

1 HOUSE BILL 292

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Gregg Schmedes

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10 AN ACT

11 RELATING TO ELECTIONS; PROVIDING PRIVACY TO VOTERS DURING EARLY
12 VOTING.

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

15 SECTION 1. Section 1-6-6 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 132, as amended) is amended to read:

17 "1-6-6. ABSENTEE BALLOT REGISTER.--

18 A. For each election, the county clerk shall keep
19 an "absentee ballot register", in which the county clerk shall
20 enter:

21 (1) the name and address of each absentee
22 ballot applicant;

23 (2) the date and time of receipt of the
24 application;

25 (3) whether the application was accepted or

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1 rejected;

2 (4) the date of issue of an absentee ballot in
3 the county clerk's office or at an alternate location or the
4 mailing of an absentee ballot to the applicant;

5 (5) the applicant's precinct;

6 (6) whether the applicant is a voter and
7 whether the voter is a uniformed-service voter or an overseas
8 voter;

9 (7) whether the voter is required to submit
10 identification pursuant to Section 1-6-5 NMSA 1978; and

11 (8) the date and time the completed absentee
12 ballot was received from the applicant by the county clerk or
13 the absent voter voted early in person in the county clerk's
14 office or at an alternate location.

15 B. Absentee ballots shall be sent to applicants
16 beginning twenty-eight days before the election. For each
17 application for an absentee ballot received twenty-three or
18 more days before the election, the county clerk shall send
19 either the ballot or a notice of rejection to the applicant as
20 soon as practicable, provided it is sent not later than twenty-
21 two days before the election. Within twenty-two days of
22 election day, the county clerk shall send either the ballot or
23 a notice of rejection to the applicant within twenty-four hours
24 after receipt of the voter's application for an absentee
25 ballot.

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1 C. Except for the twenty-eight days preceding an
2 election, the absentee ballot register is a public record open
3 to public inspection in the county clerk's office during
4 regular office hours. The county clerk shall have an updated
5 county absentee ballot register available for public inspection
6 Monday through Friday during regular office hours.

7 D. The county clerk shall deliver to the absent
8 voter precinct on election day a complete list of all absentee
9 ballot applicants and early voters with applicable information
10 shown in the absentee ballot register for each applicant and
11 early voter up to 6:00 p.m. on the Saturday preceding the
12 election. The county clerk shall deliver a signature roster
13 containing the same information as the lists to the absent
14 voter precinct board.

15 ~~[E. Upon request, the county clerk shall transmit~~
16 ~~to the county chair of each of the major political parties in~~
17 ~~the county a complete copy of entries made in the absentee~~
18 ~~ballot register. Such transmissions shall be made once each~~
19 ~~week beginning four weeks immediately prior to the election. A~~
20 ~~final copy shall be transmitted on the Saturday immediately~~
21 ~~following the election.~~

22 F.] E. If the county clerk has available the
23 technology to do so, at the request of a candidate or chair of
24 a political party of the county, the county clerk shall
25 electronically transmit to the candidate or chair via the

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1 internet, [~~the information, when updated, on the absentee~~
2 ~~ballot register indicating voters who have requested absentee~~
3 ~~ballots, returned their absentee ballots or voted early in~~
4 ~~person.] when updated, the total number of voters who have
5 voted in an election, and may break down that total number by
6 qualified political party or no party affiliation."~~

7 SECTION 2. Section 1-11-13 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 223, as amended) is amended to read:

9 "1-11-13. INDEX OF VOTERS.--Upon the written request of a
10 qualified political party, a candidate, an election-related
11 organization or an election observer, the secretary of state
12 shall send to the requester an index of all voters and their
13 addresses, their party affiliation, their precinct, their voter
14 history and their unique identifier. [~~and their early or~~
15 ~~absentee voting status in any election currently underway]~~
16 Each index shall be certified by the secretary of state as
17 being an accurate listing of all voters in each requested
18 county. The written request shall specify whether the
19 information is to be received electronically or on paper, the
20 electronic or physical delivery address, the time period during
21 which the information is to be received, the frequency of
22 receiving the information and the method of payment."