

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 this hearing is to obtain public input on a new rule, Emergency Election Procedures, to be codified as 1.10.38 NMAC.

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 a new rule, 1.10.38 NMAC, as well as changes to 1.10.23 NMAC and 1.10.37 NMAC and 1.10.13 NMAC, for which separate notices are being published. All comments will be recorded by a court reporter.

Authority: Section 1-2-1 NMSA 1978

1.10.38 NMAC Emergency Election Procedures

Purpose: The purpose of this rulemaking is to clarify the procedures that New Mexico’s election officials should follow during declared states of emergency in order to ensure the development of emergency contingency plans to provide for maximum participation in the electoral process and establish a safe and orderly procedure for impacted elections.

Summary of Full Text: The proposed rule includes sections that address processes for election officials to follow during a declared emergency. It includes the process for potential relocation of election polling places due to destruction, inaccessibility or lack of safety. It further establishes processes for addressing significant disruption to mailed ballot delivery. It includes requirements for inclusion of tribes, pueblos and Indian Nation and makes clear that no emergency procedures shall be interpreted as extending or as an extension of the time period for an election.

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.