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HOUSE BILL 756

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO ELECTIONS; CHANGING THE PROCEDURE FOR EARLY  
PROCESSING OF ABSENTEE BALLOTS.

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

Section 1. Section 1-6-14 NMSA 1978 (being Laws 1971,  
Chapter 317, Section 11, as amended) is amended to read:

"1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER  
PRECINCT BOARDS. --

A. Before opening [~~any~~] an official mailing  
envelope, the presiding judge and the election judges shall  
determine that the required information has been completed on  
the reverse side of the official mailing envelope.

B. If the voter's signature is missing, the  
presiding judge shall write "Rejected" on the front of the  
official mailing envelope. The election clerks shall enter

underscored material = new  
[bracketed material] = delete

1 the voter's name in the signature rosters and shall write the  
2 notation "Rejected- -Missing Signature" in the "Notations"  
3 column of the signature rosters. The presiding judge shall  
4 place the official mailing envelope unopened in an envelope  
5 provided for rejected ballots, seal the envelope and write the  
6 voter's name on the front of the envelope and deposit it in  
7 the locked ballot box.

8 C. The accredited challengers may examine the  
9 official mailing envelope and may challenge the ballot of any  
10 absent voter for the following reasons:

11 (1) the official mailing envelope has been  
12 opened prior to being received by the absent voter precinct  
13 board; or

14 (2) the person offering to vote is not a  
15 federal voter, federal qualified elector, overseas citizen  
16 voter or voter as provided in the Election Code.

17 Upon the challenge of an absentee ballot, the election  
18 judges and the presiding election judge shall follow the same  
19 procedure as when ballots are challenged when a person  
20 attempts to vote in person. If a challenge is upheld, the  
21 official mailing envelope shall not be opened but shall be  
22 placed in an envelope provided for challenged ballots. The  
23 same procedure shall be followed in canvassing and determining  
24 the validity of challenged absentee ballots as with other  
25 challenged ballots.

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1           D. If the official mailing envelopes have been  
2 properly subscribed and the voters have not been challenged:

3                 (1) the election judges shall open the  
4 official mailing envelopes and deposit the ballots in their  
5 still-sealed official inner envelopes in the locked ballot  
6 box; and

7                 (2) the election clerks shall enter the  
8 absent voter's name and residence address as shown on the  
9 official mailing envelope in the signature rosters and shall  
10 mark the notation "AB" opposite the voter's name in the  
11 "Notations" column of the signature rosters.

12           E. Prior to the closing of the polls, the election  
13 judges and the presiding election judge may either remove the  
14 absentee ballots from the official inner envelopes and count  
15 and tally the results of absentee balloting or, under the  
16 personal supervision of the presiding election judge and one  
17 election judge from each party, count and tally the absentee  
18 ballots on an electronic voting machine the same as if the  
19 absent voter had been present and voted in person. It is  
20 unlawful for any person to disclose the results of a count and  
21 tally or the registration on a voting machine of absentee  
22 ballots prior to the closing of the polls.

23           F. Absentee ballots shall be counted and tallied  
24 on an electronic voting machine as provided in the Election  
25 Code.

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G. Absent voter precinct polls shall close at the time prescribed by the Election Code for other polling places, and the results of the election shall be certified as prescribed by the secretary of state.

H. The county clerk may convene the absent voter precinct board no more than three days before the day of the election to alphabetize, enter on the roster and sort the absentee ballots by legislative district; provided that no member of the absent voter precinct board shall open an official ~~[mailing]~~ inner envelope or count and canvass any absentee ballot prior to the day of the election. "