

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.

A public hearing will be held on September 5 at 9:00 am 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 in person on proposed rule changes to 1.10.23 NMAC, as well as changes to 1.10.13 NMAC, and 1.10.37 NMAC and also a new rule, 1.10.38 NMAC, for which separate notices are being published. All comments will be recorded by a court reporter.

Authority: Section 1-2-1 NMSA 1978; 1-2-27.1 NMSA 1978

1.10.37 NMAC Public Official Home Address Confidentiality

Purpose: The implementation of the provisions of 1-2-27.1 NMSA 1978 revealed that further rulemaking was needed to better align existing public processes with state statute. Proposed amendments clarify that federal elected and appointed officials are public officials who can designate addresses as confidential pursuant to 1-2-27.1 NMSA 1978. Further amendments also provide for the maintenance and review of the public officials with addresses marked confidential, define judicial proceeding, and further clarify the process of requesting unredacted copies of records for the purpose of a judicial proceeding.

Summary of Full Text: Amendments to section 1.10.37.7 define “judicial proceeding” for the purposes of the public official confidentiality home address designation to include, but not be limited to, challenges brought pursuant to New Mexico’s Election Code. Amendments to section 1.10.37.8 require a compliance review of the list of public officials with addresses marked confidential every six months and require an update to voter records deemed no longer eligible for the confidential address designation. Amendments to section 1.10.37.9 require requestors of unredacted addresses complete an affidavit that the copies are being requested for the purposes of a judicial proceeding and that any address designated as confidential shall not be used for any other purpose.

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.nm.gov or can be obtained from the Elections Bureau & Ethics Division by calling (505) 827-3600 or emailing 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, fax 505-827-3611, 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 September 4, 2025. All written public comments will be posted on the website throughout the written comment period at: 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 (5) business days prior to the hearing.