

1 SENATE BILL 224

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Jeff Steinborn

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10 AN ACT

11 RELATING TO ELECTIONS; ALLOWING QUALIFIED ELECTORS TO REGISTER
12 TO VOTE OR UPDATE AN EXISTING CERTIFICATE OF REGISTRATION UP TO
13 THREE DAYS BEFORE AN ELECTION.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

20 A. A qualified elector may apply for registration
21 by mail, in the office of the secretary of state or county
22 clerk or with a registration agent or officer.

23 B. A person may request certificate of registration
24 forms from the secretary of state or any county clerk in
25 person, by telephone or by mail for that person or for other

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1 persons.

2 C. Except as provided in Subsection D of this
3 section, a qualified elector who wishes to register to vote
4 shall fill out completely and sign the certificate of
5 registration. The qualified elector may seek the assistance of
6 any person in completing the certificate of registration.

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

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

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

22 G. Within one business day after receipt of a
23 certificate of registration, the secretary of state shall send
24 the certificate to the county clerk in the county where the
25 qualified elector resides. Within one business day after

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1 receipt of a certificate of registration of another county, a
2 county clerk shall send the certificate of registration to the
3 county clerk in the county where the qualified elector resides.

4 H. Only when the certificate of registration is
5 properly filled out, signed by the qualified elector and
6 accepted for filing by the county clerk as evidenced by the
7 county clerk's signature or stamp and the date of acceptance
8 thereon shall it constitute an official public record of the
9 registration of the qualified elector. A qualified elector
10 complies with a voter registration deadline established in the
11 Election Code when a properly filled-out voter registration
12 certificate has been received by a county clerk or the
13 secretary of state, regardless of the date the certificate is
14 processed.

15 I. The secretary of state shall prescribe the form
16 of the certificate of registration, which form shall be a
17 postpaid mail-in format and shall be printed in Spanish and
18 English. The certificate of registration form shall be clear
19 and understandable to the average person and shall include
20 brief but sufficient instructions to enable the qualified
21 elector to complete the form without assistance. The form
22 shall also include:

23 (1) the question "Are you a citizen of the
24 United States of America?" and boxes for the applicant to check
25 to indicate whether the applicant is or is not a citizen;

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1 (2) the question "Will you be at least
2 eighteen years of age on or before the next general election?"
3 and boxes for the applicant to check to indicate whether the
4 applicant will be eighteen years of age or older on or before
5 the next general election;

6 (3) the statement "If you checked 'no' in
7 response to either of these questions, do not complete this
8 form.";

9 (4) a statement informing the applicant that:

10 (a) if the form is submitted by mail by
11 the applicant and the applicant is registering for the first
12 time in New Mexico, the applicant must submit with the form a
13 copy of: 1) a current and valid photo identification; or 2) a
14 current utility bill, bank statement, government check,
15 paycheck, student identification card or other government
16 document, including identification issued by an Indian nation,
17 tribe or pueblo, that shows the name and current address of the
18 applicant; and

19 (b) if the applicant does not submit the
20 required identification, the applicant will be required to do
21 so when voting in person or absentee; and

22 (5) a statement requiring the applicant to
23 swear or affirm that the information supplied by the applicant
24 is true."

25 SECTION 2. Section 1-4-8 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 66, as amended) is amended to read:

2 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
3 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--For
4 qualified electors, the following provisions shall apply:

5 A. the county clerk shall receive certificates of
6 registration at all times during normal working hours, except
7 that the clerk shall close registration at 5:00 p.m. on the
8 [~~twenty-eighth~~] third day immediately preceding any election at
9 which the registration books are to be furnished to the
10 precinct board;

11 B. registration shall be reopened on the Monday
12 following the election;

13 C. for purposes of a municipal or school election,
14 the registration period for those precincts within the
15 municipality or school district is closed at 5:00 p.m. on the
16 [~~twenty-eighth~~] third day immediately preceding the municipal
17 or school election and is opened again on the Monday following
18 the election; and

19 D. during the period when registration is closed
20 the county clerk shall receive certificates of registration and
21 other documents pertaining thereto but shall not file any
22 certificate of registration in the registration book until the
23 Monday following the election, at which time a voter
24 information document shall be mailed to the registrant at the
25 address shown on the certificate of registration.

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1 ~~[E. when the twenty-eighth day prior to any~~
2 ~~election referred to in this section is a Saturday, Sunday or~~
3 ~~legal holiday, registration shall be closed at 5:00 p.m. of the~~
4 ~~next succeeding regular business day for the office of the~~
5 ~~county clerk; and~~

6 ~~F. the county clerk shall accept for filing any~~
7 ~~certificate of registration that is subscribed and dated on or~~
8 ~~before the twenty-eighth day preceding the election and:~~

9 ~~(1) received by the county clerk before~~
10 ~~5:00 p.m. on the Friday immediately following the close of~~
11 ~~registration;~~

12 ~~(2) mailed and postmarked not less than~~
13 ~~twenty-eight days prior to any election referred to in this~~
14 ~~section; or~~

15 ~~(3) accepted at a state agency designated~~
16 ~~pursuant to Section 1-4-5.2 NMSA 1978.]"~~