

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 30 NATIVE AMERICAN VOTING

1.10.30.1 ISSUING AGENCY: Office of the Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, New Mexico, 87503.
[1.10.30.1 NMAC - N/E, 10-31-08]

1.10.30.2 SCOPE: This rule applies to any special statewide election, general election, primary election of elections to fill vacancies in the office of United States representative and regular or special school district elections as modified by the School Election Law (Sections 1-22-1 to 1-22-19 NMSA 1978).
[1.10.30.2 NMAC - N/E, 10-31-08]

1.10.30.3 STATUTORY AUTHORITY: Election Code, Sections 1-2-1, 1-2-3, 1-6-5.6 and 1-6-5.8 NMSA 1978
[1.10.30.3 NMAC - N/E, 10-31-08]

1.10.30.4 DURATION: Permanent.
[1.10.30.4 NMAC - N/E, 10-31-08]

1.10.30.5 EFFECTIVE DATE: October 31, 2008, unless a later date is cited at the end of a section.
[1.10.30.5 NMAC - N/E, 10-31-08]

1.10.30.6 OBJECTIVE: The purpose of this rule is to establish procedures for voting on Indian nation, tribe or pueblo lands in New Mexico.
[1.10.30.6 NMAC - N/E, 10-31-08; A/E, 5-28-10]

1.10.30.7 DEFINITIONS:

A. Alternate site means an alternate early voting location or mobile alternate voting location that is situated on the land of an Indian nation, tribe or pueblo as provided for in this rule.

B. Ballot means a paper ballot card that is tabulated on an optical scan vote tabulating system or hand tallied.

C. Voter means any person who is qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States and who is registered under the provision of the Election Code of the state of New Mexico.

D. Costs means the reasonable monetary fees set by New Mexico law for compensation of personnel who are necessary to run a Native American early voting location.

E. Voting equipment means a combination of mechanical, electromechanical or electronic equipment, including software and firmware required to program and control the equipment that is used to tabulate votes.

F. Precinct board means one presiding judge, one precinct official and one interpreter/language translator.
[1.10.30.7 NMAC - N/E, 10-31-08; A/E, 5-28-10]

1.10.30.8 REQUESTS: Requests for alternate sites shall be made by the Indian nation, tribe or pueblo in writing to the county clerk no later than the first Monday in November of each odd-numbered year. The request shall specify the location and proposed dates of the requested alternate site.
[1.10.30.8 NMAC - N/E, 10-31-08; A/E, 5-28-10]

1.10.30.9 ACTION FOLLOWING RECEIPT OF A REQUEST:

A. Location of alternate site. An alternate site located on the land of an Indian nation, tribe or pueblo shall conform to the same requirements applicable to other alternate voting locations for early voting in the county, except as specified in Section 1-6-5.8 NMSA 1978 and this rule.

B. Staffing of alternate site. The county clerk shall provide one presiding judge, one precinct official and one federally mandated interpreter/language translator.

C. Hours for operating alternate site. Except as provided in this subsection, pursuant to Section 1-6-5.7 NMSA 1978, beginning on the third Saturday before election day, an alternate site shall be open for early voting for at least eight consecutive hours through the Saturday immediately preceding the election. A county clerk may request and the secretary of state may grant a modification of these hours of operation from the secretary of state because of a hardship arising from inadequate facilities, difficulties with making appropriate personnel available or other exigent circumstances, provided the county clerk justifies in writing to the secretary of state the need for a modification.

D. Early voting procedures at alternate sites. Except as otherwise provided by law, county clerks shall use the same procedures for voting at alternate sites that are used at early voting sites not situated on the land of an Indian nation, tribe or pueblo.
[1.10.30.9 NMAC - N/E, 10-31-08; A/E, 5-28-10]

1.10.30.10 ALTERNATE SITES. RESPONSIBILITIES OF COUNTY CLERKS AND RESPONSIBILITIES OF SECRETARY OF STATE:

A. The county clerk shall provide all transportation, setup and maintenance of all voting equipment to be used in a Native American early voting location.

B. The secretary of state shall sustain the cost of all ballots, provide adequate voting equipment, and reimburse the equivalent cost for early voting site personnel designated in each respective county, which shall consist of one presiding judge, one precinct official and one interpreter/language translator. Said personnel shall be hired and supervised by the county clerk.

C. The county clerk shall execute a written agreement with the Indian nation, tribe or pueblo to provide early voting services, personnel and equipment on Indian lands. Such agreement shall indicate hours of operation, dates of early voting and location of the site for the county to maintain early voting locations on Indian lands. The agreement shall be approved by the secretary of state prior to the commencement of early voting.
[1.10.30.10 NMAC - N/E, 10-31-08; Repealed/E, 5-28-10; 1.10.30.10 NMAC - N/E, 5-28-10]

1.10.30.11 VOTING SUPPORT FOR MEMBERS OF INDIAN NATIONS, TRIBES OR PUEBLOS:

A. Voting materials in Native American languages. County clerks in counties covered under 42 U.S.C. Section 1973aa-1a(b) shall provide all registration and voting notices, forms, instructions, assistance, and other information relating to the electoral process in the language or languages of the applicable Indian nation, tribe, or pueblo.

B. Dissemination of voting information through the media. If a minority language is historically unwritten, county clerks in counties covered under 42 U.S.C. Section 1973aa-1a(b) shall orally disseminate information relating to the electoral process, including voting procedures and ballot information, in the language of the applicable minority group through public service announcements on radio or television. The public service announcements shall be broadcast during daylight hours on radio and television stations available in the areas where the Indian nations, tribes or pueblos being targeted are located.
[1.10.30.11 NMAC - N/E, 10-31-08; A/E, 5-28-10]

HISTORY OF 1.10.30 NMAC: [RESERVED]