

SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE BILL 454

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
AMENDING THE ELECTION CODE; REVISING DEFINITIONS; PRESCRIBING  
THE SECRETARY OF STATE'S DUTIES RELATING TO FORMS; DIRECTING  
THE MAINTENANCE OF AN ELECTIONS SECURITY PROGRAM; REQUIRING THE  
ESTABLISHMENT OF VOTER CONVENIENCE CENTERS; ADJUSTING  
REQUIREMENTS FOR REGISTRATION AT VOTING LOCATIONS PRIOR TO  
VOTING AND REGISTRATION PROCESSING PROCEDURES; REVISING VOTER  
REGISTRATION PROVISIONS FOR THE MOTOR VEHICLE DIVISION OF THE  
TAXATION AND REVENUE DEPARTMENT; DIRECTING THE SECRETARY OF  
STATE TO DEVELOP A GENERAL PROGRAM FOR THE IDENTIFICATION OF  
VOTERS ELIGIBLE FOR CANCELLATION FROM THE VOTER REGISTRATION  
LIST; REVISING REQUIREMENTS FOR MAILED BALLOT APPLICATIONS AND  
ENVELOPES AND MAILED BALLOT HANDLING PROCEDURES; ADDRESSING  
BALLOT PROCEDURES FOR THE INTIMATE PARTNER VIOLENCE SURVIVOR  
SUFFRAGE ACT; REINSTATING THE PRIMARY ELECTION LAW SHORT TITLE

.220869.2

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

1 ACT; ADJUSTING TIME FRAMES TO NOMINATE CANDIDATES TO FILL  
2 VACANCIES ON THE GENERAL ELECTION BALLOT; AMENDING VOTING  
3 SYSTEMS REQUIREMENTS; CORRECTING AND PRESCRIBING THE ORDER OF  
4 OFFICES ON BALLOTS; REQUIRING A NOTICE OF ELECTION TO BE SENT  
5 TO VOTERS; ADDRESSING BALLOT TALLYING PROCEDURES AND THE  
6 PREPARATION OF THE COUNTY CANVASS REPORT; PRESCRIBING POST-  
7 ELECTION DUTIES; PROVIDING REQUIREMENTS FOR THE IMPOUNDMENT OF  
8 BALLOTS AND TIME FRAMES FOR AUDITS; ADJUSTING TIME FRAMES FOR  
9 REFERENDUM PETITIONS; AUTHORIZING TAXPAYER INFORMATION TO BE  
10 REVEALED TO THE SECRETARY OF STATE FOR PURPOSES OF MAINTAINING  
11 VOTER REGISTRATION RECORDS; REMOVING REFERENCES TO PUBLIC  
12 REGULATION COMMISSIONER AS AN ELECTED OFFICE THROUGHOUT THE  
13 ELECTION CODE; RECOMPILING A SECTION AUTHORIZING LEGISLATIVE  
14 CAUCUS COMMITTEES INTO THE CAMPAIGN REPORTING ACT; AMENDING  
15 ELECTION PROCEDURES FOR ARTESIAN CONSERVANCY DISTRICTS;  
16 ALLOWING CERTAIN CONSERVANCY DISTRICTS TO REORGANIZE THEIR  
17 BOARDS OF DIRECTORS; PROVIDING FOR THE APPOINTMENT OF WATERSHED  
18 DISTRICT BOARDS; CREATING THE VOTER EDUCATION AND ELECTIONS  
19 TASK FORCE; DIRECTING THE VOTER EDUCATION AND ELECTIONS TASK  
20 FORCE TO STUDY, PROVIDE RECOMMENDATIONS AND PROPOSE LEGISLATION  
21 TO IMPLEMENT BEST PRACTICES TO EDUCATE VOTERS AND ENSURE THE  
22 ACCURACY AND INTEGRITY OF ELECTIONS PROCESSES IN NEW MEXICO;  
23 AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE  
24 NMSA 1978; REPEALING AND REENACTING SECTION 1-4-5.7 NMSA 1978  
25 (BEING LAWS 2019, CHAPTER 67, SECTION 1, AS AMENDED); REPEALING

.220869.2

1 LAWS 2020, CHAPTER 9, SECTIONS 1 THROUGH 13.

2  
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

4 SECTION 1. Section 1-1-3.3 NMSA 1978 (being Laws 2011,  
5 Chapter 137, Section 2, as amended) is amended to read:

6 "1-1-3.3. ELECTION-RELATED ORGANIZATION.--As used in the  
7 Election Code, "election-related organization" means an  
8 organization that registered with the secretary of state [~~that~~]  
9 at least ninety days before a regularly scheduled statewide  
10 election or sixty-three days before a special election or an  
11 election to fill a vacancy in the United States house of  
12 representatives and is involved in election monitoring or voter  
13 turnout activities, but does not include a qualified political  
14 party in an election in which the political party is  
15 represented on the ballot."

16 SECTION 2. Section 1-1-16 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 16, as amended) is amended to read:

18 "1-1-16. REGISTRATION OFFICER.--As used in the Election  
19 Code, "registration officer" means the secretary of state, a  
20 county clerk or a clerk's authorized deputy, a member of [~~the~~]  
21 an election board [of registration] designated by the county  
22 clerk to perform registration duties at a polling location or a  
23 state employee performing registration duties in accordance  
24 with the federal National Voter Registration Act of 1993 or  
25 Section 1-4-5.2 NMSA 1978."

.220869.2

1           SECTION 3. Section 1-2-1 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 22, as amended) is amended to read:

3           "1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--  
4 RULES.--

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

7           B. The secretary of state shall:

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

11                    (2) subject to the State Rules Act, make rules  
12 pursuant to the provisions of, and necessary to carry out the  
13 purposes of, the Election Code and shall furnish to the county  
14 clerks copies of such rules; provided that no rule is adopted  
15 or amended within the sixty-three days before a primary or a  
16 general election.

17           C. No forms or procedures shall be used in any  
18 election held pursuant to the Election Code without prior  
19 approval of the secretary of state. If a form is required and  
20 prescribed by the Election Code, the secretary of state shall  
21 issue or approve the form consistent with the prescribed form  
22 in the Election Code. If a form is required but not prescribed  
23 by the Election Code, the secretary of state shall issue and  
24 approve the form consistent with the provisions of the Election  
25 Code."

.220869.2

1           SECTION 4. A new section of Chapter 1, Article 2 NMSA  
2 1978 is enacted to read:

3           "[NEW MATERIAL] ELECTIONS SECURITY PROGRAM--GENERAL  
4 RESPONSIBILITIES.--

5           A. The secretary of state shall maintain an  
6 elections security program within the bureau of elections. The  
7 program shall have the general responsibility of advising the  
8 secretary of state, county clerks and the voting system  
9 certification committee regarding voting system and  
10 cybersecurity requirements and ensuring their implementation  
11 and shall be the primary liaison working with federal oversight  
12 and intelligence agencies regarding elections critical  
13 infrastructure.

14           B. The elections security program may conduct  
15 assessments, inspections and incident response in relation to  
16 networks and equipment deemed to be election-critical  
17 infrastructure, both at the state and county level.

18           C. Documents and communications related to election  
19 security or that could put election-critical infrastructure at  
20 risk are exempt from disclosure pursuant to the Inspection of  
21 Public Records Act."

22           SECTION 5. Section 1-2-20 NMSA 1978 (being Laws 1969,  
23 Chapter 240, Section 39, as amended) is amended to read:

24           "1-2-20. MESSENGERS--COMPENSATION.--

25           A. The county clerk may appoint messengers to

.220869.2

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

1 deliver ballot boxes, poll books, keys, election supplies and  
2 other materials pertaining to the election. Messengers may  
3 also be authorized to collect absentee ballots from polling  
4 places or secured containers and removable media storage  
5 devices from polling places and deliver [~~them~~] each to  
6 locations designated by the county clerk.

7 B. Messengers may be compensated at the same daily  
8 or hourly rate as provided for election board members or at a  
9 rate established by the county clerk. Messengers may be paid  
10 mileage as provided in the Per Diem and Mileage Act each way  
11 over the usually traveled route when the messenger travels by  
12 private vehicle. The compensation and mileage shall be paid  
13 within thirty days following the date of election.

14 C. Messengers shall take an oath of office before  
15 entering into service as a messenger. Messengers may be  
16 appointed to serve solely in that capacity or may be election  
17 board members or county employees also appointed to serve as  
18 messengers."

19 SECTION 6. Section 1-3-4 NMSA 1978 (being Laws 1975,  
20 Chapter 255, Section 30, as amended) is amended to read:

21 "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE  
22 CENTERS.--

23 A. The board of county commissioners [~~may permit~~  
24 ~~voters in the county to cast ballots in statewide elections at~~]  
25 shall establish voter convenience centers through the use of

1 consolidated precincts authorized pursuant to this section.

2 B. When precincts are consolidated and voter  
3 convenience centers are established for statewide elections:

4 (1) the resolution required by Section 1-3-2  
5 NMSA 1978, in addition to the other matters required by law,  
6 shall state therein which precincts have been consolidated and  
7 the location of the voter convenience center within that  
8 consolidated precinct;

9 (2) any voter of the county shall be allowed  
10 to vote on a regular ballot at any voter convenience center in  
11 the county;

12 (3) each voter convenience center shall be a  
13 consolidated precinct composed of no more than ten precincts;

14 (4) each voter convenience center shall comply  
15 with the provisions of Section 1-3-7 NMSA 1978;

16 (5) each voter convenience center shall have a  
17 broadband internet connection and real-time access to the voter  
18 registration electronic management system;

19 (6) the county clerk may maintain any  
20 alternate voting locations or mobile alternate voting locations  
21 previously used in the same election open for voting on  
22 election day as a voter convenience center, in addition to the  
23 voter convenience center established within each consolidated  
24 precinct; provided that the locations otherwise meet the  
25 requirements of a voter convenience center; and

.220869.2

1 (7) the board of county commissioners may  
2 permit certain precincts to be exempted from operating as a  
3 voter convenience center or being a part of a consolidated  
4 precinct [~~provided that~~] if the precinct is [~~not~~] designated as  
5 a mail ballot election precinct pursuant to Section 1-6-22.1  
6 NMSA 1978 [~~and the polling place for that precinct does not~~  
7 ~~have real-time access to the voter registration electronic~~  
8 ~~management system, voters registered in a precinct as described~~  
9 ~~in this paragraph are permitted to vote at any voter~~  
10 ~~convenience center on election day only by use of a provisional~~  
11 ~~paper ballot, which shall be counted after the county clerk~~  
12 ~~confirms that the voter did not also vote in the same election~~  
13 ~~on any other ballot~~].

14 C. Unless the county clerk receives a written  
15 waiver from the secretary of state specifying the location and  
16 specific provision being waived, each voter convenience center  
17 shall:

18 [~~(1)~~] ~~have ballots available for voters from~~  
19 ~~every precinct authorized to vote at that voter convenience~~  
20 ~~center;~~

21 ~~(2)~~] (1) have at least one optical scan  
22 tabulator programmed to read every ballot style able to be cast  
23 at that voter convenience center;

24 [~~(3)~~] (2) have at least one voting system  
25 available to assist disabled voters to cast and record their

1 votes;

2                    [(4)] (3) have sufficient spaces for at least  
 3 five voters to simultaneously and privately mark their ballots,  
 4 with at least one of those spaces wheelchair-accessible;

5                    [(5)] (4) have sufficient check-in stations to  
 6 accommodate voters throughout the day as provided in Section  
 7 1-9-5 NMSA 1978;

8                    [(6)] (5) have a secure area for storage of  
 9 preprinted ballots or for storage of paper ballot stock and a  
 10 system designed to print ballots at a polling location;

11                   [(7)] (6) issue a ballot to voters who have  
 12 provided the required voter identification after the voter has  
 13 signed a signature roster or an electronic equivalent approved  
 14 by the voting system certification committee or after the voter  
 15 has subscribed an application to vote on a form approved by the  
 16 secretary of state; and

17                   [(8)] (7) be in a location that is accessible  
 18 and compliant with the requirements of the federal Americans  
 19 with Disabilities Act of 1990.

20                   D. As a prerequisite to consolidation, the  
 21 authorizing resolution must find that [~~consolidation will make~~  
 22 ~~voting more convenient and accessible to voters of the~~  
 23 ~~consolidated precinct and will not result in delays for voters~~  
 24 ~~in the voting process and that the voter convenience center~~  
 25 ~~will be centrally located within the consolidated precinct.~~

.220869.2

underscored material = new  
 [bracketed material] = delete

1 ~~The board of county commissioners shall give due consideration~~  
2 ~~to input received from any local public body in the county~~  
3 ~~regarding the location of voter convenience centers] the~~  
4 location of each voter convenience center will make voting  
5 convenient and accessible to voters of the county and will not  
6 result in delays for voters in the voting process."

7 SECTION 7. A new Section 1-3-7.2 NMSA 1978 is enacted to  
8 read:

9 "1-3-7.2. [NEW MATERIAL] POLLING PLACES ON NATIVE  
10 AMERICAN LANDS.--If, in an area that includes Indian nation,  
11 tribal or pueblo lands, the president, governor or governing  
12 body of the Indian nation, tribe or pueblo has declared an  
13 emergency or has invoked emergency powers pursuant to other  
14 laws:

15 A. a polling place located on Indian nation, tribal  
16 or pueblo land shall not be eliminated or consolidated with  
17 other polling places, nor shall the days and times of voting be  
18 modified, without the written agreement of the Indian nation,  
19 tribe or pueblo where the polling place is located;

20 B. no later than ninety-eight days before a  
21 statewide election without a court order and by means of a  
22 written request or no later than forty-nine days before a  
23 statewide election with a court order, the county clerk shall  
24 provide to an Indian nation, tribe or pueblo that has not  
25 previously requested for that election cycle at least one

.220869.2

1 alternate voting or mobile alternate voting location for that  
 2 election; provided that the alternate voting or mobile  
 3 alternate voting location otherwise complies with the  
 4 requirements of Section 1-6-5.8 NMSA 1978;

5 C. no later than eighty-four days before a  
 6 statewide election without a court order and by means of a  
 7 written request or no later than thirty-five days before a  
 8 statewide election with a court order, the county clerk shall  
 9 provide an election day polling place to an Indian nation,  
 10 tribe or pueblo that does not already have an election day  
 11 polling place within its boundaries if voters registered within  
 12 the Indian nation, tribe or pueblo are unable to leave the  
 13 Indian nation, tribe or pueblo during the time when voting  
 14 occurs for a statewide election;

15 D. the requirement that a polling place be  
 16 available to all voters in the county is waived if an Indian  
 17 nation, tribe or pueblo is inaccessible or the borders are  
 18 closed; and

19 E. all necessary and reasonable expenses by the  
 20 county clerk for compliance with this section shall be  
 21 reimbursed by the secretary of state."

22 SECTION 8. Section 1-3-8 NMSA 1978 (being Laws 1969,  
 23 Chapter 240, Section 58, as amended) is amended to read:

24 "1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--

25 A. Upon the adoption of any resolution, or upon the

.220869.2

underscored material = new  
 [bracketed material] = delete

1 final action of any district court upon a petition creating,  
2 abolishing, dividing or consolidating any precinct, or changing  
3 any precinct boundary, or changing any designated polling  
4 place, the board of county commissioners shall:

5 [A.] (1) send a certified copy of the  
6 resolution or court order to the secretary of state and to the  
7 county ~~chairman~~ chair of each of the major political parties;  
8 and

9 [B.] (2) publish once the resolution in a  
10 newspaper as provided in the Election Code.

11 B. A polling place located on Indian nation, tribal  
12 or pueblo lands shall not be eliminated or consolidated with  
13 other polling locations without the written agreement of the  
14 Indian nation, tribe or pueblo on which the polling place is  
15 located."

16 SECTION 9. Section 1-4-1.1 NMSA 1978 (being Laws 2015,  
17 Chapter 145, Section 19, as amended) is amended to read:

18 "1-4-1.1. AUTHORIZATION TO VERIFY VOTER REGISTRATION  
19 INFORMATION--INVESTIGATION AND RECONCILIATION.--

20 A. The secretary of state may:

21 (1) provide to the chief election officer of  
22 another state or a consortium of chief election officers of  
23 other states information that is requested, including social  
24 security numbers, dates of birth, driver's licenses and  
25 identification card numbers and other information that the

1 secretary of state deems necessary for the chief election  
2 officer of that state or for the consortium to maintain a voter  
3 registration list, if the secretary of state is satisfied that  
4 the information provided pursuant to this paragraph will be  
5 used only for the maintenance of that voter registration list;  
6 and

7 (2) request from the chief election officer of  
8 another state or a consortium of chief election officers of  
9 other states information that the secretary of state deems  
10 necessary to maintain the statewide voter registration list.

11 B. The secretary of state may enter into a written  
12 agreement with an agency or political subdivision of this state  
13 or with a department of the federal government pursuant to  
14 which the state agency, political subdivision or federal  
15 department shall provide to the secretary of state information  
16 that is in the possession of the state agency, political  
17 subdivision or federal department and that the secretary of  
18 state deems necessary to maintain the statewide voter  
19 registration list.

20 C. The secretary of state shall enter into a  
21 written agreement with the secretary of taxation and revenue to  
22 match information in the database of the voter registration  
23 electronic management system with information in the database  
24 of the motor vehicle division of the taxation and revenue  
25 department to the extent required to enable each official to

.220869.2

1 verify the accuracy of the information provided on applications  
2 for voter registration. Upon the execution of the written  
3 agreement, the secretary of taxation and revenue shall enter  
4 into an agreement with the federal commissioner of social  
5 security pursuant to 42 U.S.C. Section 15483 (now 52 U.S.C.  
6 Section 21083), for the purpose of verifying applicable  
7 information.

8 D. The secretary of state shall provide to the  
9 appropriate county clerk in this state and to no other person  
10 necessary information or documentation received by the  
11 secretary of state from or through an agency or political  
12 subdivision of this state, a federal department, the chief  
13 election officer of another state or a consortium of chief  
14 election officers of other states that calls into question the  
15 information provided on a certificate of registration; that  
16 raises questions regarding the status of a person registered to  
17 vote in this state; or that suggests that a voter may have  
18 voted in two states during the same election. The county clerk  
19 shall only disclose information received from the secretary of  
20 state pursuant to this subsection to complete an investigation  
21 pursuant to this section. [~~E.~~] The county clerk shall  
22 investigate or reconcile the information received from the  
23 secretary of state.

24 E. The secretary of state shall develop [~~and~~  
25 ~~maintain a manual for county clerks that describes]~~ a general

1 program that is uniform and nondiscriminatory for county clerks  
2 to investigate and reconcile the information received from the  
3 secretary of state and to identify voters who may be eligible  
4 for cancellation from the statewide voter registration list.  
5 The general program shall describe the best practices [in] and  
6 requirements for investigating and reconciling information that  
7 is derived from comparisons of different databases, including  
8 safeguards to ensure that eligible voters are not removed in  
9 error from the official list of voters, and provide a procedure  
10 to:

11 (1) cancel certificates of registration for  
12 voters:

13 (a) confirmed to have voted in another  
14 state requiring residence in that state; or

15 (b) confirmed to be on the social  
16 security master death index file; and

17 (2) identify voters who have obtained a  
18 driver's license or identification card in another state  
19 requiring residence in that state or voters who have taken  
20 other action as reasonably recognized to establish residence in  
21 another state; provided that voters identified pursuant to this  
22 paragraph shall be included among the voters identified  
23 pursuant to Section 1-4-28 NMSA 1978 and processed in  
24 accordance with the procedures of that section."

25 **SECTION 10.** Section 1-4-5.7 NMSA 1978 (being Laws 2019,

.220869.2

1 Chapter 67, Section 1, as amended) is repealed and a new  
2 Section 1-4-5.7 NMSA 1978 is enacted to read:

3 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION  
4 PRIOR TO VOTING.--

5 A. In addition to the provisions in Section 1-4-8  
6 NMSA 1978 providing for the closing of registration prior to an  
7 election, a qualified elector seeking to register to vote or  
8 update an existing certificate of registration in the state  
9 shall be allowed to do so at a voting location immediately  
10 before voting in that election after signing an affidavit under  
11 oath that the elector has not voted in the election in this  
12 state or elsewhere and as further provided in this section.

13 B. During a statewide election, a qualified elector  
14 may register to vote or update an existing certificate of  
15 registration as follows:

16 (1) at the county clerk's office during the  
17 regular hours and days of business beginning on the twenty-  
18 eighth day preceding the election and from 10:00 a.m. to 6:00  
19 p.m. on the Saturday immediately prior to the date of the  
20 election;

21 (2) if the county clerk has established an  
22 additional alternate voting location near the clerk's office in  
23 lieu of voting at the county clerk's office, a qualified  
24 elector may register to vote or update an existing certificate  
25 of registration at that location during the regular hours and

1 days of business beginning on the twenty-eighth day preceding  
2 the election and during the hours for voting at alternate  
3 voting locations commencing on the third Saturday prior to the  
4 election through the Saturday immediately prior to the  
5 election; and

6 (3) at the county clerk's office or at an  
7 additional alternate voting location near the clerk's office  
8 until 7:00 p.m. on election day; provided that if at the county  
9 clerk's office, the clerk shall issue the voter a ballot to be  
10 marked in person and the voter shall insert the voted ballot  
11 into the tabulator programmed for early voting at that location  
12 and if it is a county with fewer than ten thousand voters,  
13 instead of inserting the ballot into a tabulator, the clerk may  
14 provide the voter with a provisional ballot envelope in which  
15 to place the ballot, and such ballot shall be counted absent  
16 the interposition of a challenge.

17 C. During a statewide election, a qualified elector  
18 may register to vote or update an existing certificate of  
19 registration at an alternate voting location only if the county  
20 clerk has assigned a registration officer to the alternate  
21 voting location; provided that ninety days before the election,  
22 the county clerk shall post the location of each alternate  
23 voting location where a qualified elector may register to vote  
24 or update an existing certificate of registration immediately  
25 before voting.

.220869.2

1           D. During a statewide election, a qualified elector  
2 may register to vote or update an existing certificate of  
3 registration at an election day voting location if the county  
4 clerk has assigned a registration officer to the election day  
5 voting location; provided that ninety days before the election,  
6 the county clerk shall post the location of each election day  
7 voting location where a qualified elector may register to vote  
8 or update an existing certificate of registration immediately  
9 before voting. If an election day voting location does not  
10 have real-time synchronization with the voter registration  
11 electronic management system or electronic poll book database,  
12 a qualified elector may register to vote or update an existing  
13 certificate of registration by using a provisional ballot in  
14 accordance with procedures prescribed by the secretary of  
15 state.

16           E. If a qualified elector appears at an election  
17 day voting location that does not allow a qualified elector to  
18 register to vote or update an existing certificate of  
19 registration prior to voting, the election board at the voting  
20 location shall inform the qualified elector of the ability to  
21 register to vote or update an existing certificate of  
22 registration at the county clerk's office and shall provide the  
23 qualified elector the address of any other election day voting  
24 location where the qualified elector may register to vote or  
25 update an existing certificate of registration on election day.

.220869.2

1 F. A voter whose political party affiliation on the  
 2 voter's certificate of registration is with a major political  
 3 party shall not be allowed to change party affiliation when  
 4 updating an existing certificate of registration or registering  
 5 to vote at an early voting site or polling place during a  
 6 primary election.

7 G. During a special election, a qualified elector  
 8 eligible to vote in the special election may register to vote  
 9 or update an existing certificate of registration at the county  
 10 clerk's office during the regular hours and days of business  
 11 beginning on the twenty-eighth day preceding the election until  
 12 7:00 p.m. on election day.

13 H. A qualified elector seeking to register to vote  
 14 or update an existing certificate of registration pursuant to  
 15 this section shall provide a physical form of identification  
 16 that is issued by a government, including a federally  
 17 recognized Indian nation, tribe or pueblo, or an educational  
 18 institution and that:

19 (1) contains the name of the qualified  
 20 elector, which shall reasonably match the name provided on the  
 21 certificate of registration;

22 (2) contains a photograph of the qualified  
 23 elector, which shall resemble the qualified elector;

24 (3) need not contain an expiration date, and  
 25 if it does, the expiration date is not required to be a date on

.220869.2

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

1 or after the date of the election; and

2 (4) shall either:

3 (a) contain an address that matches the  
4 address provided for the certificate of registration; or

5 (b) be accompanied by an original or  
6 copy of a utility bill, bank statement, government check,  
7 paycheck or other government document that contains an address  
8 that matches the address provided for the certificate of  
9 registration and is dated not more than ninety days prior to  
10 the date of presentment.

11 I. If an early voting site or polling place does  
12 not have real-time access to the statewide electronic voter  
13 file, a voter desiring to update an existing certificate of  
14 registration or to register to vote shall be issued a  
15 provisional ballot."

16 SECTION 11. Section 1-4-5.7 NMSA 1978 (being Section 10  
17 of this act) is repealed and a new Section 1-4-5.7 NMSA 1978 is  
18 enacted to read:

19 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION  
20 PRIOR TO VOTING.--

21 A. In addition to the provisions in Section 1-4-8  
22 NMSA 1978 providing for the closing of registration prior to an  
23 election, a qualified elector seeking to register to vote or  
24 update an existing certificate of registration in the state  
25 shall be allowed to do so at a voting location immediately

.220869.2

1 before voting in that election after signing an affidavit under  
2 oath that the elector has not voted in the election in this  
3 state or elsewhere and as further provided in this section.

4 B. During a statewide election, a qualified elector  
5 may register to vote or update an existing certificate of  
6 registration at the county clerk's office during the regular  
7 hours and days of business beginning on the twenty-eighth day  
8 preceding the election and from 10:00 a.m. to 6:00 p.m. on the  
9 Saturday immediately prior to the date of the election;  
10 provided that if the county clerk establishes an additional  
11 alternate voting location near the clerk's office in lieu of  
12 voting at the office of the county clerk, a qualified elector  
13 may register to vote or update an existing certificate of  
14 registration at that location during the regular hours and days  
15 of business beginning on the twenty-eighth day preceding the  
16 election and during the hours for voting at alternate voting  
17 locations commencing on the third Saturday prior to the  
18 election through the Saturday immediately prior to the election  
19 and, if the additional alternative voting location is open on  
20 election day, during the regular hours of voting on election  
21 day. In addition, a qualified elector may register to vote or  
22 update an existing certification of registration at the county  
23 clerk's office during regular hours of business the day before  
24 election day.

25 C. During a statewide election, a qualified elector

.220869.2

1 may register to vote or update an existing certificate of  
2 registration at any alternate voting location, mobile alternate  
3 voting location or election day voting location; provided that  
4 the secretary of state shall establish procedures to ensure  
5 that a registration officer has an opportunity to review the  
6 information of a qualified elector who registers to vote or  
7 updates an existing certificate of registration immediately  
8 before the qualified elector votes.

9 D. A voter whose political party affiliation on the  
10 voter's certificate of registration is with a major political  
11 party shall not be allowed to change party affiliation when  
12 updating an existing certificate of registration or registering  
13 to vote at an early voting site or polling place during a  
14 primary election.

15 E. During a special election, a qualified elector  
16 may register to vote or update an existing certificate of  
17 registration at the county clerk's office during the regular  
18 hours and days of business beginning on the twenty-eighth day  
19 preceding the election until 7:00 p.m. on election day;  
20 provided that the county clerk shall provide the voter with a  
21 ballot and balloting materials immediately after the qualified  
22 elector registers to vote or updates the existing certificate  
23 of registration.

24 F. A qualified elector seeking to register to vote  
25 or update an existing certificate of registration pursuant to

.220869.2

1 this section shall provide a physical form of identification  
2 that is issued by a government, including a federally  
3 recognized Indian nation, tribe or pueblo, or an educational  
4 institution and that:

5 (1) contains the name of the qualified  
6 elector, which shall reasonably match the name provided on the  
7 certificate of registration;

8 (2) contains a photograph of the qualified  
9 elector, which shall resemble the qualified elector;

10 (3) need not contain an expiration date, and  
11 if it does, the expiration date is not required to be a date on  
12 or after the date of the election; and

13 (4) shall either:

14 (a) contain an address that matches the  
15 address provided for the certificate of registration; or

16 (b) be accompanied by an original or  
17 copy of a utility bill, bank statement, government check,  
18 paycheck or other government document that contains an address  
19 that matches the address provided for the certificate of  
20 registration and is dated not more than ninety days prior to  
21 the date of presentment.

22 G. If an early voting location or election day  
23 voting location does not have real-time synchronization with  
24 the voting data at the office of the county clerk, a voter  
25 desiring to update an existing certificate of registration or

.220869.2

1 to register to vote shall be issued a provisional ballot. A  
2 provisional paper ballot issued pursuant to this section shall  
3 be qualified and tabulated once the county clerk determines  
4 that the voter did not vote any other ballot in the same  
5 election and if no challenge is successfully interposed."

6 SECTION 12. Section 1-4-5.8 NMSA 1978 (being Laws 2019,  
7 Chapter 67, Section 2) is amended to read:

8 "1-4-5.8. AUTOMATIC VOTER REGISTRATION--DRIVER'S LICENSE  
9 AND AGENCY REGISTRATION AND UPDATES TO REGISTRATION.--

10 A. In addition to the requirements of Section  
11 1-4-47 NMSA 1978:

12 (1) a qualified elector registering to vote or  
13 updating an existing certificate of registration when  
14 conducting an in-person transaction to apply for or renew a  
15 driver's license or state-issued identification card:

16 (a) shall not be required to provide a  
17 second time any information that duplicates information  
18 required in the driver's license portion of the transaction;

19 [~~(2) the address of a voter who provides a~~  
20 ~~different address when conducting an in-person transaction to~~  
21 ~~apply for or renew a driver's license or state-issued~~  
22 ~~identification card shall be updated on the voter's certificate~~  
23 ~~of registration unless the voter declines to do so;]~~ and

24 [(~~3~~)] (b) immediately at the conclusion  
25 of each in-person transaction to apply for or renew a driver's

.220869.2

1 license or state-issued identification card, [~~the person~~] shall  
2 receive written notification by the motor vehicle division of  
3 the taxation and revenue department informing the person if a  
4 voter registration transaction was processed, and if so,  
5 providing information regarding any voter registration  
6 transaction delivered to the county clerk by the motor vehicle  
7 division as a result of that application for or renewal of a  
8 driver's license or state-issued identification card; and

9 (2) if a voter provides an address different  
10 from the existing address of registration when conducting an  
11 in-person transaction to apply for or renew a driver's license  
12 or state-issued identification card and the new address is:

13 (a) in the same county, the secretary of  
14 state shall send the information to the county clerk of the  
15 county where the voter is registered, who shall correct the  
16 official list of eligible voters in accordance with the change  
17 of residence information on the notice; or

18 (b) in another county, the secretary of  
19 state shall send the information to the county clerk of the  
20 county where the new address is located, and the county clerk  
21 to whom the notice was forwarded shall process the change of  
22 residence as a transferred registration into the county.

23 B. In addition to the requirements of Section  
24 1-4-48 NMSA 1978:

25 (1) the human services department shall

.220869.2

underscored material = new  
[bracketed material] = delete

1 develop procedures to be approved by the secretary of state to  
2 ensure that each benefit program administered by the department  
3 appropriately ensures that qualified electors receiving  
4 benefits are offered the opportunity to register to vote or  
5 update an existing certificate of registration without  
6 duplication of information contained by the department or by  
7 the secretary of state. No later than the last day of August  
8 of each calendar year, the human services department shall  
9 issue an annual report detailing implementation of the  
10 requirements of this paragraph. The report shall be sent to  
11 the legislative council service, the secretary of state and  
12 each county clerk; and

13 (2) no later than June 30, 2020 and upon the  
14 approval of the voting system certification committee, the  
15 secretary of state and the secretary of taxation and revenue  
16 shall develop a procedure for using the address provided as a  
17 taxpayer to update the registration address of a voter who has  
18 been identified as having moved from the voter's precinct of  
19 residence pursuant to Section 1-4-48 NMSA 1978. The procedure  
20 shall include a requirement of notification to the voter at  
21 least one hundred twenty days before an election of the intent  
22 to update the registration address and the ability for a voter  
23 to decline to permit the update to take effect.

24 C. If a person who is not a qualified elector  
25 becomes registered to vote pursuant to this section, that

.220869.2

1 registration shall not be valid and the county clerk shall  
 2 remove the certificate of registration from the register of  
 3 voters."

4 SECTION 13. Section 1-4-8 NMSA 1978 (being Laws 1969,  
 5 Chapter 240, Section 66, as amended) is amended to read:

6 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF  
 7 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except  
 8 for qualified electors who register to vote or update a  
 9 certificate of registration pursuant to Section 1-4-5.7 NMSA  
 10 1978, for qualified electors seeking to register to vote or  
 11 update an existing voter registration in the state, the  
 12 following provisions shall apply:

13 A. to participate in an election, the deadline to  
 14 register to vote or update an existing voter registration is  
 15 twenty-eight days prior to that election;

16 B. the county clerk shall receive certificates of  
 17 registration at all times during normal working hours, except  
 18 that the clerk shall not process any certificate of  
 19 registration subscribed and sworn beginning the first business  
 20 day after the deadline to register to vote or update an  
 21 existing voter registration before an election if the  
 22 residential address on the certificate of registration  
 23 indicates that the registration is for a:

- 24 (1) statewide election, within the county; or
- 25 (2) special election, within any precinct in

.220869.2

underscored material = new  
 [bracketed material] = delete

1 the county in which votes may be cast in the special election;

2 C. between the deadline to register to vote or  
3 update an existing voter registration through the day of the  
4 election, the county clerk shall process all:

5 (1) new voter registrations that meet the  
6 requirements of this section;

7 (2) updates to existing voter registrations in  
8 this state that meet the requirements of this section; provided  
9 that an update to an existing registration in this state shall  
10 not be processed if the voter has requested or been sent a  
11 ballot in the election, unless the voter executes an affidavit  
12 stating that the voter has not and will not vote the ballot  
13 that was issued and the ballot register does not show that a  
14 ballot from the voter has been cast in the election; and

15 (3) pending cancellations of existing voter  
16 registrations in this state through the day of the election;  
17 provided that a cancellation of an existing voter registration  
18 shall not be processed if the voter has requested or been sent  
19 a ballot in the election;

20 D. certificates of registration and cancellations  
21 of existing voter registrations not processed pursuant to  
22 Subsection B or C of this section [~~shall~~] may be processed  
23 beginning [~~thirty-five days after~~] the Monday following an  
24 election and shall be processed beginning no later than the  
25 first business day after the approval of the county canvass

1 report, at which time a voter information document shall be  
 2 mailed to the registrant at the address shown on the  
 3 certificate of registration; provided that if there is a  
 4 subsequent election scheduled at which a qualified elector or  
 5 voter would be eligible to vote if the certificate of  
 6 registration were processed on an earlier date, the certificate  
 7 of registration for that qualified elector or voter shall be  
 8 processed by the county clerk on a day and in a manner to  
 9 ensure the ability of the qualified elector or voter to vote in  
 10 the subsequent election;

11 E. when the deadline to register to vote or update  
 12 an existing voter registration prior to an election referred to  
 13 in this section is a Saturday, Sunday or state holiday,  
 14 registration certificates shall be accepted through the next  
 15 succeeding business day for the office of the county clerk; and

16 F. the county clerk shall accept for filing and  
 17 process any certificate of registration that is subscribed and  
 18 dated on or before the deadline to register to vote or update  
 19 an existing voter registration prior to an election and:

20 (1) received by the county clerk by the end of  
 21 the last regular business day of the week for the office of the  
 22 county clerk immediately following the deadline to register to  
 23 vote or update an existing voter registration prior to an  
 24 election;

25 (2) mailed and postmarked on or before the day

.220869.2

underscored material = new  
 [bracketed material] = delete

1 of the deadline to register to vote or update an existing voter  
2 registration prior to any election referred to in this section;  
3 or

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

6 SECTION 14. Section 1-4-11 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 67, as amended) is amended to read:

8 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF  
9 CERTIFICATES.--

10 A. Upon receipt of a complete certificate of  
11 registration, if the certificate of registration is in proper  
12 form, the county clerk shall determine if the qualified elector  
13 applying for registration is already registered in the  
14 registration records of the county. If the qualified elector  
15 is not already registered in the county and if the certificate  
16 of registration is received within the time allowed by law for  
17 filing certificates of registration in the county clerk's  
18 office, the county clerk shall sign or stamp, in the space  
19 provided therefor on each copy of the certificate, the  
20 qualified elector's name and the date the certificate was  
21 accepted for filing in the county registration records. Voter  
22 information shall be handed or mailed immediately to the  
23 qualified elector and to no other person.

24 B. If the applicant's certificate of registration  
25 is rejected for any reason, the county clerk shall stamp or

.220869.2

1 write the word "rejected" on the new certificate of  
2 registration and hand or mail it, if possible, to the applicant  
3 with an explanation of why the new certificate of registration  
4 was rejected and what remedial action, if any, the applicant  
5 must take to bring the registration up to date or into  
6 compliance with the Election Code.

7 C. The county clerk shall reject any certificate of  
8 registration that does not contain the qualified elector's  
9 name, address and date of birth, along with a signature or  
10 usual mark. If the qualified elector is a new voter, the  
11 county clerk shall reject any certificate of registration that  
12 does not contain the qualified elector's driver's license or  
13 state identification number issued by the motor vehicle  
14 division of the taxation and revenue department, social  
15 security number or last four digits of the qualified elector's  
16 social security number. The county clerk shall reject any  
17 certificate of registration in which the question regarding  
18 citizenship is not answered or is answered in the negative.

19 D. A full social security number is required to  
20 finish processing a new voter registration in this state. If  
21 the certificate of registration does not contain a social  
22 security number, the county clerk shall ascertain the qualified  
23 elector's social security number from the qualified elector's  
24 previous certificate of registration, from the motor vehicle  
25 division of the taxation and revenue department or from the

.220869.2

1 secretary of state.

2 E. If the county clerk rejects a certificate of  
3 registration because required information is not provided on  
4 the certificate or cannot ascertain the qualified elector's  
5 social security number, the county clerk shall indicate this on  
6 the qualified elector's certificate of registration and shall  
7 make the appropriate notation in the voter file, indicating  
8 that the voter is required to provide the full social security  
9 number prior to receiving a ballot and, until it is provided,  
10 may only vote on a provisional ballot. The provisional ballot  
11 shall be counted ~~[onee]~~ if the required information is provided  
12 or the voter's full social security number is ascertained  
13 during the period for counting provisional ballots, including  
14 any appeals provided for in the Election Code.

15 F. If the qualified elector does not register in  
16 person, has not previously voted in an election in New Mexico  
17 and does not provide the registration officer with the required  
18 documentary identification, the registration officer shall  
19 indicate this on the qualified elector's certificate of  
20 registration and the county clerk shall note this on the  
21 appropriate precinct signature roster."

22 SECTION 15. Section 1-4-47 NMSA 1978 (being Laws 1991,  
23 Chapter 80, Section 4, as amended) is amended to read:

24 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

25 A. Every person who is a qualified elector and is

1 applying for a driver's license, to renew a driver's license or  
 2 for an identification card shall, if qualified to register to  
 3 vote, with the consent of the applicant be simultaneously  
 4 registered to vote.

5 B. The secretary of taxation and revenue shall  
 6 select certain employees of the motor vehicle division of the  
 7 taxation and revenue department or employees of entities on  
 8 contract to provide field services to the motor vehicle  
 9 division to provide assistance to any applicant requesting  
 10 voter registration assistance.

11 C. Every motor vehicle division office, field  
 12 office or contract field office of the division shall display  
 13 within the offices clearly visible signs stating "voter  
 14 registration assistance available" and:

15 (1) personnel in each office shall advise each  
 16 person who is a qualified elector and an applicant for  
 17 licensure or renewal or for an identification card that initial  
 18 voter registration or a change of address for voter  
 19 registration may be made simultaneously with the motor vehicle  
 20 application;

21 (2) voter registration shall be conducted in a  
 22 manner such that the applicant completes the full certificate  
 23 of registration electronically; ~~and~~

24 (3) the applicant's digital signature shall be  
 25 affixed to the certificate of registration using an electronic

.220869.2

underscored material = new  
 [bracketed material] = delete

1 signature in conformance with the Electronic Authentication of  
2 Documents Act and the Uniform Electronic Transactions Act, and  
3 the form and signature shall be transmitted to the secretary of  
4 state along with any other available images of the voter's  
5 signature contained in the motor vehicle division's records for  
6 the secretary of state to begin building a database of  
7 signatures; and

8 (4) every certificate of registration  
9 completed electronically shall include the applicant's full  
10 social security number and shall be transmitted by means of a  
11 secured electronic transmission to the secretary of state for  
12 delivery to the appropriate county clerk.

13 D. A motor vehicle division employee or contractor  
14 shall not intentionally influence the prospective registrant in  
15 the selection of political party, or independent status, by  
16 word or act. A motor vehicle division employee or contractor  
17 shall not reveal the existence of or the nature of the voter  
18 registration to anyone other than a registration officer.

19 E. Any certificate of voter registration completed  
20 on a paper form and made or accepted at a motor vehicle  
21 division office, [~~or motor vehicle division~~] field office or  
22 contract field office shall be transmitted to the secretary of  
23 state [~~and~~] or the [~~appropriate registration officer~~] county  
24 clerk of the county in which the office is located within seven  
25 [~~calendar~~] days.

1 F. The secretary of state shall work with the motor  
2 vehicle division to:

3 (1) ensure compliance in the application of  
4 the provisions of this section with the federal National Voter  
5 Registration Act of 1993;

6 (2) ensure consistent implementation in the  
7 various counties, based on county classification and developing  
8 technology; and

9 (3) develop procedures to ensure that, once  
10 voter registration information is transmitted to the  
11 appropriate registration officer, the voter's certificate of  
12 registration is printed and placed in the county's register of  
13 voters."

14 SECTION 16. Section 1-5-6 NMSA 1978 (being Laws 1969,  
15 Chapter 240, Section 108, as amended) is amended to read:

16 "1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER  
17 PREPARATION.--

18 A. The county clerk shall provide for preparation  
19 of precinct voter lists and signature rosters generated from  
20 the official state voter file for any precincts.

21 B. The precinct voter lists and signature rosters  
22 or an electronic poll book alternative shall be used at any  
23 election for which registration of voters is required in lieu  
24 of bound original certificates of registration and poll books.

25 C. By July 1, 2023, the secretary of state and the

.220869.2

1 secretary of taxation and revenue shall develop a procedure for  
2 importing the list of eligible but unregistered persons with a  
3 driver's license or state-issued identification card into the  
4 voter registration electronic management system prior to an  
5 election to facilitate processing a new voter or updated  
6 certificate of registration at a polling location."

7 SECTION 17. Section 1-6-4 NMSA 1978 (being Laws 1969,  
8 Chapter 240, Section 130, as amended) is amended to read:

9 "1-6-4. MAILED BALLOT APPLICATION.--

10 A. In a statewide election, application by a voter  
11 for a mailed ballot shall be made only on [æ] the official  
12 paper form approved by the secretary of state or its online  
13 equivalent. The form shall identify the applicant and contain  
14 information to establish the applicant's qualification for  
15 issuance of a mailed ballot under the Absent Voter Act  
16 [~~provided that only on the application form for a primary~~  
17 ~~election ballot there shall be a box, space or place provided~~  
18 ~~for designation of the voter's political party affiliation]~~.

19 B. Each application on a paper form for a mailed  
20 ballot shall be signed by the applicant and shall require the  
21 applicant's printed name, registration address and year of  
22 birth [~~to be supplied by the applicant, which shall constitute~~  
23 ~~the required form of identification]~~. When submitted by the  
24 voter, the county clerk shall accept an application for a  
25 mailed ballot pursuant to this subsection regardless of whether

.220869.2

1 the application for a mailed ballot is delivered to the county  
2 clerk on paper or by electronic means. When submitted by a  
3 third party, the county clerk shall not accept the paper form  
4 of an application for a mailed ballot pursuant to this  
5 subsection if the application [~~for a mailed ballot~~] is  
6 [~~delivered~~] submitted to the county clerk by electronic means.

7 C. The secretary of state shall allow a voter to  
8 submit an online application for a mailed ballot through a  
9 website authorized by the secretary of state; provided that the  
10 voter shall have a current or expired New Mexico driver's  
11 license or state identification card issued by the motor  
12 vehicle division of the taxation and revenue department. An  
13 online request for a mailed ballot shall contain all of the  
14 information that is required for a paper form. The voter shall  
15 also provide the person's full New Mexico driver's license  
16 number or state identification card number.

17 D. When a voter requests a mailed ballot pursuant  
18 to this section, the voter shall mark the box associated with  
19 the following statement, which shall be included as part of the  
20 online mailed ballot request form:

21 "By clicking the boxes below, I swear or affirm all of the  
22 following:

23 [ ] I am the person whose name and identifying  
24 information is provided on this form and I desire to request a  
25 mailed ballot to vote in the state of New Mexico; and

.220869.2

1           [ ] All of the information that I have provided on  
2 this form is true and correct as of the date I am submitting  
3 this form."

4           E. Online applications for mailed ballots shall  
5 retain the dates of submission by the qualified elector and of  
6 acceptance by the county clerk. For purposes of deadlines  
7 contained in the Election Code, the time and date of the  
8 submission by the voter shall be considered the time and date  
9 when the application for a mailed ballot is received by the  
10 county clerk.

11           F. New registrants who registered for the first  
12 time in this state by mail and at that time did not provide  
13 acceptable documentary identification as required by federal  
14 law shall be informed of the need to comply with federal  
15 identification requirements when returning the requested ballot  
16 and notified that if the registrant votes for the first time in  
17 New Mexico by mail and does not follow the instructions for  
18 returning the required documentary identification, the  
19 registrant waives the right to secrecy in that mailed ballot.  
20 The secretary of state shall issue rules to exempt voters from  
21 submitting identification only as required by federal law and  
22 shall review and, if necessary, update these rules no later  
23 than March 15 of even-numbered years.

24           G. A person who willfully and with knowledge and  
25 intent to deceive or mislead any voter, election board,

.220869.2

1 canvassing board, county clerk or other election official and  
 2 who falsifies any information on an absentee ballot request  
 3 form or who affixes a signature or mark other than the person's  
 4 own on a mailed ballot request form is guilty of a fourth  
 5 degree felony."

6 SECTION 18. Section 1-6-5 NMSA 1978 (being Laws 1969,  
 7 Chapter 240, Section 131, as amended) is amended to read:

8 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

9 A. The county clerk shall mark each completed  
 10 application for a mailed ballot with the date and time of  
 11 receipt in the clerk's office and enter the required  
 12 information in the ballot register. The county clerk shall  
 13 then determine if the applicant is a voter and if the voter is  
 14 a uniformed-service voter or an overseas voter. If the  
 15 applicant is a uniformed-service voter or overseas voter, the  
 16 application shall be processed pursuant to the Uniform Military  
 17 and Overseas Voters Act. An application for a mailed ballot  
 18 from a voter who is not a uniformed-service voter or overseas  
 19 voter is timely if received by the county clerk no later than  
 20 fourteen days prior to election day.

21 B. If the applicant does not have a valid  
 22 certificate of registration on file in the county, a mailed  
 23 ballot shall not be issued and the county clerk shall mark the  
 24 application "rejected" and file the application in a separate  
 25 file from those accepted [~~and notify the applicant in writing~~

.220869.2

1 ~~with an explanation why the application was rejected].~~

2 C. When required by federal law, if the applicant  
3 has on file with the county a valid certificate of registration  
4 that indicates that the applicant is a voter who is a new  
5 registrant in the state and who registered by mail without  
6 submitting the required documentary identification, the county  
7 clerk shall notify the voter that the voter must submit with  
8 the mailed ballot a form of documentary identification from the  
9 list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA  
10 1978. The county clerk shall note on the ballot register and  
11 signature roster that the applicant's mailed ballot must be  
12 returned with the required voter identification.

13 D. If the applicant has on file with the county a  
14 valid certificate of registration, the county clerk shall mark  
15 the application "accepted" and deliver a mailed ballot to the  
16 voter and the required envelopes for use in returning the  
17 ballot.

18 E. Upon the mailing of a mailed ballot to an  
19 applicant who is a voter, an appropriate designation shall be  
20 made ~~[on the signature line of the signature roster next to the~~  
21 ~~name of the voter]~~ in the absentee ballot register.

22 F. A mailed ballot shall not be delivered by the  
23 county clerk to any person other than the applicant for the  
24 ballot. Mailed ballots shall be sent to applicants beginning  
25 twenty-eight days before the election. For each application

1 for a mailed ballot received twenty-three or more days before  
2 the election, the county clerk shall send either the ballot or  
3 a notice of rejection to the applicant as soon as practicable;  
4 provided that the ballot or a notice of rejection is sent not  
5 later than twenty-two days before the election. For each  
6 application for a mailed ballot received within twenty-two days  
7 of election day, the county clerk shall send either the mailed  
8 ballot or a notice of rejection to the applicant within twenty-  
9 four hours after receipt of the voter's application for a  
10 mailed ballot. [~~A mailed ballot shall be requested not later  
11 than the Thursday immediately prior to the date of the election  
12 and shall be sent to the voter not later than the Friday  
13 immediately prior to the date of the election.~~]

14 G. If the application for a mailed ballot from a  
15 voter who is not a federal qualified elector indicates that the  
16 mailed ballot is to be delivered to an address other than an  
17 address listed on the voter's certificate of registration, the  
18 county clerk shall prepare a notice of requested mailed ballot.  
19 The notice of requested mailed ballot shall inform the voter of  
20 the address to which the ballot was mailed along with the phone  
21 number of the county clerk's office and the internet address of  
22 the voter web portal provided by the secretary of state. The  
23 notice of requested mailed ballot shall be delivered to the  
24 address provided on the voter's certificate of registration on  
25 the same day the county clerk delivers the mailed ballot to the

.220869.2

1 address requested by the voter.

2 H. When an application for a mailed ballot is  
3 rejected pursuant to this section, the county clerk shall send  
4 a notice of rejection to the mailing address on the voter's  
5 certificate of registration and the address listed on the  
6 voter's application for mailed ballot, if different. The  
7 notice of rejection shall indicate the reason for the rejection  
8 and, if applicable, information on how to satisfy the  
9 rejection. If an application is rejected because it was not  
10 timely received, the county clerk shall, within twenty-four  
11 hours of receipt of the application, send a rejection notice to  
12 the voter that shall include a list of the early and election  
13 day polling locations in the county.

14 I. The county clerk shall only accept applications  
15 for a mailed ballot made through the official web portal  
16 operated by the secretary of state or submitted on the official  
17 paper form sent to the voter by the county clerk. If a voter  
18 submits more than one application for a mailed ballot  
19 containing the same information, subsequent applications  
20 containing the same information shall not be processed."

21 SECTION 19. Section 1-6-5.8 NMSA 1978 (being Laws 2009,  
22 Chapter 251, Section 2, as amended) is amended to read:

23 "1-6-5.8. EARLY VOTING--NATIVE AMERICAN EARLY VOTING  
24 LOCATIONS.--A county clerk shall provide at least one alternate  
25 voting or mobile alternate voting location on Indian nation,

.220869.2

1 tribal or pueblo land when requested by the Indian nation,  
 2 tribe or pueblo in the county; provided that:

3 A. the Indian nation, tribe or pueblo submits a  
 4 written request to the county clerk [~~no later than the first~~  
 5 ~~Monday in November~~] between the second Tuesday in March and the  
 6 second Tuesday in April of each odd-numbered year;

7 B. the alternate voting or mobile alternate voting  
 8 location may operate for less than the full early voting  
 9 period, to be decided upon between the Indian nation, tribe or  
 10 pueblo and the county clerk;

11 C. any voter of the county shall have access to and  
 12 be permitted to vote at the alternate voting or mobile  
 13 alternate voting location;

14 D. the location of the alternate voting or mobile  
 15 alternate voting location on Indian nation, tribal or pueblo  
 16 land conforms to the requirements for alternate voting  
 17 locations, except as specified in this section;

18 E. the county clerk provides federally mandated  
 19 language translators at the alternate voting or mobile  
 20 alternate voting locations;

21 F. the Indian nation, tribe or pueblo provides the  
 22 facility and services for the alternate voting or mobile  
 23 alternate voting location; and

24 G. the costs of voting equipment and personnel for  
 25 the alternate voting or mobile alternate voting locations on

.220869.2

underscoring material = new  
 [bracketed material] = delete

1 Indian nation, tribal or pueblo land pursuant to this section  
2 are reimbursed to the county by the secretary of state."

3 SECTION 20. Section 1-6-6 NMSA 1978 (being Laws 1969,  
4 Chapter 240, Section 132, as amended) is amended to read:

5 "1-6-6. BALLOT REGISTER.--

6 A. For each statewide election, the county clerk  
7 shall keep an "absentee ballot register", in which the county  
8 clerk shall enter:

- 9 (1) the name and address of each absentee  
10 ballot applicant;
- 11 (2) the date [~~and time~~] of receipt of the  
12 application;
- 13 (3) whether the application was accepted or  
14 rejected;
- 15 (4) the date of issue of an absentee ballot at  
16 an early voting location or the mailing of an absentee ballot  
17 to the applicant;
- 18 (5) the applicant's precinct;
- 19 (6) whether the applicant is a voter and  
20 whether the voter is a uniformed-service voter or an overseas  
21 voter;
- 22 (7) whether the voter is required to submit  
23 documentary identification pursuant to Section 1-6-5 NMSA 1978;  
24 and
- 25 (8) the date [~~and time~~] the completed mailed

.220869.2

1 ballot was received from the voter by the county clerk or the  
2 absent voter registered a ballot early in person in the county  
3 clerk's office or at an alternate location.

4 B. For each special election, the county clerk  
5 shall keep a "mailed ballot register", in which the county  
6 clerk shall enter:

7 (1) the name and address of each voter to whom  
8 a mailed ballot was sent;

9 (2) the date of mailing of a mailed ballot to  
10 the voter;

11 (3) the applicant's precinct;

12 (4) whether the voter is a uniformed-service  
13 voter or an overseas voter;

14 (5) whether the voter is required to submit a  
15 documentary identification pursuant to Section 1-6-5 NMSA 1978;  
16 and

17 (6) the date and time the completed mailed  
18 ballot was received from the voter by the county clerk.

19 C. Each ballot register is a public record open to  
20 public inspection in the county clerk's office during regular  
21 office hours. The county clerk shall have an updated ballot  
22 register available for public inspection Monday through Friday  
23 during regular office hours.

24 D. The county clerk shall deliver to the absent  
25 voter election board on election day a complete list of all

.220869.2

1 absentee ballot applicants and early voters with applicable  
2 information shown in the absentee ballot register for each  
3 applicant and early voter up to 6:00 p.m. on the Saturday  
4 preceding a statewide election. The county clerk shall deliver  
5 a signature roster containing the same information as the lists  
6 to the absent voter election board.

7 E. Upon request, the county clerk shall transmit to  
8 the county chair of each of the political parties participating  
9 in a partisan election in the county a complete copy of entries  
10 made in the absentee ballot register. Such transmissions shall  
11 be made [~~once each week~~] daily beginning four weeks immediately  
12 prior to the election. A final copy shall be transmitted on  
13 the Saturday immediately following the election.

14 F. If the county clerk has available the technology  
15 to do so, at the request of a candidate or chair of a political  
16 party of the county, the county clerk shall electronically  
17 transmit to the candidate or chair via the internet the  
18 information daily, when updated, on the absentee ballot  
19 register indicating voters who have requested absentee ballots,  
20 returned their absentee ballots or voted early in person."

21 SECTION 21. Section 1-6-8 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 134, as amended) is amended to read:

23 "1-6-8. MAILED BALLOT ENVELOPES.--

24 A. The secretary of state shall prescribe the form  
25 of, procure and distribute to each county clerk a supply of:

.220869.2

1 (1) official inner envelopes for use in  
 2 sealing the completed mailed ballot;

3 (2) official mailing envelopes for use in  
 4 returning the official inner envelope to the county clerk,  
 5 which shall be postage-paid; provided that only the official  
 6 mailing envelope for absentee ballots in a political party  
 7 primary shall contain a designation of party affiliation;

8 (3) mailed ballot instructions, describing  
 9 proper methods for completion of the ballot and returning it;  
 10 and

11 (4) official transmittal envelopes for use by  
 12 the county clerk in sending mailed ballot materials.

13 B. Official transmittal envelopes and official  
 14 mailing envelopes for transmission of mailed ballot materials  
 15 to and from the county clerk and voters shall be printed in  
 16 black in substantially similar form. All official inner  
 17 envelopes shall be printed in black.

18 C. The reverse of each official mailing envelope  
 19 shall contain a form to be executed under penalty of perjury by  
 20 the voter completing the mailed ballot. The form shall  
 21 identify the voter and shall contain the pre-printed name of  
 22 the voter to whom the ballot was sent and the following  
 23 statement to be affirmed by the voter: "I attest under penalty  
 24 of perjury that I am the voter identified on this official  
 25 mailing envelope and that I have not and will not vote any

.220869.2

underscored material = new  
 [bracketed material] = delete

1 other ballot in this election.". The official mailing envelope  
2 shall contain a space for the voter to record the voter's  
3 ~~[name, registration address and year of birth]~~ signature and  
4 the last four digits of the voter's social security number,  
5 which shall constitute the required voter identification.

6 Under the space for the voter's signature shall be the  
7 following statement: "NOTICE: The only people who may  
8 lawfully mail or deliver this ballot to the county clerk are  
9 the voter, a member of the voter's immediate family or  
10 household or the voter's caregiver.". The envelope shall have  
11 a security flap to cover this information."

12 SECTION 22. Section 1-6-9 NMSA 1978 (being Laws 1969,  
13 Chapter 240, Section 135, as amended) is amended to read:

14 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY  
15 METHODS.--

16 A. When voting a mailed ballot, the voter shall  
17 secretly mark the mailed ballot in the manner provided in the  
18 Election Code for marking paper ballots, place it in the  
19 official inner envelope and securely seal the envelope. The  
20 voter shall then place the official inner envelope inside the  
21 official mailing envelope and securely seal the envelope. The  
22 voter shall then complete the form on the reverse of the  
23 official mailing envelope ~~[which shall include a statement by~~  
24 ~~the voter under penalty of perjury that the facts stated in the~~  
25 ~~form are true and the voter's name, registration address and~~

.220869.2

1 ~~year of birth~~] under the privacy flap. The voter or another  
 2 person authorized by law shall then return the official mailing  
 3 envelope containing the voted ballot to the county clerk of the  
 4 voter's county of residence. If returned by a person other  
 5 than the voter, the official mailing envelope shall contain the  
 6 signature, printed name and relationship to the voter of the  
 7 person returning the ballot.

8 B. The official mailing envelope may be returned by  
 9 mail using the United States postal service. The secretary of  
 10 state shall implement a free-access tracking system for each  
 11 voter to be able to see the status of the voter's mailed ballot  
 12 while en route to the voter as well as when returned to the  
 13 county clerk.

14 C. The official mailing envelope may be returned  
 15 using a commercial delivery service; provided that unless the  
 16 secretary of state has approved the use of a specific  
 17 commercial delivery service, the voter shall be responsible for  
 18 the costs of delivery by means of such service.

19 D. The official mailing envelope may be returned in  
 20 person to the office of the county clerk or to an alternate  
 21 voting location, mobile alternate voting location, [~~or~~]  
 22 election day voting location or other location where the  
 23 receipt and storage of the official mailing envelope containing  
 24 a voted ballot is under the supervision of an election official  
 25 or county employee.

.220869.2

underscored material = new  
 [bracketed material] = delete

1           E. The official mailing envelope may be returned by  
2 depositing the official mailing envelope in [~~a~~] an unsupervised  
3 secured container made available by the county clerk to receive  
4 an official mailing envelope containing a voted [~~mailed~~  
5 ~~ballots~~] ballot for that election; provided that:

6                   (1) the location of the containers and the  
7 days and times the containers will be available to receive  
8 ballots are posted by the county clerk at least [~~ninety days~~  
9 ~~before a statewide election or~~] forty-two days before [~~a~~  
10 ~~special~~] an election;

11                   (2) the location of a secured container is  
12 considered a polling place for purposes of electioneering too  
13 close to the polling place in violation of Section 1-20-16 NMSA  
14 1978;

15                   (3) all secured containers shall be monitored  
16 by video surveillance cameras and the video recorded by that  
17 system shall be retained by the county clerk as a record  
18 related to voting pursuant to the provisions of Section 1-12-69  
19 NMSA 1978;

20                   (4) signage at the location of a secured  
21 container shall inform voters and those dropping off ballots at  
22 the location:

23                           (a) that it is a violation of law for  
24 any person [~~who is not an immediate family member~~] to collect  
25 and deliver a ballot for another person except as authorized by

1 the Election Code;

2 (b) that electioneering is prohibited  
3 within one hundred feet of the secured container; and

4 (c) of the range of dates and  
5 approximate time the ballots will be collected for a specific  
6 election; and

7 (5) at least once a day, the county clerk, [~~or~~  
8 ~~a full-time~~] deputy county clerk, election board member or  
9 messenger shall collect the ballots from the secured containers  
10 and register the date and time [stamp] and container location  
11 on each official mailing envelope [and identify the location of  
12 the secured container in the ballot register].

13 F. It is a violation of Section 1-20-6 NMSA 1978  
14 for any person to possess a key to a secured container without  
15 authorization from the county clerk. It is a violation of  
16 Section 1-20-7 NMSA 1978 for any person other than the county  
17 clerk to establish, designate or operate a secured container or  
18 other receptacle to receive voted ballots."

19 **SECTION 23.** Section 1-6-10 NMSA 1978 (being Laws 1969,  
20 Chapter 240, Section 136, as amended) is amended to read:

21 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

22 [~~A. The county clerk shall mark on each completed~~  
23 ~~official mailing envelope the date and time of receipt in the~~  
24 ~~clerk's office, record this information in the absentee or~~  
25 ~~mailed ballot register and safely keep the official mailing~~

.220869.2

1 ~~envelope unopened in a locked and number-sealed ballot box~~  
2 ~~until it is delivered to the proper election board, counted in~~  
3 ~~the county canvass or canceled and destroyed in accordance with~~  
4 ~~law.]~~

5 A. A completed official mailing envelope shall be  
6 accepted until 7:00 p.m. on election day. A completed official  
7 mailing envelope received after that time shall not be  
8 qualified or opened but shall be preserved by the county clerk  
9 for the applicable retention period provided in Section 1-12-69  
10 NMSA 1978. The county clerk shall report the number of late  
11 ballots from voters, uniformed-service voters and overseas  
12 voters and report the number from each category to date on the  
13 final mailed ballot report and as part of the county canvass  
14 report. If additional late ballots are received, the county  
15 clerk shall update the number of late ballots from each  
16 category to the secretary of state.

17 B. On the day a returned mailed ballot is received  
18 by the county clerk, the county clerk shall mark the date of  
19 receipt on the outside of the official mailing envelope.  
20 Within one business day of receiving a returned official  
21 mailing envelope, the county clerk shall remove the privacy  
22 flap to verify that the voter signed the official mailing  
23 envelope and to confirm that the last four digits of the social  
24 security number provided by the voter match the information  
25 available to the county clerk.

1           C. If the voter's signature is present and the last  
2 four digits of the voter's social security number match, the  
3 county clerk shall note in the absentee ballot register that  
4 the information required to be provided by the voter under the  
5 privacy flap has been verified and shall safely keep the  
6 official mailing envelope unopened in a locked and number-  
7 sealed ballot box until it is delivered to the absent voter  
8 election board.

9           D. If either the voter's signature is missing or  
10 the last four digits of the voter's social security number are  
11 not provided or do not match, the county clerk shall make the  
12 appropriate notation in the absentee ballot register and shall  
13 safely keep the official mailing envelope unopened in a secured  
14 ballot box designated for those official mailing envelopes  
15 received that are missing the voter's signature or the last  
16 four digits of the voter's social security number or where the  
17 last four digits of the social security number do not match the  
18 information available to the county clerk. The county clerk  
19 shall immediately send the voter a notice to cure containing  
20 information regarding how the voter may provide documentation  
21 to cure the missing or incorrect information.

22           E. The voter may provide the missing or corrected  
23 information at any time up to the conclusion of the appeal  
24 process for rejected ballots. If a voter provides the missing  
25 or corrected information:

.220869.2

1                   (1) before the absent voter election board has  
2 been convened, the county clerk shall attach the documentation  
3 to the unopened official mailing envelope, update the ballot  
4 register accordingly and transfer the ballot to the locked and  
5 number-sealed ballot box until it is delivered to the absent  
6 voter election board;

7                   (2) after the absent voter election board has  
8 been convened, the county clerk shall attach the documentation  
9 to the unopened official mailing envelope, update the ballot  
10 register accordingly and transfer the ballot to the absent  
11 voter election board;

12                   (3) after the adjournment of the absent voter  
13 election board but before the conclusion of the county canvass  
14 process, the county clerk shall attach the documentation to the  
15 unopened official mailing envelope, update the ballot register  
16 accordingly and transfer the ballot to an election board  
17 convened to assist in preparation of the county canvass report;  
18 and

19                   (4) after the county canvass report has been  
20 approved, the voter may appeal in accordance with appeal  
21 procedures for provisional ballots pursuant to Section  
22 1-12-25.2 NMSA 1978.

23                   [~~B.~~] F. In a statewide election, if the unopened  
24 official mailing envelope is received by the county clerk from  
25 an election board before the absent voter election board has

1 adjourned, the unopened official mailing envelope shall be  
 2 [~~logged and~~] transmitted to the absent voter election board to  
 3 be tallied immediately. If the unopened official mailing  
 4 envelope is received by the county clerk from an election board  
 5 after the absent voter election board has adjourned, the  
 6 unopened official mailing envelope shall be [~~logged and~~]  
 7 transmitted to an election board convened to assist in  
 8 preparation of the county canvass report to be tallied and  
 9 included in the canvass report of that county for the  
 10 appropriate precinct.

11 ~~C. Completed official mailing envelopes shall be~~  
 12 ~~accepted until 7:00 p.m. on election day.~~

13 ~~D. Any completed official mailing envelope received~~  
 14 ~~after that time shall not be qualified or opened but shall be~~  
 15 ~~preserved by the county clerk for the applicable retention~~  
 16 ~~period provided in Section 1-12-69 NMSA 1978. The county clerk~~  
 17 ~~shall report the number of late ballots from voters, uniformed-~~  
 18 ~~service voters and overseas voters and report the number from~~  
 19 ~~each category to date on the final absentee ballot report and~~  
 20 ~~as part of the county canvass report. If additional late~~  
 21 ~~ballots are received, the county clerk shall update the number~~  
 22 ~~of late ballots from each category to the secretary of state.]"~~

23 SECTION 24. Section 1-6-10.1 NMSA 1978 (being Laws 2003,  
 24 Chapter 357, Section 5, as amended) is amended to read:

25 "1-6-10.1. ABSENTEE BALLOT--DELIVERY TO COUNTY CLERK.--

.220869.2

1           A. A voter, caregiver to that voter or member of  
2 that voter's immediate family may deliver that voter's absentee  
3 ballot to the county clerk in person or by mail; provided that  
4 the voter has subscribed the official mailing envelope of the  
5 absentee ballot.

6           B. As used in this section, "immediate family"  
7 means the spouse, children, parents, domestic partner,  
8 grandchildren, grandparents or siblings of a voter or a person  
9 with whom the voter has a continuing personal relationship."

10           SECTION 25. Section 1-6-14 NMSA 1978 (being Laws 1971,  
11 Chapter 317, Section 11, as amended) is amended to read:

12           "1-6-14. HANDLING MAILED BALLOTS.--

13           A. At any time after mailed ballots have been sent  
14 to voters and until the fifth day before the election, the  
15 county clerk may convene an absent voter election board to meet  
16 during the normal business hours of the office of the county  
17 clerk to [~~qualify~~] process the mailed ballots that are  
18 returned. Before opening an official mailing envelope, the  
19 presiding judge and the election judges shall determine that  
20 the county clerk has verified the required information [~~has~~  
21 ~~been completed~~] on the reverse side of the official mailing  
22 envelope.

23           ~~[B. If the voter's signature or the required voter~~  
24 ~~identification is missing, the presiding judge shall write~~  
25 ~~"Rejected" on the front of the official mailing envelope. The~~

1 ~~judge or election clerk shall enter the voter's name in the~~  
2 ~~signature rosters or register and shall write the notation~~  
3 ~~"Rejected--Missing Signature" or "Rejected--Missing Required~~  
4 ~~Voter Identification" in the "Notations" column of the~~  
5 ~~register. The presiding judge shall place the official mailing~~  
6 ~~envelope unopened in a container provided for rejected~~  
7 ~~ballots.] The verification of the county clerk is subject to an~~  
8 ~~interposition of a challenge by or before the absent voter~~  
9 ~~election board pursuant to Subsection C of this section.~~

10 B. If, pursuant to Subsection F of Section 1-6-4  
11 NMSA 1978, the voter was notified of the need to comply with  
12 federal identification requirements when returning the  
13 requested ballot and failed to comply, the judge or election  
14 clerk shall preserve the inner envelope with the official  
15 mailing envelope and write "Rejected" on the front of the  
16 official mailing envelope, and the judge or election clerk  
17 shall update the ballot register accordingly. The presiding  
18 judge shall place the official mailing envelope with the  
19 attached inner envelope in a container provided for rejected  
20 ballots; provided that if the judge or election clerk was  
21 required to open the inner envelope to determine that the  
22 required documentary identification was not included, the  
23 untallied ballot shall be returned to the inner envelope and  
24 preserved along with the official mailing envelope in a  
25 container for this purpose.

.220869.2

1           C. A political party with a candidate on the ballot  
2 may appoint a challenger to observe the determination made by  
3 the county clerk to accept or reject a mailed ballot. The  
4 challenger shall not interpose a challenge to the county clerk  
5 but may make notes to interpose a challenge to the absent voter  
6 election board; provided that a challenger shall not copy,  
7 record or transcribe any portion of a voter's social security  
8 number.

9           ~~[C.]~~ D. A lawfully appointed challenger may view  
10 the official mailing envelope and may challenge the ballot of  
11 any mailed ballot voter for the following reasons:

12                   (1) the official mailing envelope has been  
13 opened by someone other than the voter prior to being received  
14 by the absent voter election board;

15                   (2) the official mailing envelope does not  
16 contain a signature;

17                   (3) the official mailing envelope does not  
18 contain the required ~~[voter]~~ documentary identification; or

19                   (4) the person offering to vote is not a voter  
20 as provided in the Election Code.

21           ~~[D.]~~ E. If a challenge is upheld by unanimous vote  
22 of the presiding judge and the election judges, the official  
23 mailing envelope shall not be opened but shall be placed in a  
24 container provided for challenged ballots. If the reason for  
25 the challenge is satisfied by the voter before the conclusion

1 of the county canvass or as part of an appeal, the official  
2 mailing envelope shall be opened and the vote counted.

3 ~~[E.]~~ F. If the form on the reverse of the official  
4 mailing envelope has been ~~[properly subscribed]~~ completed by  
5 the voter with the voter's correct information, as verified by  
6 the county clerk, and the voter has not been successfully  
7 challenged, the judges or election clerks shall ~~[enter the~~  
8 ~~voter's name and residence address as shown on the official~~  
9 ~~mailing envelope and shall]~~ make the appropriate notation  
10 ~~[opposite the voter's name in the "Notations" column of]~~ in the  
11 ballot register.

12 ~~[F.]~~ G. For any election in which fewer than ten  
13 thousand mailed ballots were sent to the voters of a county,  
14 only between 8:00 a.m. and 10:00 p.m. on the five days  
15 preceding the election, and beginning at 7:00 a.m. on election  
16 day, under the personal supervision of the presiding election  
17 judge, shall the election judges open the official mailing  
18 envelope and the official inner envelope and insert the  
19 enclosed ballot into an electronic voting machine to be  
20 registered and retained until votes are counted ~~[and canvassed~~  
21 ~~following the closing of the polls on election night]~~ by  
22 generating the report of the ballot results no sooner than 7:00  
23 a.m. on election day.

24 ~~[G.]~~ H. For any election in which ten thousand or  
25 more mailed ballots were sent to the voters of a county, only

.220869.2

1 during the regular business hours of the office of the county  
2 clerk during the two weeks preceding the election, between 8:00  
3 a.m. and 10:00 p.m. on the four days preceding the election and  
4 beginning at 7:00 a.m. on election day, under the personal  
5 supervision of the presiding election judge, shall the election  
6 judges open the official mailing envelope and the official  
7 inner envelope and insert the enclosed ballot into an  
8 electronic voting machine to be registered and retained until  
9 votes are counted [~~and canvassed following the closing of the~~  
10 ~~polls on election night~~] by generating the report of the ballot  
11 results no sooner than 7:00 a.m. on election day.

12 [H.] I. It is unlawful for a person to disclose the  
13 results of a count and tally or the registration on a voting  
14 machine of mailed ballots prior to the later of the closing of  
15 the polls or the deadline for receiving mailed ballots pursuant  
16 to Section 1-6-10 NMSA 1978.

17 [I.] J. Mailed ballots shall be counted and  
18 tallied, where possible, on an electronic voting machine as  
19 provided in the Election Code.

20 [J.] K. If a mailed ballot is rejected for any  
21 reason, it shall be handled in the same manner as a  
22 disqualified provisional paper ballot in accordance with the  
23 Election Code.

24 L. On election night, the absent voter election  
25 board shall recess upon the earlier of completion of its work

1 or 11:00 p.m. An absent voter election board that recesses at  
2 11:00 p.m. shall continue its work only between the hours of  
3 9:30 a.m. and 8:00 p.m. on each subsequent day until the board  
4 has completed its work. If the absent voter election board  
5 does not complete its work by 11:00 p.m. on election night, the  
6 county clerk shall notify the county sheriff's office that a  
7 deputy is required to be present to secure the room or facility  
8 where uncounted ballots are locked overnight. If the sheriff  
9 indicates that a sheriff's deputy is unavailable, the county  
10 clerk shall notify the secretary of state, who shall request  
11 state police to assign a patrolman to secure the ballots. The  
12 county clerk shall provide as much notice as is practicable in  
13 order to secure law enforcement personnel to secure the  
14 uncounted ballots overnight. A sheriff's deputy or state  
15 police patrolman is required for overnight watch any time the  
16 absent voter election board is not present until the return of  
17 the absent voter election board. If neither a sheriff's deputy  
18 nor a state police patrolman is available, the county clerk or  
19 chief deputy shall remain on site until the return of the  
20 absent voter election board and shall allow any challenger or  
21 observer to remain present as well."

22 SECTION 26. Section 1-6-16 NMSA 1978 (being Laws 2019,  
23 Chapter 212, Section 74) is amended to read:

24 "1-6-16. MAILED BALLOTS--REPLACEMENT AND PROVISIONAL  
25 PAPER BALLOTS.--

.220869.2

1           A. A voter who has applied for a mailed ballot or  
2 who has been sent a mailed ballot may execute an affidavit  
3 stating that the person did not and will not vote the mailed  
4 ballot that was issued. Upon receipt of the sworn affidavit,  
5 if the ballot register does not show that a ballot from the  
6 voter has been cast in that election, the county clerk shall  
7 void the mailed ballot that was previously issued to the voter.

8           B. A voter shall be mailed a replacement ballot to  
9 be returned to the county clerk for tabulation by the absent  
10 ballot election board if the voter:

11                   (1) communicates with the office of the county  
12 clerk and requests a replacement mailed ballot be delivered to  
13 the voter; and

14                   (2) has executed the affidavit required by  
15 Subsection A of this section and the county clerk has voided  
16 the mailed ballot previously issued to the voter.

17           C. A replacement ballot is not subject to the  
18 deadline for issuing a mailed ballot pursuant to Subsection F  
19 of Section 1-6-5 NMSA 1978.

20           ~~[C.]~~ D. A voter shall be issued a replacement  
21 ballot to be filled out and fed by the voter into the  
22 electronic vote tabulator if the voter:

23                   (1) appears at the office of the county clerk,  
24 an alternate voting location or a mobile alternate voting  
25 location:

1 (a) at any time during the period for  
2 early voting if the county clerk has real-time synchronization  
3 between the early voting locations and the qualification of  
4 mailed ballots; or

5 (b) during the period for early voting  
6 until the time the county clerk begins qualifying mailed  
7 ballots if the county clerk does not have real-time  
8 synchronization between the early voting locations and the  
9 qualification of mailed ballots; and

10 (2) has executed the affidavit required by  
11 Subsection A of this section and the county clerk has voided  
12 the mailed ballot previously issued to the voter.

13 ~~[D-]~~ E. If the county clerk does not have real-time  
14 synchronization between the early voting locations and the  
15 qualification of mailed ballots, a voter shall be issued a  
16 provisional paper ballot to be filled out and delivered to the  
17 county clerk for tabulation during the county canvass if:

18 (1) the voter appears at an early voting  
19 location after the time the county clerk begins qualifying  
20 mailed ballots; and

21 (2) the voter has executed the affidavit  
22 required by Subsection A of this section and the county clerk  
23 has voided the mailed ballot previously issued to the voter.

24 ~~[E-]~~ F. A provisional paper ballot issued pursuant  
25 to this section shall be qualified and tabulated once the

1 county clerk determines that the voter did not vote any other  
2 ballot in the same election and if no challenge is successfully  
3 interposed.

4 [F-] G. The secretary of state shall prescribe the  
5 form of the affidavit and the manner in which the county clerk  
6 shall void the previously requested absentee ballot.

7 H. For the purposes of this section, "real-time  
8 synchronization" means that at the time the replacement ballot  
9 is issued, the broadband internet connection at the location  
10 where the replacement ballot is issued is able to synchronize  
11 voting data with the office of the county clerk."

12 SECTION 27. Section 1-6-22.1 NMSA 1978 (being Laws 2009,  
13 Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1,  
14 as amended) is amended to read:

15 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING  
16 IN LIEU OF POLLING PLACE.--

17 A. Notwithstanding the provisions of Sections  
18 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday in  
19 November of each odd-numbered year, a board of county  
20 commissioners may designate a precinct as a mail ballot  
21 election precinct if, upon a written request of the county  
22 clerk, it finds that the precinct has fewer than one hundred  
23 voters and the nearest polling place for an adjoining precinct  
24 is more than twenty miles driving distance from the boundary  
25 for the precinct in question.

.220869.2

1           B. If a precinct is designated a mail ballot  
2 election precinct, in addition to the notice required pursuant  
3 to Section 1-3-8 NMSA 1978, the county clerk shall notify by  
4 mail with delivery confirmation all voters in that precinct at  
5 least forty-two days before an election that each voter will be  
6 sent an absentee ballot twenty-eight days before the election  
7 and that there will be no polling place for the precinct on  
8 election day. The county clerk shall include in the notice a  
9 card informing the voter that if the voter does not want to  
10 receive an absentee ballot for that election, the voter should  
11 return the card before the date the county clerk is scheduled  
12 to mail out absentee ballots. The notice shall also inform the  
13 voter that a voting system equipped for persons with  
14 disabilities will be available at all early voting sites before  
15 election day and in the office of the county clerk on election  
16 day in case the voter prefers to vote in person and not by  
17 mail. In addition, the notice shall inform the voter [~~if the~~  
18 ~~county is consolidating precincts on election day and, if so]~~  
19 of the ability of the voter to cast a ballot at any  
20 [~~consolidated precinct]~~ voter convenience center on election  
21 day if the voter chooses not to receive an absentee ballot, or  
22 to cast a [~~provisional]~~ replacement ballot at any [~~consolidated~~  
23 ~~precinct]~~ voter convenience center if the voter does not  
24 receive an absentee ballot, which will be counted upon  
25 confirmation that the voter has not returned the absentee

.220869.2

1 ballot.

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

7 ~~[D. The county clerk shall keep a sufficient number~~  
8 ~~of ballots from a mail ballot election precinct such that a~~  
9 ~~voter from that precinct may vote on a replacement or~~  
10 ~~provisional paper ballot pursuant to Section 1-6-16 NMSA 1978~~  
11 ~~or on an emergency paper ballot pursuant to Section 1-6-16.2~~  
12 ~~NMSA 1978.]"~~

13 SECTION 28. Section 1-6B-6 NMSA 1978 (being Laws 2015,  
14 Chapter 145, Section 30, as amended) is amended to read:

15 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS  
16 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS  
17 BALLOT.--

18 A. A federal qualified elector who is currently  
19 registered to vote in this state may ~~[by the deadline specified~~  
20 ~~in the Absent Voter Act for receipt of mailed ballot~~  
21 ~~applications]~~ apply for a military-overseas ballot by:

22 (1) using a mailed ballot application pursuant  
23 to the Absent Voter Act; or

24 (2) using the federal postcard application or  
25 the application's electronic equivalent.

.220869.2

1           B. A federal qualified elector who is not currently  
2 registered to vote in this state may, by the deadline in the  
3 Election Code for registering to vote, simultaneously register  
4 to vote and apply for a military-overseas ballot by using a  
5 federal postcard application or the application's electronic  
6 equivalent.

7           C. An application for a military-overseas ballot  
8 for ~~[a primary election]~~ any election conducted pursuant to the  
9 Election Code, whether or not timely, is effective as an  
10 automatic application for a military-overseas ballot for ~~[the~~  
11 ~~general election]~~ all subsequent elections the voter is  
12 eligible to participate in through the conclusion of the  
13 election cycle.

14           D. An application ~~[for a military-overseas ballot~~  
15 ~~is effective as an automatic application for a military-~~  
16 ~~overseas ballot for a top-two runoff election necessary to~~  
17 ~~conclude the election for which the application was submitted]~~  
18 from a federal qualified elector who provides information  
19 permitting secured electronic delivery of the ballot is timely  
20 if received by the county clerk no later than seven days prior  
21 to election day. An application from a federal qualified  
22 elector who does not provide information permitting secured  
23 electronic delivery of the ballot is timely if received by the  
24 county clerk no later than fourteen days prior to election  
25 day."

.220869.2

1           **SECTION 29.** Section 1-6B-10 NMSA 1978 (being Laws 2015,  
2 Chapter 145, Section 34, as amended) is amended to read:

3           "1-6B-10. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--  
4 QUALIFICATION.--

5           A. A federal qualified elector may use a federal  
6 write-in absentee ballot to vote for all offices and ballot  
7 questions in an election.

8           B. In completing the federal write-in absentee  
9 ballot, the federal qualified elector may designate a candidate  
10 by writing in the name of the candidate. In a general election  
11 when voting for a specified office, a federal qualified elector  
12 may in the alternate complete the federal write-in absentee  
13 ballot by writing in the name of a political party, in which  
14 case the ballot shall be counted for the candidate of that  
15 political party.

16           C. A qualified federal write-in absentee ballot  
17 shall be processed ~~[by]~~ during the ~~[canvassing board]~~ county  
18 canvass in the same manner as a provisional ballot. A federal  
19 write-in absentee ballot from a federal qualified elector shall  
20 not be qualified if the federal qualified elector voted on any  
21 other type of ballot. A federal write-in absentee ballot of an  
22 overseas voter shall not be qualified if the ballot is  
23 submitted from any location in the United States."

24           **SECTION 30.** Section 1-6C-6 NMSA 1978 (being Laws 2019,  
25 Chapter 226, Section 6) is amended to read:

.220869.2

1 "1-6C-6. TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS.--

2 A. On the thirty-fifth day before an election, on  
 3 behalf of each voter-participant eligible to vote in that  
 4 election, the administrator shall request from each appropriate  
 5 county clerk the ballot to be used by each voter-participant  
 6 registered to vote in that county.

7 B. The request shall not reveal the name or address  
 8 of the voter-participant. In place of a voter-participant's  
 9 name and address, the administrator shall provide the  
 10 appropriate county clerk the random identifier and verification  
 11 code associated with the voter-participant for that election.  
 12 The request made pursuant to this section is a record related  
 13 to voting subject to the disclosure and retention procedures of  
 14 Section 1-12-69 NMSA 1978.

15 C. No later than thirty-two days before the  
 16 election, the appropriate county clerk shall transmit to the  
 17 administrator the ballot for each voter-participant registered  
 18 to vote in that county.

19 D. Twenty-eight days before the election, the  
 20 administrator shall mail a ballot and balloting materials to a  
 21 voter-participant's delivery address, along with a return  
 22 envelope necessary to return the voted ballot to the  
 23 appropriate county clerk. The return envelope shall be the  
 24 same as for all other voters, except that in place of the  
 25 required voter identification to be written under the privacy

.220869.2

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

1 flap, the administrator shall provide the random identifier  
2 assigned to that voter-participant for that election. The  
3 return envelope for the voted ballot shall be postage-paid and  
4 the return address shall be the address for the appropriate  
5 county clerk.

6 E. When a participant registers to vote or updates  
7 a voter registration after the thirty-fifth day before an  
8 election but before the deadline to register to vote or to  
9 update an existing registration pursuant to Section 1-4-8 NMSA  
10 1978, the administrator shall:

11 (1) request from the appropriate county clerk,  
12 and the appropriate county clerk shall transmit to the  
13 administrator as soon as practicable, a ballot and balloting  
14 materials; and

15 (2) send a voter-participant the ballot and  
16 balloting materials within twenty-four hours of receipt from  
17 the appropriate county clerk.

18 F. When an unvoted ballot is transmitted to the  
19 administrator on behalf of a voter-participant, the appropriate  
20 county clerk shall note in the ballot register the random  
21 identifier in place of the voter-participant's name and the  
22 address of the confidential substitute address program in place  
23 of the voter-participant's address and shall not note the  
24 voter-participant's gender or year of birth.

25 G. A voter-participant needing a replacement ballot

1 may appear in person only at the office of the county clerk and  
 2 execute an affidavit stating that the voter-participant did not  
 3 and will not vote any other ballot in that election. When  
 4 completing the affidavit, the voter-participant shall use the  
 5 random identifier in place of the voter-participant's name.  
 6 Upon receipt of the sworn affidavit, if the ballot register  
 7 does not show that a ballot from the voter-participant has been  
 8 received in that election, the county clerk shall void the  
 9 ballot that was previously issued and issue to the voter-  
 10 participant a replacement ballot and ballot materials, which  
 11 shall include the voter-participant's random identifier, but  
 12 the county clerk shall not provide to the voter-participant the  
 13 verification code when issuing a replacement ballot pursuant to  
 14 this subsection."

15           **SECTION 31.** Section 1-6C-7 NMSA 1978 (being Laws 2019,  
 16 Chapter 226, Section 7) is amended to read:

17           "1-6C-7. RECEIPT OF VOTED BALLOTS FROM VOTER-  
 18 PARTICIPANTS.--

19           A. A voted ballot shall be returned by the voter-  
 20 participant to the appropriate county clerk. A voted ballot  
 21 from a voter-participant shall be considered timely if it is  
 22 received no later than the deadline for receiving mailed  
 23 absentee ballots or mailed ballots pursuant to Section 1-6-10  
 24 NMSA 1978.

25           B. When a voted ballot is received from a voter-

.220869.2

1 participant, the appropriate county clerk or election board  
2 shall compare the random identifier provided by the voter-  
3 participant under the privacy flap to the list of random  
4 identifiers provided by the administrator for that election.  
5 If the random identifier appears in both places, the  
6 appropriate county clerk shall verify that the verification  
7 code assigned to that random identifier for that election  
8 matches the verification code provided by the voter-participant  
9 under the privacy flap in lieu of the voter's signature. If  
10 the verification code is on the list provided by the  
11 administrator for use in that election and matches the random  
12 identifier assigned by the administrator to identify the voter-  
13 participant, the ballot shall be qualified and processed in the  
14 same manner as mailed absentee ballots or mailed ballots  
15 received and qualified in that election.

16 C. If either the random identifier or the  
17 verification code is missing, or if the random identifier and  
18 verification code under the privacy flap do not match, the  
19 ballot shall not be qualified and shall be disposed of in the  
20 same manner as mailed absentee ballots or mailed ballots  
21 received in that election and not qualified.

22 D. Following an election and within the time frames  
23 provided in the Election Code, the appropriate county clerk  
24 shall provide to the administrator using the random identifier  
25 for that election the voter credit information for each voter-

.220869.2

1 participant who voted [~~and the appropriate notations for any~~  
 2 ~~voter-participant whose election mail was returned as~~  
 3 ~~undeliverable~~]."

4 SECTION 32. Section 1-8-2 NMSA 1978 (being Laws 1969,  
 5 Chapter 240, Section 152, as amended) is amended to read:

6 "1-8-2. NOMINATION BY MINOR POLITICAL PARTY--  
 7 CONVENTION--DESIGNATED NOMINEES.--

8 A. If the rules of a minor political party require  
 9 nomination by political convention:

10 (1) the chair and secretary of the state  
 11 political convention shall certify to the secretary of state  
 12 the names of their party's nominees for United States senator,  
 13 United States representative, all elective state offices,  
 14 legislative offices elected from multicounty districts, [~~the~~  
 15 ~~public regulation commission~~] all elective judicial officers in  
 16 the judicial department and all offices representing a district  
 17 composed of more than one county; and

18 (2) the chair and secretary of the county  
 19 political convention shall certify to the county clerk the  
 20 names of their party's nominees for elected county offices and  
 21 for legislative offices elected from a district located wholly  
 22 within one county or that is composed of only one county.

23 B. The names certified to the secretary of state  
 24 shall be filed on the twenty-third day following the primary  
 25 election in the year of the general election and shall be

.220869.2

underscored material = new  
 [bracketed material] = delete

1 accompanied by nominating petitions containing the signatures  
2 of voters totaling not less than one percent of the total  
3 number of votes cast for governor at the last preceding general  
4 election at which a governor was elected:

5 (1) in the state for statewide offices; and

6 (2) in the district for offices other than  
7 statewide offices.

8 The petition shall contain a statement that the voters  
9 signing the petition are residents of the area to be  
10 represented by the office for which the person being nominated  
11 is a candidate.

12 C. The names certified to the county clerk shall be  
13 filed on the twenty-third day following the primary election in  
14 the year of the general election and shall be accompanied by a  
15 nominating petition containing the signatures of voters  
16 totaling not less than one percent of the total number of votes  
17 cast for governor at the last preceding general election at  
18 which a governor was elected:

19 (1) in the county for countywide offices; and

20 (2) in the district for offices other than  
21 countywide offices.

22 The petition shall contain a statement that the voters  
23 signing the petition are residents of the area to be  
24 represented by the office for which the person being nominated  
25 is a candidate.

1           D. Except in the case of a political party  
2 certified in the year of the election, persons certified as  
3 candidates shall be members of that party on the day the  
4 secretary of state issues the general election proclamation.

5           E. When a political party is certified in the year  
6 of the general election, and after the day the secretary of  
7 state issues the general election proclamation, a person  
8 certified as a candidate shall be:

9                   (1) a member of that party not later than the  
10 date the political party filed its rules and qualifying  
11 petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and

12                   (2) a resident in the district of the office  
13 for which the person is a candidate on the date of the  
14 secretary of state's proclamation for the general election or  
15 in the case of a person seeking the office of United States  
16 senator or United States representative, a resident within New  
17 Mexico on the date of the secretary of state's proclamation for  
18 the general election. No person who is a candidate for a party  
19 in a primary election may be certified as a candidate for a  
20 different party in the general election in the same election  
21 cycle.

22           F. No voter shall sign a petition prescribed by  
23 this section for more persons than the number of candidates  
24 necessary to fill the office at the next ensuing general  
25 election."

.220869.2

1           SECTION 33. Section 1-8-3 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 153, as amended) is amended to read:

3           "1-8-3. NOMINATION BY MINOR POLITICAL PARTY--OTHER  
4 METHODS.--If the rules and regulations of a minor political  
5 party require nomination by a method other than a political  
6 convention:

7           A. the state [~~chairman~~] chair and the governing  
8 board of the state party shall certify to the secretary of  
9 state the names of their party's nominees for United States  
10 senator, United States representative, all elective state  
11 offices, legislative offices elected from multicounty  
12 districts, [~~public regulation commission~~] all elective judicial  
13 officers in the judicial department and all offices  
14 representing a district composed of more than one county;

15           B. the county [~~chairman~~] chair and the governing  
16 board of the county party shall certify to the county clerk the  
17 names of their party's nominees for elected county offices and  
18 for legislative offices elected from a district located wholly  
19 within one county or that is composed of only one county; and

20           C. the names of such nominees shall be filed in the  
21 same time and manner prescribed by the Election Code for  
22 convention-designated nominees of minor political parties, and  
23 each list of names certified shall be accompanied by the  
24 petition containing a list of signatures and addresses of  
25 voters as prescribed for convention-designated nominees."

.220869.2

1           SECTION 34. Section 1-8-8 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 158, as amended) is amended to read:

3           "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING  
4 AFTER PRIMARY.--

5           A. If after a primary election, but [~~seventy~~]  
6 ninety or more days before the general election, a vacancy  
7 occurs, for any cause, in the list of the nominees of a  
8 qualified political party for any public office to be filled in  
9 the general election, or a vacancy occurs because of the  
10 resignation or death of a person holding a public office not  
11 included in the secretary of state's general election  
12 proclamation and which office is required by law to be filled  
13 at the next succeeding general election, or a vacancy occurs  
14 because a new public office is created and was not included in  
15 the secretary of state's general election proclamation but is  
16 capable by law of being filled at the next succeeding general  
17 election, the vacancy on the general election ballot may be  
18 filled by:

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

24                         (2) the central committee of the county  
25 political party filing the name of its nominee for the office

.220869.2

1 with the proper filing officer when the office is a magistrate  
2 office, county office or legislative district office where the  
3 district is entirely within the boundaries of a single county.

4 B. Appointments made pursuant to Subsection A of  
5 this section shall qualify pursuant to Section 1-8-18 NMSA  
6 1978.

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

13 D. Appointments to fill vacancies in the list of a  
14 party's nominees shall be made and filed with the proper filing  
15 officer on or before the seventieth day prior to a general  
16 election using [a] the form [approved] prescribed by the  
17 secretary of state [~~at least sixty-three days prior to the~~  
18 ~~general election~~], along with [a] the declaration of candidacy  
19 form subscribed and sworn by the selected nominee and the  
20 [~~required~~] form for candidates pursuant to the Campaign  
21 Reporting Act.

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

25 SECTION 35. A new Section 1-8-10.1 NMSA 1978 is enacted

.220869.2

1 to read:

2 "1-8-10.1. [NEW MATERIAL] SHORT TITLE.--Sections 1-8-10.1  
 3 through 1-8-52 NMSA 1978 may be cited as the "Primary Election  
 4 Law"."

5 SECTION 36. Section 1-8-13 NMSA 1978 (being Laws 1969,  
 6 Chapter 240, Section 162, as amended) is amended to read:

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

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

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

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

.220869.2

underscored material = new  
 [bracketed material] = delete

1 education commission [~~public regulation commission~~] or  
2 magistrate shall be filed and the places where they shall be  
3 filed in order to have the candidates' names printed on the  
4 official ballot of their party at the primary election or in  
5 order to have the candidates' names printed on the official  
6 ballot at the general election, as applicable;

7 D. the date on and place at which declarations of  
8 candidacy shall be filed for any other office and filing fees  
9 paid or, in lieu thereof, a pauper's statement of inability to  
10 pay;

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

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

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

23 H. the date on which declarations of candidacy for  
24 minor party candidates shall be filed and the places where the  
25 declarations of candidacy shall be filed in order to have the

.220869.2

1 minor party candidate names printed on the official ballot of  
2 the general election;

3 I. the date on which declarations of candidacy for  
4 unaffiliated candidates shall be filed and the places where the  
5 declarations of candidacy shall be filed in order to have the  
6 unaffiliated candidate names printed on the official ballot of  
7 the general election;

8 J. the date on which declarations of candidacy for  
9 nonpartisan judicial retention shall be filed and the places  
10 where the declarations of candidacy shall be filed in order to  
11 have the judicial retention names printed on the official  
12 ballot of the general election; and

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

18 **SECTION 37.** Section 1-8-33 NMSA 1978 (being Laws 1973,  
19 Chapter 228, Section 7, as amended) is amended to read:

20 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--  
21 NUMBER OF SIGNATURES REQUIRED.--

22 A. As used in this section, "total vote" means the  
23 sum of all votes cast for all of the party's candidates for  
24 governor at the last preceding primary election at which the  
25 party's candidate for governor was nominated.

.220869.2

1           B. Candidates who seek preprimary convention  
2 designation shall file nominating petitions at the time of  
3 filing declarations of candidacy. Nominating petitions for  
4 those candidates shall be signed by a number of voters equal to  
5 at least two percent of the total vote of the candidate's party  
6 in the state or congressional district, or the following number  
7 of voters, whichever is greater: for statewide offices, two  
8 hundred thirty voters; and for congressional candidates,  
9 seventy-seven voters.

10           C. Nominating petitions for candidates for any  
11 other office to be voted on at the primary election for which  
12 nominating petitions are required shall be signed by a number  
13 of voters equal to at least three percent of the total vote of  
14 the candidate's party in the district or division, or the  
15 following number of voters, whichever is greater: for  
16 metropolitan court and magistrate courts, ten voters; [~~for the~~  
17 ~~public regulation commission, fifty voters~~] for the public  
18 education commission, twenty-five voters; for state  
19 representative, ten voters; for state senator, seventeen  
20 voters; and for district attorney and district judge, fifteen  
21 voters.

22           D. A candidate who fails to receive the preprimary  
23 convention designation that the candidate sought may collect  
24 additional signatures to total at least four percent of the  
25 total vote of the candidate's party in the state or

1 congressional district, whichever applies to the office the  
 2 candidate seeks, and file a new declaration of candidacy and  
 3 nominating petitions for the office for which the candidate  
 4 failed to receive a preprimary designation. The declaration of  
 5 candidacy and nominating petitions shall be filed with the  
 6 secretary of state either ten days following the date of the  
 7 preprimary convention at which the candidate failed to receive  
 8 the designation or on the date all declarations of candidacy  
 9 and nominating petitions are due pursuant to the provisions of  
 10 the Primary Election Law, whichever is later."

11 SECTION 38. Section 1-8-36.1 NMSA 1978 (being Laws 1981,  
 12 Chapter 156, Section 1, as amended) is amended to read:

13 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

14 A. Write-in candidates are permitted in the primary  
 15 election only for the offices of United States representative,  
 16 members of the legislature, district judges, district  
 17 attorneys, [~~public regulation commission~~] public education  
 18 commission, magistrates and any office voted upon by all voters  
 19 of the state.

20 B. A person may be a write-in candidate only for  
 21 nomination by the major political party with which the person  
 22 is affiliated as shown by the certificate of registration, and  
 23 such person shall have the qualifications to be a candidate in  
 24 the primary election for the political party for which the  
 25 person is a write-in candidate.

.220869.2

1           C. A person desiring to be a write-in candidate for  
2 one of the offices listed in Subsection A of this section in  
3 the primary election shall file with the proper filing officer  
4 a declaration of intent to be a write-in candidate. Such  
5 declaration of intent shall be filed between 9:00 a.m. and 5:00  
6 p.m. on the third Tuesday in March.

7           D. At the time of filing the declaration of intent  
8 to be a write-in candidate, the write-in candidate shall be  
9 considered a candidate for all purposes and provisions relating  
10 to candidates in the Election Code, including the obligations  
11 to report pursuant to the Campaign Reporting Act, except that  
12 the write-in candidate's name shall not be printed on the  
13 ballot."

14           **SECTION 39.** Section 1-8-51 NMSA 1978 (being Laws 1977,  
15 Chapter 322, Section 7, as amended) is amended to read:

16           "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
17 STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--REQUIRED  
18 NUMBER OF SIGNATURES.--

19           A. The basis of percentage for the total number of  
20 votes cast in each instance referred to in this section shall  
21 be the total vote cast for governor at the last preceding  
22 general election at which a governor was elected.

23           B. Nominating petitions for an independent  
24 candidate for president of the United States shall be signed by  
25 a number of voters equal to the number of signatures required

1 to form a new political party.

2 C. Nominating petitions for an independent  
3 candidate for United States senator or any other statewide  
4 elective office shall be signed by a number of voters equal to  
5 at least two percent of the total number of votes cast in the  
6 state.

7 D. Nominating petitions for an independent  
8 candidate for United States representative shall be signed by a  
9 number of voters equal to at least two percent of the total  
10 number of votes cast in the district.

11 E. Nominating petitions for an independent  
12 candidate for a member of the legislature, [~~public regulation~~  
13 ~~commission~~] district judge, district attorney, member of the  
14 public education commission, magistrate or county office shall  
15 be signed by a number of voters equal to at least two percent  
16 of the total number of votes cast in the district, division or  
17 county, as the case may be.

18 F. When a vacancy for any office occurs on the  
19 general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA  
20 1978 in which all political parties may name a general election  
21 candidate or when a vacancy occurs in the office of United  
22 States representative pursuant to Section 1-15-18.1 NMSA 1978,  
23 an independent candidate may file a declaration of candidacy on  
24 or by the same deadline applicable to the political parties.

25 The nominating petitions for an independent candidate in such

.220869.2

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

1 circumstances shall be signed by the number of voters provided  
2 in this section, unless there are fewer than:

3 (1) sixty days from the announcement of the  
4 vacancy to the last day to file a declaration of candidacy, in  
5 which case an independent candidate shall submit nominating  
6 petitions signed by a number of voters equal to two-thirds the  
7 number of voters otherwise required by this section for an  
8 independent candidate; or

9 (2) thirty days from the announcement of the  
10 vacancy to the last day to file a declaration of candidacy, in  
11 which case an independent candidate shall submit nominating  
12 petitions signed by a number of voters equal to one-third the  
13 number of voters otherwise required by this section for an  
14 independent candidate.

15 G. A voter shall not sign a petition for an  
16 independent candidate as provided in this section if the voter  
17 has signed a petition for another independent candidate for the  
18 same office."

19 SECTION 40. Section 1-9-1 NMSA 1978 (being Laws 1969,  
20 Chapter 240, Section 184, as amended) is amended to read:

21 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM  
22 DEFINED.--

23 A. The secretary of state shall study, examine and  
24 certify all voting systems used in elections for public office  
25 in New Mexico. The secretary of state shall maintain a current

.220869.2

1 list of certified voting systems and copies of filed testing  
2 and evaluation reports accessible by the public on the  
3 secretary of state's web site. Only certified voting systems  
4 [~~certified~~] approved for use by the secretary of state and  
5 acquired pursuant to a competitive bid process in accordance  
6 with the provisions of the Procurement Code shall be used in  
7 any election for public office in New Mexico.

8 B. As used in Chapter 1, Article 9 NMSA 1978,  
9 "voting system" means a combination of mechanical,  
10 electromechanical or electronic equipment, including the  
11 software and firmware required to program and control the  
12 equipment, that is used to cast and count votes, and also  
13 including any type of system that is designed to print or to  
14 mark ballots at a polling location; equipment that is not an  
15 integral part of a voting system but that can be used as an  
16 adjunct to it is considered to be a component of the system."

17 SECTION 41. Section 1-9-7.10 NMSA 1978 (being Laws 2010,  
18 Chapter 28, Section 8) is amended to read:

19 "1-9-7.10. VOTING SYSTEMS--BALLOT HANDLING AND PROCESSING  
20 REQUIREMENTS.--Voting systems certified for use in state  
21 elections shall:

22 A. accept a ballot that is a minimum of six inches  
23 wide and a maximum of twenty-four inches long, in dual columns  
24 and printed on both sides;

25 B. accept a ballot in any orientation when inserted

.220869.2

1 by a voter;

2 C. have the capability to reject a ballot on which  
3 a voter has made more than the allowable number of selections  
4 in any contest;

5 D. be designed to accommodate the maximum number of  
6 ballot styles or ballot variations encountered in the largest  
7 New Mexico election jurisdiction; ~~and~~

8 E. be able to read a single ballot with at least  
9 four hundred twenty voting positions; and

10 F. tabulate as a vote only the human-readable marks  
11 in the voter response area of a ballot."

12 SECTION 42. 1-10-8 NMSA 1978 (being Laws 2019, Chapter  
13 212, Section 103) is amended to read:

14 "1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT  
15 QUESTIONS.--

16 A. In the year in which the president of the United  
17 States is elected, the ballot in a primary election and general  
18 election shall contain, when applicable, partisan offices to be  
19 voted on in the following order:

- 20 (1) in a presidential primary, president;  
21 (2) in a general election, president and vice  
22 president as a ticket;  
23 (3) United States senator;  
24 (4) United States representative;  
25 (5) state senator;

.220869.2

- 1 (6) state representative;
- 2 (7) supreme court;
- 3 (8) court of appeals;
- 4 [~~(9) public regulation commission districts~~
- 5 ~~with odd-numbered designations;~~
- 6 ~~(10)]~~ (9) public education commission
- 7 [~~districts with odd-numbered designations];~~
- 8 (10) district attorney;
- 9 (11) district court;
- 10 (12) metropolitan court;
- 11 (13) county clerk;
- 12 (14) county treasurer; [~~and]~~
- 13 (15) county commission; [~~districts and~~
- 14 ~~positions with odd-numbered designations]~~ and
- 15 (16) when applicable:
- 16 (a) county sheriff;
- 17 (b) county assessor; and
- 18 (c) probate judge.

19 B. In the year in which the governor is elected,  
 20 the ballot in a primary election and general election shall  
 21 contain, when applicable, partisan offices to be voted on in  
 22 the following order:

- 23 (1) United States senator;
- 24 (2) United States representative;
- 25 (3) in a major political party primary,

1 governor;

2 (4) in a major political party primary,  
3 lieutenant governor;

4 (5) in a general election, governor and  
5 lieutenant governor as a ticket;

6 (6) secretary of state;

7 (7) attorney general;

8 (8) state auditor;

9 (9) state treasurer;

10 (10) commissioner of public lands;

11 (11) state representative;

12 (12) supreme court;

13 (13) court of appeals;

14 [~~(14) public regulation commission districts~~  
15 ~~with even-numbered designations;~~

16 ~~(15)] (14) public education commission~~

17 [~~districts with even-numbered designations];~~

18 [~~(16)] (15) district court;~~

19 [~~(17) district attorney;~~

20 ~~(18)] (16) metropolitan court;~~

21 [~~(19)] (17) magistrate court;~~

22 [~~(20)] (18) county sheriff;~~

23 [~~(21)] (19) county assessor;~~

24 [~~(22)] (20) county commission; [~~districts and~~  
25 ~~positions with even-numbered designations; and~~~~

1                   ~~(23)~~] (21) probate judge; and

2                   (22) when applicable:

3                             (a) county clerk; and

4                             (b) county treasurer.

5                   C. The ballot in a regular local election shall  
6 contain, when applicable, nonpartisan offices to be voted on in  
7 the following order:

8                             (1) municipal, with elective executive  
9 officers listed first, governing board members listed second  
10 and judicial officers listed third;

11                            (2) board of education of a school district;

12                            (3) community college, branch community  
13 college, technical and vocational institute district or  
14 learning center district; and

15                            (4) special districts listed in order by  
16 voting population of each special district, with the most  
17 populous listed first and the least populous listed last.

18                   D. The ballot in a statewide election shall  
19 contain, when applicable, nonpartisan judicial retention and in  
20 a statewide or special election, when applicable, ballot  
21 questions to be voted on in the following order, unless a  
22 different order is prescribed by the secretary of state:

23                            (1) judicial retention;

24                            (2) proposed state constitutional amendments;

25                            (3) other state ballot questions;

.220869.2

underscoring material = new  
[bracketed material] = delete

- 1 (4) county ballot questions; and  
2 (5) local government ballot questions listed  
3 in the same order as the list of local governments in  
4 Subsection C of this section.

5 E. When multiple positions for the same  
6 nondistricted, nonjudicial office are to be elected on the same  
7 ballot and the qualifications for each of those positions are  
8 the same, the nondistricted, nonjudicial district may adopt a  
9 resolution and file with the local county clerk and the  
10 secretary of state by June 1 of an odd-numbered year indicating  
11 that its officers shall be elected at large in the next  
12 election either by:

13 (1) a single contest on the ballot in which  
14 voters shall be given the instruction to "vote for no more than  
15 X". If two or more positions for the same office are to be  
16 elected to represent the same area but with terms of different  
17 lengths of time, the candidate receiving the highest number of  
18 votes shall be elected to the position with the longest term  
19 length, and the candidate receiving the next highest number of  
20 votes shall be elected to the position with the next longest  
21 term length, with additional candidates elected to positions  
22 accordingly; or

23 (2) each position appearing on the ballot in  
24 ascending numerical order; provided that the secretary of state  
25 shall numerically designate the positions on the ballot as

1 "position one", "position two" and additional consecutively  
 2 numbered positions as necessary, and only one candidate shall  
 3 be elected for each position.

4 F. If a nondistricted, nonjudicial district does  
 5 not adopt and file a resolution pursuant to Subsection E of  
 6 this section, the district's officers shall be elected as  
 7 provided in Paragraph (1) of Subsection E of this section.

8 ~~[E.]~~ G. When multiple positions for the same  
 9 districted, nonjudicial office are listed on the same ballot  
 10 ~~[and each position is to be elected individually]~~ or the  
 11 qualifications for one or more at-large positions is distinct  
 12 from the qualifications of the rest:

13 (1) offices designated by district number  
 14 shall appear on the ballot in ascending numerical order of the  
 15 districts; and

16 (2) offices not designated by district number  
 17 shall appear on the ballot in ascending numerical order of the  
 18 position; provided that the secretary of state shall  
 19 numerically designate the positions on the ballot as "position  
 20 one", "position two" and such additional consecutively numbered  
 21 positions as are necessary, and only one member shall be  
 22 elected for each position ~~[and~~

23 ~~(3) whenever two or more positions for the~~  
 24 ~~same office are to be elected to represent the same area with~~  
 25 ~~terms of different lengths of time, the secretary of state~~

.220869.2

underscored material = new  
 [bracketed material] = delete

1 ~~shall first group the offices with the shorter length of time~~  
2 ~~and shall designate each position with "for a term expiring~~  
3 ~~\_\_\_", specifying the date the term expires].~~

4 [F.] H. When multiple positions for the same  
5 judicial office are listed on the same ballot and each position  
6 is to be elected or voted on individually:

7 (1) district, metropolitan and magistrate  
8 court positions, either for partisan election or for  
9 nonpartisan judicial retention, shall appear on the ballot in  
10 ascending numerical order of the division number assigned to  
11 each position;

12 (2) supreme court and court of appeals for  
13 partisan election shall appear on the ballot in ascending  
14 numerical order of the position number designated by the  
15 secretary of state for that election, based on the date of the  
16 vacancy causing the position to be listed on the ballot;  
17 provided that if multiple vacancies occurred on the same day,  
18 the positions shall appear on the ballot based on the order of  
19 seniority of the justice or judge who vacated the position,  
20 with the highest seniority listed first; and

21 (3) supreme court and court of appeals for  
22 nonpartisan judicial retention shall appear on the ballot in  
23 ascending numerical order of the position number designated by  
24 the secretary of state for that election, based on the  
25 seniority of the justice or judge seeking retention, with the

1 highest seniority listed first."

2 SECTION 43. A new section of Chapter 1, Article 11 NMSA  
3 1978 is enacted to read:

4 "[NEW MATERIAL] NOTICE OF THE ELECTION.--Fifty days prior  
5 to each statewide election, the secretary of state, on behalf  
6 of each county clerk, shall mail to each voter a notice of the  
7 election; provided that a notice shall not be mailed to a voter  
8 whose election mail has been returned as undeliverable and who  
9 has not updated the voter's certificate of registration with a  
10 new address. The notice shall include:

- 11 A. the date and purpose of the election;
- 12 B. an internet web address where a voter may  
13 request a mailed ballot;
- 14 C. a telephone number where a voter may call to  
15 request the paper form of the mailed ballot application;
- 16 D. a list of the days and times and addresses of  
17 early and election day polling locations where a voter may vote  
18 in person; and
- 19 E. a list of the locations, dates and times other  
20 than polling locations where a voter may return a mailed  
21 ballot."

22 SECTION 44. Section 1-12-25.2 NMSA 1978 (being Laws 2003,  
23 Chapter 356, Section 3, as amended) is amended to read:

24 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--  
25 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

.220869.2

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

6           B. The secretary of state shall provide a free  
7 access system, such as a toll-free telephone number or internet  
8 website, that a voter who casts a provisional paper ballot may  
9 access to ascertain whether the voter's ballot was counted and,  
10 if the vote was not counted, the reason it was not counted and  
11 how to appeal the decision pursuant to rules issued by the  
12 secretary of state. Access to information about an individual  
13 voter's provisional paper ballot through the free access system  
14 is restricted to the voter who cast the ballot.

15           C. Beginning with the closing of the polls on  
16 election day through the tenth day following the election, the  
17 county clerk shall notify by mail each person whose provisional  
18 paper ballot was not counted of the reason the ballot was not  
19 counted. The voter shall have until the Friday prior to the  
20 meeting of the state canvassing board to appeal to the county  
21 clerk a decision to reject the voter's ballot. At any time up  
22 to and including during the appeal, the voter may provide  
23 information or documentation to satisfy the reason the ballot  
24 was rejected."

25           SECTION 45. Section 1-12-65 NMSA 1978 (being Laws 1977,

.220869.2

1 Chapter 222, Section 68, as amended) is amended to read:

2 "1-12-65. [~~EMERGENCY SITUATIONS~~] PAPER BALLOTS--COUNTING  
3 AND TALLYING PROCEDURES.--

4 A. The presiding judge and the election judges,  
5 assisted by the election clerks, shall count the number of  
6 paper ballots that were not tabulated by the electronic vote  
7 tabulator, write the number of such ballots on each copy of the  
8 certificate of returns for that polling place and place the  
9 paper ballots that were not tabulated by the electronic vote  
10 tabulator in an envelope provided for that purpose. The  
11 envelope shall not be locked in the ballot box but shall  
12 instead be transmitted directly to the county clerk for  
13 machine-tabulation or hand-tallying of the ballots.

14 B. The presiding judge and the election judges,  
15 assisted by the election clerks, shall count the number of  
16 machine-tabulated paper ballots with write-in votes, write the  
17 number of such ballots on each copy of the certificate of  
18 returns for that polling place and place those paper ballots  
19 with write-in votes in an envelope provided for that purpose.  
20 The envelope shall not be locked in the ballot box but shall  
21 instead be transmitted directly to the county clerk for manual  
22 counting of the write-in votes.

23 [~~C. The tallying of paper ballots that were not~~  
24 ~~tabulated by the electronic vote tabulator at the polling place~~  
25 ~~and the counting of ballots with write-in votes shall be in~~

.220869.2

underscored material = new  
[bracketed material] = delete

1 ~~accordance with procedures prescribed by the secretary of~~  
2 ~~state.]~~

3 C. If the county clerk receives an envelope  
4 pursuant to Subsection A or B of this section and the absent  
5 voter election board has not adjourned, the envelope shall be  
6 logged and transmitted to the absent voter election board to be  
7 tallied immediately. If the envelope is received by the county  
8 clerk after the absent voter election board has adjourned, the  
9 envelope shall be logged and transmitted to be tallied by an  
10 election board appointed to assist in the preparation of the  
11 county canvass report."

12 SECTION 46. Section 1-13-1 NMSA 1978 (being Laws 1969,  
13 Chapter 240, Section 303, as amended) is amended to read:

14 "1-13-1. POST-ELECTION DUTIES--COUNTY CANVASSING BOARD.--

15 A. The board of county commissioners is ex officio  
16 the county canvassing board in each county.

17 B. The board of county commissioners may designate  
18 the board of registration to serve as the county canvassing  
19 board for the county. The designation shall be made in the  
20 polling place resolution adopted pursuant to Section 1-3-2 NMSA  
21 1978 and is valid for all statewide and special elections  
22 conducted within the county until the expiration of the  
23 resolution.

24 C. The county canvass report prepared by the county  
25 clerk and certified by the county canvassing board shall

1 consist of:

2 (1) the certificate of canvass to be signed by  
3 the county clerk and the county canvassing board members;

4 (2) a report of the final vote counts for all  
5 contests and ballot questions voted on by voters of the county  
6 separated by mailed ballots, early voting and election day  
7 voting;

8 (3) a report of the total ballots requested,  
9 returned, accepted and rejected from federal qualified  
10 electors; and

11 (4) a report of all provisional ballots  
12 accepted and rejected.

13 D. Immediately after the meeting of the county  
14 canvassing board, the county clerk shall transmit a copy of the  
15 county canvass report, along with any hand tally sheets, to the  
16 secretary of state."

17 SECTION 47. Section 1-13-4 NMSA 1978 (being Laws 1969,  
18 Chapter 240, Section 306, as amended) is amended to read:

19 "1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--METHOD.--  
20 The county clerk shall:

21 A. appoint an election board to conduct a  
22 machine-tabulation or hand-tally if the county clerk has  
23 received and logged any:

24 (1) paper ballots not previously tabulated;

25 (2) absentee ballots delivered to an election

.220869.2

underscoring material = new  
[bracketed material] = delete

1 board not previously tabulated;

2 (3) provisional paper ballots that have been  
3 qualified and contain votes that are to be counted; or

4 (4) ballots with write-in votes not previously  
5 counted;

6 ~~[A.]~~ B. prepare the report of the canvass of the  
7 election returns by carefully examining the returns of each  
8 precinct to ascertain if they contain the properly executed  
9 certificates required by the Election Code and to ascertain  
10 whether any discrepancy, omission or error appears on the face  
11 of the election returns; ~~and~~

12 ~~B.]~~ C. present the report of the canvass to the  
13 county canvassing board for the board's consideration and  
14 approval; and

15 D. provide the county canvassing board a summary  
16 report of the ballots tallied by the election board."

17 SECTION 48. Section 1-14-9 NMSA 1978 (being Laws 1971,  
18 Chapter 249, Section 2) is amended to read:

19 "1-14-9. IMPOUNDING BALLOTS--APPLICATION FOR COURT  
20 ORDER--DEPOSIT REQUIRED.--Any candidate in an election may  
21 petition the district court for an order impounding ballots in  
22 one or more precincts within which ~~[he is a candidate]~~ the  
23 candidate's name appeared on the ballot. The action shall be  
24 brought in the district court for the county in which the  
25 precincts are located. The petition shall state what specific

.220869.2

1 items of ballots are requested to be impounded. Upon receipt  
 2 of the petition, along with a sufficient cash deposit, [~~of~~  
 3 ~~twenty-five dollars (\$25.00) per precinct~~] or a sufficient  
 4 surety bond, to cover the costs of each polling place for which  
 5 impoundment is demanded, the court shall issue an order of  
 6 impoundment. Ballots shall be impounded in the county  
 7 courthouse or secured in the county clerk's office. When  
 8 impounded ballots are being handled, a county clerk or the  
 9 clerk's agent shall be present to ensure all documents are  
 10 properly catalogued and returned in proper order."

11 SECTION 49. Section 1-14-13.2 NMSA 1978 (being Laws 2009,  
 12 Chapter 233, Section 1, as amended) is amended to read:

13 "1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM CHECK.--

14 A. At least ninety days prior to each general  
 15 election, the secretary of state shall contract with an auditor  
 16 qualified by the state auditor to audit state agencies to  
 17 oversee a check on the accuracy of precinct electronic vote  
 18 tabulators, alternate voting location electronic vote  
 19 tabulators and absent voter precinct electronic vote  
 20 tabulators. The voting system check shall be conducted for all  
 21 federal offices, for governor and for the statewide elective  
 22 office, other than the office of the governor, for which the  
 23 winning candidate won by the smallest percentage margin of all  
 24 candidates for statewide office in New Mexico. The voting  
 25 system check is waived for any office for which a recount is

.220869.2

1 conducted.

2 B. For each selected office, the auditor shall  
3 publicly select a random sample of precincts from a pool of all  
4 precincts in the state no later than twelve days after the  
5 election. The random sample shall be chosen in a process that  
6 will ensure, with at least ninety percent probability for the  
7 selected offices, that faulty tabulators would be detected if  
8 they would change the outcome of the election for a selected  
9 office. The auditor shall select precincts starting with the  
10 statewide office with the largest winning margin and ending  
11 with the precincts for the statewide office with the smallest  
12 winning margin and then, in the same manner, select precincts  
13 from each congressional district. The size of the random  
14 sample for each office shall be determined as provided in Table  
15 1 of this subsection. When a precinct is selected for one  
16 office, it shall be used in lieu of selecting a different  
17 precinct when selecting precincts for another office in the  
18 same congressional district, or for any statewide office. If  
19 the winning margin in none of the offices for which a voting  
20 system check is required is less than fifteen percent, a voting  
21 system check for that general election shall not be required.

22 Table 1

23 Winning margin between top	Number of precincts in the
24 two candidates for the	state to be tested for that
25 office according to the	office

.220869.2

underscoring material = new  
[bracketed material] = delete

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

1 county canvasses  
 2 Percent  
 3 greater than 15 no precincts for that  
 4 office  
 5 greater than 14  
 6 but less than or equal to 15 4  
 7 greater than 13  
 8 but less than or equal to 14 4  
 9 greater than 12  
 10 but less than or equal to 13 5  
 11 greater than 11  
 12 but less than or equal to 12 5  
 13 greater than 10  
 14 but less than or equal to 11 6  
 15 greater than 9.0  
 16 but less than or equal to 10 6  
 17 greater than 8.0  
 18 but less than or equal to 9.0 7  
 19 greater than 7.0  
 20 but less than or equal to 8.0 9  
 21 greater than 6.0  
 22 but less than or equal to 7.0 10  
 23 greater than 5.5  
 24 but less than or equal to 6.0 11  
 25 greater than 5.0

.220869.2

SRC/SRC/SB 454

1	but less than or equal to 5.5	13
2	greater than 4.5	
3	but less than or equal to 5.0	14
4	greater than 4.0	
5	but less than or equal to 4.5	16
6	greater than 3.5	
7	but less than or equal to 4.0	18
8	greater than 3.0	
9	but less than or equal to 3.5	22
10	greater than 2.5	
11	but less than or equal to 3.0	26
12	greater than 2.0	
13	but less than or equal to 2.5	32
14	greater than 1.8	
15	but less than or equal to 2.0	37
16	greater than 1.6	
17	but less than or equal to 1.8	42
18	greater than 1.4	
19	but less than or equal to 1.6	47
20	greater than 1.2	
21	but less than or equal to 1.4	54
22	greater than 1.1	
23	but less than or equal to 1.2	59
24	greater than 1.0	
25	but less than or equal to 1.1	65

.220869.2

1	greater than 0.9	
2	but less than or equal to 1.0	73
3	greater than 0.8	
4	but less than or equal to 0.9	82
5	greater than 0.7	
6	but less than or equal to 0.8	93
7	greater than 0.6	
8	but less than or equal to 0.7	109
9	greater than 0.5	
10	but less than or equal to 0.6	130
11	0.5 or less	165.

12           C. The auditor shall notify the appropriate county  
13 clerks of the precincts that are to be included in the voting  
14 system check upon their selection. The auditor shall direct  
15 the appropriate county clerks to open the locked ballot boxes,  
16 remove ballots from the selected precincts and compare the  
17 original machine count precinct vote totals, including early  
18 absentee and absentee by mail machine count vote totals, for  
19 candidates for offices subject to the voting system check from  
20 the selected precincts for each office with the respective vote  
21 totals of a hand recount of the paper ballots from those  
22 precincts. The county clerks shall report their results to the  
23 auditor within [~~ten~~] fourteen days of the notice to conduct the  
24 voting system check unless a county clerk is aware of a recount  
25 in any office that includes one or more precincts in the

.220869.2

underscored material = new  
 [bracketed material] = delete

1 county, in which case the county clerk shall report the results  
2 of the post-election audit to the auditor within [~~ten~~] fourteen  
3 days following the conclusion of the recount.

4 D. Based on the results of the voting system check  
5 and any other auditing results, the auditor shall determine the  
6 error rate in the sample for each office. If the winning  
7 margin decreases and the error rate based on the difference  
8 between the vote totals of hand recounts of the paper ballots  
9 and the original precinct vote totals exceeds ninety percent of  
10 the winning margin for an office, another sample equal in size  
11 to the original sample shall be selected and the original  
12 precinct vote totals compared to the vote totals of hand  
13 recounts. The error rate based on the first and second sample  
14 shall be reported, and if it exceeds ninety percent of the  
15 winning margin for the office, the state canvassing board shall  
16 order that a full hand recount of the ballots for that office  
17 be conducted.

18 E. The auditor shall report the results of the  
19 voting system check to the secretary of state upon completion  
20 of the voting system check and release the results to the  
21 public.

22 F. Persons designated as county canvass observers  
23 may observe the hand recount described in Subsection C of this  
24 section. Observers shall comply with the procedures governing  
25 county canvass observers as provided in Section 1-2-31 NMSA

.220869.2

1 1978.

2 G. If a recount for an office selected for a voting  
3 system check is conducted pursuant to the provisions of Chapter  
4 1, Article 14 NMSA 1978, the vote totals from the hand count of  
5 ballots for that office in precincts selected for the voting  
6 system check may be used in lieu of recounting the same ballots  
7 for the recount.

8 H. All costs of a voting system check or required  
9 hand recount shall be paid in the same manner as automatic  
10 recounts."

11 SECTION 50. Section 1-14-15 NMSA 1978 (being Laws 1978,  
12 Chapter 48, Section 1, as amended) is amended to read:

13 "1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS.--

14 A. An applicant for a recount shall deposit with  
15 the proper canvassing board or, in the case of an office for  
16 which the state canvassing board issues a certificate of  
17 nomination or election, with the secretary of state sufficient  
18 cash, or a sufficient surety bond, to cover the cost of a  
19 recount for each precinct for which a recount is demanded. An  
20 applicant for a recheck shall deposit with the proper  
21 canvassing board or, in the case of an office for which the  
22 state canvassing board issues a certificate of nomination or  
23 election, with the secretary of state sufficient cash, or a  
24 sufficient surety bond, to cover the cost of the recheck for  
25 each voting machine to be rechecked. The state canvassing

.220869.2

1 board shall determine the estimated actual cost of a recount  
2 per [~~precinct~~] voting location and a recheck per voting machine  
3 no later than March 15 of even-numbered years. The secretary  
4 of state shall post the recount and recheck cost determinations  
5 on the secretary of state's [~~web-site~~] website when the state  
6 canvassing board issues its cost determinations.

7 B. The deposit or surety bond shall be security for  
8 the payment of the costs and expenses of the recount or recheck  
9 in case the results of the recount or recheck are not  
10 sufficient to change the results of the election.

11 C. If it appears that error or fraud sufficient to  
12 change the winner of the election has been committed, the costs  
13 and expenses of the recount or recheck shall be paid by the  
14 state upon warrant issued by the secretary of finance and  
15 administration supported by a voucher of the secretary of  
16 state, or shall be paid by the county upon warrant of the  
17 county clerk from the general fund of the county, as the case  
18 may be.

19 D. If no error or fraud appears to be sufficient to  
20 change the winner, the costs and expenses for the recount or  
21 recheck shall be paid by the applicant. Costs shall consist of  
22 any docket fees, mileage of the sheriff in serving summons and  
23 fees and mileage of precinct board members, at the same rates  
24 allowed witnesses in civil actions. If error or fraud has been  
25 committed by a precinct board, the board members shall not be

.220869.2

1 entitled to such mileage or fees."

2 SECTION 51. Section 1-14-24 NMSA 1978 (being Laws 2008,  
3 Chapter 41, Section 1, as amended) is amended to read:

4 "1-14-24. AUTOMATIC RECOUNTS--ELECTIONS FOR STATE AND  
5 FEDERAL OFFICES--PROCEDURES.--

6 A. An automatic recount of the vote is required  
7 when the canvass of returns indicates that the margin between  
8 the two candidates receiving the greatest number of votes for  
9 an office, the margin between those supporting and those  
10 opposing a ballot question or the margin affecting the outcome  
11 of a nonpartisan judicial retention election is less than:

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

14 (a) for that office in the case of a  
15 federal or statewide office;

16 (b) on a ballot question in the case of  
17 a state ballot question; or

18 (c) on a nonpartisan judicial retention  
19 election in the case of the supreme court or the court of  
20 appeals;

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

23 (a) for that office in the case of a  
24 [~~public regulation commissioner~~] public education commissioner,  
25 district attorney or any office elected countywide in a county

.220869.2

1 with more than one hundred fifty thousand registered voters;

2 (b) on a ballot question in the case of  
3 a local ballot question; or

4 (c) on a nonpartisan judicial retention  
5 election in the case of a district court or the metropolitan  
6 court; or

7 (3) one percent of the total votes cast in  
8 that election for that office in the case of any other office.

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

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

24 SECTION 52. Section 1-17-8 NMSA 1978 (being Laws 1969,  
25 Chapter 240, Section 393) is amended to read:

.220869.2

1 "1-17-8. REFERENDUM PETITIONS--APPROVAL BEFORE  
 2 CIRCULATION.--

3 A. Before any referendum petition is circulated for  
 4 signatures, the sponsors shall submit the original draft  
 5 thereof to the secretary of state to determine whether or not  
 6 it meets the requirements of law for referendum petitions. At  
 7 the same time the original draft is submitted to the secretary  
 8 of state, the sponsors shall also submit a suggested popular  
 9 name for the law ~~[which]~~ that is the object of the petition.

10 B. Within ~~[ten]~~ thirty days after submission of the  
 11 original draft and suggested popular name, the secretary of  
 12 state shall:

13 (1) approve and certify the original draft of  
 14 the petition and approve and certify the suggested popular name  
 15 or a more suitable and correct popular name; or

16 (2) disapprove the original draft and specify  
 17 each deficiency not in compliance with the law."

18 SECTION 53. Section 1-17-10 NMSA 1978 (being Laws 1969,  
 19 Chapter 240, Section 395) is amended to read:

20 "1-17-10. REFERENDUM PETITIONS--SUFFICIENCY OR  
 21 INSUFFICIENCY.--The secretary of state shall ascertain and  
 22 declare the sufficiency or insufficiency of each complete  
 23 referendum petition within ~~[fifteen]~~ thirty days after it is  
 24 filed in ~~[his]~~ the secretary's office."

25 SECTION 54. Section 1-19A-2 NMSA 1978 (being Laws 2003,

.220869.2

underscored material = new  
 [bracketed material] = delete

1 Chapter 14, Section 2, as amended) is amended to read:

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

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

6 B. "certified candidate" means a candidate running  
7 for a covered office who chooses to obtain financing pursuant  
8 to the Voter Action Act and is certified as a Voter Action Act  
9 candidate;

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

12 D. "contribution" means a gift, subscription, loan,  
13 advance or deposit of money or other thing of value, including  
14 the estimated value of an in-kind contribution, that is made or  
15 received for the purpose of supporting or opposing the  
16 nomination for election or election of a candidate for public  
17 office, including payment of a debt incurred in an election  
18 campaign and also including a coordinated expenditure, but  
19 "contribution" does not include:

20 (1) a qualifying contribution;

21 (2) the value of services provided without  
22 compensation or unreimbursed travel or other personal expenses  
23 of individuals who volunteer a portion or all of their time on  
24 behalf of a candidate; or

25 (3) the value of the incidental use of the

.220869.2

1 candidate's personal property, home or business office for  
2 campaign purposes;

3 E. "coordinated expenditure" means an expenditure  
4 that is made:

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

7 (2) at the request or suggestion of, or in  
8 cooperation, consultation or concert with, a candidate,  
9 campaign committee or political party or any agent or  
10 representative of such a candidate, campaign committee or  
11 political party; and

12 (3) for the purpose of:

13 (a) supporting or opposing the  
14 nomination or election of a candidate; or

15 (b) paying for an advertisement that  
16 refers to a clearly identified candidate and that is published  
17 and disseminated to the relevant electorate in New Mexico  
18 within thirty days before the primary election or sixty days  
19 before the general election in which the candidate is on the  
20 ballot;

21 F. "covered office" means any office of the  
22 judicial department subject to statewide elections [~~and the~~  
23 ~~office of public regulation commissioner~~];

24 G. "expenditure" means a payment, transfer or  
25 distribution of, or a promise to pay, transfer or distribute,

.220869.2

1 any money or other thing of value for the purpose of supporting  
2 or opposing the nomination or election of a candidate;

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

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

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

11 (2) made during the designated qualifying  
12 period and obtained through efforts made with the knowledge and  
13 approval of the applicant candidate; and

14 (3) acknowledged by a receipt that identifies  
15 the contributor's name and residential address on forms  
16 provided by the bureau of elections and that is signed by the  
17 contributor, one copy of which is attached to the list of  
18 contributors and sent to the bureau of elections;

19 J. "qualifying period" means:

20 (1) for candidates who are seeking public  
21 financing for a primary election or for both a primary and a  
22 general election, the period beginning October 1 immediately  
23 preceding the election year and ending at 5:00 p.m. on the  
24 third Tuesday of March of the election year; and

25 (2) for candidates who are seeking public

1 financing only for a general election, the period beginning  
 2 January 1 of the election year and ending that year at 5:00  
 3 p.m. on the twenty-third day following the primary election for  
 4 the office for which the candidate is running; and

5 K. "secretary" means the secretary of state or the  
 6 office of the secretary of state."

7 SECTION 55. Section 1-19A-4 NMSA 1978 (being Laws 2003,  
 8 Chapter 14, Section 4, as amended) is amended to read:

9 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

10 A. Applicant candidates [~~shall obtain qualifying~~  
 11 ~~contributions as follows:~~

12 ~~(1)]~~ for all statewide judicial elective  
 13 offices [~~the number of]~~ shall obtain qualifying contributions  
 14 equal to one-tenth of one percent of the number of voters in  
 15 the state [~~and~~

16 ~~(2) for the office of public regulation~~  
 17 ~~commissioner, the number of qualifying contributions equal to~~  
 18 ~~one-tenth of one percent of the number of voters in the~~  
 19 ~~district of the office for which the candidate is running].~~

20 B. Applicant candidates may accept qualifying  
 21 contributions from persons who become registered within the  
 22 statutory time frame that would enable [~~that person]~~ those  
 23 persons to vote in the primary election.

24 C. Voters registered as independent are not  
 25 excluded from making qualifying contributions but shall be

.220869.2

1 registered within the statutory time frame as independent.

2 D. No payment, gift or anything of value shall be  
3 given in exchange for a qualifying contribution."

4 SECTION 56. Section 1-19A-10 NMSA 1978 (being Laws 2003,  
5 Chapter 14, Section 10, as amended) is amended to read:

6 "1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

7 A. There is created in the state treasury the  
8 "public election fund" solely for the purposes of:

9 (1) financing the election campaigns of  
10 certified candidates for covered offices;

11 (2) paying administrative and enforcement  
12 costs of the Voter Action Act; and

13 (3) carrying out all other specified  
14 provisions of the Voter Action Act.

15 B. The state treasurer shall invest the funds as  
16 other state funds are invested, and all income derived from the  
17 fund shall be credited directly to the fund. Remaining  
18 balances at the end of a fiscal year shall remain in the fund  
19 and not revert to the general fund.

20 C. Money received from the following sources shall  
21 be deposited directly into the fund:

22 (1) qualifying contributions that have been  
23 submitted to the secretary;

24 (2) any recurring balance of unspent fund  
25 money distributed to a certified candidate who does not remain

.220869.2

1 a candidate through the primary or general election period for  
2 which the money was distributed;

3 (3) money that remains unspent or unencumbered  
4 by a certified candidate following the date of the primary  
5 election;

6 (4) money that remains unspent or unencumbered  
7 by a certified candidate following the date of the general  
8 election;

9 (5) unspent contributions to a candidate;

10 (6) money distributed to the fund from funds  
11 received pursuant to the Uniform Unclaimed Property Act (1995);  
12 and

13 (7) money appropriated by the legislature or  
14 as otherwise provided by law.

15 ~~[D. A subaccount shall be established in the fund,~~  
16 ~~and money in the subaccount shall only be used to pay the costs~~  
17 ~~of carrying out the provisions of the Voter Action Act related~~  
18 ~~to public regulation commission elections.~~

19 ~~E. Two hundred thousand dollars (\$200,000) per year~~  
20 ~~shall be collected and deposited in the subaccount for public~~  
21 ~~regulation commission elections as follows:~~

22 ~~(1) one hundred thousand dollars (\$100,000)~~  
23 ~~from inspection and supervision fees collected pursuant to~~  
24 ~~Section 62-8-8 NMSA 1978; and~~

25 ~~(2) one hundred thousand dollars (\$100,000)~~

.220869.2

1 ~~from utility and carrier inspection fees collected pursuant to~~  
2 ~~Section 63-7-20 NMSA 1978.]"~~

3 SECTION 57. Section 1-19A-13 NMSA 1978 (being Laws 2003,  
4 Chapter 14, Section 13, as amended) is amended to read:

5 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

6 A. By September 1 of each odd-numbered year, the  
7 secretary shall determine the amount of money to be distributed  
8 to each certified candidate for the election cycle ending with  
9 the next general election, based on the type of election and  
10 the provisions of Subsections B through G of this section.

11 B. For contested primary elections, the amount of  
12 money to be distributed to a certified candidate is equal to  
13 ~~[the following:~~

14 ~~(1) for the office of public regulation~~  
15 ~~commissioner, twenty-five cents (\$.25) for each voter of the~~  
16 ~~candidate's party in the district of the office for which the~~  
17 ~~candidate is running; and~~

18 ~~(2) for the office of justice of the supreme~~  
19 ~~court and judge of the court of appeals] fifteen cents (\$.15)~~  
20 ~~for each voter of the candidate's party in the state.~~

21 C. For uncontested primary elections in which  
22 another candidate has filed a declaration of candidacy for  
23 nomination in another party's primary for the same office and  
24 that candidate's primary is contested, the amount of money to  
25 be distributed to a certified candidate is equal to twenty

.220869.2

1 percent of the amount specified in Subsection B of this  
2 section.

3 D. For uncontested primary elections in which  
4 another candidate has filed a declaration of candidacy for  
5 nomination in another party's primary for the same office, but  
6 no primary for the office is contested, the amount of money to  
7 be distributed to a certified candidate is equal to the average  
8 of the amount each candidate would receive pursuant to  
9 Subsection B of this section.

10 E. For contested general elections, the amount of  
11 money to be distributed to a certified candidate is equal to  
12 ~~[the following:~~

13 ~~(1) for the office of public regulation~~  
14 ~~commissioner, twenty-five cents (\$.25) for each voter in the~~  
15 ~~district of the office for which the candidate is running; and~~

16 ~~(2) for the office of justice of the supreme~~  
17 ~~court and judge of the court of appeals] fifteen cents (\$.15)~~  
18 for each voter in the state.

19 F. If a general election race that is initially  
20 uncontested later becomes contested because of the  
21 qualification of a candidate for that race, an amount of money  
22 shall be distributed to the certified candidate to make that  
23 candidate's distribution amount equal to the amount distributed  
24 pursuant to Subsection E of this section.

25 G. Once the certification for candidates for the

.220869.2

1 primary election has been completed, the secretary shall  
2 calculate the total amount of money to be distributed in the  
3 primary election cycle, based on the number of certified  
4 candidates and the allocations specified in this section. The  
5 secretary shall also prepare an estimate of the total amount of  
6 money that might be distributed in the general election cycle.  
7 If the total amount to be distributed in the primary election  
8 cycle and the estimated total amount to be distributed in the  
9 general election cycle taken together exceed the amount  
10 expected to be available in the fund, the secretary shall  
11 allocate the amount available between the primary and general  
12 election cycles. This allocation shall be based on the ratio  
13 of the two total amounts.

14 H. If the allocation specified in Subsection G of  
15 this section is greater than the total amount available for  
16 distribution, then the amounts to be distributed to individual  
17 candidates, specified in Subsections B through F of this  
18 section, shall each be reduced by the same percentage as the  
19 reduction by which the total amount needed has been reduced  
20 relative to the total amount available.

21 I. At least every two years after January 1, 2007,  
22 the secretary shall evaluate and modify as necessary the dollar  
23 values originally determined by Subsections B through F of this  
24 section and shall increase the amounts by the percentage of the  
25 preceding two calendar years' increase of the consumer price

.220869.2

1 index for all urban consumers, United States city average for  
 2 all items, published by the United States department of labor.

3 J. No money shall be distributed to candidates in  
 4 judicial retention elections, and except as provided in  
 5 Subsections C, D and F of this section, no money shall be  
 6 distributed to a candidate in an uncontested election."

7 SECTION 58. Section 1-22-4 NMSA 1978 (being Laws 2018,  
 8 Chapter 79, Section 19, as amended) is amended to read:

9 "1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--  
 10 PUBLICATION.--

11 A. Between one hundred twenty and one hundred fifty  
 12 days before the next regular local election, each local  
 13 government shall notify the county clerk of the county in which  
 14 the primary administrative office of the local government is  
 15 situate of all local government positions that are to be filled  
 16 at the next regular local election. Each county clerk shall  
 17 inform the secretary of state of all positions to be filled no  
 18 later than one hundred twelve days before the regular local  
 19 election.

20 B. The secretary of state shall by resolution issue  
 21 a public proclamation in Spanish and English calling a regular  
 22 local election. The proclamation shall be issued and filed by  
 23 the secretary of state in the office of the secretary of state  
 24 ninety days preceding the date of the regular local election,  
 25 and upon filing the proclamation, the secretary of state shall

.220869.2

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

1 post the proclamation and certify it to each county clerk.

2 C. The proclamation shall specify:

3 (1) the date when the election will be held;

4 (2) each elective office, local governing body  
5 and judicial position to be filled;

6 (3) the date on which declarations of  
7 candidacy are to be filed;

8 (4) the date on which declarations of intent  
9 to be a write-in candidate are to be filed; and

10 (5) the municipalities subject to a ranked-  
11 choice voting runoff election and those subject to a top-two  
12 runoff election and the date of the top-two runoff election  
13 should one be necessary.

14 D. After receipt of the proclamation from the  
15 secretary of state, the county clerk shall post the entire  
16 proclamation on the county clerk's website and, not less than  
17 seventy-five days before the date of the election, shall  
18 publish portions of the proclamation relevant to the county at  
19 least once in a newspaper of general circulation within the  
20 county. The publication of the proclamation shall conform to  
21 the requirements of the federal Voting Rights Act of 1965, as  
22 amended, and shall specify:

23 (1) the date when the election will be held;

24 (2) for each local government situated in  
25 whole or in part in the county, each elective executive, local

.220869.2

1 governing body and judicial position to be filled by voters of  
 2 any precinct in the county;

3 (3) the date on which declarations of  
 4 candidacy are to be filed and the date on which declarations of  
 5 intent to be a write-in candidate are to be filed;

6 (4) the location, days and hours for voting at  
 7 the office of the county clerk;

8 (5) the location, days and hours for early  
 9 voting at each alternate voting location and mobile alternate  
 10 voting location;

11 (6) the location, date and hours for voting at  
 12 each election day polling place; and

13 (7) the date certificates of registration  
 14 shall be subscribed and sworn as required by law.

15 ~~[E. Whenever two or more members of a local~~  
 16 ~~governing body are to be elected at large for terms of the same~~  
 17 ~~length of time, the secretary of state shall numerically~~  
 18 ~~designate the positions on the ballot as "position one",~~  
 19 ~~"position two" and such additional consecutively numbered~~  
 20 ~~positions as are necessary, but only one member shall be~~  
 21 ~~elected for each position. Whenever two or more members of a~~  
 22 ~~local governing body are to be elected to represent the same~~  
 23 ~~area with terms of different lengths of time, the secretary of~~  
 24 ~~state shall list the office with the shorter length of time~~  
 25 ~~first and shall designate each position with "for a term~~

.220869.2

underscored material = new  
 [bracketed material] = delete

1 expiring \_\_\_\_\_"]"

2 SECTION 59. Section 7-1-8.8 NMSA 1978 (being Laws 2019,  
3 Chapter 87, Section 2, as amended) is amended to read:

4 "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE  
5 AGENCIES.--An employee of the department may reveal to:

6 A. a committee of the legislature for a valid  
7 legislative purpose, return information concerning any tax or  
8 fee imposed pursuant to the Cigarette Tax Act;

9 B. the attorney general, return information  
10 acquired pursuant to the Cigarette Tax Act for purposes of  
11 Section 6-4-13 NMSA 1978 and the master settlement agreement  
12 defined in Section 6-4-12 NMSA 1978;

13 C. the commissioner of public lands, return  
14 information for use in auditing that pertains to rentals,  
15 royalties, fees and other payments due the state under land  
16 sale, land lease or other land use contracts;

17 D. the secretary of human services or the  
18 secretary's delegate under a written agreement with the  
19 department, the last known address with date of all names  
20 certified to the department as being absent parents of children  
21 receiving public financial assistance, but only for the purpose  
22 of enforcing the support liability of the absent parents by the  
23 child support enforcement division or any successor  
24 organizational unit;

25 E. the department of information technology, by

.220869.2

1 electronic media, a database updated quarterly that contains  
2 the names, addresses, county of address and taxpayer  
3 identification numbers of New Mexico personal income tax  
4 filers, but only for the purpose of producing the random jury  
5 list for the selection of petit or grand jurors for the state  
6 courts pursuant to Section 38-5-3 NMSA 1978;

7 F. the state courts, the random jury lists produced  
8 by the department of information technology under Subsection E  
9 of this section;

10 G. the director of the New Mexico department of  
11 agriculture or the director's authorized representative, upon  
12 request of the director or representative, the names and  
13 addresses of all gasoline or special fuel distributors,  
14 wholesalers and retailers;

15 H. the public regulation commission, return  
16 information with respect to the Corporate Income and Franchise  
17 Tax Act required to enable the commission to carry out its  
18 duties;

19 I. the state racing commission, return information  
20 with respect to the state, municipal and county gross receipts  
21 taxes paid by racetracks;

22 J. the gaming control board, tax returns of license  
23 applicants and their affiliates as provided in Subsection E of  
24 Section 60-2E-14 NMSA 1978;

25 K. the director of the workers' compensation

.220869.2

1 administration or to the director's representatives authorized  
2 for this purpose, return information to facilitate the  
3 identification of taxpayers that are delinquent or noncompliant  
4 in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA  
5 1978;

6 L. the secretary of workforce solutions or the  
7 secretary's delegate, return information for use in enforcement  
8 of unemployment insurance collections pursuant to the terms of  
9 a written reciprocal agreement entered into by the department  
10 with the secretary of workforce solutions for exchange of  
11 information;

12 M. the New Mexico finance authority, information  
13 with respect to the amount of municipal and county gross  
14 receipts taxes collected by municipalities and counties  
15 pursuant to any local option municipal or county gross receipts  
16 taxes imposed, and information with respect to the amount of  
17 governmental gross receipts taxes paid by every agency,  
18 institution, instrumentality or political subdivision of the  
19 state pursuant to Section 7-9-4.3 NMSA 1978;

20 N. the secretary of human services or the  
21 secretary's delegate; provided that a person who receives the  
22 confidential return information on behalf of the human services  
23 department shall not reveal the information and shall be  
24 subject to the penalties in Section 7-1-76 NMSA 1978 if the  
25 person fails to maintain the confidentiality required:

.220869.2

1 (1) that return information needed for reports  
 2 required to be made to the federal government concerning the  
 3 use of federal funds for low-income working families;

4 (2) the names and addresses of low-income  
 5 taxpayers for the limited purpose of outreach to those  
 6 taxpayers; provided that the human services department shall  
 7 pay the department for expenses incurred by the department to  
 8 derive the information requested by the human services  
 9 department if the information requested is not readily  
 10 available in reports for which the department's information  
 11 systems are programmed; and

12 (3) return information required to administer  
 13 the Health Care Quality Surcharge Act;

14 O. the superintendent of insurance, return  
 15 information with respect to the premium tax and the health  
 16 insurance premium surtax;

17 P. the secretary of finance and administration or  
 18 the secretary's designee, return information concerning a  
 19 credit pursuant to the Film Production Tax Credit Act;

20 Q. the secretary of economic development or the  
 21 secretary's designee, return information concerning a credit  
 22 pursuant to the Film Production Tax Credit Act;

23 R. the secretary of public safety or the  
 24 secretary's designee, return information concerning the Weight  
 25 Distance Tax Act;

.220869.2

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

1           S. the secretary of transportation or the  
2 secretary's designee, return information concerning the Weight  
3 Distance Tax Act;

4           T. the secretary of energy, minerals and natural  
5 resources or the secretary's designee, return information  
6 concerning tax credits or deductions for which eligibility is  
7 certified or otherwise determined by the secretary or the  
8 secretary's designee; [~~and~~]

9           U. the secretary of environment or the secretary's  
10 designee, return information concerning tax credits for which  
11 eligibility is certified or otherwise determined by the  
12 secretary or the secretary's designee; and

13           V. the secretary of state or the secretary's  
14 delegate, taxpayer information required to maintain voter  
15 registration records and as otherwise provided in the Election  
16 Code."

17           **SECTION 60.** Section 40-13B-7 NMSA 1978 (being Laws 2018,  
18 Chapter 40, Section 7) is amended to read:

19           "40-13B-7. PARTICIPANT DECERTIFICATION.--

20           A. A participant shall be decertified from the  
21 confidential substitute address program if:

22                   (1) the participant submits a request to  
23 withdraw from the confidential substitute address program to  
24 the secretary of state;

25                   (2) the participant fails to notify the

1 secretary of state of a legal name change or a change to the  
 2 participant's residential address, delivery address, telephone  
 3 number or email address; ~~[or]~~

4 (3) mail that is forwarded by the secretary of  
 5 state to the participant's delivery address is returned as  
 6 undeliverable; or

7 (4) the participant does not comply with the  
 8 provisions of the Intimate Partner Violence Survivor Suffrage  
 9 Act.

10 B. If the secretary of state determines that one or  
 11 more of the causes for decertification provided in Subsection A  
 12 of this section exist, the secretary of state shall send notice  
 13 of the participant's decertification to the participant's  
 14 delivery and residential addresses and shall attempt to notify  
 15 the participant by telephone and email. The participant shall  
 16 be given ten days from the date of decertification to appeal  
 17 the decertification.

18 C. A person who is decertified from the  
 19 confidential substitute address program shall not continue to  
 20 use the person's confidential substitute address.

21 D. For six months after a participant has been  
 22 decertified, the secretary of state shall forward mail and  
 23 deliveries to an address provided by the former participant.  
 24 Upon receipt of mail and deliveries pursuant to this  
 25 subsection, a former participant shall provide an updated

.220869.2

underscored material = new  
 [bracketed material] = delete

1 address to the sender."

2 SECTION 61. Section 73-1-13 NMSA 1978 (being Laws 1931,  
3 Chapter 97, Section 13) is amended to read:

4 "73-1-13. COMMISSIONERS--DIRECTORS' DISTRICTS--  
5 COMPENSATION--EMPLOYEES--EXPENSES.--

6 A. Within ten [~~10~~] days after entering the decree  
7 declaring the district organized, the court shall appoint three  
8 [~~3~~] owners of lands within the district, representative of  
9 all parts of the district, to determine and define the  
10 boundaries of [~~such~~] the district and to make up a list of the  
11 property to be embraced and included in the district. The  
12 persons so appointed [~~to be hereinafter~~] shall be referred to  
13 as the "commissioners". [~~Said~~]

14 B. The commissioners shall include all property in  
15 the district [~~which~~] that has within four years received some  
16 benefit, either directly or indirectly, from the artesian  
17 waters underlying the district or [~~which~~] that may be benefited  
18 in some degree by the improvements to be made by the district.  
19 Property benefited by the artesian waters and the improvements  
20 to be made by the district shall include property upon which  
21 waters from [~~such~~] the basin [~~or basins~~] is or may be used for  
22 irrigation, domestic, public or commercial purposes and shall  
23 include any such property, whether [~~the same be~~] it is owned by  
24 an individual, corporation, village, town, city or other  
25 municipality or public corporation.

.220869.2

1           C. The commissioners, in making up a description of  
2 the property and list of owners [~~thereof~~] to be embraced in or  
3 affected by the district, shall have access to the assessment  
4 or tax rolls of the county or counties [~~wherein~~] where the  
5 lands are situated and may hear and determine all protests  
6 concerning any particular tract or parcel of land to be  
7 included in the district, at such time, [~~and~~] in such manner  
8 and upon such notice as they may prescribe, subject to the  
9 right of appeal to the district court, which appeal shall be  
10 heard and determined by [~~said~~] the court at the time provided  
11 for the entering of the final decree respecting the boundaries  
12 of the district and property to be embraced [~~therein as herein~~  
13 ~~provided and~~] in the district. After completing [~~such~~] the  
14 list and defining the boundaries of the district and the lands  
15 to be embraced [~~therein, said~~] in the district, the  
16 commissioners shall, with the approval of the court, divide  
17 [~~said~~] the district into five [~~(5)~~] sections or divisions,  
18 having due regard for the value and amount of acreage to be  
19 included in each, so that there will be an equitable  
20 relationship in value and acreage between the several sections  
21 or subdivisions of the district. [~~Said~~] The subdivisions shall  
22 be numbered one to five and shall be known as "directors'  
23 districts". [~~The commissioners shall draft an election code to~~  
24 ~~govern the method and prescribe the procedure for the election~~  
25 ~~of directors from each of the directors' districts. Said code~~

.220869.2

1 shall provide for the election of a director from each of said  
2 districts by popular vote of the property owners in the same,  
3 respectively, owning property affected by the district, and  
4 whether residing therein, or not.]

5 D. Each director so elected, at the time of [his]  
6 election, [must] shall be a freeholder in the district from  
7 which [he] the director is elected. [After being approved by  
8 the court, as hereinafter provided the said election code may  
9 be changed only by unanimous consent of the directors elected  
10 pursuant thereto. Said]

11 E. The list of property [and the election code] shall  
12 be approved by the court by entering a decree as [herein]  
13 provided, but [said] the list shall be subject to the  
14 correction of errors in description of the property affected at  
15 any time upon order of the court. [A copy of the election  
16 code, as approved, shall be filed in the original court  
17 proceeding and the same ordered printed for use of those  
18 desiring copies, the cost of which shall be taxed as costs in  
19 the proceeding.] The commissioners so appointed are [hereby]  
20 vested with full power and authority to employ, with the  
21 approval of the court, legal counsel and clerical and  
22 stenographic help necessary for carrying out their duties [as  
23 herein prescribed], the compensation of such employees to be  
24 fixed by the court. The commissioners shall [each receive five  
25 (\$5.00) dollars for each day's service in performing their

1 ~~duties, but not to exceed one hundred and fifty (\$150.00)~~  
 2 ~~dollars each]~~ be reimbursed for per diem and mileage pursuant  
 3 to the Per Diem and Mileage Act. The expenses incurred by  
 4 [~~said~~] the commissioners and the salaries of their employees  
 5 and their compensation shall also be taxed as costs in the  
 6 original proceeding [~~and said~~]. The commissioners are [~~hereby~~]  
 7 authorized to borrow, with the approval of the court, an amount  
 8 sufficient to pay all costs of the proceeding so taxed, at a  
 9 rate of interest not to exceed eight [~~(8%)~~] percent, which  
 10 [~~said~~] loan shall be a debt, charge and valid obligation of the  
 11 district, to be paid out of the proceeds from the first tax  
 12 levy [~~hereinafter provided for~~]."

13 SECTION 62. Section 73-1-16 NMSA 1978 (being Laws 1931,  
 14 Chapter 97, Section 14) is amended to read:

15 "73-1-16. ELECTIONS--DIRECTORS--TERMS--VACANCIES.--[~~The~~  
 16 ~~directors elected pursuant to such election code]~~

17 A. All elections shall be conducted pursuant to the  
 18 provisions of the Local Election Act.

19 B. Directors shall be elected for a term of six years  
 20 each. Each director shall hold office for the term for which  
 21 [~~he~~] the director was elected and until [~~his~~] a successor is  
 22 duly appointed or elected and has qualified, except as  
 23 hereinafter provided, being removable [~~therefrom~~] only for  
 24 cause after a hearing upon a motion filed by any interested  
 25 person in the original proceeding in which the district was

.220869.2

1 organized. [~~Unless otherwise provided by the Election Code~~]  
2 Vacancies shall be filled by appointment of the district court  
3 having jurisdiction. Upon the election of the first board of  
4 directors, the directors shall draw numbers by lot: numbers  
5 one [~~(1)~~] and two [~~(2)~~] shall serve two [~~(2)~~] years; numbers  
6 three [~~(3)~~] and four [~~(4)~~] shall serve four [~~(4)~~] years; and  
7 number five [~~(5)~~] shall serve six [~~(6)~~] years."

8 SECTION 63. Section 73-1-17 NMSA 1978 (being Laws 1931,  
9 Chapter 97, Section 15) is amended to read:

10 "73-1-17. DIRECTORS--OATH--OFFICERS--SEAL--RECORDS--  
11 BYLAWS.--[~~As soon as practical after the~~]

12 A. At the first meeting following an election, the  
13 directors shall meet for the purpose of organizing the board of  
14 directors. Each director, before entering upon [~~his~~] official  
15 duties, shall take and subscribe to an oath before an officer  
16 authorized to administer oaths that [~~he~~] the director will  
17 honestly, faithfully and impartially perform the duties of  
18 [~~his~~] office and that [~~he~~] the director will not be interested,  
19 directly or indirectly, in any contract let by [~~said~~] the  
20 district, which [~~said~~] oath shall be filed in the original  
21 court proceeding for the formation of the district.

22 B. Upon taking the oath, the board shall choose one  
23 of their members [~~chairman~~] as chair of the board and president  
24 of the district and shall elect some suitable person secretary  
25 and treasurer of the board, who may or may not be a member of

1 the board, and shall require of the [~~said~~] secretary and  
 2 treasurer a bond conditioned for the faithful performance of  
 3 [~~his~~] the secretary's and treasurer's duties, in such amount as  
 4 [~~to~~] the directors may [~~be deemed~~] deem to be adequate for the  
 5 protection of the district. [~~Such~~]

6 C. The board shall adopt a seal and shall keep, in a  
 7 well-bound book, a record of all its proceedings, minutes of  
 8 all meetings, certificates, contracts, bonds given by employees  
 9 and all corporate acts [~~which shall be open to the inspection~~  
 10 ~~of all owners of property in the district as well as to all~~  
 11 ~~other interested parties~~]. It shall adopt a set of bylaws not  
 12 inconsistent with the provisions of [~~this Act~~] Chapter 73,  
 13 Article 1 NMSA 1978 for the conduct of the business and affairs  
 14 of the district [~~and, when adopted, the same shall not be~~  
 15 ~~altered, amended or repealed except upon three (3) days' notice~~  
 16 ~~to each member of the board, service to be had by personal~~  
 17 ~~delivery or by mailing a copy of such notice in a sealed~~  
 18 ~~envelope, postage fully prepaid, to the address of the director~~  
 19 ~~to be served or at a regular or called meeting at which all~~  
 20 ~~directors are present~~]."

21 **SECTION 64.** A new section of The Conservancy Act of New  
 22 Mexico is enacted to read:

23 "[NEW MATERIAL] REORGANIZATION OF BOARD OF DIRECTORS.--

24 A. A conservancy district that organized pursuant to  
 25 the provisions of Chapter 73, Article 14 or 18 NMSA 1978 may

.220869.2

1 reorganize by modifying the number of elected members, deciding  
2 whether the governing board may include appointed members or  
3 whether the district should be governed by both an elected and  
4 an appointed board.

5 B. In considering reorganization, the district shall:

6 (1) determine how many elected members should  
7 serve on the governing body of the special district, which  
8 shall be between five and eleven members;

9 (2) determine whether to have a hybrid governing  
10 body composed of a combination of elected and appointed members  
11 of between a total of five and eleven members; provided that a  
12 majority of the members of a hybrid board shall be elected; and  
13 provided further that any action taken pursuant to Article 9,  
14 Section 8 of the constitution of New Mexico shall be determined  
15 only by the elected members of the hybrid board; and

16 (3) determine whether to govern with an elected  
17 board, which shall be responsible for fiscal decisions,  
18 including those actions taken pursuant to Article 9, Section 8  
19 of the constitution of New Mexico and decisions concerning key  
20 personnel actions under board authority, as well as an  
21 appointed board that shall retain the same authority as the  
22 elected board in setting policies that address all other  
23 business on behalf of the district.

24 C. A conservancy district reorganized pursuant to  
25 this section shall file a certification with the secretary of

.220869.2

1 state no later than December 31, 2021. The certification shall  
 2 provide the plan of organization that shall include recommended  
 3 appointment procedures for a hybrid board reorganization plan  
 4 consistent with the provisions of this section. Upon receipt  
 5 of the filed certification, the secretary of state shall  
 6 provide the reorganization plan to the relevant county clerks.  
 7 The secretary of state shall use the information in the filed  
 8 certification for the regular local elections conducted  
 9 following receipt of the certification. If a special district  
 10 fails to file a certification by December 31, 2021, the  
 11 district shall continue to govern with the organization and  
 12 number of elected governing body members that existed prior to  
 13 December 31, 2021 and shall implement procedures to become  
 14 compliant with the Local Election Act."

15 SECTION 65. Section 73-20-12 NMSA 1978 (being Laws 1957,  
 16 Chapter 210, Section 12, as amended) is amended to read:

17 "73-20-12. DIRECTORS--~~[ELECTION]~~ APPOINTMENT--

18 A. ~~[At the next regular local election held pursuant~~  
 19 ~~to the Local Election Act after a watershed district is~~  
 20 ~~created]~~ The board of supervisors of the soil and water  
 21 conservation district ~~[involved]~~ shall ~~[cause an election to be~~  
 22 ~~held for the election of a]~~ appoint the board of directors of  
 23 the watershed district. The board shall consist of five  
 24 members, with one member being a current or former elected  
 25 supervisor of the watershed district. The ~~[first]~~ board of of

.220869.2

1 supervisors shall ~~[determine by lot from among its membership]~~  
2 choose two members to serve terms of two years and three  
3 members to serve terms of four years. Thereafter, as these  
4 initial terms expire, their replacements shall be ~~[elected]~~  
5 appointed for terms of four years. Vacancies occurring before  
6 the expiration of a term shall be filled by the ~~[remaining]~~  
7 members of the board of supervisors for the unexpired term.  
8 ~~[Two or more vacancies occurring simultaneously shall be filled~~  
9 ~~by appointment by the board of supervisors.]~~ The board of  
10 directors shall, under the supervision of the board of  
11 supervisors, be the governing body of the watershed district.

12 B. If the territory embraced within a watershed  
13 district lies within more than one soil and water conservation  
14 district, each additional soil and water conservation district  
15 having a minority of the land involved in the watershed shall  
16 be entitled to ~~[elect]~~ appoint three additional directors,  
17 ~~[These additional directors after their election shall~~  
18 ~~determine by lot one]~~ one of whom shall be a current or former  
19 elected supervisor of the watershed district. One of their  
20 number ~~[to]~~ shall serve a term of two years and two a term of  
21 four years. Thereafter, their successors shall be ~~[elected]~~  
22 appointed for terms of four years. The ~~[representatives]~~ board  
23 of supervisors of each of these minority districts shall fill  
24 vacancies in the district's membership for the unexpired term.

25 C. The board of directors shall annually elect from

1 its membership a chair, secretary and treasurer. The treasurer  
 2 shall execute an official bond for the faithful performance of  
 3 the duties of office to be approved by the board of directors.  
 4 The bond shall be executed with at least three solvent personal  
 5 sureties whose solvency shall exceed the amount of the bond, or  
 6 by a surety company authorized to do business in this state,  
 7 and shall be in an amount determined by the board of directors.  
 8 If the treasurer is required to execute a surety company bond,  
 9 the premium of the bond shall be paid by the board of  
 10 directors.

11 D. The board of directors shall prepare and submit to  
 12 the department of finance and administration such reports as it  
 13 may require from among those required to be submitted by other  
 14 political subdivisions.

15 ~~[E. Each person desiring to be a director of a~~  
 16 ~~watershed district shall file a nominating petition with the~~  
 17 ~~proper filing office in accordance with the provisions of the~~  
 18 ~~Local Election Act, signed by ten or more qualified electors.]"~~

19 SECTION 66. TEMPORARY PROVISION--VOTER EDUCATION AND  
 20 ELECTIONS TASK FORCE--CREATED--DUTIES--REPORTING.--

21 A. The "voter education and elections task force" is  
 22 created to study and provide recommendations on best practices  
 23 to educate the voters of New Mexico on electoral procedures,  
 24 voter registration and election safeguards. The voter  
 25 education and elections task force shall evaluate opportunities

.220869.2

1 for improvements to the electoral process to maximize voter  
2 accessibility and accurate voter rolls while continuing to  
3 maintain efficient and secure elections. The task force shall  
4 function from the date of its appointment until December 31,  
5 2021. Staff and administrative support for the task force  
6 shall be jointly coordinated and provided by the secretary of  
7 state and the legislative council service.

8 B. By April 20, 2021, the members of the voter  
9 education and elections task force shall be appointed as  
10 follows:

11 (1) six members who are legislators, with the  
12 two political parties with the most members in the state being  
13 represented in equal numbers, appointed as follows:

14 (a) three members of the house of  
15 representatives appointed by the speaker of the house of  
16 representatives; and

17 (b) three members of the senate appointed by  
18 the senate committees' committee or, if the legislature is not  
19 in session at the time of appointment, appointed by the  
20 president pro tempore of the senate in consultation with and  
21 agreement of a majority of the members who served on the senate  
22 committees' committee during the first session of the  
23 fifty-fifth legislature;

24 (2) the secretary of state or the secretary's  
25 designee;

.220869.2

1 (3) the secretary of taxation and revenue, or a  
 2 designee of the secretary who has oversight or knowledge of  
 3 data collection and system operations within the taxation and  
 4 revenue department;

5 (4) four public members, with the two political  
 6 parties with the most members in the state being represented in  
 7 equal numbers, who have expertise in elections, campaigns and  
 8 private sector organizational structure and operations and who  
 9 reflect the ethnic, cultural and geographic diversity of the  
 10 state, two appointed by the speaker of the house and two  
 11 appointed by the president pro tempore of the senate; and

12 (5) four county clerks, with the two political  
 13 parties with the most members in the state being represented in  
 14 equal numbers, appointed by the county clerks affiliate of the  
 15 New Mexico association of counties.

16 C. One representative each from the state registrar,  
 17 the state assessor and the administrative office of the courts  
 18 shall serve as advisory members of the task force, and the  
 19 voter education and elections task force shall invite the  
 20 United States postal service in New Mexico to appoint a  
 21 representative to participate as an advisory member of the task  
 22 force.

23 D. Public members of the voter education and  
 24 elections task force are entitled to receive per diem and  
 25 mileage pursuant to the Per Diem and Mileage Act but shall

.220869.2

underscored material = new  
 [bracketed material] = delete

1 receive no other compensation, perquisite or allowance.

2 E. The voter education and elections task force shall  
3 be co-chaired by the secretary of state, or the secretary's  
4 designee, and one of the legislator-appointed members from the  
5 minority political party, elected by the membership of the task  
6 force to serve as co-chair. The task force shall meet at the  
7 call of a co-chair or at the request of one-third of its  
8 membership, and as necessary to carry out its duties, but no  
9 less than once and no more than twice a month. The first  
10 meeting of the task force shall be held no later than May 1,  
11 2021, and the first meeting of the task force shall be an  
12 organizational meeting for the task force to develop a work  
13 plan to carry out the task force's duties.

14 F. A vacancy on the voter education and elections  
15 task force shall be filled by the original appointing  
16 authority. A member who misses three meetings shall be removed  
17 from the task force and upon the request of the co-chairs, the  
18 appointing authority shall replace the member who has failed to  
19 attend three meetings.

20 G. A majority of the members constitutes a quorum for  
21 the transaction of business. The support of a majority of the  
22 members is required for adoption of any action; provided that  
23 the final report of the voter education and elections task  
24 force, including its recommendations and proposed legislation,  
25 shall have, at minimum, the support of a majority of the

.220869.2

1 legislative members.

2 H. The voter education and elections task force may  
3 create subcommittees by a majority vote of the members. A  
4 subcommittee shall be composed of at least one member from the  
5 senate and one member from the house of representatives,  
6 including at least one member of a minority political party  
7 that is represented in either the senate or house of  
8 representatives.

9 I. Meetings of the voter education and elections task  
10 force shall be subject to the Open Meetings Act, and the task  
11 force shall actively solicit public input.

12 J. The voter education and elections task force shall  
13 develop policy recommendations and proposed legislation to  
14 educate voters on electoral procedures, voter registration and  
15 election safeguards. The task force shall also consider  
16 improvements to the Election Code to make electoral processes  
17 more efficient and accessible to all voters while continuing to  
18 maintain election integrity. In developing its policy  
19 recommendations and proposed legislation, the task force shall  
20 review and consider:

21 (1) how to educate voters on why a voter's  
22 certificate of registration must be kept up to date and,  
23 overall, how to effectively disseminate information and engage  
24 the public in the electoral process;

25 (2) federal and state law, constitutional

.220869.2

1 provisions, rules and court decisions governing elections,  
2 voter registration and the maintenance of voter rolls;

3 (3) the accessibility and ease of use of  
4 currently used election systems, including the online voter  
5 registration system, the vote tabulation systems, election  
6 websites and other systems used by voters;

7 (4) use of voting best practices and  
8 implementation of additional voting modernizations used in  
9 other states, including automatic voter registration, same-day  
10 registration, geo-enabling the voter rolls, absentee voting,  
11 residency requirements and risk-limiting audits that may  
12 promote improved voting accessibility and election security;

13 (5) best practices and standards for maintaining  
14 accurate voter rolls, including how best to use the data  
15 provided by the electronic registration information center and  
16 other emerging technologies to continue to recruit eligible but  
17 unregistered voters, ensure the ease by which voters cancel  
18 registrations in one state and register in another and ensure  
19 the integrity of the voter rolls;

20 (6) best practices and standards for the prompt  
21 removal of deceased persons from the voter rolls;

22 (7) the impacts of issues relating to the United  
23 States postal service on ballot tracking, ballot delivery and  
24 addressing, inconsistent or non-delivery to valid addresses and  
25 how best to use intelligent mail bar codes, the national change

1 of address database and standard addressing to improve election  
2 procedures; and

3 (8) how to improve data collection and sharing  
4 between the taxation and revenue department and the secretary  
5 of state and county clerks for the purposes of improving  
6 election efficiencies and updating certificates of  
7 registration.

8 K. No later than December 1, 2021, the voter  
9 education and elections task force shall draft a report of its  
10 findings and recommendations for consideration by the governor  
11 and the legislature and shall present its report to the New  
12 Mexico legislative council, the legislative finance committee,  
13 the interim committee that studies courts, corrections and  
14 justice issues and the county clerks affiliate of the New  
15 Mexico association of counties. The task force shall provide a  
16 final report, including any proposed legislation, to the  
17 governor and all legislators by December 31, 2021.

18 L. The secretary of state, county clerks and other  
19 relevant state agencies shall cooperate with the voter  
20 education and elections task force and provide the task force  
21 with information regarding databases, information technology  
22 systems, cybersecurity, budget, staffing, organizational  
23 structure and other information as relevant to the duties of  
24 the task force and as requested by the task force.

25 SECTION 67. TEMPORARY PROVISION--RECOMPILATION.--Section

.220869.2

1 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section 15) is  
2 recompiled as a section of the Campaign Reporting Act.

3 SECTION 68. TEMPORARY PROVISION--COMPILER'S  
4 INSTRUCTION.--The compiler shall rename in tables of contents  
5 and headings Chapter 2, Article 21 NMSA 1978 as "Recompiled".

6 SECTION 69. REPEAL.--

7 A. Section 1-15A-8 NMSA 1978 (being Laws 1977,  
8 Chapter 230, Section 7, as amended) and Laws 2020 (1st S.S.),  
9 Chapter 2, Section 1 are repealed.

10 B. Laws 2020, Chapter 9, Sections 1 through 13 are  
11 repealed.

12 SECTION 70. APPLICABILITY.--The provisions of this act  
13 apply to the procedures for conducting any election occurring  
14 on or after the effective date of this act.

15 SECTION 71. EFFECTIVE DATE.--The effective date of the  
16 provisions of Section 11 of this act is July 1, 2025.