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SENATE BILL 578

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

INTRODUCED BY

Joseph A. Fidel

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR ELECTION DAY REGISTRATION OF VOTERS.

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

Section 1. Section 1-4-5.1 NMSA 1978 (being Laws 1993, Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7, as amended) is amended to read:

"1-4-5.1. METHOD OF REGISTRATION-- FORM --

A. A qualified elector may apply for registration before election day by mail or in the office of the county clerk.

B. Certificate of registration forms may be requested from the secretary of state or any county clerk in person, by telephone or by mail for oneself or for others.

C. Except as provided in Subsection D of this . 134353. 1GJ

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1 section, a qualified elector who wishes to register to vote
2 shall fill out completely and sign the certificate of
3 registration. The qualified elector may seek the assistance
4 of any person in completing the certificate of registration.

5 D. A qualified elector who has filed for an order
6 of protection pursuant to the provisions of the Family
7 Violence Protection Act and who presents a copy of that order
8 from a state or tribal court to the registration officer shall
9 not be required to provide address information on the
10 certificate of registration.

11 E. Completed certificates of registration may be
12 mailed or presented in person by the registrant or any other
13 person to the secretary of state or presented in person by the
14 registrant or any other person to the county clerk of the
15 county in which the registrant resides.

16 F. [~~If the registrant wishes to vote in the next~~
17 ~~election]~~ The completed and signed certificate of registration
18 shall be delivered or mailed and postmarked at least twenty-
19 eight days before the election.

20 G. Upon receipt of a certificate of registration,
21 the secretary of state shall send the certificate to the
22 county clerk in the county where the qualified elector
23 resides.

24 H. Only when the certificate of registration is
25 properly filled out, signed by the qualified elector and

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1 accepted for filing by the county clerk as evidenced by his
2 signature or stamp and the date of acceptance thereon and when
3 notice has been received by the registrant shall it constitute
4 an official public record of the registration of the qualified
5 elector.

6 I. The secretary of state shall prescribe the
7 form of the certificate of registration, which shall be a
8 postpaid mail-in format and shall be printed in Spanish and
9 English. The certificate of registration form shall be
10 clear and understandable to the average person and shall
11 include brief but sufficient instructions to enable the
12 qualified elector to complete the form without assistance. "

13 Section 2. A new section of the Election Code, Section
14 1-4-5.3 NMSA 1978, is enacted to read:

15 "1-4-5.3. [NEW MATERIAL] METHOD OF ELECTION DAY
16 REGISTRATION. --

17 A. A qualified elector may register to vote on
18 election day, provided the qualified elector:

19 (1) appears in person at the precinct in
20 which the elector maintains residence;

21 (2) presents proof of residence to the
22 election judge; and

23 (3) executes a sworn statement or
24 affirmation stating that to the best of his knowledge he is
25 a qualified elector whose residence is within the boundaries

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1 of the precinct in which he is offering to vote.

2 B. For the purposes of this section, proof of
3 residence may be shown by presenting:

4 (1) a valid New Mexico driver's license,
5 provisional driver's license or identification card issued
6 by the state of New Mexico; or

7 (2) an original utility bill due and
8 payable within thirty days of the election day that
9 indicates the qualified elector's name and current address,
10 and one of the following:

11 (a) a United States passport;

12 (b) a United States military
13 identification; or

14 (c) a student identification card
15 issued by a post-secondary educational institution located
16 in New Mexico, provided that the card contains a picture and
17 the name of the qualified elector.

18 C. The certificate of registration shall be
19 delivered with the election returns to the county clerk of
20 the county in which the registrant resides.

21 D. The secretary of state shall prescribe the
22 form of the certificate of registration and rules for
23 election day registration.

24 E. Nothing in this section permits a qualified
25 elector to change on election day an existing certificate of

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1 registration. "

2 Section 3. Section 1-5-12 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 114, as amended by Laws 1993, Chapter
4 314, Section 37 and also by Laws 1993, Chapter 316, Section
5 37) is amended to read:

6 "1-5-12. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER. --

7 A. A voter whose name does not appear on the
8 voter list and signature roster for the precinct in which he
9 offers to vote shall be permitted to vote in [~~such~~] the
10 precinct, provided the voter meets the requirements
11 specified in Section 1-4-5.3 NMSA 1978, or specified in the
12 Election Code for voting on a voter's copy of a certificate
13 of registration, or has in his possession a certificate of
14 eligibility bearing the seal and signature of the county
15 clerk stating that the voter's original certificate of
16 registration is in the county register of that county
17 wherein [~~such~~] the precinct is located.

18 B. The election clerks in charge of the
19 signature rosters shall add the voter's name and address in
20 ink to the signature roster on the line immediately
21 following the last entered voter's name and the voter shall
22 be allowed to cast his ballot, provided he has first signed
23 or marked both rosters.

24 C. The voting machine public counter number or
25 the ballot number for the voter shall be entered on his

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1 certificate of eligibility or copy of his certificate of
2 registration. The certificate of eligibility or voter's
3 copy of his certificate of registration shall be retained by
4 the precinct board and returned to the county clerk with the
5 election returns.

6 D. [~~Such~~] A certificate of eligibility shall be
7 valid for use only in the precinct and for the election and
8 date specified thereon.

9 E. In a primary election, a voter whose party
10 affiliation is not shown on the certificate of eligibility
11 or copy of his certificate of registration shall not be
12 permitted to receive or cast a ballot. No voter shall be
13 permitted to vote for a candidate of a party different from
14 the party designation shown on his certificate of
15 eligibility or the copy of his certificate of registration.

16 F. No verbal authorization from the county clerk
17 to allow a person to vote [~~under this section~~] shall be
18 permitted. "