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HOUSE BILL 29

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Justine Fox-Young

AN ACT

RELATING TO ELECTIONS; REQUIRING THAT ONLY PROVISIONAL BALLOTS THAT ARE CAST IN THE PRECINCT IN WHICH THE VOTER IS REGISTERED MAY BE COUNTED.

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

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

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

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

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

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 C. If there is no record of the voter ever having
2 been registered in the [~~county~~] precinct, the voter shall be
3 offered the opportunity to register and the provisional paper
4 ballot shall not be counted.

5 D. If the voter was registered in the [~~county~~]
6 precinct, the registration was later canceled and the county
7 clerk determines that the cancellation was in error, the
8 voter's registration shall be immediately restored and the
9 provisional paper ballot counted.

10 E. If the county clerk determines that the
11 cancellation was not in error, the voter shall be offered the
12 opportunity to register at the voter's correct address, and the
13 provisional paper ballot shall not be counted.

14 ~~[F. If the voter is a registered voter in the~~
15 ~~county, but has voted on a provisional paper ballot at a~~
16 ~~polling place other than the voter's designated polling place,~~
17 ~~the county canvassing board shall ensure that only those votes~~
18 ~~for the positions or measures for which the voter was eligible~~
19 ~~to vote are counted.]~~

20 ~~G.]~~ F. If the county clerk finds that the voter who
21 voted on a provisional paper ballot at the polls has also voted
22 an absentee ballot in that election, the provisional paper
23 ballot shall not be counted.

24 ~~[H.]~~ G. The county canvassing board shall prepare a
25 tally displaying the number of provisional paper ballots

1 received, the number found valid and counted, the number
2 rejected and not counted and the reason for not counting the
3 ballots as part of the canvassing process and forward it to the
4 secretary of state immediately upon certification of the
5 election.

6 ~~[F.]~~ H. The secretary of state shall issue rules to
7 ensure securing the secrecy of the provisional paper ballots
8 and protecting against fraud in the voting process. "