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THE OFFICE OF THE NEW MEXICO SECRETARY OF STATE

IN RE:

RULEMAKING PROCEEDING FOR THE
ADOPTION OF 1.10.12 NMAC – ABSENTEE
VOTING

CONCISE EXPLANATORY STATEMENT

The Office of the New Mexico Secretary of State (the “SOS”) hereby adopts amendments to the Absentee Voting Rule that is codified in Part 1.10.12 NMAC – Absentee Voting.

(1) Statutory Authority for Rule Promulgation:

Section 1-2-1 NMSA 1978, authorizes the SOS to adopt and promulgate rules necessary to carry out the purposes of the Election Code.

(2) Effective Date of Rule:

Date of publication in the New Mexico Register.

(3) Date of Adoption of Rule:

March 26, 2020

(4) Reasons for Adopting Rule:

This rulemaking is necessary to align the definitions listed with the current statutory language in the Absent Voter Act. The current rule must also be amended to correct several statutory references that are now inaccurate due to the repeals and reorganization contained in House Bill 407 (2019).

(5) Reasons for Changes from Published Rule:

The SOS incorporated changes to the rule to include the public comment to clear up the replacement absentee ballot definition, based on the changes from House Bill 407(2019), to only have the voter affirm that the voter’s absentee ballot was not voted. The SOS also incorporated a comment that a replacement absentee ballot should also be available at the polling location on Election Day as well.

(6) Reasons for Not Accepting Substantive Arguments from Public Comment:

The SOS accepted all substantive arguments from public comment received.


The proposed rule is hereby adopted as of the date of this Concise Explanatory Statement.

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IT IS SO ORDERED.

^{WTP}
3/26/2020
DATE

ON BEHALF OF THE OFFICE OF THE
NEW MEXICO SECRETARY OF STATE


Maggie Toulouse Oliver
Secretary of State