

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 rule below.

The purpose of this hearing is to obtain public input on the new Alternative and Election Day Voting Administration Rule to be codified as Part 1.10.15 NMAC.

A public hearing will be held on the proposed rule on Friday August 28, 2020, from 9:00 am to 12:00 pm, through a livestreaming and teleconferencing platform in response to concerns surrounding the COVID-19 pandemic and in accordance with all Public Health Emergency Orders issued by the New Mexico Department of Health to limit mass gatherings due to COVID-19. The public hearing will be accessible at the following website and phone number:

<https://us02web.zoom.us/j/84117495538?pwd=c0ZML2JrUHkwbIRFdkJxTWR6eVNRZz09>

Meeting ID: 841 1749 5538. Password: 496806. Interested parties may also call into the hearing by calling the following telephone numbers: 1-669-900-6833 or 1-346-248-7799. Information regarding the livestream, will also be available on the SOS website.

All public testimony during the public hearing will be limited to oral participation by members of the public to those comments and discussion through audiovisual means. All comments will be recorded by a court reporter.

Authority: NMSA 1978, Section 1-2-1, and new Section 1-12-72 of the Election Code, authorize the Office to adopt and promulgate rules and regulations that are necessary to carry out the purposes of the Election Code.

1.10.15 NMAC Alternative and Election Day Voting Administration

Purpose: The purpose for this rule is to provide uniformity in the application, operation, and interpretation of Alternative and Election Day Voting Procedures. This rule is proposed due to the Legislature’s passing of Senate Bill 4 in the 2020 Special Session.

Summary of Full Text: Section *1.10.15.7 NMAC* defines key terms like “mailable voter,” and other words used in the proposed rule. Section *1.10.15.8 NMAC* provides procedures for how a county clerk must reject a mailed ballot, how a county clerk must notify a voter if a voter’s ballot is rejected, and procedures for how a voter may cure a rejected mailed ballot. Section *1.10.15.9 NMAC* addresses how election challengers may interpose challenges and conduct themselves pursuant to the Election Code. Section *1.10.15.10 NMAC* provides the procedure for how election challenges are handled by the absent voter election board and provides a procedure for a voter to cure a rejected mailed ballot.

Details for Obtaining a Copy of Rule and Submitting Oral or Written Comments: Copies of the proposed rule are available on the Office’s website at 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. 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 oral or written comments may be sent to Dylan Lange, Director of Legislative and Executive Affairs, via email at sos.rules@state.nm.us, or Dylan.Lange@state.nm.us, fax (505) 827-8403, 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. Comments may also be given by calling the Bureau of Elections at 505-827-3600. All written public comments will be posted on the website throughout the written comment period at: www.sos.state.nm.us. Additionally, on August 28, 2020, between 9:00am and 12pm, an agency representative will be outside our main office location listed above to receive written comments on the proposed rule.

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 (5) business days prior to the hearing.

