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SENATE BILL 248

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR OPTIONAL EARLY COUNTING
OF ABSENTEE BALLOTS.

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

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

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

A. The county clerk shall mark on each completed
official mailing envelope the date and time of receipt in the
clerk's office, record this information in the absentee ballot
register and safely keep the official mailing envelope
unopened in a locked ballot box until it is delivered [~~on~~
~~election day~~] to the proper precinct board or until it is
canceled and destroyed in accordance with law.

B. The county clerk shall accept completed

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 official mailing envelopes until 7:00 p.m. on election day.
2 Any completed official mailing envelope received after that
3 time shall not be delivered to a precinct board but shall be
4 preserved by the county clerk until the time for election
5 contests has expired. In the absence of a restraining order
6 after expiration of the time for election contests, the county
7 clerk shall destroy all late official mailing envelopes
8 without opening or permitting the contents to be examined,
9 cast, counted or canvassed. Before their destruction, the
10 county clerk shall count the numbers of late ballots from
11 voters, federal voters, overseas citizen voters and federal
12 qualified electors and report the number from each category to
13 the secretary of state.

14 C. At 5:00 p.m. on the Monday immediately
15 preceding the date of election, the county clerk shall record
16 the numbers of the unused absentee ballots and shall publicly
17 destroy in the county clerk's office all such unused ballots.
18 The county clerk shall execute a certificate of such
19 destruction [~~which~~] that shall include the numbers on the
20 ballots destroyed. A copy of the certificate of destruction
21 shall be sent to the secretary of state. "

22 Section 2. Section 1-6-11 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 137, as amended) is amended to read:

24 "1-6-11. DELIVERY OF ABSENTEE BALLOTS TO ABSENT VOTER
25 PRECINCTS-- EARLY COUNTING OPTION. --

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underscored material = new
[bracketed material] = delete

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A. Unless the county clerk has chosen the early counting option pursuant to Subsection B of this section, on election day the county clerk shall deliver the absentee ballots received by him prior to 7:00 p.m. on election day to the special deputy county clerks for delivery to the absent voter precinct boards. The absentee ballots for each absent voter precinct shall be separately wrapped, and the special deputy county clerk shall give a receipt for all ballots taken by him for the county clerk. Upon delivery of the absentee ballots to the absent voter precinct board, the special deputy county clerk shall remain in the polling place of the absent voter precinct until he has observed the opening of the official mailing envelope, the deposit of the ballot in the locked ballot box and the listing of the names on the official mailing envelope in the signature rosters. Upon such delivery of absentee ballots, the special deputy county clerk shall obtain a receipt executed by the presiding judge and each election judge and he shall return such receipt to the county clerk for filing. The receipts shall specify the number of envelopes received by the special deputy county clerk from the county clerk for each absent voter precinct and the number of envelopes received by the absent voter precinct board from the special deputy county clerk.

B. The county clerk may choose to deliver absentee ballots to the absent voter precinct boards anytime after 7:00

1 a. m. the Friday immediately preceding election day if the
2 procedures for delivery set out in Subsection A of this
3 section are followed each time the special deputy county
4 clerks deliver absentee ballots to the absent voter precinct
5 boards. The absent voter precinct boards may then begin
6 counting, tallying and registering the results of absentee
7 balloting pursuant to Section 1-6-14 NMSA 1978. "

8 Section 3. A new section of the Election Code is enacted
9 to read:

10 "[NEW MATERIAL] SECURITY. --The secretary of state shall
11 adopt rules for protecting the integrity, security and secrecy
12 of absentee ballots subject to early counting as prescribed by
13 Section 1-6-11 NMSA 1978. "

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