

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 285

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Edward C.Sandoval

FOR THE CAMPAIGN FINANCE AND ELECTION REFORM COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING CERTAIN SECTIONS OF THE  
ELECTION CODE; DECLARING AN EMERGENCY.

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

Section 1. Section 1-4-16 NMSA 1978 (being Laws 1969,  
Chapter 240, Section 72, as amended by Laws 1993, Chapter  
314, Section 15 and also by Laws 1993, Chapter 316, Section  
15) is amended to read:

"1-4-16. REGISTRATION--WHEN PARTY AFFILIATION SHALL NOT  
BE MADE.--

A. No designation of party affiliation shall be  
made or changed on an existing certificate of registration at  
any time during which registration is closed or if the voter  
has voted absentee in the two-week period preceding the  
period when registration is closed.

B. Every person appearing as a candidate on the

underscored material = new  
~~[bracketed material] = delete~~

1 primary or general election ballot shall be a candidate only  
2 under the name and party affiliation designation appearing on  
3 his existing certificate of registration on file in the  
4 county clerk's office on the date of the governor's  
5 proclamation of a primary election."

6 Section 2. Section 1-4-17 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 73, as amended by Laws 1993, Chapter 10,  
8 Section 1 and by Laws 1993, Chapter 314, Section 16 and also  
9 by Laws 1993, Chapter 316, Section 16) is amended to read:

10 "1-4-17. REGISTRATION--CHANGE OF RESIDENCE WITHIN SAME  
11 COUNTY.--

12 A. A voter who has changed his residence within  
13 the same county shall complete a certificate of registration  
14 to change his registered residence address.

15 B. No change of registered residence address shall  
16 be made in any period during which registration is closed or  
17 if the voter has voted absentee in the two-week period  
18 preceding the period when registration is closed; however,  
19 the county clerk may accept applications for such change but  
20 shall not process them until the registration period is open.

21 C. The application for change of registered  
22 residence shall be filed with the county clerk, and the  
23 previous registration shall be retained for six years in a  
24 file established for that purpose."  
25

Section 3. Section 1-12-25.1 NMSA 1978 (being Laws  
1991, Chapter 105, Section 30) is amended to read:

.130277.2

underscored material = new  
[bracketed material] = delete

1 "1-12-25.1. PROCEDURES FOR VOTING ON LEVER, ELECTRONIC  
2 AND MARKSENSE VOTING MACHINES.--

3 A. A voter voting on a lever type machine shall:

4 (1) enter the machine and push the red  
5 handle to the left to close the curtain;

6 (2) set the pointer directly under the  
7 candidate's name or question on which he desires to vote; and

8 (3) make all selections and pull the red  
9 handle to the right to open the curtain and record his vote.

10 B. A voter voting on a direct recording electronic  
11 machine shall:

12 (1) enter the machine;

13 (2) press the square to the right of the  
14 candidate's name or question on which he desires to vote; and

15 (3) make all selections and press the vote  
16 button in the lower right hand corner of the voting machine  
17 to record his vote.

18 C. A voter voting on a marksense machine shall:

19 (1) receive a ballot issued by the precinct  
20 board;

21 (2) take the ballot to a voting booth and,  
22 with the [~~pencil~~] marking instrument provided, mark it by  
23 completing the arrow to the right of the candidate's name or  
24 question on which he desires to vote; and

25 (3) make all selections and feed the ballot  
into the machine to record his vote."

Section 4. Section 1-12-30 NMSA 1978 (being Laws 1969,

.130277.2

underscored material = new  
~~[bracketed material] = delete~~

1 Chapter 240, Section 289, as amended) is amended to read:

2 "1-12-30. CONDUCT OF ELECTION--DISPOSITION OF POLL  
3 BOOK, SIGNATURE ROSTER AND MACHINE PRINTED RETURN REPORTING  
4 UNOFFICIAL RETURNS.--

5 A. After all certificates have been executed, the  
6 presiding judge and the two election judges shall place the  
7 check list of registered voters voting, one copy of the tally  
8 sheets used and one copy of the machine printed returns in  
9 the stamped, addressed envelope provided for that purpose and  
10 immediately mail it to the secretary of state.

11 B. The signature roster, the machine printed  
12 returns and the direct recording electronic cartridge for  
13 electronic and marksense machines shall be returned to the  
14 county clerk. The signature roster, the machine printed  
15 returns and the direct recording electronic cartridge for  
16 electronic and marksense machines shall not be placed in the  
17 ballot box.

18 C. Signature rosters and machine printed returns  
19 in the custody of the county clerk may be destroyed three  
20 years after the election to which they apply.

21 D. The county clerk shall report the unofficial  
22 total returns for the county to the secretary of state within  
23 ten hours after the polls close."

24 Section 5. Section 1-12-45 NMSA 1978 (being Laws 1977,  
25 Chapter 222, Section 48, as amended) is amended to read:

"1-12-45. EMERGENCY SITUATIONS--EMERGENCY PAPER  
BALLOTS--FORM FOR PRIMARY.--

.130277.2

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A. Emergency paper ballots used in the primary election by each party shall be set up on the ballot paper as follows:

(1) across the top shall be printed the words, "OFFICIAL PRIMARY ELECTION BALLOT";

(2) on the next line shall be printed the name of the qualified political party and the date of the primary election;

(3) on the next line shall be printed the name of the county in which the ballot is used;

(4) on the next line shall be printed the words, "To vote for a person, mark ~~[either a cross (X) or a check (V) in the box]~~ the ballot by completing the arrow at the right of the name of each person for whom you desire to vote.";

(5) thereafter, there shall be printed consecutively the designated office and to the extreme right of that same line shall be printed the words, "Vote For", then the words, "one", "two" or another spelled number designating how many persons under that office are to be voted for;

(6) following and below the designation of office there shall be printed the name of each candidate for that office, with a box directly opposite and to the right of the name wherein the voter may ~~[make his cross (X) or check (V)]~~ complete the arrow. The names of the candidates shall be printed on equal margin, one under another, and in the

underscored material = new  
[bracketed material] = delete

1 order and manner provided by law. The boxes following each  
2 name shall be of the same size and each shall not be more  
3 than one-sixth of an inch apart; and

4 (7) the name of each office for which  
5 candidates are to be nominated along with the candidates'  
6 names shall be separated from the succeeding office and list  
7 of candidates on the emergency paper ballot by a heavy black  
8 line to designate that office clearly.

9 B. The emergency paper ballot used in the primary  
10 election shall have no other printing or distinguishing mark  
11 on the ballot, except at the bottom shall appear the  
12 facsimile signature of the county clerk and the words in  
13 bold, black type, "OFFICIAL PRIMARY ELECTION BALLOT".

14 C. Emergency paper ballots used in the primary  
15 election shall be numbered consecutively by party."

16 Section 6. Section 1-12-48 NMSA 1978 (being Laws 1977,  
17 Chapter 222, Section 51) is amended to read:

18 "1-12-48. EMERGENCY SITUATIONS--EMERGENCY PAPER  
19 BALLOTS--NUMBER SUPPLIED.--

20 A. The county clerk shall supply to each precinct  
21 [~~a~~] an appropriate quantity of emergency paper ballots [~~equal~~  
22 ~~to five percent of the total number of voters in~~] for that  
23 precinct. Such emergency paper ballots shall be used only as  
24 provided in Section [~~3-12-77 NMSA 1953~~] 1-12-43 NMSA 1978.

25 B. Emergency paper ballots are official ballots  
and shall meet the same requirements and safeguards as all  
other official ballots."

underscored material = new  
~~[bracketed material] = delete~~

1           Section 7. Section 1-12-53 NMSA 1978 (being Laws 1977,  
2 Chapter 222, Section 56, as amended) is amended to read:

3           "1-12-53. EMERGENCY SITUATIONS--VOTERS--EMERGENCY PAPER  
4 BALLOT--GENERAL ELECTION--MARKING.--The voter in preparing an  
5 emergency paper ballot in a general election shall:

6           A. if he wishes to vote a straight party ticket,  
7 ~~[mark a cross (X) or a check (V) in the circle beneath]~~  
8 complete the arrow to the right of the name of the party and  
9 his vote shall be considered as having been cast for every  
10 candidate named on the ticket of that party on the ballot,  
11 unless he also votes for one or more candidates in some other  
12 column or for some person whose name is not printed on the  
13 ballot;

14           B. if he ~~[marks a cross (X) or a check (V) in any~~  
15 ~~circle]~~ completes the arrow to the right of the party name  
16 and also desires to vote for a candidate of another political  
17 party (the ticket of which also appears on the ballot) or for  
18 any person by write-in, ~~[mark a cross (X) or a check (V) in~~  
19 ~~the box]~~ complete the arrow immediately to the right of the  
20 name of the candidate or write in the name of the person for  
21 whom he desires to vote in the blank provided therefor and  
22 ~~[mark a cross (X) or a check (V) in the box]~~ complete the  
23 arrow immediately to the right thereof, and his vote shall be  
24 considered as having been cast for every candidate of the  
25 political party below the party name where he ~~[marked his~~  
~~cross (X) or a check (V) in the circle]~~ completed the arrow  
to the right of the party name, except for the candidates for

.130277.2

underscored material = new  
~~[bracketed material] = delete~~

1 whom he has otherwise voted; or

2 C. if he wishes, mark the ballot by [~~omitting the~~  
3 ~~cross (X) or check (V) in the circle and marking a cross (X)~~  
4 ~~or a check (V) in the box~~] completing only the arrow  
5 immediately to the right of the name of every candidate or  
6 person for whom he desires to vote, and his vote shall be  
7 considered as having been cast only for the candidate or  
8 person opposite whose name the cross or check has been  
9 marked."

10 Section 8. Section 1-12-54 NMSA 1978 (being Laws 1977,  
11 Chapter 222, Section 57, as amended) is amended to read:

12 "1-12-54. EMERGENCY SITUATIONS--VOTING ON  
13 CONSTITUTIONAL AMENDMENTS AND OTHER QUESTIONS BY EMERGENCY  
14 PAPER BALLOT.--If a constitutional amendment or other  
15 question is submitted to the voters by emergency paper  
16 ballot, the voter shall mark his emergency paper ballot by  
17 [~~making a cross (X) or a check (V) in the box~~] completing the  
18 arrow that indicates the voter's preference for or against  
19 the proposed amendment."

20 Section 9. Section 1-16-5 NMSA 1978 (being Laws 1969,  
21 Chapter 240, Section 378, as amended) is amended to read:

22 "1-16-5. STATE CONSTITUTIONAL AMENDMENTS--BALLOT--FORMS  
23 FOR EMERGENCY PAPER BALLOTS AND ABSENTEE BALLOTS.--

24 A. All emergency paper ballots and absentee  
25 ballots proposing constitutional amendments shall have  
printed thereon in both English and Spanish the full title of  
the joint resolution proposing the constitutional amendment

underscoring material = new  
~~[bracketed material] = delete~~

1 and the constitutional amendment number assigned to the joint  
2 resolution by the secretary of state. Below the printed  
3 title, there shall be printed on the ballot ~~[two one quarter~~  
4 ~~inch blank boxes. Opposite one of the blank boxes, there~~  
5 ~~shall be printed]~~ in both English and Spanish the ~~[words]~~  
6 word "FOR" and ~~[opposite the other blank box shall be printed~~  
7 ~~in both such languages]~~ the ~~[words]~~ word "AGAINST".

8 B. There shall be printed across the top of such  
9 ballot the following: "Instructions to voters: ~~[if you~~  
10 ~~desire to vote for the amendment, mark a cross (X) or a check~~  
11 ~~(V) or any other mark clearly indicating intention in the~~  
12 ~~+~~ + ~~opposite the words "FOR". If you desire to vote against the~~  
13 ~~amendment, mark a cross (X) or a check (V) or any other mark~~  
14 ~~clearly indicating intention in the ~~+~~ opposite the words~~  
15 ~~"AGAINST"]~~ To vote, complete the arrow pointing to your  
16 choice"."

17  
18 Section 10. EMERGENCY.--It is necessary for the public  
19 peace, health and safety that this act take effect  
20 immediately.