

**MINUTES  
of the  
SECOND MEETING  
of the  
ELECTION REFORM TASK FORCE**

**August 15, 2005  
Room 307, State Capitol  
Santa Fe**

The second meeting of the election reform task force for the 2005 interim was called to order by Representative Edward C. Sandoval, co-chair, on Monday, August 15, 2005, at 10:15 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Sen. Linda M. Lopez, Co-Chair  
Rep. Edward C. Sandoval, Co-Chair  
Rep. Janice E. Arnold-Jones  
Sen. Dianna J. Duran  
Rep. Mary Helen Garcia  
Mary Herrera  
Melinda Hughes  
Leland Lehrman  
Jim Noel  
Sen. Gerald Ortiz y Pino  
Charlotte Roybal  
Karen P. Smyer  
Mario Trujillo  
Claire Weiner

**Advisory Members**

Sen. Rod Adair  
Rhoda Coakley  
Rep. James Roger Madalena  
Rep. W. Ken Martinez  
Rep. Kathy A. McCoy  
Rep. Debbie A. Rodella  
J. Fred Vigil

**Staff**

Jon Boller  
Evan Blackstone  
Tim Crawford

**Guests**

**Absent**

Joe Goldberg  
Audrey Jaramillo  
Mary Ann Sedillo  
Rebecca Vigil-Giron, Sec. of State

Sen. Ben D. Altamirano  
Rep. Kandy Cordova  
Sen. Dede Feldman  
Rep. Justine Fox-Young  
Rep. Ted Hobbs  
Denise Lamb  
Rep. Ben Lujan  
Sen. Mary Kay Papen  
Sen. Michael S. Sanchez

The guest list is in the meeting file.

### **Handouts**

Copies of all handouts are in the meeting file.

Representative Sandoval welcomed all to the Election Reform Task Force meeting and asked that task force members and members of the audience introduce themselves.

### **Rules for Third-Party Registration Agents—Registration Forms—Federal Forms—Implementation—Associated Costs**

Ernie Marquez, director of the bureau of elections, presented the task force with the rules governing third-party registration agents, noting that the rules took effect today, August 15, 2005. Mr. Marquez explained that third-party registration agents could register with either the county clerks or the secretary of state and that the law was designed to address abuse of the registration process. Organizations can no longer hold on to completed registration forms until the last minute (which caused major problems in many counties); rather, registration forms must be returned to the county clerk within 48 hours of their completion, which, he said, should not be a problem since the forms come with stamped and addressed return envelopes. The law also changed the requirements for registration forms, he explained, which, in conjunction with the registration requirements for third-party registration agents, are designed to allow tracking of both the agents and the forms used by them to register voters in order to make it more difficult for organizations or agents to selectively submit, or to forge names on, those forms.

Mr. Marquez went on to explain that there are still problems with the process, however, since there is a federal registration form available on the web that can also be used to register voters and that the secretary of state cannot control; consequently, organizations could subvert the tracking function of the new state forms by using the federal forms instead. Second, the new state forms raise concerns about costs and voter privacy. Regarding cost, Mr. Marquez said that the new forms cost nearly twice as much as the old forms (\$28.89/100 vs. \$15.65/100, with \$800,000 spent on the old forms during the last election cycle) because of the new requirement that carbon copies must be provided to both the voter and the registration agent. He said that his office opposes that requirement due to both cost concerns and the security of voter information, such as social security numbers and birth dates, that could be gleaned from the copies. Mr. Marquez offered an alternative form to the task force for consideration, which he said would still serve the tracking function but would lessen the chances for misuse of voter information and would cost no more than the old forms, though the law would have to be changed to allow use of this form.

Asked about limiting the distribution of the registration forms, Mr. Marquez replied that the rules allow county clerks to limit distribution to 50 forms at a time, though the secretary of state retains discretion to increase that number for special events or circumstances. He explained that last year one person returned nearly 1,500 unused forms. Other costs stemming from the new form are the changes that must be made to the forms used by all NVRA sites, such as motor vehicle departments, libraries, colleges and health office sites, and \$25,000 for software to track

the new forms.

### **Q & A**

Task force members asked how the definition of "organization" was arrived at such that registration agents for political committees and campaigns would be required to register. Mr. Marquez said the definition was worked out with the attorney general's office. Senator Duran requested that a clarification of the term be given, or possibly a rewording of the rule or statute be considered, if necessary to keep candidates from having to register as third-party agents.

Asked why registration agents need a copy of the voters' personal information, Mr. Marquez replied the extra copy only benefits third-party registration agents of organizations, who do not have to copy that information for their records. Representative Arnold-Jones exclaimed "how dare we consider putting our voters at risk" by requiring carbon copies for registration agents, saying that the alternative form is much better and that she would go further by investing in the secretary of state's office to better protect voters' personal information, especially their social security numbers.

Ms. Roybal asked how other states handle the use of social security numbers and suggested that the state consider same-day registration.

Senator Ortiz y Pino said he understands that there are some 700,000 old registration forms that have not been used yet and wondered if they would be accepted if someone uses them. Mr. Marquez said that these forms would be accepted since there is no way of knowing who actually fills them out. Asked if the state could add instructions to the federal form, Mr. Marquez answered that the state could do that, but cannot add third-party agent numbers to that form.

In response to questions by Jim Noel, Mr. Marquez said that bar-code tracking numbers will be given to each third-party registration agent and that the alternative form is not only less costly, but better protects voters' personal information and is easier to file than the new form.

Mr. Lehrman asked if HAVA requires acceptance of the federal form, to which Mr. Marquez answered yes, and whether the current law allows the use of an identification number other than a voter's social security number, to which he replied no.

Senator Lopez said she prefers the alternative form, that the signature line should not be copied by third parties, either, and that, if necessary, legislation should be enacted to allow use of the alternative form.

### **Public Comment**

The following are points made by various members of the public:

- selective enforcement of the law is a problem; one can use the federal form, make the required copies and return the completed form within 48 hours and fulfill the requirements of the law;

- a registration agent may have more than one number if that agent works for more than one organization;
- a person may still be able to ascertain a person's social security number and birth date from the blacked-out portions of carbon copies;
- the copy for the registration agent serves to protect the agent from others' misdeeds;
- a copy seems dangerous, though some information on the voter registration form is public record, other parts are not;
- registration should be made easier, not more difficult;
- New Mexico is one of five or six states that uses social security numbers as voter identification numbers; should the state consider using some other identifier?;
- if one signs the form as a registration agent, is that person vouching that the information is correct, especially if the voter is handed the form to fill out ?;
- is an ID required with the federal registration form as it is with state forms under HAVA?;
- registrants should be told to call the county clerk or secretary of state and given their phone numbers so that they can check if their registration form was turned in;
- the league of women voters never keeps voter information, and no organization should do so;
- why should anyone have a simpler or more complex registration procedure than another?;
- are we to believe that all third-party registration organizations are corrupt and that all candidates are pure, so that candidates and their organizations do not have to register as third-party registration agents and organizations?; and
- giving a copy of the registration form will just complicate things; the voter should be given a receipt with a number to call the county clerk or secretary of state to check on their registration.

The task force recessed for lunch, after which Zach Shandler of the attorney general's office addressed several questions concerning the definition given to "organization" in the secretary of state's rules. He said that the definition was made as comprehensive as possible to prevent organizations from claiming exemption from the law. Task force members asked if New Mexico could get some kind of exception to the use of the federal registration form, or to the format of the form, or if it could be used simply as a request for a New Mexico form. Mr. Marquez said that option could be explored. The county clerk of Curry county noted that she only has six of the necessary forms supplied to her office in time for the county fair, and that she was forced to download the federal form for distribution to various parties that are registering voters at the fair.

Finally, the issue of who should be penalized for not turning in forms within the allotted time was raised. It was suggested that organizations should be penalized, since third-party agents have to turn the completed forms over to the organizations, and thus are not always in control of the forms. Penalties currently only affect individual agents.

### **Procedures for Voter Challenges of Rejected Provisional Ballots**

Mr. Marquez gave a brief overview of the process by which voters could challenge the rejection of their provisional ballots and said that the secretary of state has not yet promulgated rules on the process. In answer to a query about same-day voter registration helping to solve many of the problems with provisional voting, he said that he could not yet answer that question, though that topic is on the agenda for the October meeting of the task force. He added that now voters could be directed to the proper precinct under the new law and that this may help in those cases where the voter shows up at the wrong precinct.

Task force members asked that Section 61 of the election bill, which concerns absentee ballot delivery procedures, be put on one of the task force's future agendas.

### **Timing of Open Registration and Early Voting**

Mary Herrera, Bernalillo county clerk, explained that because early voting begins so soon after the close of registration, it is very difficult to complete the process of entering new registrations before early voting begins, especially in a county with as many voters as Bernalillo county. Consequently, some voters may not be officially registered before they show up at the early voting sites. She said that the 48-hour return requirement on voter registration forms may help the situation somewhat.

### **Address Provisions for Registration and Petition Purposes**

Task force members briefly discussed address requirements for registration and petitions purposes before asking that the association of counties, the attorney general and the Indian affairs department be asked to address the question at a future meeting.

There be no further business, the meeting adjourned at 4:00 p.m.