

NOTICE OF RULEMAKING

Public Notice: The New Mexico Secretary of State's Office gives notice that it will conduct a public hearing in Santa Fe at the State Capitol Building, 491 Old Santa Fe Trail, Room 321, Santa Fe, New Mexico 87501, on March 19, 2018, from 9:00 a.m. to 11:00 a.m. (MDT). The purpose of the public hearing is to receive public input on the proposed repeal and replace of 1.10.12 NMAC - Absentee Voting.

Purpose: The New Mexico Legislature, in 2017 adopted provisions requiring the Secretary of State to provide a process to make voting more accessible for blind and visually impaired voters. The proposed rule provides procedures for county clerks to electronically issue ballots which will enable blind and visually impaired voters to independently mark an absentee ballot at home using their own non-visual or low-vision technology. In addition to this enhancement, election law has evolved greatly in other areas, necessitating corresponding guidelines for election officials to use while carrying out their responsibilities of conducting fair and accurate elections. The proposed rule provides greater detail on how voters can request an absentee ballot or vote early and the various ways a ballot can be returned for counting. Consistent procedures for poll workers, who are responsible for issuing absentee by mail ballots and staffing alternate locations for early voting before Election Day are also included in the revised rule. Lastly, instructions on how to report, tally and canvass absentee and early ballots are made available to the county clerk and county canvassing board.

Summary of full text: The proposed changes relate to absentee voting in elections conducted under the NM Election Code. The changes define terms related to absentee voting, and provide guidance on a wide range of topics including: the application process, absentee ballot issuance, paper ballot specifications, alternate and mobile voting locations for early voting; voting tabulators used to record and count absentee ballots, vote tabulation; and procedures of absentee precinct board and canvassing board members on the handling of absentee ballots.

Authority: Election Code, Section, 1-2-2 NMSA, 1978 - The Secretary of State shall: prepare instructions for the conduct of elections and registration matters in accordance with the laws of the state; Election Code, Section 1-6-5.4 NMSA 1978 - The Secretary of State shall adopt rules for protecting the integrity, security and secrecy of the absentee ballot; Election Code, Section 1-6-5.6 NMSA 1978 - The Secretary of State shall adopt rules for mobile alternate voting locations in rural areas of the state; Election Code, Section 1-6-16.1 NMSA 1978 - The Secretary of State shall adopt rules deemed for the preservation and secrecy of the replacement absentee paper ballots; Election Code, Section 1-9-7.1 NMSA 1978 - The Secretary of State shall establish procedures for the use of nonvisual access or low vision access technology to mark a paper ballot via absentee ballot or voting at a polling place.

Public Comment. Interested parties may provide comment on the proposed repeal and replacement of this state rule at the public hearing or may submit written comments, or both, to Rebecca Martinez, Elections Administrator, New Mexico Secretary of State, 325 Don Gaspar Avenue, Santa Fe, New Mexico 87501, Suite 300, by electronic mail at sos.rules@state.nm.us, or fax to (505) 827-8081. All written comments must be received no later than 5:00 p.m. (MDT) Monday, March 16, 2018. The Secretary of State encourages the early submission of written comments. Persons may also submit written comments at the public hearing.

Copies of the proposed rule may be accessed through the New Mexico Secretary of State website at <http://www.sos.state.nm.us/>, at the Secretary of State's Office located at 325 Don Gaspar, Suite 300, Santa Fe NM 87501 or by contacting the Bureau of Elections at (505) 827-3600 during regular business hours.

Individuals with disabilities who require the above information in an alternative format or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Rebecca Martinez at (505) 827-3600 as soon as possible before the date set for the public hearing. The Secretary of State requires at least ten (10) calendar days advance notice to provide any special accommodations requested.