

HOUSE BILL 222

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO ELECTIONS; REQUIRING ALL VOTERS TO PRESENT
IDENTIFICATION BEFORE VOTING; PROVIDING FOR FREE IDENTIFICATION
CARDS TO BE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE
TAXATION AND REVENUE DEPARTMENT; PROVIDING FOR XEROGRAPHIC
COPIES OF A VOTER'S IDENTIFICATION DOCUMENT; 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" VOTER IDENTIFICATION--PROVISION OF XEROGRAPHIC COPIES.--At the request of a voter, the state shall provide at no charge a xerographic copy of the voter's required voter identification document when the voter presents the document during normal business hours at any municipal, county

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1 or state government office that is capable of making such
2 copies."

3 SECTION 2. Section 1-1-24 NMSA 1978 (being Laws 2005,
4 Chapter 270, Section 6, as amended) is amended to read:

5 "1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the
6 Election Code, "required voter identification" means: ~~[any of~~
~~the following forms of identification as chosen by the voter:~~

8 A. ~~a physical form of identification, which may be:~~
9 ~~(1) an original or copy of a current and valid~~
10 ~~photo identification with or without an address, which address~~
11 ~~is not required to match the voter's certificate of~~
12 ~~registration; or~~

13 ~~(2) an original or copy of a utility bill,~~
14 ~~bank statement, government check, paycheck, student~~
15 ~~identification card or other government document, including~~
16 ~~identification issued by an Indian nation, tribe or pueblo,~~
17 ~~that shows the name and address of the person, the address of~~
18 ~~which is not required to match the voter's certificate of~~
19 ~~registration; or~~

20 B.] A. for a voter voting in person:

21 (1) a current driver's license or
22 identification card issued by the motor vehicle division of the
23 taxation and revenue department; and

24 (2) a verbal or written statement by the voter
25 of the voter's name, registration address and year of birth;

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1 provided, however, that the statement of the voter's name need
2 not contain the voter's middle initial or suffix; or

3 B. for a voter voting absentee by mail, a
4 xerographic copy of a driver's license or identification card
5 issued by the motor vehicle division of the taxation and
6 revenue department and the voter's social security number."

7 SECTION 3. Section 1-4-5.1 NMSA 1978 (being Laws 1993,
8 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
9 as amended) is amended to read:

10 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

11 A. A qualified elector may apply for registration
12 using the paper form by mail, in the office of the secretary of
13 state or county clerk or with a registration agent or officer.

14 B. A person may request certificate of registration
15 forms from the secretary of state or any county clerk in
16 person, by telephone or by mail for that person or for other
17 persons.

18 C. A qualified elector who wishes to register to
19 vote shall fill out completely and sign the certificate of
20 registration and provide a copy of the required voter
21 identification. The qualified elector may seek the assistance
22 of any person in completing the certificate of registration.

23 D. A qualified elector who has filed for an order
24 of protection pursuant to the provisions of the Family Violence
25 Protection Act and who presents a copy of that order from a

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1 state or tribal court to the registration officer shall be
2 referred to the confidential address program administered by
3 the secretary of state pursuant to the Confidential Substitute
4 Address Act.

5 E. Completed certificates of registration may be
6 mailed or presented in person by the registrant or any other
7 person to the secretary of state, to the county clerk of the
8 county in which the registrant resides or to any other county
9 clerk in this state.

10 F. If the registrant wishes to vote in the next
11 election, the completed and signed certificate of registration
12 shall be delivered or mailed and postmarked within the time
13 frame provided in Subsection A of Section 1-4-8 NMSA 1978.

14 G. Within one business day after receipt of a
15 certificate of registration, the secretary of state shall send
16 the certificate to the county clerk in the county where the
17 qualified elector resides. Within one business day after
18 receipt of a certificate of registration of another county, a
19 county clerk shall send the certificate of registration to the
20 county clerk in the county where the qualified elector resides.

21 H. Only when the certificate of registration is
22 properly filled out, signed by the qualified elector and
23 accepted for filing by the county clerk as evidenced by the
24 county clerk's signature or stamp and the date of acceptance
25 thereon shall it constitute an official public record of the

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1 registration of the qualified elector. A qualified elector
2 complies with a voter registration deadline established in the
3 Election Code when a properly filled-out voter registration
4 certificate has been received by a county clerk or the
5 secretary of state, regardless of the date the certificate is
6 processed.

7 I. The secretary of state shall prescribe the form
8 of the certificate of registration, which form shall be a
9 postpaid mail-in format and shall be printed in Spanish and
10 English. The certificate of registration form shall be clear
11 and understandable to the average person and shall include
12 brief but sufficient instructions to enable the qualified
13 elector to complete the form without assistance. The form
14 shall also include:

15 (1) the question "Are you a citizen of the
16 United States of America?" and boxes for the applicant to check
17 to indicate whether the applicant is or is not a citizen;

18 (2) the statement "If you checked 'no', do not
19 complete this form.;" and

20 ~~(3) a statement informing the applicant that:~~

21 ~~(a) if the form is submitted by mail by~~
22 ~~the applicant and the applicant is registering for the first~~
23 ~~time in New Mexico, the applicant must submit with the form a~~
24 ~~copy of: 1) a photo identification issued by a government or~~
25 ~~educational institution; or 2) a current utility bill, bank~~

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1 statement, government check, paycheck, student identification
2 card or other government document, including identification
3 issued by an Indian nation, tribe or pueblo, that shows the
4 name and current address of the applicant; and

5 (b) if the applicant does not submit the
6 required documentary identification, the applicant will be
7 required to do so when voting in person or absentee; and

8 (4) (3) a statement requiring the applicant
9 to swear or affirm that the information supplied by the
10 applicant is true."

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

13 "1-6-4. MAILED BALLOT APPLICATION.--

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

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

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

24 D. When a voter requests a mailed ballot pursuant
25 to this section, the voter shall mark the box associated with
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1 the following statement, which shall be included as part of the
2 online mailed ballot request form:

3 "By clicking the boxes below, I swear or affirm all of the
4 following:

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

8 [] All of the information that I have provided on
9 this form is true and correct as of the date I am submitting
10 this form.".

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

18 [F. New registrants who registered for the first
19 time in this state by mail and at that time did not provide
20 acceptable documentary identification as required by federal
21 law shall be informed of the need to comply with federal
22 identification requirements when returning the requested ballot
23 and notified that if the registrant votes for the first time in
24 New Mexico by mail and does not follow the instructions for
25 returning the required documentary identification, the

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1 ~~registrant waives the right to secrecy in that mailed ballot.~~
2 ~~The secretary of state shall issue rules to exempt voters from~~
3 ~~submitting identification only as required by federal law and~~
4 ~~shall review and, if necessary, update these rules no later~~
5 ~~than March 15 of even-numbered years.~~

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

13 SECTION 5. Section 1-6-5 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 131, as amended) is amended to read:

15 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

16 A. The county clerk shall mark each completed
17 application for a mailed ballot with the date and time of
18 receipt in the clerk's office and enter the required
19 information in the ballot register. The county clerk shall
20 then determine if the applicant is a voter and if the voter is
21 a uniformed-service voter or an overseas voter. If the
22 applicant is a uniformed-service voter or overseas voter, the
23 application shall be processed pursuant to the Uniform Military
24 and Overseas Voters Act. An application for a mailed ballot
25 from a voter who is not a federal qualified elector is timely

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1 if received by the county clerk no later than fourteen days
2 prior to election day.

3 B. If the applicant does not have a valid
4 certificate of registration on file in the county, a mailed
5 ballot shall not be issued and the county clerk shall mark the
6 application "rejected" and file the application in a separate
7 file from those accepted.

8 [~~C. When required by federal law, if the applicant~~
9 ~~has on file with the county a valid certificate of registration~~
10 ~~that indicates that the applicant is a voter who is a new~~
11 ~~registrant in the state and who registered by mail without~~
12 ~~submitting the required documentary identification, the county~~
13 ~~clerk shall notify the voter that the voter must submit with~~
14 ~~the mailed ballot a form of documentary identification from the~~
15 ~~list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA~~
16 ~~1978. The county clerk shall note on the ballot register and~~
17 ~~signature roster that the applicant's mailed ballot must be~~
18 ~~returned with the required voter identification.~~

19 D.] C. If the applicant has on file with the county
20 a valid certificate of registration, the county clerk shall
21 mark the application "accepted" and deliver a mailed ballot to
22 the voter and the required envelopes for use in returning the
23 ballot.

24 [~~E.] D.~~ Upon the mailing of a mailed ballot to an
25 applicant who is a voter, an appropriate designation shall be

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1 made in the absentee ballot register.

2 [F.] E. A mailed ballot shall not be delivered by
3 the county clerk to any person other than the applicant for the
4 ballot. Mailed ballots shall be sent to applicants beginning
5 twenty-eight days before the election. For each application
6 for a mailed ballot received twenty-three or more days before
7 the election, the county clerk shall send either the ballot or
8 a notice of rejection to the applicant as soon as practicable;
9 provided that the ballot or a notice of rejection is sent not
10 later than twenty-two days before the election. For each
11 application for a mailed ballot received within twenty-two days
12 of election day, the county clerk shall send either the mailed
13 ballot or a notice of rejection to the applicant within twenty-
14 four hours after receipt of the voter's application for a
15 mailed ballot.

16 [G.] F. If the application for a mailed ballot from
17 a voter who is not a federal qualified elector indicates that
18 the mailed ballot is to be delivered to an address other than
19 an address listed on the voter's certificate of registration,
20 the county clerk shall prepare a notice of requested mailed
21 ballot. The notice of requested mailed ballot shall inform the
22 voter of the address to which the ballot was mailed along with
23 the phone number of the county clerk's office and the internet
24 address of the voter web portal provided by the secretary of
25 state. The notice of requested mailed ballot shall be sent to

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1 the address provided on the voter's certificate of registration
2 on the same day the county clerk sends the mailed ballot to the
3 address requested by the voter.

4 [H.] G. When an application for a mailed ballot is
5 rejected pursuant to this section, the county clerk shall send
6 a notice of rejection to the mailing address on the voter's
7 certificate of registration and the address listed on the
8 voter's application for mailed ballot, if different. The
9 notice of rejection shall indicate the reason for the rejection
10 and, if applicable, information on how to correct the
11 deficiency that is the reason for the rejection. If an
12 application is rejected because it was not timely received, the
13 county clerk shall, within twenty-four hours of receipt of the
14 application, send a rejection notice to the voter that shall
15 include a list of the early voting locations and election day
16 polling places in the county.

17 [I.] H. The county clerk shall only accept
18 applications for a mailed ballot made through the official web
19 portal operated by the secretary of state or submitted on the
20 official form. If a voter submits more than one application
21 for a mailed ballot containing the same information, subsequent
22 applications containing the same information shall not be
23 processed."

24 SECTION 6. Section 1-6-6 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 132, as amended) is amended to read:

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1 "1-6-6. BALLOT REGISTER.--

2 A. For each statewide election, the county clerk
3 shall keep an "absentee ballot register", in which the county
4 clerk shall enter:

5 (1) the name and address of each absentee
6 ballot applicant;

7 (2) the date of receipt of the application;

8 (3) whether the application was accepted or
9 rejected;

10 (4) the date of issue of an absentee ballot at
11 an early voting location or the mailing of an absentee ballot
12 to the applicant;

13 (5) the applicant's precinct;

14 (6) whether the applicant is a voter and
15 whether the voter is a uniformed-service voter or an overseas
16 voter;

17 (7) whether the voter ~~[is required to submit~~
18 ~~documentary]~~ returned the mailed ballot with the required voter
19 ~~identification [pursuant to Section 1-6-5 NMSA 1978]~~; and

20 (8) the date the completed mailed ballot was
21 received from the voter by the county clerk or the absent voter
22 registered a ballot early in person in the county clerk's
23 office or at an alternate location.

24 B. For each special election, the county clerk
25 shall keep a "mailed ballot register", in which the county

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1 clerk shall enter:

2 (1) the name and address of each voter to whom

3 a mailed ballot was sent;

4 (2) the date of mailing of a mailed ballot to
5 the voter;

6 (3) the applicant's precinct;

7 (4) whether the voter is a uniformed-service
8 voter or an overseas voter;

9 (5) whether the voter [~~is required to submit a~~
10 ~~documentary]~~ returned the mailed ballot with the required voter
11 ~~identification [pursuant to Section 1-6-5 NMSA 1978]~~]; and

12 (6) the date and time the completed mailed
13 ballot was received from the voter by the county clerk.

14 C. Each ballot register is a public record open to
15 public inspection in the county clerk's office during regular
16 office hours. The county clerk shall have an updated ballot
17 register available for public inspection Monday through Friday
18 during regular office hours.

19 D. The county clerk shall deliver to the absent
20 voter election board on election day a complete list of all
21 absentee ballot applicants and early voters with applicable
22 information shown in the absentee ballot register for each
23 applicant and early voter up to 6:00 p.m. on the Saturday
24 preceding a statewide election. The county clerk shall deliver
25 a signature roster containing the same information as the lists

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1 to the absent voter election board.

2 E. Upon request by a candidate, a political
3 committee or the state or county chair of a political party
4 represented on the ballot in an election, the secretary of
5 state or county clerk shall transmit without charge to an
6 electronic address provided in the request a complete copy of
7 entries made in the absentee ballot register statewide or in
8 the county. Such transmissions shall be made daily beginning
9 four weeks immediately prior to the election through the
10 Saturday immediately following the election."

11 SECTION 7. Section 1-6-8 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 134, as amended) is amended to read:

13 "1-6-8. MAILED BALLOT ENVELOPES.--

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

16 (1) official inner envelopes for use in
17 sealing the completed mailed ballot;

18 (2) official mailing envelopes for use in
19 returning the official inner envelope to the county clerk,
20 which shall be postage-paid; provided that only the official
21 mailing envelope for absentee ballots in a political party
22 primary shall contain a designation of party affiliation;

23 (3) mailed ballot instructions, describing
24 proper methods for completion of the ballot and returning it;
25 and

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

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

C. The reverse of each official mailing envelope shall contain a form to be executed under penalty of perjury by the voter completing the mailed ballot. The form shall identify the voter and shall contain the pre-printed name of the voter to whom the ballot was sent and the following statement to be affirmed by the voter: "I attest under penalty of perjury that I am the voter identified on this official mailing envelope and that I have not and will not vote any other ballot in this election.". The official mailing envelope shall contain a space for the voter to record the voter's signature and ~~the last four digits of~~ the voter's social security number, which shall constitute the required voter identification. Under the space for the voter's signature shall be the following statement: "NOTICE: The only people who may lawfully mail or deliver this ballot to the county clerk are the voter, a member of the voter's immediate family or household, the voter's caregiver or a person with whom the voter has a continuing personal relationship.". The envelope

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shall have a security flap to cover this information."

SECTION 8. Section 1-6-10 NMSA 1978 (being Laws 1969, Chapter 240, Section 136, as amended) is amended to read:

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

A. Completed official mailing envelopes that are received at the county clerk's office or a polling place or that are retrieved from the post office or a monitored secured container shall be accepted until 7:00 p.m. on election day. A completed official mailing envelope received after that time shall not be qualified or opened but shall be preserved by the county clerk for the applicable retention period provided in Section 1-12-69 NMSA 1978. The county clerk shall report the number of late ballots from voters, uniformed-service voters and overseas voters and report the number from each category to date on the final mailed ballot report and as part of the county canvass report. If additional late ballots are received, the county clerk shall update the number of late ballots from each category to the secretary of state.

B. On the day a returned mailed ballot is received by the county clerk, the county clerk shall mark the date of receipt on the outside of the official mailing envelope. Within one business day of receiving a returned official mailing envelope, the county clerk shall remove the privacy flap to verify that the voter signed the official mailing envelope and to confirm that ~~[the last four digits of]~~ the

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1 social security number provided by the voter [match] matches
2 the information available to the county clerk; provided that no
3 county clerk or deputy county clerk shall perform the
4 verification process pursuant to this subsection unless the
5 county clerk or deputy county clerk would also meet the
6 requirements to be a challenger, watcher or election observer
7 pursuant to Paragraphs (1) through (4) of Subsection C of
8 Section 1-2-22 NMSA 1978.

9 C. If the voter's signature is present and [the
10 ~~last four digits of~~] the voter's social security number [match]
11 matches, the county clerk shall note in the absentee ballot
12 register that the information required to be provided by the
13 voter under the privacy flap has been verified and shall safely
14 keep the official mailing envelope unopened in a locked and
15 number-sealed ballot box until it is delivered to the absent
16 voter election board.

17 D. If either the voter's signature is missing or
18 [the last four digits of] the voter's social security number
19 [are] is not provided or [do] does not match, the county clerk
20 shall make the appropriate notation in the absentee ballot
21 register and shall safely keep the official mailing envelope
22 unopened in a secured ballot box designated for those official
23 mailing envelopes received that are missing the voter's
24 signature or [the last four digits of] the voter's social
25 security number or where [the last four digits of] the social

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1 security number [de] does not match the information available
2 to the county clerk. The county clerk shall immediately send
3 the voter a notice to cure containing information regarding how
4 the voter may provide documentation to cure the missing or
5 incorrect information.

6 E. If ~~[pursuant to Subsection F of Section 1-6-4~~
7 ~~NMSA 1978]~~ the voter was notified of the need to comply with
8 federal identification requirements when returning the
9 requested ballot and failed to comply, the county clerk shall
10 preserve the inner envelope with the official mailing envelope
11 and write "Rejected" on the front of the official mailing
12 envelope, and the county clerk shall update the ballot register
13 accordingly and immediately send the voter a notice to cure
14 containing information regarding how the voter may provide the
15 missing or incorrect information. The county clerk shall place
16 the official mailing envelope with the attached inner envelope
17 in a container provided for rejected ballots; provided that if
18 the county clerk was required to open the inner envelope to
19 determine that the required documentary identification was not
20 included, the untallied ballot shall be returned to the inner
21 envelope and preserved along with the official mailing envelope
22 in a container for this purpose.

23 F. The voter may provide the missing or corrected
24 information at any time up to the conclusion of the appeal
25 process for rejected ballots. If a voter provides the missing

1 or corrected information:

2 (1) before the absent voter election board has
3 been convened, the county clerk shall attach the documentation
4 to the unopened official mailing envelope, update the ballot
5 register accordingly and transfer the ballot to the locked and
6 number-sealed ballot box until it is delivered to the absent
7 voter election board;

8 (2) after the absent voter election board has
9 been convened, the county clerk shall attach the documentation
10 to the unopened official mailing envelope, update the ballot
11 register accordingly and transfer the ballot to the absent
12 voter election board;

13 (3) after the adjournment of the absent voter
14 election board but before the conclusion of the county canvass
15 process, the county clerk shall attach the documentation to the
16 unopened official mailing envelope, update the ballot register
17 accordingly and transfer the ballot to an election board
18 convened to assist in preparation of the county canvass report;
19 and

20 (4) after approval of the county canvass
21 report, the voter may appeal in accordance with appeal
22 procedures for provisional ballots established by rule of the
23 secretary of state pursuant to Section 1-12-25.2 NMSA 1978.

24 G. In a statewide election, if the unopened
25 official mailing envelope is received by the county clerk from
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1 an election board before the absent voter election board has
2 adjourned, the unopened official mailing envelope shall be
3 transmitted to the absent voter election board to be tallied
4 immediately. If the unopened official mailing envelope is
5 received by the county clerk from an election board after the
6 absent voter election board has adjourned, the unopened
7 official mailing envelope shall be transmitted to an election
8 board convened to assist in preparation of the county canvass
9 report to be tallied and included in the canvass report of that
10 county for the appropriate precinct."

11 **SECTION 9.** A new section of Chapter 1, Article 12 NMSA
12 1978 is enacted to read:

13 " [NEW MATERIAL] CONDUCT OF ELECTION--CHALLENGES TO A
14 VOTER'S IDENTIFICATION.--If the required voter identification
15 is challenged because it does not conform to the requirements
16 of Section 1-1-24 NMSA 1978, the voter shall be allowed to vote
17 on a provisional ballot."

18 **SECTION 10.** Section 1-12-7.1 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 112, as amended) is amended to read:

20 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
21 VOTERS--USE DURING ELECTION.--

22 A. At each election day polling location, other
23 than a consolidated precinct where any voter in the county may
24 vote, the precinct board shall post securely at or near the
25 entrance of the polling place one copy of an alphabetical list

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1 of voters and a map of the precincts represented in that
2 polling place for use of the voters prior to voting. The
3 posted copy shall not contain a listing of voter addresses,
4 years, months or days of birth or social security numbers.

5 B. At each polling location where physical rosters
6 are used, the presiding judge of the precinct board shall
7 assign one judge or election clerk of the board to be in charge
8 of one copy of the checklist of voters, which shall be used to
9 confirm the registration and voting of each person offering to
10 vote.

11 C. The presiding judge of the precinct board shall
12 assign one judge or election clerk to be in charge of the
13 signature roster.

14 D. The judge or election clerk assigned to confirm
15 registration shall determine that each person offering to vote
16 is registered and, in the case of a primary election, that the
17 voter is either currently registered in a party designated on
18 the primary election ballot or has declined to designate a
19 party affiliation on the voter's certificate of registration
20 and chooses to affiliate with a major political party for that
21 primary election by requesting a ballot of a party designated
22 on the primary election ballot. If the person's registration
23 is confirmed and the voter provides the required voter
24 identification, the judge or election clerk shall announce to
25 the judges or election clerks the list number and the name of

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1 the voter as shown on the checklist of voters. If the voter
2 does not provide the required voter identification, the voter
3 shall be allowed to vote on a provisional paper ballot and
4 shall provide the required voter identification to the county
5 clerk's office before 5:00 p.m. on the second day following the
6 election, or to the precinct board before the polls close, or
7 the voter's provisional ballot shall not be qualified. If the
8 required voter identification is provided, the voter's
9 provisional paper ballot shall be qualified and the voter shall
10 not vote on any other type of ballot.

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

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

1 G.] F. The judge or election clerk shall follow the
2 procedures provided for in Sections 1-12-7.2 and 1-12-8 NMSA
3 1978 if a person whose name does not appear on the signature
4 roster requests to vote or a person is required to vote on a
5 provisional paper ballot.

6 [H.] G. A voter shall not be permitted to vote
7 until the voter has properly signed the voter's usual signature
8 or made the voter's mark in the signature roster."

9 SECTION 11. Section 1-12-8 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 247, as amended) is amended to read:

11 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

12 A. A person shall be permitted to vote on a
13 provisional paper ballot even though the person's original
14 certificate of registration cannot be found in the county
15 register or even if the person's name does not appear on the
16 signature roster; provided that:

17 (1) the person's residence is within the
18 boundaries of the county in which the person offers to vote;

19 (2) the person's name is not on the list of
20 persons submitting absentee ballots; and

21 (3) the person executes a statement swearing
22 or affirming to the best of the person's knowledge that the
23 person is a qualified elector, is currently registered and
24 eligible to vote in that county and has not cast a ballot or
25 voted in that election.

1 [B. A voter shall vote on a provisional paper
2 ballot if the voter:
3 (1) has not previously voted in a general
4 election in New Mexico or has been purged from the voter list;
5 (2) registered to vote by mail;
6 (3) did not submit the physical form of the
7 required voter identification with the certificate of
8 registration form; and
9 (4) does not present to the election judge a
10 physical form of the required voter identification.

11 C.] B. A voter shall vote on a provisional paper
12 ballot in accordance with the provisions of Section 1-12-7.1
13 NMSA 1978 if the voter does not provide the required voter
14 identification to the election judge.

15 [D.] C. A judge or election clerk shall have the
16 voter sign the signature roster and issue the voter a
17 provisional paper ballot, an outer envelope and an official
18 inner envelope. The voter shall vote on the provisional paper
19 ballot in secrecy and, when done, place the ballot in the
20 official inner envelope and place the official inner envelope
21 in the outer envelope and return it to the judge or election
22 clerk. The judge or election clerk shall ensure that the
23 required information is completed on the outer envelope, have
24 the voter sign it in the appropriate place and place it in an
25 envelope designated for provisional paper ballots.

1 [~~E.~~] D. Knowingly executing a false statement
2 constitutes perjury as provided in the Criminal Code, and
3 voting on the basis of such falsely executed statement
4 constitutes fraudulent voting."

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

7 "1-12-20. CONDUCT OF ELECTION--INTERPOSING CHALLENGES.--A
8 challenge may be interposed by a member of the precinct board
9 or by a party challenger for the following reasons:

10 A. the person offering to vote is not registered to
11 vote;

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

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

16 D. the person offering to vote is improperly
17 registered because the person is not a qualified elector; [~~or~~]

18 E. the required voter identification that the
19 person presents does not conform to the requirements of Section
20 1-1-24 NMSA 1978; or

21 [~~E.~~] F. in the case of a primary election, the
22 person desiring to vote is currently affiliated with a major
23 political party or a political party not represented on the
24 ballot and the person requests a ballot for a party with which
25 the person is not affiliated."

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1 SECTION 13. Section 1-12-25.3 NMSA 1978 (being Laws 2003,
2 Chapter 356, Section 6, as amended) is amended to read:

3 "1-12-25.3. PROVISIONAL PAPER BALLOTS--REQUIRED
4 INFORMATION.--

5 A. At a minimum, the following information shall be
6 printed on the outer envelope for a provisional paper ballot:

7 (1) the name and signature of the voter;
8 (2) the voter's registered address, both
9 present and former if applicable;

10 (3) the voter's date of birth;
11 (4) the reason for using the ballot;

12 (5) the precinct and the polling place at
13 which the voter has voted; and

14 (6) sufficient space to list the disposition
15 of the ballot after review by the county clerk.

16 B. A provisional paper ballot shall not be rejected
17 for lack of the information required by this section and shall
18 be qualified as long as the voter provides a valid signature
19 and sufficient information for the clerk to determine the voter
20 is a qualified elector and has provided a copy of the required
21 voter identification."

22 SECTION 14. Section 1-24-3 NMSA 1978 (being Laws 2019,
23 Chapter 212, Section 156, as amended) is amended to read:

24 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

25 A. All special elections in this state shall be

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1 conducted absentee. Mailed ballots shall be used exclusively
2 for voting in special elections. Except as otherwise provided
3 in the Special Election Act, all special elections in this
4 state shall be conducted and canvassed as provided in the
5 Election Code.

6 B. Without requiring a voter to file an application
7 to receive a ballot, the county clerk shall send a mailed
8 ballot to every voter of the county or local public body,
9 except a voter:

10 (1) who was sent a notice pursuant to
11 Subsection C of Section 1-4-28 NMSA 1978 and who has not
12 returned the prepaid and pre-addressed return card sent
13 pursuant to that section and has not filed a new certificate of
14 registration with a new address;

15 (2) whose voter notification pursuant to
16 Section 1-11-4.1 NMSA 1978 or official election-related mail
17 sent through a uniform, nondiscriminatory process was returned
18 to the county clerk or the secretary of state as undeliverable
19 and the voter has not communicated with the county clerk that
20 the official voter notification or election-related mail was
21 returned as undeliverable in error or filed a certificate of
22 registration with a new address; or

23 (3) whose ballot is delivered pursuant to the
24 provisions of the Intimate Partner Violence Survivor Suffrage
25 Act.

E. Beginning twenty-two days before the election, the county clerk shall issue replacement and provisional ballots as provided in the Absent Voter Act for the mailed ballot process. In addition, the county clerk shall send a ballot to any voter described in Paragraphs (1) and (2) of Subsection B of this section who has not previously been sent a ballot if the voter submits an application pursuant to Section 1-6-4 NMSA 1978.

[F. When required by federal law, if the voter has on file with the county a valid certificate of registration that indicates that the voter is a new registrant in the state and who registered by mail without submitting the required documentary identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot the required documentary identification from the list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk shall note on the mailed ballot register and signature roster that the applicant's mailed ballot must be returned with the required documentary identification.]"

SECTION 15. Section 66-5-408 NMSA 1978 (being Laws 1978, Chapter 35, Section 335, as amended) is amended to read:

"66-5-408. FEES.--

A. Upon application for an identification card with a four-year term, there shall be paid to the department a fee of five dollars (\$5.00). Upon application for an

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1 identification card with an eight-year term, there shall be
2 paid to the department a fee of ten dollars (\$10.00). A fee
3 shall not be charged to an applicant for an identification card
4 if the applicant:

5 (1) is at least seventy-five years of age or a
6 homeless individual; or
7 (2) will be at least eighteen years of age on
8 the date of the next general election and the person signs a
9 statement requesting an identification card at no cost for
10 voter identification purposes.

11 B. The department with the approval of the governor
12 may increase the amount of the identification card fee by an
13 amount not to exceed three dollars (\$3.00) for the purpose of
14 implementing an enhanced licensing system; provided that for an
15 identification card issued for an eight-year period, the amount
16 of the fee shall be twice the amount charged for other
17 identification cards. The additional amounts collected
18 pursuant to this subsection are appropriated to the department
19 to defray the expense of the new system of licensing and for
20 use as set forth in the provisions of Subsection F of Section
21 66-6-13 NMSA 1978. Unexpended and unencumbered balances from
22 fees collected pursuant to the provisions of this subsection at
23 the end of any fiscal year shall not revert to the general fund
24 but shall be expended by the department in fiscal year 2010 and
25 subsequent fiscal years.

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C. As used in this section, "homeless individual" means an individual:

(1) who lacks a fixed, regular and adequate nighttime residence, including an individual who:

(a) lives in the housing of another person due to that individual's loss of housing, economic hardship or other reason related to that individual's lack of a fixed residence;

(b) lives in a motel, hotel, trailer park or camping ground due to the lack of alternative adequate accommodations;

(c) lives in an emergency or transitional shelter;

(d) sleeps in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

(e) lives in an automobile, a park, a public space, an abandoned building, substandard housing, a bus station, a train station or a similar setting; and

(2) whose homelessness can be verified through an attestation, which shall not be required to be notarized, by one of the following:

(a) a public or private governmental or nonprofit agency that provides services to homeless individuals;

(b) a local education agency homeless liaison, school counselor or school nurse;

(c) a social worker licensed in the state; or

(d) the homeless individual."

SECTION 16. REPEAL.--Section 1-12-4.1 NMSA 1978 (being Laws 2005, Chapter 270, Section 59) is repealed.

SECTION 17. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2026.

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