

## 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 on August 4, 2023, from 9:00 am to 1:00 pm, at the State Land Office, 310 Old Santa Fe Trail, Santa Fe NM 87504. Attendees cannot park in the State Land Office parking lot, but must park at the PERA lot, one block east of the State Land Office.

The purpose of this hearing is to allow members of the public the opportunity to provide public input in person on the amendment of an existing rule, Absentee Voting, 1.10.12 NMAC. All comments will be recorded by a court reporter and/or audio recording.

**Authority:** Election Code, Section 1-2-1; Section 1-6-5.6; Section 1-6-16.1; and Section 1-9-7.1; and Section 1-21A-8 NMSA 1978.

### **1.10.12 NMAC Absentee Voting**

**Purpose:** Amendments conform with statutory changes made during the first session of the 56th Legislature of New Mexico. Further amendments update the rule to match existing language in the state’s Election Code.

**Summary of Full Text:** Section 1.10.12.1 is amended to remove the Secretary of State’s address, and section 1.10.12.3 is amended to update statutory references. In Section 1.10.12.6, the objective of the rule is amended to utilize the term “mailed ballot” instead of “absentee ballot,” and the section is expanded to encompass new statutory provisions for the designation of government or tribal buildings by an Indian Nation, tribe or pueblo. Definitions in Section 1.10.12.7 are amended to align with new and previous language in the Election Code, and a definition for “mailed ballot” is added to the section. Sections 1.10.12.8 and 1.10.12.9 are amended to utilize the term “mailed ballot,” implement changes passed by the legislature regarding replacement ballots and align with the Election Code. Section 1.10.12.11 is amended to include a new process for documenting challenger, watcher or observer violations by an election board and county clerk. Sections 1.10.12.12 and 1.10.12.13 include minor language changes that better align with existing statutes in the Election Code and new provisions for tabulation passed by the legislature in 2023. Section 1.10.12.16 is amended to include procedures for the clerk verification process of required voter information and includes a notification requirement regarding the curing process of mailed ballots during an election. A new section, Section 1.10.12.17, outlines procedures for the curing of mailed ballots as provided for in Section 1-6-10 NMSA 1978. A second new section, Section 1.10.12.20, outlines procedures for the designation of government or tribal buildings by an Indian Nation, tribe or pueblo.

**Details for Obtaining a Copy of Rule and Submitting Oral or Written Comments:** Copies of the proposed rules are available on the Office’s website at [www.sos.nm.gov](http://www.sos.nm.gov) or can be obtained from the Bureau of Elections by calling (505) 827-3600 or emailing [lindsey.bachman@sos.nm.gov](mailto:lindsey.bachman@sos.nm.gov). 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 Lindsey Bachman, Director of Legislative and Executive Affairs, via email at [lindsey.bachman@sos.nm.gov](mailto:lindsey.bachman@sos.nm.gov), fax 505-827-8403, or by regular mail at Attn: Lindsey Bachman – 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 August 3, 2023. All written public comments will be posted on the website throughout the written comment period at: [www.sos.nm.gov](http://www.sos.nm.gov).

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 [lindsey.bachman@sos.nm.gov](mailto:lindsey.bachman@sos.nm.gov) (5) business days prior to the hearing.