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AN ACT

RELATING TO ELECTIONS; ELIMINATING THE USE OF VOTERS' SOCIAL SECURITY NUMBERS ON CERTAIN ELECTION-RELATED DOCUMENTS; CHANGING CERTAIN ELECTION CODE TERMINOLOGY; CHANGING THE DEFINITION OF "REQUIRED VOTER IDENTIFICATION"; CHANGING REQUIREMENTS FOR CERTAIN ABSENTEE BALLOT MATERIALS.

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

Section 1. Section 1-1-24 NMSA 1978 (being Laws 2005, Chapter 270, Section 6) is amended to read:

"1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the Election Code, "required voter identification" means any of the following forms of identification as chosen by the voter:

A. a physical form of identification, which may be:

(1) an original or copy of a current and valid photo identification with or without an address, which address is not required to match the voter's certificate of registration; or

(2) an original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the person, the address of which is not required to match the voter's certificate of

1 registration; or

2 B. a verbal or written statement by the voter of
3 the voter's name, registration address and year of birth;
4 provided, however, that the statement of the voter's name
5 need not contain the voter's middle initial or suffix."

6 Section 2. Section 1-4-5 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 63, as amended) is amended to read:

8 "1-4-5. METHOD OF REGISTRATION--UNLAWFUL USE OF
9 INFORMATION--PENALTY.--

10 A. A qualified elector may apply to a registration
11 officer or agent for registration.

12 B. The registration officer or agent or qualified
13 elector shall fill out each of the blanks on the certificate
14 of registration by typing or printing in ink. The qualified
15 elector shall be given a receipt that shall contain:

16 (1) a number traceable to the registration
17 agent or officer;

18 (2) a statement informing the qualified
19 elector that if the qualified elector does not receive
20 confirmation of the qualified elector's registration within
21 fifteen days of the receipt date, the qualified elector
22 should contact the office of the county clerk in the county
23 where the qualified elector resides; and

24 (3) a toll-free number for the office of the
25 county clerk and an address for the web site of the secretary

1 of state.

2 C. The qualified elector shall subscribe a
3 certificate of registration as follows:

4 (1) by signing the certificate of
5 registration using the qualified elector's given name, middle
6 name or initial and last name; or

7 (2) if any qualified elector seeking to
8 register is unable to read and write either the English or
9 Spanish language or is unable to read or write because of
10 some physical disability, the certificate of such person
11 shall be filled out by a registration officer or agent and
12 the name of the qualified elector so registering shall be
13 subscribed by the making of the qualified elector's mark.

14 D. When properly executed by the registration
15 agent or officer, or qualified elector, the original of the
16 certificate of registration shall be presented, either in
17 person or by mail by the qualified elector or by the
18 registration agent or officer, to the county clerk of the
19 county in which the qualified elector resides.

20 E. Only when the certificate of registration is
21 properly filled out, subscribed by the qualified elector and
22 accepted for filing by the county clerk as evidenced by the
23 county clerk's signature or stamp and the date of acceptance
24 thereon shall it constitute an official public record of the
25 registration of the qualified elector. It is unlawful for

1 the qualified elector's date of birth or any portion of the
2 qualified elector's social security number required on the
3 certificate of registration to be copied, conveyed or used by
4 anyone other than the person registering to vote, either
5 before or after it is filed with the county clerk, and by
6 elections administrators in their official capacity.

7 F. A person who unlawfully copies, conveys or uses
8 information from a certificate of registration is guilty of a
9 fourth degree felony."

10 Section 3. Section 1-5-7 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 109, as amended) is amended to read:

12 "1-5-7. SIGNATURE ROSTERS AND CHECKLISTS OF VOTERS--
13 CONTENTS.--

14 A. The signature roster and checklist of voters
15 for any precinct shall contain for each voter, as shown in
16 the county register, the voter's:

- 17 (1) name;
- 18 (2) gender;
- 19 (3) place of residence;
- 20 (4) year of birth;
- 21 (5) party affiliation, if any; and
- 22 (6) precinct of residence.

23 B. In addition, the names on each signature roster
24 and checklist of voters shall be numbered consecutively
25 beginning with the number "1".

1 C. On each page of each signature roster and each
2 checklist of voters there shall be printed the page number
3 and the date and name of the election for which they are to
4 be used."

5 Section 4. Section 1-5-8 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 110, as amended) is amended to read:

7 "1-5-8. SIGNATURE ROSTER--CHECKLIST OF VOTERS--VOTER
8 LIST--NUMBER--DISTRIBUTION.--

9 A. The county clerk shall prepare and certify the
10 accuracy of one signature roster and one checklist of voters
11 for each precinct. The county clerk shall deliver such
12 roster and checklist to each precinct board. The voter shall
13 sign the signature roster before receiving a ballot. The
14 precinct board member shall mark the checklist of voters to
15 verify the voters on the list who have voted.

16 B. The county clerk shall prepare an alphabetical
17 listing of voters in each precinct, which will be delivered
18 to each precinct board and posted inside the polling place
19 for public use.

20 C. After the polls have closed, the presiding
21 judge shall deliver the signed signature roster to the county
22 clerk and mail the checklist of voters to the secretary of
23 state."

24 Section 5. Section 1-6-4 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 130, as amended) is amended to read:

1 "1-6-4. ABSENTEE BALLOT APPLICATION--FEDERAL QUALIFIED
2 ELECTOR--OVERSEAS VOTER.--

3 A. Application by a federal qualified elector or
4 an overseas voter for an absentee ballot shall be made on the
5 official postcard form prescribed or authorized by the
6 federal government to the county clerk of the county of the
7 applicant's residence. The form shall allow the applicant to
8 receive an absentee ballot for all elections within an
9 election cycle.

10 B. Application by a voter for an absentee ballot
11 shall be made only on a form prescribed by the secretary of
12 state in accordance with federal law. The form shall
13 identify the applicant and contain information to establish
14 the applicant's qualification for issuance of an absentee
15 ballot under the Absent Voter Act; provided that on the
16 application form for a general election ballot there shall be
17 no box, space or place provided for designation of the
18 voter's political party affiliation.

19 C. Each application for an absentee ballot shall
20 be subscribed by the applicant and shall require the
21 applicant's printed name, registration address and year of
22 birth to be supplied by the applicant, which shall constitute
23 the required form of identification, except for new
24 registrants who have registered by mail and at that time did
25 not provide acceptable identification. The secretary of

1 state shall issue rules to exempt voters from submitting
2 identification only as required by federal law and shall
3 review and, if necessary, update these rules no later than
4 March 15 of even-numbered years.

5 D. An application for an absentee ballot by a
6 federal qualified elector or an overseas voter shall be
7 accepted at any time preceding the general election."

8 Section 6. Section 1-6-8 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 134, as amended) is amended to read:

10 "1-6-8. ABSENTEE BALLOT ENVELOPES.--

11 A. The secretary of state shall prescribe the form
12 of, procure and distribute to each county clerk a supply of:

13 (1) official inner envelopes for use in
14 sealing the completed absentee ballot;

15 (2) official mailing envelopes for use in
16 returning the official inner envelope to the county clerk;
17 provided the official mailing envelope for absentee ballots
18 in a general election shall contain no designation of party
19 affiliation;

20 (3) absentee ballot instructions, describing
21 proper methods for completion of the ballot and returning it;
22 and

23 (4) official transmittal envelopes for use
24 by the county clerk in mailing absentee ballot materials.

25 B. Official transmittal envelopes and official

1 mailing envelopes for transmission of absentee ballot
2 materials to and from the county clerk and federal qualified
3 electors shall be printed in the form prescribed by the
4 federal Uniformed and Overseas Citizens Absentee Voting Act.
5 Official transmittal envelopes and official mailing envelopes
6 for transmission of absentee ballot materials to and from the
7 county clerk and voters shall be printed in black in
8 substantially similar form. All official inner envelopes
9 shall be printed in black.

10 C. The reverse of each official mailing envelope
11 shall contain a form to be executed by the voter completing
12 the absentee ballot. The form shall identify the voter and
13 shall contain the following statement: "I will not vote in
14 this election other than by the enclosed ballot. I will not
15 receive or offer any compensation or reward for giving or
16 withholding any vote."

17 D. The official mailing envelope shall contain a
18 space for the voter to record the voter's name, registration
19 address and year of birth. The envelope shall have a
20 security flap to cover this information."

21 Section 7. Section 1-6-9 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 135, as amended) is amended to read:

23 "1-6-9. MANNER OF VOTING.--

24 A. A person voting pursuant to the Absent Voter
25 Act shall secretly mark the absentee ballot in the manner

1 provided in the Election Code for marking paper ballots,
2 place it in the official inner envelope and securely seal the
3 envelope. The voter shall then place the official inner
4 envelope inside the official mailing envelope and securely
5 seal the envelope. The voter shall then complete the form on
6 the reverse of the official mailing envelope, which shall
7 include an affirmation by the voter under penalty of perjury
8 that the facts stated in the form are true and the voter's
9 name, registration address and year of birth.

10 B. Federal qualified electors and overseas voters
11 shall either deliver or mail the official mailing envelope or
12 electronically transmit the absentee ballot to the county
13 clerk of their county of residence or deliver it to a person
14 designated by federal authority to receive executed ballots
15 for transmission to the county clerk of the county of
16 residence or former residence as the case may be. Voters
17 shall either deliver or mail the official mailing envelope to
18 the county clerk of their county of residence."

19 Section 8. Section 1-12-7.1 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 112, as amended) is amended to read:

21 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
22 VOTERS--USE DURING ELECTION.--

23 A. Each precinct board using voter lists shall
24 post securely at or near the entrance of the polling place
25 one copy of an alphabetical list of voters for use of the

1 voters prior to voting. The posted copy shall not contain a
2 listing of voter addresses, years of birth, unique
3 identifiers or social security numbers.

4 B. The presiding judge of the precinct board shall
5 assign one judge of the board to be in charge of one copy of
6 the checklist of voters, which shall be used to confirm the
7 registration and voting of each person offering to vote.

8 C. The presiding judge of the precinct board shall
9 assign one election clerk to be in charge of the signature
10 roster.

11 D. The judge assigned to the checklist of voters
12 used for confirmation of registration and voting shall
13 determine that each person offering to vote is registered
14 and, in the case of a primary election, that the voter is
15 registered in a party designated on the primary election
16 ballot. If the person's registration is confirmed by the
17 presence of the person's name on the checklist of voters and
18 the voter provides the required voter identification, the
19 judge shall announce to the election clerks the list number
20 and the name of the voter as shown on the checklist of
21 voters. If the voter does not provide the required voter
22 identification, the voter shall be allowed to vote on a
23 provisional ballot and shall provide the required voter
24 identification to the county clerk's office before the county
25 canvass begins, or to the precinct board before the polls

1 close, or the voter's provisional ballot shall not be
2 qualified. If the required voter identification is provided,
3 the voter's provisional ballot shall be qualified and the
4 voter shall not vote on any other type of ballot.

5 E. The election clerk shall locate that list
6 number and name on the signature roster and shall require the
7 voter to sign the voter's usual signature or, if unable to
8 write, to make the voter's mark opposite the voter's printed
9 name. If the voter makes the voter's mark, it shall be
10 witnessed by one of the judges of the precinct board. If the
11 signature roster indicates that the voter is required to
12 present a physical form of identification before voting, the
13 election judge shall ask the voter for the required physical
14 form of identification. If the voter does not provide the
15 required identification, the voter shall be allowed to vote
16 on a provisional paper ballot; provided, however, that if the
17 voter brings the required physical form of identification to
18 the polling place after casting a provisional ballot, that
19 ballot shall be qualified and the voter shall not vote on any
20 other type of ballot.

21 F. The election judge shall follow the procedures
22 provided for in Sections 1-12-7.2 and 1-12-8 NMSA 1978 if a
23 person whose name does not appear on the signature roster
24 requests to vote or a person is required to vote on a
25 provisional paper ballot.

1 G. A voter shall not be permitted to vote until
2 the voter has properly signed the voter's usual signature or
3 made the voter's mark in the signature roster.

4 H. After the poll is closed, the election clerk in
5 charge of the signature roster shall draw a single horizontal
6 line in ink through each signature space in the signature
7 roster where no signature or mark appears."

8 Section 9. Section 1-12-25.3 NMSA 1978 (being Laws
9 2003, Chapter 356, Section 6, as amended) is amended to read:

10 "1-12-25.3. PROVISIONAL PAPER BALLOTS--REQUIRED
11 INFORMATION.--

12 A. At a minimum, the following information shall
13 be printed on the outer envelope for a provisional paper
14 ballot:

- 15 (1) the name and signature of the voter;
- 16 (2) the voter's registered address, both
17 present and former if applicable;
- 18 (3) the voter's date of birth;
- 19 (4) the reason for using the ballot;
- 20 (5) the precinct and the polling place at
21 which the voter has voted; and
- 22 (6) sufficient space to list the disposition
23 of the ballot after review by the county clerk.

24 B. A provisional paper ballot shall not be
25 rejected for lack of the information required by this section

