

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.

The purpose of this hearing is to obtain public input on the new Secured Containers Rule to be codified as Part 1.10.19 NMAC as well as amendments to the Alternative and Election Day Voting Administration Rule Part 1.10.15 NMAC.

A public hearing will be held on Thursday July 22, from 9:00 am to 11:00 pm, at the State Capitol Building located at 490 Old Santa Fe Trail, Santa Fe, NM 87501 in Room 322. Every effort will be made to ensure that this hearing will be live streamed on the Office’s website. 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. All comments will be recorded by a court reporter.

Authority: Section 1-2-1 NMSA 1978

1.10.19 NMAC Secured Containers

Purpose: The purpose of this rule is to provide clear guidance and uniform standards in the application, operation, and interpretation of the law related to secured containers and mailed ballot delivery as prescribed by Section 1-6-9 NMSA 1978.

Summary of Full Text: *Section 1.10.19.7 NMAC* defines key terms like “secured container,” “permanent drop box,” and “temporary drop box.” *Section 1.10.19.8 NMAC* provides capacity and accessibility requirements for secured containers. *Section 1.10.19.9 NMAC* provides the security requirements for secured containers. *Section 1.10.19.10 NMAC* provides the requirements for video surveillance and record retention for secured containers. *Section 1.10.19.11 NMAC* provides the preparations county clerks must undertake in order to prepare a secured container for use during an election. *Section 1.10.19.12 NMAC* provides the requirements for using temporary ballot drop boxes at all voting locations during an election. *Section 1.10.19.13 NMAC* provides the ballot retrieval procedures county clerks must follow including the use of a chain of custody log when picking ballots up from a secured container or temporary ballot drop box. *Section 1.10.19.14 NMAC* provides the costs that may be reimbursed by the secretary of state to a county clerk for the installation and use of secured containers.

1.10.15 NMAC Alternative and Election Day Voting Administration

Purpose: This rule will be amended to remove reference to temporary provisions of the election code that sunset effective December 31, 2020. Senate Bill 4 was passed during the 2020 1st special session to provide temporary provisions for special election procedures needed during the COVID global pandemic. Since this law has sunset, 1.10.15 NMAC must be amended accordingly including a repeal of Part 1.10.15.8 NMAC in its entirety. Additionally, corrections will be made to Subsection E of 1.10.15.10 NMAC for rule clarity.

Details for Obtaining a Copy of Rule 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. The proposed rule is also available on the New Mexico Sunshine Portal. Interested individuals may provide comments at the public hearing. Before the public hearing, written comments may be sent to Kari Fresquez, Director of Legislative and Executive Affairs, via email at sos.rules@state.nm.us or kari.fresquez@state.nm.us, fax (505) 827-8403, or by regular mail at Attn: Kari Fresquez – proposed rule, The Office of the New Mexico Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501. The deadline to receive written comment is 9:00 am on July 22, 2021. 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 needs 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 kari.fresquez@state.nm.us (5) business days prior to the hearing.