



The bill provides that the county clerk shall not send an absentee ballot to a voter who does not indicate the reason that the voter qualifies for an absentee ballot.

The Secretary of State is required by the bill to make a universal, downloadable absentee ballot application form available online.

House Bill 781 also places time requirements on the delivery of the absentee ballot. For voters other than federal qualified electors or overseas voters, the county clerk shall twenty-five days before the election deliver the absentee ballot. For federal qualified electors and overseas voters the time requirement is forty-five days. These time requirements limit the absentee voting period *by mail* to twenty-five and forty-five days respectively.

The bill shortens the absentee voting period in the clerk's office from forty days to ten days with the hours for voting in the county clerk's office being extended.

Senate Bill 781 amends NMSA 1978, § 1-6-6(D) to require the county clerk to deliver to the absent voter precinct on election day a list of both absentee ballot applicants and early voters. Currently, only a list of applicants must be delivered.

A new section of the Absent Voter Act is enacted requiring an absentee voter requiring assistance to sign a statement that he is eligible to request such assistance, and requires the person providing the assistance, other than an election official or person assisting voters pursuant to a federal voting rights consent decree, to also sign a statement that he has not assisted more than 3 voters in that election. SB 781 makes it a 4<sup>th</sup> degree felony for the person assisting the absentee voter to ignore the voter's instructions or to influence the voter, and makes it a 4<sup>th</sup> degree felony for a person other than the absentee voter to handle or mark an unsealed absentee ballot if he is not legally assisting the voter or is an election official engaged in canvassing the ballot.

Additionally, Senate Bill 781 enacts a new section of the Absent Voter Act that permits a person other than the absentee voter to deliver or mail the voter's absentee ballot to the county clerk, and requires this person to sign the absentee ballot's outer envelope attesting that the ballot was sealed before this person took possession and that the ballot was delivered or mailed within 24 hours after this person took possession.

Further, Senate Bill 781 amends NMSA 1978, § 1-12-15, to permit a voter to be assisted by (a) a person of the voter's choice, provided that this person has not assisted more than 3 voters in one election; (b) 2 election judges who are not members of the same political party; and (c) a person assisting voters pursuant to a federal voting rights consent decree.

## **FISCAL IMPLICATIONS**

The bill does not contain an appropriation. However, it is indicated by the Secretary of State (SOS) that the county clerk's office will experience increased overtime because of the extended hours (12 hour voting for 10 days prior to the election).

## **ADMINISTRATIVE IMPLICATIONS**

The SOS stated that the Bureau of Elections may anticipate telephone calls from voters who are accustomed to voting absentee without specifying a reason.

Senate Bill 781 provides for criminal penalties under certain circumstances relating to assisting an absentee voter. This may require the Attorney General's Office (AG) to prosecute these offenses, however, the AG states that no additional FTE are anticipated.

## **CONFLICT**

House Bill 781 conflicts with HB 984, HB 383, HB 702 and SB 454 as these bills amend or add new sections to the election code.

## **TECHNICAL ISSUES**

The SOS indicated that Article 6A (The Early Voting Act) was repealed by the legislature in 1998, with the relevant sections incorporated into the Absent Voter Act. Line 17 on Page 9 of the bill refers to "early voters," and while this is commonly understood, the SOS indicated there is no statutory definition.

## **OTHER SUBSTANTIVE ISSUES**

The SOS states that it is possible that shortening the absentee period to twenty-five days by mail may increase the number of voters who do not receive their ballot by Election Day. Thus, these voters must vote at their polling places on a paper ballot. The SOS indicates that an increase in these paper ballots will delay reporting on election night.

The SOS further states that the 12 hour work days proposed by the bill for the ten days prior to election will be a severe burden in smaller counties where staff consists of only one or two people who are responsible for conducting precinct board training and voting machine programming during this same time period.

**FC/prr:yr**