

State of New Mexico
House of Representatives

FIFTY-SEVENTH LEGISLATURE
SECOND SESSION

February 17, 2026

HOUSE FLOOR AMENDMENT number _____ to SENATE RULES COMMITTEE
SUBSTITUTE FOR SENATE BILL
264

Amendment sponsored by Representative

1. On page 1, strike lines 11 through 25, strike pages 2 through 16 and on page 17, strike lines 1 through 4 and insert in lieu thereof:

"RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE; AMENDING AND ENACTING SECTIONS OF THE ELECTION CODE; PROVIDING FOR XEROGRAPHIC COPIES OF A VOTER'S IDENTIFICATION DOCUMENT; PROVIDING FOR FREE IDENTIFICATION CARDS TO BE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT; REQUIRING PROOF OF CITIZENSHIP TO REGISTER TO VOTE; CREATING A PRIVATE RIGHT OF ACTION; PROVIDING REMEDIES; PROVIDING CRIMINAL AND CIVIL PENALTIES.

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

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

"[NEW MATERIAL] PROOF OF CITIZENSHIP.--As used in the Election Code, "proof of citizenship" means a photo identification issued by the federal government, a state government or a tribal government showing that the person's place of birth was in the United States, such as:

A. a form of identification issued consistent with the requirements of the federal REAL ID Act of 2005 that indicates that the person is a citizen of the United States;

B. a valid United States passport;

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C. an official United States military identification card, together with a United States military record of service showing that the person's place of birth was in the United States;

D. a valid government photo identification card issued by the federal government, a state government or a tribal government showing that the person's place of birth was in the United States; or

E. a government-issued photo identification that does not indicate a place of birth but is accompanied by one of the following documents:

(1) a certified birth certificate issued by a state government or tribal government in which the person was born;

(2) an extract from a United States hospital that indicates that the person was born in the United States;

(3) a final adoption decree showing the person's name and that states that the person was born in the United States;

(4) a consular report of birth abroad of a United States citizen or a certificate of the person's report of birth of a United States citizen issued by the United States secretary of state; or

(5) a naturalization certificate or certificate of citizenship issued by the United States secretary of homeland security or any other document or method of proof of United States citizenship."

SECTION 2. A new section of Chapter 1, Article 4 NMSA 1978 is enacted to read:

"NEW MATERIAL PROOF OF CITIZENSHIP--ALTERNATIVE PROCESS.--

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A. The secretary of state shall establish an alternative process under which an applicant may submit other evidence to demonstrate proof of citizenship, such as a process that involves the individual signing an attestation under penalty of perjury that the person is a United States citizen, and shall submit evidence that proves United States citizenship.

B. The secretary of state is prohibited from accepting and processing an application to register to vote in a state or local election unless the applicant presents proof of citizenship. A qualified elector must present proof of citizenship when registering at the polling location and by mail pursuant to the Election Code."

SECTION 3. 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 city, county or state government office that is capable of making such copies."

SECTION 4. Section 1-4-1.1 NMSA 1978 (being Laws 2015, Chapter 145, Section 19, as amended) is amended to read:

"1-4-1.1. AUTHORIZATION TO VERIFY VOTER REGISTRATION INFORMATION--INVESTIGATION AND RECONCILIATION.--

A. The secretary of state may:

(1) provide to the chief election officer of another state or a consortium of chief election officers of other states information that is requested, including social security numbers, dates of birth, driver's licenses and identification card numbers, and other information that the secretary of state deems necessary

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for the chief election officer of that state or for the consortium to maintain a voter registration list, if the secretary of state is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list; and

(2) request from the chief election officer of another state or a consortium of chief election officers of other states information that the secretary of state deems necessary to maintain the statewide voter registration list.

B. The secretary of state may enter into a written agreement with an agency or political subdivision of this state or with a department of the federal government pursuant to which the state agency, political subdivision or federal department shall provide to the secretary of state information that is in the possession of the state agency, political subdivision or federal department and that the secretary of state deems necessary to maintain the statewide voter registration list.

C. The secretary of state shall enter into a written agreement with the secretary of taxation and revenue to match information in the database of the voter registration electronic management system with information in the database of the motor vehicle division of the taxation and revenue department to the extent required to enable each official to verify the accuracy of the information provided on applications for voter registration. Upon the execution of the written agreement, the secretary of taxation and revenue shall enter into an agreement with the federal commissioner of social security pursuant to 52 U.S.C. Section 21083, for the purpose of verifying applicable information.

D. The secretary of state shall provide to the appropriate county clerk in this state and to no other person necessary information or documentation received by the secretary of state from or through an agency or political subdivision of this state, a

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federal department, the chief election officer of another state or a consortium of chief election officers of other states that calls into question the information provided on a certificate of registration; that raises questions regarding the status of a person registered to vote in this state; or that suggests that a voter may have voted in two states during the same election. The county clerk shall not disclose information received from the secretary of state pursuant to this subsection except as necessary to complete an investigation pursuant to this section. The county clerk shall investigate or reconcile the information received from the secretary of state.

E. The secretary of state shall develop a general program that is uniform and nondiscriminatory for county clerks to investigate and reconcile the information received from the secretary of state and to identify voters who may be eligible for cancellation from the statewide voter registration list. The general program shall describe the best practices and requirements for investigating and reconciling information that is derived from comparisons of different databases, including safeguards to ensure that eligible voters are not removed in error from the official list of voters, and provide a procedure to cancel certificates of registration for voters:

(1) confirmed to have voted in another state requiring residence in that state if, previous to the out-of-state vote, the voter was registered to vote in this state; or

(2) confirmed to be on the social security master death index file.

F. The secretary of state shall take affirmative steps on an ongoing basis to ensure that only United States citizens are registered to vote, which shall include establishing a program to identify persons who are not United States citizens using information supplied by:

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(1) the United States department of homeland security through the systematic alien verification for entitlements program; and

(2) other databases that provide confirmation of United States citizenship status.

G. The secretary of state shall remove noncitizens from the official lists of eligible voters for state and local elections."

SECTION 5. Section 1-4-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 63, as amended) is amended to read:

"1-4-5. METHOD OF REGISTRATION--UNLAWFUL USE OF INFORMATION--PENALTY.--

A. A qualified elector may apply to a registration officer or agent for registration.

B. The registration officer or agent or qualified elector shall fill out each of the blanks on the certificate of registration by typing or printing in ink. The qualified elector shall be given a receipt that shall contain:

(1) a number traceable to the registration agent or officer;

(2) a statement informing the qualified elector that if the qualified elector does not receive confirmation of the qualified elector's registration within fifteen days of the receipt date, the qualified elector should contact the office of the county clerk in the county where the qualified elector resides; and

(3) a toll-free number for the office of the county clerk and an address for the [web-site] website of the secretary of

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state.

C. The qualified elector shall subscribe a certificate of registration as follows:

(1) by signing the certificate of registration using the qualified elector's given name, middle name or initial and last name; or

(2) if any qualified elector seeking to register is unable to read and write either the English or Spanish language or is unable to read or write because of some physical disability, the certificate of such person shall be filled out by a registration officer or agent and the name of the qualified elector so registering shall be subscribed by the making of the qualified elector's mark.

D. When properly executed by the registration agent or officer or qualified elector, the original of the certificate of registration along with proof of citizenship shall be presented, either in person or by mail by the qualified elector or by the registration agent or officer, to the county clerk of the county in which the qualified elector resides. It is unlawful for the qualified elector's month and day of birth, proof of citizenship or any portion of the qualified elector's social security number required on the certificate of registration to be copied, conveyed or used by anyone other than the person registering to vote, either before or after it is filed with the county clerk, and by elections administrators in their official capacity.

E. A person who unlawfully copies, conveys or uses information from a certificate of registration is guilty of a fourth degree felony."

SECTION 6. Section 1-4-5.1 NMSA 1978 (being Laws 1993, Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7, as amended) is

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amended to read:

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

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

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

C. A qualified elector who wishes to register to vote shall fill out completely and sign the certificate of registration. The qualified elector may seek the assistance of any person in completing the certificate of registration.

D. A qualified elector who has filed for an order of protection pursuant to the provisions of the Family Violence Protection Act and who presents a copy of that order from a state or tribal court to the registration officer shall be referred to the confidential substitute address program administered by the secretary of state pursuant to the Confidential Substitute Address Act.

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

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

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G. Within one business day after receipt of a certificate of registration, the secretary of state shall send the certificate to the county clerk in the county where the qualified elector resides. Within one business day after receipt of a certificate of registration of another county, a county clerk shall send the certificate of registration to the county clerk in the county where the qualified elector resides.

H. Only when the certificate of registration is properly filled out, signed by the qualified elector and accepted for filing by the county clerk as evidenced by the county clerk's signature or stamp and the date of acceptance thereon shall it constitute an official public record of the registration of the qualified elector. A qualified elector complies with a voter registration deadline established in the Election Code when a properly filled-out voter registration certificate has been received by a county clerk or the secretary of state, regardless of the date the certificate is processed.

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

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

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

(3) a statement informing the applicant that:

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(a) if the form is submitted by mail by the applicant and the applicant is registering for the first time in New Mexico, the applicant must submit with the form: ~~[a copy of: 1) a photo identification issued by a government or educational institution; or] 1) proof of citizenship; and 2)~~ a current utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and current address of the applicant; and

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

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

SECTION 7. Section 1-4-5.4 NMSA 1978 (being Laws 1969, Chapter 240, Section 125, as amended) is amended to read:

"1-4-5.4. REGISTRATION--FORM.--

A. The secretary of state shall prescribe the paper form and ensure that the certificate of registration to be used in any county is compatible with the data processing systems. The secretary of state shall also prescribe the form produced by an online or electronic voter registration transaction.

B. The certificate of registration form shall require the following elements of information concerning the applicant for registration: name, gender, residence, municipality, post office, county of former registration, date of birth, political party affiliation, zip code, telephone number at the applicant's option, proof of citizenship and a statement of qualification for voting. The paper form shall contain a space for the qualified elector to provide a driver's license or state identification number issued by

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the motor vehicle division of the taxation and revenue department or the last four digits of the qualified elector's social security number, while the form resulting from an online or electronic voter registration transaction shall contain the qualified elector's full social security number.

C. Provision shall be made for the usual signature or mark of the applicant, for the signature of the county clerk and for the dates of such signatures.

D. The certificate form may be multipurpose by providing for an indication of whether the certificate of registration is for a new registration, a change in the existing registration or a cancellation of an existing registration. Provision shall be made on any multipurpose form for entry of any existing registered information for which a change may be requested.

E. The certificate of registration forms shall be serially numbered and shall be furnished promptly and in adequate supply by the secretary of state upon application from the county clerk.

F. The secretary of state shall maintain on the secretary's website a Privacy Act notice in conformance with the federal Privacy Act of 1974."

SECTION 8. Section 1-4-5.7 NMSA 1978 (being Laws 2023, Chapter 84, Section 4) is amended to read:

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

A. Notwithstanding the provisions of Section 1-4-8 NMSA 1978 providing for the closing of registration prior to an election, a qualified elector seeking to register to vote or update an existing certificate of registration in the state shall be allowed to do so at a voting location immediately before voting in that election after signing an affidavit under oath that the elector has

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not voted in the election in this state or elsewhere and as further provided in this section.

B. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration at the county clerk's office or any early or election day voting location; provided that the secretary of state shall establish procedures to ensure that a registration officer has an opportunity to review the information of a qualified elector who registers to vote or updates an existing certificate of registration immediately before the qualified elector votes.

C. A voter whose political party affiliation on the voter's certificate of registration is with a major political party shall not be allowed to change party affiliation when updating an existing certificate of registration or registering to vote at a voting location immediately before voting in a primary election.

D. During a special election, a qualified elector may register to vote or update an existing certificate of registration at the county clerk's office during the regular hours and days of business beginning on the twenty-eighth day preceding the election until 7:00 p.m. on election day; provided that the county clerk shall provide the voter with a ballot and balloting materials immediately after the qualified elector registers to vote or updates the existing certificate of registration.

E. A qualified elector seeking to register to vote or update an existing certificate of registration pursuant to this section shall provide proof of citizenship and a physical form of identification that is issued by the federal government, a state government, a federally recognized Indian nation, tribe or pueblo or an educational institution and that:

(1) contains the name of the qualified elector, which shall reasonably match the name provided on the certificate of

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registration;

(2) contains a photograph of the qualified elector, which shall resemble the qualified elector;

(3) need not contain an expiration date, and if it does, the expiration date is not required to be a date on or after the date of the election; and

(4) shall either:

(a) contain an address that matches the address provided for the certificate of registration; or

(b) be accompanied by an original or copy of a utility bill, bank statement, government check, paycheck or other document issued by an educational institution or government, including a document issued by a federally recognized Indian nation, tribe or pueblo, dated within the ninety days prior to the qualified elector registering to vote or updating an existing certificate of registration and that contains the name of the qualified elector, which shall reasonably match the name provided on the certificate of registration, and an address that matches the address provided for the certificate of registration.

F. If a voting location does not have real-time synchronization with the voting data at the office of the county clerk, a voter desiring to update an existing certificate of registration or to register to vote shall be issued a provisional paper ballot. A provisional paper ballot issued pursuant to this section shall be qualified and tabulated once the county clerk determines that the voter did not vote any other ballot in the same election and if no challenge is successfully interposed."

SECTION 9. Section 1-4-7 NMSA 1978 (being Laws 1969, Chapter 240, Section 65, as amended by Laws 1993, Chapter 314, Section 8 and

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also by Laws 1993, Chapter 316, Section 8) is amended to read:

"1-4-7. REGISTRATION BY TEMPORARY ABSENTEES.--A qualified elector who is temporarily out of [his] the elector's county of residence or out of New Mexico may, upon request to the county clerk of [his] the elector's county of residence, obtain the prescribed certificate of registration form. After the certificate of registration with proof of citizenship has been subscribed, the qualified elector shall return it to the county clerk of [his] the elector's county of residence by mail. Upon receipt of the completed certificate of registration, the county clerk shall ascertain if such certificate of registration is to be filed or rejected in accordance with the Election Code."

SECTION 10. Section 1-4-11 NMSA 1978 (being Laws 1969, Chapter 240, Section 67, as amended) is amended to read:

"1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF CERTIFICATES.--

A. Upon receipt of a complete certificate of registration, if the certificate of registration is in proper form, the county clerk shall determine if the qualified elector applying for registration is already registered in the registration records of the county. If the qualified elector is not already registered in the county and if the certificate of registration is received within the time allowed by law for filing certificates of registration in the county clerk's office, the county clerk shall sign or stamp, in the space provided therefor on each copy of the certificate, the qualified elector's name and the date the certificate was accepted for filing in the county registration records. Voter information shall be handed or mailed immediately to the qualified elector and to no other person.

B. If the applicant's certificate of registration is rejected for any reason, the county clerk shall stamp or write the

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word "rejected" on the new certificate of registration and hand or mail it, if possible, to the applicant with an explanation of why the new certificate of registration was rejected and what remedial action, if any, the applicant must take to bring the registration up to date or into compliance with the Election Code.

C. The county clerk shall reject any certificate of registration that does not contain the qualified elector's name, address, [and] date of birth and proof of citizenship, along with a signature or usual mark. If the qualified elector is a new voter, the county clerk shall reject any certificate of registration that does not contain the qualified elector's driver's license or state identification number issued by the motor vehicle division of the taxation and revenue department, social security number or last four digits of the qualified elector's social security number. The county clerk shall reject any certificate of registration in which the question regarding citizenship is not answered or is answered in the negative.

D. A full social security number is required to finish processing a new voter registration in this state. If the certificate of registration does not contain a social security number, the county clerk shall ascertain the qualified elector's social security number from the qualified elector's previous certificate of registration, from the motor vehicle division of the taxation and revenue department or from the secretary of state.

E. If the county clerk rejects a certificate of registration because required information is not provided on the certificate or cannot ascertain the qualified elector's social security number, the county clerk shall indicate this on the qualified elector's certificate of registration and shall make the appropriate notation in the voter file, indicating that the voter is required to provide the full social security number prior to receiving a ballot and, until it is provided, may only vote on a provisional ballot. The provisional ballot shall be counted if the

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required information is provided or the voter's full social security number is ascertained during the period for counting provisional ballots, including any appeals provided for in the Election Code.

F. If the qualified elector does not register in person, has not previously voted in an election in New Mexico and does not provide the registration officer with the required documentary identification, the registration officer shall indicate this on the qualified elector's certificate of registration and the county clerk shall note this on the appropriate precinct signature roster."

SECTION 11. Section 1-4-18.1 NMSA 1978 (being Laws 2013, Chapter 91, Section 1, as amended) is amended to read:

"1-4-18.1. ONLINE VOTER REGISTRATION.--

A. A person may complete a certificate of registration in person or by mail. In addition, the secretary of state shall, not later than January 1, 2016, allow a voter to submit an update to an existing certificate of registration and, not later than July 1, 2017, allow a qualified elector to submit a new certificate of registration form electronically through a [web site] website authorized by the secretary of state or through any computer system maintained by a state agency for electronic voter registration that is approved by the secretary of state; provided that the person is qualified to register to vote, provides proof of citizenship and has a current or expired New Mexico driver's license or state identification card issued by the motor vehicle division of the taxation and revenue department.

B. An online certificate of registration form shall contain all of the information that is required for a paper form. The person shall also be required to provide the person's full New Mexico driver's license number or state identification card number.

C. When a person submits a new certificate of registration

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or an update to an existing certificate of registration, the person shall mark the box associated with the following statement included as part of the electronic certificate of registration form:

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

- I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the state of New Mexico; and
- all of the information that I have provided on this form is true and correct as of the date I am submitting this form.".

D. ~~[Prior to January 1, 2016]~~ The secretary of state, in conjunction with the county clerks of the state, shall adopt rules establishing a uniform and nondiscriminatory process to match the information contained in the voter registration election management system with the database of the motor vehicle division of the taxation and revenue department or the federal social security administration for electronic certificates of registration updates completed pursuant to this section.

E. ~~[Prior to January 1, 2017]~~ The secretary of state, in conjunction with the county clerks of the state, shall adopt rules establishing a uniform and nondiscriminatory process to match the information contained in the voter registration election management system with the database of the motor vehicle division of the taxation and revenue department or the federal social security administration for all electronic certificates of registration completed pursuant to this section.

F. Electronically submitted certificate of registration application forms shall retain the dates of submission by the qualified elector and of acceptance by the county clerk.

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G. For purposes of deadlines contained in the Election Code, the time and date of the submission by the qualified elector shall be considered the time and date when the certificate of registration is received by the county clerk.

H. The secretary of state shall ensure that the [web sites] websites used for electronic voter registration are secure and that the confidentiality of all users and the integrity of data submitted are preserved."

SECTION 12. Section 1-4-47 NMSA 1978 (being Laws 2023, Chapter 84, Section 7) is amended to read:

"1-4-47. DRIVER'S LICENSE VOTER REGISTRATION--AUTOMATIC VOTER REGISTRATION AND UPDATES.--

A. Unless a person is automatically registered to vote pursuant to the automatic voter registration provisions of Subsections B through D of this section, when a person who is a qualified elector or qualified resident but not registered to vote in the state conducts a transaction to apply for or renew a driver's license, state-issued identification card, learner's permit or provisional license, the person shall be offered the opportunity to simultaneously register to vote; provided that the person provides proof of citizenship. A person registering to vote pursuant to this subsection shall not be required to provide a second time any information that duplicates information required in the driver's license, state-issued identification card, learner's permit or provisional license portion of the transaction.

B. A qualified elector or qualified resident who provides a document demonstrating United States citizenship in the course of conducting an in-person transaction to apply for or renew a driver's license, state-issued identification card, learner's permit or provisional license shall be confirmed in a database maintained by the motor vehicle division of the taxation and revenue department as

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satisfying the citizenship requirement for eligibility to vote. If the person is not already registered to vote based on an automated database check, the person shall be registered to vote and shall be informed that the person is being registered to vote and that the person will receive a notice from the county clerk providing additional information, including how to decline to be registered, and the person shall be offered the opportunity to designate affiliation with a qualified political party during the in-person transaction. Within seven days, the motor vehicle division of the taxation and revenue department shall electronically transmit to the secretary of state an electronic record containing the person's full name, full social security number, date of birth, driver's license or state-issued identification card number, residence address, mailing address if different from residence address, county of residence, citizenship status, an electronic image of the person's signature, any affiliation with a qualified political party and any other available information requested by the secretary of state.

C. Upon receiving an electronic record pursuant to Subsection B of this section, the secretary of state shall forward the person's electronic record to the county clerk of the county in which the person resides. The county clerk shall accept and process the electronic record received as a certificate of registration pursuant to the provisions of Section 1-4-11 NMSA 1978.

D. Upon receiving an electronic record pursuant to Subsection C of this section, the county clerk shall send to the person's mailing address, by nonforwardable mail, a notice that the person has been registered to vote. The notice shall include a postage prepaid and pre-addressed return card by which the person may decline to be registered to vote. The notice shall be prescribed by the secretary of state with conforming language depending on whether the person is a qualified elector or a qualified resident, and may be combined with a voter information document and shall include:

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(1) an explanation of the voter eligibility requirements, a statement of the penalties for registering to vote when a person is not eligible and a statement that if the person is not eligible to vote that the person should decline to register by returning the card;

(2) a statement that:

(a) if the person declines to register to vote, the fact that the person has declined registration will remain confidential and will be used only to process the declination and for reporting election administration statistics; and

(b) if the person does not decline the registration, the office from which the person's electronic record was received will remain confidential and will be used only for reporting election administration statistics;

(3) information on how a person may become a participant in the confidential substitute address program;

(4) an opportunity for the person to designate affiliation with a qualified political party by returning the card; and

(5) an opportunity for the person to request a mailed ballot for the next statewide election, on a form prescribed by the secretary of state, which shall serve as an application for a mailed ballot pursuant to Section 1-6-4 NMSA 1978.

E. After a person returns the card described in Subsection D of this section:

(1) if the person declines to be registered to vote by returning the card, the person's registration shall be canceled and the person shall be deemed to have not registered to vote.

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Information relating to a person declining to be registered to vote pursuant to this section shall not be used for any purpose other than to process the declination and for reporting election administration statistics;

(2) if the person votes in an election after registration under this section and subsequently returns the card to decline the registration, the declination shall not be effective until after the election in which the person voted; and

(3) if the person returns the card to designate affiliation with a qualified political party, the person's political party affiliation shall be effective pursuant to Section 1-4-8 NMSA 1978.

F. If a person who is registered to vote in the state conducts a transaction to apply for or renew, update, correct or replace the person's driver's license, state-issued identification card, learner's permit or provisional license or files a notice of change of address and the information provided to the motor vehicle division of the taxation and revenue department indicates a different address or name from the person's existing certificate of registration, the motor vehicle division of the taxation and revenue department shall electronically transmit to the secretary of state an electronic record containing the person's full name, date of birth, driver's license or state-issued identification card number, residence address, mailing address if different from residence address, county of residence, an electronic image of the person's signature and any other available information requested by the secretary of state. The secretary of state shall issue standards for what is considered a different address. If the new address is in:

(1) the same county, or the person's name has changed, the secretary of state shall send the information to the county clerk of the county where the person is registered and the

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county clerk shall process the change to the official list of eligible voters in accordance with the change of residence information provided; or

(2) a different county, the secretary of state shall send the information to the county clerk of the county where the person's new address is located and the county clerk shall process the change of residence as a transferred registration into the county.

G. Immediately at the conclusion of each in-person transaction to apply for or renew a driver's license or state-issued identification card, a person shall receive written notification by the motor vehicle division of the taxation and revenue department informing the person if a voter registration transaction was processed and, if so, providing information regarding any voter registration transaction delivered to the secretary of state by the motor vehicle division as a result of the application for or renewal of a driver's license or state-issued identification card.

H. In carrying out the provisions of this section, a motor vehicle division employee or contractor shall not intentionally influence a registrant in the selection of political party, or independent status, by word or act. A motor vehicle division employee or contractor shall not reveal the existence of or the nature of a voter registration pursuant to this section to anyone other than a registration officer.

I. Unless a person who is not a qualified elector or is ineligible to register to vote knowingly and willfully takes voluntary action to register to vote knowing that the person is not a qualified elector or is ineligible to register to vote, the transfer of an electronic record or the failure of a person to decline voter registration pursuant to this section shall not be considered a violation of Section 1-20-3 NMSA 1978.

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J. A person who is not a qualified elector or who is ineligible to vote but who becomes registered to vote under this section and votes or attempts to vote in an election held after the effective date of the person's registration commits false voting under Section 1-20-8 NMSA 1978 only if the person knowingly and willfully took voluntary action to register to vote with knowledge that the person is not a qualified elector or is ineligible to register or knowingly and willfully voted with knowledge that the person is not a qualified elector or is ineligible to vote.

K. By January 1 following each general election, the secretary of state shall submit to the legislature and make publicly available a report on the implementation of this section. Excluding any personal identifying information, the report shall include:

(1) the number of electronic records transmitted to the secretary of state by the motor vehicle division of the taxation and revenue department pursuant to this section;

(2) the number of new voters statewide as a result of the automatic voter registration system;

(3) the number of voters whose information was updated because of the automatic voter registration system, reported by the type of information updated; and

(4) the number of people who declined to be registered to vote through the automatic voter registration system.

L. The secretary of state shall adopt rules and coordinate as necessary with the motor vehicle division of the taxation and revenue department and other state agencies and Indian nations, tribes and pueblos designated pursuant to Section 1-4-47.1 NMSA 1978."

SECTION 13. A new section of Chapter 1, Article 4 NMSA 1978 is

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enacted to read:

"NEW MATERIAL] PRIVATE RIGHT OF ACTION--FORFEITURE OF OFFICE.--

A. A private right of action is authorized against a registration officer who registers an applicant to vote who fails to present proof of citizenship in a state election.

B. The registration officer who violates Subsection A of this section is subject to forfeiture of office pursuant to Section 44-3-4 NMSA 1978."

SECTION 14. Section 1-20-3 NMSA 1978 (being Laws 1969, Chapter 240, Section 428, as amended by Laws 1993, Chapter 314, Section 60 and also by Laws 1993, Chapter 316, Section 58) is amended to read:

"1-20-3. REGISTRATION OFFENSES.--

A. Registration offenses consist of performing any of the following acts willfully and with knowledge and intent to deceive any registration officer or to subvert the registration requirements of the law or rights of any qualified elector:

[A.] (1) signing or offering to sign a certificate of registration when not a qualified elector;

[B.] (2) falsifying any information on the certificate of registration;

[C.] (3) soliciting, procuring, aiding, abetting, inducing or attempting to solicit, procure, aid, abet or induce any person to register or attempt to register with the name of any other person, whether real, deceased or fictitious; or

[D.] (4) destroying the certificate of registration

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of any qualified elector, or removing such certificate from its proper binder or file, except as provided in the Election Code.

B. A registration officer who willfully and with knowledge and intent registers a person to vote in a state election or local election who failed to present proof of citizenship is guilty of a registration offense.

C. A government officer or employee who willfully and with knowledge and intent provides material assistance to a noncitizen in attempting to register to vote in a state or local election without providing proof of citizenship is guilty of a registration offense.

D. Whoever commits a registration offense is guilty of a fourth degree felony."

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

(1) is at least seventy-five years of age or a homeless individual; or

(2) will be at least eighteen years of age on the date of the next general election and the person signs a statement requesting an identification card at no cost for voter identification purposes.

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

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

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(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. Section 66-5-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 231, as amended) is amended to read:

"66-5-9. APPLICATION FOR LICENSE OR RENEWAL.--

A. An application for a license or a renewal of a license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee; provided that a fee shall not be charged to an applicant for a New Mexico driver's license if the applicant will be at least eighteen years of age on the date of the next general election and the person signs a statement requesting a New Mexico driver's license at no cost for voter identification purposes. For licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act, submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

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B. An application for a REAL ID-compliant driver's license, an instruction permit or provisional license, or renewal of a REAL ID-compliant driver's license, instruction permit or provisional license shall contain the applicant's full legal name; date of birth; sex; and current New Mexico residence address and shall briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal.

C. An application for a standard driver's license or a renewal of a standard driver's license shall contain the applicant's full name; date of birth; sex; and New Mexico residence address of the applicant and briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal.

D. A valid license shall satisfy the department's identity, age and New Mexico residency requirements for the issuance or renewal of a standard driver's license to an applicant.

E. The secretary shall establish by regulation documents that may be accepted as evidence of the residency of the applicant. A person applying for or renewing a REAL ID-compliant driver's license shall provide documentation required by the federal government of the applicant's identity; date of birth; social security number, if applicable; address of current residence; and lawful status. For an applicant for a REAL ID-compliant driver's license or a renewal of a REAL ID-compliant driver's license, the department shall verify the applicant's lawful status and social security number, if applicable, through a method approved by the

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federal government.

F. Pursuant to the federal REAL ID Act of 2005, the secretary shall establish a written, defined exception process to allow a person to demonstrate the person's identity, age and lawful status. The process shall allow a person to use a certified letter of enrollment or a valid identification card issued by a federally recognized Indian nation, tribe or pueblo to demonstrate the person's identity or age or to demonstrate the person's lawful status, if applicable.

G. A person with lawful status may apply for a REAL ID-compliant driver's license or a standard driver's license.

H. An applicant shall indicate whether the applicant is applying for a REAL ID-compliant driver's license or a standard driver's license. The department shall issue a standard driver's license to an applicant who is otherwise eligible for a REAL ID-compliant driver's license but who does not provide proof of lawful status and who affirmatively acknowledges that the applicant understands that a standard driver's license may not be valid for federal purposes. An applicant who does not provide proof of lawful status shall only apply for a standard driver's license. Except as otherwise provided in the Motor Vehicle Code, the department shall treat driving authorization cards and standard driver's licenses as REAL ID-compliant driver's licenses.

I. An application by a foreign national with lawful status for a REAL ID-compliant driver's license shall contain the unique identifying number and expiration date, if applicable, of the foreign national's valid passport, valid visa, employment authorization card issued under the applicant's approved deferred action status or other arrival-departure record or document issued by the federal government that conveys lawful status. The department may issue to an eligible foreign national applicant a REAL ID-compliant driver's license that is valid for a period not to

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exceed the duration of the applicant's lawful status; provided that if that date cannot be determined by the department and the applicant is not a legal permanent resident, the license shall expire one year after the effective date of the license.

J. An application for a standard driver's license shall include proof of the applicant's identity and age.

K. An applicant shall indicate whether the applicant has been convicted of driving while under the influence of intoxicating liquor or drugs in this state or in any other jurisdiction. Failure to disclose any such conviction prevents the issuance of a license for a period of one year if the failure to disclose is discovered by the department prior to issuance. If the nondisclosure is discovered by the department subsequent to issuance, the department shall revoke the license for a period of one year. Intentional and willful failure to disclose, as required in this subsection, is a misdemeanor.

L. An applicant under eighteen years of age who is making an application for a first New Mexico driver's license shall submit evidence that the applicant has:

(1) successfully completed a driver education course approved by the bureau that included a DWI prevention and education component. The bureau may accept verification of driver education course completion from another state if the driver education course substantially meets the requirements of the bureau for a course offered in New Mexico;

(2) had a provisional license for at least the twelve-month period immediately preceding the date of the application for the driver's license; provided that thirty days shall be added to the twelve-month period for each adjudication or conviction of a traffic violation committed during the time the person was driving with a provisional license;

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(3) complied with restrictions on that license;

(4) not been cited for a traffic violation that is pending at the time of application; and

(5) not been adjudicated for an offense involving the use of alcohol or drugs during the twelve-month period immediately preceding the date of the application for the driver's license and that there are no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of application.

M. An applicant eighteen years of age or over, but under twenty-five years of age, who is making an application to be granted a first New Mexico driver's license shall submit evidence with the application that the applicant has successfully completed a bureau-approved DWI prevention and education program.

N. An applicant twenty-five years of age or over who has been convicted of driving under the influence of intoxicating liquor or drugs and who is making an application to be granted a first New Mexico driver's license shall submit evidence with the application that the applicant has successfully completed a bureau-approved DWI prevention and education program.

O. Whenever an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the driver's record from the other jurisdiction. When received, the driver's record may become a part of the driver's record in this state with the same effect as though entered on the driver's record in this state in the original instance.

P. Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

Q. This section does not apply to licenses issued pursuant

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to the New Mexico Commercial Driver's License Act."".

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____