

1 SENATE BILL 48

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Pat Woods

5
6
7
8
9
10 AN ACT

11 RELATING TO ELECTIONS; DIRECTING THE SECRETARY OF STATE TO
12 PROVIDE COUNTY CLERKS WITH FUNDS IN THE BUSINESS REPLY MAIL
13 ACCOUNT; ELIMINATING ELECTION DAY VOTING LOCATION VOTER
14 REGISTRATION; ADJUSTING THE TIME FRAME FOR PROCESSING
15 REGISTRATIONS AFTER AN ELECTION; REVISING REQUIREMENTS FOR
16 RETURNING AND HANDLING MAILED BALLOTS; PRESCRIBING ELECTION DAY
17 WORKING HOURS FOR THE ABSENT VOTER ELECTION BOARD; ELIMINATING
18 THIRD-PARTY AGENTS FOR VOTER REGISTRATION AND MAILED BALLOT
19 APPLICATIONS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE
20 NMSA 1978.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. A new section of Chapter 1, Article 2 NMSA
24 1978 is enacted to read:

25 "[NEW MATERIAL] SECRETARY OF STATE--BUSINESS REPLY MAIL

.218561.2

underscoring material = new
[bracketed material] = delete

underscored material = new
~~[bracketed material]~~ = delete

1 ACCOUNT.--The secretary of state shall deposit sufficient funds
2 in the business reply mail account for each county clerk to
3 ensure delivery of all certificates of voter registration,
4 mailed ballot applications and returned mailed ballots in each
5 election cycle."

6 SECTION 2. Section 1-4-5.7 NMSA 1978 (being Laws 2019,
7 Chapter 67, Section 1, as amended) is amended to read:

8 "1-4-5.7. REGISTRATION AT VOTING LOCATION PRIOR TO
9 VOTING.--

10 A. Notwithstanding the provisions in Section 1-4-8
11 NMSA 1978 providing for the [~~closing of registration~~] deadline
12 to register to vote or update a certificate of registration
13 prior to an election, a qualified elector seeking to register
14 to vote or update an existing certificate of registration in
15 the state shall be allowed to do so at a voting location
16 immediately before voting in that election after signing an
17 affidavit under oath that the elector has not voted in the
18 election in this state or elsewhere, and as further provided in
19 this section.

20 B. During a statewide election, a qualified elector
21 may register to vote or update an existing certificate of
22 registration at the county clerk's office during the regular
23 hours and days of business beginning on the twenty-eighth day
24 preceding the election and from 10:00 a.m. to 6:00 p.m. on the
25 Saturday immediately prior to the date of the election;

.218561.2

underscoring material = new
~~[bracketed material] = delete~~

1 provided that if the county clerk establishes an additional
2 alternate voting location near the clerk's office in lieu of
3 voting at the office of the county clerk, a qualified elector
4 may register to vote or update an existing certificate of
5 registration at that location during the regular hours and days
6 of business beginning on the twenty-eighth day preceding the
7 election and during the hours for voting at alternate voting
8 locations commencing on the third Saturday prior to the
9 election through the Saturday immediately prior to the
10 election.

11 C. During a statewide election, a qualified elector
12 may register to vote or update an existing certificate of
13 registration at an alternate voting location only if the county
14 clerk has assigned a county clerk employee to be the clerk's
15 authorized deputy to serve as a registration officer at the
16 alternate voting location; provided that ninety days before the
17 election, the county clerk shall post the location of each
18 alternate voting location where a qualified elector may
19 register to vote or update an existing certificate of
20 registration immediately before voting.

21 ~~[D. Beginning January 1, 2021 and upon the approval~~
22 ~~of the voting system certification committee, during a~~
23 ~~statewide election, a qualified elector may register to vote or~~
24 ~~update an existing certificate of registration at an election~~
25 ~~day voting location; provided that the secretary of state shall~~

.218561.2

underscoring material = new
~~[bracketed material] = delete~~

1 ~~establish procedures to ensure that a registration officer has~~
2 ~~an opportunity to review the information of a qualified elector~~
3 ~~who registers to vote or updates an existing certificate of~~
4 ~~registration immediately before the qualified elector votes on~~
5 ~~election day.~~

6 ~~E.]~~ D. A voter whose political party affiliation on
7 the voter's certificate of registration is with a major
8 political party shall not be allowed to change party
9 affiliation when updating an existing certificate of
10 registration or registering to vote at an early voting site [~~or~~
11 ~~polling place~~] during a primary election.

12 ~~[F.]~~ E. During a special election, a qualified
13 elector may register to vote or update an existing certificate
14 of registration at the county clerk's office during the regular
15 hours and days of business beginning on the twenty-eighth day
16 preceding the election until the last regular business day the
17 week prior to the date of the election.

18 ~~[G.]~~ F. A qualified elector seeking to register to
19 vote or update an existing certificate of registration
20 immediately before voting as authorized by this section shall
21 provide:

22 (1) a New Mexico driver's license or New
23 Mexico identification card issued through the motor vehicle
24 division of the taxation and revenue department;

25 (2) any document that contains an address in

.218561.2

underscored material = new
[bracketed material] = delete

1 the county together with a photo identification card; or

2 (3) a current valid student photo
3 identification card from a post-secondary educational
4 institution in New Mexico accompanied by a current student fee
5 statement that contains the student's address in the county.

6 [~~H.~~] G. If an early voting site [~~or polling place~~]
7 does not have real-time access to the statewide electronic
8 voter file, a voter desiring to update an existing certificate
9 of registration or to register to vote shall be issued a
10 provisional ballot.

11 [~~F.~~] H. No later than June 30, 2021 and upon the
12 approval of the voting system certification committee, the
13 secretary of state and the secretary of taxation and revenue
14 shall develop a procedure for importing the list of eligible
15 but unregistered persons with a driver's license or state-
16 issued identification card into the voter registration
17 electronic management system prior to an election to facilitate
18 processing a new voter registration pursuant to this section."

19 SECTION 3. Section 1-4-8 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 66, as amended) is amended to read:

21 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
22 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--For
23 qualified electors seeking to register to vote or update an
24 existing voter registration in the state, the following
25 provisions shall apply:

.218561.2

underscored material = new
[bracketed material] = delete

1 A. to participate in an election, the deadline to
2 register to vote or update an existing voter registration is
3 twenty-eight days prior to that election; provided that a
4 qualified elector may register to vote or update an existing
5 voter registration immediately before voting in an election at
6 the county clerk's office, an early voting site or an
7 alternative voting site as provided in Section 1-4-5.7 NMSA
8 1978;

9 B. the county clerk shall receive certificates of
10 registration at all times during normal working hours, except
11 that the clerk shall not process any certificate of
12 registration subscribed and sworn beginning the first business
13 day after the deadline to register to vote or update an
14 existing voter registration before an election if the
15 residential address on the certificate of registration
16 indicates that the registration is for a:

17 (1) statewide election, within the county; or

18 (2) special election, within any precinct in
19 the county in which votes may be cast in the special election;

20 C. between the deadline to register to vote or
21 update an existing voter registration through the day of the
22 election, the county clerk shall process all:

23 (1) new voter registrations that meet the
24 requirements of this section;

25 (2) updates to existing voter registrations in

.218561.2

underscored material = new
[bracketed material] = delete

1 this state that meet the requirements of this section; provided
2 that an update to an existing registration in this state shall
3 not be processed if the voter has requested or been sent a
4 ballot in the election, unless the voter executes an affidavit
5 stating that the voter has not and will not vote the ballot
6 that was issued and the ballot register does not show that a
7 ballot from the voter has been cast in the election; and

8 (3) pending cancellations of existing voter
9 registrations in this state through the day of the election;
10 provided that a cancellation of an existing voter registration
11 shall not be processed if the voter has requested or been sent
12 a ballot in the election;

13 D. certificates of registration and cancellations
14 of existing voter registrations not processed pursuant to
15 Subsection B or C of this section [~~shall~~] may be processed
16 beginning [~~thirty-five days after~~] the Monday following an
17 election and shall be processed beginning no later than the
18 first business day following approval of the report of the
19 county canvass by the county canvassing board, at which time a
20 voter information document shall be mailed to the registrant at
21 the address shown on the certificate of registration; provided
22 that if there is a subsequent election scheduled at which a
23 qualified elector or voter would be eligible to vote if the
24 certificate of registration were processed on an earlier date,
25 the certificate of registration for that qualified elector or

.218561.2

underscoring material = new
~~[bracketed material] = delete~~

1 voter shall be processed by the county clerk on a day and in a
2 manner to ensure the ability of the qualified elector or voter
3 to vote in the subsequent election;

4 E. when the deadline to register to vote or update
5 an existing voter registration prior to an election referred to
6 in this section is a Saturday, Sunday or state holiday,
7 registration certificates shall be accepted through the next
8 succeeding business day for the office of the county clerk; and

9 F. the county clerk shall accept for filing and
10 process any certificate of registration that is subscribed and
11 dated on or before the deadline to register to vote or update
12 an existing voter registration prior to an election and:

13 (1) received by the county clerk by the end of
14 the last regular business day of the week for the office of the
15 county clerk immediately following the deadline to register to
16 vote or update an existing voter registration prior to an
17 election;

18 (2) mailed and postmarked on or before the day
19 of the deadline to register to vote or update an existing voter
20 registration prior to any election referred to in this section;
21 or

22 (3) accepted at a state agency designated
23 pursuant to Section 1-4-5.2 NMSA 1978."

24 SECTION 4. Section 1-6-4 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 130, as amended) is amended to read:

.218561.2

1 "1-6-4. MAILED BALLOT APPLICATION.--

2 A. In a statewide election, application by a voter
3 for a mailed ballot shall be made only on a paper form or its
4 online equivalent. The form shall identify the applicant and
5 contain information to establish the applicant's qualification
6 for issuance of a mailed ballot under the Absent Voter Act;
7 provided that only on the application form for a primary
8 election ballot there shall be a box, space or place provided
9 for designation of the voter's political party affiliation.

10 B. Each application on a paper form for a mailed
11 ballot shall be signed by the applicant and shall require the
12 applicant's printed name, registration address and year of
13 birth to be supplied by the applicant, which shall constitute
14 the required form of identification. When submitted by the
15 voter, the county clerk shall accept an application for a
16 mailed ballot pursuant to this subsection regardless of whether
17 the application for a mailed ballot is delivered to the county
18 clerk on paper or by electronic means. [~~When submitted by a~~
19 ~~third party, the county clerk shall not accept an application~~
20 ~~for a mailed ballot pursuant to this subsection if the~~
21 ~~application for a mailed ballot is delivered by electronic~~
22 ~~means.~~]

23 C. The secretary of state shall allow a voter to
24 submit an online application for a mailed ballot through a
25 website authorized by the secretary of state; provided that the

.218561.2

1 voter shall have a current or expired New Mexico driver's
2 license or state identification card issued by the motor
3 vehicle division of the taxation and revenue department. An
4 online request for a mailed ballot shall contain all of the
5 information that is required for a paper form. The voter shall
6 also provide the person's full New Mexico driver's license
7 number or state identification card number.

8 D. When a voter requests a mailed ballot pursuant
9 to this section, the voter shall mark the box associated with
10 the following statement, which shall be included as part of the
11 online mailed ballot request form:

12 "By clicking the boxes below, I swear or affirm all of the
13 following:

14 [] I am the person whose name and identifying
15 information is provided on this form and I desire to request a
16 mailed ballot to vote in the state of New Mexico; and

17 [] All of the information that I have provided on
18 this form is true and correct as of the date I am submitting
19 this form."

20 E. Online applications for mailed ballots shall
21 retain the dates of submission by the qualified elector and of
22 acceptance by the county clerk. For purposes of deadlines
23 contained in the Election Code, the time and date of the
24 submission by the voter shall be considered the time and date
25 when the application for a mailed ballot is received by the

1 county clerk.

2 F. New registrants who registered for the first
3 time in this state by mail and at that time did not provide
4 acceptable documentary identification as required by federal
5 law shall be informed of the need to comply with federal
6 identification requirements when returning the requested
7 ballot. The secretary of state shall issue rules to exempt
8 voters from submitting identification only as required by
9 federal law and shall review and, if necessary, update these
10 rules no later than March 15 of even-numbered years.

11 G. A person who willfully and with knowledge and
12 intent to deceive or mislead any voter, election board,
13 canvassing board, county clerk or other election official and
14 who falsifies any information on an absentee ballot request
15 form or who affixes a signature or mark other than the person's
16 own on a mailed ballot request form is guilty of a fourth
17 degree felony."

18 SECTION 5. Section 1-6-8 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 134, as amended) is amended to read:

20 "1-6-8. MAILED BALLOT ENVELOPES.--

21 A. The secretary of state shall prescribe the form
22 of, procure and distribute to each county clerk a supply of:

23 (1) official inner envelopes for use in
24 sealing the completed mailed ballot;

25 (2) official mailing envelopes for use in

underscored material = new
[bracketed material] = delete

1 returning the official inner envelope to the county clerk,
2 which shall be postage-paid; provided that only the official
3 mailing envelope for absentee ballots in a political party
4 primary shall contain a designation of party affiliation;

5 (3) mailed ballot instructions, describing
6 proper methods for completion of the ballot and returning it;
7 and

8 (4) official transmittal envelopes for use by
9 the county clerk in sending mailed ballot materials.

10 B. Official transmittal envelopes and official
11 mailing envelopes for transmission of mailed ballot materials
12 to and from the county clerk and voters shall be printed in
13 black in substantially similar form. All official inner
14 envelopes shall be printed in black.

15 C. The reverse of each official mailing envelope
16 shall contain a form to be executed by the voter completing the
17 mailed ballot. The form shall ~~[identify the voter]~~ contain the
18 pre-printed name of the voter to whom the mailed ballot was
19 sent and shall contain the following statement: "I have not
20 and will not vote any other ballot in this election". The
21 official mailing envelope shall contain a space for the voter
22 to record the voter's ~~[name, registration address and year of~~
23 ~~birth]~~ signature and last four digits of the voter's social
24 security number, which shall constitute the required voter
25 identification. The envelope shall have a security flap to

.218561.2

underscoring material = new
[bracketed material] = delete

1 cover this information."

2 SECTION 6. Section 1-6-9 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 135, as amended) is amended to read:

4 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY
5 METHODS.--

6 A. When voting a mailed ballot, the voter shall
7 secretly mark the mailed ballot in the manner provided in the
8 Election Code for marking paper ballots, place it in the
9 official inner envelope and securely seal the envelope. The
10 voter shall then place the official inner envelope inside the
11 official mailing envelope and securely seal the envelope. The
12 voter shall then complete the form on the reverse of the
13 official mailing envelope under the privacy flap, which shall
14 include ~~[a statement by the voter under penalty of perjury that~~
15 ~~the facts stated in the form are true and the voter's name,~~
16 ~~registration address and year of birth]~~ a space under the
17 required attestation for the voter's signature and the last
18 four digits of the voter's social security number, which shall
19 constitute the required voter identification. No additional
20 information shall be required of a voter to return a mailed
21 ballot. The voter or another person authorized by law shall
22 then return the official mailing envelope containing the voted
23 ballot to the county clerk of the voter's county of residence.
24 If returned by a person other than the voter, the official
25 mailing envelope shall contain the signature, printed name and

.218561.2

underscoring material = new
~~[bracketed material]~~ = delete

1 relationship to the voter of the person returning the ballot.

2 B. The official mailing envelope may be returned by
3 mail using the United States postal service. The secretary of
4 state shall implement a free-access tracking system for each
5 voter to be able to see the status of the voter's mailed ballot
6 while en route to the voter as well as when returned to the
7 county clerk.

8 C. The official mailing envelope may be returned
9 using a commercial delivery service; provided that unless the
10 secretary of state has approved the use of a specific
11 commercial delivery service, the voter shall be responsible for
12 the costs of delivery by means of such service.

13 D. The official mailing envelope may be returned in
14 person to the office of the county clerk or to an alternate
15 voting location, mobile alternate voting location or election
16 day voting location.

17 E. The official mailing envelope may be returned by
18 depositing the official mailing envelope in a secured container
19 made available by the county clerk to receive voted mailed
20 ballots for that election; provided that:

21 (1) the location of the containers and the
22 days and times the containers will be available to receive
23 ballots are posted by the county clerk at least ninety days
24 before a statewide election or forty-two days before a special
25 election;

.218561.2

underscored material = new
~~[bracketed material] = delete~~

1 (2) the location of a secured container is
2 considered a polling place for purposes of electioneering too
3 close to the polling place in violation of Section 1-20-16 NMSA
4 1978;

5 (3) all secured containers shall be monitored
6 by video surveillance cameras and the video recorded by that
7 system shall be retained by the county clerk as a record
8 related to voting pursuant to the provisions of Section 1-12-69
9 NMSA 1978;

10 (4) signage at the location of a secured
11 container shall inform voters and those dropping off ballots at
12 the location:

13 (a) that it is a violation of law for
14 any person who is not an immediate family member to collect and
15 deliver a ballot for another person;

16 (b) that electioneering is prohibited
17 within one hundred feet of the secured container; and

18 (c) of the dates and approximate time
19 the ballots will be collected; and

20 (5) at least once a day, the county clerk or a
21 full-time deputy county clerk shall collect the ballots from
22 the secured containers, register the date and time stamp on
23 each official mailing envelope and identify the location of the
24 secured container in the ballot register."

25 SECTION 7. Section 1-6-10 NMSA 1978 (being Laws 1969,
.218561.2

underscored material = new
[bracketed material] = delete

1 Chapter 240, Section 136, as amended) is amended to read:

2 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

3 ~~[A. The county clerk shall mark on each completed~~
4 ~~official mailing envelope the date and time of receipt in the~~
5 ~~clerk's office, record this information in the absentee or~~
6 ~~mailed ballot register and safely keep the official mailing~~
7 ~~envelope unopened in a locked and number-sealed ballot box~~
8 ~~until it is delivered to the proper election board, counted in~~
9 ~~the county canvass or canceled and destroyed in accordance with~~
10 ~~law.]~~

11 A. Upon receipt of a mailed ballot, the county
12 clerk shall mark on each completed official mailing envelope
13 the date and time of receipt in the clerk's office, remove the
14 privacy flap to verify that the voter signed the official
15 mailing envelope and confirm that the last four digits of the
16 social security number provided by the voter matches the
17 information on the voter's certificate of registration.

18 B. If the signature is present and the last four
19 digits of the voter's social security number match, the county
20 clerk shall note in the absentee ballot register the date and
21 time of receipt and that the ballot was accepted and shall
22 transfer the ballot to the special deputy for mailed ballots
23 for delivery to the absent voter election board.

24 C. If either the voter's signature is missing or
25 the last four digits of the voter's social security number are

.218561.2

underscored material = new
[bracketed material] = delete

1 not provided or do not match, the county clerk shall reject the
2 mailed ballot and make the appropriate notation in the absentee
3 ballot register and shall transfer the ballot to the special
4 deputy for mailed ballots for delivery to the absent voter
5 election board.

6 D. If the mailed ballot is rejected, the county
7 clerk shall within one day send the voter a notice of rejection
8 along with information regarding how the voter may cure the
9 reason for the rejection. The determination of the county
10 clerk to accept or reject a mailed ballot is subject to a later
11 interposition of a challenge before the absent voter election
12 board. In addition to existing procedures in the Election Code
13 for qualifying a previously rejected absentee ballot after
14 election day, a previously rejected absentee ballot may be
15 qualified by the presiding judge and election judges of the
16 absent voter election board before the day of the election if
17 the ballot was rejected for the lack of a signature or missing
18 required voter identification if the voter provides such
19 information pursuant to procedures established by the secretary
20 of state.

21 E. The county clerk shall safely keep an official
22 mailing envelope unopened in a locked and number-sealed ballot
23 box until the unopened official mailing envelope is delivered
24 to the proper election board, counted in the county canvass or
25 canceled and destroyed in accordance with law.

.218561.2

underscored material = new
[bracketed material] = delete

1 ~~[B-]~~ F. In a statewide election, if the unopened
2 official mailing envelope is received by the county clerk from
3 an election board before the absent voter election board has
4 adjourned, the unopened official mailing envelope shall be
5 logged and transmitted to the absent voter election board to be
6 tallied immediately. If the unopened official mailing envelope
7 is received by the county clerk from an election board after
8 the absent voter election board has adjourned, the unopened
9 official mailing envelope shall be logged and transmitted to be
10 tallied and included in the canvass report of that county for
11 the appropriate precinct.

12 ~~[G-]~~ G. Completed official mailing envelopes shall
13 be accepted until 7:00 p.m. on election day.

14 ~~[D-]~~ H. Any completed official mailing envelope
15 received after that time shall not be qualified or opened but
16 shall be preserved by the county clerk for the applicable
17 retention period provided in Section 1-12-69 NMSA 1978. The
18 county clerk shall report the number of late ballots from
19 voters, uniformed-service voters and overseas voters and report
20 the number from each category to date on the final absentee
21 ballot report and as part of the county canvass report. If
22 additional late ballots are received, the county clerk shall
23 update the number of late ballots from each category to the
24 secretary of state."

25 **SECTION 8.** Section 1-6-14 NMSA 1978 (being Laws 1971,

.218561.2

underscoring material = new
~~[bracketed material] = delete~~

1 Chapter 317, Section 11, as amended) is amended to read:

2 "1-6-14. HANDLING MAILED BALLOTS.--

3 A. At any time after mailed ballots have been sent
4 to voters and until the fifth day before the election, the
5 county clerk may convene an absent voter election board to meet
6 during the normal business hours of the office of the county
7 clerk to qualify the mailed ballots that are returned. Before
8 opening an official mailing envelope, the presiding judge and
9 the election judges shall determine that the required
10 information has been completed on the reverse side of the
11 official mailing envelope.

12 B. If the voter's signature or the required voter
13 identification is missing, the presiding judge shall write
14 "Rejected" on the front of the official mailing envelope. The
15 judge or election clerk shall enter the voter's name in the
16 signature rosters or register and shall write the notation
17 "Rejected--Missing Signature" or "Rejected--Missing Required
18 Voter Identification" in the "Notations" column of the
19 register. The presiding judge shall place the official mailing
20 envelope unopened in a container provided for rejected ballots.

21 C. A lawfully appointed challenger may view the
22 official mailing envelope and may challenge the ballot of any
23 mailed ballot voter for the following reasons:

24 (1) the official mailing envelope has been
25 opened by someone other than the voter prior to being received

.218561.2

1 by the absent voter election board;

2 (2) the official mailing envelope does not
3 contain a signature;

4 (3) the official mailing envelope does not
5 contain the required voter identification; or

6 (4) the person offering to vote is not a voter
7 as provided in the Election Code.

8 D. If a challenge is upheld by unanimous vote of
9 the presiding judge and the election judges, the official
10 mailing envelope shall not be opened but shall be placed in a
11 container provided for challenged ballots. If the reason for
12 the challenge is satisfied by the voter before the conclusion
13 of the county canvass or as part of an appeal, the official
14 mailing envelope shall be opened and the vote counted.

15 E. If the official mailing envelope has been
16 properly subscribed and the voter has not been challenged, the
17 judges or election clerks shall enter the voter's name and
18 residence address as shown on the official mailing envelope and
19 shall make the appropriate notation opposite the voter's name
20 in the "Notations" column of the register.

21 F. For any election in which fewer than ten
22 thousand mailed ballots were sent to the voters of a county,
23 only between 8:00 a.m. and 10:00 p.m. on the five days
24 preceding the election, and beginning at 7:00 a.m. on election
25 day, under the personal supervision of the presiding election

underscored material = new
[bracketed material] = delete

1 judge, shall the election judges open the official mailing
2 envelope and the official inner envelope and insert the
3 enclosed ballot into an electronic voting machine to be
4 registered and retained until votes are counted and canvassed
5 following the closing of the polls on election night.

6 G. For any election in which ten thousand or more
7 mailed ballots were sent to the voters of a county, only during
8 the regular business hours of the office of the county clerk
9 during the two weeks preceding the election, between 8:00 a.m.
10 and 10:00 p.m. on the four days preceding the election and
11 beginning at 7:00 a.m. on election day, under the personal
12 supervision of the presiding election judge, shall the election
13 judges open the official mailing envelope and the official
14 inner envelope and insert the enclosed ballot into an
15 electronic voting machine to be registered and retained until
16 votes are counted and canvassed following the closing of the
17 polls on election night.

18 H. On election night, the absent voter election
19 board shall recess upon the earlier of completion of its work
20 or 11:00 p.m. An absent voter election board that recesses at
21 11:00 p.m. shall continue its work only between the hours of
22 9:30 a.m. and 8:00 p.m. on each subsequent day until the board
23 has completed its work.

24 [~~H.~~] I. It is unlawful for a person to disclose the
25 results of a count and tally or the registration on a voting

.218561.2

underscoring material = new
[bracketed material] = delete

1 machine of mailed ballots prior to the later of the closing of
2 the polls or the deadline for receiving mailed ballots pursuant
3 to Section 1-6-10 NMSA 1978.

4 ~~[F.]~~ J. Mailed ballots shall be counted and
5 tallied, where possible, on an electronic voting machine as
6 provided in the Election Code.

7 ~~[G.]~~ K. If a mailed ballot is rejected for any
8 reason, it shall be handled in the same manner as a
9 disqualified provisional paper ballot in accordance with the
10 Election Code."

11 SECTION 9. Section 1-13-4 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 306, as amended) is amended to read:

13 "1-13-4. POST-ELECTION DUTIES--COUNTY CANVASS--METHOD.--
14 The county clerk shall:

15 A. appoint an election board to conduct a
16 machine-tabulation or hand-tally if the county clerk has
17 received and logged any:

18 (1) paper ballots not previously tabulated;

19 (2) mailed ballots delivered to an election
20 board not previously tabulated;

21 (3) provisional paper ballots that have been
22 qualified and contain votes that are to be counted; or

23 (4) ballots with write-in votes not previously
24 counted;

25 ~~[A.]~~ B. prepare the report of the canvass of the

.218561.2

underscoring material = new
~~[bracketed material] = delete~~

1 election returns by carefully examining the returns of each
2 precinct to ascertain if they contain the properly executed
3 certificates required by the Election Code and to ascertain
4 whether any discrepancy, omission or error appears on the face
5 of the election returns; and

6 ~~[B.]~~ C. present the report of the canvass to the
7 county canvassing board for the board's consideration and
8 approval."

9 SECTION 10. REPEAL.--Sections 1-4-49 and 1-6-4.3 NMSA
10 1978 (being Laws 2005, Chapter 270, Sections 17 and 41, as
11 amended) are repealed.