

## 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 amendments to existing rules, Processing Voter Registration Certificates, 1.10.35.8 NMAC, specifically, subsection C.4; and 1.10.35.9 NMAC, specifically, subsection D.2.

A public hearing will be held on May 8, 2025, 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 on the proposed rule changes detailed below. All comments will be recorded by a court reporter and/or audio recording. Participation via Zoom will be available; a link to the hearing will be provided on the Secretary of State’s website.

Authority: Election Code, Section 1-2-1.B.2 and Section 1-4-27.1 NMSA 1978

1.10.35.8 NMAC Processing Voter Registration Certificates

1.10.35.9 NMAC File Maintenance

Purpose: The proposed amendments address potential confusion as to whether persons previously incarcerated with a felony conviction may register to vote without being physically present.

Summary of Full Text: Section 1.10.35.8 is amended to clarify the procedure by which county clerks process applications for voter registration certificates when there is an initial match with the current felony incarceration record, and specifies that absent evidence of current incarceration, otherwise qualified applicants who have been previously incarcerated for a felony conviction are not required to register in person. Section 1.10.35.9 is amended to clarify the procedure by which county clerks process the application when there is a positive match with the current felony incarceration record, and specifies that absent evidence of current incarceration, otherwise qualified applicants who have been previously incarcerated for a felony conviction are not required to register in person.

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 May 5, 2025. 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.