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SENATE BILL 355

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

INTRODUCED BY

Richard M. Romero

AN ACT

RELATING TO ELECTIONS; EXTENDING THE MAIL BALLOT ELECTION ACT
TO INCLUDE STATE BOND ELECTIONS AND RATIFICATION OF
CONSTITUTIONAL AMENDMENTS; MAKING AN APPROPRIATION.

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

Section 1. Section 1-23-1 NMSA 1978 (being Laws 1987,
Chapter 160, Section 1) is amended to read:

"1-23-1. SHORT TITLE. -- ~~[This act]~~ Chapter 1, Article 23
NMSA 1978 may be cited as the "Mail Ballot Election Act". "

Section 2. Section 1-23-3 NMSA 1978 (being Laws 1987,
Chapter 160, Section 3, as amended) is amended to read:

"1-23-3. ELECTION BY ALL-MAILED BALLOTS. --
~~[Notwithstanding any other provision of law and regardless of~~
~~the number of eligible voters within its boundaries]~~

A. A local government may, by resolution of its

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1 governing body, conduct by all-mailed ballot any bond
2 election, any election on the imposition of a mill levy or a
3 property tax rate for a specified purpose or any special
4 election at which no candidates are to be nominated for or
5 elected to office.

6 B. The secretary of state shall conduct for
7 general elections by all-mailed ballot ratification of
8 amendments to the constitution of New Mexico and state bond
9 elections. "

10 Section 3. Section 1-23-4 NMSA 1978 (being Laws 1987,
11 Chapter 160, Section 4) is amended to read:

12 "1-23-4. LAW GOVERNING. -- Except as otherwise provided in
13 the Mail Ballot Election Act, local mail ballot elections
14 shall be conducted in accordance with the provisions of the
15 local government's absentee voter law and ballot elections
16 conducted by the secretary of state shall be governed by the
17 provisions of the Mail Ballot Election Act and Chapter 1,
18 Article 6 NMSA 1978. "

19 Section 4. Section 1-23-5 NMSA 1978 (being Laws 1987,
20 Chapter 160, Section 5, as amended) is amended to read:

21 "1-23-5. NO POLLING PLACE. --

22 A. Upon the adoption of a resolution by the
23 governing body to conduct [~~an~~] a local election by an all-
24 mailed ballot, each registered voter of the local government
25 shall be mailed an absentee ballot along with a statement that

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1 there will be no polling place for the election. The voter
2 shall not be required to file an application for the absentee
3 ballot. The ballot shall be mailed to each voter no earlier
4 than the thirty-fifth day prior to the election, and the
5 mailing shall be completed by the fifth day before the
6 election.

7 B. For an all-mailed ballot election on a state
8 bond issue or constitutional amendment, the secretary of state
9 shall mail an absentee ballot no earlier than the fortieth day
10 before the election to each registered voter in each county.
11 Completed ballots shall be returned to a central location as
12 determined by the secretary of state. The secretary shall
13 include with the ballot a statement that the questions
14 contained in the absentee ballot can be voted on only by mail,
15 an explanation of the ballot questions and notice that the
16 ballot must be received no later than 7:00 p.m. on election
17 day. "

18 Section 5. Section 1-23-7 NMSA 1978 (being Laws 1987,
19 Chapter 160, Section 7, as amended) is amended to read:

20 "1-23-7. MAIL BALLOT ELECTION NOT TO BE COMBINED WITH
21 OTHER ELECTIONS. -- Mail ballot elections shall be used
22 exclusively for voting in those elections specified in Section
23 1-23-3 NMSA 1978 [~~and shall not be used in connection with~~
24 ~~elections at which candidates are to be nominated for or~~
25 ~~elected to office]~~. "

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Section 6. A new section of the Mail Ballot Election Act is enacted to read:

"[NEW MATERIAL] SECURITY--RULES.--The secretary of state shall adopt rules for protecting the integrity, security and secrecy of mail ballot elections."

Section 7. APPROPRIATION.--One million dollars (\$1,000,000) is appropriated from the general fund to the office of the secretary of state for expenditure in fiscal years 2002 and 2003 for the purpose of conducting an all-mail ballot election for constitutional amendments and state ballot elections. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.