

1 SENATE BILL 293

2 45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

3 INTRODUCED BY

4 Steve Komadina

10 AN ACT

11 RELATING TO ELECTIONS; ELIMINATING THE STRAIGHT PARTY VOTE
12 OPTION ON ELECTION BALLOTS AND MACHINES.

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

15 Section 1. A new section of the Election Code is enacted
16 to read:

17 "[NEW MATERIAL] BALLOTS--NO STRAIGHT PARTY TICKET
18 OPTION.--Ballots shall not provide the option to vote a
19 straight party ticket with one mark or selection."

20 Section 2. Section 1-9-4 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 187, as amended by Laws 1993, Chapter
22 314, Section 51 and also by Laws 1993, Chapter 316, Section
23 51) is amended to read:

24 "1-9-4. LEVER-TYPE VOTING MACHINE--SPECIFICATIONS.--No
25 lever-type voting machine shall be approved by the secretary
. 135196.1

1 of state unless:

2 A. it permits a voter to vote for any person for
3 any office, whether or not the name of the person appears upon
4 a ballot label as a candidate for nomination or election;

5 B. it permits and requires voting in absolute
6 secrecy and is so constructed that no person can see or know
7 for whom any other person has voted, except a voter who is
8 being assisted as prescribed by the Election Code;

9 C. it has a protective counter or other device,
10 the register of which cannot be reset, that records the
11 cumulative total number of movements of the operating
12 mechanism;

13 D. it is provided with a lock or locks, by the use
14 of which, immediately after the polls are closed or the
15 operation of the machine for an election is completed, all
16 movement of the registering mechanism is absolutely prevented;

17 E. it is constructed of material of good quality,
18 in a neat and workmanlike manner, and is easily and safely
19 transportable;

20 F. it is capable of adjustment so as to permit
21 each voter at a primary election to vote only for the
22 candidates seeking nomination by the political party shown on
23 the voter's certificate of registration;

24 G. it is constructed to prevent voting for more
25 than one person for the same office, except where the voter is

1 entitled to vote for more than one person for that office; and

2 ~~[H. it permits each voter, at other than primary~~
3 ~~elections, to vote a straight party ticket in one operation;~~
4 ~~and~~

5 ~~I.]~~ H. it provides a "printout" of voting
6 results. "

7 Section 3. Section 1-12-53 NMSA 1978 (being Laws 1977,
8 Chapter 222, Section 56, as amended) is amended to read:

9 "1-12-53. EMERGENCY SITUATIONS--VOTERS--EMERGENCY PAPER
10 BALLOT--GENERAL ELECTION--MARKING.--The voter, in preparing an
11 emergency paper ballot in a general election, shall

12 ~~[A. if he wishes to vote a straight party ticket,~~
13 ~~mark a cross (X) or a check (V) in the circle beneath the name~~
14 ~~of the party and his vote shall be considered as having been~~
15 ~~cast for every candidate named on the ticket of that party on~~
16 ~~the ballot, unless he also votes for one or more candidates in~~
17 ~~some other column or for some person whose name is not printed~~
18 ~~on the ballot;~~

19 ~~B. if he marks a cross (X) or a check (V) in any~~
20 ~~circle and also desires to vote for a candidate of another~~
21 ~~political party (the ticket of which also appears on the~~
22 ~~ballot) or for any person by write-in, mark a cross (X) or a~~
23 ~~check (V) in the box immediately to the right of the name of~~
24 ~~the candidate or write in the name of the person for whom he~~
25 ~~desires to vote in the blank provided therefor and mark a~~

1 ~~cross (X) or a check (V) in the box immediately to the right~~
2 ~~thereof, and his vote shall be considered as having been cast~~
3 ~~for every candidate of the political party below the party~~
4 ~~name where he marked his cross (X) or a check (V) in the~~
5 ~~circle, except for the candidates for whom he has otherwise~~
6 ~~voted; or~~

7 ~~C. if he wishes]~~ mark the ballot by ~~[omitting the~~
8 ~~cross (X) or check (V) in the circle and]~~ marking a cross (X)
9 or a check (V) in the box immediately to the right of the name
10 of every candidate or person for whom he desires to vote, and
11 his vote shall be considered as having been cast only for the
12 candidate or person opposite whose name the cross or check has
13 been marked. "