

1 HOUSE BILL 84

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Daymon Ely and Debra M. Sariñana and Patricia Roybal Caballero  
5 and Joy Garratt and Jeff Steinborn  
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10 AN ACT

11 RELATING TO ELECTIONS; PROVIDING FOR THE AUTOMATIC VOTER  
12 REGISTRATION AND UPDATING OF QUALIFIED ELECTORS AT THE MOTOR  
13 VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT AND  
14 CERTAIN OTHER STATE AGENCIES.  
15

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

17 SECTION 1. Section 1-4-47 NMSA 1978 (being Laws 1991,  
18 Chapter 80, Section 4, as amended) is amended to read:

19 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

20 A. Every person who is a qualified elector and is  
21 applying for a driver's license or identification card, or to  
22 renew or update a driver's license or [~~for an~~] identification  
23 card shall, if qualified to register to vote, [~~with the consent~~  
24 ~~of the applicant~~] be simultaneously automatically registered to  
25 vote, or shall have an existing voter registration

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1 automatically updated, unless the person declines to register  
2 or to update the person's registration during the application  
3 process.

4 B. The secretary of taxation and revenue shall  
5 select certain employees of the motor vehicle division of the  
6 taxation and revenue department or employees of entities on  
7 contract to provide immediate field services to the motor  
8 vehicle division to provide assistance to any applicant  
9 requesting voter registration assistance.

10 C. Every motor vehicle division office, field  
11 office or contract field office of the division shall display  
12 within the offices clearly visible signs stating "voter  
13 registration assistance available" and shall ensure that:

14 (1) ~~[personnel in each office shall advise~~  
15 ~~each person who is a qualified elector and an applicant for~~  
16 ~~licensure or renewal or for an identification card that initial~~  
17 ~~voter registration or a change of address for voter~~  
18 ~~registration may be made simultaneously with the motor vehicle~~  
19 ~~application]~~ the application for issuance or renewal of a  
20 driver's license or identification card contains a notice that  
21 the information provided on the application will be used to  
22 automatically register the applicant to vote or to  
23 automatically update the applicant's voter registration, unless  
24 the applicant specifically declines to register or to update  
25 the applicant's voter registration during the application

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1 process;

2 (2) each person who is a qualified elector and  
3 an applicant for a driver's license or identification card, or  
4 a renewal of a driver's license or identification card, is  
5 offered an opportunity during the application process to  
6 decline to register to vote or to update the person's voter  
7 registration;

8 (3) the application for issuance or renewal of  
9 a driver's license or identification card contains a notice  
10 that an applicant who is a victim of domestic violence or  
11 stalking may decline to register to vote or to update the  
12 applicant's voter registration under this section, but may  
13 register to vote without publicly disclosing the applicant's  
14 street address pursuant to the Confidential Substitute Address  
15 Act;

16 [~~2~~] (4) voter registration shall be  
17 conducted in a manner such that the applicant completes the  
18 full certificate of registration electronically; and

19 [~~3~~] (5) the applicant's digital signature  
20 shall be affixed to the certificate of registration using an  
21 electronic signature in conformance with the Electronic  
22 Authentication of Documents Act and the Uniform Electronic  
23 Transactions Act.

24 D. [~~A motor vehicle division employee or~~  
25 ~~contractor~~] No person who issues or renews a driver's license

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1 or identification card shall [~~not~~] intentionally influence the  
2 prospective registrant in the selection of political party, or  
3 independent status, by word or act. [~~A motor vehicle division~~  
4 ~~employee or contractor~~] No person who issues or renews a  
5 driver's license or identification card shall [~~not~~] reveal the  
6 existence of or the nature of the voter registration to anyone  
7 other than a registration officer.

8 E. Any voter registration made or [~~accepted at a~~  
9 ~~motor vehicle division office or motor vehicle division field~~  
10 ~~office~~] updated at any office, including a field office, of the  
11 motor vehicle division or a contractor of the motor vehicle  
12 division shall be transmitted to the secretary of state and the  
13 appropriate registration officer within seven calendar days.

14 F. The secretary of state shall work with the motor  
15 vehicle division to:

16 (1) ensure compliance in the application of  
17 the provisions of this section with the federal National Voter  
18 Registration Act of 1993;

19 (2) ensure consistent implementation in the  
20 various counties, based on county classification and developing  
21 technology; and

22 (3) develop procedures to ensure that, once  
23 voter registration information is transmitted to the  
24 appropriate registration officer, the voter's certificate of  
25 registration is printed and placed in the county's register of

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1 voters.

2 G. If a person who is not entitled to vote becomes  
3 registered to vote pursuant to this section, that registration  
4 shall not be valid."

5 SECTION 2. Section 1-4-48 NMSA 1978 (being Laws 1995,  
6 Chapter 198, Section 13, as amended) is amended to read:

7 "1-4-48. AGENCY REGISTRATION--AGENCY AUTOMATIC VOTER  
8 REGISTRATION.--

9 A. The secretary of state shall adopt and publish  
10 in accordance with the State Rules Act rules for the  
11 administration of a state-agency-based voter registration  
12 program. The rules shall provide for distribution of voter  
13 registration forms, provisions for the acceptance of voter  
14 registration forms and procedures for reporting voter  
15 registration activity in accordance with the federal National  
16 Voter Registration Act of 1993.

17 B. Voter registration shall be made available at  
18 all state agencies providing public assistance or services to  
19 people with disabilities. The secretary of state may, with the  
20 agreement of those offices, designate other state and local  
21 public offices to provide voter registration services.

22 C. Each state agency participating in the voter  
23 registration program shall maintain sufficient records for the  
24 secretary of state to comply with federal voter registration  
25 reporting requirements and the federal Help America Vote Act of

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1 2002. Any records maintained by a state agency regarding voter  
2 registration activities in that agency are confidential and  
3 shall not be released as public records.

4 D. Any voter registration made or accepted at a  
5 state agency pursuant to this section shall be transmitted to  
6 the appropriate registration officer within [~~ten~~] seven  
7 calendar days.

8 E. A state agency employee or agency contractor who  
9 participates in the voter registration process may not  
10 intentionally influence the prospective registrant in the  
11 selection of political party, or independent status, by word or  
12 act. A state agency employee or agency contractor who  
13 participates in the voter registration process may not reveal  
14 the existence of or the nature of the voter registration to  
15 anyone other than a registration officer.

16 F. A person who is a qualified elector and  
17 completes an application to register to vote or to update the  
18 person's voter registration at an automatic voter registration  
19 agency shall automatically be registered to vote or to have the  
20 person's voter registration updated unless the person declines.  
21 A person who is a qualified elector shall be provided the  
22 opportunity to decline to register to vote or to update the  
23 person's registration prior to automatically being registered  
24 to vote or having the person's registration updated.

25 G. Upon receiving a request for services or

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1 assistance to register to vote or update voter registration at  
2 an automatic voter registration agency, the automatic voter  
3 registration agency shall provide:

4 (1) notice that, if the applicant is eligible  
5 to register to vote or to have the applicant's voter  
6 registration updated, the information provided on the  
7 application will be used to register the applicant to vote or  
8 to update the applicant's registration, unless the applicant  
9 specifically declines;

10 (2) each person with an opportunity during the  
11 application process to decline voter registration or to have  
12 the person's voter registration updated; and

13 (3) notice that an applicant who is a victim  
14 of domestic violence or stalking may decline to register to  
15 vote or to update the applicant's voter registration under this  
16 section, but may register to vote without publicly disclosing  
17 the applicant's street address pursuant to the Confidential  
18 Substitute Address Act.

19 H. Voter registration or updating of voter  
20 registration under this section shall be conducted in a manner  
21 such that the:

22 (1) applicant completes the full certificate  
23 of registration electronically; and

24 (2) applicant's digital signature is affixed  
25 to the certificate of registration using an electronic

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1 signature in conformance with the Electronic Authentication of  
2 Documents Act and the Uniform Electronic Transactions Act.

3 I. If a person who is not entitled to vote becomes  
4 registered to vote pursuant to this section, that registration  
5 shall not be valid.

6 J. Each year, the secretary of state shall conduct  
7 a review of each agency not already designated as an automatic  
8 voter registration agency to determine whether designation is  
9 appropriate. The secretary of state shall designate each such  
10 agency that collects information or documents that would  
11 provide proof of eligibility to vote unless the secretary of  
12 state determines that there are compelling reasons why  
13 automatic voter registration is not feasible at the agency. If  
14 the secretary of state determines that there are compelling  
15 reasons why automatic voter registration is not feasible at an  
16 agency, the secretary of state shall prepare a report  
17 explaining those reasons, provide that report to the  
18 legislative council service and provide a presentation to the  
19 appropriate interim legislative committee by the end of October  
20 in the calendar year in which that determination is made.

21 K. The secretary of state shall adopt and publish  
22 rules in accordance with the State Rules Act for the  
23 administration of automatic voter registration and voter  
24 registration updating at automatic voter registration agencies.  
25 The rules shall provide for registration and updating in

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1 accordance with the National Voter Registration Act of 1993,  
2 the Help America Vote Act of 2002 and this 2019 act.

3 L. The secretary of state shall work with each  
4 automatic voter registration agency to take appropriate  
5 measures to educate the public about automatic voter  
6 registration and updating under this section.

7 M. As used in this section, "automatic voter  
8 registration agency" means:

- 9 (1) the taxation and revenue department;
- 10 (2) the human services department; and
- 11 (3) any other state agency that the secretary  
12 of state designates; provided that the secretary of state may  
13 only designate an agency as an automatic voter registration  
14 agency after verifying that the agency collects information or  
15 documents that would provide proof of eligibility to vote."

16 **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
17 provisions of this act is July 1, 2019.