

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 10       ELECTIONS AND ELECTED OFFICIALS**  
**PART 33           VOTE TOTALS BY PRECINCT**

**1.10.33.1           ISSUING AGENCY:** Office of the Secretary of State  
[1.10.33.1 NMAC - N/E, 10-15-10]

**1.10.33.2           SCOPE:** This rule applies to any special statewide election, general election, primary election, countywide election or elections to fill vacancies in the office of United States representative.  
[1.10.33.2 NMAC - N/E, 10-15-10]

**1.10.33.3           STATUTORY AUTHORITY:** Election Code, Section 1-2-1 NMSA 1978; Section 1-12-70, NMSA 1978.  
[1.10.33.3 NMAC - N/E, 10-15-10]

**1.10.33.4           DURATION:** Permanent.  
[1.10.33.4 NMAC - N/E, 10-15-10]

**1.10.33.5           EFFECTIVE DATE:** October 15, 2010 unless a later date is cited at the end of a section.  
[1.10.33.5 NMAC - N/E, 10-15-10]

**1.10.33.6           OBJECTIVE:** The purpose of this rule is to provide procedures to secure the secrecy of the ballot when reporting early and absentee vote totals by precinct pursuant to the constitution of New Mexico, Article VII, Section 1 and Section 1-12-70 NMSA 1978.  
[1.10.33.6 NMAC - N/E, 10-15-10]

**1.10.33.7           DEFINITIONS:**

- A.            “Absentee ballot”** means a method of voting by ballot, accomplished by a voter who is absent from the voter’s polling place on election day.
- B.            “Ballot”** means a paper ballot card that is tabulated on an optical scan vote tabulating system or hand tallied.
- C.            “Early voter”** means a voter who votes in person before election day and not by mail.
- D.            “Election”** means any special statewide election, general election, primary election or special election to fill vacancies in the office of United States representative.
- E.            “Precinct”** means a contiguous and compact electoral area having clearly definable boundaries and complying with the Precinct Boundary Adjustment Act.
- F.            “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 provisions of the Election Code of the state of New Mexico.  
[1.10.33.7 NMAC - N/E, 10-15-10]

**1.10.33.8           SECRETARY OF STATE AND COUNTY CLERK PROCEDURES:**

- A.            The secretary of state shall notify the county clerks to report the results on election night as a total vote for each candidate or question by precinct, and not by the method voters have cast their ballots.**
- B.            Following completion of the county canvass, the county clerks shall report to the secretary of state the voting data by precinct as required by Section 1-12-70, NMSA 1978. This data is not a public record and shall not be released to any other person.**
- C.            The secretary of state shall compile the voting data by precinct, as follows:**
  - (1) in any precinct where fewer than 5 voters voted on election day, or by absentee ballot or as early voters, the total votes in that precinct shall be reported as a single total, and not by the type of method by which voters cast their ballot;
  - (2) in any precinct not described in Paragraph (1) of this subsection, the voting totals for each precinct may be reported by the type of method by which voters cast their ballot.
- D.            The secretary of state shall not release the canvass of the election, and it shall not be a public record, until vote totals compromising the secrecy of any individual voter’s ballot have been combined in accordance with Subsection C of this section.**

[1.10.33.8 NMAC - N/E, 10-15-10; A/E, 1-13-11]

History of 1.10.33 NMAC: [RESERVED]