

## 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, Secured Containers, 1.10.35 NMAC Voter Records System.

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:** The Election Code, Sections 1-2-1, 1-4-18.1 and Subsection C of 1-5-31 NMSA 1978, Public Law 103-31, The National Voter Registration Act of 1993; Public Law 107-252, The Help America Vote Act of 2002.

### **1.10.35 NMAC Voter Records System**

**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 previously existing language in the state’s Election Code and align with existing security procedures.

**Summary of Full Text:** Section 1.10.35.6 is amended to be inclusive of all statutes in the Election Code. Section 1.10.35.7 is amended to align the rule’s definitions with statutory changes made in 2023 by the state legislature. Sections 1.10.35.8 and Section 1.10.35.9 are amended to align with new rules in 1.10.37 NMAC and statutory changes made in 2023 by the state legislature for the confidential designation of public officials’ home addresses and for the voter registration of voters formerly incarcerated for a felony. A new section, 1.10.35.12, contemplates the process of designation and utilization of government and official buildings for the purpose of election mail.

**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.