SENATE BILL 229

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Greg Nibert

AN ACT

RELATING TO ELECTIONS; AMENDING THE ELECTION CODE; REVISING THE
MANNER OF PICKING UP BALLOTS FROM BALLOT COLLECTION BOXES;
MAKING AN APPROPRIATION.

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

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

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

A. When voting a mailed ballot, the voter shall
secretly mark the mailed ballot in the manner provided in the
Election Code for marking paper ballots, place it in the
official inner envelope and securely seal the envelope. The
voter shall then place the official inner envelope inside the
official mailing envelope and securely seal the envelope. The

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voter shall then complete the form on the reverse of the

official mailing envelope under the privacy flap. The voter or

another person authorized by law shall then return the official

mailing envelope containing the voted ballot to the county

clerk of the voter's county of residence. If returned by a

person other than the voter, the official mailing envelope

shall contain the signature, printed name and relationship to

the voter of the person returning the ballot.

B. The official mailing envelope may be returned by

mail using the United States postal service. The secretary of

state shall implement a free-access tracking system for each

voter to be able to see the status of the voter's mailed ballot

while en route to the voter as well as when returned to the

county clerk.

C. The official mailing envelope may be returned

using a commercial delivery service; provided that unless the

secretary of state has approved the use of a specific

commercial delivery service, the voter shall be responsible for

the costs of delivery by means of such service.

D. The official mailing envelope may be returned in

person to the office of the county clerk or, in a statewide

election, to an alternate voting location, mobile alternate

voting location, election day voting location or other location

where the receipt and storage of the official mailing envelope

containing a voted ballot is under the supervision of an

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underscored material = new

[bracketed material] = delete

election official or county clerk's agent.

E. The official mailing envelope may be returned by depositing the official mailing envelope in a monitored secured container made available by the county clerk to receive an official mailing envelope containing a voted ballot for that election; provided that:

(1) the location of the containers and the days and times the containers will be available to receive ballots are posted by the county clerk at least forty-two days before an election;

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

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

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

(a) that it is a violation of law for any person who is not an immediate family member, which includes a voter's spouse, child, parent, domestic partner,

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1 grandchild, grandparent, sibling or person with whom the voter

2 has a continuing personal relationship, to collect and deliver

3 a ballot for another person except as authorized by the

4 Election Code;

5   (b)   that electioneering is prohibited

6 within one hundred feet of the monitored secured container; and

7   (c)   of the range of dates and

8 approximate time the ballots will be collected for that

9 election; and

10   (5)   at least every [three days and on election

11 day after the polls close, the county clerk, deputy county

12 clerk, election board member or messenger] twenty-four hours,

13 teams of two members of the election board who are not from the

14 same political party shall collect the ballots from the

15 monitored secured containers and register the date and

16 container location on each official mailing envelope.

17   F.   Each county clerk shall ensure that teams of two

18 members of the election board who are not from the same

19 political party are present at each monitored secured container

20 at 7:00 p.m. on election day. Teams shall allow any voters in

21 line by 7:00 p.m. to deposit their ballots in the monitored

22 secured container. The teams shall then collect all ballots

23 and lock the monitored secured container so no additional

24 ballots can be deposited.

25   [F.] G.   It is a violation of Section 1-20-6 NMSA

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1978 for any person to possess a key to a monitored secured container without authorization from the county clerk. It is a violation of Section 1-20-7 NMSA 1978 for any person other than the secretary of state or the county clerk to provide or operate a monitored secured container or other receptacle to receive voted ballots."

SECTION 2. APPROPRIATION.--Fifty thousand dollars ($50,000) is appropriated from the general fund to the office of the secretary of state for expenditure in fiscal year 2025 to help pay for the cost of members of the election board collecting ballots from ballot collection containers. Any unexpended or unencumbered balance remaining at the end of fiscal year 2025 shall revert to the general fund.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2024.

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