

FORTY- SEVENTH LEGISLATURE
FIRST SESSION, 2005

SB 40/a

March 2, 2005

Madam President:

Your RULES COMMITTEE, to whom has been referred

SENATE BILL 40

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, between lines 15 and 16, insert the following new sections to read:

"Section 1. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] UNIQUE IDENTIFIER. --As used in the Election Code, "unique identifier" means the last four digits of a voter's social security number. "

Section 2. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] REQUIRED VOTER IDENTIFICATION. --As used in the Election Code, "required voter identification" means any of the following forms of identification as chosen by the voter:

A. a physical form of identification, which may be:

(1) an original or copy of a current and valid photo identification with or without an address, which address is not required to match the voter's certificate of registration or a voter identification card; or

(2) an original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the person, the address of which is not required to match the voter's certificate of registration; or

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B. a verbal or written statement by the voter of the voter's name, year of birth and unique identifier; provided, however, that the statement of the voter's name need not contain the voter's middle initial or suffix. "

Section 3. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] VOTER IDENTIFICATION CARD. --As used in the Election Code, "voter identification card" means a document containing the person's name, address and precinct number that is issued by the county clerk or the voter's copy of the voter's certificate of registration. "

Section 4. A new section of the Election Code is enacted to read:

"[NEW MATERIAL] VOTER IDENTIFICATION CARDS-- DISTRIBUTION. --

A. Between sixty and forty days before each statewide election, the county clerk shall send to each registered voter in the county a voter identification card indicating the voter's name, address and voting precinct; provided, however, that a registrant shall still be sent a voter identification card upon filing of the registrant's certificate of registration with the county clerk as provided in Section 1-4-12 NMSA 1978.

B. The county clerk may apply to the office of the secretary of state for reimbursement of costs related to supplying voter identification cards.

C. The secretary of state shall promulgate rules to ensure that all registered voters receive a voter identification card before each statewide election and reimburse the county for the costs of supplying and distributing the cards. "".

2. Renumber the succeeding sections accordingly.

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3. On page 3, line 22, strike "and".
4. On page 3, line 24, strike "not".
5. On page 3, lines 24 and 25, strike "in person" and insert in lieu thereof "by mail".
6. On page 4, line 3, after "identification" insert "or voter identification card".
7. On page 4, line 4, after "paycheck" insert ", student identification card".
8. On page 4, line 7, remove the brackets and line-through "if" and "does not" and strike "must".
9. On page 4, lines 8 and 9, remove the brackets and line-through from "he will be required to do so", and insert a comma before "he".
10. On page 4, line 9, strike the period and insert in lieu thereof "; and
 - (5) a statement requiring the applicant to swear or affirm that the information supplied by the applicant is true."
11. On page 5, line 7, after "list" strike the remainder of the line, strike lines 8 and 9, strike line 10 up to the comma and insert in lieu thereof "and the voter provided the required voter identification".

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12. On page 5, line 12, after the period insert:

"If the voter does not provide the required voter identification, the voter shall be allowed to vote on a provisional ballot and shall provide the required voter identification to the county clerk's office before the county canvass begins, or to the precinct board before the polls close, or the voter's provisional ballot shall not be qualified. If the required voter identification is provided, the voter's provisional ballot shall be qualified and the voter shall not vote on any other type of ballot."

13. On page 5, lines 19 and 20, remove the brackets and line through.

14. On page 5, line 20, after "a" insert "physical".

15. On page 5, line 20, strike "The" and insert in lieu thereof ", the".

16. On page 5, strike lines 22 through 25 in their entirety.

17. On page 6, strike line 1 and strike line 2 up to the period and insert in lieu thereof "the required physical form of identification".

18. On page 6, line 4, strike the period and insert in lieu thereof "; provided, however, that if the voter brings the required physical form of identification to the polling place after casting a provisional ballot, that ballot shall be qualified and the voter shall not vote on any other type of ballot."

19. On page 7, lines 17 through 20, remove the brackets and line-through.

20. On page 7, line 19, after "voter" insert "who is a new registrant".

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21. On page 7, line 20, after "required" insert "voter".
22. On page 7, line 20, strike "The" and insert in lieu thereof ", the".
23. On page 7, line 22, strike "a copy of a".
24. On page 7, strike lines 23 through 25.
25. On page 8, strike lines 1 through 4, strike line 5 up to "identification" and insert in lieu thereof "the required physical form of".
26. On page 9, lines 7 and 8, strike the underscored language and on line 8, strike the comma.
27. On page 12, line 12, after "and" insert ", if required by Section 1-6-5 NMSA 1978,".
28. On page 12, line 12, after "required" insert "physical form of".
29. On page 12, line 17, before the period insert "and the voter's name, year of birth and unique identifier".
30. On page 13, line 21, after "voter" insert a colon.
31. On page 13, lines 22 through 25, remove the bracket and line-through.
32. On page 13, line 24, strike "did not register to vote in person" and insert in lieu thereof "registered to vote by mail".
33. On page 13, line 25, after "submit" insert "the physical form of".
34. On page 13, line 25, after "required" insert "voter".

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35. On page 14, lines 1 and 2, remove the bracket and line-through.

36. On page 14, lines 2 and 3, strike "one of the following forms of" and insert in lieu thereof "a physical form of the required voter".

37. On page 14, line 3, strike the colon and insert in lieu thereof a period.

38. On page 14, strike lines 5 through 12.

39. On page 14, between lines 12 and 13, insert the following new subsection to read:

"C. A voter shall vote on a provisional paper ballot in accordance with the provisions of Section 1-5-10 NMSA 1978 if the voter does not provide the required voter identification to the election judge. "

40. Reletter the succeeding subsections accordingly.,

and thence referred to the JUDICIARY COMMITTEE.

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Respectfully submitted,

Linda M. Lopez, Chair man

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Altamirano, Cravens

Absent: None

SB0040RU1