

1 SENATE BILL 650

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Bill B. O'Neill and Stephanie Garcia Richard

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10 AN ACT

11 RELATING TO ELECTIONS; ALLOWING POLITICAL PARTIES TO ALLOW NON-
12 MEMBERS TO PARTICIPATE IN THE PRIMARY ELECTION PROCESS.

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

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

17 "[NEW MATERIAL] VOTER PARTICIPATION IN PRIMARY ELECTION
18 PROCESS--PARTY RULES ON NOMINATION SELECTION PROCESS.--

19 A. Each qualified political party may provide in
20 its rules for participation of non-party members in the party's
21 nomination selection process. To change who may participate in
22 a party nomination selection process, including the primary
23 election process, the rules must be filed with the secretary of
24 state at least thirty days before the governor is required to
25 issue the proclamation of the primary election. The nomination

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1 selection process of a qualified political party that fails to
2 provide in its rules for participation of non-party members
3 shall be limited to members of that political party only.

4 B. In making rules on who may participate in the
5 party's nomination selection and primary election process, a
6 political party's rules may allow participation by:

7 (1) voters who are members of that political
8 party only;

9 (2) voters who are members of that political
10 party and voters who are not members of any qualified political
11 party;

12 (3) voters who are members of that political
13 party and those voters who are not members of a major political
14 party; or

15 (4) any voter."

16 SECTION 2. Section 1-12-7 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 246, as amended) is amended to read:

18 "1-12-7. CONDUCT OF ELECTION--PERSONS NOT PERMITTED TO
19 VOTE.--

20 A. A person shall not vote in a primary, general or
21 statewide special election unless ~~[he]~~ the person is a voter of
22 the county in which ~~[he]~~ the person offers to vote. A valid
23 original certificate of registration in the county register is
24 prima facie evidence of being a voter in the precinct.

25 ~~[B. A person whose major party affiliation is not~~

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1 ~~designated on his original certificate of registration shall~~
2 ~~not vote in a primary election.~~

3 G.] B. A person at a primary election shall not be
4 permitted to vote for the candidate of any party other than the
5 party designated on ~~[his]~~ the person's current certificate of
6 registration unless that party's rules allow that type of non-
7 member to participate in the party's primary election process.
8 If more than one party that is participating in the primary
9 election allows non-members to participate in the party's
10 primary election process, those persons shall be allowed to
11 choose the ballot of only one of the parties participating in
12 the primary election and may vote only for candidates on that
13 ballot in the primary election."

14 SECTION 3. Section 1-12-7.1 NMSA 1978 (being Laws 1969,
15 Chapter 240, Section 112, as amended) is amended to read:

16 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
17 VOTERS--USE DURING ELECTION.--

18 A. Each precinct board using voter lists shall post
19 securely at or near the entrance of the polling place one copy
20 of an alphabetical list of voters for use of the voters prior
21 to voting. The posted copy shall not contain a listing of
22 voter addresses, years of birth, unique identifiers or social
23 security numbers.

24 B. The presiding judge of the precinct board shall
25 assign one judge or election clerk of the board to be in charge

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1 of one copy of the checklist of voters, which shall be used to
2 confirm the registration and voting of each person offering to
3 vote.

4 C. The presiding judge of the precinct board shall
5 assign one judge or election clerk to be in charge of the
6 signature roster.

7 D. The judge or election clerk assigned to the
8 checklist of voters used for confirmation of registration and
9 voting shall determine that each person offering to vote is
10 registered and, in the case of a primary election, that the
11 voter is either registered in a party designated on the primary
12 election ballot or is the type of non-member who is allowed to
13 participate in the party's primary election process. If the
14 person's registration is confirmed by the presence of the
15 person's name on the checklist of voters and the voter provides
16 the required voter identification, the judge or election clerk
17 shall announce to the judges or election clerks the list number
18 and the name of the voter as shown on the checklist of voters.
19 If the voter does not provide the required voter
20 identification, the voter shall be allowed to vote on a
21 provisional paper ballot and shall provide the required voter
22 identification to the county clerk's office before 5:00 p.m. on
23 the second day following the election, or to the precinct board
24 before the polls close, or the voter's provisional ballot shall
25 not be qualified. If the required voter identification is

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1 provided, the voter's provisional paper ballot shall be
2 qualified and the voter shall not vote on any other type of
3 ballot.

4 E. The judge or election clerk shall locate that
5 list number and name on the signature roster and shall require
6 the voter to sign the voter's usual signature or, if unable to
7 write, to make the voter's mark opposite the voter's printed
8 name. If the voter makes the voter's mark, it shall be
9 witnessed by one of the judges or election clerks of the
10 precinct board. If the signature roster indicates that the
11 voter is required to present a physical form of identification
12 before voting, the judge or election clerk shall ask the voter
13 for the required physical form of identification. If the voter
14 does not provide the required identification, the voter shall
15 be allowed to vote on a provisional paper ballot; provided,
16 however, that if the voter brings the required physical form of
17 identification to the polling place after casting a provisional
18 paper ballot, that ballot shall be qualified and the voter
19 shall not vote on any other type of ballot.

20 F. The judge or election clerk shall follow the
21 procedures provided for in Sections 1-12-7.2 and 1-12-8 NMSA
22 1978 if a person whose name does not appear on the signature
23 roster requests to vote or a person is required to vote on a
24 provisional paper ballot.

25 G. A voter shall not be permitted to vote until the

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1 voter has properly signed the voter's usual signature or made
2 the voter's mark in the signature roster."

3 SECTION 4. Section 1-12-7.2 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 114, as amended) is amended to read:

5 "1-12-7.2. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER.--

6 A. A voter whose name does not appear on the voter
7 list and signature roster for the precinct in which the voter
8 offers to vote shall be permitted to vote in the precinct
9 pursuant to the federal National Voter Registration Act of 1993
10 and Section 1-12-8 NMSA 1978.

11 B. The judges or election clerks in charge of the
12 signature rosters shall add the voter's name and address in ink
13 to the signature roster on the line immediately following the
14 last entered voter's name, and the voter shall be allowed to
15 sign an affidavit of eligibility and cast a provisional paper
16 ballot, provided the voter has first signed or marked both the
17 signature roster and checklist of registered voters.

18 C. The provisional paper ballot tracking number for
19 the voter shall be entered on the affidavit of eligibility, the
20 signature roster and the checklist of registered voters.

21 D. In a primary election, a voter shall not be
22 permitted to vote for a candidate of a party different from the
23 party designation shown on the voter's certificate of
24 registration unless the voter is the type of non-member who is
25 allowed to participate in the party's primary election process.

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1 For a voter who is the type of non-member who is allowed to
2 participate in a party's primary election process, the voter
3 may choose the ballot of only one of the parties participating
4 in the primary election that allows such voters to participate
5 in the party's primary election process and shall vote only on
6 that political party's ballot in the election. Upon making
7 that determination, the county clerk shall transmit the ballot
8 to the county canvassing board to be tallied and included in
9 the canvass of that county for the appropriate precinct."

10 SECTION 5. Section 1-12-20 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 273, as amended) is amended to read:

12 "1-12-20. CONDUCT OF ELECTION--INTERPOSING CHALLENGES.--A
13 challenge may be interposed by a member of the precinct board
14 or by a party challenger for the following reasons:

15 A. the person offering to vote is not registered to
16 vote;

17 B. the person offering to vote is listed among
18 those persons to whom an absentee ballot was mailed;

19 C. the person offering to vote has already cast a
20 ballot in that election;

21 D. the person offering to vote is improperly
22 registered because the person is not a qualified elector; or

23 E. in the case of a primary election, the person
24 desiring to vote is not [~~affiliated with~~] a voter allowed to
25 vote for the political party represented on the ballot."

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1 SECTION 6. Section 1-15A-2 NMSA 1978 (being Laws 1977,
2 Chapter 230, Section 2, as amended) is amended to read:

3 "1-15A-2. PRESIDENTIAL PRIMARY--DATE OF ELECTION.--

4 A. In the year in which the president and vice
5 president of the United States are to be elected, the
6 registered voters of this state shall be given an opportunity
7 to express their preference for the person to be the
8 presidential candidate of their political party in either a
9 presidential primary election or in accordance with the
10 selection procedure for presidential candidates of each voter's
11 party.

12 B. A voter may vote in a presidential primary
13 election on the ballot of only one of the parties participating
14 in the primary election and only if the rules of that party
15 allow such voters to participate in that party's presidential
16 primary election.

17 C. The presidential primary election shall be held
18 on the same date as the primary election is held in this
19 state."

20 SECTION 7. Section 1-15A-8 NMSA 1978 (being Laws 1977,
21 Chapter 230, Section 7, as amended) is amended to read:

22 "1-15A-8. VOTING IN PRESIDENTIAL PRIMARY--BALLOT
23 POSITION.--

24 A. All candidates in the presidential primary
25 election shall appear with the candidates for other offices of

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1 their respective parties at an appropriate place on the ballot.
2 Candidates who are nominated by committee and by petition shall
3 be placed first as a group on the presidential primary ballot
4 ~~[with each candidate's respective position in that group~~
5 ~~determined by the provisions of the Ballot Positioning Act].~~

6 The ballot position for the uncommitted category shall be
7 placed last on the presidential primary ballot.

8 B. The voter shall be able to cast ~~[his]~~ a ballot
9 for one of the presidential candidates ~~[of his party]~~ in
10 accordance with party rules or for an uncommitted delegation.

11 A vote of the latter kind shall express the preference for an
12 uncommitted delegation from New Mexico to the national
13 convention of that ~~[voter's]~~ party."

14 SECTION 8. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2015.