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**HOUSE BILL 484**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Anna Crook**

**AN ACT**

**RELATING TO ELECTIONS; ALLOWING IN-PERSON ABSENTEE VOTING ONLY  
ON ELECTRONIC VOTING MACHINES UP TO 5:00 P.M. THE SATURDAY  
PRECEDING ELECTION DAY.**

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

**Section 1. Section 1-6-5 NMSA 1978 (being Laws 1969,  
Chapter 240, Section 131, as amended) is amended to read:**

**"1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT--  
MARKING AND DELIVERY OF BALLOT IN PERSON.--**

**A. The county clerk shall mark each completed  
absentee ballot application with the date and time of receipt  
in the clerk's office and enter the required information in  
the absentee ballot register. The county clerk shall then  
determine if the applicant is a voter, an absent uniformed  
services voter or an overseas voter.**

1           B. If the applicant has no valid certificate of  
2 registration on file in the county and he is not a federal  
3 qualified elector or if the applicant states he is a federal  
4 qualified elector but his application indicates he is not a  
5 federal qualified elector, no absentee ballot shall be issued  
6 and the county clerk shall mark the application "rejected" and  
7 file the application in a separate file from those accepted.

8           C. The county clerk shall notify in writing each  
9 applicant of the fact of acceptance or rejection of his  
10 application and, if rejected, shall explain why the  
11 application was rejected.

12           D. If the county clerk finds that the applicant is  
13 a voter or a federal qualified elector, the county clerk shall  
14 mark the application "accepted" and deliver an absentee ballot  
15 to the voter in the county clerk's office or mail to the  
16 applicant an absentee ballot and the required envelopes for  
17 use in returning the ballot. Acceptance of an application of  
18 a federal qualified elector constitutes registration for the  
19 election in which the ballot is to be cast. Acceptance of an  
20 application from an overseas voter who is not an absent  
21 uniformed services voter constitutes a request for changing  
22 information on the certificate of registration of any such  
23 voter. No absent voter shall be permitted to change his party  
24 affiliation during those periods when change of party  
25 affiliation is prohibited by the Election Code. Upon delivery

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1 of an absentee ballot to a voter in the county clerk's office  
2 or mailing of an absentee ballot to an applicant who is a  
3 voter, an appropriate designation shall be made on the  
4 signature line of the signature roster next to the name of the  
5 voter who has been provided or mailed an absentee ballot.

6 ~~[E. If an application for an absentee ballot is~~  
7 ~~delivered in person to the county clerk and is accepted, the~~  
8 ~~county clerk shall provide the voter an absentee ballot and it~~  
9 ~~shall be marked by the applicant in a voting booth of a type~~  
10 ~~prescribed by the secretary of state, sealed in the proper~~  
11 ~~envelopes and otherwise properly executed and returned to the~~  
12 ~~county clerk or his authorized representative before the voter~~  
13 ~~leaves the office of the county clerk. The act of marking the~~  
14 ~~absentee ballot in the office of the county clerk shall be a~~  
15 ~~convenience to the voter in the delivery of the absentee~~  
16 ~~ballot and does not make the office of the county clerk a~~  
17 ~~polling place subject to the requirements of a polling place~~  
18 ~~in the Election Code other than is provided in this~~  
19 ~~subsection. It shall be unlawful to solicit votes, display or~~  
20 ~~otherwise make accessible any posters, signs or other forms of~~  
21 ~~campaign literature whatsoever in the clerk's office.~~

22 Absentee ballots may be marked in person during the regular  
23 hours and days of business at the county clerk's office from  
24 8:00 a. m. on the fortieth day preceding the election up until  
25 5:00 p. m. on the Saturday immediately prior to the date of the

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1 ~~election. In marking the absentee ballot, the voter may be~~  
2 ~~assisted by one person of the voter's choice.~~

3 ~~F.]~~ E. Commencing with the [~~twentieth~~] fortieth  
4 day prior to an election, an absent voter may vote in person,  
5 on an electronic voting machine at the county clerk's office  
6 or [~~on an electronic voting machine~~] at an alternate location  
7 established by the county clerk. The act of an absent voter  
8 voting in person in the office of the county clerk shall be a  
9 convenience to the voter and does not make the office of the  
10 county clerk a polling place subject to the requirements of a  
11 polling place in the Election Code other than as provided in  
12 this subsection. It is unlawful to solicit votes, display or  
13 otherwise make accessible any posters, signs or other forms of  
14 campaign literature whatsoever in the clerk's office. In  
15 class A counties, the county clerk shall establish not less  
16 than four alternate locations as a convenience to the voters.  
17 Absentee voting may be done at the county clerk's office or an  
18 alternate location during the regular hours of business from  
19 8:00 a.m. on the [~~twentieth~~] fortieth day prior to the  
20 election until 5:00 p.m. on [~~Thursday~~] the Saturday  
21 immediately prior to the election. The county clerk shall  
22 ensure that procedures established for processing an absent  
23 voter application and for voting by absentee ballot are  
24 complied with at each alternative location.

25 [~~G.]~~ F. Absentee ballots shall be air mailed to

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1 applicants temporarily domiciled inside or outside the  
2 continental limits of the United States not later than on the  
3 Thursday immediately prior to the date of the election.

4 ~~[H.]~~ G. No absentee ballot shall be delivered or  
5 mailed by the county clerk to any person other than the  
6 applicant for such ballot.

7 ~~[I.]~~ H. The county clerk shall accept and process  
8 with respect to a primary or general election for any federal  
9 office, any otherwise valid voter registration application  
10 from an absent uniformed services voter or overseas voter if  
11 the application is received not less than thirty days before  
12 the election. The county clerk shall also accept and process  
13 federal write-in absentee ballots from overseas voters in  
14 general elections for federal offices in accordance with the  
15 provisions of Section 103 of the federal Uniformed and  
16 Overseas Citizens Absentee Voting Act.

17 ~~[J.]~~ I. The secretary of state and each county  
18 clerk shall make reasonable efforts to publicize and inform  
19 voters of the times and locations for absentee voting. "