

FORTY- SEVENTH LEGISLATURE
FIRST SESSION, 2005

March 17, 2005

Mr. Speaker:

Your VOTERS AND ELECTIONS COMMITTEE, to whom has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE
RULES COMMITTEE SUBSTITUTE FOR SENATE BILLS 678, 680,
718 and 735, as amended

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. Strike Senate Floor Amendments 2 and 3.
2. On page 2, line 23, after "agency", insert ", or a tribal registration agent office,".
3. On page 4, line 7, strike "sworn" and insert in lieu thereof "verbal or".
4. On page 6, line 6, strike "statewide" and insert in lieu thereof "primary".
5. On page 17, line 18, after "who", insert "willfully".
6. On page 17, line 19, strike "fourth degree felony" and insert in lieu thereof "petty misdemeanor and shall have his third-party registration agent status revoked".
7. On page 17, line 25, after "map", insert "or give a description".
8. On page 18, line 15, strike ", which may be a carbon copy,".
9. On page 53, between lines 21 and 22, insert the following section to read:

"Section 45. Section 1-6-5.6 NMSA 1978 (being Laws 2003, Chapter 357, Section 6) is amended to read:

"1-6-5.6. EARLY VOTING--ALTERNATE VOTING PLACES--PROCEDURES.
--The secretary of state shall adopt rules to:

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A. ensure that voters have adequate access to alternate locations for early voting in each county, taking into consideration population density and travel time to the place of voting; [~~and~~]

B. ensure that early voters are not allowed to vote in person on election day;

C. ensure that adequate interpreters are available at alternative early voting locations in those precincts having a majority of qualified electors who are part of a recognized language minority; and

D. allow for mobile alternate voting places in rural areas of the state."

10. Renumber the succeeding sections accordingly.

11. On page 58, lines 24 and 25, and on page 59, lines 1 and 2, strike the underscored language.

12. On page 68, between lines 14 and 15, insert a new section to read:

"Section 59. A new section of Chapter 1, Article 12 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CONDUCT OF ELECTIONS--SUSPENSION OF CERTAIN VOTER IDENTIFICATION REQUIREMENTS.--If on election day the amount of time voters must spend in line before being able to vote in the precinct exceeds forty-five minutes, the presiding judge of the precinct shall suspend all physical forms of voter identification requirements other than those mandated by federal law; provided, however, that at the request of two or more precinct board members of different political parties, a voter shall still present the required physical form of identification, and in the case of a voter who does not provide the required name, birth year and unique identifier, the voter shall still be required to present the required physical form of identification."

13. Renumber the succeeding sections accordingly.

14. On page 76, line 11, after "post" insert "the phone numbers of the county clerk and the secretary of state and".

15. On page 80, line 18, strike "Within ten days after the

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election" and insert in lieu thereof "Beginning with the closing of the polls on election day through the tenth day following the election".

16. On page 80, line 19, after "by" insert "certified".

17. On page 80, line 21, strike "ten days from the date of the mailing" and insert in lieu thereof "until the Friday prior to the meeting of the state canvassing board".

18. On page 80, line 22, strike "canvassing board" and insert in lieu thereof "clerk".

19. On page 80, line 24, strike "canvassing board" and insert in lieu thereof "county clerk".

20. On page 85, line 19 through page 86, line 20, strike Section 73 in its entirety and insert in lieu thereof the following section to read:

"Section 75. A new section of Chapter 1, Article 14 NMSA 1978 is enacted to read:

"[NEW MATERIAL] POST-ELECTION DUTIES-- RANDOM VOTING SYSTEM
CHECK-- RECOUNT. --

A. The secretary of state shall direct the county clerks to compare the total votes tallied in the general election for the office of president or governor from two percent of the voting systems in the state with total votes tallied by hand from the voter verifiable and auditable paper trail from those voting systems. The check of the voting systems shall occur within five days of the completion of the county canvass. Canvass observers shall be allowed to observe the audit under the same conditions and restrictions as for observing the county canvass. In the event that one of the randomly selected voting machines is used for absentee voting, then the prescribed certification procedure shall be used to verify the accuracy of that machine's vote total.

B. For voting machines not used for absentee voting, if the vote totals for the voting system and the voter verifiable and auditable paper trail differ by more than one and one-half percent, the secretary of state shall have a recount conducted for the office in the precincts of the legislative district in which the discrepancy occurred. For voting machines used for absentee voting,

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if the results of the re-certification process produce an error rate that exceeds one and one-half percent or the error threshold approved for that machine, whichever is more restrictive, the ballots counted on that machine shall be recounted."".

21. On page 89, line 10, strike "72 and 74 through 78" and insert in lieu thereof "74 and 76 through 80".

22. On page 89, line 12, strike "73" and insert in lieu thereof "75".

Respectfully submitted,

Edward C. Sandoval, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 8 For 5 Against

Yes: 8

No: Arnold-Jones, Bratton, Hall, Hobbs, McCoy

Excused: Madalena

Absent: None