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HOUSE BILL 329

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Greg Payne

AN ACT

RELATING TO ELECTIONS; REQUIRING VOTERS TO PRESENT A PHOTO IDENTIFICATION WHEN VOTING; CHANGING REGISTRATION PROCEDURES; PROVIDING FOR EARLY PROCESSING OF ABSENTEE BALLOTS; AUTHORIZING OBSERVATION OF BALLOT COUNTING AND CANVASSING; REQUIRING A PAPER RECEIPT TO BE SUPPLIED TO EACH VOTER; PROVIDING 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] PHOTO IDENTIFICATION.--As used in the Election Code, "photo identification" means a state or federal government issued identification card or document containing the person's name, address and photograph."

Section 2. A new section of Chapter 1, Article 1 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] REGISTRATION AGENT.--As used in the
3 Election Code, "registration agent" means a state or federal
4 employee who provides voter registration at a state agency or
5 any other individual who assists another person in completion
6 of a voter registration application."

7 Section 3. Section 1-1-16 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 16, as amended) is amended to read:

9 "1-1-16. REGISTRATION OFFICER.--As used in the Election
10 Code, "registration officer" means a county clerk or [~~his~~] a
11 clerk's authorized deputy [~~or~~], a member of the board of
12 registration or a state employee performing registration duties
13 in accordance with the federal Help America Vote Act of 2002 or
14 Section 1-4-5.2 NMSA 1978."

15 Section 4. A new section of the Election Code is enacted
16 to read:

17 "[NEW MATERIAL] BALLOT RECEIPT.--Each voter who votes in
18 an election shall be given a numbered paper receipt
19 corresponding to the voter's numbered ballot."

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

22 "1-4-5. METHOD OF REGISTRATION--UNLAWFUL USE OF
23 INFORMATION--PENALTY.--

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

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1 B. The registration officer or agent or qualified
2 elector shall fill out each of the blanks on the original and
3 the voter's copy of the certificate of registration by typing
4 or printing in ink. [~~Carbon paper may be used between the~~
5 ~~original and the voter's copy.~~] The voter shall be given a
6 carbon copy of the original, which shall contain a number
7 traceable to the registration officer or agent.

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

10 (1) [~~a person shall sign his original~~] by
11 signing the certificate of registration using [~~his~~] the
12 qualified elector's given name, middle name or initial and last
13 name; or

14 (2) if any qualified elector seeking to
15 register is unable to read and write either the English or
16 Spanish language or is unable to read or write because of some
17 physical disability, the certificate of such person shall be
18 filled out by a registration officer and the name of the
19 qualified elector so registering shall be subscribed by the
20 making of [~~his~~] the qualified elector's mark.

21 D. When properly executed by the registration agent
22 or officer, [~~the original and the voter's copy of~~] the
23 certificate of registration shall be presented, either in
24 person or by mail by the qualified elector or by the
25 registration agent or officer, to the county clerk of the

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1 county in which the qualified elector resides.

2 E. Only when the certificate of registration is
3 properly filled out, subscribed by the qualified elector and
4 accepted for filing by the county clerk as evidenced by [~~his~~
5 the clerk's signature or stamp and the date of acceptance
6 thereon shall it constitute an official public record of the
7 registration of the qualified elector. It is unlawful for any
8 information required on the certificate of registration to be
9 copied, conveyed or used by anyone other than the person
10 registering to vote, either before or after it is filed with
11 the county clerk, except by elections administrators for
12 purposes of the registration process.

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

16 Section 6. Section 1-4-5.1 NMSA 1978 (being Laws 1993,
17 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
18 as amended) is amended to read:

19 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

20 A. A qualified elector may apply for registration
21 by mail or in the office of the county clerk.

22 B. Certificate of registration forms may be
23 requested from the secretary of state or any county clerk in
24 person, by telephone or by mail for oneself or for others.

25 C. Except as provided in Subsection D of this

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1 section, a qualified elector who wishes to register to vote
2 shall fill out completely and sign the certificate of
3 registration. The qualified elector may seek the assistance of
4 any person in completing the certificate of registration.

5 D. A qualified elector who has filed for an order
6 of protection pursuant to the provisions of the Family Violence
7 Protection Act and who presents a copy of that order from a
8 state or tribal court to the registration officer shall not be
9 required to provide address information on the certificate of
10 registration.

11 E. Completed certificates of registration may be
12 mailed or presented in person by the registrant or any other
13 person to the secretary of state or presented in person by the
14 registrant or any other person to the county clerk of the
15 county in which the registrant resides.

16 F. If the registrant wishes to vote in the next
17 election, the completed and signed certificate of registration
18 shall be delivered or mailed and postmarked at least twenty-
19 eight days before the election.

20 G. Upon receipt of a certificate of registration,
21 the secretary of state shall send the certificate to the county
22 clerk in the county where the qualified elector resides.

23 H. Only when the certificate of registration is
24 properly filled out, signed by the qualified elector and
25 accepted for filing by the county clerk as evidenced by [his]

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1 the county clerk's signature or stamp and the date of
2 acceptance thereon and when notice has been received by the
3 registrant shall it constitute an official public record of the
4 registration of the qualified elector.

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

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

16 (2) the question "Will you be at least
17 eighteen years of age on or before election day?" and boxes for
18 the applicant to check to indicate whether the applicant will
19 be eighteen years of age or older on election day;

20 (3) the statement "If you checked 'no' in
21 response to either of these questions, do not complete this
22 form."; and

23 (4) a statement informing the applicant that:
24 (a) if the form is not submitted in
25 person by the applicant and the applicant is registering for

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1 the first time in New Mexico, the applicant must submit with
2 the form a copy of a current and valid photo identification
3 [~~utility bill, bank statement, government check, paycheck or~~
4 ~~other government document~~] that shows the name and address of
5 the applicant; and

6 (b) [~~if~~] the applicant [~~does not~~] must
7 submit the required photo identification [~~he will be required~~
8 ~~to do so~~] when [~~he votes~~] voting in person or absentee."

9 Section 7. A new section of Chapter 1, Article 4 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] THIRD PARTY REGISTRATION AGENTS--
12 REGISTRATION REQUIRED--PROCEDURES--REPORTS--PENALTY.--

13 A. Registration agents who either register or
14 assist persons to register to vote on behalf of an organization
15 that is not a state or federal agency shall register with the
16 secretary of state, and the organization shall provide the
17 secretary of state with:

18 (1) the name and permanent address of the
19 organization;

20 (2) the names, permanent addresses, temporary
21 addresses, if any, dates of birth and social security numbers
22 of each person registering persons to vote in the state on
23 behalf of the organization; and

24 (3) a sworn statement from each registration
25 agent employed by or volunteering for the organization stating

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1 that the agent will obey all state laws and rules regarding the
2 registration of voters on a form that gives notice of the
3 criminal penalties for false registration.

4 B. Organizations employing registration agents or
5 using volunteer registration agents shall deliver a certificate
6 of registration to the secretary of state or county clerk
7 within twenty-four hours of its completion by the person
8 registering to vote or the next business day if the appropriate
9 office is closed for that twenty-four-hour period.

10 C. Registration agents may be paid an hourly rate
11 or salary but shall not be paid based on the number of voters
12 registered.

13 D. The secretary of state may issue rules to ensure
14 the integrity of the registration process, including rules
15 requiring that organizations account for all registration forms
16 used by their registration agents.

17 E. A person who violates the provisions of this
18 section is guilty of a fourth degree felony."

19 Section 8. Section 1-5-10 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 112, as amended) is amended to read:

21 "1-5-10. VOTER LISTS--SIGNATURE ROSTERS--USE DURING
22 ELECTION.--

23 A. Each precinct board using voter lists shall post
24 securely at or near the entrance of the polling place one copy
25 of the voter list for use of the voters prior to voting. The

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1 posted copy shall not contain a listing of voter social
2 security numbers.

3 B. The presiding judge of the precinct board shall
4 assign one judge of the board to be in charge of one copy of
5 the voter list, which shall be used to confirm the registration
6 and voting of each person offering to vote.

7 C. The presiding judge of the precinct board shall
8 assign one election clerk to be in charge of the signature
9 roster.

10 D. The judge assigned to the voter list used for
11 confirmation of registration and voting shall determine that
12 each person offering to vote is registered and, in the case of
13 a primary election, that the voter is registered in a party
14 designated on the primary election ballot. If the person's
15 registration is confirmed by the presence of [~~his~~] the person's
16 name on the voter list or if the person presents a certificate
17 under the seal and signature of the county clerk showing that
18 [~~he~~] the person is entitled to vote in the election and to vote
19 in that precinct, the judge shall announce to the election
20 clerks the list number and the name of the voter as shown on
21 the voter list.

22 E. The election clerk shall locate that list number
23 and name on the signature roster and shall require the voter to
24 sign [~~his~~] the voter's usual signature or, if unable to write,
25 to make [~~his~~] the voter's mark opposite [~~his~~] the voter's

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1 printed name. If the voter makes [~~his~~] the voter's mark, it
2 shall be witnessed by one of the judges of the precinct board.
3 [~~If the signature roster indicates that the voter is required~~
4 ~~to present a form of identification before voting]~~ The election
5 judge shall ask the voter for a current and valid photo
6 identification [~~or a copy of a current utility bill, bank~~
7 ~~statement, government check, paycheck or other government~~
8 ~~document]~~ that shows and matches the name and address of the
9 voter as indicated on the signature roster. If the voter does
10 not provide the required photo identification, [~~he~~] the voter
11 shall be allowed to vote on a provisional paper ballot.

12 F. The election judge shall follow the procedures
13 provided for in Sections 1-5-12 and 1-12-8 NMSA 1978 if a
14 person whose name does not appear on the signature list
15 requests to vote or a person is required to vote on a
16 provisional paper ballot.

17 G. A voter shall not be permitted to vote until
18 [~~he~~] the voter has properly signed [~~his~~] the voter's usual
19 signature or made [~~his~~] the voter's mark in the signature
20 roster.

21 H. After the poll is closed, the election clerk in
22 charge of a signature roster shall draw a single horizontal
23 line in ink through each signature space in the signature
24 roster where no signature or mark appears."

25 Section 9. Section 1-6-5 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 131, as amended by Laws 2003, Chapter 355,
2 Section 4 and by Laws 2003, Chapter 356, Section 19 and also by
3 Laws 2003, Chapter 357, Section 2) is amended to read:

4 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT--
5 MARKING AND DELIVERY OF BALLOT IN PERSON.--

6 A. The county clerk shall mark each completed
7 absentee ballot application with the date and time of receipt
8 in the clerk's office and enter the required information in the
9 absentee ballot register. The county clerk shall then
10 determine if the applicant is a voter, an absent uniformed
11 services voter or an overseas voter.

12 B. If the applicant does not have a valid
13 certificate of registration on file in the county and [he] is
14 not a federal qualified elector or if the applicant states [he]
15 that the applicant is a federal qualified elector but [his] the
16 application indicates [he] the applicant is not a federal
17 qualified elector, an absentee ballot shall not be issued and
18 the county clerk shall mark the application "rejected" and file
19 the application in a separate file from those accepted.

20 C. The county clerk shall notify in writing each
21 applicant of the fact of acceptance or rejection of [his] the
22 application and, if rejected, shall explain why the application
23 was rejected.

24 ~~D. [If the applicant has on file with the county a~~
25 ~~valid certificate of registration that indicates that the~~

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1 ~~applicant is a voter who registered by mail without submitting~~
2 ~~the required identification]~~ The county clerk shall notify the
3 voter that ~~[he]~~ the voter must submit with ~~[his]~~ the absentee
4 ballot a copy of a current and valid photo identification
5 ~~[utility bill, bank statement, government check, paycheck or~~
6 ~~other government document]~~ that shows the name and address of
7 the applicant. ~~[The county clerk shall note on the absentee~~
8 ~~ballot register and signature roster that the applicant's~~
9 ~~absentee ballot must be returned with the required~~
10 ~~identification.]~~

11 E. If the county clerk finds that the applicant is
12 a voter other than a federal qualified elector or overseas
13 voter, the county clerk shall mark the application "accepted"
14 and, beginning twenty-eight days before the election, deliver
15 an absentee ballot to the voter in the county clerk's office or
16 mail to the applicant an absentee ballot and the required
17 envelopes for use in returning the ballot. If the county clerk
18 finds that the applicant is a federal qualified elector or
19 overseas voter, the county clerk shall mark the application
20 "accepted" and beginning forty-five days before the election,
21 mail to the applicant an absentee ballot and the required
22 envelopes for use in returning the ballot. Acceptance of an
23 application of a federal qualified elector constitutes
24 registration for the election in which the ballot is to be
25 cast. Acceptance of an application from an overseas voter who

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1 is not an absent uniformed services voter constitutes a request
2 for changing information on the certificate of registration of
3 any such voter. An absent voter shall not be permitted to
4 change ~~[his]~~ party affiliation during those periods when change
5 of party affiliation is prohibited by the Election Code. Upon
6 delivery of an absentee ballot to a voter in the county clerk's
7 office or mailing of an absentee ballot to an applicant who is
8 a voter, an appropriate designation shall be made on the
9 signature line of the signature roster next to the name of the
10 voter who has been provided or mailed an absentee ballot.

11 F. If an application for an absentee ballot is
12 delivered in person to the county clerk and is accepted, and
13 the voter presents the required photo identification, the
14 county clerk shall provide the voter an absentee ballot and it
15 shall be marked by the applicant in a voting booth of a type
16 prescribed by the secretary of state, sealed in the proper
17 envelopes and otherwise properly executed and returned to the
18 county clerk or ~~[his]~~ the county clerk's authorized
19 representative before the voter leaves the office of the county
20 clerk. The act of marking the absentee ballot in the office of
21 the county clerk shall be a convenience to the voter in the
22 delivery of the absentee ballot and does not make the office of
23 the county clerk a polling place subject to the requirements of
24 a polling place in the Election Code other than is provided in
25 this subsection. It ~~[shall be]~~ is unlawful to solicit votes,

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1 display or otherwise make accessible any posters, signs or
2 other forms of campaign literature whatsoever in the clerk's
3 office. Absentee ballots may be marked in person at the county
4 clerk's office during the regular hours and days of business
5 beginning on the twenty-eighth day preceding the election and
6 from 10:00 a.m. to 6:00 p.m. on the Saturday immediately prior
7 to the date of the election. In marking the absentee ballot,
8 the voter, pursuant to the provisions of Section 1-12-15 NMSA
9 1978, may be assisted by one person of the voter's choice.

10 G. Commencing on the third Saturday prior to an
11 election, an absent voter may vote in person, on an electronic
12 voting machine at an alternate location established by the
13 county clerk. In class A counties with more than two hundred
14 thousand registered voters, the county clerk shall establish
15 [~~not less~~] no fewer than twelve alternate voting locations as a
16 convenience to the voters. For class A counties with two
17 hundred thousand registered voters or [~~less~~] fewer, the county
18 clerk shall establish [~~not less~~] no fewer than four alternate
19 voting locations. In non-class A counties with more than ten
20 thousand registered voters, the county clerk shall establish at
21 least one alternate voting location. In non-class A counties
22 with ten thousand registered voters or [~~less~~] fewer, early
23 voting shall be conducted in the office of the county clerk or
24 at such alternative locations as may be designated by the
25 county clerk. Absentee voting may be done at an alternate

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1 location from 12:00 p.m. to 8:00 p.m., Tuesday through Friday,
2 and 10:00 a.m. to 6:00 p.m. Saturday through the Saturday
3 immediately prior to the election. The county clerk shall
4 ensure that procedures established for processing an absent
5 voter application and for voting by absentee ballot are
6 complied with at each alternate location. If the otherwise
7 qualified voter does not present the required form of photo
8 identification, the voter shall be given a provisional ballot
9 in accordance with the provisions of Section 1-12-8 NMSA 1978.

10 H. Absentee ballots shall be airmailed or, if so
11 requested, electronically transmitted to applicants temporarily
12 domiciled inside or outside the continental limits of the
13 United States not later than on the [~~Thursday~~] Friday
14 immediately prior to the date of the election.

15 I. An absentee ballot shall not be delivered or
16 mailed by the county clerk to any person other than the
17 applicant for such ballot.

18 ~~[J. The county clerk shall accept and process, with~~
19 ~~respect to a primary or general election for any federal~~
20 ~~office, any otherwise valid voter registration application from~~
21 ~~an absent uniformed services voter or overseas voter if the~~
22 ~~application is received not less than thirty days before the~~
23 ~~election. The county clerk shall also accept and process~~
24 ~~federal write-in absentee ballots from overseas voters in~~
25 ~~general elections for federal offices in accordance with the~~

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1 ~~provisions of Section 103 of the federal Uniformed and Overseas~~
2 ~~Citizens Absentee Voting Act.~~

3 ~~K.]~~ J. The secretary of state and each county clerk
4 shall make reasonable efforts to publicize and inform voters of
5 the times and locations for absentee voting."

6 Section 10. Section 1-6-9 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 135, as amended) is amended to read:

8 "1-6-9. MANNER OF VOTING.--

9 A. A person voting pursuant to the Absent Voter Act
10 shall secretly mark ~~[his]~~ the absentee ballot in the manner
11 provided in the Election Code for marking emergency paper
12 ballots, place it in the official inner envelope and securely
13 seal the envelope. The voter shall then place the official
14 inner envelope and a copy of the required identification inside
15 the official mailing envelope and securely seal the envelope.
16 The voter shall then complete the form on the reverse of the
17 official mailing envelope, which shall include an affirmation
18 by the voter under penalty of perjury that the facts stated in
19 the form are true.

20 B. Federal qualified electors and overseas voters
21 shall either deliver or mail the official mailing envelope or
22 electronically transmit the absentee ballot to the county clerk
23 of their county of residence or deliver it to a person
24 designated by federal authority to receive executed ballots for
25 transmission to the county clerk of the county of residence or

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1 former residence as the case may be. Voters shall either
2 deliver or mail the official mailing envelope to the county
3 clerk of their county of residence."

4 Section 11. Section 1-6-14 NMSA 1978 (being Laws 1971,
5 Chapter 317, Section 11, as amended by Laws 2003, Chapter 354,
6 Section 1 and by Laws 2003, Chapter 356, Section 22) is amended
7 to read:

8 "1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER
9 PRECINCT BOARDS.--

10 A. Before opening an official mailing envelope, the
11 presiding judge and the election judges shall determine that
12 the required information has been completed on the reverse side
13 of the official mailing envelope.

14 B. If the voter's signature is missing, the
15 presiding judge shall write "Rejected" on the front of the
16 official mailing envelope. The election clerks shall enter the
17 voter's name in the signature rosters and shall write the
18 notation "Rejected--Missing Signature" in the "Notations"
19 column of the signature rosters. The presiding judge shall
20 place the official mailing envelope unopened in an envelope
21 provided for rejected ballots, seal the envelope and write the
22 voter's name on the front of the envelope and deposit it in the
23 locked ballot box.

24 C. A lawfully appointed challenger may examine the
25 official mailing envelope and may challenge the ballot of any

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1 absent voter for the following reasons:

2 (1) the official mailing envelope has been
3 opened prior to being received by the absent voter precinct
4 board; or

5 (2) the person offering to vote is not a
6 federal voter, federal qualified elector, overseas voter or
7 voter as provided in the Election Code.

8 Upon the challenge of an absentee ballot, the election
9 judges and the presiding election judge shall follow the same
10 procedure as when ballots are challenged when a person attempts
11 to vote in person. If a challenge is upheld, the official
12 mailing envelope shall not be opened but shall be placed in an
13 envelope provided for challenged ballots. The same procedure
14 shall be followed in canvassing and determining the validity of
15 challenged absentee ballots as with other challenged ballots.

16 D. If the official mailing envelope has been
17 properly subscribed and the voter has not been challenged:

18 (1) the election judges shall open the
19 official mailing envelope and deposit the ballot in its still-
20 sealed official inner envelope in the locked ballot box; and

21 (2) the election clerks shall enter the absent
22 voter's name and residence address as shown on the official
23 mailing envelope in the signature rosters and shall mark the
24 notation "AB" opposite the voter's name in the "Notations"
25 column of the signature rosters.

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1 E. Prior to the closing of the polls, the election
2 judges and the presiding election judge may either remove the
3 absentee ballots from the official inner envelopes and count
4 and tally the results of absentee balloting or, under the
5 personal supervision of the presiding election judge and one
6 election judge from each major political party, count and tally
7 the absentee ballots on an electronic voting machine the same
8 as if the absent voters had been present and voted in person.
9 It is unlawful for a person to disclose the results of a count
10 and tally or the registration on a voting machine of absentee
11 ballots prior to the closing of the polls.

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

14 G. Absent voter precinct polls shall close at the
15 time prescribed by the Election Code for other polling places,
16 and the results of the election shall be certified as
17 prescribed by the secretary of state.

18 H. The county clerk may convene the absent voter
19 precinct board no more than three days before the day of the
20 election to alphabetize, enter on the roster and sort the
21 absentee ballots by legislative district; provided that a
22 member of the absent voter precinct board shall not open an
23 official inner mailing envelope or count and canvass any
24 absentee ballot prior to the day of the election.

25 I. If an absentee ballot does not contain the photo

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1 identification required pursuant to Subsection D of Section
2 1-6-5 NMSA 1978, it shall be handled as a provisional paper
3 ballot in accordance with the Election Code."

4 Section 12. Section 1-12-8 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 247, as amended) is amended to read:

6 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

7 A. A person shall be permitted to vote on a
8 provisional paper ballot even though [~~his~~] the person's
9 original certificate of registration cannot be found in the
10 county register or even if [~~his~~] the person's name does not
11 appear on the signature roster, provided:

12 (1) [~~his~~] the person's residence is within the
13 boundaries of the county in which [~~he~~] the person offers to
14 vote;

15 (2) [~~his~~] the person's name is not on the list
16 of persons submitting absentee ballots; and

17 (3) [~~he~~] the person executes a statement
18 swearing or affirming to the best of [~~his~~] the person's
19 knowledge that [~~he~~] the person is a qualified elector, is
20 currently registered and eligible to vote in that county and
21 has not cast a ballot or voted in that election.

22 B. A voter shall vote on a provisional paper ballot
23 if the voter

24 [~~(1) has not previously voted in a general~~
25 ~~election in New Mexico;~~

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1 ~~(2) did not register to vote in person;~~
2 ~~(3) did not submit the required identification~~
3 ~~with the certificate of registration form; and~~

4 (4)] does not present to the election judge
5 ~~[one of the following forms of identification that matches the~~
6 ~~name and address on the voter's certificate of registration:~~

7 (a)] a current and valid photo identification
8 [or

9 (b) ~~a copy of a current utility bill, bank~~
10 ~~statement, government check, paycheck or other government~~
11 ~~document]~~ that shows the name and address of the voter.

12 C. An election judge shall have the voter sign the
13 signature roster and issue the voter a provisional paper
14 ballot, an outer envelope and an official inner envelope. The
15 voter shall vote on the provisional paper ballot in secrecy and
16 when done, place the ballot in the official inner envelope and
17 place the official inner envelope in the outer envelope and
18 return it to the precinct officer. The election judge shall
19 ensure that the required information is completed on the outer
20 envelope, have the voter sign it in the appropriate place and
21 place it in an envelope designated for provisional paper
22 ballots.

23 D. Knowingly executing a false statement
24 constitutes perjury as provided in the Criminal Code of this
25 state, and voting on the basis of such falsely executed

1 statement constitutes fraudulent voting."

2 Section 13. A new section of Chapter 1, Article 14 NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] POST ELECTION DUTIES--OBSERVERS.--A
5 candidate in the election being canvassed or the candidate's
6 representative may observe the ballot counting process in a
7 precinct, a county canvass and the state canvass of election
8 returns."

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25
underscored material = new
[~~bracketed material~~] = delete

.152895.1