

## NOTICE OF PROPOSED RULEMAKING

The Office of the New Mexico Secretary of State (“Office”) hereby gives notice that the Office will conduct three public hearings on the described rules below.

The first hearing will be held at the State Capitol Room 322, 491 Old Santa Fe Trail, Santa Fe, New Mexico 87501, on Monday, July 29, 2019, from 9:00 am to 12:00 pm; the second hearing will be held at the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center, 1 Civic Plaza NW, Albuquerque, NM 87102, on Tuesday, July 30, 2019, from 9:00 am to 12:00 pm; and the final hearing will be held at the City Council Chambers, City Hall, 700 N Main St, Las Cruces, NM 88001, on Wednesday, July 31, 2019, from 9:00 am to 12:00 pm. Additionally, every effort will be made to ensure that these hearings will be live streamed on the Office’s website.

The purpose of these hearings is to obtain public input on the new election runoff rule, ballot question rule, and the election fee rule to be codified as Parts 1.10.14; 1.10.16; and 1.10.17 NMAC. The public hearings allow members of the public an opportunity to submit data, testimony, and arguments in person on the proposed rule changes detailed below. These rules are being proposed in order to provide guidance to all persons, candidates, and election officials covered by the election code, to effectively and efficiently administer elections in New Mexico.

**Authority:** NMSA 1978, Sections 1-2-1, 1-16-7, and 1-22-16 of the election code, authorizes the Office to adopt and promulgate rules and regulations to implement and provide uniform effective procedures for runoff elections, how state and local ballot questions are to appear on a ballot, and what fees can be assessed and reimbursed for holding an election.

### **1.10.14 NMAC Ranked Choice Voting and Top-Two Runoff Election Rule**

**Purpose:** The purpose for the runoff rule is to create uniform effective procedures to be followed by municipalities who have chosen to have instant runoff elections. This rule defines certain terms related to ranked choice voting and top-two runoff elections. This rule also provides the process for administering instant runoff elections. This rule was mandated by the legislature in House Bill 407 (N.M. 2019). This rule will apply to any municipality who opts into the Local Election Act and selects to have an instant runoff election.

**Summary of Full Text:** Section *1.10.14.7 NMAC* defines key terms like “choice,” “vote,” and the terms used for tabulating votes to create consistent administration of instant runoff elections. Section *1.10.14.8 NMAC* describes the ballot requirements for instant runoff elections. Section *1.10.14.9 NMAC* provides the procedures to administer and tabulate a runoff election and publication requirements of election results.

### **1.10.16 NMAC Ballot Questions Rule**

**Purpose:** The purpose of the ballot questions rule is give the Office the ability to shorten the text of proposed local and state ballot questions that will appear on the ballot without affecting the substance of such questions. This rule was mandated by the legislature in House Bill 407 (N.M. 2019). This rule provides guidance to the election clerks and the Office in drafting language for the ballot questions that will appear on the ballot.

**Summary of Full Text:** Section *1.10.16.7 NMAC* is defines key terms like “condensed text” and “ballot question,” to ensure that the language use on a ballot is consistent and accurate. Section *1.10.16.8 NMAC* codifies the procedures in drafting, finalizing, and noticing the actual language of the ballot questions as they will be proposed to the voter, including how each question will be answered, with a “For” or “Against.”

### **1.10.17 NMAC Election Fees Rule**

**Purpose:** The purpose for the election fees rule is to create uniform effective procedures to be followed by the Office and county election officials in invoicing for election fees. This rule is being established to help fairly and

consistently administer the election costs that have been codified by the legislature in House Bill 407 (N.M. 2019). This rule will apply to all election officials in the state.

**Summary of Full Text:** This rule defines key terms which describe the minimum costs that can be assessed in administering an election. It establishes a reasonableness standard for assessing costs for the use of equipment and other election services in administering an election. Finally, this rule provides a detailed accounting of what services and costs may be reimbursed and what services and costs will not be reimbursed.

**Details for Obtaining a Copy of Rules and Submitting Oral or Written Comments:** Copies of the proposed rules are available on the Office's website at [www.sos.state.nm.us](http://www.sos.state.nm.us) or can be obtained from the Bureau of Elections by calling (505) 827-3600 or emailing [sos.rules@state.nm.us](mailto:sos.rules@state.nm.us). Interested individuals may provide comments at the public hearings and/or submit written comments to Dylan Lange, Deputy Elections Director via email at [sos.rules@state.nm.us](mailto:sos.rules@state.nm.us), or [Dylan.Lange@state.nm.us](mailto:Dylan.Lange@state.nm.us), fax (505)827-8081, or by regular mail at Attn: Dylan Lange – proposed rule, The Office of the New Mexico Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501. Written comments must be received no later than 5:00 pm on the date prior to the first hearing. All written public comment will be posted on the website throughout the written comment period at: [www.sos.state.nm.us](http://www.sos.state.nm.us).

Any person with a disability who is in need of 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 [Dylan.Lange@state.nm.us](mailto:Dylan.Lange@state.nm.us) (5) business days prior to the hearing.