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Secretary of State Toulouse Oliver Adopts Four Administrative Rules

Final Version of the Rules Will Take Effect Immediately

SANTA FE – Yesterday, New Mexico Secretary of State Maggie Toulouse Oliver adopted the final version of four new administrative rules, which take effect in time for the Primary Election in June 2018. The new rules enhance numerous aspects of the state’s absentee voting process, outline procedures for candidates to transfer funds from one state campaign finance account to another, establish the order in which certain races will appear on the ballot, and bring uniformity to procedures for provisional voting statewide.

“These rules bring clarity to a number of existing election procedures and make it easier for New Mexico’s voters – including blind and visually impaired voters – to cast a ballot,” said Secretary Toulouse Oliver. “I will continue looking for ways to streamline New Mexico’s election processes and increase access to the ballot box.”

“Once again we are thrilled the Secretary of State is fulfilling her duties by enacting common-sense rules governing our elections – by clarifying and updating these four areas, Maggie Toulouse Oliver is helping ensure New Mexico voters and candidates know all the rules as we head into this important election year,” said Viki Harrison, Executive Director of Common Cause New Mexico. “Making processes more efficient and streamlined makes all the difference on Election Day.”

The rule on absentee voting includes new procedures to make it easier for blind and visually-impaired voters to vote absentee while maintaining their privacy. Secretary Toulouse Oliver has worked with advocacy groups, including the National Federation of the Blind-New Mexico and the New Mexico Commission for the Blind to develop new materials that will allow blind and visually impaired voters to vote absentee independently using their own non-visual or low-vision technology.

“Voters who are blind or visually impaired deserve privacy when marking their ballots, just like any other voter,” said Greg Trapp, Executive Director of the New Mexico Commission for the Blind. “I am glad this rule will take effect because it will encourage more voters who are blind or visually impaired to participate in our democratic process.”

The new absentee rule also establishes clear procedures to assist county clerks in processing and tabulating absentee ballots for New Mexicans serving in the military, living overseas, or working as emergency responders. Finally, the absentee rule codifies many existing early and

absentee voting best practices and outlines procedures to bring uniformity as to how county clerks issue, receive, and tally all absentee ballots.

The second administrative rule establishes new guidelines for candidates who wish to transfer funds from one state campaign account to another when running for a new office covered by the Campaign Reporting Act (CRA). This rule requires candidates to register a new campaign committee when running for a different office and outlines the steps a candidate must take to refund contributions that exceed what is allowed under the CRA, if necessary.

The third administrative rule requires that the numerical positions of State Supreme Court and Court of Appeals seats are specified on the ballot so that the voter knows which seat each candidate is seeking and who the candidate's opponent is. The rule also ensures compliance with a provision of the State's Constitution requiring that the Governor and Lieutenant Governor be elected jointly. The rule clarifies that a political party will not be allowed to appear on the ballot for the offices of Governor and Lieutenant Governor if the party fails to designate a qualified nominee for either office. Additionally, the rule provides a process to determine how independent and minor party candidates for the office of Governor and Lieutenant Governor will appear on the ballot if multiple candidates qualify for the same office.

Finally, the fourth administrative rule codifies best practices regarding provisional voting so that the procedures are the same in every county. The language in the new rule will help county clerks more effectively issue provisional ballots and process them once they are cast by providing clear guidelines on each step of the process. The rule also improves upon an existing process to allow voters to track the progress of their provisional ballots and appeal any decision by a county clerk to disqualify their provisional ballot.

Before adopting the final version of the administrative rules, Secretary Toulouse Oliver hosted a public hearing on the proposed absentee rule at the State Capitol Building in Santa Fe on March 19, 2018, and held an additional public hearing on the three other rules on March 30, 2018. Secretary Toulouse Oliver also accepted official written comments from the public, which are published on her website.

After reviewing all public comments, Secretary Toulouse Oliver and her staff made minor revisions to the draft versions of each rule, including adding clarifying language to some of the sections.

Learn more about the new administrative rules and read submitted written comments by clicking on the links below:

- [Absentee Voting Rule](#)
- [Campaign Finance Rule](#)

- [Ballot Order Rule](#)
- [Provisional Voting Rule](#)

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