the write-in
17 candidate shall be clearly designated by the use of the heading
18 "[~~Declared~~] Write-in [~~Candidate~~]" after the listing of other
19 candidates for that office; and

20 B. the write-in candidate's name shall not be pre-
21 printed on the ballot, nor displayed or otherwise provided in
22 any polling place by any election official or member of an
23 election board."

24 SECTION 19. Section 1-11-4.1 NMSA 1978 (being Laws 2023,
25 Chapter 39, Section 61) is amended to read:

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1 "1-11-4.1. VOTER NOTIFICATION.--

2 A. At least forty-two days prior to each statewide
3 election, the secretary of state, on behalf of each county
4 clerk, shall mail a voter notification of the election to
5 eligible voters. The voter notification shall include:

6 (1) the date and purpose of the election;

7 (2) an internet address where a voter may
8 apply for a mailed ballot;

9 (3) a telephone number where a voter may call
10 to request the paper form of the mailed ballot application;

11 (4) a list of the days and times and addresses
12 of early voting locations and voter convenience centers where a
13 voter may vote in person; and

14 (5) a list of the locations of monitored
15 secured containers where a voter may return a mailed ballot.

16 B. At least forty-nine days prior to each special
17 election, the county clerk shall mail a voter notification of
18 the election. The voter notification shall include:

19 (1) the date and purpose of the election;

20 (2) notification that the election will be
21 conducted by mail and that no polling places will be available
22 for the special election;

23 (3) the deadline for voted mailed ballots to
24 be received by the county clerk and the recommended deadline to
25 deposit the voted mailed ballot with the United States postal

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1 service for return by mail, which shall be seven days before
2 the election;

3 (4) the address and the telephone number of
4 the county clerk's office for a voter requiring a replacement
5 ballot or returning a mailed ballot; and

6 (5) a list of the monitored secured containers
7 where a voter may return a mailed ballot.

8 C. The voter notification shall be sent to each
9 voter, except the voter notification shall not be sent to a
10 voter whose:

11 (1) election mail has been returned as
12 undeliverable and who has not updated the voter's certificate
13 of registration with a new address;

14 (2) ballot is delivered pursuant to the
15 provisions of the Uniform Military and Overseas Voters Act;

16 (3) ballot is delivered pursuant to the
17 provisions of the Intimate Partner Violence Survivor Suffrage
18 Act; or

19 (4) ballot, in a statewide election, is
20 delivered pursuant to the provisions of Section 1-6-22.1 NMSA
21 1978."

22 SECTION 20. Section 1-12-8 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 247, as amended) is amended to read:

24 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

25 A. A person shall be permitted to vote on a

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1 provisional paper ballot even though the person's original
2 certificate of registration cannot be found in the county
3 register or even if the person's name does not appear on the
4 signature roster; provided that:

5 (1) the person's residence is within the
6 boundaries of the county in which the person offers to vote;

7 (2) the person's name is not on the list of
8 persons submitting absentee ballots; and

9 (3) the person executes a statement swearing
10 or affirming to the best of the person's knowledge that the
11 person is a qualified elector, is currently registered and
12 eligible to vote in that county and has not cast a ballot or
13 voted in that election.

14 B. A voter shall vote on a provisional paper ballot
15 if the voter:

16 (1) has not previously voted in a general
17 election in New Mexico or has been purged from the voter list;

18 (2) registered to vote by mail;

19 (3) did not submit the physical form of the
20 required voter identification with the certificate of
21 registration form; and

22 (4) does not present to the election judge a
23 physical form of the required voter identification.

24 C. A voter shall vote on a provisional paper ballot
25 in accordance with the provisions of Section 1-12-7.1 NMSA 1978

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1 if the voter does not provide the required voter identification
2 to the election judge.

3 D. A judge or election clerk shall have the voter
4 sign the signature roster and issue the voter a provisional
5 paper ballot for the precinct of the address provided by the
6 voter, an outer envelope and an official inner envelope. The
7 voter shall vote on the provisional paper ballot in secrecy
8 and, when done, place the ballot in the official inner envelope
9 and place the official inner envelope in the outer envelope and
10 return it to the judge or election clerk. The judge or
11 election clerk shall ensure that the required information is
12 completed on the outer envelope, have the voter sign it in the
13 appropriate place and place it in an envelope designated for
14 provisional paper ballots.

15 E. Knowingly executing a false statement
16 constitutes perjury as provided in the Criminal Code, and
17 voting on the basis of such falsely executed statement
18 constitutes fraudulent voting."

19 SECTION 21. Section 1-12-25.4 NMSA 1978 (being Laws 2003,
20 Chapter 356, Section 7, as amended) is amended to read:

21 "1-12-25.4. PROVISIONAL PAPER BALLOTS--DISPOSITION.--

22 A. Upon closing of the polls, provisional paper
23 ballots shall be delivered to the county clerk, who shall
24 determine if the ballots will be counted prior to certification
25 of the election.

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1 B. A provisional paper ballot shall not be counted
2 if the registered voter did not sign either the signature
3 roster or the ballot's envelope.

4 C. If there is no record of the voter ever having
5 been registered in the county, the voter shall be offered the
6 opportunity to register, the provisional paper ballot shall not
7 be counted and the voter registration certificate shall be
8 processed following the canvass of the election.

9 D. If the voter was registered in the county, the
10 registration was later canceled and the county clerk determines
11 that the cancellation was in error, or that the voter continues
12 to reside in the same precinct, or that the voter's name should
13 not have been placed on the list of voters whose registrations
14 were to be canceled, the voter's registration shall be
15 immediately restored and the provisional paper ballot counted.

16 E. If the county clerk determines that the
17 cancellation was not in error, the voter shall be offered the
18 opportunity to register at the voter's correct address, and the
19 provisional paper ballot shall not be counted.

20 F. If the voter is a registered voter in the county
21 but has voted on a provisional paper ballot other than the
22 ballot of the voter's correct precinct, the county canvassing
23 board shall ensure that only those votes for the positions or
24 measures for which the voter was eligible to vote are counted.

25 G. If the county clerk finds that the voter who

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1 voted on a provisional paper ballot at the polls has also voted
2 an absentee ballot in that election, the provisional paper
3 ballot shall not be counted.

4 H. The county clerk shall maintain a provisional
5 ballot register that shall be in the same form and made
6 available in the same manner as the absentee ballot register
7 and the mailed ballot register. Upon request, the provisional
8 ballot register shall be provided as soon as practicable to any
9 candidate in the election or the county chair of a political
10 party represented on a ballot in a partisan election. The
11 county clerk shall prepare a tally displaying the number of
12 provisional paper ballots received, the number found valid and
13 counted, the number rejected and not counted and the reason for
14 not counting the ballots as part of the canvassing process and
15 forward it to the secretary of state immediately upon
16 certification of the election.

17 I. The secretary of state shall issue rules to
18 ensure securing the secrecy of the provisional paper ballots,
19 especially during canvassing, reviewing or recounting, and
20 protecting against fraud in the voting process."

21 SECTION 22. 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--PROCEDURES.--

24 A. An automatic recount of the vote is required
25 when the canvass of returns indicates that the margin between
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1 the two candidates receiving the greatest number of votes for
2 an office, the margin between those supporting and those
3 opposing a ballot question or the margin affecting the outcome
4 of a nonpartisan judicial retention election is less than:

5 (1) one-fourth percent of the total votes cast
6 in that election:

7 (a) for that office in the case of a
8 federal or statewide office;

9 (b) on a ballot question in the case of
10 a state ballot question; or

11 (c) on a nonpartisan judicial retention
12 election in the case of the supreme court or the court of
13 appeals; or

14 (2) one-half percent of the total votes cast
15 in that election:

16 (a) for ~~[that office in the case of a~~
17 ~~public education commissioner, district attorney or any office~~
18 ~~elected countywide in a county with more than one hundred fifty~~
19 ~~thousand registered voters]~~ any other office;

20 (b) on a ballot question in the case of
21 a local ballot question; or

22 (c) on a nonpartisan judicial retention
23 election in the case of a district court or the metropolitan
24 court ~~[or~~

25 ~~(3) one percent of the total votes cast in~~

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1 ~~that election or five or fewer votes between the two candidates~~
2 ~~receiving the greatest number of votes for that office in the~~
3 ~~case of any other office].~~

4 B. In a statewide election and for an office for
5 which ballots were cast in more than one county, the secretary
6 of state shall file notice with the state canvassing board upon
7 the completion of the state canvass that an automatic recount
8 is required, and the state canvassing board shall order a
9 recount of the ballots for the specified office. For an office
10 in which ballots were cast solely within one county, the
11 secretary of state shall file notice with the state canvassing
12 board within seven days after receiving notice from the county
13 clerk following the completion of the county canvass that an
14 automatic recount is required, and the state canvassing board
15 shall order a recount of the ballots for the specified office.

16 C. Automatic recounts shall be conducted pursuant
17 to the recount procedures established in Sections 1-14-16 and
18 1-14-18 through 1-14-23 NMSA 1978."

19 SECTION 23. A new section of the Presidential Primary
20 Act, Section 1-15A-12 NMSA 1978, is enacted to read:

21 "1-15A-12. [NEW MATERIAL] CERTIFICATION OF CANDIDATES FOR
22 A GENERAL ELECTION.--Following the results of its national
23 party convention, any qualified political party in New Mexico
24 desiring to have candidates for president and vice president on
25 the general election ballot in a presidential election year

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1 shall certify in writing to the secretary of state the party's
2 candidates for president and vice president seventy days before
3 a general election."

4 SECTION 24. A new section of the Presidential Primary
5 Act, Section 1-15A-13 NMSA 1978, is enacted to read:

6 "1-15A-13. [NEW MATERIAL] VACANCY OCCURRING BEFORE THE
7 PRESIDENTIAL PRIMARY.--Regardless of the cause, no vacancy on
8 the presidential primary election ballot occurring after the
9 deadline of filing for nomination by petition shall be filled."

10 SECTION 25. A new section of the Presidential Primary
11 Act, Section 1-15A-14 NMSA 1978, is enacted to read:

12 "1-15A-14. [NEW MATERIAL] VACANCY OCCURRING AFTER THE
13 PRESIDENTIAL PRIMARY.--

14 A. If, after a presidential primary election but
15 ninety or more days before the general election, a vacancy
16 occurs for any cause in the list of the nominees of a qualified
17 political party for president or vice president, the qualified
18 political party or the candidate's political committee shall
19 inform the secretary of state in writing.

20 B. Appointments to fill vacancies in the list of a
21 party's nominees shall be made and filed with the secretary of
22 state on or before the seventieth day prior to a general
23 election using the form prescribed by the secretary of state."

24 SECTION 26. Section 1-19-26 NMSA 1978 (being Laws 1979,
25 Chapter 360, Section 2, as amended) is amended to read:

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1 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
2 Act:

3 A. "advertisement" means a communication referring
4 to a candidate or ballot question that is published,
5 disseminated, distributed or displayed to the public by print,
6 broadcast, satellite, cable or electronic media, including
7 recorded phone messages, or by printed materials, including
8 mailers, handbills, signs and billboards, but "advertisement"
9 does not include:

10 (1) a communication by a membership
11 organization or corporation to its current members,
12 stockholders or executive or administrative personnel;

13 (2) a communication appearing in a news story
14 or editorial distributed through a print, broadcast, satellite,
15 cable or electronic medium;

16 (3) a candidate debate or forum or a
17 communication announcing a candidate debate or forum paid for
18 on behalf of the debate or forum sponsor; provided that two or
19 more candidates for the same position have been invited to
20 participate or, in the case of an uncontested election, that
21 the single candidate for the position has been invited to
22 participate;

23 (4) nonpartisan voter guides allowed by the
24 federal Internal Revenue Code of 1986, as amended, for Section
25 501(c)(3) organizations; or

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1 (5) statements made to a court or
2 administrative board in the course of a formal judicial or
3 administrative proceeding;

4 B. "anonymous contribution" means a contribution
5 the contributor of which is unknown to the candidate or the
6 candidate's agent or the political committee or its agent who
7 accepts the contribution;

8 C. "artificial intelligence" means a machine-based
9 or computer-based system that through hardware or software uses
10 input data to emulate the structure and characteristics of
11 input data in order to generate synthetic content, including
12 images, video or audio;

13 D. "ballot question" means a constitutional
14 amendment or other question submitted to the voters in an
15 election;

16 E. "bank account" means an account in a financial
17 institution regulated by the United States or a state of the
18 United States;

19 F. "campaign committee" means an association of two
20 or more persons authorized by a candidate to act on the
21 candidate's behalf for the purpose of electing the candidate to
22 office; provided that a candidate shall not authorize more than
23 one campaign committee;

24 G. "campaign expenditure" means an expenditure that
25 is made by a campaign committee or by a candidate in support of

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1 the candidate's campaign in an election;

2 H. "candidate" means an individual who seeks or
3 considers an office in an election covered by the Campaign
4 Reporting Act, including a public official, who has filed a
5 declaration of candidacy and has not subsequently filed a
6 statement of withdrawal or:

7 (1) for a nonstatewide office, has received
8 contributions or made expenditures of more than one thousand
9 dollars (\$1,000) or authorized another person or campaign
10 committee to receive contributions or make expenditures of more
11 than one thousand dollars (\$1,000) for the purpose of seeking
12 election to the office; or

13 (2) for a statewide office, has received
14 contributions or made expenditures of more than three thousand
15 dollars (\$3,000) or authorized another person or campaign
16 committee to receive contributions or make expenditures of more
17 than three thousand dollars (\$3,000) for the purpose of seeking
18 election to the office or for candidacy exploration purposes in
19 the years prior to the year of the election;

20 I. "contribution":

21 (1) means a gift, subscription, loan, advance
22 or deposit of money or other thing of value, including the
23 estimated value of an in-kind contribution, that is made or
24 received for a political purpose, including payment of a debt
25 incurred in an election campaign;

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1 (2) includes a coordinated expenditure;

2 (3) does not include the value of services
3 provided without compensation or unreimbursed travel or other
4 personal expenses of individuals who volunteer a portion or all
5 of their time on behalf of a candidate or political committee
6 nor does it include the administrative or solicitation expenses
7 of a political committee that are paid by an organization that
8 sponsors the committee; and

9 (4) does not include the value of the
10 incidental use of the candidate's personal property, home or
11 business office for campaign purposes;

12 J. "coordinated expenditure" means an expenditure
13 that is made:

14 (1) by a person other than a candidate or
15 campaign committee;

16 (2) at the request or suggestion of, or in
17 cooperation, consultation or concert with, a candidate,
18 campaign committee or political party or any agent or
19 representative of a candidate, campaign committee or political
20 party; and

21 (3) for the purpose of:

22 (a) supporting or opposing the
23 nomination or election of a candidate; or

24 (b) paying for an advertisement that
25 refers to a clearly identified candidate and is published and

1 disseminated to the relevant electorate in New Mexico within
2 thirty days before the primary election or sixty days before
3 the general election in which the candidate is on the ballot;

4 K. "deliver" or "delivery" means to deliver by
5 certified or registered mail, telecopier, electronic
6 transmission or facsimile or by personal service;

7 L. "depicted individual" means an individual whose
8 image, photo, likeness or voice is represented in an
9 advertisement or other media in such a manner that results in
10 the individual being identifiable;

11 M. "distribution platform" means a website,
12 internet forum or message board, application or a published
13 newspaper, magazine or other periodical of general circulation,
14 including an internet or electronic publication, that carries
15 news and commentary;

16 N. "election" means any primary, general or
17 statewide special election in New Mexico and includes county
18 and judicial retention elections but excludes federal,
19 municipal, school board and special district elections;

20 O. "election year" means an even-numbered year in
21 which an election covered by the Campaign Reporting Act is
22 held;

23 P. "expenditure" means a payment, transfer or
24 distribution or obligation or promise to pay, transfer or
25 distribute any money or other thing of value for a political

1 purpose, including payment of a debt incurred in an election
2 campaign [~~or pre-primary convention~~];

3 Q. "independent expenditure" means an expenditure
4 that is:

5 (1) made by a person other than a candidate or
6 campaign committee;

7 (2) not a coordinated expenditure as defined
8 in the Campaign Reporting Act; and

9 (3) made to pay for an advertisement that:

10 (a) expressly advocates the election or
11 defeat of a clearly identified candidate or the passage or
12 defeat of a clearly identified ballot question;

13 (b) is susceptible to no other
14 reasonable interpretation than as an appeal to vote for or
15 against a clearly identified candidate or ballot question; or

16 (c) refers to a clearly identified
17 candidate or ballot question and is published and disseminated
18 to the relevant electorate in New Mexico within thirty days
19 before the primary election or sixty days before the general
20 election at which the candidate or ballot question is on the
21 ballot;

22 R. "legislative caucus committee" means a political
23 committee established by the members of a political party in a
24 chamber of the legislature;

25 S. "materially deceptive media" means an image,

1 video or audio that:

2 (1) depicts an individual engaged in conduct
3 or speech in which the depicted individual did not engage;

4 (2) was published, disseminated, distributed
5 or displayed to the public without the consent of the depicted
6 individual; and

7 (3) was produced in whole or in part by using
8 artificial intelligence;

9 T. "person" means an individual or entity;

10 U. "political committee" means:

11 (1) a political party;

12 (2) a legislative caucus committee;

13 (3) an association that consists of two or
14 more persons whose primary purpose is to make contributions to
15 candidates, campaign committees or political committees or make
16 coordinated expenditures or any combination thereof; or

17 (4) an association that consists of two or
18 more persons whose primary purpose is to make independent
19 expenditures and that has received more than five thousand
20 dollars (\$5,000) in contributions or made independent
21 expenditures of more than five thousand dollars (\$5,000) in the
22 election cycle;

23 V. "political party" means an association that has
24 qualified as a political party pursuant to the provisions of
25 Section 1-7-2 NMSA 1978;

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1 W. "political purpose" means for the purpose of
2 supporting or opposing a ballot question or the nomination or
3 election of a candidate;

4 X. "prescribed form" means a form or electronic
5 format prepared and prescribed by the secretary of state;

6 Y. "public official" means a person elected to an
7 office in an election covered by the Campaign Reporting Act or
8 a person appointed to an office that is subject to an election
9 covered by that act; and

10 Z. "reporting individual" means a public official,
11 candidate or treasurer of a campaign committee or a treasurer
12 of a political committee."

13 SECTION 27. Section 1-19A-2 NMSA 1978 (being Laws 2003,
14 Chapter 14, Section 2, as amended) is amended to read:

15 "1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

16 A. "applicant candidate" means a candidate who is
17 running for a covered office and who is seeking to be a
18 certified candidate in a primary or general election;

19 B. "certified candidate" means a candidate running
20 for a covered office who chooses to obtain financing pursuant
21 to the Voter Action Act and is certified as a Voter Action Act
22 candidate;

23 C. "contested" means there are more candidates for
24 a position than the number to be elected to that position;

25 D. "contribution" means a gift, subscription, loan,

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1 advance or deposit of money or other thing of value, including
2 the estimated value of an in-kind contribution, that is made or
3 received for the purpose of supporting or opposing the
4 nomination for election or election of a candidate for public
5 office, including payment of a debt incurred in an election
6 campaign and also including a coordinated expenditure, but
7 "contribution" does not include:

8 (1) a qualifying contribution;

9 (2) the value of services provided without
10 compensation or unreimbursed travel or other personal expenses
11 of individuals who volunteer a portion or all of their time on
12 behalf of a candidate; or

13 (3) the value of the incidental use of the
14 candidate's personal property, home or business office for
15 campaign purposes;

16 E. "coordinated expenditure" means an expenditure
17 that is made:

18 (1) by a person other than a candidate or
19 campaign committee;

20 (2) at the request or suggestion of, or in
21 cooperation, consultation or concert with, a candidate,
22 campaign committee or political party or any agent or
23 representative of such a candidate, campaign committee or
24 political party; and

25 (3) for the purpose of:

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1 (a) supporting or opposing the
2 nomination or election of a candidate; or

3 (b) paying for an advertisement that
4 refers to a clearly identified candidate and that is published
5 and disseminated to the relevant electorate in New Mexico
6 within thirty days before the primary election or sixty days
7 before the general election in which the candidate is on the
8 ballot;

9 F. "covered office" means any office of the
10 judicial department subject to statewide elections and the
11 office of district judge;

12 G. "expenditure" means a payment, transfer or
13 distribution of, or a promise to pay, transfer or distribute,
14 any money or other thing of value for the purpose of supporting
15 or opposing the nomination or election of a candidate;

16 H. "fund" means the public election fund;

17 I. "qualifying contribution" means a donation of
18 five dollars (\$5.00) in the form of cash, a check, a money
19 order or an electronic form of payment, as prescribed by the
20 secretary, and payable to the fund in support of an applicant
21 candidate that is:

22 (1) made by a voter who is eligible to vote
23 for the covered office that the applicant candidate is seeking;

24 (2) made during the designated qualifying
25 period and obtained through efforts made with the knowledge and

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1 approval of the applicant candidate; and

2 (3) acknowledged by a receipt that identifies
3 the contributor's name and residential address on forms
4 provided by the bureau of elections and that is signed by the
5 contributor, one copy of which is attached to the list of
6 contributors and sent to the bureau of elections;

7 J. "qualifying period" means:

8 (1) for candidates who are seeking public
9 financing for a primary election or for both a primary and a
10 general election, the period beginning October 1 immediately
11 preceding the election year and ending at 5:00 p.m. on the
12 third Tuesday of March of the election year; ~~and~~

13 (2) for candidates who are seeking public
14 financing only for a general election, the period beginning
15 January 1 of the election year and ending that year at 5:00
16 p.m. on the twenty-third day following the primary election for
17 the office for which the candidate is running; and

18 (3) for candidates appointed when there is a
19 vacancy on the general election ballot pursuant to Section
20 1-8-7 NMSA 1978, the period beginning on the twenty-fourth day
21 following the primary election and ending sixty days after; and

22 K. "secretary" means the secretary of state or the
23 office of the secretary of state."

24 SECTION 28. Section 1-19A-3 NMSA 1978 (being Laws 2003,
25 Chapter 14, Section 3, as amended) is amended to read:

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1 "1-19A-3. TERMS OF PARTICIPATION--DECLARATION OF
2 INTENT.--

3 A. A person choosing to obtain financing pursuant
4 to the Voter Action Act shall first file with the secretary a
5 declaration of intent to participate in that act as an
6 applicant candidate for a stated covered office. The
7 declaration of intent shall be filed with the secretary prior
8 to or during the qualifying period according to forms and
9 procedures developed by the secretary.

10 B. To become an applicant candidate and participate
11 in the Voter Action Act, a person shall submit a declaration of
12 intent prior to collecting any qualifying contributions or
13 other contributions and make explicit in the declaration that
14 the candidate has complied with and will continue to comply
15 with that act's contribution and expenditure limits and all
16 other requirements set forth in that act and rules issued by
17 the secretary.

18 C. Except as provided in Subsection D of this
19 section, a person shall not be eligible to become an applicant
20 candidate if the person has accepted contributions totaling
21 more than one hundred dollars (\$100) from any one contributor
22 during the election cycle in which the person is running for
23 office.

24 D. A person who has accepted contributions of more
25 than one hundred dollars (\$100) from any one contributor during

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1 the election cycle in which the person decides to run for a
2 covered office is still eligible to become an applicant
3 candidate if:

4 (1) the contributions were for a candidacy for
5 an office other than a covered office and no money was raised
6 for or expended on any campaign-related activity for a covered
7 office during the time those contributions were made;

8 (2) the person does not solicit or accept
9 contributions for a candidacy for an office other than a
10 covered office or for the purpose of supporting or opposing a
11 ballot measure or another candidate after the person declares
12 candidacy for a covered office or becomes an applicant
13 candidate;

14 (3) the person places all campaign account
15 money that was collected before the person became an applicant
16 candidate in a segregated bank account and does not transfer
17 any money into or out of that account for the duration of the
18 person's campaign for a covered office; and

19 (4) the person agrees that, if elected to the
20 covered office, the person will transfer all money in the
21 campaign account to the fund.

22 E. After submitting a declaration of intent, a
23 person shall not withdraw that declaration and submit another
24 declaration of intent for a different covered office in the
25 same primary and general election cycle."

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1 SECTION 29. Section 1-19A-7 NMSA 1978 (being Laws 2003,
2 Chapter 14, Section 7, as amended) is amended to read:

3 "1-19A-7. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS
4 TO AND EXPENDITURES OF CERTIFIED CANDIDATES.--

5 A. All money distributed to a certified candidate
6 shall be used only for that candidate's campaign-related
7 purposes in the election in which the money was distributed.

8 B. Money from the fund received by a candidate
9 shall not be used for:

10 (1) the candidate's personal living expenses
11 or compensation to the candidate or the candidate's spouse,
12 domestic partner, children or stepchildren;

13 (2) a contribution to another campaign of the
14 candidate or a payment to retire debt from another such
15 campaign;

16 (3) a contribution to the campaign of another
17 candidate or to a political party or political committee or to
18 a campaign supporting or opposing a ballot proposition;

19 (4) an expenditure supporting the election of
20 another candidate or the passage or defeat of a ballot
21 proposition or the defeat of any candidate other than an
22 opponent of the certified candidate; provided that a certified
23 candidate may purchase joint advertisements or services with
24 other certified candidates;

25 (5) payment of a fine levied by a court or the

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1 secretary; or

2 (6) a gift or transfer for which compensating
3 value is not received.

4 C. A certified candidate shall return to the fund
5 any amount that is unspent or unencumbered at the time that
6 person ceases to be a candidate before a primary or general
7 election for which the fund money was distributed.

8 D. A certified candidate shall limit total campaign
9 expenditures to the amount of money distributed to that
10 candidate from the fund, money received from a political party
11 pursuant to Section 1-19A-8 NMSA 1978 and contributions
12 collected pursuant to Section 1-19A-4.1 NMSA 1978. A certified
13 candidate shall not accept contributions from any other source
14 except the certified candidate's political party, as specified
15 in Section 1-19A-8 NMSA 1978 and contributions collected
16 pursuant to Section 1-19A-4.1 NMSA 1978.

17 E. A certified candidate ~~[who does not remain a~~
18 ~~candidate in the general election]~~ shall, within thirty days
19 after the primary election, transfer to the secretary for
20 deposit in the fund any amount received from the fund, from a
21 political party pursuant to Section 1-19A-8 NMSA 1978 or from
22 private contributors pursuant to Section 1-19A-4.1 NMSA 1978
23 that remains unspent or unencumbered by the date of the primary
24 election.

25 F. A certified candidate shall, within thirty days

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1 after the general election, transfer to the secretary for
2 deposit in the fund any amount received from the fund, from a
3 political party pursuant to Section 1-19A-8 NMSA 1978 or from
4 private contributors pursuant to Section 1-19A-4.1 NMSA 1978
5 that remains unspent or unencumbered by the date of the general
6 election.

7 G. If a certified candidate ceases to be a
8 certified candidate for any reason, the previously certified
9 candidate or candidate's campaign committee shall, within
10 thirty days thereafter, transfer to the secretary for deposit
11 in the fund any amount received from the fund, from a political
12 party pursuant to Section 1-19A-8 NMSA 1978 or from private
13 contributors pursuant to Section 1-19A-4.1 NMSA 1978 that
14 remains unspent or unencumbered by the date the candidate
15 ceases to be a certified candidate."

16 SECTION 30. A new section of the Voter Action Act is
17 enacted to read:

18 "[NEW MATERIAL] CREATION OF NEW ELIGIBLE OFFICES--
19 NOTIFICATION.--Upon creation of a new covered office, the
20 legislature shall notify the secretary in writing."

21 SECTION 31. Section 1-22-3 NMSA 1978 (being Laws 2018,
22 Chapter 79, Section 18, as amended) is amended to read:

23 "1-22-3. REGULAR LOCAL ELECTIONS--SPECIAL LOCAL
24 ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF CANDIDATES.--

25 A. A regular local election shall be held on the
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1 first Tuesday after the first Monday in November of each odd-
2 numbered year. A regular local election shall be held to elect
3 qualified persons to membership on a local governing body and
4 ~~[where applicable]~~ to elective municipal executive office and
5 to municipal judicial office.

6 B. A regular local election shall be a nonpartisan
7 election, and the names of all candidates shall be listed on
8 the ballot with no party or slate designation. No person shall
9 become a candidate in a regular local election unless the
10 person physically resides within the boundaries of the district
11 or districted area in which the person desires to be elected or
12 to represent and the person's record of voter registration
13 shows that the person is both a qualified elector of the state
14 and was registered to vote in the area to be elected to
15 represent on the date the proclamation calling a local election
16 is filed in the office of the secretary of state.

17 C. A local government may propose a ballot question
18 to be considered by the voters of the local government:

19 (1) at a regular local election or a general
20 election as provided by Subsection B of Section 1-16-3 NMSA
21 1978; or

22 (2) at a special local election called,
23 conducted and canvassed as provided in the Special Election
24 Act.

25 D. Except as otherwise provided in the Local

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1 Election Act, local elections shall be called, conducted and
2 canvassed as provided in the Election Code."

3 SECTION 32. Section 1-24-3 NMSA 1978 (being Laws 2019,
4 Chapter 212, Section 156, as amended) is amended to read:

5 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

6 A. All special elections in this state shall be
7 conducted absentee. Mailed ballots shall be used exclusively
8 for voting in special elections. Except as otherwise provided
9 in the Special Election Act, all special elections in this
10 state shall be conducted and canvassed as provided in the
11 Election Code.

12 B. Without requiring a voter to file an application
13 to receive a ballot, the county clerk shall send a mailed
14 ballot to every voter of the county or local public body,
15 except a voter:

16 (1) who was sent a notice pursuant to
17 Subsection C of Section 1-4-28 NMSA 1978 and who has not
18 returned the prepaid and pre-addressed return card sent
19 pursuant to that section and has not filed a new certificate of
20 registration with a new address;

21 (2) whose voter notification pursuant to
22 Section 1-11-4.1 NMSA 1978 or official election-related mail
23 sent through a uniform, nondiscriminatory process was returned
24 to the county clerk or the secretary of state as undeliverable
25 and the voter has not communicated with the county clerk that

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1 the official voter notification or election-related mail was
2 returned as undeliverable in error or filed a certificate of
3 registration with a new address; or

4 (3) whose ballot is delivered pursuant to the
5 provisions of the Intimate Partner Violence Survivor Suffrage
6 Act.

7 C. Forty-two days before the election or in the
8 case of a voter notification returned to the county clerk, as
9 soon thereafter as practicable, the county clerk shall send to
10 each voter of the county or local public body described in
11 Paragraphs (1) and (2) of Subsection B of this section notice,
12 sent by forwardable mail, that the voter will not be sent a
13 ballot for the special election unless the voter updates the
14 voter's address as provided by the Election Code or informs the
15 county clerk that the address on the certificate of
16 registration is valid. The notice shall include contact
17 information for the office of the county clerk and an internet
18 address where the voter may update the voter's address or
19 communicate with the county clerk. The mailed ballot register
20 shall note which voters were sent a notice pursuant to this
21 subsection.

22 D. Between the twenty-seventh and twenty-fifth day
23 before the election, pursuant to Subsection B of this section,
24 the county clerk shall send to each voter a ballot for the
25 special election, along with a postage-paid return envelope, a

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1 notice that there will be no traditional polling places for the
2 election, the recommended deadline to deposit the voted mailed
3 ballot with the United States postal service for return by
4 mail, the deadline for the ballot to be received by the county
5 clerk and a list of the times and locations of monitored
6 secured containers available in the county.

7 E. Beginning twenty-two days before the election,
8 the county clerk shall issue replacement and provisional
9 ballots as provided in the Absent Voter Act for the mailed
10 ballot process. In addition, the county clerk shall send a
11 ballot to any voter described in Paragraphs (1) and (2) of
12 Subsection B of this section who has not previously been sent a
13 ballot if the voter submits an application pursuant to Section
14 1-6-4 NMSA 1978.

15 F. When required by federal law, if the voter has
16 on file with the county a valid certificate of registration
17 that indicates that the voter is a new registrant in the state
18 and who registered by mail without submitting the required
19 documentary identification, the county clerk shall notify the
20 voter that the voter must submit with the mailed ballot the
21 required documentary identification from the list in Paragraph
22 (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county
23 clerk shall note on the mailed ballot register and signature
24 roster that the applicant's mailed ballot must be returned with
25 the required documentary identification.

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1 G. Special elections called by counties or local
2 public bodies, and any automatic recounts associated with those
3 elections, shall be canvassed in accordance with the county
4 canvassing provisions in Article 13 of the Election Code. Upon
5 certification by the county canvassing board, the county clerk
6 shall forward a copy of the board's certification to the
7 secretary of state."

8 SECTION 33. A new section of the Election Code is enacted
9 to read:

10 "[NEW MATERIAL] EMERGENCY ELECTION PROCEDURES.--

11 A. Upon issuance of an executive order declaring a
12 state of emergency or an executive order for an impending
13 emergency, the secretary of state shall authorize county clerks
14 in impacted counties to evaluate and develop emergency
15 contingency plans to ensure maximum participation in the
16 electoral process and provide a safe and orderly procedure for
17 impacted elections.

18 B. A county clerk shall notify the secretary of
19 state in writing of any natural disasters impacting election
20 operations. As soon as possible following the issuance of an
21 executive order declaring an emergency:

22 (1) the county clerk shall identify the number
23 of polling places that are functional and the number of polling
24 places that are no longer functional. If a polling place is
25 destroyed, inaccessible or unsafe, efforts should be made to

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1 work with federal, state and local emergency management
2 agencies to permit the orderly establishment of a new polling
3 place. An alternate emergency location shall be designated by
4 the county clerk and authorized by the secretary of state and
5 shall meet the requirements for voter convenience centers in
6 Section 1-3-4 NMSA 1978. The secretary of state may authorize
7 one county to loan a mobile voting unit to another county;

8 (2) the county clerk shall notify the
9 secretary of state in writing of any impact to mailed ballot
10 delivery. The secretary of state may authorize the county
11 clerk to transmit ballot and balloting materials by secured
12 electronic transmission available to the county clerk to voters
13 who have submitted an emergency mailed ballot request on a form
14 prescribed by the secretary of state. Any delays, closures of
15 secured monitored containers or additional changes to the
16 ability of voters to receive or return a mailed ballot shall be
17 posted as soon as practicable on the county clerk's website
18 with information on how voters may participate in the election;
19 and

20 (3) any contingency plans involving
21 elimination or consolidation of a polling place or
22 establishment of an alternative voting or mobile voting unit
23 within an Indian nation, tribe or pueblo shall occur pursuant
24 to Section 1-21A-9 NMSA 1978.

25 C. Nothing in this section shall be interpreted as

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1 extending or as an extension of the time period for an
2 election."

3 SECTION 34. REPEAL.--Sections 1-8-21.1, 1-8-42, 1-12-7.1
4 and 1-22-3.1 NMSA 1978 (being Laws 1993, Chapter 55, Section
5 11, Laws 1973, Chapter 228, Section 12, Laws 1969, Chapter 240,
6 Section 112 and Laws 2018, Chapter 79, Section 34, as amended)
7 are repealed.

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