

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 these hearings is to obtain public input on the repeal of an existing rule, Provisional Voting, 1.10.22 NMAC.

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 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 and/or audio recording.

Authority: Election Code, Section 1-2-1; Section 1-6-5; Section 1-6-16; Section 1-6-16.1; 1-12-25.2; Section 1-12-25.3; Section 1-12-25.4; 1-12-27.1 NMSA 1978 and Public Law 107-252, The Help America Vote Act of 2002.

1.10.22 NMAC Provisional 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: Definitions in 1.10.22.7 are amended to align with existing statute and changes passed by the Legislature of New Mexico in 2023. Section 1.10.22.10 is amended to include the term “mailed ballot” instead of “absentee-by-mail ballot.” Section 1.10.22.11 is amended to include a process for the provision of documentation or information to satisfy the reason a ballot has been rejected.

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 or can be obtained from the Bureau of Elections by calling (505) 827-3600 or emailing 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, 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.

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 (5) business days prior to the hearing.