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HOUSE BILL 409

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO ELECTIONS; ALLOWING EARLY PROCESSING OF ABSENTEE
BALLOT OFFICIAL MAILING ENVELOPES.

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

Section 1. Section 1-6-14 NMSA 1978 (being Laws 1971,
Chapter 317, Section 11, as amended) is amended to read:

"1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER
PRECINCT BOARDS. --

A. Before opening [~~any~~] an official mailing
envelope, the presiding judge and the election judges shall
determine that the required information has been completed on
the reverse side of the official mailing envelope.

B. If the voter's signature is missing, the
presiding judge shall write "Rejected" on the front of the
official mailing envelope. The election clerks shall enter the

underscored material = new
[bracketed material] = del ete

underscored material = new
[bracketed material] = delete

1 voter's name in the signature rosters and shall write the
2 notation "Rejected--Missing Signature" in the "Notations"
3 column of the signature rosters. The presiding judge shall
4 place the official mailing envelope unopened in an envelope
5 provided for rejected ballots, seal the envelope and write the
6 voter's name on the front of the envelope and deposit it in the
7 locked ballot box.

8 C. The accredited challengers may examine the
9 official mailing envelope and may challenge the ballot of any
10 absent voter for the following reasons:

11 (1) the official mailing envelope has been
12 opened prior to being received by the absent voter precinct
13 board; or

14 (2) the person offering to vote is not a
15 federal voter, federal qualified elector, overseas citizen
16 voter or voter as provided in the Election Code.

17 Upon the challenge of an absentee ballot, the election
18 judges and the presiding election judge shall follow the same
19 procedure as when ballots are challenged when a person attempts
20 to vote in person. If a challenge is upheld, the official
21 mailing envelope shall not be opened but shall be placed in an
22 envelope provided for challenged ballots. The same procedure
23 shall be followed in canvassing and determining the validity of
24 challenged absentee ballots as with other challenged ballots.

25 D. If the official mailing envelopes have been

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1 properly subscribed and the voters have not been challenged:

2 (1) the election judges shall open the
3 official mailing envelopes and deposit the ballots in their
4 still-sealed official inner envelopes in the locked ballot box;
5 and

6 (2) the election clerks shall enter the absent
7 voter's name and residence address as shown on the official
8 mailing envelope in the signature rosters and shall mark the
9 notation "AB" opposite the voter's name in the "Notations"
10 column of the signature rosters.

11 E. Prior to the closing of the polls, the election
12 judges and the presiding election judge may either remove the
13 absentee ballots from the official inner envelopes and count
14 and tally the results of absentee balloting or, under the
15 personal supervision of the presiding election judge and one
16 election judge from each party, count and tally the absentee
17 ballots on an electronic voting machine the same as if the
18 absent voter had been present and voted in person. It is
19 unlawful for any person to disclose the results of a count and
20 tally or the registration on a voting machine of absentee
21 ballots prior to the closing of the polls.

22 F. Absentee ballots shall be counted and tallied on
23 an electronic voting machine as provided in the Election Code.

24 G. Absent voter precinct polls shall close at the
25 time prescribed by the Election Code for other polling places,

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1 and the results of the election shall be certified as
2 prescribed by the secretary of state.

3 H. The county clerk may convene the absent voter
4 precinct board no more than three days before the day of the
5 election to alphabetize, enter on the roster and sort the
6 absentee ballots by legislative district; provided that ~~[no]~~ a
7 member of the absent voter precinct board shall not open an
8 official ~~[mailing]~~ inner envelope or count and canvass any
9 absentee ballot prior to the day of the election. "

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