

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 84

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

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE AUTOMATIC VOTER
REGISTRATION AND UPDATING OF QUALIFIED ELECTORS AT THE MOTOR
VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT AND
CERTAIN OTHER STATE AGENCIES; REPEALING SECTION 1-4-5.2 NMSA
1978 (BEING LAWS 1995, CHAPTER 198, SECTION 3).

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

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

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

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

.213405.1

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1 vote, or shall have an existing voter registration
2 automatically updated, unless the person declines to register
3 or to update the person's registration during the application
4 process.

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

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

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

1 the applicant's voter registration during the application
 2 process;

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

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

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

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

25 D. ~~[A motor vehicle division employee or~~

.213405.1

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

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

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

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

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

23 (3) develop procedures to ensure that, once
24 voter registration information is transmitted to the
25 appropriate registration officer, the voter's certificate of

.213405.1

1 registration is printed and placed in the county's register of
2 voters.

3 G. 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, and the county clerk shall remove the
6 registration from the register of voters."

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

9 "1-4-48. AGENCY REGISTRATION--AGENCY AUTOMATIC VOTER
10 REGISTRATION.--

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

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

24 C. Each state agency participating in the voter
25 registration program shall maintain sufficient records for the

.213405.1

1 secretary of state to comply with federal voter registration
2 reporting requirements and the federal Help America Vote Act of
3 2002. Any records maintained by a state agency regarding voter
4 registration activities in that agency are confidential and
5 shall not be released as public records.

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

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

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

1 to vote or having the person's registration updated.

2 G. Upon receiving a request for services or
3 assistance to register to vote or update voter registration at
4 an automatic voter registration agency, the automatic voter
5 registration agency shall provide:

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

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

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

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

24 (1) applicant completes the full certificate
25 of registration electronically; and

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1 (2) applicant's digital signature is affixed
2 to the certificate of registration using an electronic
3 signature in conformance with the Electronic Authentication of
4 Documents Act and the Uniform Electronic Transactions Act.

5 I. If a person who is not entitled to vote becomes
6 registered to vote pursuant to this section, that registration
7 shall not be valid, and the county clerk shall remove the
8 registration from the register of voters.

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

24 K. The secretary of state shall adopt and publish
25 rules in accordance with the State Rules Act for the

1 administration of automatic voter registration and voter
 2 registration updating at automatic voter registration agencies.
 3 The rules shall provide for registration and updating in
 4 accordance with the National Voter Registration Act of 1993,
 5 the Help America Vote Act of 2002 and this 2019 act.

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

10 M. As used in this section, "automatic voter
 11 registration agency" means:

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

19 **SECTION 3.** A new section of the Election Code is enacted
 20 to read:

21 "[NEW MATERIAL] ANNUAL AUDIT--COUNTY VOTER LIST.--The
 22 secretary of state shall conduct an annual audit to identify
 23 persons who are not entitled to vote but who are registered to
 24 vote. The secretary of state shall provide a list to the
 25 county clerk of persons in that county who are not entitled to

.213405.1

1 vote but who are registered to vote. The county clerk shall
2 remove from the county voter list persons who are not entitled
3 to vote but who are registered to vote no later than one
4 hundred twenty days prior to a statewide general election."

5 SECTION 4. REPEAL.--Section 1-4-5.2 NMSA 1978 (being Laws
6 1995, Chapter 198, Section 3) is repealed.

7 SECTION 5. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2019.