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HOUSE BILL 101

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Bill B. O'Neill

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO JUDGES; ALLOWING JUDGES TO PROVIDE A SUBSTITUTE ADDRESS TO STATE AND LOCAL AGENCIES THAT ISSUE LICENSES, PERMITS OR IDENTIFICATION CARDS; ALLOWING JUDGES TO PROVIDE A SUBSTITUTE ADDRESS IN LIEU OF A PHYSICAL RESIDENCE ADDRESS ON A CERTIFICATE OF VOTER REGISTRATION.

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

Section 1. A new section of Chapter 34 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SUBSTITUTE ADDRESS FOR JUDGES.--

Notwithstanding any other provision of law, a state agency or local public body shall allow a justice, judge or magistrate to substitute, in lieu of a physical residence address, a personal post office box or the address of the court where the justice, judge or magistrate presides in any license, permit or

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1 identification card issued by that agency or local public
2 body."

3 Section 2. Section 1-4-5.1 NMSA 1978 (being Laws 1993,
4 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
5 as amended) is amended to read:

6 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

7 A. A qualified elector may apply for registration
8 by mail, in the office of the secretary of state or county
9 clerk or with a registration agent or officer.

10 B. A person may request certificate of registration
11 forms from the secretary of state or any county clerk in
12 person, by telephone or by mail for that person or for other
13 persons.

14 C. Except as provided in [~~Subsection~~] Subsections D
15 and E of this section, a qualified elector who wishes to
16 register to vote shall fill out completely and sign the
17 certificate of registration. The qualified elector may seek
18 the assistance of any person in completing the certificate of
19 registration.

20 D. A qualified elector who has filed for an order
21 of protection pursuant to the provisions of the Family Violence
22 Protection Act and who presents a copy of that order from a
23 state or tribal court to the registration officer shall not be
24 required to provide physical residence address information on
25 the certificate of registration.

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1 E. A qualified elector who is a justice, judge or
2 magistrate shall not be required to provide physical residence
3 address information on the certificate of registration but may
4 instead provide a personal post office box or the address of
5 the court where the justice, judge or magistrate presides;
6 provided that the qualified elector is assigned to a precinct
7 based on the elector's actual physical residence address.

8 ~~[E.]~~ F. Completed certificates of registration may
9 be mailed or presented in person by the registrant or any other
10 person to the secretary of state or presented in person by the
11 registrant or any other person to the county clerk of the
12 county in which the registrant resides.

13 ~~[F.]~~ G. If the registrant wishes to vote in the
14 next election, the completed and signed certificate of
15 registration shall be delivered or mailed and postmarked at
16 least twenty-eight days before the election.

17 ~~[G.]~~ H. Upon receipt of a certificate of
18 registration, the secretary of state shall send the certificate
19 to the county clerk in the county where the qualified elector
20 resides.

21 ~~[H.]~~ I. Only when the certificate of registration
22 is properly filled out, signed by the qualified elector and
23 accepted for filing by the county clerk as evidenced by the
24 county clerk's signature or stamp and the date of acceptance
25 thereon and when notice has been received by the registrant

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1 shall it constitute an official public record of the
2 registration of the qualified elector.

3 ~~[F.]~~ J. The secretary of state shall prescribe the
4 form of the certificate of registration, which form shall be a
5 postpaid mail-in format and shall be printed in Spanish and
6 English. The certificate of registration form shall be clear
7 and understandable to the average person and shall include
8 brief but sufficient instructions to enable the qualified
9 elector to complete the form without assistance. The form
10 shall also include:

11 (1) the question "Are you a citizen of the
12 United States of America?" and boxes for the applicant to check
13 to indicate whether the applicant is or is not a citizen;

14 (2) the question "Will you be at least
15 eighteen years of age on or before election day?" and boxes for
16 the applicant to check to indicate whether the applicant will
17 be eighteen years of age or older on election day;

18 (3) the statement "If you checked 'no' in
19 response to either of these questions, do not complete this
20 form.";

21 (4) a statement informing the applicant that:
22 (a) if the form is submitted by mail by
23 the applicant and the applicant is registering for the first
24 time in New Mexico, the applicant must submit with the form a
25 copy of: 1) a current and valid photo identification; or 2) a

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1 current utility bill, bank statement, government check,
2 paycheck, student identification card or other government
3 document, including identification issued by an Indian nation,
4 tribe or pueblo, that shows the name and current address of the
5 applicant; and

6 (b) if the applicant does not submit the
7 required identification, the applicant will be required to do
8 so when voting in person or absentee; and

9 (5) a statement requiring the applicant to
10 swear or affirm that the information supplied by the applicant
11 is true."

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