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HOUSE BILL 444

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

James E. Smith

AN ACT

RELATING TO VOTER REGISTRATION; REQUIRING THIRD-PARTY AND UNAFFILIATED VOTER REGISTRATION AGENTS TO BE QUALIFIED ELECTORS; REQUIRING TRAINING OF THIRD-PARTY AND UNAFFILIATED VOTER REGISTRATION AGENTS; REQUIRING THE SECRETARY OF STATE TO ISSUE TWO-YEAR CREDENTIALS FOR THIRD-PARTY AND UNAFFILIATED VOTER REGISTRATION AGENTS; PROHIBITING PAYMENT PER VOTER OF THIRD-PARTY REGISTRATION AGENTS.

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

SECTION 1. Section 1-4-49 NMSA 1978 (being Laws 2005, Chapter 270, Section 17, as amended) is amended to read:

"1-4-49. THIRD-PARTY AND UNAFFILIATED REGISTRATION AGENTS--REGISTRATION REQUIRED--PROCEDURES--REPORTS--PENALTY.--

A. Third-party and unaffiliated registration agents shall be qualified electors of the state.

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1 ~~[A.]~~ B. Third-party registration agents ~~[who either~~
2 ~~register or assist persons to register to vote on behalf of an~~
3 ~~organization that is not a state or federal agency]~~ shall
4 register with the secretary of state, and the organization
5 shall register and provide the secretary of state with:

6 (1) the names of the officers of the
7 organization and the name and permanent address of the
8 organization;

9 (2) the names, permanent addresses, temporary
10 addresses, if any, and dates of birth of each person
11 registering persons to vote in the state on behalf of the
12 organization; and

13 (3) a sworn statement from each third-party
14 registration agent employed by or volunteering for the
15 organization stating that the agent will obey all state laws
16 and rules regarding the registration of voters on a form that
17 gives notice of the criminal penalties for false registration.

18 C. An unaffiliated registration agent shall
19 register with the secretary of state and provide the secretary
20 of state with:

21 (1) the agent's name, permanent address,
22 temporary address, if any, and date of birth; and

23 (2) a sworn statement stating that the agent
24 will obey all state laws and rules regarding the registration
25 of voters on a form that gives notice of the criminal penalties

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1 for false registration.

2 D. Registration officers shall conduct training of
3 third-party and unaffiliated registration agents. The
4 secretary of state shall develop guidelines under which the
5 registration officers shall conduct the trainings. The
6 secretary of state shall provide information about the times
7 and places at which training is offered.

8 E. Third-party and unaffiliated registration agents
9 shall not assist in the registration of voters until they have
10 completed a training program pursuant to Subsection D of this
11 section. Upon completion of the training, a third-party or
12 unaffiliated registration agent shall be issued a certificate
13 allowing the individual to assist voters in the state to
14 register. The certificate shall be valid until the end of the
15 election cycle in which it was issued. Upon expiration of the
16 certificate, the individual shall be recertified through a new
17 training session. The certificate shall clearly show the
18 registration agent's name, the name of the organization with
19 which the registration agent works, if applicable, and the date
20 the certificate expires. Third-party and unaffiliated
21 registration agents shall carry the certificate with them at
22 all times when they are engaged in voter registration
23 activities and shall produce the certificate for inspection
24 upon request.

25 [~~B-~~] F. Organizations employing third-party

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1 registration agents or using volunteer third-party registration
2 agents and unaffiliated registration agents shall deliver or
3 mail a certificate of registration to the secretary of state or
4 county clerk within forty-eight hours of its completion by the
5 person registering to vote or deliver it the next business day
6 if the appropriate office is closed for that forty-eight-hour
7 period.

8 [~~G.~~] G. The secretary of state may issue rules to
9 ensure the integrity of the registration process, including
10 rules requiring that organizations account for all state and
11 federal registration forms used by their third-party
12 registration agents.

13 H. A third-party registration agent shall not be
14 paid based on the number of voter registrations the agent
15 acquires. An organization employing third-party registration
16 agents shall not:

17 (1) compensate a third-party registration
18 agent based on the number of voter registrations that the agent
19 successfully facilitates;

20 (2) present a third-party registration agent
21 with a quota of voter registrations to facilitate as a
22 condition of payment or employment; or

23 (3) engage in another practice that causes a
24 third-party registration agent's compensation from or
25 employment status with the organization to be dependent on the

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1 number of voter registrations that the agent facilitates.

2 ~~[D-]~~ I. A person who intentionally violates the
3 provisions of this section is guilty of a petty misdemeanor and
4 the person's ~~[third-party]~~ registration agent status shall be
5 revoked. If the person who violates a provision of this
6 section is an employee of an organization and has decision-
7 making authority involving the organization's voter
8 registration activities or is an officer of the organization,
9 that organization shall be subject to civil penalties as
10 described in Subsection ~~[E]~~ J of this section.

11 ~~[E-]~~ J. If the secretary of state reasonably
12 believes that a person committed a violation of the provisions
13 of this section, the secretary of state shall refer the matter
14 to the attorney general or a district attorney for enforcement.
15 The attorney general or district attorney may institute a civil
16 action in district court for a violation of the provisions of
17 this section or to prevent a violation of the provisions of
18 this section. An action for relief may include a permanent or
19 temporary injunction, a restraining order or any other
20 appropriate order, including a civil penalty of two hundred
21 fifty dollars (\$250) for each violation, not to exceed five
22 thousand dollars (\$5,000).

23 K. For the purposes of this section:

24 (1) "third-party registration agent" means an
25 individual who either registers or assists persons to register

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1 to vote on behalf of an organization that is not a state or
2 federal agency; and

3 (2) "unaffiliated registration agent" means an
4 individual who either registers or assists persons to register
5 to vote but is working independent of any organization or a
6 state or federal agency."

7 SECTION 2. TEMPORARY PROVISION--RECERTIFICATION.--A voter
8 registration agent who was certified before November 6, 2012
9 must be recertified under the provisions of this act. A voter
10 registration agent who was certified between November 6, 2012
11 and the effective date of this act does not need to be
12 recertified until the election cycle that commences November 4,
13 2014.

14 SECTION 3. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2013.