

AN ACT

RELATING TO ELECTIONS; CHANGING REQUIREMENTS AND PROCEDURES
FOR VOTER REGISTRATION; PROVIDING PROCEDURES AND REQUIREMENTS
FOR REGISTRATION BY ELECTRONIC MEANS; ENACTING THE UNIFORM
MILITARY AND OVERSEAS VOTERS ACT; MAKING CORRESPONDING
CHANGES TO THE ELECTION CODE AND THE MUNICIPAL ELECTION CODE;
PROHIBITING PROXY VOTING; ALLOWING USE OF COUNTY CLERK
EMPLOYEES AS ELECTION CLERKS; REQUIRING SUFFICIENT STAFF AND
EQUIPMENT AT POLLING LOCATIONS; SETTING, CLARIFYING AND
STANDARDIZING PROCESSES, DATES AND DEADLINES; PROVIDING
DEFINITIONS; ALLOWING ACCESS BY COUNTY CLERKS TO THE DRIVER'S
LICENSE DATABASE; PERMITTING PARTY COMMITTEE APPOINTMENTS
ACCORDING TO PARTY RULES; PRESCRIBING THE ORDER OF OFFICES ON
THE BALLOT; EXEMPTING CERTAIN VOTING RECORDS FROM THE
INSPECTION OF PUBLIC RECORDS ACT UNTIL AFTER ALL RECOUNTS,
CONTESTS AND CANVASSING ARE COMPLETED; ENSURING THAT MISTAKEN
CANCELLATION OF REGISTRATION WILL NOT VOID A PROVISIONAL
BALLOT; RESTRICTING THE HOLDING OF OTHER ELECTIONS WITHIN
FIFTY DAYS OF A GENERAL ELECTION; PRESCRIBING RECOUNT
PROCEDURES; PROVIDING STANDARDS FOR CONSOLIDATED PRECINCTS;
AUTHORIZING SCHOOL BOARDS TO SET THE TIMES FOR ALTERNATE
VOTING LOCATIONS; REQUIRING ELECTIONS FOR CHANGING THE NUMBER
OF SCHOOL BOARD MEMBERS TO BE HELD DURING A REGULAR SCHOOL
ELECTION; UPDATING FORMS; PROVIDING FOR A PENALTY; ASSIGNING
PROSECUTORIAL DUTIES; GRANTING AUTHORITY TO THE SECRETARY OF

1 STATE TO COOPERATE WITH LOCAL, STATE AND FEDERAL AGENCIES ON
2 VERIFICATION OF VOTER REGISTRATION INFORMATION.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

5 SECTION 1. A new section of the Election Code is
6 enacted to read:

7 "FEDERAL QUALIFIED ELECTOR.--As used in the Election
8 Code, "federal qualified elector" means:

9 A. a uniformed-service voter; or

10 B. an overseas voter."

11 SECTION 2. A new section of the Election Code is
12 enacted to read:

13 "OVERSEAS VOTER.--As used in the Election Code,
14 "overseas voter" means an individual who is a United States
15 citizen, who is outside the United States and who:

16 A. is temporarily absent from the individual's
17 residence in this state;

18 B. before leaving the United States, was last
19 eligible to vote in this state and, except for a state
20 residency requirement, otherwise satisfies this state's voter
21 eligibility requirements;

22 C. before leaving the United States, would have
23 been last eligible to vote in this state had the voter then
24 been of voting age and, except for a state residency
25 requirement, otherwise satisfies this state's voter

1 eligibility requirements; or

2 D. was born outside the United States, is not
3 otherwise described in this section and, except for a state
4 residency requirement, otherwise satisfies this state's voter
5 eligibility requirements, if:

6 (1) the last place where a parent or legal
7 guardian of the individual was, or would have been, eligible
8 to vote before leaving the United States is within this
9 state; and

10 (2) the individual has not previously
11 registered to vote in any other state."

12 SECTION 3. A new section of the Election Code is
13 enacted to read:

14 "UNIFORMED-SERVICE VOTER.--As used in the Election Code,
15 "uniformed-service voter" means an individual who is a United
16 States citizen, whose voting residence is in this state, who
17 otherwise satisfies this state's voter eligibility
18 requirements and who is:

19 A. a member of the active or reserve components of
20 the army, navy, air force, marine corps or coast guard of the
21 United States who is on active duty and who by reason of that
22 active duty is absent from the state;

23 B. a member of the merchant marine, the
24 commissioned corps of the public health service, the
25 astronaut program of the national aeronautics and space

1 administration or the commissioned corps of the national
2 oceanic and atmospheric administration of the United States
3 and who by reason of that service is absent from the state;

4 C. a member on activated status of the national
5 guard or state militia and who by reason of that active duty
6 is absent from the member's county of residence; or

7 D. a spouse or dependent of a member referred to
8 in Subsection A, B or C of this section and who, by reason of
9 active duty or service of the member, is absent from the
10 state; provided the spouse or dependent is an individual
11 recognized as a spouse or dependent by the entity under which
12 the member is serving."

13 SECTION 4. Section 1-1-5 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 5, as amended) is amended to read:

15 "1-1-5. VOTER.--As used in the Election Code, "voter"
16 means any qualified elector or federal qualified elector who
17 is registered under the provisions of the Election Code."

18 SECTION 5. A new section of the Election Code is
19 enacted to read:

20 "POWER OF ATTORNEY--PROHIBITED USE.--A power of attorney
21 or other form of proxy is not valid for use by a person in
22 any procedure or transaction concerning elections, including
23 voter registration, petition signature, voter-registration
24 cancellation, absentee ballot requests or voting another
25 person's ballot."

1 SECTION 6. Section 1-1-22 NMSA 1978 (being Laws 2005,
2 Chapter 270, Section 1) is amended to read:

3 "1-1-22. COMPUTATION OF TIME--DEADLINES.--For the
4 purpose of the Election Code, time periods of less than
5 eleven days shall be computed as calendar days; provided,
6 however, that if an actual deadline falls on a weekend or
7 state-recognized holiday, the next business day shall be the
8 deadline, unless the deadline is expressed as a day of the
9 week, in which case that day remains the actual deadline."

10 SECTION 7. Section 1-2-1 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 22, as amended) is amended to read:

12 "1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--
13 RULES.--

14 A. The secretary of state is the chief election
15 officer of the state.

16 B. The secretary of state shall:

17 (1) obtain and maintain uniformity in the
18 application, operation and interpretation of the Election
19 Code; and

20 (2) subject to the State Rules Act, make
21 rules pursuant to the provisions of, and necessary to carry
22 out the purposes of, the Election Code and shall furnish to
23 the county clerks copies of such rules; provided that no rule
24 is adopted or amended within the fifty-six days before a
25 primary or a general election.

1 C. No forms or procedures shall be used in any
2 election held pursuant to the Election Code without prior
3 approval of the secretary of state."

4 SECTION 8. Section 1-2-1.1 NMSA 1978 (being Laws 1979,
5 Chapter 74, Section 3, as amended) is amended to read:

6 "1-2-1.1. ATTORNEY GENERAL REQUIRED TO ASSIST SECRETARY
7 OF STATE--DISTRICT ATTORNEYS REQUIRED TO ASSIST SECRETARY OF
8 STATE AND COUNTY CLERKS.--

9 A. The attorney general shall, upon request of the
10 secretary of state, provide legal advice, assistance,
11 services and representation as counsel in any action to
12 enforce the provisions of the Election Code and the Municipal
13 Election Code.

14 B. Upon the request of the secretary of state or a
15 county clerk, the attorney general and the several district
16 attorneys of the state shall assign investigators or lawyers
17 to aid the secretary of state and county clerks to ensure the
18 proper conduct of an election.

19 C. Each district attorney shall assign a lawyer to
20 be the elections prosecutor for the judicial district or for
21 each county in the judicial district. The district attorney
22 shall communicate and maintain current the name and contact
23 information of the assigned elections prosecutor to the
24 secretary of state and to each county clerk in the judicial
25 district. The assigned elections prosecutor shall receive

1 from the county clerk in the prosecutor's county or judicial
2 district referrals of suspected violations of the Election
3 Code. The assigned elections prosecutor shall each month
4 report in writing to the county clerk and the district
5 attorney the status of each referral until the matter is
6 concluded."

7 SECTION 9. Section 1-2-12 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 32, as amended) is amended to read:

9 "1-2-12. PRECINCT BOARD--NUMBER FOR EACH PRECINCT.--

10 A. For primary, general and special federal
11 elections, the precinct board shall consist of:

- 12 (1) a presiding judge;
- 13 (2) two election judges; and
- 14 (3) one election clerk.

15 B. The county clerk, in appointing precinct boards
16 for primary, general and special federal elections:

17 (1) shall appoint presiding judges and
18 election judges so that at least one election judge shall not
19 be of the same political party, if any, as the presiding
20 judge; and

21 (2) may appoint teams of presiding judges
22 and election judges for absent voter precincts, recount
23 precinct boards and alternate voting locations, provided that
24 each team meets the requirements pursuant to Paragraph (1) of
25 this subsection.

1 C. For all other elections, the precinct board
2 shall consist of:

- 3 (1) a presiding judge;
- 4 (2) one election judge; and
- 5 (3) one election clerk.

6 D. If the county clerk determines that additional
7 election clerks are needed, the clerk may appoint such
8 additional election clerks as the clerk deems necessary.

9 E. County clerk employees may be appointed to
10 assist a precinct board."

11 SECTION 10. Section 1-2-20 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 39, as amended) is amended to read:

13 "1-2-20. MESSENGERS--COMPENSATION.--

14 A. The county clerk may appoint messengers to
15 deliver ballot boxes, poll books, keys, election supplies and
16 other materials pertaining to the election. Messengers may
17 also be authorized to collect absentee ballots and removable
18 media storage devices from polling places and deliver them to
19 locations designated by the county clerk.

20 B. Messengers shall be paid mileage as provided in
21 the Per Diem and Mileage Act each way over the usually
22 traveled route. The mileage shall be paid within thirty days
23 following the date of election if funds are available for
24 payment."

25 SECTION 11. Section 1-3-4 NMSA 1978 (being Laws 1975,

1 Chapter 255, Section 30, as amended) is amended to read:

2 "1-3-4. CONSOLIDATION OF PRECINCTS.--

3 A. Precincts may be consolidated by the board of
4 county commissioners for the following elections:

5 (1) primary and general elections;

6 (2) statewide special elections;

7 (3) countywide special elections; and

8 (4) elections to fill vacancies in the
9 office of United States representative.

10 B. Precincts may be consolidated by the governing
11 body of a municipality for municipal candidate and bond
12 elections, unless otherwise prohibited.

13 C. Precincts may be consolidated by the local
14 school board for school district candidate and bond
15 elections, unless otherwise prohibited.

16 D. When precincts are consolidated for a primary
17 and general election, the resolution required by
18 Section 1-3-2 NMSA 1978, in addition to the other matters
19 required by law, shall state therein which precincts have
20 been consolidated and the designation of the polling place.
21 In addition, when consolidating precincts for primary and
22 general elections:

23 (1) any voter of the county shall be allowed
24 to vote in any consolidated precinct polling location in the
25 county;

1 (2) each consolidated precinct in a primary
2 or general election shall be composed of no more than ten
3 precincts;

4 (3) each consolidated precinct shall comply
5 with the provisions of Section 1-3-7 NMSA 1978;

6 (4) each consolidated precinct polling
7 location shall have a broadband internet connection and
8 real-time access to the statewide voter registration
9 electronic management system;

10 (5) the county clerk may maintain any
11 alternative voting locations previously used in the same
12 election open for voting on election day for any voter in the
13 county, in addition to the polling location established in
14 each consolidated precinct; and

15 (6) the board of county commissioners may
16 permit rural precincts to be exempted from operating as or
17 being a part of a consolidated precinct; provided that if the
18 precinct is not designated as a mail ballot election precinct
19 pursuant to Section 1-6-22.1 NMSA 1978 and the polling place
20 for the rural precinct does not have real-time access to the
21 statewide voter registration electronic management system,
22 voters registered in a rural precinct as described in this
23 paragraph are permitted to vote in any consolidated precinct
24 polling location on election day only by use of a provisional
25 paper ballot, which shall be counted after the county clerk

1 confirms that the voter did not also vote in the rural
2 precinct.

3 E. When precincts are consolidated for a municipal
4 election, school election or special county election, the
5 proclamation, in addition to the other matters required by
6 law, shall state which precincts have been consolidated and
7 the designation of the polling place. Precincts consolidated
8 for a municipal election, school election or special county
9 election may allow any voter to vote in any consolidated
10 precinct in the county, which shall be stated in the
11 proclamation.

12 F. When precincts are consolidated for a statewide
13 special election or for a special election to fill a vacancy
14 in the office of United States representative, within
15 twenty-one days after the proclamation of election is issued
16 by the governor, the board of county commissioners shall pass
17 a resolution that, in addition to other matters required by
18 law, shall state which precincts have been consolidated and
19 the designation of the polling place. Precincts consolidated
20 for a statewide special election or for a special election to
21 fill a vacancy in the office of United States representative
22 may allow any voter to vote in any consolidated precinct in
23 the county, which shall be stated in the resolution.

24 G. Unless the county clerk receives a written
25 waiver from the secretary of state specifying the location

1 and specific provision being waived, each consolidated
2 precinct polling location shall:

3 (1) have ballots available for voters from
4 every precinct that is able to vote in the consolidated
5 precinct;

6 (2) have at least one optical scan tabulator
7 programmed to read every ballot style able to be cast in the
8 consolidated precinct;

9 (3) have at least one voting system
10 available to assist disabled voters to cast and record their
11 votes;

12 (4) have sufficient spaces for at least five
13 voters to simultaneously and privately mark their ballots,
14 with at least one of those spaces wheelchair-accessible;

15 (5) have sufficient check-in stations to
16 accommodate voters throughout the day as provided in
17 Section 1-9-5 NMSA 1978;

18 (6) have a secure area for storage of
19 preprinted ballots or for storage of paper ballot stock and a
20 system designed to print ballots at a polling location;

21 (7) issue a ballot to voters who have
22 provided the required voter identification after the voter
23 has signed a signature roster or an electronic equivalent
24 approved by the voting system certification committee or
25 after the voter has subscribed an application to vote on a

1 form approved by the secretary of state; and

2 (8) be in a location that is accessible and
3 compliant with the requirements of the federal Americans with
4 Disabilities Act of 1990.

5 H. As a prerequisite to consolidation, the
6 authorizing resolution must find that consolidation will make
7 voting more convenient and accessible to voters of the
8 consolidated precinct and does not result in delays for
9 voters in the voting process and the consolidated precinct
10 voting location will be centrally located within the
11 consolidated precinct."

12 SECTION 12. A new section of Chapter 1, Article 3
13 NMSA 1978 is enacted to read:

14 "ELECTION-DAY POLLING PLACES--ADEQUATE RESOURCES.--

15 A. Each election-day polling place in a primary or
16 general election that does not contain mail ballot election
17 precincts or precincts consolidated pursuant to Section 1-3-4
18 NMSA 1978 shall comply with the requirements for polling
19 places and precincts as provided in Subsections B and C of
20 this section, unless the county clerk receives a written
21 waiver from the secretary of state specifying the location
22 and specific provision being waived.

23 B. Each polling place shall:

24 (1) have at least one voting system
25 available to assist disabled voters to cast and record their

1 votes; and

2 (2) be in a location that is accessible and
3 compliant with the requirements of the federal Americans with
4 Disabilities Act of 1990.

5 C. Each precinct polling place located within a
6 single polling place shall have:

7 (1) a separate precinct board and signature
8 roster for the precinct;

9 (2) at least one optical scan tabulator for
10 the precinct; and

11 (3) sufficient spaces for at least five
12 voters to simultaneously and privately mark their ballots,
13 with at least one of those spaces wheelchair-accessible, for
14 the precinct."

15 SECTION 13. Section 1-4-5 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 63, as amended) is amended to read:

17 "1-4-5. METHOD OF REGISTRATION--UNLAWFUL USE OF
18 INFORMATION--PENALTY.--

19 A. A qualified elector may apply to a registration
20 officer or agent for registration.

21 B. The registration officer or agent or qualified
22 elector shall fill out each of the blanks on the certificate
23 of registration by typing or printing in ink. The qualified
24 elector shall be given a receipt that shall contain:

25 (1) a number traceable to the registration

1 agent or officer;

2 (2) a statement informing the qualified
3 elector that if the qualified elector does not receive
4 confirmation of the qualified elector's registration within
5 fifteen days of the receipt date, the qualified elector
6 should contact the office of the county clerk in the county
7 where the qualified elector resides; and

8 (3) a toll-free number for the office of the
9 county clerk and an address for the web site of the secretary
10 of state.

11 C. The qualified elector shall subscribe a
12 certificate of registration as follows:

13 (1) by signing the certificate of
14 registration using the qualified elector's given name, middle
15 name or initial and last name; or

16 (2) if any qualified elector seeking to
17 register is unable to read and write either the English or
18 Spanish language or is unable to read or write because of
19 some physical disability, the certificate of such person
20 shall be filled out by a registration officer or agent and
21 the name of the qualified elector so registering shall be
22 subscribed by the making of the qualified elector's mark.

23 D. When properly executed by the registration
24 agent or officer or qualified elector, the original of the
25 certificate of registration shall be presented, either in

1 person or by mail by the qualified elector or by the
2 registration agent or officer, to the county clerk of the
3 county in which the qualified elector resides. It is
4 unlawful for the qualified elector's month and day of birth
5 or any portion of the qualified elector's social security
6 number required on the certificate of registration to be
7 copied, conveyed or used by anyone other than the person
8 registering to vote, either before or after it is filed with
9 the county clerk, and by elections administrators in their
10 official capacity.

11 E. A person who unlawfully copies, conveys or uses
12 information from a certificate of registration is guilty of a
13 fourth degree felony."

14 SECTION 14. Section 1-4-5.1 NMSA 1978 (being Laws 1993,
15 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
16 as amended) is amended to read:

17 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

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

21 B. A person may request certificate of
22 registration forms from the secretary of state or any county
23 clerk in person, by telephone or by mail for that person or
24 for other persons.

25 C. Except as provided in Subsection D of this

1 section, a qualified elector who wishes to register to vote
2 shall fill out completely and sign the certificate of
3 registration. The qualified elector may seek the assistance
4 of any person in completing the certificate of registration.

5 D. A qualified elector who has filed for an order
6 of protection pursuant to the provisions of the Family
7 Violence Protection Act and who presents a copy of that order
8 from a state or tribal court to the registration officer
9 shall not be required to provide physical residence address
10 information on the certificate of registration.

11 E. Completed certificates of registration may be
12 mailed or presented in person by the registrant or any other
13 person to the secretary of state or presented in person by
14 the registrant or any other person to the county clerk of the
15 county in which the registrant resides.

16 F. If the registrant wishes to vote in the next
17 election, the completed and signed certificate of
18 registration shall be delivered or mailed and postmarked at
19 least twenty-eight days before the election.

20 G. Within one business day after receipt of a
21 certificate of registration, the secretary of state shall
22 send the certificate to the county clerk in the county where
23 the qualified elector resides. Within one business day after
24 receipt of a certificate of registration of another county, a
25 county clerk shall send the certificate of registration to

1 the county clerk in the county where the qualified elector
2 resides.

3 H. Only when the certificate of registration is
4 properly filled out, signed by the qualified elector and
5 accepted for filing by the county clerk as evidenced by the
6 county clerk's signature or stamp and the date of acceptance
7 thereon shall it constitute an official public record of the
8 registration of the qualified elector. A qualified elector
9 complies with a voter registration deadline established in
10 the Election Code when a properly filled-out voter
11 registration certificate has been received by a county clerk
12 or the secretary of state, regardless of the date the
13 certificate is processed.

14 I. The secretary of state shall prescribe the form
15 of the certificate of registration, which form shall be a
16 postpaid mail-in format and shall be printed in Spanish and
17 English. The certificate of registration form shall be clear
18 and understandable to the average person and shall include
19 brief but sufficient instructions to enable the qualified
20 elector to complete the form without assistance. The form
21 shall also include:

22 (1) the question "Are you a citizen of the
23 United States of America?" and boxes for the applicant to
24 check to indicate whether the applicant is or is not a
25 citizen;

1 (2) the question "Will you be at least
2 eighteen years of age on or before the next general
3 election?" and boxes for the applicant to check to indicate
4 whether the applicant will be eighteen years of age or older
5 on or before the next general election;

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

9 (4) a statement informing the applicant
10 that:

11 (a) if the form is submitted by mail by
12 the applicant and the applicant is registering for the first
13 time in New Mexico, the applicant must submit with the form a
14 copy of: 1) a current and valid photo identification; or
15 2) a current utility bill, bank statement, government check,
16 paycheck, student identification card or other government
17 document, including identification issued by an Indian
18 nation, tribe or pueblo, that shows the name and current
19 address of the applicant; and

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

23 (5) a statement requiring the applicant to
24 swear or affirm that the information supplied by the
25 applicant is true."

1 SECTION 15. Section 1-4-5.5 NMSA 1978 (being Laws 1975,
2 Chapter 255, Section 78, as amended) is amended to read:

3 "1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR
4 SPECIAL VOTER LISTS.--

5 A. The county clerk or secretary of state shall
6 furnish voter data, mailing labels or special voter lists
7 only upon written request to the county clerk or the
8 secretary of state and after compliance with the requirements
9 of this section; provided, however, all requesters shall be
10 treated equally in regard to the charges and the furnishing
11 of the materials.

12 B. In furnishing voter data, mailing labels or
13 special voter lists, the county clerk or secretary of state
14 shall not provide data or lists that include voters' social
15 security numbers, codes used to identify agencies where
16 voters have registered, a voter's day and month of birth or
17 voters' telephone numbers if prohibited by voters.

18 C. Each requester of voter data, mailing labels or
19 special voter lists shall sign an affidavit that the voter
20 data, mailing labels and special voter lists shall be used
21 for governmental or election and election campaign purposes
22 only and shall not be made available or used for unlawful
23 purposes.

24 D. The secretary of state shall prescribe the form
25 of the affidavit.

1 E. As used in this section:

2 (1) "election campaign purposes" means
3 relating in any way to a campaign in an election conducted by
4 a federal, state or local government;

5 (2) "governmental purposes" means
6 noncommercial purposes relating in any way to the structure,
7 operation or decision-making of a federal, state or local
8 government;

9 (3) "mailing labels" means prepared mailing
10 labels of selected voters arranged in the order in which
11 requested and providing only the name and address of the
12 voter;

13 (4) "special voter list" means a prepared
14 list of selected voters arranged in the order in which
15 requested; and

16 (5) "voter data" means selected information
17 derived from the voter file."

18 SECTION 16. Section 1-4-8 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 66, as amended) is amended to read:

20 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
21 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--For
22 qualified electors, the following provisions shall apply:

23 A. the county clerk shall receive certificates of
24 registration at all times during normal working hours, except
25 that the clerk shall close registration at 5:00 p.m. on the

1 twenty-eighth day immediately preceding any election at which
2 the registration books are to be furnished to the precinct
3 board;

4 B. registration shall be reopened on the Monday
5 following the election;

6 C. for purposes of a municipal or school election,
7 the registration period for those precincts within the
8 municipality or school district is closed at 5:00 p.m. on the
9 twenty-eighth day immediately preceding the municipal or
10 school election and is opened again on the Monday following
11 the election;

12 D. during the period when registration is closed,
13 the county clerk shall receive certificates of registration
14 and other documents pertaining thereto but shall not file any
15 certificate of registration in the registration book until
16 the Monday following the election, at which time a voter
17 information document shall be mailed to the registrant at the
18 address shown on the certificate of registration;

19 E. when the twenty-eighth day prior to any
20 election referred to in this section is a Saturday, Sunday or
21 legal holiday, registration shall be closed at 5:00 p.m. of
22 the next succeeding regular business day for the office of
23 the county clerk; and

24 F. the county clerk shall accept for filing any
25 certificate of registration that is subscribed and dated on

1 or before the twenty-eighth day preceding the election and:

2 (1) received by the county clerk before
3 5:00 p.m. on the Friday immediately following the close of
4 registration;

5 (2) mailed and postmarked not less than
6 twenty-eight days prior to any election referred to in this
7 section; or

8 (3) accepted at a state agency designated
9 pursuant to Section 1-4-5.2 NMSA 1978.

10 SECTION 17. Section 1-4-11 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 67, as amended) is amended to read:

12 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF
13 CERTIFICATES.--

14 A. Upon receipt of a complete certificate of
15 registration, if the certificate of registration is in proper
16 form, the county clerk shall determine if the qualified
17 elector applying for registration is already registered in
18 the registration records of the county. If the qualified
19 elector is not already registered in the county and if the
20 certificate of registration is received within the time
21 allowed by law for filing certificates of registration in the
22 county clerk's office, the county clerk shall sign or stamp,
23 in the space provided therefor on each copy of the
24 certificate, the qualified elector's name and the date the
25 certificate was accepted for filing in the county

1 registration records. Voter information shall be handed or
2 mailed immediately to the qualified elector and to no other
3 person.

4 B. If the qualified elector is already registered
5 in the county as shown by the qualified elector's original
6 certificate of registration currently on file in the county
7 registration records, the county clerk shall not accept the
8 new certificate of registration unless it is filed pursuant
9 to Section 1-4-13, 1-4-15, 1-4-17 or 1-4-18 NMSA 1978. If
10 the applicant's certificate of registration is rejected for
11 any reason, the county clerk shall stamp or write the word
12 "rejected" on the new certificate of registration and hand or
13 mail it, if possible, to the applicant with an explanation of
14 why the new certificate of registration was rejected and what
15 remedial action, if any, the applicant must take to bring the
16 registration up to date or into compliance with the Election
17 Code.

18 C. The county clerk shall reject any certificate
19 of registration that does not contain the qualified elector's
20 name, address, social security number and date of birth,
21 along with a signature or usual mark. The county clerk shall
22 reject any certificate of registration in which the question
23 regarding citizenship is not answered or is answered in the
24 negative.

25 D. If the qualified elector does not register in

1 person, indicates that the qualified elector has not
2 previously voted in a general election in New Mexico and does
3 not provide the registration officer with the required
4 identification, the registration officer shall indicate this
5 on the qualified elector's certificate of registration and
6 the county clerk shall note this on the appropriate precinct
7 signature roster."

8 SECTION 18. Section 1-4-12 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 68, as amended) is amended to read:

10 "1-4-12. DUTIES OF COUNTY CLERK--FILING OF
11 CERTIFICATES.--

12 A. Certificates of registration, if in proper
13 form, shall be processed and filed by the county clerk as
14 follows:

15 (1) a voter information document shall be
16 delivered or mailed to the voter; and

17 (2) the original certificate shall be filed
18 alphabetically by surname and inserted into the county
19 register pursuant to Section 1-5-5 NMSA 1978.

20 B. The county clerk shall, on Monday of each week,
21 process all certificates of registration that are in proper
22 form and that were received in the county clerk's office up
23 to 5:00 p.m. on the preceding Friday. The county clerk shall
24 not process certificates of registration when the
25 registration books are closed pursuant to Section 1-4-8

1 NMSA 1978, during the county canvass or during the period of
2 time following the county canvass when voter credit is
3 entered into the voter registration electronic management
4 system, provided such credit is entered for all voters no
5 later than forty-five days following an election."

6 SECTION 19. A new section of Chapter 1, Article 4
7 NMSA 1978 is enacted to read:

8 "AUTHORIZATION TO VERIFY VOTER REGISTRATION
9 INFORMATION--INVESTIGATION AND RECONCILIATION.--

10 A. The secretary of state may:

11 (1) provide to the chief election officer of
12 another state or a consortium of chief election officers of
13 other states information that is requested, including social
14 security numbers, dates of birth, driver's licenses and
15 identification card numbers and other information that the
16 secretary of state deems necessary for the chief election
17 officer of that state or for the consortium to maintain a
18 voter registration list, if the secretary of state is
19 satisfied that the information provided pursuant to this
20 paragraph will be used only for the maintenance of that voter
21 registration list; and

22 (2) request from the chief election officer
23 of another state or a consortium of chief election officers
24 of other states information that the secretary of state deems
25 necessary to maintain the statewide voter registration list.

1 B. The secretary of state may enter into a written
2 agreement with an agency or political subdivision of this
3 state or with a department of the federal government pursuant
4 to which the state agency, political subdivision or federal
5 department shall provide to the secretary of state
6 information that is in the possession of the state agency,
7 political subdivision or federal department and that the
8 secretary of state deems necessary to maintain the statewide
9 voter registration list.

10 C. The secretary of state may enter into a written
11 agreement with the secretary of taxation and revenue to match
12 information in the database of the voter registration
13 electronic management system with information in the database
14 of the motor vehicle division of the taxation and revenue
15 department to the extent required to enable each official to
16 verify the accuracy of the information provided on
17 applications for voter registration. Upon the execution of
18 the written agreement, the secretary of taxation and revenue
19 shall enter into an agreement with the federal commissioner
20 of social security pursuant to 42 U.S.C. Section 15483 (now
21 52 U.S.C. Section 21083), for the purpose of verifying
22 applicable information.

23 D. The secretary of state shall provide to the
24 appropriate county clerk in this state and to no other person
25 necessary information or documentation received by the

1 secretary of state from or through an agency or political
2 subdivision of this state, a federal department, the chief
3 election officer of another state or a consortium of chief
4 election officers of other states that calls into question
5 the information provided on a certificate of registration;
6 that raises questions regarding the status of a person
7 registered to vote in this state; or that suggests that a
8 voter may have voted in two states during the same election.
9 The county clerk shall only disclose information received
10 from the secretary of state pursuant to this subsection to
11 complete an investigation pursuant to this section.

12 E. The county clerk shall investigate or reconcile
13 the information received from the secretary of state. The
14 secretary of state shall develop and maintain a manual for
15 county clerks that describes best practices in investigating
16 and reconciling information that is derived from comparisons
17 of different databases, including safeguards to ensure that
18 eligible voters are not removed in error from the official
19 list of voters."

20 SECTION 20. Section 1-4-18.1 NMSA 1978 (being Laws
21 2013, Chapter 91, Section 1) is amended to read:

22 "1-4-18.1. ONLINE VOTER REGISTRATION.--

23 A. A person may complete a certificate of
24 registration in person or by mail. In addition, the
25 secretary of state shall, not later than January 1, 2016,

1 allow a voter to submit an update to an existing certificate
2 of registration and, not later than July 1, 2017, allow a
3 qualified elector to submit a new certificate of registration
4 form electronically through a web site authorized by the
5 secretary of state or through any computer system maintained
6 by a state agency for electronic voter registration that is
7 approved by the secretary of state; provided that the person
8 is qualified to register to vote and has a current or expired
9 New Mexico driver's license or state identification card
10 issued by the motor vehicle division of the taxation and
11 revenue department.

12 B. An online certificate of registration form
13 shall contain all of the information that is required for a
14 paper form. The person shall also be required to provide the
15 person's full New Mexico driver's license number or state
16 identification card number.

17 C. When a person submits a new certificate of
18 registration or an update to an existing certificate of
19 registration, the person shall mark the box associated with
20 the following statement included as part of the electronic
21 certificate of registration form:

22 "By clicking the boxes below, I swear or affirm all of
23 the following:

24 I am the person whose name and identifying
25 information is provided on this form, and I desire to

1 register to vote in the state of New Mexico; and

2 all of the information that I have provided on
3 this form is true and correct as of the date I am submitting
4 this form.".

5 D. Prior to January 1, 2016, the secretary of
6 state, in conjunction with the county clerks of the state,
7 shall adopt rules establishing a uniform and
8 nondiscriminatory process to match the information contained
9 in the voter registration election management system with the
10 database of the motor vehicle division of the taxation and
11 revenue department or the federal social security
12 administration for electronic certificates of registration
13 updates completed pursuant to this section.

14 E. Prior to January 1, 2017, the secretary of
15 state, in conjunction with the county clerks of the state,
16 shall adopt rules establishing a uniform and
17 nondiscriminatory process to match the information contained
18 in the voter registration election management system with the
19 database of the motor vehicle division of the taxation and
20 revenue department or the federal social security
21 administration for all electronic certificates of
22 registration completed pursuant to this section.

23 F. Electronically submitted certificate of
24 registration application forms shall retain the dates of
25 submission by the qualified elector and of acceptance by the

1 county clerk.

2 G. For purposes of deadlines contained in the
3 Election Code, the time and date of the submission by the
4 qualified elector shall be considered the time and date when
5 the certificate of registration is received by the county
6 clerk.

7 H. The secretary of state shall ensure that the
8 web sites used for electronic voter registration are secure
9 and that the confidentiality of all users and the integrity
10 of data submitted are preserved."

11 SECTION 21. Section 1-5-1 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 103, as amended) is amended to read:

13 "1-5-1. SHORT TITLE.--Chapter 1, Article 5 NMSA 1978
14 may be cited as the "Voter Records System Act"."

15 SECTION 22. Section 1-5-14 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 118, as amended) is amended to read:

17 "1-5-14. FILE MAINTENANCE REPORTS--VOTER FILE
18 UPDATES.--

19 A. At least once a month, the secretary of state
20 shall have made from the state voter file a file maintenance
21 report of additions, deletions and changes, if any, to each
22 of the county registers. The file maintenance report shall
23 indicate whether each entry listed is an addition, deletion
24 or change to the county register.

25 B. A digital version of the file maintenance

1 report shall be stored by the secretary of state for at least
2 one year.

3 C. Upon request, the secretary of state shall
4 furnish an updated voter file to the state chair of each of
5 the qualified political parties in the state. Upon request,
6 the county clerk shall provide a file maintenance report or
7 an updated voter file to the county chair of each of the
8 qualified political parties in the county.

9 D. File maintenance reports and updated voter
10 files shall be provided in a manipulable digital format and
11 shall not include the voter's social security number, codes
12 used to identify the agency where the voter registered, the
13 voter's day and month of birth, the voter's email address,
14 or, if prohibited by the voter, the voter's telephone
15 number."

16 SECTION 23. Section 1-5-30 NMSA 1978 (being Laws 1989,
17 Chapter 298, Section 1, as amended) is amended to read:

18 "1-5-30. SECRETARY OF STATE--ESTABLISHMENT OF STATEWIDE
19 COMPUTERIZED VOTER REGISTRATION SYSTEM.--

20 A. The secretary of state shall develop,
21 implement, establish and supervise a statewide computerized
22 voter registration system that complies with the federal Help
23 America Vote Act of 2002 to facilitate voter registration and
24 to provide a central database containing voter registration
25 information for New Mexico.

1 B. The statewide computerized voter registration
2 system shall:

3 (1) provide for the establishment and
4 maintenance of a central database for all voter registration
5 information;

6 (2) permit the offices of all county clerks
7 to add, modify and delete county information from the system
8 to provide for accurate and up-to-date records;

9 (3) permit the offices of the county clerks
10 and the bureau of elections to have access to the central
11 database for review and search capabilities;

12 (4) provide security and protection for all
13 information in the central database and monitor the central
14 database to ensure the prevention of unauthorized entry;

15 (5) provide procedures for the electronic
16 receipt of voter registration application and update
17 information, including digitized and electronic signatures,
18 photographs and other data provided by the motor vehicle
19 division of the taxation and revenue department or the
20 federal social security administration;

21 (6) provide procedures for entering data
22 into the central database; and

23 (7) provide a centralized system for each
24 county to enter the precinct to which a voter should be
25 assigned for voting purposes."

1 SECTION 24. Section 1-5-31 NMSA 1978 (being Laws 1989,
2 Chapter 298, Section 2, as amended) is amended to read:

3 "1-5-31. UNIFORM PROCEDURES FOR COUNTIES.--The
4 secretary of state shall:

5 A. assist county clerks by devising uniform
6 procedures and forms that are compatible with the voter
7 registration electronic management system;

8 B. provide to each county clerk the computer
9 software necessary for the use and maintenance of the voter
10 registration electronic management system;

11 C. provide to each county clerk, through an
12 agreement with the motor vehicle division of the taxation and
13 revenue department, access to the division's driver's license
14 database for the purpose of verifying voter registrations,
15 processing absentee ballots and qualifying provisional
16 ballots; and

17 D. adopt such rules as are necessary to establish
18 and administer the voter registration electronic management
19 system and to regulate the use of the driver's license
20 database by county clerks."

21 SECTION 25. A new section of the Election Code is
22 enacted to read:

23 "SHORT TITLE.--Sections 25 through 41 of this act may be
24 cited as the "Uniform Military and Overseas Voters Act"."

25 SECTION 26. A new section of the Election Code is

1 enacted to read:

2 "DEFINITIONS.--As used in the Uniform Military and
3 Overseas Voters Act:

4 A. "appropriate clerk" means a county clerk for
5 elections conducted pursuant to the Election Code and a
6 municipal clerk for elections conducted pursuant to the
7 Municipal Election Code;

8 B. "federal postcard application" means the
9 application prescribed under the federal Uniformed and
10 Overseas Citizens Absentee Voting Act;

11 C. "federal write-in absentee ballot" means the
12 ballot approved pursuant to the federal Uniformed and
13 Overseas Citizens Absentee Voting Act;

14 D. "military-overseas ballot" means:

15 (1) a federal write-in absentee ballot; or

16 (2) a ballot sent to a federal qualified
17 elector by the appropriate clerk and cast in accordance with
18 the provisions of the Uniform Military and Overseas Voters
19 Act;

20 E. "state" means a state of the United States, the
21 District of Columbia, Puerto Rico, the United States Virgin
22 Islands or any territory or insular possession subject to the
23 jurisdiction of the United States; and

24 F. "United States", used in the territorial sense,
25 means the several states, the District of Columbia, Puerto

1 Rico, the United States Virgin Islands and any territory or
2 insular possession subject to the jurisdiction of the United
3 States."

4 SECTION 27. A new section of the Election Code is
5 enacted to read:

6 "ELECTIONS COVERED--FORM OF BALLOT AND BALLOT
7 MATERIALS--BENEFITS OF THE UNIFORM MILITARY AND OVERSEAS
8 VOTERS ACT.--

9 A. The procedures in the Uniform Military and
10 Overseas Voters Act apply to elections conducted pursuant to
11 the Election Code and the Municipal Election Code.

12 B. A federal qualified elector may vote for all
13 candidates and on all questions as if the voter were able to
14 cast a ballot in person.

15 C. The form of the military-overseas ballot shall
16 be the same as the ballot provided to all other voters. The
17 form of the military-overseas ballot materials shall be the
18 same as the ballot materials provided to all other voters,
19 except as required by the Uniform Military and Overseas
20 Voters Act.

21 D. To receive the benefits of the Uniform Military
22 and Overseas Voters Act, a federal qualified elector shall
23 inform the appropriate clerk that the individual is a federal
24 qualified elector. Methods of informing the appropriate
25 clerk include:

1 (1) the use of a federal postcard
2 application or federal write-in absentee ballot;

3 (2) the use of an army post office, fleet
4 post office or diplomatic post office address in the correct
5 format as a mailing address on a certificate of registration
6 or as a delivery address on an absentee ballot application;

7 (3) the use of an overseas address as a
8 mailing address on a certificate of registration or as a
9 delivery address on an absentee ballot application; or

10 (4) the inclusion on a certificate of
11 registration or an absentee ballot application or other
12 information sufficient to identify the voter as a federal
13 qualified elector."

14 SECTION 28. A new section of the Election Code is
15 enacted to read:

16 "ROLE OF SECRETARY OF STATE--FEDERAL UNIFORMED AND
17 OVERSEAS CITIZENS ABSENTEE VOTING ACT.--

18 A. The secretary of state shall make available to
19 federal qualified electors information regarding voter
20 registration procedures for federal qualified electors and
21 procedures for casting military-overseas ballots.

22 B. The secretary of state shall establish an
23 electronic transmission system through which a federal
24 qualified elector may apply for and receive voter
25 registration materials, military-overseas ballots and other

1 information pursuant to the Uniform Military and Overseas
2 Voters Act. The secretary of state shall ensure that the
3 electronic transmission system is capable of accepting a
4 federal postcard application, any other approved electronic
5 registration application and any other approved electronic
6 military-overseas ballot application sent to a county clerk
7 or municipal clerk.

8 C. Official transmittal envelopes and official
9 mailing envelopes for transmission of absentee ballot
10 materials to and from federal qualified electors shall be in
11 the same form as those used in the jurisdiction where the
12 voter is registered except as modified to comply with the
13 Uniform Military and Overseas Voters Act or federal law. The
14 secretary of state may, to the extent reasonably possible,
15 coordinate with other states to develop standardized
16 absentee-voting materials, including privacy and transmission
17 envelopes and their electronic equivalents, authentication
18 materials and voting instructions, to be used with the
19 military-overseas ballot of a voter authorized to vote in any
20 jurisdiction in this state.

21 D. The secretary of state shall prescribe the form
22 and content of a declaration for use by a federal qualified
23 elector to swear or affirm specific representations
24 pertaining to the voter's identity, eligibility to vote,
25 status as a federal qualified elector and timely and proper

1 completion of a military-overseas ballot. The declaration
2 shall be based on the declaration prescribed to accompany a
3 federal write-in absentee ballot, as modified to be
4 consistent with the Uniform Military and Overseas Voters Act.
5 The secretary of state shall ensure that a form for the
6 execution of the declaration, including an indication of the
7 date of execution of the declaration, is a prominent part of
8 all balloting materials for which the declaration is
9 required.

10 E. The secretary of state shall prescribe to the
11 appropriate clerk the form of and distribute to each county
12 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 appropriate
17 clerk; provided that only the official mailing envelope for
18 absentee ballots in a primary election shall contain a
19 designation of party affiliation;

20 (3) absentee ballot instructions describing
21 the proper methods for completion and return of the ballot,
22 including instructions for those federal qualified electors
23 returning a ballot electronically;

24 (4) official transmittal envelopes for use
25 by the appropriate clerk in mailing absentee ballot

1 materials; and

2 (5) official holding envelopes for ballots
3 returned electronically by federal qualified electors."

4 SECTION 29. A new section of the Election Code is
5 enacted to read:

6 "METHODS OF REGISTERING TO VOTE.--

7 A. A federal qualified elector may register to
8 vote using any of the following methods; provided that the
9 document is received by the county clerk by the deadline for
10 registering to vote as provided in Section 1-4-8 NMSA 1978:

11 (1) using the procedures provided in Article
12 4 of the Election Code;

13 (2) using a federal postcard application or
14 the application's approved electronic equivalent; or

15 (3) using the declaration accompanying a
16 federal absentee write-in ballot.

17 B. A voter's certificate of registration completed
18 pursuant to the Uniform Military and Overseas Voters Act
19 shall remain valid until the voter's certificate of
20 registration is canceled in accordance with the procedures
21 specified in Article 4 of the Election Code.

22 C. In registering to vote, a federal qualified
23 elector shall use and must be assigned to the voting precinct
24 of the address of:

25 (1) the residence of the voter, if the voter

1 resides in this state; or

2 (2) the last place of residence of the voter
3 in this state, or the last place of residence in this state
4 of the parent or legal guardian of the voter if the voter did
5 not reside in this state; provided that if that address is no
6 longer a recognized residential address, the voter shall be
7 assigned an address or other location within that precinct or
8 that precinct part."

9 SECTION 30. A new section of the Election Code is
10 enacted to read:

11 "METHODS OF APPLYING FOR MILITARY-OVERSEAS BALLOT--
12 TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS
13 BALLOT.--

14 A. A federal qualified elector who is currently
15 registered to vote in this state may, by the deadline
16 specified in the Absent Voter Act or Municipal Election Code
17 for receipt of absentee ballot applications, apply for a
18 military-overseas ballot by:

19 (1) using an absentee ballot application
20 pursuant to the Absent Voter Act or Municipal Election Code;

21 (2) using the federal postcard application
22 or the application's electronic equivalent; or

23 (3) using the declaration accompanying a
24 federal write-in absentee ballot as an application for a
25 military-overseas ballot simultaneously with the submission

1 of the federal write-in absentee ballot.

2 B. A federal qualified elector who is not
3 currently registered to vote in this state may, by the
4 deadline in the Election Code for registering to vote,
5 simultaneously register to vote and apply for a
6 military-overseas ballot by using a federal postcard
7 application or the application's electronic equivalent.

8 C. An application for a military-overseas ballot
9 for a primary election, whether or not timely, is effective
10 as an automatic application for a military-overseas ballot
11 for the general election.

12 D. An application for a military-overseas ballot
13 is effective as an automatic application for a
14 military-overseas ballot for a runoff election necessary to
15 conclude the election for which the application was
16 submitted."

17 SECTION 31. A new section of the Election Code is
18 enacted to read:

19 "TRANSMISSION OF UNVOTED MILITARY-OVERSEAS BALLOTS TO
20 FEDERAL QUALIFIED ELECTORS.--

21 A. Not later than forty-five days before an
22 election, even if the forty-fifth day before an election
23 falls on a weekend or a holiday, the appropriate clerk shall
24 transmit a ballot and balloting materials to all federal
25 qualified electors who by that date submit a valid

1 military-overseas ballot application.

2 B. The appropriate clerk shall transmit a ballot
3 and balloting materials as soon as practicable when the
4 ballot application from a federal qualified elector arrives
5 after the forty-fifth day before the election and before
6 absentee ballots are transmitted to other voters pursuant to
7 the Absent Voter Act or the provisions of the Municipal
8 Election Code.

9 C. The appropriate clerk shall transmit a ballot
10 and balloting materials in accordance with the procedures for
11 processing of all other absentee ballot applications for that
12 jurisdiction when the ballot application from a federal
13 qualified elector arrives after the appropriate clerk has
14 begun transmitting ballots and balloting materials to other
15 voters.

16 D. A federal qualified elector may request that
17 the ballot and balloting materials be sent by facsimile
18 transmission, electronic mail delivery or other equivalent
19 electronic transmission available to the appropriate clerk
20 where the ballot and balloting materials are sent directly by
21 the clerk to the federal qualified elector. The clerk shall
22 transmit the ballot and balloting materials using the means
23 of transmission requested by the federal qualified elector.
24 The clerk shall determine the most reasonable expedited means
25 of delivery for a ballot and balloting materials for a

1 federal qualified elector who does not request a particular
2 means of transmission."

3 SECTION 32. A new section of the Election Code is
4 enacted to read:

5 "RECEIPT OF VOTED MILITARY-OVERSEAS BALLOTS FROM FEDERAL
6 QUALIFIED ELECTORS.--

7 A. A military-overseas ballot shall be considered
8 timely if it is received by the appropriate clerk no later
9 than the closing of the polls on election day.

10 B. A federal qualified elector may transmit, and
11 the appropriate clerk shall accept, a military-overseas
12 ballot by facsimile transmission, electronic mail delivery or
13 other equivalent electronic delivery available to the
14 appropriate clerk when the military-overseas ballot is sent
15 directly by the voter to that clerk; provided that, when
16 sending a military-overseas ballot utilizing any method
17 described in this subsection:

18 (1) the federal qualified elector signs an
19 affidavit waiving the right of secrecy of the federal
20 qualified elector's ballot;

21 (2) the federal qualified elector transmits
22 the affidavit with the military-overseas ballot; and

23 (3) the appropriate clerk places the
24 received ballot in a holding envelope provided by the
25 secretary of state for this purpose and delivers the ballot

1 to the absent precinct board."

2 SECTION 33. A new section of the Election Code is
3 enacted to read:

4 "EMERGENCY RESPONSE PROVIDERS.--

5 A. An emergency response provider may benefit from
6 the ability to apply for an absentee ballot and to return the
7 marked ballot in the same manner as provided in the Uniform
8 Military and Overseas Voters Act for federal qualified
9 electors; provided that the emergency response provider may
10 not use the federal postcard application or the federal
11 write-in absentee ballot.

12 B. The appropriate clerk shall transmit to,
13 receive from and process an absentee ballot of an emergency
14 response provider in the same manner as provided in the
15 Uniform Military and Overseas Voters Act for a federal
16 qualified elector.

17 C. As used in this section, "emergency response
18 provider" means a resident of this state who otherwise
19 satisfies this state's voter eligibility requirements and
20 who, in response to an emergency, is temporarily assigned by
21 a governmental or nongovernmental relief agency or employer
22 to provide support to the victims of the emergency or to
23 rebuild the infrastructure in the affected area and:

24 (1) the assignment is for a period beginning
25 on or after the thirty-five days immediately prior to an

1 election;

2 (2) the affected area is outside the
3 individual's county of residence; and

4 (3) the president of the United States or
5 the governor of a state has declared an emergency in the
6 affected area."

7 SECTION 34. A new section of the Election Code is
8 enacted to read:

9 "USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--
10 QUALIFICATION.--

11 A. A federal qualified elector may use a federal
12 write-in absentee ballot to vote for all offices and ballot
13 measures in an election.

14 B. In completing the federal write-in absentee
15 ballot, the federal qualified elector may designate a
16 candidate by writing in the name of the candidate. In a
17 general election when voting for a specified office, a
18 federal qualified elector may in the alternate complete the
19 federal write-in absentee ballot by writing in the name of a
20 political party, in which case the ballot shall be counted
21 for the candidate of that political party.

22 C. A qualified federal write-in absentee ballot
23 shall be processed by the canvassing board in the same manner
24 as a provisional ballot. A federal write-in absentee ballot
25 from a federal qualified elector shall not be qualified if

1 the federal qualified elector voted on any other type of
2 ballot. A federal write-in absentee ballot of an overseas
3 voter shall not be qualified if the ballot is submitted from
4 any location in the United States."

5 SECTION 35. A new section of the Election Code is
6 enacted to read:

7 "CONFIRMATION OF RECEIPT OF APPLICATION AND VOTED
8 BALLOT.--The secretary of state, upon the recommendation of
9 the voting system certification committee, shall implement an
10 electronic free-access system by which a federal qualified
11 elector may determine by telephone, electronic mail or
12 internet whether the federal qualified elector's:

13 A. federal postcard application or other
14 registration or military-overseas ballot application has been
15 received and accepted; and

16 B. military-overseas ballot has been received and
17 the current status of the ballot."

18 SECTION 36. A new section of the Election Code is
19 enacted to read:

20 "USE OF VOTER'S ELECTRONIC-MAIL ADDRESS.--

21 A. The county clerk shall request an
22 electronic-mail address from each federal qualified elector
23 who registers to vote. An electronic-mail address provided
24 by a federal qualified elector shall not be made available to
25 the public and is exempt from disclosure pursuant to the

1 Inspection of Public Records Act. The electronic-mail
2 address may be used only for official communication with the
3 voter about the voting process, including transmitting
4 military-overseas ballots and ballot materials if the voter
5 has requested electronic transmission by electronic mail, and
6 verifying the voter's mailing address and physical location.
7 The request for an electronic-mail address shall describe the
8 purposes for which the electronic-mail address may be used
9 and include a statement that any other use or disclosure of
10 the electronic-mail address is prohibited.

11 B. If an absentee ballot is transmitted to a
12 federal qualified elector via electronic mail, the
13 appropriate clerk shall note in the absentee ballot register
14 the voter's registration address, that the ballot was
15 delivered to the voter electronically and the date on which
16 it was sent, but shall not disclose the voter's
17 electronic-mail address.

18 C. A federal qualified elector who provides an
19 electronic-mail address may request that the voter's
20 application for a military-overseas ballot be considered a
21 standing request for electronic delivery of a ballot for all
22 elections in the election cycle. The appropriate clerk shall
23 provide a military-overseas ballot to a voter who makes a
24 standing request for each election to which the request is
25 applicable as an automatic application for a

1 military-overseas ballot."

2 SECTION 37. A new section of the Election Code is
3 enacted to read:

4 "PROHIBITION OF NONSUBSTANTIVE REQUIREMENTS.--

5 A. If the intention of the voter is clearly
6 discernable in accordance with the provisions of Section
7 1-1-5.2 NMSA 1978, an abbreviation, misspelling or other
8 minor variation in the form of the name of a candidate or a
9 political party shall be accepted as a valid vote.

10 B. Failure to satisfy a nonsubstantive
11 requirement, such as using paper or envelopes of a specified
12 size or weight, does not invalidate a document submitted
13 pursuant to the Uniform Military and Overseas Voters Act.

14 C. Notarization is not required for the execution
15 of any document required by the Uniform Military and Overseas
16 Voters Act."

17 SECTION 38. A new section of the Election Code is
18 enacted to read:

19 "ABSENTEE BALLOTS--REPORTS.--

20 A. Within thirty days following a general
21 election, the county clerk shall report to the secretary of
22 state the number of absentee ballots transmitted in the
23 general election to uniformed-service voters and overseas
24 voters for the election and the number of those ballots
25 returned, rejected or counted.

1 B. Within ninety days following a general
2 election, the secretary of state shall report to the federal
3 election assistance commission the combined absentee ballot
4 numbers submitted by the counties pursuant to this section."

5 SECTION 39. A new section of the Election Code is
6 enacted to read:

7 "EQUITABLE RELIEF.--A court of competent jurisdiction of
8 this state may issue an injunction or grant other equitable
9 relief appropriate to ensure substantial compliance with, or
10 enforce, the Uniform Military and Overseas Voters Act on
11 application by:

12 A. a federal qualified elector alleging a
13 grievance under the Uniform Military and Overseas Voters Act;
14 or

15 B. an election official in this state."

16 SECTION 40. A new section of the Election Code is
17 enacted to read:

18 "UNIFORMITY OF APPLICATION AND CONSTRUCTION.--In
19 applying and construing the Uniform Military and Overseas
20 Voters Act, consideration shall be given to the need to
21 promote uniformity of the law with respect to its subject
22 matter among states that enact it."

23 SECTION 41. A new section of the Election Code is
24 enacted to read:

25 "RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND

1 NATIONAL COMMERCE ACT.--The Uniform Military and Overseas
2 Voters Act modifies, limits and supersedes the federal
3 Electronic Signatures in Global and National Commerce Act,
4 15 U.S.C. Section 7001 et seq., but does not modify, limit or
5 supersede Section 101(c) of that act, 15 U.S.C. Section
6 7001(c), or authorize electronic delivery of any of the
7 notices described in Section 103(b) of that act, 15 U.S.C.
8 Section 7003(b)."

9 SECTION 42. Section 1-6-3 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 129, as amended) is amended to read:

11 "1-6-3. RIGHT TO VOTE BY ABSENTEE BALLOT.--A voter may
12 vote by absentee ballot for all candidates and on all
13 questions appearing on the ballot as if the voter were able
14 to cast the ballot in person."

15 SECTION 43. Section 1-6-4 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 130, as amended) is amended to read:

17 "1-6-4. ABSENTEE BALLOT APPLICATION.--

18 A. Application by a voter for an absentee ballot
19 shall be made only on a form prescribed by the secretary of
20 state. The form shall identify the applicant and contain
21 information to establish the applicant's qualification for
22 issuance of an absentee ballot under the Absent Voter Act;
23 provided that on the application form for a general election
24 ballot there shall be no box, space or place provided for
25 designation of the voter's political party affiliation.

1 B. Each application for an absentee ballot shall
2 be signed by the applicant and shall require the applicant's
3 printed name, registration address and year of birth to be
4 supplied by the applicant, which shall constitute the
5 required form of identification, except for new registrants
6 who have registered by mail and at that time did not provide
7 acceptable identification. The secretary of state shall
8 issue rules to exempt voters from submitting identification
9 only as required by federal law and shall review and, if
10 necessary, update these rules no later than March 15 of
11 even-numbered years.

12 C. A person who willfully and with knowledge and
13 intent to deceive or mislead any voter, precinct board,
14 canvassing board, county clerk or other election official and
15 who falsifies any information on an absentee ballot request
16 form or who affixes a signature or mark other than the
17 person's own on an absentee ballot request form is guilty of
18 a fourth degree felony."

19 SECTION 44. Section 1-6-5 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 131, as amended) is amended to read:

21 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

22 A. The county clerk shall mark each completed
23 absentee ballot application with the date and time of receipt
24 in the clerk's office and enter the required information in
25 the absentee ballot register. The county clerk shall then

1 determine if the applicant is a voter, and if the voter is a
2 uniformed-service voter or an overseas voter. If the
3 applicant is a uniformed-service voter or overseas voter, the
4 application shall be processed pursuant to the Uniform
5 Military and Overseas Voters Act.

6 B. If the applicant does not have a valid
7 certificate of registration on file in the county, an
8 absentee ballot shall not be issued and the county clerk
9 shall mark the application "rejected" and file the
10 application in a separate file from those accepted.

11 C. The county clerk shall notify in writing each
12 applicant of the fact of acceptance or rejection of the
13 application and, if rejected, shall explain why the
14 application was rejected.

15 D. If the applicant has on file with the county a
16 valid certificate of registration that indicates that the
17 applicant is a voter who is a new registrant and who
18 registered by mail without submitting the required voter
19 identification, the county clerk shall notify the voter that
20 the voter must submit with the absentee ballot the required
21 physical form of identification. The county clerk shall note
22 on the absentee ballot register and signature roster that the
23 applicant's absentee ballot must be returned with the
24 required identification.

25 E. If the applicant has on file with the county a

1 valid certificate of registration, the county clerk shall
2 mark the application "accepted" and, beginning twenty-eight
3 days before the election, deliver an absentee ballot to the
4 voter in the county clerk's office or mail to the applicant
5 an absentee ballot and the required envelopes for use in
6 returning the ballot. An absent voter shall not be permitted
7 to change party affiliation during those periods when change
8 of party affiliation is prohibited by the Election Code.
9 Upon delivery of an absentee ballot to a voter in the county
10 clerk's office or mailing of an absentee ballot to an
11 applicant who is a voter, an appropriate designation shall be
12 made on the signature line of the signature roster next to
13 the name of the voter who has been provided or mailed an
14 absentee ballot.

15 F. Absentee ballots may be marked in person at the
16 county clerk's office during the regular hours and days of
17 business beginning on the twenty-eighth day preceding the
18 election and from 10:00 a.m. to 6:00 p.m. on the Saturday
19 immediately prior to the date of the election. The act of
20 marking the absentee ballot in the office of the county clerk
21 shall be a convenience to the voter in the delivery of the
22 absentee ballot and does not make the office of the county
23 clerk a polling place subject to the requirements of a
24 polling place in the Election Code. If the county clerk
25 establishes an additional alternate voting location near the

1 clerk's office, absentee ballots may be marked in person at
2 that location during the regular hours and days of business
3 beginning on the twenty-eighth day preceding the election and
4 during the hours for voting at alternate voting locations
5 commencing on the third Saturday prior to the election
6 through the Saturday immediately prior to the election. The
7 additional alternate voting location shall be operated by the
8 county clerk and the county clerk's staff.

9 G. When marking an absentee ballot in person at
10 the county clerk's office, the voter shall provide the
11 required voter identification to the county clerk or the
12 clerk's authorized representative. If the voter does not
13 provide the required voter identification, the voter shall be
14 allowed to vote on a provisional ballot. If the voter
15 provides the required voter identification, the voter, after
16 subscribing an application for an absentee ballot, shall be
17 allowed to vote by inserting the ballot into an optical scan
18 tabulator certified for in-person absentee voting at the
19 county clerk's office. The county clerk or the clerk's
20 authorized representative shall make an appropriate
21 designation indicating that the voter has voted absentee. In
22 marking the absentee ballot, the voter may be assisted
23 pursuant to the provisions of Section 1-12-15 NMSA 1978.

24 H. Absentee ballots shall be sent to applicants
25 not later than on the Friday immediately prior to the date of

1 the election.

2 I. An absentee ballot shall not be delivered or
3 mailed by the county clerk to any person other than the
4 applicant for such ballot.

5 J. The secretary of state and each county clerk
6 shall make reasonable efforts to publicize and inform voters
7 of the times and locations for absentee voting; provided,
8 however, that notice is provided at least ten days before
9 early voting begins.

10 K. The secretary of state shall establish
11 procedures for the submittal, when required by federal law,
12 of required voter identification with mailed-in absentee
13 ballots.

14 L. It is unlawful to electioneer in the county
15 clerk's office or in any alternate voting location."

16 SECTION 45. Section 1-6-6 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 132, as amended) is amended to read:

18 "1-6-6. ABSENTEE BALLOT REGISTER.--

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

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

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

1 (3) whether the application was accepted or
2 rejected;

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

6 (5) the applicant's precinct;

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

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

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

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

1 for an absentee ballot.

2 C. The absentee ballot register is a public record
3 open to public inspection in the county clerk's office during
4 regular office hours. The county clerk shall have an updated
5 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
9 absentee ballot applicants and early voters with applicable
10 information shown in the absentee ballot register for each
11 applicant and early voter up to 6:00 p.m. on the Saturday
12 preceding the election. The county clerk shall deliver a
13 signature roster containing the same information as the lists
14 to the absent 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.
20 A final copy shall be transmitted on the Saturday immediately
21 following the election.

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

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."

5 SECTION 46. Section 1-6-8 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 134, as amended) is amended to read:

7 "1-6-8. ABSENTEE BALLOT ENVELOPES.--

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

10 (1) official inner envelopes for use in
11 sealing the completed absentee ballot;

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

17 (3) absentee ballot instructions, describing
18 proper methods for completion of the ballot and returning it;
19 and

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

22 B. Official transmittal envelopes and official
23 mailing envelopes for transmission of absentee ballot
24 materials to and from the county clerk and voters shall be
25 printed in black in substantially similar form. All official

1 inner envelopes shall be printed in black.

2 C. The reverse of each official mailing envelope
3 shall contain a form to be executed by the voter completing
4 the absentee ballot. The form shall identify the voter and
5 shall contain the following statement: "I will not vote in
6 this election other than by the enclosed ballot. I will not
7 receive or offer any compensation or reward for giving or
8 withholding any vote."

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

13 SECTION 47. Section 1-6-9 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 135, as amended) is amended to read:

15 "1-6-9. MANNER OF VOTING--ALTERNATE DELIVERY METHODS.--
16 Except as provided in Section 1-6-5 or Section 1-6-5.7
17 NMSA 1978, a person voting pursuant to the Absent Voter Act
18 shall secretly mark the absentee ballot in the manner
19 provided in the Election Code for marking paper ballots,
20 place it in the official inner envelope and securely seal the
21 envelope. The voter shall then place the official inner
22 envelope inside the official mailing envelope and securely
23 seal the envelope. The voter shall then complete the form on
24 the reverse of the official mailing envelope, which shall
25 include a statement by the voter under penalty of perjury

1 that the facts stated in the form are true and the voter's
2 name, registration address and year of birth. Voters shall
3 either deliver or mail the official mailing envelope to the
4 county clerk of their county of residence."

5 SECTION 48. Section 1-6-10 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 136, as amended) is amended to read:

7 "1-6-10. RECEIPT OF ABSENTEE BALLOTS BY CLERK.--

8 A. The county clerk shall mark on each completed
9 official mailing envelope the date and time of receipt in the
10 clerk's office, record this information in the absentee
11 ballot register and safely keep the official mailing envelope
12 unopened in a locked and number-sealed ballot box until it is
13 delivered to the absent voter precinct board or until it is
14 canceled and destroyed in accordance with law.

15 B. Completed official mailing envelopes shall be
16 accepted until 7:00 p.m. on election day. Any completed
17 official mailing envelope received after that time shall not
18 be delivered to the absent voter precinct board but shall be
19 preserved by the county clerk until the time for election
20 contests has expired. In the absence of a restraining order
21 after expiration of the time for election contests, the
22 county clerk shall destroy all late official mailing
23 envelopes without opening or permitting the contents to be
24 examined, cast, counted or canvassed. Before their
25 destruction, the county clerk shall count the numbers of late

1 ballots from voters, uniformed-service voters and overseas
2 voters and report the number from each category to the
3 secretary of state.

4 C. No later than 5:00 p.m. on the Monday
5 immediately preceding the date of election, the county clerk
6 shall record the numbers of unused ballots and shall publicly
7 destroy in the county clerk's office all such unused ballots
8 or prepare the unused ballots for delivery to precinct
9 boards. The county clerk shall execute a certificate of
10 destruction, which shall include the numbers on the ballots
11 destroyed. A copy of the certificate of destruction shall be
12 sent to the secretary of state."

13 SECTION 49. Section 1-6-22.1 NMSA 1978 (being Laws
14 2009, Chapter 251, Section 1 and Laws 2009, Chapter 274,
15 Section 1, as amended) is amended to read:

16 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE
17 VOTING IN LIEU OF POLLING PLACE.--

18 A. Notwithstanding the provisions of Sections
19 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday
20 in November of each odd-numbered year, a board of county
21 commissioners may designate a precinct as a mail ballot
22 election precinct if, upon a written request of the county
23 clerk, it finds that the precinct has fewer than one hundred
24 voters and the nearest polling place for an adjoining
25 precinct is more than twenty miles driving distance from the

1 boundary for the precinct in question.

2 B. If a precinct is designated a mail ballot
3 election precinct, in addition to the notice required
4 pursuant to Section 1-3-8 NMSA 1978, the county clerk shall
5 notify by mail with delivery confirmation all voters in that
6 precinct at least forty-two days before an election that each
7 voter will be sent an absentee ballot twenty-eight days
8 before the election and that there will be no polling place
9 for the precinct on election day. The county clerk shall
10 include in the notice a card informing the voter that if the
11 voter does not want to receive an absentee ballot for that
12 election, the voter should return the card before the date
13 the county clerk is scheduled to mail out absentee ballots.
14 The notice shall also inform the voter that a voting system
15 equipped for persons with disabilities will be available at
16 all early voting sites before election day and in the office
17 of the county clerk on election day in case the voter prefers
18 to vote in person and not by mail. In addition, the notice
19 shall inform the voter if the county is consolidating
20 precincts on election day and, if so, the ability of the
21 voter to cast a ballot at any consolidated precinct on
22 election day if the voter chooses not to receive an absentee
23 ballot, or to cast a provisional ballot at any consolidated
24 precinct if the voter does not receive an absentee ballot,
25 which will be counted upon confirmation that the voter has

1 not returned the absentee ballot.

2 C. The county clerk shall mail each voter in the
3 mail ballot election precinct an absentee ballot on the
4 twenty-eighth day before an election, unless the voter has
5 requested otherwise, along with a notice that there will be
6 no polling place in that precinct on election day.

7 D. The county clerk shall keep a sufficient number
8 of ballots from a mail ballot election precinct such that if
9 a voter from that precinct does not receive an absentee
10 ballot before election day, the voter may vote on an absentee
11 ballot in the office of the county clerk on election day in
12 lieu of voting on the missing ballot."

13 SECTION 50. Section 1-8-7 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 157, as amended) is amended to read:

15 "1-8-7. VACANCY ON GENERAL ELECTION BALLOT--DEATH OF
16 CANDIDATE OR RESIGNATION OR DEATH OF OFFICE HOLDER BEFORE
17 PRIMARY.--

18 A. Vacancies on the general election ballot may be
19 filled as provided in Subsection B of this section if after a
20 primary election there is no nominee of a major political
21 party for a public office to be filled in the general
22 election and if the vacancy was caused by:

23 (1) the death of a candidate after filing of
24 the declaration of candidacy or after certification as a
25 convention-designated nominee and before the primary

1 election; or

2 (2) the resignation or death of a person
3 holding a public office after the last Friday before the
4 first Tuesday in March, when such office was not included in
5 the governor's proclamation and is required by law to be
6 filled at the next succeeding general election after the
7 vacancy is created.

8 B. The vacancy may be filled subsequent to the
9 primary election by the central committee of the state or
10 county political party, as the case may be, as provided by
11 Subsection A of Section 1-8-8 NMSA 1978. The name of the
12 person to fill the vacancy on the general election ballot
13 shall be filed with the proper filing officer within fifteen
14 days after the primary election, and when so filed, it shall
15 be placed on the general election ballot as the political
16 party's nominee for such office."

17 SECTION 51. Section 1-8-8 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 158, as amended) is amended to read:

19 "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING
20 AFTER PRIMARY.--

21 A. If after a primary election a vacancy occurs,
22 for any cause, in the list of the nominees of a qualified
23 political party for any public office to be filled in the
24 general election, or a vacancy occurs because of the
25 resignation or death of a person holding a public office not

1 included in the governor's proclamation and which office is
2 required by law to be filled at the next succeeding general
3 election, or a vacancy occurs because a new public office is
4 created and was not included in the governor's proclamation
5 but is capable by law of being filled at the next succeeding
6 general election, the vacancy on the general election ballot
7 may be filled by:

8 (1) the central committee of the state
9 political party filing the name of its nominee for the office
10 with the proper filing officer when the office is a federal
11 office, state office, district office or multicounty
12 legislative district office; and

13 (2) the central committee of the county
14 political party filing the name of its nominee for the office
15 with the proper filing officer when the office is a
16 magistrate office, county office or legislative district
17 office where the district is entirely within the boundaries
18 of a single county.

19 B. Appointments made pursuant to Subsection A of
20 this section shall qualify pursuant to Section 1-8-18
21 NMSA 1978.

22 C. The county or state central committee members
23 making the appointment pursuant to Subsection A of this
24 section shall be as provided for in the rules of the
25 respective party; provided that, at a minimum, the committee

1 shall include those members residing within the boundaries of
2 the area to be represented by the public office.

3 D. Appointments to fill vacancies in the list of a
4 party's nominees shall be made and filed at least fifty-six
5 days prior to the general election.

6 E. When the name of a nominee is filed as provided
7 in this section, the name shall be placed on the general
8 election ballot as the party's candidate for that office."

9 SECTION 52. Section 1-8-14 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 163) is amended to read:

11 "1-8-14. PRIMARY ELECTION LAW--PROCLAMATION--DUTIES OF
12 SECRETARY OF STATE.--Upon the proclamation being filed, the
13 secretary of state shall immediately:

14 A. publish the proclamation for five consecutive
15 days in at least four daily newspapers of general circulation
16 in the state;

17 B. post the proclamation and any amended
18 proclamation on the secretary of state's web site; and

19 C. send an authenticated copy of the proclamation
20 or any amended proclamation to each county clerk along with a
21 copy of the text in an editable electronic format."

22 SECTION 53. Section 1-8-16 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 165, as amended) is amended to read:

24 "1-8-16. PRIMARY ELECTION LAW--PROCLAMATION--
25 AMENDMENT.--The governor may amend the proclamation between

1 the time of its issuance and the first Tuesday in March to
2 include a newly created public office that is capable by law
3 of being filled at the next succeeding general election, or
4 any existing office becoming vacant by removal, resignation
5 or death when such vacancy occurs no later than the last
6 Friday before the first Tuesday in March, or to provide for
7 any corrections or omissions."

8 SECTION 54. Section 1-8-26 NMSA 1978 (being Laws 1975,
9 Chapter 295, Section 12, as amended by Laws 2014, Chapter 40,
10 Section 5 and by Laws 2014, Chapter 81, Section 5) is amended
11 to read:

12 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--
13 DOCUMENTS NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

14 A. Declarations of candidacy by preprimary
15 convention designation for any statewide office or for the
16 office of United States representative shall be filed with
17 the proper filing officer on the first Tuesday in February of
18 each even-numbered year between the hours of 9:00 a.m. and
19 5:00 p.m.

20 B. Declarations of candidacy for any other office
21 to be nominated in the primary election shall be filed with
22 the proper filing officer on the second Tuesday of March of
23 each even-numbered year between the hours of 9:00 a.m. and
24 5:00 p.m.

25 C. Certificates of designation shall be submitted

1 to the secretary of state on the first Tuesday following the
2 preprimary convention at which the candidate's designation
3 took place between the hours of 9:00 a.m. and 5:00 p.m.

4 D. Declarations of candidacy for retention for all
5 affected judicial offices shall be filed with the proper
6 filing officer between the hours of 9:00 a.m. and 5:00 p.m.
7 on the twenty-third day after the primary election.

8 E. No candidate's name shall be placed on the
9 ballot until the candidate has been notified in writing by
10 the proper filing officer that the declaration of candidacy,
11 the petition, if required, and the certificate of
12 registration of the candidate on file are in proper order and
13 that the candidate, based on those documents, is qualified to
14 have the candidate's name placed on the ballot. The proper
15 filing officer shall mail the notice no later than 5:00 p.m.
16 on the Tuesday following the filing date.

17 F. If a candidate is notified by the proper filing
18 officer that the candidate is not qualified to have the
19 candidate's name appear on the ballot, the candidate may
20 challenge that decision by filing a petition with the district
21 court within ten days of the notification. The district court
22 shall hear and render a decision on the matter within ten days
23 after the petition is filed. The decision of the district
24 court may be appealed to the supreme court within five days
25 after the decision is rendered. The supreme court shall hear

1 and render a decision on the appeal forthwith."

2 SECTION 55. Section 1-9-5 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 188, as amended) is amended to read:

4 "1-9-5. REQUIREMENT TO USE VOTING SYSTEMS--SUFFICIENT
5 CHECK-IN STATIONS AND VOTING BOOTHS.--

6 A. Certified voting systems shall be used in all
7 polling locations in all statewide elections.

8 B. The secretary of state shall provide to the
9 county clerk of each county at least one optical scan
10 tabulator for use in each polling location in the general and
11 primary elections. At the request of a county clerk, the
12 secretary of state shall provide additional optical scan
13 tabulators for use in a polling place to accommodate the
14 anticipated number of voters in that polling place and to
15 preserve the secrecy of the ballot. The request shall be made
16 no later than the first Monday in August of each odd-numbered
17 year.

18 C. The secretary of state shall provide to the
19 county clerk of each county a sufficient number of check-in
20 stations for use in each polling location in the primary and
21 general elections when electronic rosters or their equivalents
22 are used. The number of check-in stations at a polling
23 location shall be capable of accommodating the number of
24 voters who appeared to vote in person on election day from the
25 precincts represented in a consolidated precinct in the same

1 election held four years earlier or the number of voters who
2 actually voted in that polling location four years earlier,
3 whichever is greater; provided that no polling location shall
4 be provided fewer than two check-in stations. No later than
5 the last Tuesday in June of each odd-numbered year, the
6 secretary of state shall determine how many voters a check-in
7 station can accommodate in a day and develop a formula so that
8 a check-in station is in use no more than seventy-five percent
9 of the time. No later than the first Monday in August of the
10 odd-numbered year, the county clerk in each county shall
11 provide to the secretary of state the number of check-in
12 stations required per polling location based on the formula
13 provided by the secretary of state. Nothing in this section
14 prohibits the board of county commissioners from acquiring
15 additional check-in stations for use in an election, in
16 addition to those provided by the secretary of state.

17 D. The county clerk shall ensure that an adequate
18 number of voting booths are provided to ensure that voters in
19 each polling location may cast their ballots in secret."

20 SECTION 56. Section 1-9-7 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 190, as amended) is amended to read:

22 "1-9-7. VOTING SYSTEMS--ACQUISITION.--

23 A. The secretary of state shall provide to the
24 county clerk of each county a sufficient number of voting
25 systems as required by the Election Code for the conduct of

1 primary and general elections.

2 B. When authorized by the state board of finance,
3 the board of county commissioners may acquire new or
4 previously owned voting systems. No less than ninety days
5 prior to each primary and general election, the board of
6 county commissioners of each county may make application to
7 the state board of finance for any additional voting systems
8 to be acquired by a county in excess of the number of voting
9 systems required by the Election Code for the conduct of
10 primary and general elections.

11 C. The additional voting systems shall be of a
12 type certified by the secretary of state. They shall be
13 purchased by the state board of finance. Unless paid in full
14 by the county at the time of purchase, the cost of the voting
15 systems, including all transportation costs, shall be paid out
16 of the voting system revolving fund. The state board of
17 finance shall cause to be delivered to each county clerk the
18 additional voting systems.

19 D. Except for intercounty acquisitions of
20 equipment approved by the secretary of state, a previously
21 owned voting system shall have a warranty equal to the
22 warranty required of a new voting system."

23 SECTION 57. Section 1-10-5 NMSA 1978 (being Laws 1977,
24 Chapter 222, Section 28, as amended) is amended to read:

25 "1-10-5. BALLOTS--PRINTING.--The county clerk shall

1 have access to sufficient ballots to send to federal qualified
2 electors no later than the last business day before the
3 forty-fifth day prior to an election. All other ballots shall
4 be printed and in the possession of the county clerk at least
5 forty days before the election. When a county is using a
6 system that is designed to print ballots at a polling
7 location, the system shall be programmed and capable of
8 operation at least forty days before the election."

9 SECTION 58. Section 1-10-8 NMSA 1978 (being Laws 1977,
10 Chapter 222, Section 31, as amended) is amended to read:

11 "1-10-8. BALLOTS--PRIMARY AND GENERAL ELECTIONS--ORDER
12 OF OFFICES.--The ballot used in the primary and general
13 elections shall contain, when applicable, the offices to be
14 voted on in the following order:

- 15 A. president and vice president;
- 16 B. United States senator;
- 17 C. United States representative;
- 18 D. non-judicial state offices to be voted on at
19 large, in the order prescribed by the secretary of state;
- 20 E. state senator;
- 21 F. state representative;
- 22 G. other districted offices, in the order
23 prescribed by the secretary of state;
- 24 H. judicial offices in partisan contests, in the
25 order prescribed by the secretary of state;

- 1 I. county commissioners;
- 2 J. county clerk;
- 3 K. county treasurer;
- 4 L. county assessor;
- 5 M. county sheriff;
- 6 N. probate judge; and
- 7 O. in the order prescribed by the secretary of

8 state:

- 9 (1) judicial offices in retention elections;
- 10 (2) local government ballot questions
- 11 authorized by the board of county commissioners; and
- 12 (3) other questions prescribed by the
- 13 secretary of state."

14 SECTION 59. Section 1-10-10 NMSA 1978 (being Laws 1969,
15 Chapter 240, Section 209, as amended) is amended to read:

16 "1-10-10. BALLOTS--SAMPLE.--

17 A. The county clerk shall make available in both
18 English and Spanish a number of sample ballots in a quantity
19 and in a printed or electronic format as prescribed by the
20 secretary of state.

21 B. The sample ballots shall be the same in all
22 respects as the official ballots, except that, if printed,
23 they shall be printed on colored paper and shall not contain
24 the facsimile signature of the county clerk or any endorsement
25 on the back thereof. Each sample ballot shall be marked in

1 large black capital letters, "SAMPLE BALLOT".

2 C. Printed sample ballots shall be made available
3 in reasonable quantities to all interested persons at the
4 county clerk's office, in each polling place and on the
5 county's web site, if the county maintains a web site."

6 SECTION 60. Section 1-12-7.1 NMSA 1978 (being Laws
7 1969, Chapter 240, Section 112, as amended) is amended to
8 read:

9 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
10 VOTERS--USE DURING ELECTION.--

11 A. At each election day polling location, other
12 than a consolidated precinct where any voter in the county may
13 vote, the precinct board shall post securely at or near the
14 entrance of the polling place one copy of an alphabetical list
15 of voters and a map of the precincts represented in that
16 polling place for use of the voters prior to voting. The
17 posted copy shall not contain a listing of voter addresses,
18 years, months or days of birth or social security numbers.

19 B. At each polling location where physical rosters
20 are used, the presiding judge of the precinct board shall
21 assign one judge or election clerk of the board to be in
22 charge of one copy of the checklist of voters, which shall be
23 used to confirm the registration and voting of each person
24 offering to vote.

25 C. The presiding judge of the precinct board shall

1 assign one judge or election clerk to be in charge of the
2 signature roster.

3 D. The judge or election clerk assigned to confirm
4 registration shall determine that each person offering to vote
5 is registered and, in the case of a primary election, that the
6 voter is registered in a party designated on the primary
7 election ballot. If the person's registration is confirmed
8 and the voter provides the required voter identification, the
9 judge or election clerk shall announce to the judges or
10 election clerks the list number and the name of the voter as
11 shown on the checklist of voters. If the voter does not
12 provide the required voter identification, the voter shall be
13 allowed to vote on a provisional paper ballot and shall
14 provide the required voter identification to the county
15 clerk's office before 5:00 p.m. on the second day following
16 the election, or to the precinct board before the polls close,
17 or the voter's provisional ballot shall not be qualified. If
18 the required voter identification is provided, the voter's
19 provisional paper ballot shall be qualified and the voter
20 shall not vote on any other type of ballot.

21 E. The judge or election clerk shall locate the
22 name on the signature roster and shall require the voter to
23 sign the voter's usual signature or, if unable to write, to
24 make the voter's mark opposite the voter's printed name. If
25 the voter makes the voter's mark, it shall be witnessed by one

1 of the judges or election clerks of the precinct board.

2 F. If the signature roster indicates that the
3 voter is required to present a physical form of identification
4 before voting, the judge or election clerk shall ask the voter
5 for the required physical form of identification. If the
6 voter does not provide the required identification, the voter
7 shall be allowed to vote on a provisional paper ballot;
8 provided, however, that if the voter brings the required
9 physical form of identification to the polling place after
10 casting a provisional paper ballot, that ballot shall be
11 qualified.

12 G. The judge or election clerk shall follow the
13 procedures provided for in Sections 1-12-7.2 and 1-12-8
14 NMSA 1978 if a person whose name does not appear on the
15 signature roster requests to vote or a person is required to
16 vote on a provisional paper ballot.

17 H. A voter shall not be permitted to vote until
18 the voter has properly signed the voter's usual signature or
19 made the voter's mark in the signature roster."

20 SECTION 61. Section 1-12-10.1 NMSA 1978 (being Laws
21 2003, Chapter 356, Section 2, as amended) is amended to read:

22 "1-12-10.1. CONDUCT OF ELECTIONS--VOTING INFORMATION.--

23 A. The secretary of state shall provide voting
24 information, which the county clerks shall display, in
25 accordance with the federal Help America Vote Act of 2002, in

1 each polling place and in each county clerk's office and at
2 any location where voting is taking place.

3 B. The county clerk shall ensure that in each
4 polling place there is posted the phone numbers of the county
5 clerk and the secretary of state."

6 SECTION 62. Section 1-12-13 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 266, as amended) is amended to read:

8 "1-12-13. CONDUCT OF ELECTION--AID OR ASSISTANCE TO
9 VOTER IN MARKING BALLOT.--

10 A. When a voter who is eligible for assistance
11 pursuant to Section 1-12-12 NMSA 1978 requires assistance in
12 marking a ballot or using the voting system, the voter shall
13 announce this fact before receiving the ballot or using the
14 voting system.

15 B. The voter's request for assistance shall be
16 noted by the voter's name in the signature roster and
17 initialed by the presiding judge.

18 C. After noting the request for assistance in the
19 signature roster, the voter shall be permitted assistance in
20 marking the ballot or using the voting system as provided in
21 Section 1-12-15 NMSA 1978.

22 D. Any person who swears falsely in order to
23 secure assistance is guilty of a misdemeanor."

24 SECTION 63. Section 1-12-15 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 267, as amended) is amended to read:

1 "1-12-15. CONDUCT OF ELECTION--PERSONS WHO MAY ASSIST
2 VOTER.--

3 A. In any election, if a voter who has requested
4 assistance in marking the ballot is blind, has a physical
5 disability, has an inability to read or write or is a member
6 of a language minority who has requested assistance pursuant
7 to Subsection D of Section 1-12-12 NMSA 1978, the voter may be
8 accompanied into the voting booth only by a person of the
9 voter's own choice other than the voter's employer or an agent
10 of that employer, an officer or agent of the voter's union or
11 a candidate whose name appears on the ballot in this election.

12 B. The name of the person providing assistance to
13 a voter pursuant to this section shall be recorded on the
14 signature roster.

15 C. A person who provides assistance to a voter
16 when the person knows the voter does not require assistance
17 pursuant to Section 1-12-12 NMSA 1978 is guilty of a
18 misdemeanor."

19 SECTION 64. Section 1-12-25.4 NMSA 1978 (being Laws
20 2003, Chapter 356, Section 7, as amended) is amended to read:

21 "1-12-25.4. PROVISIONAL PAPER BALLOTS--DISPOSITION.--

22 A. Upon closing of the polls, provisional paper
23 ballots shall be delivered to the county clerk, who shall
24 determine if the ballots will be counted prior to
25 certification of the election.

1 B. A provisional paper ballot shall not be counted
2 if the registered voter did not sign either the signature
3 roster or the ballot's envelope.

4 C. If there is no record of the voter ever having
5 been registered in the county, the voter shall be offered the
6 opportunity to register and the provisional paper ballot shall
7 not be counted.

8 D. If the voter was registered in the county, the
9 registration was later canceled and the county clerk
10 determines that the cancellation was in error, or that the
11 voter's name should not have been placed on the list of voters
12 whose registrations were to be canceled, the voter's
13 registration shall be immediately restored and the provisional
14 paper ballot counted.

15 E. If the county clerk determines that the
16 cancellation was not in error, the voter shall be offered the
17 opportunity to register at the voter's correct address, and
18 the provisional paper ballot shall not be counted.

19 F. If the voter is a registered voter in the
20 county, but has voted on a provisional paper ballot at a
21 polling place other than the voter's designated polling place,
22 the county canvassing board shall ensure that only those votes
23 for the positions or measures for which the voter was eligible
24 to vote are counted.

25 G. If the county clerk finds that the voter who

1 voted on a provisional paper ballot at the polls has also
2 voted an absentee ballot in that election, the provisional
3 paper ballot shall not be counted.

4 H. The county canvassing board shall prepare a
5 tally displaying the number of provisional paper ballots
6 received, the number found valid and counted, the number
7 rejected and not counted and the reason for not counting the
8 ballots as part of the canvassing process and forward it to
9 the secretary of state immediately upon certification of the
10 election.

11 I. The secretary of state shall issue rules to
12 ensure securing the secrecy of the provisional paper ballots,
13 especially during canvassing, reviewing or recounting, and
14 protecting against fraud in the voting process."

15 SECTION 65. Section 1-12-31 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 291, as amended) is amended to read:

17 "1-12-31. CONDUCT OF ELECTION--DISPOSITION OF BALLOT
18 BOXES AND OTHER ELECTION MATERIALS.--

19 A. The following election returns and materials
20 shall not be placed in the ballot box and shall be returned
21 immediately to the county clerk along with the locked ballot
22 box:

23 (1) one ballot box key in an envelope
24 addressed to the county clerk;

25 (2) one signature roster;

1 (3) one tally sheet; and

2 (4) all unused election supplies not
3 destroyed pursuant to the Election Code.

4 B. The removable media storage device shall not be
5 placed in the ballot box and shall be returned immediately to
6 the county clerk either by messenger or along with the locked
7 ballot box.

8 C. The election judge of the party different from
9 that of the presiding judge shall place the other ballot box
10 key in the envelope addressed to the district court and
11 immediately mail it to the district court."

12 SECTION 66. Section 1-12-69 NMSA 1978 (being Laws 1977,
13 Chapter 222, Section 72, as amended) is amended to read:

14 "1-12-69. DISPOSITION OF PAPER BALLOTS.--

15 A. Paper ballots marked by voters and all records
16 related to voting in any election in which a federal candidate
17 appears on the ballot shall be retained and preserved for a
18 period of twenty-two months from the date of the election.

19 B. Paper ballots marked by voters and all records
20 related to voting in any election in which no federal
21 candidate appears on the ballot shall be retained and
22 preserved for forty-five days after adjournment of the state
23 or county canvassing board, whichever is later.

24 C. In precincts where a recount or judicial
25 inquiry or inspection of contents is sought, the county clerk

1 shall hold ballots marked by voters and records related to
2 voting in those precincts intact until forty-five days
3 following the recount, judicial inquiry or inspection of
4 contents is completed, whichever is later.

5 D. Paper ballots marked by voters and records
6 related to voting in any election shall only be destroyed
7 using a destruction method approved by the state records
8 administrator for destruction of public records.

9 E. The state records administrator is authorized
10 to receive for storage and destruction paper ballots marked by
11 voters and records related to voting in any election in which
12 a federal candidate appears on the ballot. At least three
13 days prior to sending the ballots and records to the state
14 records administrator, the county clerk shall notify the
15 county chair of each political party that participated in the
16 election. The chairs or their designees may inspect the boxes
17 prior to their sealing for delivery.

18 F. At least three days prior to the destruction by
19 the county clerk of paper ballots marked by voters and records
20 related to voting, the county clerk shall notify the county
21 chair of each political party participating in the election of
22 the time, place and date thereof. The chair of each political
23 party may be present or may have the chair's accredited
24 representative present.

25 G. Paper ballots marked by voters, their digitized

1 equivalents and records related to voting are exempt from the
2 Inspection of Public Records Act until forty-five days
3 following any recount, contest or other judicial inquiry or
4 until forty-five days after adjournment of the state or county
5 canvassing board, whichever is later. Any inspection of paper
6 ballots marked by voters, their digitized equivalents or
7 records related to voting shall be conducted in such a manner
8 as to secure the secrecy of the ballot."

9 SECTION 67. Section 1-12-71 NMSA 1978 (being Laws 1977,
10 Chapter 222, Section 7) is amended to read:

11 "1-12-71. RESTRICTION ON LOCAL GOVERNMENT ELECTIONS.--
12 No municipal, school, county or special district election
13 shall be held within fifty days prior to or following any
14 statewide election. This section does not prohibit a local
15 government ballot question authorized by the board of county
16 commissioners from appearing on the general election ballot."

17 SECTION 68. Section 1-13-9 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 312, as amended) is amended to read:

19 "1-13-9. POST-ELECTION DUTIES--COUNTY CANVASS--VOTING
20 MACHINE RECHECK.--

21 A. During the official canvass of an election, the
22 county canvassing board, upon written request of any candidate
23 in the election or upon receipt of a written petition of
24 twenty-five voters of the county, shall make, in the presence
25 of the district judge, a recheck and comparison of the results

1 shown on the official returns being canvassed with the results
2 appearing on the alphanumeric printout of the contest,
3 candidates and vote totals of each voting machine used in the
4 election.

5 B. The necessary corrections, if any, shall be
6 made on the returns, and the results of the election, as shown
7 by the recheck and comparison, shall be declared."

8 SECTION 69. Section 1-13-13 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 316, as amended) is amended to read:

10 "1-13-13. POST-ELECTION DUTIES--COUNTY CANVASSING
11 BOARD--CERTIFYING RESULTS.--

12 A. The county canvassing board shall complete the
13 canvass of the returns and declare the results within ten days
14 from the date of the election. A county canvassing board in a
15 county with more than two hundred fifty thousand voters shall
16 complete the canvass of the returns and declare the results
17 within thirteen days from the date of the election.

18 B. On the thirty-first day after any primary,
19 general or district special election, the county canvassing
20 board shall issue to those candidates entitled by law election
21 certificates, or certificate of nomination in the case of the
22 primary election, to all county officers, magistrates and to
23 members of the legislature elected from districts wholly
24 within the county. In addition, the county canvassing board
25 shall declare the results, immediately after completion of the

1 canvass, of the election and of all questions affecting only
2 the county.

3 C. The county canvassing board, immediately after
4 completion of the canvass, shall also certify to the state
5 canvassing board the number of votes cast for all other
6 candidates and questions respectively and shall immediately
7 deliver to the county chair of each political party that
8 participated in the election a certificate showing the total
9 number of votes cast for each candidate in the election in the
10 county."

11 SECTION 70. Section 1-13-14 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 317) is amended to read:

13 "1-13-14. POST-ELECTION DUTIES--OPENING THE BALLOT
14 BOX.--Once the ballot box has been locked by the precinct
15 board after its first count and tally, no person shall open
16 the ballot box or remove its contents except by court order or
17 as otherwise provided by the Election Code."

18 SECTION 71. Section 1-13-21 NMSA 1978 (being Laws 1971,
19 Chapter 317, Section 21, as amended) is amended to read:

20 "1-13-21. CLEARING VOTING SYSTEMS--TRANSFERRING
21 BALLOTS.--

22 A. The county clerk shall not clear the votes
23 recorded on the removable storage media devices until at least
24 forty-five days after adjournment of the state canvassing
25 board.

1 B. The county clerk shall not clear and shall keep
2 locked those removable media storage devices from voting
3 systems used to tabulate votes for precincts where a recount,
4 judicial inquiry or inspection is sought, subject to order of
5 the district court or other authority having jurisdiction of
6 the contest or inspection.

7 C. Beginning forty-five days after the adjournment
8 of the state or county canvassing board, whichever is later,
9 or forty-five days after completion of a recount or judicial
10 inquiry, the county clerk may transfer ballots from the locked
11 ballot boxes for disposition pursuant to Section 1-12-69
12 NMSA 1978."

13 SECTION 72. Section 1-14-6 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 339) is amended to read:

15 "1-14-6. CONTEST OF ELECTION--PRESERVATION OF
16 BALLOTS.--Either the contestant or contestee, within the time
17 provided by the Election Code for the preservation of ballots,
18 may give written notice with delivery confirmation to the
19 county clerk of those counties wherein the contestant or
20 contestee wishes the ballots preserved that a contest is
21 pending in a designated court, and thereupon it is the duty of
22 the county clerk to preserve the ballots of all precincts
23 named in the notice of contest and answer until the contest
24 has been finally determined."

25 SECTION 73. Section 1-14-13.2 NMSA 1978 (being Laws

1 2009, Chapter 233, Section 1) is amended to read:

2 "1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM
3 CHECK.--

4 A. At least ninety days prior to each general
5 election, the secretary of state shall contract with an
6 auditor qualified by the state auditor to audit state agencies
7 to oversee a check on the accuracy of precinct electronic vote
8 tabulators, alternate voting location electronic vote
9 tabulators and absent voter precinct electronic vote
10 tabulators. The voting system check shall be conducted for
11 all federal offices, for governor and for the statewide
12 elective office, other than the office of the governor, for
13 which the winning candidate won by the smallest percentage
14 margin of all candidates for statewide office in New Mexico.
15 The voting system check is waived for any office for which a
16 recount is conducted.

17 B. For each selected office, the auditor shall
18 publicly select a random sample of precincts from a pool of
19 all precincts in the state no later than twelve days after the
20 election. The random sample shall be chosen in a process that
21 will ensure, with at least ninety percent probability for the
22 selected offices, that faulty tabulators would be detected if
23 they would change the outcome of the election for a selected
24 office. The auditor shall select precincts starting with the
25 statewide office with the largest winning margin and ending

1 with the precincts for the statewide office with the smallest
 2 winning margin and then, in the same manner, select precincts
 3 from each congressional district. The size of the random
 4 sample for each office shall be determined as provided in
 5 Table 1 of this subsection. When a precinct is selected for
 6 one office, it shall be used in lieu of selecting a different
 7 precinct when selecting precincts for another office in the
 8 same congressional district, or for any statewide office. If
 9 the winning margin in none of the offices for which a voting
 10 system check is required is less than fifteen percent, a
 11 voting system check for that general election shall not be
 12 required.

13 Table 1

14 Winning margin between top 15 two candidates for the 16 office according to the 17 county canvasses	Number of precincts in the state to be tested for that office
18 Percent 19 greater than 15	no precincts for that office
21 greater than 14 22 but less than or equal to 15	4
23 greater than 13 24 but less than or equal to 14	4
25 greater than 12	

1	but less than or equal to 13	5
2	greater than 11	
3	but less than or equal to 12	5
4	greater than 10	
5	but less than or equal to 11	6
6	greater than 9.0	
7	but less than or equal to 10	6
8	greater than 8.0	
9	but less than or equal to 9.0	7
10	greater than 7.0	
11	but less than or equal to 8.0	9
12	greater than 6.0	
13	but less than or equal to 7.0	10
14	greater than 5.5	
15	but less than or equal to 6.0	11
16	greater than 5.0	
17	but less than or equal to 5.5	13
18	greater than 4.5	
19	but less than or equal to 5.0	14
20	greater than 4.0	
21	but less than or equal to 4.5	16
22	greater than 3.5	
23	but less than or equal to 4.0	18
24	greater than 3.0	
25	but less than or equal to 3.5	22

1	greater than 2.5	
2	but less than or equal to 3.0	26
3	greater than 2.0	
4	but less than or equal to 2.5	32
5	greater than 1.8	
6	but less than or equal to 2.0	37
7	greater than 1.6	
8	but less than or equal to 1.8	42
9	greater than 1.4	
10	but less than or equal to 1.6	47
11	greater than 1.2	
12	but less than or equal to 1.4	54
13	greater than 1.1	
14	but less than or equal to 1.2	59
15	greater than 1.0	
16	but less than or equal to 1.1	65
17	greater than 0.9	
18	but less than or equal to 1.0	73
19	greater than 0.8	
20	but less than or equal to 0.9	82
21	greater than 0.7	
22	but less than or equal to 0.8	93
23	greater than 0.6	
24	but less than or equal to 0.7	109
25	greater than 0.5	

1 but less than or equal to 0.6 130

2 0.5 or less 165.

3 C. The auditor shall notify the appropriate county
4 clerks of the precincts that are to be included in the voting
5 system check upon their selection. The auditor shall direct
6 the appropriate county clerks to open the locked ballot boxes,
7 remove ballots from the selected precincts and compare the
8 original machine count precinct vote totals, including early
9 absentee and absentee by mail machine count vote totals, for
10 candidates for offices subject to the voting system check from
11 the selected precincts for each office with the respective
12 vote totals of a hand recount of the paper ballots from those
13 precincts. The county clerks shall report their results to
14 the auditor within ten days of the notice to conduct the
15 voting system check unless a county clerk is aware of a
16 recount in any office that includes one or more precincts in
17 the county, in which case the county clerk shall report the
18 results of the post-election audit to the auditor within ten
19 days following the conclusion of the recount.

20 D. Based on the results of the voting system check
21 and any other auditing results, the auditor shall determine
22 the error rate in the sample for each office. If the winning
23 margin decreases and the error rate based on the difference
24 between the vote totals of hand recounts of the paper ballots
25 and the original precinct vote totals exceeds ninety percent

1 of the winning margin for an office, another sample equal in
2 size to the original sample shall be selected and the original
3 precinct vote totals compared to the vote totals of hand
4 recounts. The error rate based on the first and second sample
5 shall be reported, and if it exceeds ninety percent of the
6 winning margin for the office, the state canvassing board
7 shall order that a full hand recount of the ballots for that
8 office be conducted.

9 E. The auditor shall report the results of the
10 voting system check to the secretary of state upon completion
11 of the voting system check and release the results to the
12 public.

13 F. Persons designated as county canvass observers
14 may observe the hand recount described in Subsection C of this
15 section. Observers shall comply with the procedures governing
16 county canvass observers as provided in Section 1-2-31
17 NMSA 1978.

18 G. If a recount for an office selected for a
19 voting system check is conducted pursuant to the provisions of
20 Chapter 1, Article 14 NMSA 1978, the vote totals from the hand
21 count of ballots for that office in precincts selected for the
22 voting system check may be used in lieu of recounting the same
23 ballots for the recount.

24 H. All costs of a voting system check or required
25 hand recount shall be paid in the same manner as automatic

1 recounts."

2 SECTION 74. Section 1-14-16 NMSA 1978 (being Laws 2008,
3 Chapter 41, Section 3) is amended to read:

4 "1-14-16. RECOUNT OR RECHECK PROCEEDINGS.--

5 A. Immediately after filing of the application for
6 recount or recheck, or notice of an automatic recount, the
7 appropriate canvassing board shall issue an order to the
8 county clerk of each county where a precinct specified in the
9 application or notice is located commanding the county clerk
10 to convene a recount precinct board at the county seat on a
11 day specified in the order, which date shall not be more than
12 ten days after the filing of the application for a recount or
13 recheck or notice of an automatic recount.

14 B. Upon receipt of the order, the county clerk
15 shall appoint a recount precinct board pursuant to the
16 provisions of Section 1-2-12 NMSA 1978 and shall send notices
17 of the names of the recount precinct board members and the
18 date fixed for the recount or recheck to the district judge
19 for the county and the county chair of each of the political
20 parties that participated in the election for the office in
21 question. The county clerk shall keep a log of how each
22 person was notified and confirmation that the notice was
23 received. Presiding judges and election judges on the recount
24 precinct board shall be appointed from among those persons who
25 served as precinct board members in the most recent election.

1 C. The recount precinct board, district judge and
2 county clerk shall meet on the date fixed for the recount or
3 recheck, and the ballot boxes and ballot containers or voting
4 machines of the precincts involved in the recount or recheck
5 shall be opened. The recount precinct board shall recount and
6 retally the ballots, or recheck the votes cast on the voting
7 machines, as the case may be, for the office in question in
8 the presence of the county clerk, district judge and any other
9 person who may desire to be present.

10 D. After completion of the recount or recheck, the
11 recount precinct board shall replace the ballots in the ballot
12 boxes and ballot containers and lock them, or the voting
13 machines shall be locked and resealed, and the precinct board
14 shall certify to the proper canvassing board the results of
15 the recount or recheck. The district judge and the county
16 clerk shall also certify that the recount or recheck was made
17 in their presence."

18 SECTION 75. Section 1-14-18 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 347, as amended) is amended to read:

20 "1-14-18. RECOUNT--RECHECK--RECANVASS BY CANVASSING
21 BOARDS.--

22 A. Immediately upon receipt of the certificate of
23 recount or recheck from all the recount precinct boards making
24 a recount or recheck, the proper canvassing board shall meet
25 and recanvass the returns for the office in question.

1 B. In making the recanvass, the proper canvassing
2 board shall be bound by the certificates of recount or recheck
3 from the recount precinct boards instead of the original
4 returns from the precinct boards.

5 C. After the recanvass, if it appears that fraud
6 or error has been committed sufficient to change the winner of
7 the election, then the proper canvassing board shall revoke
8 the certificate of nomination or election already issued to
9 any person for that office and shall issue a certificate of
10 nomination or election in favor of the person receiving a
11 plurality of the votes cast at the election as shown by the
12 recount or recheck, and such certificate shall supersede all
13 others and entitle the holder to the same rights and
14 privileges as if such certificate had been originally issued
15 by the canvassing board."

16 SECTION 76. Section 1-14-19 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 348, as amended) is amended to read:

18 "1-14-19. RECOUNT--RECHECK--CANDIDATE FOR DISTRICT
19 JUDGE.--If a recount or recheck is demanded on the election of
20 a district judge and the judge of the district was a candidate
21 for partisan office at the election, the chief justice of the
22 supreme court shall designate a district judge who shall act
23 in such proceedings."

24 SECTION 77. Section 1-14-23 NMSA 1978 (being Laws 2007,
25 Chapter 337, Section 2) is amended to read:

1 "1-14-23. RECOUNT PROCEDURES.--

2 A. To ensure the accuracy of electronic vote
3 tabulating systems, in a recount, the votes from a random
4 selection of ballots shall be tallied by hand, and the votes
5 from the same ballots shall be tabulated by the electronic
6 vote tabulating systems to be used in the recount. For
7 statewide and federal office, the number of ballots to be
8 tallied and tabulated shall be equal to the greater of one
9 hundred, or two percent, of the ballots cast in each county.
10 For all other offices, the number of ballots to be tallied and
11 tabulated shall be equal to the greater of one hundred, or
12 five percent, of the ballots cast for the office, distributed
13 by county where applicable. If more than one electronic vote
14 tabulating system is to be used in a county, the ballots to be
15 recounted shall be divided among the electronic vote
16 tabulating systems to be used, and the above process shall be
17 performed on each electronic vote tabulating system based on
18 the number of votes to be recounted on each individual
19 electronic vote tabulating system.

20 B. If the results of the hand tally and the
21 electronic vote tabulating system tabulation do not differ,
22 the remaining ballots shall be recounted using that electronic
23 vote tabulating system. If the results of the hand tally and
24 the electronic vote tabulating system differ, the electronic
25 vote tabulating system shall not be used in the recount and

1 the remaining ballots shall be recounted by hand or on a
2 different electronic vote tabulating system in which the
3 results did not differ.

4 C. When using an electronic vote tabulating system
5 for a recount, a county clerk may permit a visual inspection
6 of the ballots prior to tabulation by the optical scan
7 tabulating system for the purpose of permitting a
8 representative of a candidate to identify individual ballots
9 to be selected for hand tally by the precinct board."

10 SECTION 78. Section 1-14-24 NMSA 1978 (being Laws 2008,
11 Chapter 41, Section 1) is amended to read:

12 "1-14-24. AUTOMATIC RECOUNTS--ELECTIONS FOR STATE AND
13 FEDERAL OFFICES--PROCEDURES.--

14 A. An automatic recount of the vote is required
15 when the canvass of returns in a primary or general
16 election for a federal or statewide office, or a judicial
17 office in a county with more than two hundred thousand
18 registered qualified electors, indicates that the margin
19 between the two candidates receiving the greatest number of
20 votes for the office is less than one-fourth of one percent of
21 the total votes cast for that office in that election. An
22 automatic recount of the vote is required when the canvass of
23 returns in a primary or general election for any other state
24 office indicates that the margin between the two candidates
25 receiving the greatest number of votes for the office is less

1 than one percent of the total votes cast for that office in
2 that election.

3 B. For an office for which ballots were cast in
4 more than one county, the secretary of state shall file notice
5 with the state canvassing board upon the completion of the
6 state canvass that an automatic recount is required, and the
7 state canvassing board shall order a recount of the ballots
8 for the specified office. For an office in which ballots were
9 cast solely within one county, the secretary of state shall
10 file notice with the state canvassing board within seven days
11 after receiving notice from the county clerk following the
12 completion of the county canvass that an automatic recount is
13 required, and the state canvassing board shall order a recount
14 of the ballots for the specified office.

15 C. Automatic recounts shall be conducted pursuant
16 to the recount procedures established in Sections 1-14-16 and
17 1-14-18 through 1-14-23 NMSA 1978.

18 D. For the purposes of this section, "state
19 office" means the office of governor, lieutenant governor,
20 state auditor, state treasurer, attorney general, secretary of
21 state, supreme court justice, court of appeals judge, district
22 judge, magistrate judge, public regulation commissioner,
23 commissioner of public lands, state senator or state
24 representative."

25 SECTION 79. Section 1-22-2 NMSA 1978 (being Laws 1985,

1 Chapter 168, Section 4, as amended) is amended to read:

2 "1-22-2. DEFINITIONS.--As used in the School Election
3 Law:

4 A. "board" means the governing authority of the
5 school district;

6 B. "county clerk" means the clerk of each county
7 in which the school district is situate;

8 C. "proper filing officer" means the county clerk
9 or, in the case of a multicounty school district, the clerk of
10 the county in which the administrative office of the school
11 district is situate;

12 D. "magistrate" means the magistrate whose office
13 is situated in the municipality where the administrative
14 office of the school district is located or in close proximity
15 to the municipality;

16 E. "school district election" means a regular or
17 special school district election but does not include a recall
18 election; and

19 F. "superintendent" means the superintendent of
20 schools of the school district."

21 SECTION 80. Section 1-22-3 NMSA 1978 (being Laws 1985,
22 Chapter 168, Section 5, as amended) is amended to read:

23 "1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF
24 CANDIDATES.--

25 A. A school district election shall be held in

1 each school district to elect qualified persons to membership
2 on a board. No person shall become a candidate for membership
3 on a board unless the person's record of voter registration
4 shows that the person is a qualified elector of the state,
5 physically resides in the school district in which the person
6 is a candidate and was registered to vote in the district on
7 the date the board's proclamation calling a regular school
8 district election is filed in the office of the county clerk.

9 B. A regular school district election shall be
10 held in each school district on the first Tuesday in February
11 of each odd-numbered year.

12 C. An election on a ballot question held at any
13 time other than the date for the regular school district
14 election shall be a special school district election called,
15 conducted and canvassed as provided in the Election Code.

16 D. Except as otherwise provided in the School
17 Election Law, school district elections shall be called,
18 conducted and canvassed as provided in the Election Code."

19 SECTION 81. Section 1-22-5 NMSA 1978 (being Laws 1985,
20 Chapter 168, Section 7, as amended) is amended to read:

21 "1-22-5. SPECIAL ELECTION--PROCLAMATION--PUBLICATION.--

22 A. Whenever a special school district election is
23 to be called or is required by law, the board shall by
24 resolution issue a public proclamation in Spanish and English
25 calling the election. The proclamation shall forthwith be

1 filed by the superintendent with the proper filing officer.

2 B. The proclamation shall specify:

3 (1) the date on which the special election
4 will be held;

5 (2) the questions to be submitted to the
6 voters;

7 (3) the precincts in each county in which
8 the election is to be held and the location of each polling
9 place;

10 (4) the hours each polling place will be
11 open; and

12 (5) the date and time of the closing of the
13 registration books by the proper filing officer as required by
14 law.

15 C. After filing the proclamation with the proper
16 filing officer and not less than fifty days before the date of
17 the election, the proper filing officer shall publish the
18 proclamation at least twice in a newspaper of general
19 circulation in the school district. The publication of the
20 proclamation shall conform to the requirements of the federal
21 Voting Rights Act of 1965, as amended."

22 SECTION 82. Section 1-22-6 NMSA 1978 (being Laws 1985,
23 Chapter 168, Section 8, as amended) is amended to read:

24 "1-22-6. PRECINCTS--CONSOLIDATION--POLLING PLACES.--

25 A. The same precincts that are used in a general

1 election shall be used in a school district election, provided
2 that:

3 (1) if a precinct lies partly within and
4 partly outside of a school district, the part of the precinct
5 lying within the school district constitutes a precinct for a
6 school district election; and

7 (2) all of the area within the exterior
8 boundaries of a school district may constitute one precinct
9 for a school district election.

10 B. In the event that only one candidate has filed
11 a declaration of candidacy for each position to be filled at
12 an election and no declared write-in candidates have filed for
13 any position and there are no questions or bond issues on the
14 ballot, only one polling place for the election shall be
15 designated and it shall be in a designated polling place in
16 the school district of the county in which the school district
17 is located, which may include the county clerk's office if it
18 is located within the school district.

19 C. Except as otherwise provided in the School
20 Election Law, the county clerk shall consolidate precincts for
21 a school district election as provided in the proclamation for
22 that election and shall provide for a polling place within
23 each precinct or consolidated precinct. A consolidated
24 precinct in a school district election shall be composed of no
25 more than twenty precincts."

1 SECTION 83. Section 1-22-7 NMSA 1978 (being Laws 1985,
2 Chapter 168, Section 9, as amended) is amended to read:

3 "1-22-7. DECLARATION OF CANDIDACY--FILING DATE--
4 PENALTY.--

5 A. A candidate for a board position that will be
6 filled at a regular school district election shall file a
7 declaration of candidacy with the proper filing officer during
8 the period commencing at 9:00 a.m. on the third Tuesday in
9 December of the even-numbered year immediately preceding the
10 date of the regular school district election and ending at
11 5:00 p.m. on the same day.

12 B. A candidate shall file for only one board
13 position during a filing period.

14 C. Whoever knowingly makes a false statement in a
15 declaration of candidacy is guilty of a fourth degree felony
16 and shall be sentenced pursuant to the provisions of Section
17 31-18-15 NMSA 1978."

18 SECTION 84. Section 1-22-8 NMSA 1978 (being Laws 1985,
19 Chapter 168, Section 10, as amended) is amended to read:

20 "1-22-8. DECLARATION OF CANDIDACY--SWORN STATEMENT OF
21 INTENT--FORM.--In making a declaration of candidacy, the
22 candidate shall submit a sworn statement of intent in
23 substantially the following form:

24 "DECLARATION OF CANDIDACY--STATEMENT OF INTENT

25 I, _____, (candidate's name on certificate

1 of registration) being first duly sworn, say that I am a voter
2 of Precinct No. _____ of the county of
3 _____, State of New Mexico. I reside at

4 _____
5 and was registered to vote at that place on the date the
6 school board's proclamation calling the election was filed in
7 the office of the county clerk;

8 I am a qualified elector of the State of New Mexico
9 residing within _____ school district;

10 I desire to become a candidate for the office of School
11 Board Position No. _____ at the school district
12 election to be held on the date set by law;

13 I will be eligible and legally qualified to hold this
14 office at the beginning of its term; and

15 I make the foregoing affidavit under oath, knowing that
16 any false statement herein constitutes a felony punishable
17 under the criminal laws of New Mexico.

18 _____
19 (Declarant)

20 _____
21 (Mailing Address)

22 _____
23 (Residence Address)

24 Subscribed and sworn to before me this _____ day of
25 _____, 20 _____.

1 _____.

2 (Notary Public)

3 My commission expires:

4 _____"."

5 SECTION 85. Section 1-22-12 NMSA 1978 (being Laws 1985,
6 Chapter 168, Section 14, as amended) is amended to read:

7 "1-22-12. CONDUCT OF ELECTIONS.--

8 A. Except as otherwise provided in the School
9 Election Law, the county clerk shall administer and conduct
10 school district elections pursuant to the provisions of the
11 Election Code for the conduct of general elections.

12 B. Precinct board members for each polling place
13 shall be appointed by the county clerk from among those
14 persons who meet the qualifications set forth in Section 1-2-7
15 NMSA 1978 and who reside within the school district. The
16 number of members on each precinct board shall be as provided
17 in Section 1-2-12 NMSA 1978. Vacancies on election day shall
18 be filled as provided in Section 1-2-15 NMSA 1978.

19 C. In the event that only one candidate has filed
20 a declaration of candidacy for each position to be filled at
21 the election, no declared write-ins have filed for any
22 position and there are no questions or bond issues on the
23 ballot, the county clerk may perform the duties of the
24 precinct board at the request of the school district.

25 D. All costs of school district elections shall be

1 paid by the school district."

2 SECTION 86. Section 1-22-19 NMSA 1978 (being Laws 1985,
3 Chapter 168, Section 21, as amended) is amended to read:

4 "1-22-19. ABSENTEE VOTING.--

5 A. A voter may vote in a school district election
6 by absentee ballot for all candidates and on all questions
7 appearing on the ballot in the voter's precinct as if the
8 voter were casting the ballot in person at the polling place
9 on election day.

10 B. The provisions of the Absent Voter Act apply to
11 absentee voting in school district elections, provided that
12 absentee ballots may be marked in person during the regular
13 hours and days of business at the county clerk's office from
14 8:00 a.m. on the twenty-fifth day preceding the election until
15 5:00 p.m. on the Friday immediately prior to the date of the
16 election. Absentee ballots shall be printed at least thirty
17 days prior to the date of the election. In addition,
18 provisions may be made by the board in the proclamation for
19 absentee voting by electronic voting machine at alternate
20 voting locations at any time beginning on the twentieth day
21 preceding an election through the Saturday immediately prior
22 to the date of the election.

23 C. A regular precinct board may be designated to
24 serve as the absent voter precinct board. A member of the
25 absent voter precinct board shall receive the same

1 compensation as a regular precinct board member. A regular
2 precinct board member who also serves as a member of the
3 absent voter precinct board shall not be entitled to extra
4 compensation for serving on the absent voter precinct board."

5 SECTION 87. Section 3-9-1 NMSA 1978 (being Laws 1973,
6 Chapter 375, Section 2, as amended) is amended to read:

7 "3-9-1. DEFINITIONS.--As used in Chapter 3, Article 9
8 NMSA 1978:

9 A. "absentee voting" means the casting of a vote
10 by a qualified elector for any candidate or question prior to
11 election day;

12 B. "early voter" means a voter who votes in person
13 before election day, and not by mail;

14 C. "election" means a regular or special municipal
15 election;

16 D. "federal qualified elector" means:

17 (1) a uniformed-service voter; or

18 (2) an overseas voter;

19 E. "immediate family" means a person's spouse,
20 children, parents, brothers and sisters;

21 F. "overseas voter" means an individual who is a
22 United States citizen, who is outside the United States and
23 who:

24 (1) is temporarily absent from the
25 individual's residence in this state;

1 (2) before leaving the United States, was
2 last eligible to vote in this state and, except for a state
3 residency requirement, otherwise satisfies this state's voter
4 eligibility requirements;

5 (3) before leaving the United States, would
6 have been last eligible to vote in this state had the voter
7 then been of voting age and, except for a state residency
8 requirement, otherwise satisfies this state's voter
9 eligibility requirements; or

10 (4) was born outside the United States, is
11 not otherwise described in this subsection and, except for a
12 state residency requirement, otherwise satisfies this state's
13 voter eligibility requirements, if:

14 (a) the last place where a parent or
15 legal guardian of the individual was, or under the Municipal
16 Election Code would have been, eligible to vote before leaving
17 the United States is within this state; and

18 (b) the individual has not previously
19 registered to vote in any other state;

20 G. "uniformed-service voter" means an individual
21 whose voting residence is in this state, who otherwise
22 satisfies this state's voter eligibility requirements and who
23 is:

24 (1) a member of the active or reserve
25 components of the army, navy, air force, marine corps or coast

1 guard of the United States who is on active duty and who by
2 reason of that active duty is absent from the state;

3 (2) a member of the merchant marine, the
4 commissioned corps of the United States public health service,
5 the astronaut program of the national aeronautics and space
6 administration or the commissioned corps of the national
7 oceanic and atmospheric administration of the United States
8 and who by reason of that service is absent from the state;

9 (3) a member on activated status of the
10 national guard or state militia and who by reason of that
11 active duty is absent from the member's county of residence;
12 or

13 (4) a spouse or dependent of a member
14 referred to in Paragraph (1), (2) or (3) of this subsection
15 and who, by reason of active duty or service of the member, is
16 absent from the state; provided the spouse or dependent is an
17 individual recognized as a spouse or dependent by the entity
18 under which the member is serving; and

19 H. "voter" means a qualified elector of the
20 municipality."

21 SECTION 88. Section 3-9-3 NMSA 1978 (being Laws 1973,
22 Chapter 375, Section 1, as amended) is amended to read:

23 "3-9-3. ABSENTEE VOTING--REGULAR OR SPECIAL MUNICIPAL
24 ELECTIONS--RIGHT TO VOTE.--

25 A. Any voter entitled to vote in the municipal

1 election may vote by absentee ballot for all candidates and on
2 all questions appearing on the ballot at such regular or
3 special election at the voter's assigned polling place, as if
4 the voter were able to cast a ballot in person at such polling
5 place.

6 B. A federal qualified elector entitled to vote in
7 the municipal election may vote in a municipal election
8 pursuant to the provisions of the Uniform Military and
9 Overseas Voters Act.

10 C. The provisions of this section shall also apply
11 to a regular or special municipal election held in conjunction
12 with any other political subdivision."

13 SECTION 89. Section 3-9-4 NMSA 1978 (being Laws 1973,
14 Chapter 375, Section 3, as amended) is amended to read:

15 "3-9-4. ABSENTEE BALLOT APPLICATION--REJECTION--
16 ACCEPTANCE--ISSUANCE OF ABSENTEE BALLOT.--

17 A. The municipal clerk shall prescribe the form of
18 the absentee ballot application.

19 B. An application for an absentee ballot may be
20 obtained from the municipal clerk.

21 C. Upon receipt of a properly completed and
22 delivered application for an absentee ballot, the municipal
23 clerk shall contact the county clerk to determine if the
24 applicant is a qualified elector of the municipality.

25 D. The municipal clerk shall reject an absentee

1 ballot application for any of the following reasons:

2 (1) the application is not made on the form
3 provided by the municipal clerk;

4 (2) the application does not set forth the
5 applicant's full name and address;

6 (3) the application does not set forth the
7 applicant's date of birth;

8 (4) the application is not signed by the
9 applicant; or

10 (5) the applicant:

11 (a) has no valid affidavit of
12 registration on file with the county clerk; or

13 (b) has a valid affidavit of
14 registration on file with the county clerk, but is not a
15 resident of the municipality; and

16 (c) cannot comply with Subparagraph (a)
17 or (b) of this paragraph pursuant to Subsection B of
18 Section 3-8-40 NMSA 1978.

19 E. If the municipal clerk rejects an absentee
20 ballot application pursuant to Subsection D of this section,
21 the municipal clerk shall mark the application "rejected",
22 enter "rejected" in the absentee ballot register and file the
23 application in a separate file. The municipal clerk shall,
24 within twenty-four hours of rejection of the application,
25 notify the applicant in writing of the reasons for rejection

1 of the application. If the application is incomplete, the
2 municipal clerk shall immediately mail a new application for
3 an absentee ballot.

4 F. If the application for absentee ballot is
5 accepted, the municipal clerk shall:

- 6 (1) mark the application "accepted";
- 7 (2) enter the required information in the
8 absentee ballot register; and
- 9 (3) issue to the applicant an absentee
10 ballot.

11 G. The municipal clerk shall deliver the absentee
12 ballot to the applicant in the office of the municipal clerk
13 if the application for absentee ballot has been accepted and
14 if the application is submitted in person by the applicant or
15 mail an absentee ballot to any qualified elector whose
16 application for an absentee ballot was received by mail and
17 has been accepted. The municipal clerk shall notify the
18 county clerk who shall write "absentee ballot" on the
19 signature line of the signature roster next to the name of the
20 person who has been sent an absentee ballot. Names of
21 individuals that have been labeled "absentee ballot" shall
22 appear on a separate list called the "absentee voter list".
23 This list shall be submitted to the municipal clerk by the
24 county clerk in the same manner as provided in Subsection B of
25 Section 3-8-7 NMSA 1978.

1 H. It is the duty of the municipal clerk to verify
2 the signature roster and absentee voter list to ensure that
3 all names of individuals who have been issued absentee ballots
4 have been labeled "absentee ballot" on the signature roster
5 and their names listed on the absentee voter list. If not,
6 the municipal clerk shall write "absentee ballot" on the
7 signature line of the signature roster next to the name of the
8 person who has been sent an absentee ballot. The municipal
9 clerk shall then enter the name and all required information
10 on the absentee voter list.

11 I. If the application for an absentee ballot is
12 delivered in person to the municipal clerk during regular
13 hours and days of business and is accepted, the municipal
14 clerk shall issue the voter the absentee ballot and it shall
15 be marked by the applicant in a voting booth in the municipal
16 clerk's office, sealed in the proper envelopes and otherwise
17 properly executed and returned to the municipal clerk or the
18 clerk's authorized representative before the applicant leaves
19 the office of the municipal clerk.

20 J. The act of marking the absentee ballot in the
21 office of the municipal clerk shall be a convenience to the
22 voter in the delivery of the absentee ballot and does not make
23 the office of the municipal clerk a polling place subject to
24 the requirements of a polling place in the Municipal Election
25 Code other than as provided in this subsection. During the

1 period of time between the date a person may first apply in
2 person for an absentee ballot and the final date for such
3 application and marking of the ballot in the office of the
4 municipal clerk, it is unlawful to solicit votes or display or
5 otherwise make accessible any posters, signs or other forms of
6 campaign literature whatsoever in the clerk's office.

7 K. Absentee ballots shall be issued to voters
8 whose applications have been approved not earlier than
9 thirty-five days prior to the election and not later than
10 5:00 p.m. on the Friday immediately prior to the date of the
11 election.

12 L. No absentee ballot shall be delivered or mailed
13 by the municipal clerk to any person other than the applicant
14 for such ballot."

15 SECTION 90. Section 3-9-5 NMSA 1978 (being Laws 1973,
16 Chapter 375, Section 6, as amended) is amended to read:

17 "3-9-5. ABSENTEE BALLOT REGISTER.--

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

21 (1) in numerical sequence, the name and
22 municipal address of each absentee ballot applicant;

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

25 (3) whether the application was accepted or

1 rejected;

2 (4) the date of delivery to the voter in
3 person in the office of the municipal clerk, or mailing of an
4 absentee ballot to the applicant, the method of delivery and,
5 if mailed, the address to which the ballot was mailed;

6 (5) the applicant's precinct and district
7 number, if applicable;

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

11 (7) affidavits of voters who did not receive
12 absentee ballots; and

13 (8) the date and time the completed ballot
14 was received from the applicant by the municipal clerk.

15 B. The absentee ballot register is a public record
16 open to public inspection in the municipal clerk's office
17 during regular office hours and shall be preserved for two
18 years after the date of the election. The municipal clerk
19 shall have an updated absentee ballot register available for
20 public inspection Monday through Friday during regular office
21 hours."

22 SECTION 91. Section 3-9-6 NMSA 1978 (being Laws 1973,
23 Chapter 375, Section 7, as amended) is amended to read:

24 "3-9-6. FORM OF ABSENTEE BALLOT--FORM OF ABSENTEE
25 BALLOT ENVELOPES.--

1 A. The form of the absentee ballot shall be, as
2 nearly as practicable, in the same form as prescribed by the
3 municipal clerk for other ballots. However, to reduce weight
4 and bulk for transport of absentee ballots, the size and
5 weight of the paper for envelopes, ballots and instructions
6 shall be reduced as much as is practicable. The ballots shall
7 provide for sequential numbering.

8 B. Absentee ballots and envelopes shall be
9 delivered by the printer to the municipal clerk not later than
10 thirty-five days prior to the date of the election to be held.

11 C. The municipal clerk shall prescribe the form
12 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 municipal clerk;

17 (3) absentee ballot instructions, describing
18 proper methods for completion of the ballot and returning it;
19 and

20 (4) official transmittal envelopes for use
21 by the municipal clerk in mailing absentee ballot materials.

22 D. Official transmittal envelopes and official
23 mailing envelopes for transmission of absentee ballot
24 materials to and from the municipal clerk and federal
25 qualified electors shall be as prescribed in the Uniform

1 Military and Overseas Voters Act. Official transmittal
2 envelopes and official mailing envelopes for transmission of
3 absentee ballot materials to and from the municipal clerk
4 shall be printed in green in substantially similar form. All
5 official inner envelopes shall be printed in green.

6 E. The reverse of each official mailing envelope
7 shall contain a form to be signed by the person completing the
8 absentee ballot. The form shall identify the person and shall
9 contain the following statement: "I will not vote in this
10 election other than by the enclosed ballot. I will not
11 receive or offer any compensation or reward for giving or
12 withholding any vote."."

13 SECTION 92. Section 3-9-7 NMSA 1978 (being Laws 1973,
14 Chapter 375, Section 8, as amended) is amended to read:

15 "3-9-7. MANNER OF VOTING--USE OF AN ELECTRONIC VOTING
16 DEVICE.--

17 A. Any person voting an absentee ballot under the
18 provisions of the Municipal Election Code shall secretly mark
19 the ballot as instructed on the ballot, place the marked
20 ballot in the official inner envelope and securely seal the
21 envelope. The voter shall then place the official inner
22 envelope inside the official mailing envelope and securely
23 seal the envelope. The voter shall then complete the form on
24 the reverse of the official mailing envelope.

25 B. A voter, caregiver to that voter or member of

1 that voter's immediate family may deliver that voter's
2 absentee ballot to the municipal clerk in person or by mail,
3 provided that the voter has subscribed the outer envelope of
4 the absentee ballot.

5 C. When an electronic voting device is used by the
6 voter to cast an absentee vote, the municipal clerk shall
7 ensure that each absentee voting machine is located within the
8 office of the municipal clerk. The area shall be secured by
9 lock and key. Each day during the time the absentee voting
10 machine is used for absentee voting, the municipal clerk
11 shall, in the presence of one other employee of the
12 municipality, unlock the office where the voting machine is
13 located. Each day, at the close of regular office hours, the
14 municipal clerk shall, in the presence of one other municipal
15 employee, secure the office where the voting machine is
16 located. Each day immediately after unlocking or locking the
17 office where the voting machine is located, the municipal
18 clerk and the employee present shall sign or initial the
19 absentee voting daily report. The municipal clerk shall
20 prescribe the form of the absentee voting daily report, which
21 shall include the following information:

- 22 (1) the voting machine serial number;
- 23 (2) the beginning and ending public counter
24 number for the day;
- 25 (3) the beginning and ending protective

1 counter number for the day;

2 (4) the closing seal number, if any;

3 (5) the total number of voters for the day;

4 and

5 (6) a place for the date and signature of
6 the municipal clerk and the municipal employee.

7 D. Voting shall be conducted substantially in the
8 manner provided in the Municipal Election Code. The absentee
9 voting daily report shall be submitted to the absent voter
10 precinct on election day, along with any voting machines
11 used."

12 SECTION 93. Section 3-9-8 NMSA 1978 (being Laws 1973,
13 Chapter 375, Section 9, as amended) is amended to read:

14 "3-9-8. CARE OF ABSENTEE BALLOTS--DESTRUCTION OF UNUSED
15 BALLOTS BY MUNICIPAL CLERK.--

16 A. The municipal clerk shall mark on each
17 completed official outer envelope the date and time of receipt
18 in the municipal clerk's office, record this information in
19 the absentee ballot register and safely and securely keep the
20 official outer envelope unopened until it is delivered on
21 election day to the proper precinct board or until it is
22 canceled and destroyed in accordance with law. Once a ballot
23 is officially accepted by the municipal clerk and recorded in
24 the absentee ballot register, it cannot be returned to the
25 voter for any reason.

1 B. The municipal clerk shall accept completed
2 official outer envelopes received by mail or delivered in
3 person to the municipal clerk's office by the voter signing
4 the official outer envelope, by a member of the voter's
5 immediate family or by the caregiver to the voter until
6 7:00 p.m. on election day. Any completed outer envelope
7 received after that time and date shall be marked as to the
8 time and date received, shall not be delivered to the precinct
9 board and shall be preserved until the time for election
10 contests has expired. In the absence of a court order, after
11 the expiration of the time for election contests, the
12 municipal clerk shall destroy all late official mailing
13 envelopes without opening or permitting the contents to be
14 examined, cast, counted or canvassed. Before their
15 destruction, the municipal clerk shall count the numbers of
16 late ballots from voters, uniformed-service voters and
17 overseas voters and record the number from each category in
18 the absentee ballot register.

19 C. After 5:00 p.m. and not later than 8:00 p.m. on
20 the Friday immediately preceding the date of the election, the
21 municipal clerk shall record the numbers of the unused
22 absentee ballots and shall publicly destroy in the municipal
23 clerk's office all unused ballots. The municipal clerk shall
24 execute a certificate of such destruction, which shall include
25 the numbers on the ballots destroyed, and the certificate

1 shall be placed within the absentee ballot register.

2 D. At 7:00 p.m. on the day of the election, the
3 municipal clerk shall determine the number of ballots that
4 were mailed and have not been received and execute a
5 "certificate of unreceived absentee ballots". The certificate
6 shall be placed in the absentee ballot register and shall
7 become an official part of the register. The municipal clerk
8 shall determine the form of the certificate of unreceived
9 absentee ballots."

10 SECTION 94. Section 3-9-11 NMSA 1978 (being Laws 1985,
11 Chapter 208, Section 99, as amended) is amended to read:

12 "3-9-11. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER
13 PRECINCT BOARDS.--

14 A. Before opening any official mailing envelope,
15 an election judge shall determine that the required signature
16 has been executed on the reverse side of the official mailing
17 envelope.

18 B. If the signature is missing, an election judge
19 shall write "rejected" on the front of the official mailing
20 envelope. The election clerks shall write the notation
21 "rejected -- missing signature" in the "notations" column on
22 the absentee voter list. An election judge shall place the
23 official mailing envelope unopened in an envelope provided for
24 rejected ballots, seal the envelope, write the voter's name on
25 the front of the envelope and deposit it in the locked ballot

1 box.

2 C. Declared challengers certified by the municipal
3 clerk may examine the official mailing envelope and may
4 challenge the ballot of any absent voter for the following
5 reasons:

6 (1) the official mailing envelope has been
7 opened prior to being received by the absent voter precinct
8 board;

9 (2) the person offering to vote is not a
10 voter as provided in the Municipal Election Code; or

11 (3) the person offering to vote is not a
12 federal qualified elector authorized to vote in a municipal
13 election.

14 Upon the challenge of an absentee ballot, an election
15 judge shall generally follow the same procedure as when
16 ballots are challenged when a person offers to vote in person.
17 If a challenged ballot is not to be counted, it shall not be
18 opened and shall be placed in an envelope provided for
19 challenged ballots.

20 D. If the official mailing envelopes have properly
21 executed signatures and the voters have not been challenged:

22 (1) an election judge shall open the
23 official mailing envelopes and deposit the ballots in their
24 still sealed official inner envelopes in the locked ballot
25 box; and

1 (2) the election clerks shall mark the
2 notation "AB" opposite the voter's name in the "notations"
3 column of the absentee voter list.

4 E. Prior to the closing of the polls, an election
5 judge may remove the absentee ballots from the official inner
6 envelopes and either count and tally the results of absentee
7 balloting by hand or register the results of each absentee
8 ballot on a voting machine the same as if the absent voter had
9 been present and voted in person. It shall be unlawful for
10 any person to disclose the results of such count and tally or
11 such registration on a voting machine of absentee ballots
12 prior to the closing of the polls.

13 F. The municipal clerk shall, prior to the opening
14 of the polls on election day, notify the absent voter precinct
15 board in writing whether absentee ballots are to be counted
16 and tallied or registered on a voting machine. The procedures
17 shall be such as to ensure the secrecy of the ballot.

18 G. Absent voter precinct polls shall be closed at
19 7:00 p.m. on the day of the election by the absent voter
20 precinct board."

21 SECTION 95. Section 22-5-3 NMSA 1978 (being Laws 1969,
22 Chapter 103, Section 2, as amended) is amended to read:

23 "22-5-3. SCHOOL BOARD MEMBERSHIP--OPTIONAL FORM.--

24 A. The local school board of any school district
25 in this state may by resolution provide for the local board of

1 that district to be composed of seven qualified electors of
2 the state who reside within the district. The resolution
3 shall provide that the board consist of seven separate
4 positions, and each such position shall be designated by
5 number. Qualified electors seeking election to the school
6 board shall file and run for only one of the numbered
7 positions.

8 B. If the resolution provided for in this section
9 is adopted, it shall go into effect within thirty days after
10 its adoption unless a petition signed by the qualified
11 electors of the school district in a number equal to twenty
12 percent of all the voters in the district voting at the last
13 regular school board election is presented to the local board
14 within such thirty days asking that an election be held on the
15 question of increasing the membership of the local board to
16 seven members.

17 C. Upon receipt and verification of the petition,
18 the local school board shall within thirty days call a special
19 school election to vote upon the question of increasing the
20 membership of the local school board in that district to seven
21 members.

22 D. If the voters of the school district approve
23 the increase in the local school board's membership to seven
24 members, the resolution shall be in effect.

25 E. A resolution adopted pursuant to Subsection A

1 of this section shall conform to the requirements of Section
2 1-22-5 NMSA 1978 and shall provide for the election of two
3 additional school board members at the next regular school
4 district election. One new member shall be elected to serve
5 until the first regular school board election following the
6 member's election. The second new member shall be elected to
7 serve until the second regular school board election following
8 the member's election. Thereafter, persons elected to fill
9 the additional new positions on the board shall be elected for
10 terms as provided by law."

11 SECTION 96. Section 22-5-3.1 NMSA 1978 (being Laws
12 1981, Chapter 302, Section 1) is amended to read:

13 "22-5-3.1. LOCAL SCHOOL BOARDS--REVERSION TO FIVE
14 MEMBERS.--

15 A. Any seven-member local school board of a school
16 district in the state may by resolution provide for the local
17 school board of that school district to be composed of five
18 qualified electors of the state who reside within the school
19 district.

20 B. If the resolution specified in Subsection A of
21 this section is adopted, the existing local school board at
22 the first election at which the terms of three members expire
23 shall by lot:

24 (1) eliminate two positions if the next
25 succeeding election is one at which the terms of two members

1 expire;

2 (2) eliminate two positions if the next
3 succeeding election is one at which the term of one member
4 expires, and at the next election at which the terms of three
5 members expire designate one position for a two-year term;
6 provided that thereafter all terms shall be four-year terms;
7 or

8 (3) eliminate two positions if the next
9 succeeding election is one at which the terms of three members
10 expire, and at the succeeding election designate one position
11 for a two-year term; provided that thereafter all terms shall
12 be four-year terms.

13 C. Any resolution adopted pursuant to the
14 provisions of this section shall be effective thirty days
15 after its adoption unless a petition signed by the qualified
16 electors of the school district in a number equal to at least
17 twenty percent of all voters in the school district voting at
18 the last regular school board election is presented to the
19 local school board on or before the thirtieth day asking that
20 an election be held on the question of decreasing the
21 membership of the local school board to five members.

22 D. Upon receipt and verification of the petition,
23 the local school board shall within thirty days call a special
24 election to vote upon the question of decreasing the
25 membership of the local school board in that school district

1 to five members.

2 E. If the voters of the school district approve
3 the decrease in the local school board's membership to five
4 members, the resolution shall be in effect, and the
5 elimination of two members at subsequent elections as provided
6 in Subsection B of this section shall be valid."

7 SECTION 97. Section 22-5-9 NMSA 1978 (being Laws 1967,
8 Chapter 16, Section 32, as amended) is amended to read:

9 "22-5-9. LOCAL SCHOOL BOARD VACANCIES.--

10 A. A vacancy occurring in the membership of a
11 local school board shall be filled at an open meeting, at
12 which a quorum of the membership is present, by a majority
13 vote of the remaining members appointing a qualified elector
14 to fill the vacancy.

15 B. A qualified elector appointed to fill a vacancy
16 occurring in the membership of a local school board shall hold
17 that office until the next regular school district election
18 when an election shall be held to fill the vacancy for the
19 unexpired term.

20 C. If a qualified elector is not appointed to fill
21 the vacancy within forty-five days from the date the vacancy
22 occurred, the department shall appoint a qualified elector to
23 fill the vacancy until the next regular school district
24 election.

25 D. In the event vacancies occur in a majority of

1 the full membership of a local school board, the department
2 shall appoint qualified electors to fill the vacancies. Those
3 persons appointed shall hold office until the next regular
4 school district election when an election shall be held to
5 fill the vacancies for the unexpired terms."

6 SECTION 98. Section 22-7-13 NMSA 1978 (being Laws 1977,
7 Chapter 308, Section 13, as amended) is amended to read:

8 "22-7-13. SPECIAL RECALL ELECTION.--

9 A. The date of the special recall election shall
10 be set no later than one hundred twenty days after the date of
11 the determination by the county clerk but in no event shall
12 the election be held within the period of time prohibited for
13 local government elections pursuant to Section 1-12-71
14 NMSA 1978.

15 B. The question to be submitted to the voters at
16 the special recall election shall be whether the named member
17 shall be recalled.

18 C. A special recall election may be held in
19 conjunction with a regular or a special school district
20 election.

21 D. Whenever a special recall election is called,
22 the county clerk shall give public notice of the special
23 recall election by publishing information regarding the
24 election once each week for four consecutive weeks. The first
25 publication of the information shall be made between

1 forty-five and sixty days before the date of the special
2 recall election. Information regarding the election shall be
3 in compliance with the federal Voting Rights Act of 1965, as
4 amended, and shall include the date when the special recall
5 election will be held, the question to be submitted to the
6 voters, a brief description of the boundaries of each
7 precinct, the location of each polling place, the hours each
8 polling place will be open and the date and time of the
9 closing of the registration books by the county clerk as
10 required by law.

11 E. The ballot shall be in compliance with the
12 federal Voting Rights Act of 1965, as amended, and shall
13 present the voter the choice of voting "for the removal of the
14 named member" or "against the removal of the named member".

15 F. All special recall elections shall be held in
16 compliance with the federal Voting Rights Act of 1965, as
17 amended.

18 G. Except as otherwise provided in the Local
19 School Board Member Recall Act, special recall elections in a
20 school district shall be conducted as provided in the Election
21 Code."

22 SECTION 99. Section 27-5-9 NMSA 1978 (being Laws 1965,
23 Chapter 234, Section 9, as amended) is amended to read:

24 "27-5-9. TAX LEVIES AUTHORIZED.--

25 A. Subject to the provisions of Subsection B of

1 this section, the board of county commissioners, upon the
2 certification of the county as to the amount needed to provide
3 health care to indigent residents of the county or to support
4 the state's medicaid program, shall impose a levy against the
5 net taxable value, as that term is defined in the Property Tax
6 Code, of the property in the county sufficient to raise the
7 amount certified by the county.

8 B. The question of imposing an indigent and
9 medicaid health care levy for the purpose of the Indigent
10 Hospital and County Health Care Act shall be submitted to the
11 electors and voted upon as a separate question at the next
12 subsequent general election or any special election called
13 prior thereto for such purpose.

14 C. Upon finding by the board of county
15 commissioners that an election will be necessary, the board of
16 county commissioners shall meet and order an election to be
17 held at a designated time in the county upon the question of
18 imposing an indigent and medicaid health care levy for the
19 purpose of the Indigent Hospital and County Health Care Act in
20 the county. If the question is to be voted upon at a special
21 election, the election shall be held not less than thirty nor
22 more than fifty days after the finding, but in no event shall
23 the election be held within fifty days preceding or succeeding
24 any general election held in the county. The order for the
25 election shall be made a part of the official minutes of the

1 board of county commissioners. A copy of the order shall be
2 published in a newspaper of general circulation in the county
3 at least fifteen days before the date set for the election,
4 and an affidavit of publication shall be obtained. At least
5 five days prior to the date for holding the election, the
6 board of county commissioners shall publish in a newspaper of
7 general circulation in the county and post in five conspicuous
8 places in the county a notice of election, which shall be in
9 substantially the following form:

10 "NOTICE OF ELECTION ON SPECIAL INDIGENT
11 AND MEDICAID HEALTH CARE LEVY

12 Notice is given on the _____ day of
13 _____, 20____, there will be held in
14 _____ county of New Mexico an election
15 on the question of imposing an indigent and medicaid health
16 care levy to provide health care to indigent residents of the
17 county or to support the state's medicaid program, such levy
18 to be made annually against the taxable value of the property
19 in the county and limited to an amount sufficient to provide
20 funds necessary to support the state's medicaid program or to
21 provide health care to indigent residents of the county who do
22 not qualify for medicaid.

23 _____
24 Official Title of the Authority".

25 The election shall be held on the date specified in the notice

1 and shall be, if a special election, conducted and canvassed
2 in substantially the same manner as general elections are
3 conducted and canvassed in the county; provided that the
4 ballot used in any election shall be a special and separate
5 ballot and shall be in substantially the following form:

6 "BALLOT

7 On the question of imposing an indigent and
8 medicaid health care levy for the purposes of the Indigent
9 Hospital and County Health Care Act, such levy to be made
10 annually against the taxable value of the property in
11 _____ county of New Mexico, and limited to an
12 amount sufficient to provide funds budgeted and certified as
13 necessary for health care for indigent residents of the county
14 in addition to those services provided by the state or to
15 support the state's medicaid program:

16 FOR THE LEVY..... _____

17 AGAINST THE LEVY..... _____".

18 D. If the electors vote in favor of an indigent
19 and medicaid health care levy, the levy shall become effective
20 in the same manner prescribed by law for all levies upon
21 property within that county, and a levy for those purposes in
22 such an amount as will provide sufficient money for the fund
23 shall be made for each year thereafter.

24 E. Any board of county commissioners that has,
25 prior to the effective date of this section, made a valid

1 imposition of a property tax for the purpose of the Indigent
2 Hospital and County Health Care Act shall not be required to
3 hold an election on the existing tax, and that tax may be
4 imposed and continue to be imposed in accordance with the
5 provisions of law existing at the time of its imposition.
6 However, if any such tax is not imposed in a given property
7 tax year or if the authorization for its imposition terminates
8 or expires, the election requirements of Subsections B and C
9 of this section shall apply to any subsequent proposed
10 imposition of a property tax for indigent health care for
11 county residents or to support the state's medicaid program."

12 SECTION 100. TEMPORARY PROVISION.--The Uniform Military
13 and Overseas Voters Act shall be compiled as a separate
14 article in the Election Code.

15 SECTION 101. REPEAL.--Sections 1-6-2, 1-6-4.1, 1-6-4.2,
16 1-6-5.1, 1-6-18.1 and 3-9-2 NMSA 1978 (being Laws 1987,
17 Chapter 327, Sections 6 and 9, Laws 2003, Chapter 355,
18 Section 1, Laws 1991, Chapter 105, Section 10, Laws 2003,
19 Chapter 356, Section 8 and Laws 1973, Chapter 375, Section 4,
20 as amended) are repealed.

21 SECTION 102. APPLICABILITY.--The Uniform Military and
22 Overseas Voters Act is applicable to any federal postcard
23 application received as of the first day of the current
24 election cycle.

25 SECTION 103. EFFECTIVE DATE.--

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A. The effective date of the provisions of Sections 1 through 34 and 36 through 102 of this act is July 1, 2015.

B. The effective date of the provisions of Section 35 of this act is January 1, 2018." _____