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HOUSE BILL 105

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Eleanor Chavez and Timothy M. Keller

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR ELECTRONIC SUBMITTAL OF A
VOTER'S CERTIFICATE OF REGISTRATION FORM; AMENDING, REPEALING
AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. A new section of the Election Code is enacted
to read:

"~~[NEW MATERIAL]~~ ADDITIONAL METHOD OF SUBMITTING A
CERTIFICATE OF REGISTRATION FORM--ELECTRONIC REGISTRATION.--

A. In addition to registering to vote in person or
by mail as provided in Subsection A of Section 1-4-5.1 NMSA
1978, a person who is a qualified elector and has a valid New
Mexico driver's license or identification card issued pursuant
to the Motor Vehicle Code may complete a certificate of
registration form on the secretary of state's web site, and the

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1 secretary of state shall accept the electronically submitted
2 certificate of registration form if:

3 (1) the applicant attests to the truth of the
4 information provided on the form by affirmatively accepting the
5 information as true;

6 (2) the applicant affirmatively assents to use
7 of the applicant's driver's license or identification card
8 signature for voter registration purposes; and

9 (3) the form is otherwise completed in
10 conformance with the registration requirements of the Election
11 Code.

12 B. For each electronic submission of a certificate
13 of registration form, the secretary of state shall obtain a
14 digital copy of the applicant's driver's license or
15 identification card signature from the taxation and revenue
16 department, which the department shall supply upon request.

17 C. A certificate of registration form submitted
18 electronically shall otherwise be treated as a certificate of
19 registration form submitted by mail. If an applicant is
20 registering to vote for the first time in New Mexico, the
21 applicant shall affirm that the taxation and revenue department
22 is authorized to transmit a copy of the applicant's driver's
23 license or identification card to the secretary of state to
24 fulfill the identification requirements of Subsection I of
25 Section 1-4-5.1 NMSA 1978.

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1 D. If the certificate of registration form is
2 completed and accepted in accordance with the provisions of
3 this section, the secretary of state shall transmit the
4 completed certificate to the appropriate county clerk.

5 E. The secretary of state may employ additional
6 security measures to ensure the accuracy and integrity of
7 certificates of registration that are submitted
8 electronically."

9 SECTION 2. A new section of the Election Code is enacted
10 to read:

11 "[NEW MATERIAL] CHANGING A VOTER'S CERTIFICATE OF
12 REGISTRATION--REASONS--PROCEDURES.--

13 A. A voter may change the voter's certificate of
14 registration by completing a new certificate of registration
15 form for the following reasons:

16 (1) the voter's name has changed or there is
17 an error in the certificate of registration;

18 (2) the voter would like to change or declare
19 a party designation; or

20 (3) the voter has changed residence.

21 B. No change in a voter's registration shall be
22 made in any period during which registration is closed;
23 however, the county clerk shall accept a new certificate of
24 registration form that changes the voter's existing certificate
25 of registration but shall not process the registration until

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1 the registration period is open.

2 C. The county clerk shall cancel the voter's
3 previous certificate of registration upon acceptance of a new
4 certificate of registration for that voter.

5 D. The county clerk shall retain a voter's previous
6 certificate of registration for six years in a file established
7 for that purpose."

8 SECTION 3. Section 1-4-11 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 67, as amended) is amended to read:

10 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF
11 CERTIFICATES.--

12 A. Upon receipt of a complete certificate of
13 registration, if in proper form, the county clerk shall
14 determine if the qualified elector applying for registration is
15 already registered in the registration records of the county.
16 If the qualified elector is not already registered in the
17 county and if the certificate of registration is received
18 within the time allowed by law for filing certificates of
19 registration in the county clerk's office, the county clerk
20 shall sign or stamp, in the space provided therefor on each
21 copy of the certificate, the qualified elector's name and the
22 date the certificate was accepted for filing in the county
23 registration records. Voter information shall be handed or
24 mailed immediately to the qualified elector and to no other
25 person.

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1 B. If the qualified elector is already registered
2 in the county as shown by the qualified elector's original
3 certificate of registration currently on file in the county
4 registration records, the county clerk shall not accept the new
5 certificate of registration unless it is filed pursuant to
6 Section [~~1-4-13, 1-4-15, 1-4-17 or 1-4-18 NMSA 1978~~] 2 of this
7 2011 act. If the applicant's certificate of registration is
8 rejected for any reason, the county clerk shall stamp or write
9 the word "rejected" on the new certificate of registration and
10 hand or mail it, if possible, to the applicant with an
11 explanation of why the new certificate of registration was
12 rejected and what remedial action, if any, the applicant must
13 take to bring the registration up to date or into compliance
14 with the Election Code.

15 C. If the qualified elector does not register in
16 person, indicates that the qualified elector has not previously
17 voted in a general election in New Mexico and does not provide
18 the registration officer with the required identification, the
19 registration officer shall indicate this on the qualified
20 elector's certificate of registration and the county clerk
21 shall note this on the appropriate precinct signature roster."

22 **SECTION 4. REPEAL.**--Sections 1-4-13, 1-4-15, 1-4-17 and
23 1-4-18 NMSA 1978 (being Laws 1969, Chapter 240, Sections 69,
24 71, 73 and 74, as amended) are repealed.