MICHELLE LUJAN GRISHAM
GOVERNOR

NEW MEXICO DEPARTMENT OF HEALTH

KATHYLEEN M. KUNKEL
CABINET SECRETARY

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

APRIL 30, 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

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 primary 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 primary election in compliance with the Election Code.

Pursuant to the New Mexico Supreme Court's direction, this Order permits those election-related facilities to operate subject to certain requirements designed to minimize the risk of spreading COVID-19 through in-person voting. However, please note that these safeguards will not entirely eliminate the heightened risks associated with in-person voting. **The safest way to vote during the primary 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 20% 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 measures are being observed.

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

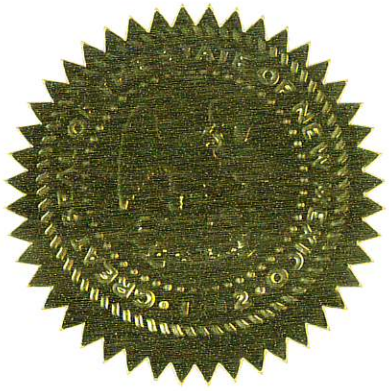
7. This Order shall not abrogate any disease-reporting requirements set forth in the New Mexico Public Health Act.

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

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE



DONE AT THE EXECUTIVE OFFICE
THIS 30TH DAY OF APRIL 2020

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

Kathyleen M Kunkel

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