

NOTICE OF PROPOSED RULEMAKING

Public Notice: The Office of the New Mexico Secretary of State (“Office”) hereby gives notice that the Office will conduct a public hearing on March 17, 2026, 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.

Purpose of Rule Hearing: The purpose of the public hearing is to receive public input on the proposed new rule 1.10.39 NMAC – Canvassing Procedures. All comments will be recorded by a court reporter and/or audio recording.

Statutory Authority: Election Code, Section 1-2-1 NMSA 1978

Purpose: The purpose of the new rule is to establish uniform procedures for the election board, county clerks, and secretary of state to conduct post-election canvassing procedures.

Summary of Full Text: Creating new rule 1.10.39 NMAC – Canvassing Procedures. Section 7 defines key terms like “canvass” and “election certificate.” Section 8 outlines the canvass reconciliation procedures to be performed by an election board. Section 9 outlines the reconciliation procedures performed by the county clerk upon receipt of the election returns from the election board. Section 10 outlines the duties of the special election board appointed by the county clerk to assist during canvassing proceedings with tallying ballots. Section 11 outlines the county clerk procedures for verifying the official election results. Section 12 outlines the procedures of the secretary of state and the independent auditor for verifying election returns and official results.

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 Bureau of Elections by calling (505) 827-3600 or emailing kari.fresquez1@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 Kari Fresquez, Special Projects Coordinator, via email at kari.fresquez1@sos.nm.gov, by fax 505-827-8403, or by regular mail at Attn: Kari Fresquez – 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 5:00 PM on March 16, 2026. All written public comments will be posted on the website throughout the written comment period at: www.sos.nm.gov.

Special Needs: 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 kari.fresquez1@sos.nm.gov as soon as possible to allow adequate time to provide the requested accommodation.