

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 15 ALTERNATIVE AND ELECTION DAY VOTING ADMINISTRATION

1.10.15.1 ISSUING AGENCY: Office of the New Mexico Secretary of State
[1.10.15.1 NMAC - N, 9/29/2020]

1.10.15.2 SCOPE: This rule applies to the administration of all elections conducted pursuant to the Election Code.
[1.10.15.2 NMAC - N, 9/29/2020]

1.10.15.3 STATUTORY AUTHORITY: This rule is authorized by Section 1-2-1 NMSA 1978 of the Election Code.
[1.10.15.3 NMAC - N, 9/29/2020; A, 8/24/2021]

1.10.15.4 DURATION: Permanent.
[1.10.15.4 NMAC - N, 9/29/2020]

1.10.15.5 EFFECTIVE DATE: September 29, 2020, unless a later date is cited at the end of a section.
[1.10.15.5 NMAC - N, 9/29/2020]

1.10.15.6 OBJECTIVE: The purpose of this rule is to provide a uniform system of conducting a general election based on legislative changes in the Election Code.
[1.10.15.6 NMAC - N, 9/29/2020]

1.10.15.7 DEFINITIONS: [RESERVED]
[1.10.15.7 NMAC – N, 9/29/2020]

1.10.15.8 COUNTY CLERK MAILED BALLOT REJECTION OF QUALIFICATION: [RESERVED]
[1.10.15.8 NMAC - N, 9/29/2020; Repealed, 8/24/2021]

1.10.15.9 INTERPOSING ELECTION CHALLENGES:

A. A properly appointed challenger or member of the election board may interpose challenges only for the specific reasons outlined in Sections 1-12-20 and Subsection C of Section 1-6-14 NMSA 1978.

B. For the purposes of interposing challenges, a challenger's permitted activities are those listed in Section 1-2-23, NMSA 1978. No other written information will be provided to challengers by election board members. A challenger will not be allowed to view a voter's full date of birth or any portion of the voter social security number except as provided on the official mailing envelope pursuant to Subsection C of Section 1-6-14 NMSA 1978.

C. The election board must allow a challenger to view the application to vote form, signature roster, precinct voter list, and the voting machine. A challenger may view a voting machine only before the polls are opened to ensure that the public counter is at zero, that the results tape contains no votes and that there are no voted ballots in the voting machine bins.

D. Challengers must conduct themselves in an orderly manner at all times. A challenger can be expelled from the precinct for unnecessarily obstructing or delaying the work of the election inspectors; touching ballots, election materials or voting equipment; campaigning; or acting in a disorderly manner.

E. Challenges may not be made indiscriminately or without good cause. Doing so constitutes disrupting a polling place.

F. Challengers do not have the authority to approach voters or talk to voters inside the polling location.

G. Challengers do not have the right to use video cameras or recording devices inside a polling location.

H. If two challengers are representing a political party, candidate, or election related organization in a polling location, only one of the challengers may hold the authority to challenge at any given time. The challengers may alternate the authority to challenge at their discretion. The challengers must advise the precinct board each time

the authority is alternated. This provision does not apply to challengers' conduct pursuant to Paragraph (6) of Subsection A of Section 1-2-25 NMSA 1978.

I. County clerks must ensure that they include training on the rules and statutes relating to interposing election challenges at their school of instruction for all election board members.
[1.10.15.9 NMAC - N, 9/29/2020]

1.10.15.10 ABSENT VOTER ELECTION BOARD; CHALLENGES; DISPOSITION:

A. Challenges in front of the absent voter election board are handled in accordance with Section Subsection D of Section 1-6-14 NMSA 1978.

B. If a challenge is made in front of the absent voter election board, a designated election board member shall notate "challenged" on the absentee ballot envelope but the absent voter election board does not have to rule on the challenge at that time, and may do so when it is otherwise convenient.

C. If the challenge is unanimously affirmed by the absent voter election board, an election board member shall mark "affirmed" on the ballot envelope and mark "rejected" on the absent voter's record on the absentee register. A unanimously affirmed challenged ballot shall not be opened but placed in a container provided for challenged ballots.

D. If the reason for the challenge is satisfied by the voter before the conclusion of the county canvass or as part of an appeal, the voter's record on the absentee ballot register shall be changed from "rejected" to "accepted," the notation "challenge affirmed" on the absentee ballot envelope shall be crossed out and signed and dated by a member of the county canvassing board, and the official mailing envelope shall be opened and the vote counted by the county canvass board. If the ballot is hand tallied it shall be recorded in the absentee by-mail hand tally counting group. If the ballot is tabulated by a voting tabulator, it shall be recorded in the absentee by-mail machine counting group.

[1.10.15.10 NMAC - N, 9/29/2020; A, 8/24/2021]

History of 1.10.15 NMAC: [RESERVED]