1	HOUSE BILL 898
2	47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
3	INTRODUCED BY
4	W. Ken Martinez
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10	AN ACT
11	RELATING TO ELECTIONS; PROVIDING FOR THE SIGNING OF A STATEMENT
12	TO ENSURE A PERSON'S PROVISIONAL BALLOT IS COUNTED WHEN
13	COMPLYING WITH THE FEDERAL HELP AMERICA VOTE ACT OF 2002.
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	Section 1. Section 1-12-8 NMSA 1978 (being Laws 1969,
17	Chapter 240, Section 247, as amended) is amended to read:
18	"1-12-8. CONDUCT OF ELECTIONPROVISIONAL VOTING
19	A. A person shall be permitted to vote on a
20	provisional paper ballot even though [his] <u>the person's</u>
21	original certificate of registration cannot be found in the
22	county register or even if [his] <u>the person's</u> name does not
23	appear on the signature roster, provided:
24	(1) [his] the person's residence is within the
25	boundaries of the county in which [he] <u>the person</u> offers to
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1 vote; 2 (2) [his] the person's name is not on the list 3 of persons submitting absentee ballots; and 4 (3) [he] the person executes a statement swearing or affirming to the best of [his] the person's 5 knowledge that [he] the person is a qualified elector, is 6 7 currently registered and eligible to vote in that county and 8 has not cast a ballot or voted in that election. 9 A voter shall vote on a provisional paper ballot Β. 10 if the voter: 11 (1)has not previously voted in a general 12 election in New Mexico; 13 did not register to vote in person; (2) 14 (3) did not submit the required identification 15 with the certificate of registration form; and 16 does not present to the election judge one (4) of the following forms of identification that matches the name 17 18 and address on the voter's certificate of registration: 19 (a) a current and valid photo 20 identification; or 21 a copy of a current utility bill, (b) 22 bank statement, government check, paycheck or other government 23 document that shows the name and address of the voter. 24 C. A person who votes on a provisional ballot in 25 accordance with the provisions of Subsection B of this section .155469.1 - 2 -

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1 shall be allowed to execute a statement swearing or affirming 2 to the best of the person's knowledge that the person is a qualified elector, has registered to vote in the county and has 3 4 not cast a ballot or voted in that election. If the person 5 signs the statement and the person has registered to vote with the county clerk and is only required to submit identification 6 7 because the person registered by mail, the person's provisional 8 ballot shall be counted.

[G.] D. An election judge shall have the voter sign the signature roster and issue the voter a provisional paper ballot, an outer envelope and an official inner envelope. The voter shall vote on the provisional paper ballot in secrecy and when done, place the ballot in the official inner envelope and place the official inner envelope in the outer envelope and return it to the precinct officer. The election judge shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate place and place it in an envelope designated for provisional paper ballots.

 $[\underline{D} \cdot] \underline{E} \cdot$ Knowingly executing a false statement constitutes perjury as provided in the Criminal Code of this state, and voting on the basis of such falsely executed statement constitutes fraudulent voting."

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