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HOUSE BILL 735

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

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO ELECTIONS; CHANGING THE DEADLINE FOR ACCEPTANCE OF
ABSENTEE BALLOTS; REQUIRING THE COUNTING AND TALLYING OF
ABSENTEE BALLOTS RECEIVED WITHIN SEVEN DAYS OF ELECTION DAY.

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 and number-sealed ballot box, except as provided in
Subsection H of Section 1-6-14 NMSA 1978, until it is delivered
on election day to the proper absent voter precinct board or

.154927.1

underscoring material = new
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1 until it is canceled and destroyed in accordance with law.

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

19 C. Any official mailing envelopes received after
20 election day but before the acceptance deadline shall be
21 delivered to the county canvassing board to be opened, counted
22 and tallied before the board certifies the county canvass. The
23 county canvass board shall not certify the results of the
24 election until it has counted the late absentee ballots.

25 [~~E.~~] D. At 5:00 p.m. on the Monday immediately

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

1 preceding the date of election, the county clerk shall record
2 the numbers of the unused absentee ballots and shall publicly
3 destroy in the county clerk's office all such unused ballots.
4 The county clerk shall execute a certificate of destruction,
5 which shall include the numbers on the absentee ballots
6 destroyed. A copy of the certificate of destruction shall be
7 sent to the secretary of state."

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