

NOTICE OF PROPOSED RULEMAKING

The Office of the New Mexico Secretary of State (“Office”) hereby gives notice that the Office will conduct a public hearing on the described rules below.

A public hearing will be held in Morgan Hall, at the State Land Office, 310 Old Santa Fe Trail, Santa Fe, New Mexico 87501, on Friday, March 13, 2020, from 9:00 am to 12:00 pm. Every effort will be made to ensure that this hearing will be live streamed on the Office’s website.

The purpose of this hearing is to obtain public input on the proposed amendments to the following three rules: Absentee Voting, 1.10.12 NMAC, Recounts, Audits, Rechecks and Contests, 1.10.23 NMAC, and Voter Records Systems 1.10.35 NMAC. The public hearing allows members of the public an opportunity to submit data, testimony, and arguments in person on the proposed rule changes detailed below.

Authority: NMSA 1978, Section 1-2-1 of the Election Code, authorizes the Office to adopt and promulgate rules and regulations necessary to carry out purposes of the Election Code.

Purpose: The purpose for these amended rules is to conform with the extensive amendments made to the Election Code by House Bill 407 (Laws 2019, Chapter 212). As these rules stand currently, there are conflicts with the law and contain provisions where further clarification is necessary.

1.10.12 NMAC Absentee Voting

Summary of Full Text: Section *1.10.12 NMAC* will be amended to align the definitions listed with the current statutory language in the Absent Voter Act. The current rule must also be amended to correct several statutory references that are now inaccurate due to the repeals and reorganization done in House Bill 407.

1.10.23 NMAC Recounts, Audits, Rechecks and Contests

Summary of Full Text: Section *1.10.23 NMAC* is being amended to align with current statutory mandates related to absentee, provisional, and hand counted ballots. The current rule refers to tabulators that are outdated and no longer certified for use in New Mexico. The definition of a vote in the rule, specifically related to how to count a write-in vote, no longer aligns with statute. The rule needs to be amended to provide for recounts in the Regular Local Election.

1.10.35 NMAC Voter Records Systems

Summary of Full Text: Section *1.10.35 NMAC* is being amended to align with current statute related to processing voter registration applications. The existing rule refers to an outdated process and technology that is no longer available. The requirements for the information required on a hard copy voter registration application were changed by House Bill 407 and must be amended in the rule. Same day registration processing, now mandated in the law, must be added to the rule.

Details for Obtaining a Copy of Rules and Submitting Oral or Written Comments: Copies of the proposed rule are available on the Office’s website at www.sos.state.nm.us or can be obtained from the Bureau of Elections by calling (505) 827-3600 or emailing sos.rules@state.nm.us. Interested individuals may provide comments at the public hearing and/or submit written comments to Tonya Herring, General Counsel, via email at sos.rules@state.nm.us, or Tonya.Herring2@state.nm.us, fax (505) 827-8403, or by regular mail at Attn: Tonya Herring – proposed rule, The Office of the New Mexico Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501. Written comments must be received no later than 5:00 pm on the date prior to the public hearing. All

written public comments will be posted on the website throughout the written comment period at:
www.sos.state.nm.us.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 827-3600 or email Tonya.Herring2@state.nm.us five (5) business days prior to the hearing.