

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 amendment of an existing rule, Referendum Petition Procedures, 1.10.24 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: Section 1-2-1 NMSA 1978

1.10.24 NMAC Referendum Petition Procedures

Purpose: In 2004, 1.10.24 NMAC was adopted to establish administrative procedures for the review of signatures for referendum petitions. During its regular session in 2005, the state legislature passed Senate Bill 678 which amended Section 1-5-3 NMSA 1978 of the Voter Records System Act to require that the secretary of state maintain “the official state voter file based on county registers and shall provide access to the file to the county clerk.” The same provisions of Section 1-5-3 NMSA 1978 remain today, and the secretary of state continues to maintain a statewide voter database in which the county clerks process voter registrations for New Mexico’s counties. Amendments to the existing rule align with these existing statutes in that they require the secretary of state to provide the certified list required by Subsection C of Section 1-17-5 NMSA 1978. Further amendments address a technical issue with qualified electors, who are not registered voters, signing petitions.

Summary of Full Text: The rule’s objective and sections are amended throughout to clarify that its contents pertain to both petitions submitted prior to circulation as well as completed referendum petitions. Amendments are made to require the secretary of state to provide certified voter lists to designated agents and to require a qualified elector to identify themselves as such when signing a petition. The definition of qualified elector is updated to align with existing state statute. Further amendments outline the process for requesting certified lists of voters from the secretary of state. A new section is added to outline the review process of draft petition submissions.

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 July 27, 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.