

1 AN ACT
2 RELATING TO PRIMARY ELECTIONS; ALLOWING VOTERS WHO HAVE NOT
3 DESIGNATED A POLITICAL PARTY AFFILIATION ON THEIR
4 CERTIFICATES OF REGISTRATION TO PARTICIPATE IN THE PRIMARY
5 ELECTION PROCESS BY CHOOSING TO AFFILIATE WITH A MAJOR
6 POLITICAL PARTY PARTICIPATING IN A PRIMARY BY REQUESTING THE
7 PARTY'S BALLOT; MAKING CONFORMING CHANGES.

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 SECTION 1. Section 1-4-15 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 71, as amended) is amended to read:

12 "1-4-15. REGISTRATION--CHANGE OF PARTY AFFILIATION.--

13 A. A voter may change the voter's designated party
14 affiliation by executing a new certificate of registration
15 indicating the change of party affiliation.

16 B. A voter who has previously declined to
17 designate a party affiliation on the voter's certificate of
18 registration but who desires to designate a party affiliation
19 on the voter's certificate of registration shall execute a
20 new certificate of registration indicating the desired party
21 affiliation.

22 C. A voter who does not designate on the
23 certificate of registration a party affiliation shall be
24 considered to have declined to designate a party affiliation.

25 D. A voter who has declined to designate on the

1 voter's certificate of registration a party affiliation but
2 who chooses to affiliate with a major political party that is
3 participating in a primary election may do so by requesting
4 the ballot of one of the parties participating in that
5 primary election. The voter's certificate of registration
6 shall not be changed to reflect a new or different party
7 affiliation unless the voter so requests in accordance with
8 the provisions of Subsection B of this section."

9 SECTION 2. Section 1-6-4 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 130, as amended) is amended to read:

11 "1-6-4. MAILED BALLOT APPLICATION.--

12 A. In a statewide election, application by a voter
13 for a mailed ballot shall be made only on the official form
14 approved by the secretary of state or its online equivalent
15 accessed through a website authorized by the secretary of
16 state. The form shall identify the applicant and contain
17 information to establish the applicant's qualification for
18 issuance of a mailed ballot under the Absent Voter Act. A
19 voter who has declined to designate on the voter's
20 certificate of registration a party affiliation shall be
21 provided the option on the application form for a mailed
22 ballot in a primary election to request the ballot of one of
23 the parties participating in the primary election.

24 B. Each application on a paper form for a mailed
25 ballot shall be signed by the applicant and shall require the

1 applicant's printed name, registration address and year of
2 birth. When submitted by the voter, the county clerk shall
3 accept an application for a mailed ballot pursuant to this
4 subsection regardless of whether the application for a mailed
5 ballot is delivered to the county clerk on paper or by
6 electronic means. When submitted by a third party, the
7 county clerk shall not accept an application for a mailed
8 ballot pursuant to this subsection if the application for a
9 mailed ballot is delivered by electronic means.

10 C. The secretary of state shall allow a voter to
11 submit an online application for a mailed ballot through a
12 website authorized by the secretary of state; provided that
13 the voter shall have a current or expired New Mexico driver's
14 license or state identification card issued by the motor
15 vehicle division of the taxation and revenue department. An
16 online request for a mailed ballot shall contain all of the
17 information that is required for a paper form. The voter
18 shall also provide the person's full New Mexico driver's
19 license number or state identification card number.

20 D. When a voter requests a mailed ballot pursuant
21 to this section, the voter shall mark the box associated with
22 the following statement, which shall be included as part of
23 the online mailed ballot request form:

24 "By clicking the boxes below, I swear or affirm all of
25 the following:

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

4 [] All of the information that I have provided on
5 this form is true and correct as of the date I am submitting
6 this form."

7 E. Online applications for mailed ballots shall
8 retain the dates of submission by the qualified elector and of
9 acceptance by the county clerk. For purposes of deadlines
10 contained in the Election Code, the time and date of the
11 submission by the voter shall be considered the time and date
12 when the application for a mailed ballot is received by the
13 county clerk.

14 F. New registrants who registered for the first
15 time in this state by mail and at that time did not provide
16 acceptable documentary identification as required by federal
17 law shall be informed of the need to comply with federal
18 identification requirements when returning the requested
19 ballot and notified that if the registrant votes for the first
20 time in New Mexico by mail and does not follow the
21 instructions for returning the required documentary
22 identification, the registrant waives the right to secrecy in
23 that mailed ballot. The secretary of state shall issue rules
24 to exempt voters from submitting identification only as
25 required by federal law and shall review and, if necessary,

1 update these rules no later than March 15 of even-numbered
2 years.

3 G. A person who willfully and with knowledge and
4 intent to deceive or mislead any voter, election board,
5 canvassing board, county clerk or other election official and
6 who falsifies any information on an absentee ballot request
7 form or who affixes a signature or mark other than the
8 person's own on a mailed ballot request form is guilty of a
9 fourth degree felony."

10 SECTION 3. Section 1-6-22.1 NMSA 1978 (being Laws 2009,
11 Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1,
12 as amended) is amended to read:

13 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE
14 VOTING IN LIEU OF POLLING PLACE.--

15 A. Notwithstanding the provisions of
16 Sections 1-1-11 and 1-1-12 NMSA 1978, not later than the first
17 Monday in November of each odd-numbered year, a board of
18 county commissioners may designate a precinct as a mail ballot
19 election precinct if, upon a written request of the county
20 clerk, it finds that the precinct has fewer than one hundred
21 voters and the nearest polling place for an adjoining precinct
22 is more than twenty miles driving distance from the boundary
23 for the precinct in question.

24 B. If a precinct is designated a mail ballot
25 election precinct, in addition to the notice required pursuant SB 16
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1 to Section 1-3-8 NMSA 1978, the county clerk shall notify by
2 mail with delivery confirmation all voters in that precinct at
3 least forty-two days before an election that each voter will
4 be sent an absentee ballot twenty-eight days before the
5 election and that there will be no polling place for the
6 precinct on election day. The county clerk shall include in
7 the notice a card informing the voter that if the voter does
8 not want to receive an absentee ballot for that election, the
9 voter should return the card before the date the county clerk
10 is scheduled to mail out absentee ballots. The notice shall
11 also inform the voter that a voting system equipped for
12 persons with disabilities will be available at all early
13 voting locations before election day and in the office of the
14 county clerk on election day in case the voter prefers to vote
15 in person and not by mail. In addition, the notice shall
16 inform the voter of the ability of the voter to cast a ballot
17 at any voter convenience center on election day if the voter
18 chooses not to receive an absentee ballot, or to cast a
19 replacement ballot at any early voting location or voter
20 convenience center if the voter does not receive an absentee
21 ballot, which will be counted upon confirmation that the
22 voter has not returned the absentee ballot. The notice
23 shall also contain the information required in the voter
24 notification sent by the secretary of state on behalf of each
25 county clerk in advance of a statewide election pursuant to

1 Section 1-11-4.1 NMSA 1978.

2 C. For a primary election, the notice sent to
3 voters who have not designated a party affiliation on their
4 certificates of registration shall inform such voters that the
5 voters may return the card and indicate which major political
6 party's ballot the voter chooses for that primary election or
7 log on to a website hosted by the secretary of state to
8 indicate which major political party's ballot the voter
9 chooses for that primary election.

10 D. The county clerk shall mail each voter in the
11 mail ballot election precinct an absentee ballot on the
12 twenty-eighth day before an election, unless the voter has
13 requested otherwise or does not return the card required by
14 Subsection C of this section indicating which party ballot
15 the voter chooses for that election, along with a notice
16 that there will be no polling place in that precinct on
17 election day."

18 SECTION 4. Section 1-12-7 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 246, as amended) is amended to read:

20 "1-12-7. CONDUCT OF ELECTION--PERSONS NOT PERMITTED TO
21 VOTE--PERSONS PERMITTED TO VOTE UPON CHOOSING TO AFFILIATE
22 WITH A PARTY.--

23 A. A person shall not vote in a primary, general
24 or statewide special election unless the person is a voter of
25 the county in which the person offers to vote. A valid

1 original certificate of registration in the county register is
2 prima facie evidence of being a voter in the precinct.

3 B. A person at a primary election shall not be
4 permitted to vote for the candidate of any party other than
5 the party designated on the person's current certificate of
6 registration; provided that a person who has declined to
7 designate a political party affiliation on the person's
8 certificate of registration shall be permitted to choose to
9 affiliate with a major political party in a primary election
10 by requesting a major political party's primary election
11 ballot and shall be permitted to vote for the candidates on
12 that party's ballot."

13 SECTION 5. Section 1-12-7.1 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 112, as amended) is amended to read:

15 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
16 VOTERS--USE DURING ELECTION.--

17 A. At each election day polling location, other
18 than a consolidated precinct where any voter in the county may
19 vote, the precinct board shall post securely at or near the
20 entrance of the polling place one copy of an alphabetical list
21 of voters and a map of the precincts represented in that
22 polling place for use of the voters prior to voting. The
23 posted copy shall not contain a listing of voter addresses,
24 years, months or days of birth or social security numbers.

25 B. At each polling location where physical rosters SB 16
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1 are used, the presiding judge of the precinct board shall
2 assign one judge or election clerk of the board to be in
3 charge of one copy of the checklist of voters, which shall be
4 used to confirm the registration and voting of each person
5 offering to vote.

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

9 D. The judge or election clerk assigned to confirm
10 registration shall determine that each person offering to vote
11 is registered and, in the case of a primary election, that the
12 voter is either currently registered in a party designated on
13 the primary election ballot or has declined to designate a
14 party affiliation on the voter's certificate of registration
15 and chooses to affiliate with a major political party for that
16 primary election by requesting a ballot of a party designated
17 on the primary election ballot. If the person's registration
18 is confirmed and the voter provides the required voter
19 identification, the judge or election clerk shall announce to
20 the judges or election clerks the list number and the name of
21 the voter as shown on the checklist of voters. If the voter
22 does not provide the required voter identification, the voter
23 shall be allowed to vote on a provisional paper ballot and
24 shall provide the required voter identification to the
25 county clerk's office before 5:00 p.m. on the second day

1 following the election, or to the precinct board before the
2 polls close, or the voter's provisional ballot shall not be
3 qualified. If the required voter identification is provided,
4 the voter's provisional paper ballot shall be qualified and
5 the voter shall not vote on any other type of ballot.

6 E. The judge or election clerk shall locate the
7 name on the signature roster and shall require the voter to
8 sign the voter's usual signature or, if unable to write, to
9 make the voter's mark opposite the voter's printed name. If
10 the voter makes the voter's mark, it shall be witnessed by one
11 of the judges or election clerks of the precinct board.

12 F. If the signature roster indicates that the
13 voter is required to present a physical form of identification
14 before voting, the judge or election clerk shall ask the voter
15 for the required physical form of identification. If the
16 voter does not provide the required identification, the voter
17 shall be allowed to vote on a provisional paper ballot;
18 provided, however, that if the voter brings the required
19 physical form of identification to the polling place after
20 casting a provisional paper ballot, that ballot shall be
21 qualified.

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

1 vote on a provisional paper ballot.

2 H. A voter shall not be permitted to vote until
3 the voter has properly signed the voter's usual signature or
4 made the voter's mark in the signature roster."

5 SECTION 6. Section 1-12-7.2 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 114, as amended) is amended to read:

7 "1-12-7.2. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER.--

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

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

21 C. The provisional paper ballot tracking number
22 for the voter shall be entered on the affidavit of
23 eligibility, the signature roster and the checklist of
24 registered voters.

25 D. In a primary election, a voter shall not be

1 permitted to vote for a candidate of a party different from
2 the party designation shown on the voter's certificate of
3 registration unless the voter's certificate of registration
4 shows that the voter has declined to designate a party
5 affiliation and the voter chooses to affiliate with a major
6 political party for that primary election by requesting the
7 ballot of a party participating in the primary. Upon making
8 that determination, the county clerk shall transmit the ballot
9 to the county canvassing board to be tallied and included in
10 the canvass of that county for the appropriate precinct."

11 SECTION 7. Section 1-12-20 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 273, as amended) is amended to read:

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

17 A. the person offering to vote is not registered
18 to vote;

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

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

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

25 E. in the case of a primary election, the person

1 desiring to vote is currently affiliated with a major
2 political party or a political party not represented on the
3 ballot and the person requests a ballot for a party with which
4 the person is not affiliated."

5 SECTION 8. Section 1-15A-2 NMSA 1978 (being Laws 1977,
6 Chapter 230, Section 2, as amended) is amended to read:

7 "1-15A-2. VOTING IN PRESIDENTIAL PRIMARY--DATE OF
8 ELECTION.--

9 A. In the year in which the president and
10 vice president of the United States are to be elected, the
11 registered voters of this state shall be given an opportunity
12 to express their preference for the person to be the
13 presidential candidate of their political party in either a
14 presidential primary election or in accordance with the
15 selection procedure for presidential candidates of each
16 voter's party. The presidential primary election shall be
17 held on the same date as the primary election is held in this
18 state.

19 B. A voter may vote in a presidential primary
20 election on the ballot of only one of the parties
21 participating in the primary election in accordance with the
22 provisions of Section 1-12-7 NMSA 1978."

23 SECTION 9. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2025. _____