

This is an amendment to 1.10.37 NMAC, Sections 3, 7, 8, and 9 effective x/xx/xxxx.

**TITLE 1 GENERAL GOVERNMENT ADMINISTRATION CHAPTER
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 37 PUBLIC OFFICIAL HOME ADDRESS CONFIDENTIALITY**

1.10.37.1 ISSUING AGENCY: Office of the Secretary of State.

[1.10.37.1 NMAC - N, 7/1/2023]

1.10.37.2 SCOPE: This rule applies to the secretary of state, county clerks and public officials.

[1.10.37.2 NMAC - N, 7/1/2023]

1.10.37.3 STATUTORY AUTHORITY: Section 1-2-1 NMSA 1978; Section 10-16A-9 NMSA 1978;
[Chapter 39 of New Mexico Laws of 2023] Section 1-1-27.1 NMSA 1978.

[1.10.37.3 NMAC - N, 7/1/2023, A, x/xx/xxxx]

1.10.37.4 DURATION: Permanent.

[1.10.37.4 NMAC - N, 7/1/2023]

1.10.37.5 EFFECTIVE DATE: July 1, 2023, unless a later date is cited at the end of a section.

[1.10.37.5 NMAC - N, 7/1/2023]

1.10.37.6 OBJECTIVE: To establish procedures for the secretary of state and county clerks for the non-disclosure of home addresses for public officials on election- and financial- related records.

[1.10.37.6 NMAC - N, 7/1/2023]

1.10.37.7 DEFINITIONS:

A. “Election-related disclosures” means records pertaining to a public official for campaign or election purposes and include nominating petitions, candidacy declarations, designations of confidential home address forms and voter registration forms.

B. “Financial-related disclosures” means records filed with a county clerk or secretary of state and includes disclosures pursuant to the Financial Disclosure Act, Chapter 10, Article 16A NMSA 1978, and the Campaign Reporting Act, Chapter 1, Article 19 NMSA 1978.

C. “Public official” means a person elected or appointed to a federal, state, county or local office or a candidate thereof or a person appointed to a federal, state, county or local government position.

D. “Designated confidential address” means the address specified by a public official for non-disclosure on the designation of confidential home address form prescribed by the secretary of state, provided that the zip code of the address remains publicly available.

E. “Judicial proceeding” means a legal matter over which a judicial officer presides and includes, but is not limited to, challenges brought pursuant to the Election Code.

[1.10.37.7 NMAC - N, 7/1/2023; A, x/xx/xxxx]

1.10.37.8 CONFIDENTIAL HOME ADDRESS DESIGNATION:

A. A public official may submit a request for designation of confidential home address using a form prescribed by the secretary of state. A copy of the form shall be forwarded to the county clerk of the county in which the official is registered to vote within seven business days of submission.

B. After the initial request, a public official with designated confidential home addresses shall resubmit a confidential home address form every two years by February 1 of that calendar year to the secretary of state in order to maintain a confidential designation. A copy of the form shall be forwarded to the county clerk of the county in which the official is registered to vote within seven business days of submission.

C. Using a form prescribed by the secretary of state, a candidate for state, county or local office may file a designation of confidential home address with the proper filing officer when filing a declaration of candidacy. In cases where the county clerk is the proper filing officer, the county clerk shall update the candidate’s voter registration record, marking the address as “confidential,” and send a copy of the designation to the secretary of state within one business day of the filing. In cases where the secretary of state is the proper filing officer, the secretary

of state shall send a copy of the designation to the county clerk of the county where the candidate is registered to vote within one business day of the filing.

D. A designation of confidential home address for a public official shall be void upon failure to be elected or appointed to a federal, state, county or local office. The county clerk shall review the list of voters with designated confidential addresses in their county every six months to determine if the designation should remain active. In the event a voter is found to no longer be a public official, the county clerk shall update the voter record by removing the “Confidential Public Official” designation.

E. Upon submission of a request for designation of confidential home address, the public official shall provide a mailing address other than the confidential home address which shall be substituted on all election- and financial - related disclosures.

F. The secretary of state shall maintain a list of public officials who have designated confidential addresses, and the list shall be accessible by county clerks.

G. The home address of the public official shall not be publicly disclosed or published on a governmental website so long as a current request for designation of confidential home address has been filed and the public official maintains their status as a public official, or unless such request for designation is otherwise withdrawn in writing by the public official on a form prescribed by the secretary of state.

[1.10.37.8 NMAC - N, 7/1/2023; A, x/xx/xxxx]

1.10.37.9 PRESERVATION OF ORIGINAL RECORDS:

A. Original election- and financial- disclosures that contain a designated confidential address shall be preserved by the secretary of state and county clerks for the purposes of ~~[any potential judicial review]~~ a judicial proceeding.

B. Original election- and financial- disclosures that contain a designated confidential address shall not be redacted. When such records are requested by the public, a copy shall be provided, and the confidential address shall be redacted, except for the zip code, on the copy of the disclosure unless the requestor completes a form prescribed by the secretary of state that unredacted copies are being requested for the purposes of a judicial proceeding and that any address designated as confidential shall not be used or shared for any other purpose.

[1.10.37.8 NMAC - N, 7/1/2023; A, x/xx/xxxx]

HISTORY OF 1.10.37.10 NMAC: [RESERVED]