

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 933

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO ELECTIONS; CHANGING THE PROCESS BY WHICH TO REQUEST
AN ABSENTEE BALLOT; AMENDING THE ELECTION CODE.

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

Section 1. Section 1-6-4 NMSA 1978 (being Laws 1969,
Chapter 240, Section 130, as amended) is amended to read:

"1-6-4. ABSENTEE BALLOT APPLICATION. - -

A. Application by a federal qualified elector for
an absentee ballot shall be made on the official postcard form
prescribed or authorized by the federal government to the
county clerk of the county of his residence.

~~[B. Application by a voter for an absentee ballot
shall be made only on a form prescribed, printed and furnished
by the secretary of state to the county clerk of the county in~~

1 ~~which the voter resides. The form shall identify the applicant~~
2 ~~and contain information to establish his qualification for~~
3 ~~issuance of an absentee ballot under the Absent Voter Act;~~
4 ~~provided that on the application form for a general election~~
5 ~~ballot there shall be no box, space or place provided for~~
6 ~~designation of the voter's political party affiliation.~~

7 ~~C. Each application for an absentee ballot shall be~~
8 ~~submitted by the applicant.]~~

9 B. A request in writing, in person or by telephone
10 for an absentee ballot that identifies the voter's social
11 security number or date of birth and registration address
12 within the state or where a registration address can be
13 determined by use of the county voter registration records, and
14 that contains an address to which the ballot is to be mailed if
15 that address is different from the registration, shall be
16 honored by the county clerk of the county in which the voter
17 resides."

18 Section 2. A new section of the Election Code is enacted
19 to read:

20 "[NEW MATERIAL] REQUESTS FOR ABSENTEE BALLOTS. -- A
21 registered voter may, by telephone, in person or by mail
22 request an absentee ballot for himself. Whenever a request for
23 an absentee ballot is made by telephone, the county clerk shall
24 record the date on which the request was made and the name of
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underscored material = new
[bracketed material] = delete

1 the person making the request. The county clerk may refuse to
 2 issue an absentee ballot in those instances where the person is
 3 either unable or unwilling to provide the social security
 4 number or date of birth information."

5 Section 3. Section 1-6-5 NMSA 1978 (being Laws 1969,
 6 Chapter 240, Section 131, as amended) is amended to read:

7 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT--
 8 MARKING AND DELIVERY OF BALLOT IN PERSON.--

9 A. The county clerk shall mark each ~~completed~~
 10 absentee ballot application or request with the date and time
 11 of receipt in the clerk's office and enter the required
 12 information in the absentee ballot register. The county clerk
 13 shall then determine if the applicant is a voter, an absent
 14 uniformed services voter or an overseas voter.

15 B. If the applicant has no valid certificate of
 16 registration on file in the county and he is not a federal
 17 qualified elector or if the applicant states he is a federal
 18 qualified elector but his application indicates he is not a
 19 federal qualified elector, no absentee ballot shall be issued
 20 and the county clerk shall mark the application "rejected" and
 21 file the application in a separate file from those accepted.

22 C. The county clerk shall notify in writing each
 23 applicant of the fact of acceptance or rejection of his
 24 application or request and, if rejected, shall explain why the
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1 application or request was rejected.

2 D. If the county clerk finds that the applicant is
3 a voter or a federal qualified elector, the county clerk shall
4 mark the application or request "accepted" and deliver an
5 absentee ballot to the voter in the county clerk's office or
6 mail to the applicant an absentee ballot and the required
7 envelopes for use in returning the ballot. Acceptance of [~~an~~
8 ~~application~~] a request of a federal qualified elector
9 constitutes registration for the election in which the ballot
10 is to be cast. Acceptance of an application from an overseas
11 voter who is not an absent uniformed services voter constitutes
12 a request for changing information on the certificate of
13 registration of any such voter. No absent voter shall be
14 permitted to change his party affiliation during those periods
15 when change of party affiliation is prohibited by the Election
16 Code. Upon delivery of an absentee ballot to a voter in the
17 county clerk's office or mailing of an absentee ballot to an
18 applicant who is a voter, an appropriate designation shall be
19 made on the signature line of the signature roster next to the
20 name of the voter who has been provided or mailed an absentee
21 ballot.

22 E. If [~~an application~~] a request for an absentee
23 ballot is [~~delivered~~] made in person to the county clerk and is
24 accepted, the county clerk shall provide the voter an absentee
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underscored material = new
[bracketed material] = delete

1 ballot and it shall be marked by the applicant in a voting
2 booth of a type prescribed by the secretary of state, sealed in
3 the proper envelopes and otherwise properly executed and
4 returned to the county clerk or his authorized representative
5 before the voter leaves the office of the county clerk. The
6 act of marking the absentee ballot in the office of the county
7 clerk shall be a convenience to the voter in the delivery of
8 the absentee ballot and does not make the office of the county
9 clerk a polling place subject to the requirements of a polling
10 place in the Election Code other than is provided in this
11 subsection. It shall be unlawful to solicit votes, display or
12 otherwise make accessible any posters, signs or other forms of
13 campaign literature whatsoever in the clerk's office. Absentee
14 ballots may be marked in person during the regular hours and
15 days of business at the county clerk's office from 8:00 a.m. on
16 the fortieth day preceding the election up until 5:00 p.m. on
17 the Saturday immediately prior to the date of the election. In
18 marking the absentee ballot, the voter may be assisted by one
19 person of the voter's choice.

20 F. Commencing with the twentieth day prior to an
21 election, an absent voter may vote in person at the county
22 clerk's office or on an electronic voting machine at an
23 alternate location established by the county clerk. In class A
24 counties, the county clerk shall establish not less than four
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1 alternate locations as a convenience to the voters. Absentee
2 voting may be done at the county clerk's office or an alternate
3 location during the regular hours of business from 8:00 a.m. on
4 the twentieth day prior to the election until 5:00 p.m. on
5 [~~Thursday~~] Saturday immediately prior to the election. The
6 county clerk shall ensure that procedures established for
7 processing an absent voter application and for voting by
8 absentee ballot are complied with at each alternative location.

9 G. Absentee ballots shall be air mailed to
10 applicants temporarily domiciled inside or outside the
11 continental limits of the United States not later than on the
12 Thursday immediately prior to the date of the election.

13 H. No absentee ballot shall be delivered or mailed
14 by the county clerk to any person other than the applicant for
15 such ballot.

16 I. The county clerk shall accept and process with
17 respect to a primary or general election for any federal
18 office, any otherwise valid voter registration application from
19 an absent uniformed services voter or overseas voter if the
20 application is received not less than thirty days before the
21 election. The county clerk shall also accept and process
22 federal write-in absentee ballots from overseas voters in
23 general elections for federal offices in accordance with the
24 provisions of Section 103 of the federal Uniformed and Overseas
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1 Citizens Absentee Voting Act.

2 J. The secretary of state and each county clerk
3 shall make reasonable efforts to publicize and inform voters of
4 the times and locations for absentee voting. "

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