PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
CABINET SECRETARY KATHYLEEN M. KUNKEL

SEPTEMBER 3, 2020

Public Health Emergency Order Clarifying
that Polling Places Shall be Open as Required in the Election Code
and Imposing Certain Social Distancing Restrictions on Polling Places

Due to the continued spread of COVID-19 throughout the state, it is necessary that all
election administrators continue taking actions to minimize transmission of COVID-19 and to
reduce its attendant physical and economic harms. The provisions of New Mexico’s Election Code
require certain polling places and other election-related facilities to remain open to the public
during our State’s upcoming general election. The New Mexico Supreme Court has recently
clarified that these election-related facilities must remain accessible to the public as required to
conduct the general election in compliance with the Election Code.

Pursuant to the New Mexico Supreme Court’s direction, as well as NMSA 1978, Section
1-12-72(O) (2020), this Order permits those election-related facilities to operate subject to certain
requirements designed to mitigate the risk of spreading COVID-19 through in-person voting. Such
requirements shall apply to every county due to the widespread nature of the current pandemic and
the possibility of new outbreaks at any time across the state. However, please note that these
safeguards will not entirely eliminate the heightened risks associated with in-person voting. The
saferst way to vote during the general election is by absentee ballot. All eligible New Mexicans
are advised to apply for absentee ballots and to cast their ballots by mail.

It is hereby ORDERED that:

1. All polling locations are permitted to operate on the days and times provided for in
   the Election Code from early voting through Election Day. Any public or private building that
   contains a polling location and is otherwise required to be closed may be opened for the limited
   purpose of operating as a designated polling location and to allow for any required inspections or
   preparations for voting by staff. A polling location means a designated building or mobile unit
   where voters cast their ballots and/or where there are any in-person activities associated with
   voting.

2. The maximum number of voters allowed inside of a polling location that is not a
   mobile unit at any given time shall be the greater of a maximum of four (4) voters or 25% of the
   maximum occupancy of the location, as determined by the relevant fire marshal or fire department.

3. Any polling location that is a mobile unit shall be limited to two (2) voters at any
given time.
4. All polling locations shall adhere to social distancing protocols and shall ensure that voters do not come within six (6) feet of each other except when absolutely necessary. Poll officials and staff are directed to wash and sanitize their hands frequently. Social distancing protocols shall be followed by poll officials and staff to the greatest extent possible. All surfaces and reusable writing implements shall be cleaned routinely.

5. If voters are waiting outside of a polling location, they must do so in such a manner that all individuals shall remain at least six (6) feet from each other and avoid person-to-person contact. Poll officials and staff are directed to ensure that these social distancing protocols are being observed.

6. The Secretary of State shall implement the social distancing protocols contained in this Order and may provide additional guidance to facilitate and ensure compliance with such protocols to limit the amount of voters in a polling location at one time.

7. This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

8. This Order shall not abrogate any disease-reporting requirements set forth in the New Mexico Public Health Act.

9. This Order shall remain in effect through the end of the general election process, including the canvass. It may be modified from time-to-time as circumstances warrant.

ATTEST:

Maggie Toulouse Oliver
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 3RD DAY OF SEPTEMBER 2020

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

KATHYLEEN M. KUNKEL
SECRETARY OF THE STATE OF NEW MEXICO
DEPARTMENT OF HEALTH