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SENATE BILL 410

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

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO VOTING; REQUIRING HIGH SCHOOL GUIDANCE COUNSELORS
TO BE REGISTRATION AGENTS; PROVIDING HIGH SCHOOL GUIDANCE
COUNSELOR REGISTRATION AGENTS EXTRA TIME TO DELIVER OR MAIL
CERTIFICATES OF REGISTRATION.

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 REGISTRATION AGENTS--REGISTRATION
REQUIRED--SCHOOL COUNSELOR REGISTRATION AGENTS--PROCEDURES--
REPORTS--PENALTY.--~~

A. Registration agents who either register or
assist persons to register to vote on behalf of an organization
that is not a state or federal agency shall register with the
secretary of state, and the organization shall register and

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1 provide the secretary of state with:

2 (1) the names of the officers of the
3 organization and the name and permanent address of the
4 organization;

5 (2) the names, permanent addresses, temporary
6 addresses, if any, and dates of birth of each person
7 registering persons to vote in the state on behalf of the
8 organization; and

9 (3) a sworn statement from each registration
10 agent employed by or volunteering for the organization stating
11 that the agent will obey all state laws and rules regarding the
12 registration of voters on a form that gives notice of the
13 criminal penalties for false registration.

14 B. Except as provided in Subsection C of this
15 section, organizations employing registration agents or using
16 volunteer registration agents shall deliver or mail a
17 certificate of registration to the secretary of state or county
18 clerk within forty-eight hours of its completion by the person
19 registering to vote or deliver it the next business day if the
20 appropriate office is closed for that forty-eight-hour period.

21 C. High school guidance counselors shall be
22 registration agents and assist students who will be qualified
23 electors at the next election to register to vote. High school
24 guidance counselor registration agents shall deliver or mail a
25 certificate of registration to the secretary of state or county

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1 clerk within one week of its completion by the person
2 registering to vote.

3 ~~[G-]~~ D. The secretary of state may issue rules to
4 ensure the integrity of the registration process, including
5 rules requiring that organizations account for all state and
6 federal registration forms used by their registration agents.

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

16 ~~[E-]~~ F. If the secretary of state reasonably
17 believes that a person committed a violation of the provisions
18 of this section, the secretary of state shall refer the matter
19 to the attorney general or a district attorney for enforcement.
20 The attorney general or district attorney may institute a civil
21 action in district court for a violation of the provisions of
22 this section or to prevent a violation of the provisions of
23 this section. An action for relief may include a permanent or
24 temporary injunction, a restraining order or any other
25 appropriate order, including a civil penalty of two hundred

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1 fifty dollars (\$250) for each violation, not to exceed five
2 thousand dollars (\$5,000)."

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