HOUSE BILL 290

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

William "Bill" R. Rehm and Cathrynn N. Brown

AN ACT

RELATING TO ELECTIONS; CREATING THE VOTER ROLL CLEANUP TASK
FORCE; DIRECTING THE VOTER ROLL CLEANUP TASK FORCE TO STUDY AND
PROVIDE RECOMMENDATIONS AND PROPOSE LEGISLATION TO IMPLEMENT
BEST PRACTICES TO ENSURE THE ACCURACY OF NEW MEXICO VOTER
ROLLS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. TEMPORARY PROVISION--VOTER ROLL CLEANUP TASK
FORCE--CREATED--DUTIES--REPORTING.--

A. The "voter roll cleanup task force" is created
to study and provide recommendations on best practices to
assure the voters of New Mexico of the validity and reliability
of New Mexico voter rolls. The task force shall function from
the date of its appointment until December 31, 2021. Staff and
administrative support for the task force shall be jointly

.219225.2
coordinated and provided by the secretary of state and the legislative council service.

B. By April 20, 2021, the members of the voter roll cleanup task force shall be appointed as follows:

(1) six members who are legislators, with the two political parties with the most members in the state being represented in equal numbers, appointed as follows:

(a) three members of the house of representatives appointed by the speaker of the house of representatives; and

(b) three members of the senate appointed by the senate committees' committee or, if the legislature is not in session at the time of appointment, appointed by the president pro tempore of the senate in consultation with and agreement of a majority of the members who served on the senate committees' committee during the first session of the fifty-fifth legislature;

(2) the secretary of state or the secretary's designee;

(3) the director of the motor vehicle division of the taxation and revenue department, or a designee of the director who has oversight or knowledge of the motor vehicle division's databases and information technology operations;

(4) the state registrar, or a designee of the registrar who has oversight or knowledge of the vital records.
and health statistics bureau of the public health division of
the department of health's databases and information technology
operations;

(5) the secretary of information technology,
or a designee of the secretary who has oversight or knowledge
of databases, cybersecurity and information technology
operations;

(6) a representative of the administrative
office of the courts who has knowledge or oversight of the
administrative office of the court's databases, information
technology operations and electronic juror notification and
selection processes;

(7) three county clerks appointed by the
county clerks affiliate of the New Mexico association of
counties;

(8) one representative of county assessors,
appointed by the county assessors affiliate of the New Mexico
association of counties;

(9) a representative of the census program at
the state data center, appointed by the secretary of economic
development; and

(10) four public members with expertise in
elections, campaigns and private sector organizational
structure and operations who reflect the ethnic, cultural and
geographic diversity of the state, two of whom shall be
appointed by the speaker of the house of representatives and
two of whom shall be appointed by the president pro tempore of
the senate.

C. The voter roll cleanup task force shall invite
the United States postal service in New Mexico to appoint a
representative to participate as an advisory member of the task
force.

D. Public members of the voter roll cleanup task
force are entitled to receive per diem and mileage pursuant to
the Per Diem and Mileage Act but shall receive no other
compensation, perquisite or allowance.

E. The chair and vice chair of the voter roll
cleanup task force shall be elected by the membership of the
task force. The task force shall meet at the call of the chair
or at the request of one-third of its membership, and as
necessary to carry out its duties, but no less than once and no
more than twice a month. The first meeting of the task force
shall be held no later than May 1, 2021, and the first meeting
of the task force shall be an organizational meeting for the
task force to develop a work plan to carry out the task force's
duties.

F. A vacancy on the voter roll cleanup task force
shall be filled by the original appointing authority. A member
who misses three meetings of the task force shall be removed
from the task force and upon the request of the chair, the
appointing authority shall replace the member who has failed to attend three meetings.

G. A majority of the members constitutes a quorum for the transaction of business. The support of a majority of the members is required for adoption of any action; provided that the final report of the voter roll cleanup task force, including its recommendations and proposed legislation, shall have, at minimum, the support of a majority of the legislative members.

H. The voter roll cleanup task force may create subcommittees by a majority vote of the members. A subcommittee shall be composed of at least one member from the senate and one member from the house of representatives, including at least one member of a minority political party that is represented in either the senate or house of representatives.

I. Meetings of the voter roll cleanup task force shall be subject to the Open Meetings Act, and the task force shall actively solicit public input.

J. The voter roll cleanup task force shall develop policy recommendations and proposed legislation to implement best practices for maintaining accurate voter rolls. In developing its policy recommendations and proposed legislation, the task force shall consider:

(1) federal and state law, constitutional
provisions, rules and court decisions governing the maintenance of voter rolls;

(2) the ease by which a person may update or cancel the person's voter registration when the person registers to vote in another state and the ease by which the state may remove from the New Mexico voter rolls a person who has registered to vote in another state;

(3) the impacts for maintaining accurate voter rolls of absentee voting when a voter lives in another district or state, including consideration of time limits for out-of-district absentee voting and absentee voting by military personnel who are registered to vote in New Mexico;

(4) practices to remove a person from the voter rolls when the person resides in a location that no longer qualifies the person as a qualified elector in New Mexico; clarification of the definition of "intent to reside" for the purposes of residence; and how to best use, on an at least quarterly basis, the electronic voter registration center and the interstate voter registration cross-check systems to verify and update voter registration information on the voter rolls;

(5) best practices and standards for the prompt removal of deceased persons from the voter rolls;

(6) the impacts of issues relating to the United States postal service on verifying voter registration,
including inconsistent delivery and addressing, and how best to
conduct and use quarterly reviews of the national change of
address database to notify voters of the need to update voter
registration;

(7) how county assessor records could be used
to verify and assure residential requirements of voter
registration;

(8) how to improve data sharing between the
motor vehicle division of the taxation and revenue department
and the secretary of state and county clerks for the purposes
of updating certificates of registration and removing people
who are unqualified electors from the voter rolls; and

(9) how to proactively and consistently
educate voters of the need to keep information on a voter's
certificate of registration up to date, including voter
registration impacts from the federal decennial census and
redistricting.

K. No later than December 1, 2021, the voter roll
cleanup task force shall draft a report of its findings and
recommendations for consideration by the governor and the
legislature and shall present its report to the New Mexico
legislative council, the legislative finance committee, the
interim committee that studies courts, corrections and justice
issues and the county clerks affiliate of the New Mexico
association of counties. The task force shall provide a final
.219225.2
- 7 -
report, including any proposed legislation, to the governor and all legislators by December 31, 2021.

L. The secretary of state, county clerks and other relevant state agencies shall cooperate with the voter roll cleanup task force and provide the task force with information regarding databases, information technology systems, cybersecurity, budget, staffing, organizational structure and other information as relevant to the duties of the task force and as requested by the task force.

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

- 8 -