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HOUSE BILL 487

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY
Nathan P. Cote

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE ELECTRONIC TRANSMITTAL OF ABSENTEE BALLOTS FOR FEDERAL QUALIFIED ELECTORS AND OVERSEAS VOTERS.

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

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

"1-6-9. MANNER OF VOTING--ALTERNATE DELIVERY METHODS.--

A. Except as provided in Subsection B of this section or Section 1-6-5.7 NMSA 1978, a person voting pursuant to the Absent Voter Act shall secretly mark the absentee ballot in the manner provided in the Election Code for marking paper ballots, place it in the official inner envelope and securely seal the envelope. The voter shall then place the official inner envelope inside the official mailing envelope and

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1 securely seal the envelope. The voter shall then complete the
2 form on the reverse of the official mailing envelope, which
3 shall include an affirmation by the voter under penalty of
4 perjury that the facts stated in the form are true and the
5 voter's name, registration address and year of birth. Voters
6 shall either deliver or mail the official mailing envelope to
7 the county clerk of their county of residence.

8 B. Federal qualified electors and overseas voters
9 shall either deliver or mail the official mailing envelope or,
10 in accordance with Subsection C of this section, electronically
11 transmit the absentee ballot to the county clerk of their
12 county of residence or deliver it to a person designated by
13 federal authority to receive executed ballots for transmission
14 to the county clerk of the county of residence or former
15 residence as the case may be. [~~Voters shall either deliver or~~
16 ~~mail the official mailing envelope to the county clerk of their~~
17 ~~county of residence.~~]

18 C. A federal qualified elector or overseas voter
19 may return an absentee ballot by electronic transmission if:

20 (1) the voter signs a statement under penalty
21 of perjury waiving the right of secrecy of the voter's ballot;

22 (2) the voter transmits the statement with the
23 absentee ballot; and

24 (3) the transmission of the absentee ballot
25 and statement are received by the county clerk no later than

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7:00 p.m. on election day."