



Review of Elections Legislation and SOS Implementations

August 18, 2020

Office of the New Mexico Secretary of State

Contact Information



Bureau of Elections

WEB: Sos.state.nm.us

Email: SOS.elections@state.nm.us

Phone: 505-827-3600

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

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

Dylan Lange
General Counsel
505-827-3629
Dylan.Lange@state.nm.us



Primary Election

- 2020 Primary Election
 - 417,540 ballots cast statewide (42.01%)
 - More Absentee voters than ever before: 262,303 Absentee ballots cast (62.82%)
- 2016 Primary Election
 - 328,793 ballots cast statewide (33.82%)
 - Total Absentee ballots cast in the 2016 Primary: 22,305 (6.78%)



Election Calendar

- August 2020

- NVRA Confirmation Mailing: August 5, 2020
- County Clerk Deadlines: August 5, 2020
 - Set EV sites
 - Notify SOS – Application Mailing
 - VCC Waiver Requests Due
- Candidate Withdrawal Deadline: August 25, 2020

Absentee Application Mailer:

- Bernalillo
- Colfax
- Dona Ana
- Grant
- Guadalupe
- Los Alamos
- San Miguel
- Sandoval
- Santa Fe
- Valencia



What's Coming Next...

- September 2020

- Last Day to Fill Vacancies: September 1, 2020
- Last Day for SOS to Adopt/Amend Rule: September 1, 2020
- Ballot Export Files due to Printer: September 4, 2020
- ERIC – Eligible but Unregistered (EBU) Mailer
- National Poll Worker Recruitment Day: September 1, 2020
- County Clerks can mail Absentee Applications: September 14, 2020
- Mail Military/Overseas voters their Ballots: September 19
- National Voter Registration Day: September 22, 2020

- October 2020

- Absentee Voting Begins: October 6, 2020
- Last day to receive a mailed ballot application for CC/UOCAVA (mail):
October 20, 2020



Senate Bill 4

Voter Registration - Books Open:

- Books can reopen beginning the first Monday following an election

All Election Day Locations to become VCCs or Mail only Precincts:

- All voting locations on election day should be VCCs. This will effect all hybrid and traditional counties
- Exceptions: Indian Nation, Tribal, or Pueblo land, locations without internet ability
- Locations that cannot be turned into a VCC must become mail only precincts

Automatic Mailing of Absentee Ballots

- Optional for Clerks (Sandoval, Collfax, Grant, SF, Valencia, LA, DA, Guadalupe, BernCo, San Miguel)
- Will be mailed out September 14 (50 days before election)

Non-Mailable Voters:

- Intent: To exclude those that have a bad address.
- Flag is removed if the voter updates their VR record with a mail-able address
- Definition:
 - 1) Voters to whom an NVRA postcard was sent in 2016, 2018, 2020 and
 - did not return the postcard,
 - did not update their voter registration
 - have not requested an absentee ballot for the 2020 General Election
 - 2) Who registered to vote on or before 12/31/2015, have not submitted a new registration at any time since 1/1/2016 AND have not voted in any election since 1/1/2016;
 - 3) FQE and CAP voters are excluded
- Special Elections: 1-24-3 B (1) (2) describes a similar flag.

Senate Bill 4 Continued

USPS Intelligent Barcode:

- Should be implemented by September 19, 2020
- System updates are ongoing

Added Security

- Voter must provide last 4 of SSN and Signature on returned ballot
- CC verifies such information is provided before transferring to Absentee Canvass Board
- CC must seek to cure a discrepancy within one day of ballot received.

PPE

- By September 21, SOS must secure sufficient PPE for distribution to each county clerk

Education Campaign:

- Voter Registration
- Encouraging to review and/or update VR

Primary Elections:

- DTS voters will be able to change party affiliation during the SDR voting period starting with the May 2021 primary election.

Emergency Powers:

- If the Governor Issues a Public Health order **BEFORE** 60 days (Sept 4) prior to the election:
 - The SOS shall, in consultation with each county clerk in an area identified in the public health order, implement changes in the conduct of the 2020 general election only to the extent necessary for the preservation of the health and safety of county clerks and their staffs, election board members and voters.
- If Governor issues Public Health order **AFTER** 60 days before election:
 - the SOS may provide guidance to county clerks on best practices for the preservation of the health and safety of county clerks and their staffs, election board members and voters; and in addition, may call a meeting of the legislative electoral health and safety task force.



Changes to Absentee Voting

Absentee Ballot Applications:

- Counties have the option to mail absentee ballots to eligible (mailable) voters
- Any county that wishes to do this must notify the SOS by August 5, 2020
- Applications should be mailed 50 days before the election (September 14, 2020)
- Supply updates are in progress

Rejection Notices:

- Any absentee application (excluding FQE's), will be rejected if received after Tuesday, October 20, 2020
 - If received after October 31, 2020, the county shall process/reject within 24 hours and a list of EV and ED sites included in the notice.
- Ballot Rejection: Rejection notice with information on how to remedy the issue
- Ballot Rejection-Post election: Rejection notice when a ballot is rejected

Notice of Requested Mailed Ballot:

- Ballot Mailing address should match the mailing/physical address in SERVIS. If the address does not match, a notice will generate to mailing/physical address informing the voter.
- Timeframe: 24 hours

Application Deadlines:

- Absentee (regular mail) October 20, 2020
- FQE's October 27, 2020

Language to be Added to Absentee Ballots:

- "This ballot may be returned to the office of the county clerk or any open polling location in the county where you are registered to vote at any time up to and including the day of the general election. If this ballot is returned by mail, to ensure timely postal delivery to the county clerk, the ballot should be mailed no later than Tuesday, October 27, 2020."



SOS Rulemaking Pursuant to SB 4

A public hearing will be held on the proposed rule on Friday August 28, 2020,

1.10.15 NMAC Alternative and Election Day Voting Administration

Purpose: The purpose for this rule is to provide uniformity in the application, operation, and interpretation of Alternative and Election Day Voting Procedures. This rule is proposed due to the Legislature's passing of Senate Bill 4 in the 2020 Special Session.

Summary of Full Text: Section 1.10.15.7 NMAC defines key terms like "mailable voter," and other words used in the proposed rule. Section 1.10.15.8 NMAC provides procedures for how a county clerk must reject a mailed ballot, how a county clerk must notify a voter if a voter's ballot is rejected, and procedures for how a voter may cure a rejected mailed ballot. Section 1.10.15.9 NMAC addresses how election challengers may interpose challenges and conduct themselves pursuant to the Election Code. Section 1.10.15.10 NMAC provides the procedure for how election challenges are handled by the absent voter election board and provides a procedure for a voter to cure a rejected mailed ballot



General Election Preparation

- Equipment Purchase
 - Completion of Tabulator Enhancement Project
 - Additional High Speed Scanners – Absentee Processing
 - Virtual Training Support
- Ballot Drop Locations
 - Permanent Ballot Drop Box Containers – Long Term Effort
 - Temporary Ballot Drop Box Containers – Poll Official Oversight
- Voter Education Outreach
 - Voter Registration
 - Poll Worker Recruitment
 - Voting Options
 - Deadlines
 - USPS Concerns

General Election Preparation – System Updates

- Campaign Finance Information System (CFIS)
 - Training: August - September
 - Candidates & Political Committees – September 2020
 - Independent Expenditure Filers – September 2020
 - Lobbyists – January 2021
 - Financial Disclosure Statements – January 2021
 - Legacy system – retention of previous reports
- Online Absentee Applications
 - Go live: September 1
 - Enhancements
 - Process for Visually Impaired Ballot Requests
 - Require Last 4 of SSN
- Online Voter Registration Agent Portal
 - Go live: August 31



General Election Preparation

Native American Communities

- Tribal Government Partnerships
- Native American Voting Task Force (NAVTF)
- Native American Voting Alliance (NAVA)
- Navajo Nation – Election Administration / Department of Justice
 - Arizona and Utah – Voter Outreach
- Pueblo Governments
- County Clerk Offices



General Election Preparation

- Postal Service – Impact to Election
 - USPS Partnership
 - SB4 Mandates – IMB / Streamline Payment of Postage
 - National Organizations
 - National Association of Secretaries of State (NASS) Secretary: President
 - National Association of State Election Directors
 - Regional Team assigned to NM
 - Regular Communication
 - Responsive
 - Resource allocation
 - Monitor and troubleshoot issues
 - Election Day response team



Ballot Questions For the General Election

Constitutional Amendment 1:

"PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT THE PUBLIC REGULATION COMMISSION CONSIST OF THREE MEMBERS APPOINTED BY THE GOVERNOR FROM A LIST OF PROFESSIONALLY QUALIFIED NOMINEES SUBMITTED TO THE GOVERNOR BY A NOMINATING COMMITTEE AS PROVIDED BY LAW AND THAT THE COMMISSION IS REQUIRED TO REGULATE PUBLIC UTILITIES AND MAY BE REQUIRED TO REGULATE OTHER PUBLIC SERVICE COMPANIES."

Constitutional Amendment 2:

"PROPOSING TO AMEND ARTICLE 20, SECTION 3 OF THE CONSTITUTION OF NEW MEXICO TO PERMIT THE ADJUSTMENT BY LAW OF TERMS OF NON-STATEWIDE ELECTED OFFICERS AND TO STANDARDIZE THE DATE AN OFFICER BEGINS TO SERVE."

Questions?

