

1 AN ACT

2 RELATING TO ELECTIONS; STANDARDIZING LANGUAGE IN THE ELECTION
3 CODE; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR
4 BALLOT-PRINTING SYSTEMS; ALLOWING FOR ELECTION OBSERVERS AND
5 ELECTION-RELATED ORGANIZATIONS; DELIMITING DUTIES OF THE
6 SECRETARY OF STATE AND COUNTY CLERKS; PROVIDING FOR THE
7 APPOINTMENT AND OPERATION OF PRECINCT BOARDS; PROVIDING FOR
8 CHALLENGERS, WATCHERS AND COUNTY CANVASS OBSERVERS; PROVIDING
9 REGISTRATION PROCEDURES; PROVIDING VOTING PROCEDURES FOR
10 EARLY IN-PERSON ABSENTEE VOTING; PROVIDING QUALIFICATION
11 PROCEDURES FOR MINOR PARTIES; SETTING THE DATE OF THE PRIMARY
12 ELECTION; SETTING FILING DATES FOR CERTAIN CANDIDATES;
13 PRESCRIBING THE FORM FOR NOMINATING PETITIONS; PROVIDING
14 PROCEDURES FOR CERTIFICATION AND PREPARATION OF VOTING
15 MACHINES; PROVIDING FOR ELECTION AND POST-ELECTION
16 PROCEDURES; AMENDING, REPEALING, ENACTING AND RECOMPILING
17 SECTIONS OF THE NMSA 1978.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. A new section of Chapter 1, Article 1 NMSA
21 1978 is enacted to read:

22 "ELECTION OBSERVER.--As used in the Election Code,
23 "election observer" means a person registered with the United
24 States department of state as an international election
25 observer or a person registered with the New Mexico secretary

1 of state who is an academic engaged in research on elections
2 and the election process."

3 SECTION 2. A new section of Chapter 1, Article 1 NMSA
4 1978 is enacted to read:

5 "ELECTION-RELATED ORGANIZATION.--As used in the Election
6 Code, "election-related organization" means an organization
7 registered with the secretary of state that is involved in
8 election monitoring or voter turnout activities."

9 SECTION 3. A new section of Chapter 1, Article 1 NMSA
10 1978 is enacted to read:

11 "BALLOT BOX KEY.--As used in the Election Code, "ballot
12 box key" means:

13 A. a physical key that opens a lock used to secure
14 a ballot box; or

15 B. the number on a numbered seal affixed to secure
16 a ballot box."

17 SECTION 4. Section 1-1-3.1 NMSA 1978 (being Laws 2003,
18 Chapter 356, Section 1) is amended to read:

19 "1-1-3.1. ELECTION CYCLE.--Except as otherwise
20 provided, as used in the Election Code:

21 A. "election cycle" means the period beginning on
22 the day after the last general election and ending on the day
23 of the general election;

24 B. "general election cycle" means the period
25 beginning on the day after the primary election and ending on

1 the day of the general election; and

2 C. "primary election cycle" means the period
3 beginning on the day after the last general election and
4 ending on the day of the primary election."

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

7 "1-1-4. QUALIFIED ELECTOR.--As used in the Election
8 Code, "qualified elector" means any resident of this state
9 who is qualified to vote under the provisions of the
10 constitution of New Mexico and the constitution of the United
11 States."

12 SECTION 6. Section 1-1-5 NMSA 1978 (being Laws 1969,
13 Chapter 240, Section 5) is amended to read:

14 "1-1-5. VOTER.--As used in the Election Code, "voter"
15 means any qualified elector, federal qualified elector or
16 overseas voter who is registered under the provisions of the
17 Election Code."

18 SECTION 7. Section 1-1-12 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 11, as amended) is amended to read:

20 "1-1-12. CONSOLIDATED PRECINCT.--

21 A. As used in the Election Code, "consolidated
22 precinct" means the combination of two or more precincts into
23 one polling place pursuant to the provisions of Section 1-3-4
24 NMSA 1978.

25 B. When consolidated precincts are used in an

1 election, references to "precincts" in the voting process
2 shall be applicable to consolidated precincts."

3 SECTION 8. Section 1-1-13 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 12) is amended to read:

5 "1-1-13. PRECINCT BOARD.--As used in the Election Code,
6 "precinct board" or "poll workers" means the appointed
7 election officials serving a single precinct, a consolidated
8 precinct, an absent voter precinct or an alternate voting
9 location."

10 SECTION 9. Section 1-1-14 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 14, as amended) is amended to read:

12 "1-1-14. PUBLICATION.--

13 A. As used in the Election Code, "publication",
14 unless otherwise provided in the constitution of New Mexico
15 or the Election Code, means publication for the required
16 number of times in a newspaper of general circulation in the
17 county. "Publication in Spanish" means publication for the
18 required number of times in an official Spanish language
19 newspaper as set forth in Section 14-11-13 NMSA 1978 or any
20 other Spanish language newspaper that meets the requirements
21 of Section 14-11-2 NMSA 1978 if such newspaper exists in the
22 county and is of general circulation in the county.

23 B. In addition to publication as required by
24 Subsection A of this section, any publication required of:

25 (1) the secretary of state shall also be

1 posted in the office of the secretary of state and on the
2 secretary of state's web site; and

3 (2) the county clerk shall also be posted in
4 the office of the county clerk and on the county's web site,
5 if the county maintains a web site."

6 SECTION 10. Section 1-1-15 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 15) is amended to read:

8 "1-1-15. POSTING.--

9 A. As used in the Election Code, "posting" means
10 posting for not less than seven days prior to an election or
11 to an action to be taken.

12 B. A posting as described in Subsection A of this
13 section is satisfied by posting in the office of:

14 (1) the secretary of state and on the
15 secretary of state's web site, when the secretary of state
16 has the duty to post; or

17 (2) the county clerk and on the county's web
18 site, if the county maintains a web site, when the county
19 clerk has the duty to post."

20 SECTION 11. A new section of Chapter 1, Article 2 NMSA
21 1978 is enacted to read:

22 "STATE CANVASS OBSERVERS.--

23 A. The state chair of each political party
24 represented on the ballot may appoint in writing state
25 canvass observers. A candidate for elected office and an

1 election-related organization may each appoint state canvass
2 observers if the candidate or organization makes a written
3 request to the secretary of state at least ten days prior to
4 the election date and specifies the names of the qualified
5 appointees.

6 B. State canvass observers shall be voters of the
7 state. No person shall be qualified for appointment or
8 service as a state canvass observer who is a sheriff, deputy
9 sheriff, marshal, deputy marshal or state or municipal police
10 officer.

11 C. The state canvass observer or election
12 observer, upon presentation of the observer's written
13 appointment, shall be permitted to be present at any time
14 from the time the state canvassing begins until the
15 completion of the canvass.

16 D. A state canvass observer or election observer
17 is strictly limited to observing and documenting the
18 canvassing process, and shall not interrupt the canvassing
19 process.

20 E. State canvass observers shall not interfere
21 with the orderly conduct of the canvass and may be removed by
22 the secretary of state if the observer does not comply with
23 the law.

24 F. As used in this section, "state canvass" means
25 the process of examining election returns and certificates

1 issued by the county canvassing boards and ending with the
2 certification and announcement of the results by the state
3 canvassing board."

4 SECTION 12. Section 1-2-1 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 22, as amended) is amended to read:

6 "1-2-1. SECRETARY OF STATE--CHIEF ELECTION
7 OFFICER--RULES--ENFORCEMENT POWERS.--

8 A. The secretary of state is the chief election
9 officer of the state and shall:

10 (1) obtain and maintain uniformity in the
11 application, operation and interpretation of the Election
12 Code;

13 (2) subject to the State Rules Act, make
14 rules pursuant to the provisions of, and necessary to carry
15 out the purposes of, the Election Code and shall furnish to
16 the county clerks copies of such rules; provided that no rule
17 is adopted or amended within the fifty-six days before a
18 primary or a general election; and

19 (3) through the attorney general or the
20 district attorney having jurisdiction, bring such actions as
21 deemed necessary and proper for the enforcement of the
22 provisions of the Election Code.

23 B. No forms or procedures shall be used in any
24 election held pursuant to the Election Code without prior
25 approval of the secretary of state."

1 SECTION 13. Section 1-2-2 NMSA 1978 (being Laws 1969,
2 Chapter 240, Section 23, as amended) is amended to read:

3 "1-2-2. SECRETARY OF STATE--GENERAL DUTIES.--The
4 secretary of state shall:

5 A. generally supervise all elections by
6 administering the Election Code in its statewide application;

7 B. prepare instructions for the conduct of
8 election and registration matters in accordance with the laws
9 of the state;

10 C. advise county clerks, boards of county
11 commissioners and boards of registration as to the proper
12 methods of performing their duties prescribed by the Election
13 Code;

14 D. report possible violations of the Election Code
15 of which the secretary of state has knowledge to the district
16 attorney or the attorney general for prosecution;

17 E. cause to be published in book form and
18 distributed to the county clerk of each county for use by
19 precinct boards a sufficient number of copies of the Election
20 Code as it is from time to time amended and supplemented;

21 F. be responsible for the education and training
22 of county clerks regarding elections;

23 G. be responsible for the education and training
24 of voting machine technicians; and

25 H. assist the county clerks in the education and

1 training of registration officers."

2 SECTION 14. Section 1-2-7 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 29, as amended) is amended to read:

4 "1-2-7. PRECINCT BOARD--QUALIFICATION OF
5 MEMBERS--QUALIFICATION OF PRESIDING JUDGES--QUALIFICATION
6 OF MINORS.--

7 A. In order to qualify as a member of the precinct
8 board, a person shall:

9 (1) be a voter of the county in which the
10 person is appointed to serve;

11 (2) be able to read and write;

12 (3) have the necessary capacity to carry out
13 a precinct board member's functions with acceptable skill and
14 dispatch; and

15 (4) execute the precinct board member's oath
16 of office.

17 B. Before serving as a presiding judge of a
18 precinct board, a person shall receive training in the duties
19 of that position and be certified for the position by the
20 county clerk.

21 C. No person shall be qualified for appointment or
22 service on a precinct board:

23 (1) who is a candidate to be voted for at
24 the election;

25 (2) who is a spouse, parent, child, brother

1 or sister of any candidate to be voted for at the election;

2 (3) who is married to a parent, child,
3 brother or sister of any candidate to be voted for at the
4 election or who is the parent of the spouse of any candidate
5 to be voted for at the election; or

6 (4) who is a sheriff, deputy sheriff,
7 marshal, deputy marshal or state or municipal police officer.

8 D. A county clerk may appoint not more than two
9 minors to serve on a precinct board under the direct
10 supervision of the presiding judge. A minor appointed by the
11 county clerk shall:

12 (1) meet the qualifications set forth in
13 Subsection A of this section, except the minor need not be
14 eligible to vote;

15 (2) be sixteen or seventeen years of age at
16 the time of the election in which the minor is serving as a
17 member of a precinct board;

18 (3) be a citizen at the time of the election
19 for which the minor will be serving as a member of a precinct
20 board;

21 (4) have the approval of the minor's parent
22 or legal guardian, unless the minor is emancipated;

23 (5) attend at least one school of
24 instruction in accordance with the provisions of Section

25 1-2-17 NMSA 1978; and

1 (6) be appointed to a precinct board in the
2 county in which the minor's parent or legal guardian resides,
3 in accordance with the provisions of Section 1-2-11 NMSA
4 1978.

5 E. A minor appointed to a precinct board shall not
6 serve as the presiding judge or as an election judge."

7 SECTION 15. Section 1-2-11 NMSA 1978 (being Laws 1977,
8 Chapter 222, Section 5) is amended to read:

9 "1-2-11. PRECINCT BOARD--ASSIGNMENT.--Wherever
10 possible, the county clerk shall assign persons appointed as
11 precinct board members to serve in precincts wherein they
12 reside or in precincts located in the representative district
13 wherein they reside. In the event of a shortage or absence
14 of precinct board members in certain precincts, the county
15 clerk may, in the best interest of the election process,
16 assign appointed precinct board members to serve on any
17 precinct board in the county, provided that such appointed
18 board members shall not change the proportionate
19 representation of each party on the board."

20 SECTION 16. Section 1-2-12 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 32, as amended) is amended to read:

22 "1-2-12. PRECINCT BOARD--NUMBER FOR EACH PRECINCT.--

23 A. For primary, general and special federal
24 elections, the precinct board shall consist of:

25 (1) a presiding judge;

1 (2) two election judges; and

2 (3) one election clerk.

3 B. The county clerk, in appointing precinct boards
4 for primary, general and special federal elections:

5 (1) shall appoint presiding judges and
6 election judges so that at least one election judge shall not
7 be of the same political party, if any, as the presiding
8 judge; and

9 (2) may appoint teams of presiding judges
10 and election judges for absent voter precincts and alternate
11 voting locations, provided that each team meets the
12 requirements pursuant to Paragraph (1) of this subsection.

13 C. For all other elections, the precinct board
14 shall consist of:

15 (1) a presiding judge;

16 (2) one election judge; and

17 (3) one election clerk.

18 D. If the county clerk determines that additional
19 election clerks are needed, the clerk may appoint such
20 additional election clerks as the clerk deems necessary."

21 SECTION 17. Section 1-2-14 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 34, as amended) is amended to read:

23 "1-2-14. PRECINCT BOARDS--NOTICE OF APPOINTMENT.--

24 A. Immediately after the appointment of the
25 precinct boards, the county clerk shall:

1 (1) make and certify a list of the names of
2 the appointees for each polling location, by precinct where
3 applicable, post the list in a conspicuous and accessible
4 place in the county clerk's office and keep it posted for
5 five days and send a copy of the list upon request to the
6 county chair of each political party participating in the
7 election and to the secretary of state; and

8 (2) notify each person appointed, request
9 the person's acceptance and keep a record of all
10 notifications and acceptances.

11 B. If any person appointed to a precinct board
12 fails to accept the appointment within two weeks after the
13 notice was sent or communicated, the county clerk shall
14 appoint another qualified person for the precinct board."

15 SECTION 18. Section 1-2-16 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 36, as amended) is amended to read:

17 "1-2-16. PRECINCT BOARD--COMPENSATION.--

18 A. Members of a precinct board shall be
19 compensated for their services at the rate of not less than
20 the federal minimum hourly wage rate nor more than two
21 hundred dollars (\$200) for an election day.

22 B. Members of a precinct board assigned to
23 alternate voting locations or absent voter precincts may be
24 compensated at an hourly rate set by the county clerk.

25 C. Compensation shall be paid within thirty days

1 following the date of election."

2 SECTION 19. Section 1-2-17 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 37, as amended) is amended to read:

4 "1-2-17. PRECINCT BOARD--SCHOOLS OF INSTRUCTION.--

5 A. The county clerk shall cause to be held a
6 public school of instruction for all presiding judges,
7 precinct boards and others who will be officially concerned
8 with the conduct of elections.

9 B. The schools for instruction provided for in
10 this section shall be as follows:

11 (1) one school not less than seven days
12 before the primary election;

13 (2) one school not less than seven days
14 before the general election; and

15 (3) one school not less than seven days
16 before any other statewide election.

17 C. All major details of the conduct of elections
18 shall be covered by the county clerk or the clerk's
19 authorized representative at such school, with special
20 emphasis being given to recent changes in the Election Code.

21 D. The school of instruction shall be open to any
22 interested person, and notice of the school shall be given to
23 the public press at least four days before the school is to
24 be held. Each member of the precinct board shall be notified
25 at least seven days prior to commencement of the school.

1 E. A person shall not serve as a judge or member
2 of a precinct board in any election unless that person has
3 attended at least one such school of instruction in the
4 calendar year of the election at which the person is
5 appointed to serve or has been certified by the county clerk
6 with respect to the person's completion of the school of
7 instruction. This subsection shall not apply to filling of
8 vacancies on election day as provided in Subsection B of
9 Section 1-2-15 NMSA 1978."

10 SECTION 20. Section 1-2-21 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 40, as amended) is amended to read:

12 "1-2-21. CHALLENGERS--APPOINTMENT.--

13 A. The county chair of each political party
14 represented on the ballot may appoint in writing challengers
15 for each polling location. If more than one challenger is
16 appointed to a polling location, the challengers shall be
17 listed in ranking order.

18 B. If any county chair fails to make such
19 appointments, the precinct chair of the political party may
20 appoint in writing one challenger for the polling location
21 corresponding to the precinct.

22 C. If any precinct chair fails to make such
23 appointments, or if no person properly appointed is present
24 at the polling place and offers to serve, the voters present
25 belonging to that political party may appoint one challenger

1 in writing."

2 SECTION 21. Section 1-2-22 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 41, as amended) is amended to read:

4 "1-2-22. CHALLENGERS, WATCHERS AND ELECTION
5 OBSERVERS--QUALIFICATIONS--RESTRICTIONS.--Challengers and
6 watchers shall be voters of a precinct located in that county
7 to which they are appointed. No person shall be qualified
8 for appointment or service as a challenger, watcher or
9 election observer:

10 A. who is a candidate for any office to be voted
11 for at the election;

12 B. who is a spouse, parent, child, brother or
13 sister of any candidate to be voted for at the election;

14 C. who is married to a parent, child, brother or
15 sister of any candidate to be voted for at the election or
16 who is the parent of the spouse of any candidate to be voted
17 for at the election; or

18 D. who is a sheriff, deputy sheriff, marshal,
19 deputy marshal or state or municipal police officer."

20 SECTION 22. Section 1-2-23 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 42, as amended) is amended to read:

22 "1-2-23. CHALLENGERS--PERMITTED ACTIVITIES.--

23 A. A challenger, upon presentation of the written
24 appointment to the precinct board, shall be permitted to be
25 present at any time from the time the precinct board convenes

1 at the polling place until the completion of the precinct
2 board's duties after the polls close.

3 B. A challenger, for the purpose of interposing
4 challenges, may:

5 (1) view the signature roster or precinct
6 voter list for the purpose of determining whether the
7 challenger desires to interpose a challenge when a signature
8 roster or precinct voter list is used;

9 (2) view the application to vote form before
10 the voter receives a ballot for the purpose of determining
11 whether the challenger desires to interpose a challenge when
12 an application to vote form is used;

13 (3) view the signature roster or checklist
14 of voters to determine whether entries are being made in
15 accordance with the Election Code;

16 (4) view each voting machine before the
17 polls are opened to ensure that the public counter is at
18 zero, that the results tape contains no votes and that there
19 are no voted ballots in the voting machine bins; and

20 (5) make in any polling place and preserve
21 for future reference written memoranda of any action or
22 omission on the part of any member of the precinct board."

23 SECTION 23. Section 1-2-25 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 44, as amended) is amended to read:

25 "1-2-25. CHALLENGERS, WATCHERS, COUNTY CANVASS

1 OBSERVERS--PERMITTED AND PROHIBITED ACTIVITIES.--

2 A. Challengers, watchers and county canvass
3 observers shall:

4 (1) not be permitted to perform any duty of
5 a precinct board member;

6 (2) not handle the ballots, signature
7 rosters, checklist of voters or voting machines or take any
8 part in the counting or tallying of the ballots or the county
9 canvass;

10 (3) not be allowed to view a voter's full
11 date of birth or any portion of the voter's social security
12 number;

13 (4) not interfere with the orderly conduct
14 of the election, the counting or tallying of the ballots or
15 the county canvass;

16 (5) be allowed in the room in which the
17 voting is being conducted at a polling location, provided
18 that at any given time each political party, candidate or
19 election-related organization may have no more than one
20 person present; and

21 (6) be allowed in the room in which the
22 absent voter precinct board conducts its business or, in the
23 case of county canvass observers, in which the county canvass
24 is conducted, provided that each political party, candidate
25 or election-related organization shall have no more than:

1 (a) two persons present at any given
2 time in counties with more than ten thousand registered
3 voters;

4 (b) four persons present at any given
5 time in counties with more than fifty thousand registered
6 voters; or

7 (c) fifteen persons present at any
8 given time in counties with more than two hundred fifty
9 thousand registered voters.

10 B. Subject to permission granted by the county
11 clerk, additional challengers may be present in the room in
12 which the absent voter precinct board conducts its business,
13 provided that the number of additional challengers allowed
14 pursuant to this subsection is identical for each political
15 party participating in the election."

16 SECTION 24. Section 1-2-26 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 45, as amended) is amended to read:

18 "1-2-26. CHALLENGERS--PENALTY.--The act of denying a
19 challenger, who has presented a written appointment to the
20 precinct board and who is not interfering with the orderly
21 conduct of the election, the right to be present at the
22 polling place, or denying a challenger the right to challenge
23 voters and view the signature rosters or checklist of voters
24 or denying a challenger the right to witness the precinct
25 board in the conduct of its duties is a petty misdemeanor."

1 SECTION 25. Section 1-2-27 NMSA 1978 (being Laws 1969,
2 Chapter 240, Section 46, as amended) is amended to read:

3 "1-2-27. WATCHERS--APPOINTMENT.--

4 A. An election-related organization may appoint
5 watchers in a county if the organization provides a written
6 notice to the secretary of state at least ten days prior to
7 the election date and specifies the names of the qualified
8 appointees. The secretary of state shall notify the county
9 clerk of the qualified appointees at least five days before
10 the election.

11 B. Any group of three candidates for elected
12 office may appoint watchers in a county if the candidates
13 provide a written notice to the secretary of state at least
14 ten days prior to the election date and specify the names of
15 the qualified appointees. The secretary of state shall
16 notify the county clerk of the qualified appointees at least
17 five days before the election."

18 SECTION 26. Section 1-2-29 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 48, as amended) is amended to read:

20 "1-2-29. WATCHERS AND ELECTION OBSERVERS--PERMISSIBLE
21 ACTIVITIES.--

22 A. Upon presentation to a precinct board of a
23 written appointment, a watcher or election observer may:

24 (1) be present at any time from the time the
25 precinct board convenes at the polling place until the

1 completion of the precinct board's duties after the polls
2 close;

3 (2) be permitted to observe that the
4 election is being conducted in accordance with the Election
5 Code;

6 (3) view the precinct voter list to
7 ascertain whether a voter has voted, subject to the same
8 prohibitions and restrictions as are placed upon challengers
9 by the Election Code;

10 (4) view any voting machine being used in
11 the precinct in the same manner that challengers may examine
12 the voting machines; and

13 (5) make in any polling place and preserve
14 for future reference written memoranda of any action or
15 omission on the part of any member of the precinct board
16 charged with the performance of a duty by the Election Code.

17 B. A watcher appointed on behalf of candidates may
18 be present only in polling locations within the county of
19 appointment at which ballots are cast for at least one of the
20 candidates making the appointment."

21 SECTION 27. Section 1-2-30 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 49) is amended to read:

23 "1-2-30. WATCHERS AND ELECTION OBSERVERS--PENALTY.--The
24 act of denying a watcher or an election observer, who has
25 presented a written appointment to the precinct board and who

1 is not interfering with the orderly conduct of the election,
2 the right to be present at the polling place or denying a
3 watcher or election observer the right to witness the
4 precinct board in the conduct of its duties is a petty
5 misdemeanor."

6 SECTION 28. Section 1-2-31 NMSA 1978 (being Laws 2005,
7 Chapter 270, Section 15) is amended to read:

8 "1-2-31. COUNTY CANVASS OBSERVERS.--

9 A. The county chair of each political party
10 represented on the ballot may appoint in writing county
11 canvass observers. A candidate for elected office and an
12 election-related organization may each appoint county canvass
13 observers in a county if the candidate or organization makes
14 a written request to the secretary of state at least ten days
15 prior to the election date and specifies the names of the
16 qualified appointees. The secretary of state shall notify
17 the county clerk of the qualified appointees at least five
18 days before the election.

19 B. County canvass observers shall be voters of a
20 precinct located in that county to which they are appointed.
21 No person shall be qualified for appointment or service as a
22 county canvass observer who is a sheriff, deputy sheriff,
23 marshal, deputy marshal or state or municipal police officer.

24 C. A county canvass observer or an election
25 observer, upon presentation of the observer's written

1 appointment, shall be permitted to be present at any time
2 from the time the county canvassing begins until the
3 completion of the canvass.

4 D. A county canvass observer or election observer
5 is strictly limited to observing and documenting the
6 canvassing process and shall not interrupt the canvassing
7 process.

8 E. County canvass observers and election observers
9 shall not interfere with the orderly conduct of the canvass
10 and may be removed by the county clerk if the observer does
11 not comply with the law.

12 F. As used in this section, "county canvass" means
13 the process of qualifying and verifying paper ballots and
14 counting and tallying votes for each precinct beginning upon
15 the closing of the polls and ending with the certification
16 and announcement of the results by the county canvassing
17 board."

18 SECTION 29. Section 1-3-3 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 52, as amended) is amended to read:

20 "1-3-3. PRECINCTS--COMBINED.--

21 A. In the interest of economy, the board of county
22 commissioners may combine any precinct where the total vote
23 cast from that precinct in the last preceding general
24 election was less than one hundred with an adjacent and
25 contiguous precinct.

1 B. No such combination shall be made where the
2 total vote cast from both precincts in the last preceding
3 general election exceeds eight hundred or where such
4 combinations would cross legislative district boundary
5 lines."

6 SECTION 30. Section 1-4-2 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 60, as amended) is amended to read:

8 "1-4-2. QUALIFICATION FOR REGISTRATION.--Any resident
9 of New Mexico who will be a qualified elector at the date of
10 the next ensuing election shall be permitted within the
11 provisions of the Election Code to register and become a
12 voter."

13 SECTION 31. Section 1-4-5 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 63, as amended) is amended to read:

15 "1-4-5. METHOD OF REGISTRATION--UNLAWFUL USE OF
16 INFORMATION--PENALTY.--

17 A. A qualified elector may apply to a registration
18 officer or agent for registration.

19 B. The registration officer or agent or qualified
20 elector shall fill out each of the blanks on the certificate
21 of registration by typing or printing in ink. The qualified
22 elector shall be given a receipt that shall contain:

23 (1) a number traceable to the registration
24 agent or officer;

25 (2) a statement informing the qualified

1 elector that if the qualified elector does not receive
2 confirmation of the qualified elector's registration within
3 fifteen days of the receipt date, the qualified elector
4 should contact the office of the county clerk in the county
5 where the qualified elector resides; and

6 (3) a toll-free number for the office of the
7 county clerk and an address for the web site of the secretary
8 of state.

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

11 (1) by signing the certificate of
12 registration using the qualified elector's given name, middle
13 name or initial and last 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
17 some physical disability, the certificate of such person
18 shall be filled out by a registration officer or agent and
19 the name of the qualified elector so registering shall be
20 subscribed by the making of the qualified elector's mark.

21 D. When properly executed by the registration
22 agent or officer or qualified elector, the original 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

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 the
5 county 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
8 the qualified elector's month and day of birth or any portion
9 of the qualified elector's social security number required on
10 the certificate of registration to be copied, conveyed or
11 used by anyone other than the person registering to vote,
12 either before or after it is filed with the county clerk, and
13 by elections administrators in their official capacity.

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

17 SECTION 32. Section 1-4-15 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 71, as amended) is amended to read:

19 "1-4-15. REGISTRATION--CHANGE OF PARTY AFFILIATION.--

20 A. A voter may change the voter's designated party
21 affiliation by executing a new certificate of registration
22 indicating the change of party affiliation.

23 B. A voter who has previously declined to
24 designate a party affiliation but who desires to designate a
25 party affiliation shall execute a new certificate of

1 registration indicating the desired party affiliation.

2 C. A voter who does not designate on the
3 certificate of registration a party affiliation shall be
4 considered to have declined to designate a party
5 affiliation."

6 SECTION 33. Section 1-4-18 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 74, as amended by Laws 1993, Chapter
8 314, Section 17 and also by Laws 1993, Chapter 316,
9 Section 17) is amended to read:

10 "1-4-18. CHANGE OF REGISTERED RESIDENCE TO ANOTHER
11 COUNTY.--When a voter changes the voter's registered
12 residence address from one county in this state to another
13 county in this state, the voter shall complete a new
14 certificate of registration and file it with the appropriate
15 county clerk."

16 SECTION 34. Section 1-4-22 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 78, as amended) is amended to read:

18 "1-4-22. CANCELLATION OF REGISTRATION--PETITION TO
19 DISTRICT COURT.--

20 A. At any time not less than ninety days prior to
21 a primary or general election, the secretary of state may
22 file and present to the district court a verified petition
23 alleging, on information and belief, that certain persons
24 registered, named in the petition, are not qualified electors
25 in the precincts named in the petition. The petition shall

1 contain a brief statement of the facts upon which such
2 allegation is made.

3 B. Upon filing and presentation of the petition,
4 the court shall by order fix a day for hearing thereon, which
5 date shall be not less than fourteen days nor more than
6 twenty-one days after such order. The court shall direct the
7 county clerk to use the address on the certificates of
8 registration to forthwith notify the persons named in the
9 petition whose registration is sought to be canceled of the
10 date and purpose of the hearing and that each person should
11 contact the county clerk no later than the close of business
12 the day before the hearing or be present at the hearing if
13 the person desires to oppose the cancellation.

14 C. If, after hearing, the court finds that the
15 registration of any of the persons named in the petition
16 should be canceled, it shall by order direct the county clerk
17 to cancel the registrations."

18 SECTION 35. Section 1-4-27.1 NMSA 1978 (being Laws
19 2001, Chapter 46, Section 1, as amended) is amended to read:

20 "1-4-27.1. CANCELLATION OF REGISTRATION FOLLOWING
21 CONVICTION--ELIGIBILITY FOR VOTING UPON SATISFACTION OF
22 CONDITIONS.--

23 A. When a voter has been convicted of a felony in
24 any state or federal court, the voter's registration shall be
25 canceled.

1 B. A person convicted of a felony who is otherwise
2 a qualified elector is eligible to register to vote when that
3 person:

4 (1) has been unconditionally discharged from
5 a correctional facility or detention center;

6 (2) has completed all conditions of parole
7 or supervised probation; or

8 (3) has had the conviction overturned on
9 appeal.

10 C. The secretary of state shall each month
11 maintain current in the statewide voter registration
12 electronic management system the eligibility status of
13 persons convicted of felonies to register to vote pursuant to
14 this section.

15 D. The corrections department, the New Mexico
16 sentencing commission and the administrative office of the
17 courts shall deliver to the secretary of state information
18 and data as needed to carry out the provisions of this
19 section.

20 E. The secretary of state shall request from the
21 United States attorney for the district of New Mexico, in
22 conformance with 42 U.S.C. Section 1973gg-6(g), information
23 and data as needed to carry out the provisions of this
24 section."

25 SECTION 36. Section 1-4-28 NMSA 1978 (being Laws 1975,

1 Chapter 255, Section 46, as amended) is amended to read:

2 "1-4-28. CANCELLATION OF REGISTRATION--CHANGE OF
3 RESIDENCE--NOTICE.--

4 A. The secretary of state, county clerks and
5 boards of registration, in compliance with the federal
6 National Voter Registration Act of 1993, shall remove from
7 the official list of eligible voters the names of voters who
8 are ineligible to vote due to change of residence.

9 B. The secretary of state shall conduct a general
10 program that identifies voters who may no longer reside at
11 their address of registration. This program shall use
12 information supplied by the United States postal service
13 national change of address service. This program may also
14 include, among other practices, identification of voters
15 whose official election-related mail is returned and periodic
16 mailings to voters to verify continued residency at their
17 address of registration, provided such practices are uniform,
18 nondiscriminatory and in compliance with the federal Voting
19 Rights Act of 1965.

20 C. Between ninety and one hundred twenty days
21 before the next general election, the secretary of state
22 shall send to each voter who it appears has changed address
23 from the voter's precinct of registration a notice, sent by
24 forwardable mail, that shall include a postage prepaid and
25 pre-addressed return card. The notice shall state that:

1 (1) if the voter did not change residency,
2 the voter should return the card no later than twenty-eight
3 days before the next general election;

4 (2) if the voter does not return the card,
5 the voter may be provided an opportunity to update the
6 voter's registration address before the voter casts a ballot
7 in any election during the period beginning on the date of
8 the notice and ending on the day after the second general
9 election that occurs after the date of the notice;

10 (3) if the voter does not vote in any
11 election during the period beginning on the date of that
12 notice and ending on the day after the second general
13 election that occurs after the date of the notice, the
14 voter's registration may be canceled;

15 (4) if the voter has changed residence
16 within the same county, the voter should complete the place
17 on the return card for the voter to indicate the address of
18 the new residence and a request to have the voter's
19 registration moved to that address in the same county; and

20 (5) if the voter has changed residence
21 outside of the county, the voter should follow the
22 information provided concerning how the voter can continue to
23 be eligible to vote.

24 D. The county clerk shall correct the official
25 list of eligible voters in accordance with change of

1 residence information obtained on the prepaid and
2 pre-addressed return card to a new address in the same
3 county, and such names shall not be removed from the list of
4 eligible voters for reason of change of residence.

5 E. No later than the fifteenth day of March
6 following a general election, the board of registration shall
7 review the list of eligible voters. The board of
8 registration shall direct the county clerk to cancel the
9 registration of any voter who has been sent notice in
10 conformance with this section and who:

11 (1) has failed to respond to the notice sent
12 in conformance with this section and has not voted or
13 appeared to vote in any election during the period beginning
14 on the date of the notice and ending on the day after the
15 second general election that occurs after the date of the
16 notice; or

17 (2) has confirmed in writing that the voter
18 has changed residence to a place outside the county."

19 SECTION 37. Section 1-4-30 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 86, as amended by Laws 1993, Chapter
21 314, Section 26 and also by Laws 1993, Chapter 316, Section
22 26) is amended to read:

23 "1-4-30. CANCELLATION OF REGISTRATION--VOTER'S
24 REQUEST.--

25 A. The county clerk shall cancel a certificate of

1 registration upon the request of a voter only for the
2 following reasons:

3 (1) when the voter changes the voter's
4 registered residence address to another county within the
5 state;

6 (2) when the voter moves to another state;
7 and

8 (3) upon the written request of the voter.

9 B. A written request by a voter to cancel the
10 voter's registration shall be in writing and subscribed
11 before a registration officer or a person authorized to
12 administer oaths or on a form prescribed by the secretary of
13 state.

14 C. The voter's certificate of registration shall
15 be deemed canceled upon receipt by the county clerk of the
16 request when the request is for the reasons specified in
17 Subsection A of this section."

18 SECTION 38. Section 1-4-50 NMSA 1978 (being Laws 2007,
19 Chapter 337, Section 1) is amended to read:

20 "1-4-50. PROHIBITION ON RELEASE OF REGISTRATION
21 INFORMATION.--The secretary of state, county clerk or any
22 other registration agent shall not release to the public a
23 voter's social security number or a voter's month and day of
24 birth, and no person shall release to the public or share
25 that information with someone other than a registration

1 officer if the person learned of that information from the
2 voter's certificate of registration."

3 SECTION 39. Section 1-6-4 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 130, as amended) is amended to read:

5 "1-6-4. ABSENTEE BALLOT APPLICATION--FEDERAL QUALIFIED
6 ELECTOR--OVERSEAS VOTER.--

7 A. Application by a federal qualified elector or
8 an overseas voter for an absentee ballot shall be made on the
9 official postcard form prescribed or authorized by the
10 federal government to the county clerk of the county of the
11 applicant's residence. The form shall allow the applicant to
12 receive an absentee ballot for all elections within an
13 election cycle.

14 B. Application by a voter for an absentee ballot
15 shall be made only on a form prescribed by the secretary of
16 state in accordance with federal law. The form shall
17 identify the applicant and contain information to establish
18 the applicant's qualification for issuance of an absentee
19 ballot under the Absent Voter Act; provided that on the
20 application form for a general election ballot there shall be
21 no box, space or place provided for designation of the
22 voter's political party affiliation.

23 C. Each application for an absentee ballot shall
24 be signed by the applicant and shall require the applicant's
25 printed name, registration address and year of birth to be

1 supplied by the applicant, which shall constitute the
2 required form of identification, except for new registrants
3 who have registered by mail and at that time did not provide
4 acceptable identification. The secretary of state shall
5 issue rules to exempt voters from submitting identification
6 only as required by federal law and shall review and, if
7 necessary, update these rules no later than March 15 of
8 even-numbered years.

9 D. An application for an absentee ballot by a
10 federal qualified elector or an overseas voter shall be
11 accepted at any time preceding the general election.

12 E. A person who willfully and with knowledge and
13 intent to deceive or mislead any voter, precinct board,
14 canvassing board, county clerk or other election official and
15 who falsifies any information on an absentee ballot request
16 form or who affixes a signature or mark other than the
17 person's own on an absentee ballot request form is guilty of
18 a fourth degree felony."

19 SECTION 40. Section 1-6-5 NMSA 1978 (being Laws 1969,
20 Chapter 240, Section 131, as amended) is amended to read:

21 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

22 A. The county clerk shall mark each completed
23 absentee ballot application with the date and time of receipt
24 in the clerk's office and enter the required information in
25 the absentee ballot register. The county clerk shall then

1 determine if the applicant is a voter, an absent uniformed
2 services voter or an overseas voter.

3 B. If the applicant does not have a valid
4 certificate of registration on file in the county and is not
5 a federal qualified elector or if the applicant states that
6 the applicant is a federal qualified elector but the
7 application indicates the applicant is not a federal
8 qualified elector, an absentee ballot shall not be issued and
9 the county clerk shall mark the application "rejected" and
10 file the application in a separate file from those accepted.

11 C. The county clerk shall notify in writing each
12 applicant of the fact of acceptance or rejection of the
13 application and, if rejected, shall explain why the
14 application was rejected.

15 D. If the applicant has on file with the county a
16 valid certificate of registration that indicates that the
17 applicant is a voter who is a new registrant and who
18 registered by mail without submitting the required voter
19 identification, the county clerk shall notify the voter that
20 the voter must submit with the absentee ballot the required
21 physical form of identification. The county clerk shall note
22 on the absentee ballot register and signature roster that the
23 applicant's absentee ballot must be returned with the
24 required identification.

25 E. If the county clerk finds that the applicant is SB 403
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1 a voter other than a federal qualified elector or overseas
2 voter, the county clerk shall mark the application "accepted"
3 and, beginning twenty-eight days before the election, deliver
4 an absentee ballot to the voter in the county clerk's office
5 or mail to the applicant an absentee ballot and the required
6 envelopes for use in returning the ballot. If the county
7 clerk finds that the applicant is a federal qualified elector
8 or overseas voter, the county clerk shall mark the
9 application "accepted" and beginning forty-five days before
10 the election, mail to the applicant an absentee ballot and
11 the required envelopes for use in returning the ballot.

12 Acceptance of an application of a federal qualified elector
13 constitutes registration for the election in which the ballot
14 is to be cast. Acceptance of an application from an overseas
15 voter who is not an absent uniformed services voter
16 constitutes a request for changing information on the
17 certificate of registration of any such voter. An absent
18 voter shall not be permitted to change party affiliation
19 during those periods when change of party affiliation is
20 prohibited by the Election Code. Upon delivery of an
21 absentee ballot to a voter in the county clerk's office or
22 mailing of an absentee ballot to an applicant who is a voter,
23 an appropriate designation shall be made on the signature
24 line of the signature roster next to the name of the voter
25 who has been provided or mailed an absentee ballot.

1 F. Absentee ballots may be marked in person at the
2 county clerk's office during the regular hours and days of
3 business beginning on the twenty-eighth day preceding the
4 election and from 10:00 a.m. to 6:00 p.m. on the Saturday
5 immediately prior to the date of the election. The act of
6 marking the absentee ballot in the office of the county clerk
7 shall be a convenience to the voter in the delivery of the
8 absentee ballot and does not make the office of the county
9 clerk a polling place subject to the requirements of a
10 polling place in the Election Code. If the county clerk
11 establishes an additional alternate voting location near the
12 clerk's office, absentee ballots may be marked in person at
13 that location during the regular hours and days of business
14 beginning on the twenty-eighth day preceding the election and
15 during the hours for voting at alternate voting locations
16 commencing on the third Saturday prior to the election
17 through the Saturday immediately prior to the election. The
18 additional alternate voting location shall be operated by the
19 county clerk and the county clerk's staff.

20 G. When marking an absentee ballot in person at
21 the county clerk's office, the voter shall provide the
22 required voter identification to the county clerk or the
23 clerk's authorized representative. If the voter does not
24 provide the required voter identification, the voter shall be
25 allowed to vote on a provisional ballot. If the voter

1 provides the required voter identification, the voter, after
2 subscribing an application for an absentee ballot, shall be
3 allowed to vote by inserting the ballot into an optical scan
4 tabulator certified for in-person absentee voting at the
5 county clerk's office. The county clerk or the clerk's
6 authorized representative shall make an appropriate
7 designation indicating that the voter has voted absentee. In
8 marking the absentee ballot, the voter may be assisted
9 pursuant to the provisions of Section 1-12-15 NMSA 1978.

10 H. Absentee ballots shall be sent to applicants
11 not later than on the Friday immediately prior to the date of
12 the election.

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

16 J. The secretary of state and each county clerk
17 shall make reasonable efforts to publicize and inform voters
18 of the times and locations for absentee voting; provided,
19 however, that notice is provided at least ten days before
20 early voting begins.

21 K. The secretary of state shall establish
22 procedures for the submittal, when required by federal law,
23 of required voter identification with mailed-in absentee
24 ballots.

25 L. It is unlawful to electioneer in the county

1 clerk's office or in any alternate voting location."

2 SECTION 41. Section 1-6-5.6 NMSA 1978 (being Laws 2003,
3 Chapter 357, Section 6, as amended) is amended to read:

4 "1-6-5.6. EARLY VOTING--ALTERNATE VOTING LOCATIONS--
5 PROCEDURES.--The county clerk shall:

6 A. ensure that voters have adequate access to
7 alternate voting locations for early voting in the county,
8 taking into consideration population density and travel time
9 to the location of voting;

10 B. ensure that early voters are not allowed to
11 vote in person on election day;

12 C. ensure that adequate interpreters are available
13 at alternate voting locations in those precincts having a
14 majority of qualified electors who are part of a recognized
15 language minority; and

16 D. based on rules adopted by the secretary of
17 state, allow for mobile alternate voting locations in rural
18 areas of the state that may be set up temporarily in
19 specified precincts of the county during the period when
20 early voting is allowed at alternate voting locations."

21 SECTION 42. Section 1-6-5.7 NMSA 1978 (being Laws 2005,
22 Chapter 270, Section 40, as amended) is amended to read:

23 "1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING
24 PROCEDURES--ALTERNATE VOTING LOCATIONS.--

25 A. Commencing on the third Saturday prior to an

1 election and ending on the Saturday immediately preceding the
2 election, an early voter may vote in person on a voting
3 system at an alternate voting location established by the
4 county clerk.

5 B. Early voting shall be conducted in each office
6 of the county clerk and at such alternate voting locations as
7 may be established by the county clerk, provided that the
8 county clerk shall establish:

9 (1) in counties with more than ten thousand
10 voters, not fewer than one alternate voting location;

11 (2) in counties with more than fifty
12 thousand voters, not fewer than four alternate voting
13 locations; and

14 (3) in counties with more than two hundred
15 fifty thousand voters, not fewer than fifteen alternate
16 voting locations.

17 C. Not later than ninety days before each primary
18 and general election, the county clerk shall publicly fix the
19 hours of operation for alternate voting locations in the
20 county, which shall open no earlier than 7:00 a.m. and shall
21 close no later than 9:00 p.m. Within ninety days of a
22 primary or general election, a county clerk may modify the
23 hours of operation of alternate voting locations with the
24 written approval of the secretary of state. Alternate voting
25 locations shall be open each day of early voting for at least

1 eight consecutive hours. Alternate voting locations may be
2 closed Sundays and Mondays during the early voting period.

3 D. Each alternate voting location shall comply
4 with the following provisions, unless the county clerk
5 receives a written waiver from the secretary of state
6 specifying the location and specific provision being waived:

7 (1) have ballots available for voters from
8 every precinct in the county;

9 (2) have at least one optical scan tabulator
10 programmed to read every ballot style in the county;

11 (3) have at least one voting system
12 available to assist disabled voters to cast and record their
13 votes;

14 (4) have a broadband internet connection;

15 (5) have sufficient spaces for at least five
16 voters to simultaneously and privately mark their ballots,
17 with at least one of those spaces wheelchair-accessible;

18 (6) have a secure area for storage of pre-
19 printed ballots or for storage of a paper ballot stock and a
20 system designed to print ballots at a polling location; and

21 (7) be in a location that is accessible and
22 compliant with the requirements of the federal Americans with
23 Disabilities Act of 1990.

24 E. When voting early, the voter shall provide the
25 required voter identification to the county clerk or the

1 clerk's authorized representative. If the voter does not
2 provide the required voter identification, the voter shall be
3 allowed to vote on a provisional ballot. If the voter
4 provides the required identification, the voter shall be
5 allowed to vote after subscribing an application to vote on a
6 form approved by the secretary of state. The county clerk or
7 the clerk's authorized representative shall make an
8 appropriate designation on the signature roster or register
9 next to the voter's name indicating that the voter has voted
10 early."

11 SECTION 43. Section 1-6-9.2 NMSA 1978 (being Laws 1999,
12 Chapter 267, Section 1) is amended to read:

13 "1-6-9.2. PREPARATION OF ELECTRONIC VOTING MACHINES.--

14 A. Beginning ten days before an electronic voting
15 machine is issued for absentee voting, the county clerk may
16 begin to prepare, inspect and seal the voting machine in
17 accordance with Section 1-11-6 NMSA 1978.

18 B. At least one day before an electronic voting
19 machine is used for absentee voting, the county clerk shall
20 certify to the secretary of state and the county chair of
21 each political party represented on the ballot the type and
22 serial number of each voting machine to be used."

23 SECTION 44. Section 1-6-10 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 136, as amended) is amended to read:

25 "1-6-10. RECEIPT OF ABSENTEE BALLOTS BY CLERK.--

1 A. The county clerk shall mark on each completed
2 official mailing envelope the date and time of receipt in the
3 clerk's office, record this information in the absentee
4 ballot register and safely keep the official mailing envelope
5 unopened in a locked and number-sealed ballot box until it is
6 delivered to the absent voter precinct board or until it is
7 canceled and destroyed in accordance with law.

8 B. Completed official mailing envelopes shall be
9 accepted until 7:00 p.m. on election day. Any completed
10 official mailing envelope received after that time shall not
11 be delivered to the absent voter precinct board but shall be
12 preserved by the county clerk until the time for election
13 contests has expired. In the absence of a restraining order
14 after expiration of the time for election contests, the
15 county clerk shall destroy all late official mailing
16 envelopes without opening or permitting the contents to be
17 examined, cast, counted or canvassed. Before their
18 destruction, the county clerk shall count the numbers of late
19 ballots from voters, overseas voters and federal qualified
20 electors and report the number from each category to the
21 secretary of state.

22 C. No later than 5:00 p.m. on the Monday
23 immediately preceding the date of election, the county clerk
24 shall record the numbers of unused ballots and shall publicly
25 destroy in the county clerk's office all such unused ballots

1 or prepare the unused ballots for delivery to precinct
2 boards. The county clerk shall execute a certificate of
3 destruction, which shall include the numbers on the ballots
4 destroyed. A copy of the certificate of destruction shall be
5 sent to the secretary of state."

6 SECTION 45. Section 1-6-14 NMSA 1978 (being Laws 1971,
7 Chapter 317, Section 11, as amended) is amended to read:

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

10 A. Before opening an official mailing envelope,
11 the presiding judge and the election judges shall determine
12 that the required information has been completed on the
13 reverse side 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 judge or election clerk shall
17 enter the voter's name in the signature rosters or register
18 and shall write the notation "Rejected--Missing Signature" in
19 the "Notations" column of the signature rosters or register.
20 The presiding judge shall place the official mailing envelope
21 unopened in an envelope provided for rejected ballots, seal
22 the envelope and write the voter's name on the front of the
23 envelope and deposit it in the locked ballot box.

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

1 absent voter for the following reasons:

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

5 (2) the official mailing envelope does not
6 contain a signature; or

7 (3) the person offering to vote is not a
8 voter as provided in the Election Code.

9 D. If a challenge is upheld by unanimous vote of
10 the presiding judge and the election judges, the official
11 mailing envelope shall not be opened but shall be placed in
12 an envelope provided for challenged ballots. If the reason
13 for the challenge is satisfied by the voter before the
14 conclusion of the county canvass, the official mailing
15 envelope shall be opened and the vote counted. The same
16 procedure shall be followed in canvassing and determining the
17 validity of challenged absentee ballots as with other
18 challenged ballots.

19 E. If the official mailing envelope has been
20 properly subscribed and the voter has not been challenged:

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

1 (2) only between 8:00 a.m. and 10:00 p.m. on
2 the five days preceding election day, including Saturday and
3 Sunday, and beginning at 7:00 a.m. on election day, under the
4 personal supervision of the presiding election judge, shall
5 the election judges open the official mailing envelope and
6 the official inner envelope and insert the enclosed ballot
7 into an electronic voting machine to be registered and
8 retained until votes are counted and canvassed following the
9 closing of the polls on election night.

10 F. It is unlawful for a person to disclose the
11 results of a count and tally or the registration on a voting
12 machine of absentee ballots prior to the closing of the
13 polls.

14 G. Absentee ballots shall be counted and tallied,
15 where possible, on an electronic voting machine as provided
16 in the Election Code.

17 H. Absent voter precinct polls shall close in
18 accordance with Section 1-6-23 NMSA 1978, and the results of
19 the election shall be certified as prescribed by the
20 secretary of state.

21 I. If an absentee ballot does not contain the
22 identification required pursuant to Subsection D of Section
23 1-6-5 NMSA 1978, it shall be handled as a provisional paper
24 ballot in accordance with the Election Code."

25 SECTION 46. Section 1-6-16 NMSA 1978 (being Laws 1969,

1 Chapter 240, Section 141, as amended) is amended to read:

2 "1-6-16. CASTING BALLOT IN PERSON PROHIBITED.--

3 A. No person who has been issued an absentee
4 ballot shall vote in person other than on a replacement
5 absentee ballot.

6 B. At any time prior to 5:00 p.m. on the Monday
7 immediately preceding the date of the election, a person
8 whose absentee ballot application has been accepted and who
9 was mailed an absentee ballot but who has not received the
10 absentee ballot may execute, in the office of the county
11 clerk or at an alternate voting location in the county where
12 the voter is registered to vote, during operational hours, a
13 sworn affidavit stating that the person did not receive or
14 vote the absentee ballot. Upon receipt of the sworn
15 affidavit, the county clerk shall issue the voter a
16 replacement absentee ballot.

17 C. Replacement absentee ballots shall be delivered
18 to the absent voter precinct board for tabulation and shall
19 not be placed in a voting system for tabulation of votes cast
20 at the office of the county clerk or at an alternate voting
21 location.

22 D. The secretary of state shall prescribe the form
23 of the affidavit and the manner in which the county clerk
24 shall void the first ballot mailed to the applicant."

25 SECTION 47. Section 1-6-22.1 NMSA 1978 (being Laws

1 2009, Chapter 251, Section 1 and Laws 2009, Chapter 274,
2 Section 1) is amended to read:

3 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE
4 VOTING IN LIEU OF POLLING PLACE.--

5 A. Notwithstanding the provisions of Sections
6 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday
7 in November of each odd-numbered year a board of county
8 commissioners may designate a precinct as a mail ballot
9 election precinct if, upon a written request of the county
10 clerk, it finds that the precinct has fewer than one hundred
11 voters and the nearest polling place for an adjoining
12 precinct is more than twenty miles driving distance from the
13 boundary for the precinct in question.

14 B. If a precinct is designated a mail ballot
15 election precinct, in addition to the notice required
16 pursuant to Section 1-3-8 NMSA 1978, the county clerk shall
17 notify by registered mail all voters in that precinct at
18 least forty-two days before an election that each voter will
19 be sent an absentee ballot twenty-eight days before the
20 election and that there will be no polling place for the
21 precinct on election day. The county clerk shall include in
22 the notice a card informing the voter that if the voter does
23 not want to receive an absentee ballot, the voter should
24 return the card before the date the county clerk is scheduled
25 to mail out absentee ballots. The card shall also inform the

1 voter that a voting system equipped for persons with
2 disabilities will be available at all early voting sites
3 before election day and in the office of the county clerk on
4 election day in case the voter prefers to vote in person and
5 not by mail.

6 C. The county clerk shall mail each voter in the
7 mail ballot election precinct an absentee ballot on the
8 twenty-eighth day before an election, unless the voter has
9 requested otherwise, along with a notice that there will be
10 no polling place in that precinct on election day.

11 D. The county clerk shall keep a sufficient number
12 of ballots from a mail ballot election precinct such that if
13 a voter from that precinct does not receive an absentee
14 ballot before election day, the voter may vote on an absentee
15 ballot in the office of the county clerk on election day in
16 lieu of voting on the missing ballot."

17 SECTION 48. Section 1-1-9 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 8, as amended) is recompiled as part of
19 Chapter 1, Article 7 NMSA 1978 and is amended to read:

20 "MAJOR POLITICAL PARTY--MINOR POLITICAL PARTY.--As used
21 in the Election Code:

22 A. "major political party" means any qualified
23 political party, any of whose candidates received as many as
24 five percent of the total number of votes cast at the last
25 preceding general election for the office of governor or

1 president of the United States, as the case may be, and whose
2 membership totals not less than one-third of one percent of
3 the statewide registered voter file on the day of the
4 governor's primary election proclamation; and

5 B. "minor political party" means any qualified
6 political party that is not qualified as a major political
7 party pursuant to Subsection A of this section."

8 SECTION 49. Section 1-7-2 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 145, as amended) is amended to read:

10 "1-7-2. QUALIFICATION--REMOVAL--REQUALIFICATION.--

11 A. To qualify as a political party in New Mexico,
12 each political party through its governing body shall adopt
13 rules providing for the organization and government of that
14 party and shall file the rules with the secretary of state.
15 Uniform rules shall be adopted throughout the state by the
16 county organizations of that party, where a county
17 organization exists, and shall be filed with the county
18 clerks. At the same time the rules are filed with the
19 secretary of state, the governing body of the political party
20 shall also file with the secretary of state a petition
21 containing the hand-printed names, signatures, addresses of
22 registration and counties of residence of at least one-half
23 of one percent of the total votes cast for the office of
24 governor at the preceding general election who declare by
25 their signatures on the petition that they are voters of

1 New Mexico and that they desire the party to be a qualified
2 political party in New Mexico. Blank petition forms shall be
3 available at any time from the secretary of state.

4 B. Each county political party organization may
5 adopt supplementary rules insofar as they do not conflict
6 with the uniform state rules or do not abridge the lawful
7 political rights of any person. Such supplementary rules
8 shall be filed with the county clerk and the secretary of
9 state in the same manner as other rules are filed.

10 C. A qualified political party shall cease to be
11 qualified for the purposes of the Election Code if two
12 successive general elections are held without at least one of
13 the party's candidates on the ballot or if the total votes
14 cast for the party's candidates for governor or president of
15 the United States, provided that the party has a candidate
16 seeking election to either of these offices, in a general
17 election do not equal at least one-half of one percent of the
18 total votes cast for the office of governor or president of
19 the United States, as applicable. No later than March 15 of
20 an odd-numbered year, the secretary of state shall send
21 notice of nonqualification to the state chair of any
22 political party that fails to remain qualified. The notice
23 shall be delivered by registered mail to the last known
24 address of the state chair of the political party, and a copy
25 shall be kept in the secretary of state's file of parties

1 qualified in New Mexico.

2 D. The secretary of state shall then notify all
3 county clerks of the removal and nonqualification of the
4 political party and shall post the notice on the web site
5 maintained by the secretary of state. The secretary of state
6 shall within forty-five days notify by mail all voters
7 registered as members of such party of the removal and
8 nonqualification of the party.

9 E. To requalify, the party shall again comply with
10 the provisions of the Election Code dealing with filing
11 requirements for political parties."

12 SECTION 50. Section 1-8-4 NMSA 1978 (being Laws 1969,
13 Chapter 240, Section 154, as amended) is amended to read:

14 "1-8-4. SECRETARY OF STATE--CERTIFICATION OF
15 NOMINEES--MINOR POLITICAL PARTY.--Upon receipt of
16 certificates of nomination of any minor political party, and
17 no later than 5:00 p.m. on the thirty-fifth day following the
18 filing date, the secretary of state shall:

19 A. determine whether the method of nomination used
20 by the certifying political party complies with the current
21 rules of that party on file in the secretary of state's
22 office;

23 B. determine whether all the requirements of
24 Sections 1-8-1 through 1-8-3 NMSA 1978 have been complied
25 with and that the petition and list of signatures and

1 addresses of voters are valid and comply with law; and

2 C. if such determinations are answered in the
3 affirmative, within forty-two days following the filing date
4 certify the names of each minor party's nominees as
5 candidates for the office for which each is nominated to each
6 county clerk in the state."

7 SECTION 51. Section 1-8-8 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 158, as amended) is amended to read:

9 "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING
10 AFTER PRIMARY.--

11 A. If after a primary election a vacancy occurs,
12 for any cause, in the list of the nominees of a qualified
13 political party for any public office to be filled in the
14 general election, or a vacancy occurs because of the
15 resignation or death of a person holding a public office not
16 included in the governor's proclamation and which office is
17 required by law to be filled at the next succeeding general
18 election, or a vacancy occurs because a new public office is
19 created and was not included in the governor's proclamation
20 but is capable by law of being filled at the next succeeding
21 general election, the vacancy on the general election ballot
22 may be filled by:

23 (1) the central committee of the state
24 political party filing the name of its nominee for the office
25 with the proper filing officer when the office is a federal

1 office, state office, district office or multicounty
2 legislative district office; and

3 (2) the central committee of the county
4 political party filing the name of its nominee for the office
5 with the proper filing officer when the office is a
6 magistrate office, county office or legislative district
7 office where the district is entirely within the boundaries
8 of a single county.

9 B. Appointments made pursuant to Subsection A of
10 this section shall qualify pursuant to Section
11 1-8-18 NMSA 1978.

12 C. Appointments to fill vacancies in the list of a
13 party's nominees shall be made and filed at least fifty-six
14 days prior to the general election.

15 D. When the name of a nominee is filed as provided
16 in this section, the name shall be placed on the general
17 election ballot as the party's candidate for that office."

18 SECTION 52. Section 1-8-9 NMSA 1978 (being Laws 1975,
19 Chapter 255, Section 104, as amended) is amended to read:

20 "1-8-9. GENERAL ELECTION--WITHDRAWAL OF CANDIDATES.--No
21 candidate shall withdraw from a general election unless the
22 candidate withdraws at least sixty-three days prior to that
23 election and the candidate files a signed and notarized
24 statement of withdrawal with the proper filing officer."

25 SECTION 53. Section 1-8-11 NMSA 1978 (being Laws 1969,

1 Chapter 240, Section 160) is amended to read:

2 "1-8-11. PRIMARY ELECTION LAW--TIME OF HOLDING
3 PRIMARY.--A primary election shall be held in each county in
4 this state on the first Tuesday after the first Monday in
5 June of each even-numbered year."

6 SECTION 54. Section 1-8-16 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 165, as amended) is amended to read:

8 "1-8-16. PRIMARY ELECTION LAW--PROCLAMATION--
9 AMENDMENT.--The governor may amend the proclamation between
10 the time of its issuance and the first Tuesday in March to
11 include a newly created public office that is capable by law
12 of being filled at the next succeeding general election, or
13 any existing office becoming vacant by removal, resignation
14 or death, or to provide for any corrections or omissions."

15 SECTION 55. Section 1-8-25 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 170, as amended) is amended to read:

17 "1-8-25. PROPER FILING OFFICER--DECLARATION OF
18 CANDIDACY--NOMINATING PETITIONS--WITHDRAWAL OF CANDIDACY.--
19 For the purposes of Chapter 1, Articles 8 and 12 NMSA 1978,
20 the proper filing officer is:

21 A. the secretary of state for the offices of:

- 22 (1) United States senator;
- 23 (2) United States representative;
- 24 (3) all state elective offices;
- 25 (4) legislative offices elected from

1 multicounty districts;

2 (5) all public regulation commission
3 districts;

4 (6) all elective judicial offices in the
5 judicial department, except magistrates; and

6 (7) all offices representing a district
7 composed of more than one county; and

8 B. the county clerk for the offices of:

9 (1) all elective county offices;

10 (2) magistrates; and

11 (3) legislative offices elected from a
12 district located wholly within one county or that is composed
13 of only one county."

14 SECTION 56. Section 1-8-26 NMSA 1978 (being Laws 1975,
15 Chapter 295, Section 12, as amended) is amended to read:

16 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--
17 DOCUMENTS NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

18 A. Declarations of candidacy by preprimary
19 convention designation for any statewide office or for the
20 office of United States representative shall be filed with
21 the proper filing officer on the second Tuesday in February
22 of each even-numbered year between the hours of 9:00 a.m. and
23 5:00 p.m.

24 B. Declarations of candidacy for any other office
25 to be nominated in the primary election shall be filed with

1 the proper filing officer on the third Tuesday of March of
2 each even-numbered year between the hours of 9:00 a.m. and
3 5:00 p.m.

4 C. Certificates of designation shall be submitted
5 to the secretary of state on the first Tuesday following the
6 preprimary convention at which the candidate's designation
7 took place between the hours of 9:00 a.m. and 5:00 p.m.

8 D. Declarations of candidacy for retention for all
9 affected judicial offices shall be filed with the proper
10 filing officer between the hours of 9:00 a.m. and 5:00 p.m.
11 on the twenty-first day after the primary election.

12 E. No candidate's name shall be placed on the
13 ballot until the candidate has been notified in writing by
14 the proper filing officer that the declaration of candidacy,
15 the petition, if required, and the certificate of
16 registration of the candidate on file are in proper order and
17 that the candidate, based on those documents, is qualified to
18 have the candidate's name placed on the ballot. The proper
19 filing officer shall mail the notice no later than 5:00 p.m.
20 on the Tuesday following the filing date.

21 F. If a candidate is notified by the proper filing
22 officer that the candidate is not qualified to have the
23 candidate's name appear on the ballot, the candidate may
24 challenge that decision by filing a petition with the
25 district court within ten days of the notification. The

1 district court shall hear and render a decision on the matter
2 within ten days after the petition is filed. The decision of
3 the district court may be appealed to the supreme court
4 within five days after the decision is rendered. The supreme
5 court shall hear and render a decision on the appeal
6 forthwith."

7 SECTION 57. Section 1-8-30 NMSA 1978 (being Laws 1973,
8 Chapter 228, Section 4, as amended) is amended to read:

9 "1-8-30. PRIMARY ELECTION LAW--DECLARATION OF
10 CANDIDACY--NOMINATING PETITION--FILING AND FORM.--

11 A. As used in the Primary Election Law,
12 "nominating petition" means the authorized form used for
13 obtaining the required number of signatures of voters, which
14 is signed on behalf of the person wishing to become a
15 candidate for a political office in the primary election
16 requiring a nominating petition.

17 B. In making a declaration of candidacy, the
18 candidate at the same time shall file a nominating petition,
19 which shall be on the form prescribed by law.

20 C. The nominating petition shall be on paper
21 approximately eight and one-half inches wide and eleven
22 inches long with numbered lines for signatures spaced
23 approximately three-eighths of an inch apart and shall be in
24 the following form:

25 "NOMINATING PETITION

1 I, the undersigned, a registered voter of New Mexico,
2 and a member of the _____ party, hereby nominate
3 _____, who resides at _____ in
4 the county of _____, New Mexico, for the party
5 nomination for the office of _____, to be
6 voted for at the primary election to be held on _____, and I
7 declare that I am a registered voter of the state, district,
8 county or area to be represented by the office for which the
9 person being nominated is a candidate. I also declare that I
10 have not signed, and will not sign, any nominating petition
11 for more persons than the number of candidates necessary to
12 fill such office at the next ensuing general election.

- 13 1. _____
14 (usual (name printed (address as (city or
15 signature) as registered) registered) zip code)
16 2. _____
17 (usual (name printed (address as (city or
18 signature) as registered) registered) zip code)."

19 D. In October of odd-numbered years, the secretary
20 of state shall post on the secretary of state's web site and
21 shall furnish to each county clerk a sample of a nominating
22 petition form, a copy of which shall be made available by the
23 county clerk upon request of any candidate.

24 E. When more than one sheet is required for a
25 petition, each of the sheets shall be in the form prescribed

1 by this section and all sheets shall be firmly secured by a
2 staple or other suitable fastening."

3 SECTION 58. Section 1-8-31 NMSA 1978 (being Laws 1973,
4 Chapter 228, Section 5, as amended) is amended to read:

5 "1-8-31. PRIMARY ELECTION LAW--NOMINATING PETITION--
6 SIGNATURES TO BE COUNTED.--

7 A. A person who signs a nominating petition shall
8 sign only one petition for the same office unless more than
9 one candidate is to be elected to that office, and in that
10 case, a person may sign not more than the number of
11 nominating petitions equal to the number of candidates to be
12 elected to the office.

13 B. A person who signs a nominating petition shall
14 indicate the person's registration address. If the person
15 does not have a standard street address, the person may
16 provide the mailing address as shown on the person's
17 certificate of registration.

18 C. A signature shall be counted on a nominating
19 petition unless there is evidence presented that the person
20 signing:

21 (1) was not a registered member of the
22 candidate's political party ten days prior to the filing of
23 the nominating petition;

24 (2) failed to provide information required
25 by the nominating petition;

1 (3) is not a voter of the state, district,
2 county or area to be represented by the office for which the
3 person seeking the nomination is a candidate;

4 (4) has signed more than one petition for
5 the same office, except as provided in Subsection A of this
6 section, or has signed one petition more than once;

7 (5) is not of the same political party as
8 the candidate named in the nominating petition as shown by
9 the signer's certificate of registration; or

10 (6) is not the person whose name appears on
11 the nominating petition.

12 D. The following information shall be listed in
13 the appropriate space at the top of the nominating petition
14 before the petition has been signed by any voter: the party
15 affiliation of voters signing the petition, the candidate's
16 name, the candidate's address, the candidate's county of
17 residence and the office sought by the candidate, which shall
18 include the district or division of the office sought, if
19 applicable. A nominating petition, including all signatures
20 on the petition page, shall be invalid if any of the
21 preceding information is not listed before the petition is
22 signed by a voter or if any of the preceding information is
23 altered.

24 E. The procedures set forth in this section shall
25 be used to validate signatures on any petition required by

1 the Election Code, except that Paragraphs (1) and (5) of
2 Subsection C of this section shall not apply to petitions
3 filed by unaffiliated candidates or petitions filed by
4 candidates of minor political parties."

5 SECTION 59. Section 1-8-36.1 NMSA 1978 (being Laws
6 1981, Chapter 156, Section 1, as amended) is amended to read:

7 "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

8 A. Write-in candidates are permitted in the
9 primary election only for the offices of United States
10 representative, members of the legislature, district judges,
11 district attorneys, public regulation commission, public
12 education commission, magistrates and any office voted upon
13 by all voters of the state.

14 B. A person may be a write-in candidate only for
15 nomination by the major political party with which the person
16 is affiliated as shown by the certificate of registration,
17 and such person shall have the qualifications to be a
18 candidate in the primary election for the political party for
19 which the person is a write-in candidate.

20 C. A person desiring to be a write-in candidate
21 for one of the offices listed in Subsection A of this section
22 in the primary election shall file with the proper filing
23 officer a declaration of intent to be a write-in candidate.
24 Such declaration of intent shall be filed between 9:00 a.m.
25 and 5:00 p.m. on the third Tuesday in March.

1 D. A write-in vote shall be counted and canvassed
2 only if:

3 (1) the name written in is the name of a
4 declared write-in candidate and shows two initials and last
5 name; first name, middle initial or name and last name; first
6 and last name; or the full name as it appears on the
7 declaration of intent to be a write-in candidate and
8 misspellings of the above combinations that can be reasonably
9 determined by a majority of the members of the precinct board
10 to identify a declared write-in candidate; and

11 (2) the name is written on the proper line
12 provided on the ballot for write-in votes for the office for
13 which the candidate has filed a declaration of intent and the
14 voter has followed the directions for casting a vote for the
15 write-in candidate.

16 E. At the time of filing the declaration of intent
17 to be a write-in candidate, the write-in candidate shall be
18 considered a candidate for all purposes and provisions
19 relating to candidates in the Election Code, including the
20 obligations to report pursuant to the Campaign Reporting Act,
21 except that the write-in candidate's name shall not be
22 printed on the ballot.

23 F. No unopposed write-in candidate shall have the
24 write-in candidate's nomination certified unless the write-in
25 candidate receives at least the number of write-in votes in

1 the primary election as the write-in candidate would need
2 signatures on a nominating petition pursuant to the
3 requirements set out in Section 1-8-33 NMSA 1978.

4 G. A write-in vote shall be cast by writing in the
5 name and following the directions for casting a vote for the
6 write-in candidate. As used in this section, "write-in" does
7 not include the imprinting of any name by rubber stamp or
8 similar device or the use of pre-printed stickers or labels."

9 SECTION 60. Section 1-8-41 NMSA 1978 (being Laws 1973,
10 Chapter 228, Section 11, as amended) is amended to read:

11 "1-8-41. PRIMARY ELECTION LAW--FILING FEE.--The filing
12 fee in the primary election for any county office shall be
13 fifty dollars (\$50.00), which shall be paid at the time of
14 the filing of the declaration of candidacy for nomination by
15 a political party."

16 SECTION 61. Section 1-8-44 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 182, as amended) is amended to read:

18 "1-8-44. PRIMARY ELECTION LAW--WITHDRAWAL OF
19 CANDIDATES.--A candidate seeking to withdraw from a primary
20 election shall withdraw no later than the first Tuesday in
21 April before that primary election by filing a signed and
22 notarized statement of withdrawal with the proper filing
23 officer."

24 SECTION 62. Section 1-8-45 NMSA 1978 (being Laws 1977,
25 Chapter 322, Section 1, as amended by Laws 1993, Chapter 314,

1 Section 49 and also by Laws 1993, Chapter 316, Section 49) is
2 amended to read:

3 "1-8-45. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
4 STATES REPRESENTATIVE SPECIAL ELECTIONS--DEFINITION.--

5 A. As used in the Election Code, an independent
6 candidate means a person who:

7 (1) is a candidate for any state or county
8 office to be voted on at a general election:

9 (a) whose certificate of voter
10 registration shows affiliation with no qualified political
11 party on the date of the governor's proclamation for the
12 primary election and, if applicable, shows residence on the
13 date of the governor's proclamation for the primary election
14 in the district or county of the office for which the person
15 is a candidate; and

16 (b) who has complied with the
17 nomination procedures set forth in the Election Code for
18 independent candidates;

19 (2) is a candidate for United States senator
20 or United States representative:

21 (a) whose certificate of voter
22 registration, if any, shows affiliation with no qualified
23 political party on the date of the governor's proclamation
24 for the primary election;

25 (b) who will be a resident of New

1 Mexico when elected; and

2 (c) who has complied with the
3 nomination procedures set forth in the Election Code for
4 independent candidates; or

5 (3) is a candidate for the office of
6 president or vice president who:

7 (a) has complied with the nomination
8 procedures set forth in the Election Code for independent
9 candidates; and

10 (b) was not a major party candidate for
11 the same office on the primary election ballot.

12 B. No person shall become an independent candidate
13 for any office, and the person's name shall not be printed on
14 the general election ballot, unless the person complies with
15 the requirements of this section.

16 C. Any voter may challenge the candidacy of any
17 person seeking to become an independent candidate for any
18 office for the reason that the person does not meet the
19 requirements of this section or because the nominating
20 petitions, if required, do not meet the requirements of
21 Section 1-8-31 NMSA 1978 by filing a petition in the district
22 court within ten days after the last day for filing a
23 declaration of candidacy. The district court shall hear and
24 render a decision on the matter within ten days after the
25 filing of the petition. The decision of the district court

1 may be appealed to the supreme court within five days after
2 the decision is rendered. The supreme court shall hear and
3 render a decision on the appeal forthwith."

4 SECTION 63. Section 1-8-48 NMSA 1978 (being Laws 1977,
5 Chapter 322, Section 4, as amended) is amended to read:

6 "1-8-48. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
7 STATES REPRESENTATIVE SPECIAL ELECTIONS--DECLARATION OF
8 INDEPENDENT CANDIDACY AND NOMINATING PETITION.--

9 A. Nomination as an independent candidate shall be
10 made by filing a declaration of independent candidacy and a
11 nominating petition with the proper filing officer.

12 B. In making a declaration of independent
13 candidacy, the candidate for an office other than that of
14 president or vice president shall submit a sworn statement in
15 the following form:

16 "DECLARATION OF INDEPENDENT CANDIDACY

17 I, _____ (candidate's
18 name), being first duly sworn, say that:

19 I reside at _____;

20 I did not designate any current affiliation
21 with a qualified political party on my certificate
22 of registration on or before the date of issuance
23 of the governor's proclamation for the primary
24 election in the year of the general election at
25 which I seek to be a candidate;

1 I meet the qualifications listed in Section
2 1-8-45 NMSA 1978 for the office that I seek;

3 I desire to become a candidate for the office of
4 _____, District _____
5 at the general election to be held on the date set
6 by law for this year;

7 if the office I seek be a state or county
8 district office, I actually reside within the
9 district of the office for which I declare my
10 candidacy, and if the office I seek be a countywide
11 office, I actually reside in the county of the
12 office for which I declare my candidacy;

13 I will be eligible and legally qualified to
14 hold this office at the beginning of its term;

15 if a candidate for any office for which a
16 nominating petition is required, I am submitting
17 with this statement a nominating petition in the
18 form and manner as prescribed by the Election Code;
19 and

20 I make the foregoing affidavit under oath or
21 affirmation knowing that any false statement herein
22 constitutes a felony punishable under the criminal
23 laws of New Mexico.

24 _____
25 (Declarant)

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(Residence Address)

(Mailing Address, if different)

Subscribed and sworn to or affirmed before me
this ____ day of _____, ____.
(month) (year)

(Notary Public)

My commission expires:
_____".

C. The secretary of state shall prescribe and furnish the form for the declaration of independent candidacy for the office of president and vice president."

SECTION 64. Section 1-8-50 NMSA 1978 (being Laws 1977, Chapter 322, Section 6, as amended) is amended to read:

"1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION FORM.--

A. As used in Sections 1-8-45 through 1-8-52 NMSA 1978, "nominating petition" means the authorized form used for obtaining the required number of signatures of voters that is signed on behalf of the person wishing to become an independent candidate for a political office in a general or United States representative special election requiring a

1 nominating petition.

2 B. In making a declaration of candidacy, the
3 candidate shall file a nominating petition at the same time,
4 which shall be on forms prescribed by law.

5 C. The nominating petition for an independent
6 candidate for any office except president of the United
7 States shall be on paper approximately eight and one-half
8 inches wide and eleven inches long with numbered lines for
9 signatures spaced approximately three-eighths of an inch
10 apart and shall be in the following form:

11 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY

12 I, the undersigned, a registered voter of
13 New Mexico, hereby nominate _____,
14 who resides at _____ in the county
15 of _____, New Mexico, as an independent
16 candidate for the office of _____,
17 to be voted for at the general election, or United States
18 representative special election to be held on
19 _____,
20 (month) (day) (year)

21 and I declare that I am a registered voter of the state,
22 district, county or area to be represented by the office
23 for which the person being nominated is a candidate. I
24 also declare that I have not signed, and will not sign,
25 any nominating petition for more persons than the number

1 of candidates necessary to fill the office at the next
2 ensuing general election or at a United States
3 representative special election.

4 1. _____
5 (usual (name printed (address as (city or zip
6 signature) as registered) registered code)

7 2. _____
8 (usual (name printed (address as (city or zip
9 signature) as registered) registered code)."

10 D. The nominating petition for an independent
11 candidate for the office of president of the United States
12 shall be on paper approximately eight and one-half inches
13 wide and eleven inches long with numbered lines for
14 signatures spaced approximately three-eighths of an inch
15 apart and shall be in the following form:

16 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY
17 FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES

18 I, the undersigned, a registered voter of New
19 Mexico, by endorsement hereon, petition that the name of
20 _____ be printed on the general election ballot as
21 an independent candidate for the office of president of
22 the United States, to be voted on at the general election
23 to be held on November _____, _____. I also declare
24 that I am that person whose name appears hereon and that
25 I have not signed, nor will I sign, any nominating

1 petition for any other candidate seeking the office of
2 president of the United States at the next ensuing
3 general election."

4 E. In March of even-numbered years, the secretary
5 of state shall post on the secretary of state's web site and
6 shall furnish to each county clerk a sample of the nominating
7 petition form, a copy of which shall be made available by the
8 county clerk upon request of any candidate as provided by the
9 Election Code.

10 F. When more than one sheet is required for a
11 petition, each of the sheets shall be in the form prescribed
12 by this section, and all sheets shall be firmly secured by a
13 staple or other suitable fastening."

14 SECTION 65. Section 1-8-52 NMSA 1978 (being Laws 1977,
15 Chapter 322, Section 8, as amended) is amended to read:

16 "1-8-52. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
17 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING
18 PETITIONS--CIRCULATION--DATE OF FILING.--

19 A. Declarations of independent candidacy and
20 nominating petitions shall be filed with the proper filing
21 officer between 9:00 a.m. and 5:00 p.m. on the twenty-first
22 day following the primary election of each even-numbered year
23 and between 9:00 a.m. and 5:00 p.m. on the fifty-sixth day
24 preceding any United States representative special election.

25 B. Declarations of independent candidacy and

1 nominating petitions for the office of president of the
2 United States shall be filed with the proper filing officer
3 between 9:00 a.m. and 5:00 p.m. on the twenty-first day
4 following the primary election."

5 SECTION 66. A new section of Chapter 1, Article 9 NMSA
6 1978 is enacted to read:

7 "SYSTEMS DESIGNED TO PRINT BALLOTS AT POLLING
8 LOCATIONS--BALLOT PREPARATION REQUIREMENTS.--Systems designed
9 to print ballots at polling locations shall provide the
10 general capabilities for ballot preparation and shall be
11 capable of:

12 A. enabling the automatic formatting of ballots in
13 accordance with the requirements of the Election Code, as
14 amended from time to time, for offices, candidates and
15 questions qualified to be placed on the ballot for each
16 political subdivision and election district;

17 B. supporting the maximum number of potentially
18 active voting positions;

19 C. generating ballots for a primary election that
20 segregate the choices in partisan contests by party
21 affiliation;

22 D. generating ballots that contain identifying
23 codes or marks uniquely associated with each format;

24 E. ensuring that voting response fields properly
25 align with the specific candidate names or questions printed

1 on the ballot;

2 F. generating ballots that can be tabulated by all
3 certified voting systems in the state;

4 G. generating a ballot for an individual voter
5 based on voter registration data provided by state or county;

6 H. functionality in absentee, early and election
7 day voting environments;

8 I. providing absentee ballot tracking ability;

9 J. uniform allocation of space and fonts used for
10 each office, candidate and question such that the voter
11 perceives no active voting position to be preferred to any
12 other;

13 K. rendering the ballot in any of the written
14 languages required by the federal Voting Rights Act of 1965,
15 as amended;

16 L. conformity with optical scan vote tabulator
17 vendor specifications for type of paper stock, weight, size
18 and shape; size and location of voting positions used to
19 record votes; folding; bleed-through; and ink for printing;
20 and

21 M. interfacing with the statewide voter file for
22 the exchange of data."

23 SECTION 67. A new section of Chapter 1, Article 9 NMSA
24 1978 is enacted to read:

25 "SYSTEMS DESIGNED TO PRINT BALLOTS AT POLLING LOCATIONS--

1 SECURITY REQUIREMENTS.--Systems designed to print ballots at
2 polling locations shall provide the security capabilities for
3 ballot preparation and shall be capable of:

4 A. providing a full audit trail of individual voter
5 activity;

6 B. providing full ballot production audit logs for
7 all activity, including absentee voting by mail, in-person
8 absentee voting, early voting, provisional voting and
9 spoiling ballots;

10 C. creation and preservation of an audit trail of
11 every ballot issued, including during a period of interrupted
12 communication in the event of loss of network connectivity;

13 D. suitable security passwords at user,
14 administrator and management levels;

15 E. preventing the modification of ballot formatting
16 by polling place users; and

17 F. retaining full functionality and capability of
18 printing ballots during a period of interrupted communication
19 in the event of loss of network connectivity."

20 SECTION 68. A new section of Chapter 1, Article 9 NMSA
21 1978 is enacted to read:

22 "SYSTEMS DESIGNED TO PRINT BALLOTS AT POLLING

23 LOCATIONS--HARDWARE, SOFTWARE AND USABILITY

24 REQUIREMENTS.--Systems designed to print ballots at polling
25 locations shall:

1 A. provide hardware requirements that:

2 (1) shall be networkable and scalable for
3 multi-user environments;

4 (2) function without degradation in
5 capabilities after transit to and from the place of use;

6 (3) function without degradation in
7 capabilities after storage between elections;

8 (4) function in the natural environment,
9 including variations in temperature, humidity and atmospheric
10 pressure;

11 (5) function in an induced environment,
12 including proper and improper operation and handling of the
13 system and its components during the election process;

14 (6) contain prominent instructions as to any
15 special requirements;

16 (7) have no restrictions on space allowed for
17 installation, except that the arrangement of the system shall
18 not impede the performance of duties by election workers, the
19 orderly flow of voters through the polling place or the
20 ability of voters to vote in private; and

21 (8) operate with the electrical supply
22 ordinarily found in polling place, nominal one hundred twenty
23 volts alternating current, sixty hertz, single phase;

24 B. provide software requirements that shall:

25 (1) be capable of exporting voter data and

1 voter activity status data to state and county voter
2 registration systems;

3 (2) be capable of generating all required
4 absentee and early voting signature rosters in a state-
5 approved format;

6 (3) generate daily and to-date activity reports
7 based on user-defined criteria; and

8 (4) have both single transaction and batch
9 transaction absentee production capability; and

10 C. be capable of being operated by computer users
11 familiar with a graphical user interface."

12 SECTION 69. Section 1-9-1 NMSA 1978 (being Laws 1969,
13 Chapter 240, Section 184, as amended) is amended to read:

14 "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM
15 DEFINED.--

16 A. The secretary of state shall study, examine and
17 certify all voting systems used in elections for public
18 office in New Mexico. The secretary of state shall maintain
19 a current list of certified voting systems and copies of
20 filed testing and evaluation reports accessible by the public
21 on the secretary of state's web site. Only voting systems
22 certified by the secretary of state and acquired pursuant to
23 a competitive bid process in accordance with the provisions
24 of the Procurement Code shall be used in any election for
25 public office in New Mexico.

1 B. As used in Chapter 1, Article 9 NMSA 1978,
2 "voting system" means a combination of mechanical,
3 electromechanical or electronic equipment, including the
4 software and firmware required to program and control the
5 equipment, that is used to cast and count votes, and also
6 including any type of system that is designed to print or to
7 mark ballots at a polling location; equipment that is not an
8 integral part of a voting system but that can be used as an
9 adjunct to it is considered to be a component of the system."

10 SECTION 70. Section 1-9-7.5 NMSA 1978 (being Laws 2010,
11 Chapter 28, Section 3) is amended to read:

12 "1-9-7.5. VOTING SYSTEMS--VOTING SYSTEM CERTIFICATION
13 COMMITTEE--MEMBERS.--

14 A. The "voting system certification committee" is
15 created. The committee shall review written test reports and
16 the findings of the secretary of state on the certification,
17 recertification and decertification of voting systems for use
18 in elections in the state.

19 B. The voting system certification committee shall
20 be composed of:

21 (1) the secretary of information technology or
22 the secretary's designee from within the department of
23 information technology; and

24 (2) four additional members as follows:

25 (a) one member appointed by the president

1 pro tempore of the senate;

2 (b) one member appointed by the minority
3 floor leader of the senate;

4 (c) one member appointed by the speaker of
5 the house of representatives; and

6 (d) one member appointed by the minority
7 floor leader of the house of representatives.

8 C. The four additional members appointed pursuant
9 to Paragraph (2) of Subsection B of this section shall be
10 county clerks or their chief deputies or other persons
11 knowledgeable of elections in this state. Members shall be
12 appointed for terms of two years beginning on May 1 of each
13 even-numbered year. Vacancies shall be filled by the
14 original appointing authority.

15 D. The members of the committee shall select a
16 committee member to serve as chair of the committee. No
17 person who is currently or has been within the previous
18 twelve months an employee or contractor of a voting machine
19 vendor or the office of the secretary of state may serve as a
20 member of the committee. Members of the committee are
21 entitled to receive per diem and mileage as provided in the
22 Per Diem and Mileage Act, to be paid out of the funds
23 appropriated to the secretary of state.

24 E. All meetings of the voting system certification
25 committee shall be open meetings held in accordance with the

1 Open Meetings Act. All reports and other records that are
2 used, created, received, maintained or held by or on behalf
3 of the voting system certification committee shall be open to
4 public inspection pursuant to the Inspection of Public
5 Records Act."

6 SECTION 71. Section 1-10-4 NMSA 1978 (being Laws 1977,
7 Chapter 222, Section 27, as amended) is amended to read:

8 "1-10-4. BALLOTS--PREPARATION.--

9 A. Not less than fifty-six days before the primary
10 election, each proper filing officer shall group all
11 candidates for each party by themselves and prepare in
12 writing a separate ballot for each party and certify the
13 candidates for each ballot position to the printer.

14 B. Not less than fifty-six days before the general
15 election, each proper filing officer shall prepare in writing
16 the ballot containing the name of each candidate that has
17 been certified and filed as the nominee of a party and any
18 constitutional amendments, questions or other propositions
19 that are to be voted on and certify all such information to
20 the ballot printer. A copy of each certification shall be
21 kept on file in the office of the secretary of state.

22 C. Upon request of the county chair of a political
23 party participating in the election, the county clerk shall
24 furnish proof sheets or a copy of the proof sheets of the
25 ballot as soon as they become available."

1 SECTION 72. Section 1-10-5 NMSA 1978 (being Laws 1977,
2 Chapter 222, Section 28, as amended) is amended to read:

3 "1-10-5. BALLOTS--PRINTING.--The county clerk shall have
4 access to sufficient ballots to send to federal qualified
5 electors and overseas voters no later than the last business
6 day before the forty-fifth day prior to a primary or general
7 election, as required by federal law. All other ballots
8 shall be printed and in the possession of the county clerk at
9 least forty days before the election. When a county is using
10 a system that is designed to print ballots at a polling
11 location, the system shall be programmed and capable of
12 operation at least forty days before the election."

13 SECTION 73. Section 1-11-2 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 212, as amended) is amended to read:

15 "1-11-2. CONTENTS OF PROCLAMATION.--The proclamation
16 shall:

- 17 A. give notice of the election;
- 18 B. set forth the purpose of the election;
- 19 C. list the offices to be filled;
- 20 D. list all properly certified candidates and their
21 party affiliation for each of the offices to be filled;
- 22 E. list all properly certified candidates for
23 judicial retention;
- 24 F. list all properly declared write-in candidates
25 for each of the offices to be filled;

1 G. list the names of all precinct board members,
2 the polling location and the precinct, if applicable, to
3 which they are appointed; and

4 H. give the address or location of each polling
5 place and alternate voting location where the election is to
6 be held."

7 SECTION 74. Section 1-11-5 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 215, as amended) is amended to read:

9 "1-11-5. VOTING DEVICE--PREPARATION--CERTIFICATION.--
10 Forty-two days before the election, the county clerk may
11 begin to prepare, inspect, certify and seal electronic voting
12 machines that are to be used in the election, and such
13 preparation, inspection, certification and sealing shall
14 continue until all machines are prepared, inspected,
15 certified and sealed."

16 SECTION 75. Section 1-11-6 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 216, as amended) is amended to read:

18 "1-11-6. VOTING MACHINES--MANNER OF PREPARING.--When
19 preparing, inspecting and sealing voting machines, the county
20 clerk shall:

21 A. certify to the secretary of state and the county
22 chair of each political party participating in the election
23 the type and serial number of each voting machine intended to
24 be used in each polling location, by precinct number, where
25 applicable;

1 B. prepare, in the presence of those persons
2 entitled to be present, the electronic voting machines for
3 the election as follows:

4 (1) all public, candidate and question counters
5 shall be set at zero;

6 (2) each such counter shall be tested for
7 accuracy by casting votes upon it until it correctly
8 registers each vote cast;

9 (3) each such counter shall be reset at zero
10 and the voting machine shall be immediately sealed with a
11 numbered metal seal so as to prevent operation of the machine
12 or its registering counters without breaking the seal; and

13 (4) on the certificate for that voting machine
14 there shall be recorded:

15 (a) the number on the seal; and

16 (b) the reading shown on the protective
17 counter; and

18 C. seal and retain the logic and accuracy test
19 printout, known as the internal audit trail, until it may be
20 disposed of pursuant to Section 1-12-69 NMSA 1978."

21 SECTION 76. Section 1-11-6.1 NMSA 1978 (being Laws 1985,
22 Chapter 207, Section 26, as amended) is amended to read:

23 "1-11-6.1. ELECTRONIC VOTING MACHINES--TESTING.--All
24 programming of vote tabulating machines shall be tested under
25 the supervision of the county clerk. The machines shall be

1 programmed so that votes will be counted in accordance with
2 the specifications for electronic voting machines."

3 SECTION 77. Section 1-11-7 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 217, as amended) is amended to read:

5 "1-11-7. VOTING MACHINE--CERTIFICATE OF PREPARATION.--
6 Immediately after each electronic voting machine has been
7 prepared for the election, the county clerk shall prepare a
8 written certificate, which shall be filed in the county
9 clerk's office. A copy of the certificate shall be posted on
10 the voting machine, and one copy shall be forwarded to the
11 secretary of state. The certificate shall show the serial
12 number for the voting machine, whether or not the machine has
13 all of its public counters set at zero and whether or not the
14 machine has been tested by voting on each public counter to
15 prove the counter is in perfect condition. The certificate
16 shall also show the number of the seal that has sealed the
17 machine and the number registered on the public counter."

18 SECTION 78. Section 1-11-8 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 218, as amended) is amended to read:

20 "1-11-8. VOTING MACHINES--NOTICE OF SEALING.--

21 A. At least three days before preparing any type of
22 voting machine for an election, the county clerk shall send
23 notice to the county chair of each political party having a
24 candidate on the ballot in the election. The notice shall
25 state the times when and places where the voting machines

1 will be prepared.

2 B. Party and organization representatives, election
3 observers and candidates may be present at the preparation,
4 inspection and sealing of the voting machines to ensure
5 compliance with the Election Code."

6 SECTION 79. Section 1-11-13 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 223) is amended to read:

8 "1-11-13. INDEX OF VOTERS.--Upon the written request of
9 a qualified political party, a candidate, an election-related
10 organization or an election observer, the secretary of state
11 shall send to the requester an index of all voters and their
12 addresses, their party affiliation, their precinct, their
13 voter history, their unique identifier and their early or
14 absentee voting status in any election currently underway.
15 Each index shall be certified by the secretary of state as
16 being an accurate listing of all voters in each requested
17 county. The written request shall specify whether the
18 information is to be received electronically or on paper, the
19 electronic or physical delivery address, the time period
20 during which the information is to be received, the frequency
21 of receiving the information and the method of payment."

22 SECTION 80. Section 1-11-14 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 224, as amended) is amended to read:

24 "1-11-14. TALLY SHEETS AND STATEMENTS OF CANVASS--
25 PREPARATION.--Prior to election day, the secretary of state

1 shall cause to be printed in the tally sheets and statements
2 of canvass, in the proper places and under the proper
3 designations, the names of all candidates appearing on the
4 official ballot. The secretary shall approve a county's use
5 of computer-based tally sheets upon recommendation of the
6 voting system certification committee if the county submits
7 the software program to be used for tallying to the secretary
8 of state at least ninety days prior to the election and the
9 voting system certification committee determines that the
10 program is acceptable for the proposed use."

11 SECTION 81. Section 1-12-2.1 NMSA 1978 (being Laws 1999,
12 Chapter 236, Section 1) is amended to read:

13 "1-12-2.1. PRECINCT BOARD WORK SHIFT OPTION.--

14 A. The county clerk may choose to schedule precinct
15 board members into two work shifts on election day and also
16 may determine the length of each shift for each precinct
17 board member so long as the first shift begins at least one
18 hour before the polls open.

19 B. If the county clerk chooses to schedule precinct
20 board members in shifts, the presiding judge on each precinct
21 board shall be scheduled to work both shifts that day.

22 C. The county clerk shall notify the secretary of
23 state of all precincts that will be following a two-shift
24 schedule when the county clerk submits the list of precinct
25 board appointments in accordance with Section 1-2-14 NMSA

1 1978."

2 SECTION 82. Section 1-12-3 NMSA 1978 (being Laws 1977,
3 Chapter 222, Section 36) is amended to read:

4 "1-12-3. CONDUCT OF ELECTION--PRECINCT BOARD DUTIES.--
5 The secretary of state shall prescribe the duties of the
6 precinct board, including duties that, during the conduct of
7 the election, the presiding judge may reassign between judges
8 and election clerks. Copies of such duties shall be
9 furnished to each county clerk, and the clerk shall
10 distribute them to each precinct."

11 SECTION 83. Section 1-12-7.1 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 112, as amended) is amended to read:

13 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
14 VOTERS--USE DURING ELECTION.--

15 A. Each precinct board using voter lists shall post
16 securely at or near the entrance of the polling place one
17 copy of an alphabetical list of voters for use of the voters
18 prior to voting. The posted copy shall not contain a listing
19 of voter addresses, years of birth, unique identifiers or
20 social security numbers.

21 B. The presiding judge of the precinct board shall
22 assign one judge or election clerk of the board to be in
23 charge of one copy of the checklist of voters, which shall be
24 used to confirm the registration and voting of each person
25 offering to vote.

1 C. The presiding judge of the precinct board shall
2 assign one judge or election clerk to be in charge of the
3 signature roster.

4 D. The judge or election clerk assigned to the
5 checklist of voters used for confirmation of registration and
6 voting shall determine that each person offering to vote is
7 registered and, in the case of a primary election, that the
8 voter is registered in a party designated on the primary
9 election ballot. If the person's registration is confirmed
10 by the presence of the person's name on the checklist of
11 voters and the voter provides the required voter
12 identification, the judge or election clerk shall announce to
13 the judges or election clerks the list number and the name of
14 the voter as shown on the checklist of voters. If the voter
15 does not provide the required voter identification, the voter
16 shall be allowed to vote on a provisional paper ballot and
17 shall provide the required voter identification to the county
18 clerk's office before 5:00 p.m. on the second day following
19 the election, or to the precinct board before the polls
20 close, or the voter's provisional ballot shall not be
21 qualified. If the required voter identification is provided,
22 the voter's provisional paper ballot shall be qualified and
23 the voter shall not vote on any other type of ballot.

24 E. The judge or election clerk shall locate that
25 list number and name on the signature roster and shall

1 require the voter to sign the voter's usual signature or, if
2 unable to write, to make the voter's mark opposite the
3 voter's printed name. If the voter makes the voter's mark,
4 it shall be witnessed by one of the judges or election clerks
5 of the precinct board. If the signature roster indicates
6 that the voter is required to present a physical form of
7 identification before voting, the judge or election clerk
8 shall ask the voter for the required physical form of
9 identification. If the voter does not provide the required
10 identification, the voter shall be allowed to vote on a
11 provisional paper ballot; provided, however, that if the
12 voter brings the required physical form of identification to
13 the polling place after casting a provisional paper ballot,
14 that ballot shall be qualified and the voter shall not vote
15 on any other type of ballot.

16 F. The judge or election clerk shall follow the
17 procedures provided for in Sections 1-12-7.2 and 1-12-8 NMSA
18 1978 if a person whose name does not appear on the signature
19 roster requests to vote or a person is required to vote on a
20 provisional paper ballot.

21 G. A voter shall not be permitted to vote until the
22 voter has properly signed the voter's usual signature or made
23 the voter's mark in the signature roster."

24 SECTION 84. Section 1-12-7.2 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 114, as amended) is amended to read:

1 "1-12-7.2. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER.--

2 A. A voter whose name does not appear on the voter
3 list and signature roster for the precinct in which the voter
4 offers to vote shall be permitted to vote in the precinct
5 pursuant to the federal National Voter Registration Act of
6 1993 and Section 1-12-8 NMSA 1978.

7 B. The judges or election clerks in charge of the
8 signature rosters shall add the voter's name and address in
9 ink to the signature roster on the line immediately following
10 the last entered voter's name and, the voter shall be allowed
11 to sign an affidavit of eligibility and cast a provisional
12 paper ballot, provided the voter has first signed or marked
13 both the signature roster and checklist of registered voters.

14 C. The provisional paper ballot tracking number for
15 the voter shall be entered on the affidavit of eligibility,
16 the signature roster and the checklist of registered voters.

17 D. In a primary election, a voter shall not be
18 permitted to vote for a candidate of a party different from
19 the party designation shown on the voter's certificate of
20 registration. Upon making that determination, the county
21 clerk shall transmit the ballot to the county canvassing
22 board to be tallied and included in the canvass of that
23 county for the appropriate precinct."

24 SECTION 85. Section 1-12-8 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 247, as amended) is amended to read:

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

2 A. A person shall be permitted to vote on a
3 provisional paper ballot even though the person's original
4 certificate of registration cannot be found in the county
5 register or even if the person's name does not appear on the
6 signature roster, provided:

7 (1) the person's residence is within the
8 boundaries of the county in which the person offers to vote;

9 (2) the person's name is not on the list of
10 persons submitting absentee ballots; and

11 (3) the person executes a statement swearing or
12 affirming to the best of the person's knowledge that the
13 person is a qualified elector, is currently registered and
14 eligible to vote in that county and has not cast a ballot or
15 voted in that election.

16 B. A voter shall vote on a provisional paper ballot
17 if the voter:

18 (1) has not previously voted in a general
19 election in New Mexico or has been purged from the voter
20 list;

21 (2) registered to vote by mail;

22 (3) did not submit the physical form of the
23 required voter identification with the certificate of
24 registration form; and

25 (4) does not present to the election judge a

1 physical form of the required voter identification.

2 C. A voter shall vote on a provisional paper ballot
3 in accordance with the provisions of Section 1-12-7.1 NMSA
4 1978 if the voter does not provide the required voter
5 identification to the election judge.

6 D. A judge or election clerk shall have the voter
7 sign the signature roster and issue the voter a provisional
8 paper ballot, an outer envelope and an official inner
9 envelope. The voter shall vote on the provisional paper
10 ballot in secrecy and, when done, place the ballot in the
11 official inner envelope and place the official inner envelope
12 in the outer envelope and return it to the judge or election
13 clerk. The judge or election clerk shall ensure that the
14 required information is completed on the outer envelope, have
15 the voter sign it in the appropriate place and place it in an
16 envelope designated for provisional paper ballots.

17 E. Knowingly executing a false statement
18 constitutes perjury as provided in the Criminal Code, and
19 voting on the basis of such falsely executed statement
20 constitutes fraudulent voting."

21 SECTION 86. Section 1-12-8.1 NMSA 1978 (being Laws 2005,
22 Chapter 270, Section 62, as amended) is amended to read:

23 "1-12-8.1. CONDUCT OF ELECTION--USE OF VOTER'S RECEIPT
24 OF CERTIFICATE OF REGISTRATION--PROCEDURES.--If a voter whose
25 name is not in the signature roster presents the voter's

1 receipt of the voter's certificate of registration, the voter
2 shall be allowed to vote on a provisional paper ballot in the
3 proper precinct in accordance with the provisions of Section
4 1-12-7.1 NMSA 1978. The judge or election clerk shall inform
5 the voter that the voter will be notified by the county clerk
6 to provide a copy of the receipt of the certificate of
7 registration to the county clerk if the original certificate
8 is not located. A note shall be entered on the signature
9 roster indicating that the voter's certificate of
10 registration should be checked by the county clerk. For the
11 purposes of investigation or prosecution, the county clerk
12 shall provide the district attorney and the secretary of
13 state with the person's name and address and the
14 corresponding receipt number of the person's certificate of
15 registration for each person whose certificate of
16 registration is not located."

17 SECTION 87. Section 1-12-8.2 NMSA 1978 (being Laws 2005,
18 Chapter 270, Section 60, as amended) is amended to read:

19 "1-12-8.2. CONDUCT OF ELECTION--ELECTION DAY DELIVERY OF
20 ABSENTEE BALLOT BY VOTER--PROCEDURES.--

21 A. A voter who requested and received an absentee
22 ballot shall be allowed to deliver the official mailing
23 envelope containing the voter's absentee ballot on election
24 day to any polling location in the county in which the voter
25 is registered if the voter presents the official mailing

1 envelope to the presiding judge before the polls close on
2 election day.

3 B. The judge shall note that the voter delivered
4 the absentee ballot in person on election day. The official
5 mailing envelope shall not be opened but shall be placed in
6 an envelope provided for delivery to the county clerk. The
7 precinct board shall deliver the unopened official mailing
8 envelopes to the county clerk before midnight on election
9 day.

10 C. If the unopened official mailing envelope is
11 received by the county clerk from a precinct board before the
12 absent voter precinct board has adjourned, it shall be logged
13 and transmitted to the absent voter precinct board to be
14 tallied immediately. If the unopened mailing envelope is
15 received by the county clerk from a precinct board after the
16 absent voter precinct board has adjourned, it shall be logged
17 and transmitted to the county canvassing board to be tallied
18 and included in the canvass of that county for the
19 appropriate precinct."

20 SECTION 88. Section 1-12-10 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 249, as amended) is amended to read:

22 "1-12-10. CONDUCT OF ELECTION--VOTER'S NAME, ADDRESS AND
23 SIGNATURE.--

24 A. A voter at the polls shall announce the voter's
25 name and address in an audible tone of voice. When a judge

1 or election clerk finds the voter's name in the signature
2 roster, the judge or election clerk shall in like manner
3 repeat the name of the voter. The judge or election clerk
4 shall then ask the voter to provide the required voter
5 identification. The voter shall then sign the voter's name
6 or make the voter's mark on the signature line in the copy of
7 the signature roster to be returned to the county clerk.
8 Upon the voter's name or mark being written in the signature
9 roster, a challenge may be interposed as provided in the
10 Election Code.

11 B. If a voter fails to provide the required voter
12 identification, the voter shall be allowed to vote on a
13 provisional paper ballot."

14 SECTION 89. Section 1-12-19.1 NMSA 1978 (being Laws
15 1981, Chapter 156, Section 2, as amended) is amended to read:

16 "1-12-19.1. GENERAL ELECTIONS--SPECIAL ELECTIONS--
17 WRITE-IN CANDIDATES.--

18 A. A person desiring to be a write-in candidate in
19 a general election shall file with the proper filing officer
20 between 9:00 a.m. and 5:00 p.m. on the twenty-first day after
21 the primary election a declaration of intent to be a write-in
22 candidate. A person desiring to be a write-in candidate in a
23 special election for United States representative or a
24 statewide special election shall file with the proper filing
25 officer between 9:00 a.m. and 5:00 p.m. on the sixty-third

1 day immediately preceding the election a declaration of
2 intent to be a write-in candidate.

3 B. The form of the declaration of intent shall be
4 prescribed by the secretary of state and shall contain a
5 sworn statement by the candidate that the candidate is
6 qualified to be a candidate for and to hold the office for
7 which the candidate is filing.

8 C. At the time of filing the declaration of intent
9 to be a write-in candidate, the write-in candidate shall be
10 considered a candidate for all purposes and provisions
11 relating to candidates in the Election Code, including the
12 obligation to report under the Campaign Reporting Act, except
13 that the candidate shall not be entitled to have the
14 candidate's name printed on the ballot.

15 D. The secretary of state shall, not more than ten
16 days after the filing date, certify the names of the declared
17 write-in candidates to the county clerks of every county
18 affected by such candidacy.

19 E. No person shall be a write-in candidate in the
20 general election who was a candidate in the primary election
21 immediately prior to the general election. A write-in
22 candidate for governor or lieutenant governor in the general
23 election shall have a companion write-in candidate, and they
24 shall be candidates to be elected jointly by the casting by a
25 voter of a single vote applicable to both offices.

1 F. A vote for a write-in candidate shall be counted
2 and canvassed only if:

3 (1) the name written in is the name of a
4 declared write-in candidate and shows two initials and last
5 name; first name, middle initial or name and last name; first
6 and last name; or the full name as it appears on the
7 declaration of intent to be a write-in candidate and
8 misspellings of the above combinations that can be reasonably
9 determined by a majority of the members of the precinct board
10 to identify a declared write-in candidate; and

11 (2) the name is written in the proper office on
12 the proper line provided on the ballot for write-in votes for
13 the office for which the candidate has filed a declaration of
14 intent and the voter has followed the directions for casting
15 a vote for the write-in candidate.

16 G. No unopposed write-in candidate shall have an
17 election certified unless the candidate receives at least the
18 number of write-in votes equal to two percent of the total
19 vote in the state, district or county in which the candidate
20 seeks election that were cast for governor in the last
21 preceding general election in which a governor was elected.

22 H. A write-in vote shall be cast by writing in the
23 name. As used in this section, "write-in" does not include
24 the imprinting of any name by rubber stamp or similar device
25 or the use of preprinted stickers or labels."

1 SECTION 90. Section 1-12-20 NMSA 1978 (being Laws 1969,
2 Chapter 240, Section 273, as amended) is amended to read:

3 "1-12-20. CONDUCT OF ELECTION--INTERPOSING
4 CHALLENGES.--A challenge may be interposed by a member of the
5 precinct board or by a party challenger for the following
6 reasons:

7 A. the person offering to vote is not registered to
8 vote;

9 B. the person offering to vote is listed among
10 those persons to whom an absentee ballot was mailed;

11 C. the person offering to vote has already cast a
12 ballot in that election;

13 D. the person offering to vote is improperly
14 registered because the person is not a qualified elector; or

15 E. in the case of a primary election, the person
16 desiring to vote is not affiliated with a political party
17 represented on the ballot."

18 SECTION 91. Section 1-12-21 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 274, as amended) is amended to read:

20 "1-12-21. CONDUCT OF ELECTION--CHALLENGES--ENTRIES.--
21 When a challenge is interposed, the judges or election clerks
22 shall enter the word "CHALLENGED" under the notation headings
23 in the signature rosters, along with the reason for the
24 challenge, the time the challenge was made and the name and
25 title of the person interposing the challenge."

1 SECTION 92. Section 1-12-22 NMSA 1978 (being Laws 1969,
2 Chapter 240, Section 275, as amended) is amended to read:

3 "1-12-22. CONDUCT OF ELECTION--CHALLENGES--
4 DISPOSITION.--Challenges shall be handled as follows:

5 A. if the challenge is unanimously affirmed by the
6 presiding judge and the two election judges, the person shall
7 be furnished a provisional paper ballot. The election clerks
8 shall enter such voter's name in the checklist of registered
9 voters, and the voter shall sign the voter's name in the
10 signature roster. The word "Affirmed" shall be written
11 opposite such voter's name under the challenge notation in
12 the signature roster and checklist of registered voters,
13 together with the number of the ballot so furnished; or

14 B. if the challenge is not unanimously affirmed by
15 the presiding judge and the two election judges, the voter
16 shall be allowed to vote, and the election clerks shall enter
17 the words "Not Affirmed" under the challenge notation after
18 the voter's name in the signature roster and the checklist of
19 registered voters."

20 SECTION 93. Section 1-12-23 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 277, as amended) is amended to read:

22 "1-12-23. CONDUCT OF ELECTION--VOTING MACHINES--
23 INSTRUCTIONS.--Before each voter receives a ballot, a member
24 of the precinct board shall, so far as possible, instruct the
25 voter on the voting process and call the voter's attention to

1 the posted sample ballot. If any voter asks for further
2 information before completing the voting process, the judges
3 or election clerks shall provide appropriate information and
4 assist the voter with the voting process."

5 SECTION 94. Section 1-12-25.2 NMSA 1978 (being Laws
6 2003, Chapter 356, Section 3, as amended) is amended to read:

7 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--
8 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

9 A. If a voter is required to vote on a provisional
10 paper ballot, the presiding judge or election judge shall
11 give the voter written instructions on how the voter may
12 determine whether the vote was counted and, if the vote was
13 not counted, the reason it was not counted.

14 B. The county clerk shall provide a free access
15 system, such as a toll-free telephone number or internet web
16 site, that a voter who casts a provisional paper ballot may
17 access to ascertain whether the voter's ballot was counted
18 and, if the vote was not counted, the reason it was not
19 counted and how to appeal the decision pursuant to rules
20 issued by the secretary of state. Access to information
21 about an individual voter's provisional paper ballot is
22 restricted to the voter who cast the ballot.

23 C. Beginning with the closing of the polls on
24 election day through the tenth day following the election,
25 the county clerk shall notify by mail each person whose

1 provisional paper ballot was not counted of the reason the
2 ballot was not counted. The voter shall have until the
3 Friday prior to the meeting of the state canvassing board to
4 appeal to the county clerk a decision to reject the voter's
5 ballot."

6 SECTION 95. Section 1-12-30 NMSA 1978 (being Laws 1969,
7 Chapter 240, Section 289, as amended) is amended to read:

8 "1-12-30. CONDUCT OF ELECTION--DISPOSITION OF SIGNATURE
9 ROSTER, CHECKLIST OF REGISTERED VOTERS AND MACHINE-PRINTED
10 RETURN REPORTING UNOFFICIAL RETURNS.--

11 A. After all certificates have been executed, the
12 presiding judge and the two election judges shall place the
13 checklist of registered voters voting and one copy of the
14 machine-printed returns in the stamped, addressed envelope
15 provided for that purpose and immediately mail it to the
16 secretary of state.

17 B. The signature roster, the machine-printed
18 returns and the removable media storage device shall be
19 returned to the county clerk. The signature roster, the
20 machine-printed returns and the removable media storage
21 device shall not be placed in the ballot box.

22 C. Signature rosters and machine-printed returns in
23 the custody of the county clerk may be destroyed only
24 pursuant to Section 1-12-69 NMSA 1978.

25 D. The county clerk shall report the unofficial

1 total returns for the county to the secretary of state within
2 ten hours after the polls close."

3 SECTION 96. Section 1-12-31 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 291, as amended) is amended to read:

5 "1-12-31. CONDUCT OF ELECTION--DISPOSITION OF BALLOT
6 BOXES AND OTHER ELECTION MATERIALS.--

7 A. The following election returns and materials
8 shall not be placed in the ballot box and shall be returned
9 immediately to the county clerk along with the locked ballot
10 box:

11 (1) one ballot box key in an envelope addressed
12 to the county clerk;

13 (2) one signature roster;

14 (3) one tally sheet;

15 (4) all unused election supplies not destroyed
16 pursuant to the Election Code; and

17 (5) the removable media storage device.

18 B. The election judge of the party different from
19 that of the presiding judge shall place the other ballot box
20 key in the envelope addressed to the district court and
21 immediately mail it to the district court."

22 SECTION 97. Section 1-12-37 NMSA 1978 (being Laws 1973,
23 Chapter 358, Section 2, as amended) is amended to read:

24 "1-12-37. CONDUCT OF ELECTION--VOTING
25 MACHINES--VERIFICATION OF RETURNS.--Two election officials of

1 different parties shall verify that the counter settings
2 registered on the machine-printed returns are legible. The
3 machine-printed returns shall show the number of votes cast
4 for each candidate and the number of votes cast for and
5 against any constitutional amendment or other question
6 submitted, and the return shall be signed by each member of
7 the precinct board and two watchers of opposing interest, if
8 there be such."

9 SECTION 98. Section 1-12-43 NMSA 1978 (being Laws 1977,
10 Chapter 222, Section 46, as amended) is amended to read:

11 "1-12-43. EMERGENCY SITUATIONS.--

12 A. If any electronic vote tabulator becomes
13 disabled while being used to the extent that any voter is
14 unable to cast a vote for all the candidates or questions of
15 the voter's choice and have such vote recorded by the
16 electronic vote tabulator, it shall be repaired, if possible,
17 or another electronic vote tabulator shall be promptly
18 substituted.

19 B. If a disabled electronic vote tabulator cannot
20 be repaired in a reasonable length of time and if there are
21 no other electronic vote tabulators available for
22 substitution, the presiding judge shall order marked ballots
23 to be collected and securely preserved until they may be
24 tabulated pursuant to rules promulgated by the secretary of
25 state.

1 C. A voter shall not be denied the opportunity to
2 mark a ballot for later tabulation due to the lack of a
3 functioning electronic vote tabulator.

4 D. The county clerk shall provide additional
5 ballots if needed and when requested by the precinct board."

6 SECTION 99. Section 1-12-51 NMSA 1978 (being Laws 1977,
7 Chapter 222, Section 54, as amended) is amended to read:

8 "1-12-51. PAPER BALLOTS--UNAUTHORIZED RECEIPT OR
9 DELIVERY OF PAPER BALLOT.--Except for absentee ballots and
10 unless otherwise provided by law, a voter shall not receive a
11 paper ballot from any person other than from a member of the
12 precinct board or at an alternate voting location. No person
13 other than a member of the precinct board or officer
14 authorized by law shall deliver a paper ballot to any voter."

15 SECTION 100. Section 1-12-66 NMSA 1978 (being Laws 1977,
16 Chapter 222, Section 69, as amended) is amended to read:

17 "1-12-66. PAPER BALLOTS--SIGNATURE ROSTERS, CHECKLIST OF
18 VOTERS AND TALLY SHEETS--DISPOSITION.--

19 A. After the counting and tallying of paper ballots
20 are completed and after all certificates have been executed,
21 the presiding judge and the two election judges shall place
22 the checklist of voters and one copy of the tally sheet in
23 the stamped, addressed envelope provided for that purpose and
24 an election judge shall immediately mail it to the secretary
25 of state.

1 B. The signature roster and the original tally
2 sheet shall be returned to the county clerk. The signature
3 roster and the tally sheet shall not be placed in the ballot
4 box.

5 C. Signature rosters, checklists of registered
6 voters and tally sheets in the custody of the county clerk
7 and the secretary of state may be destroyed only pursuant to
8 Section 1-12-69 NMSA 1978."

9 SECTION 101. Section 1-13-8 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 310, as amended) is amended to read:

11 "1-13-8. POST-ELECTION DUTIES--COUNTY CANVASS--SEARCH
12 FOR MISSING RETURNS.--If it is necessary to open a ballot box
13 on election night to ascertain if missing election returns
14 are enclosed in the ballot box, the ballot box shall be
15 opened by the county clerk and the district judge, or someone
16 designated by the district judge. In the presence of the
17 district judge or the designated representative of the
18 district judge, the county clerk may remove the missing
19 returns necessary to canvass the election. When such
20 omission or negligence of the precinct board causes an
21 additional expense to be incurred, no compensation shall be
22 paid to the precinct board for its services on election day."

23 SECTION 102. Section 1-13-21 NMSA 1978 (being Laws 1971,
24 Chapter 317, Section 21, as amended) is amended to read:

25 "1-13-21. CLEARING VOTING SYSTEMS.--

1 A. The county clerk shall not clear the votes
2 recorded on the removable storage media devices until at
3 least thirty days after adjournment of the state canvassing
4 board.

5 B. The county clerk shall not clear and shall keep
6 locked those removable media storage devices from voting
7 systems used to tabulate votes for precincts where a recount,
8 judicial inquiry or inspection is sought, subject to order of
9 the district court or other authority having jurisdiction of
10 the contest or inspection."

11 SECTION 103. Section 1-20-8 NMSA 1978 (being Laws 1969,
12 Chapter 240, Section 432) is amended to read:

13 "1-20-8. FALSE VOTING.--False voting consists of:

14 A. voting or offering to vote with the knowledge of
15 not being a qualified elector;

16 B. voting or offering to vote in the name of any
17 other person;

18 C. voting or offering to vote more than once in the
19 same election;

20 D. falsifying any information on an absentee ballot
21 official mailing envelope or affixing a signature or mark
22 other than one's own on an absentee ballot official mailing
23 envelope;

24 E. inducing, abetting or procuring or attempting to
25 induce, abet or procure a person known to not be a qualified

1 elector to vote; or

2 F. inducing, abetting or procuring or attempting to
3 induce, abet or procure a person who, having voted once in
4 any election, to vote or attempt to vote again at the same
5 election.

6 Whoever commits false voting is guilty of a fourth degree
7 felony."

8 SECTION 104. Section 1-20-16 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 440) is amended to read:

10 "1-20-16. ELECTIONEERING TOO CLOSE TO THE POLLING
11 PLACE.--

12 A. Electioneering too close to the polling place
13 consists of any form of campaigning within:

14 (1) one hundred feet of the building in which
15 the polling place is located on election day when voting at a
16 school, church or private residence; and

17 (2) one hundred feet of the door through which
18 voters may enter to vote at the office of the county clerk,
19 an alternate voting location, a mobile voting site or any
20 location used as a polling place on election day that is not
21 a school, church or private residence.

22 B. Electioneering includes the display or
23 distribution of signs or campaign literature, campaign
24 buttons, t-shirts, hats, pins or other such items and
25 includes the verbal or electronic solicitation of votes for a

1 candidate or question.

2 C. Whoever commits electioneering too close to the
3 polling place is guilty of a petty misdemeanor."

4 SECTION 105. Section 1-20-17 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 441) is amended to read:

6 "1-20-17. OBSTRUCTING THE POLLING PLACE.--

7 A. Obstructing the polling place consists of:

8 (1) any person other than a voter offering to
9 vote, a member of the precinct board, a lawfully appointed
10 challenger or watcher, an election observer, an election
11 official having business in the polling place or a person
12 authorized by the Election Code to give assistance to a voter
13 who, during the conduct of the election, approaches nearer
14 than fifty feet from the door through which voters may enter
15 to vote at the office of the county clerk, an alternate
16 voting location, a mobile voting site or any location used as
17 a polling place; or

18 (2) any person who willfully blocks the
19 entrance to a polling place so as to prevent free ingress and
20 egress.

21 B. A person conducting lawful, non-election-related
22 business nearer than fifty feet from the door through which
23 voters may enter to vote is not guilty of obstructing a
24 polling place, provided the person does not willfully block
25 the entrance to the polling place.

1 C. Whoever obstructs the polling place is guilty of
2 a petty misdemeanor."

3 SECTION 106. Section 1-23-4 NMSA 1978 (being Laws 1987,
4 Chapter 160, Section 4) is amended to read:

5 "1-23-4. LAW GOVERNING.--

6 A. Except as otherwise provided in the Mail Ballot
7 Election Act, mail ballot elections shall be conducted in
8 accordance with the provisions of the local government's
9 absentee voter law.

10 B. If the local government does not have an
11 absentee voter law, the mail ballot election shall be called,
12 conducted and canvassed as provided in the Election Code."

13 SECTION 107. Section 1-24-2 NMSA 1978 (being Laws 1989,
14 Chapter 295, Section 2) is amended to read:

15 "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--
16 PUBLICATION.--

17 A. Whenever a local government special election is
18 to be called or is required by law, the governing body shall
19 by resolution issue a public proclamation calling the
20 election. The proclamation shall forthwith be filed with the
21 county clerk. The proclamation shall specify:

22 (1) the date on which the special election will
23 be held;

24 (2) the purpose for which the special election
25 is called;

1 (3) if officers are to be elected or positions
2 on the governing body are to be filled, the date on which
3 declarations of candidacy are to be filed;

4 (4) if a question is to be voted upon, the text
5 of that question;

6 (5) the precincts in each county in which the
7 election is to be held and the location of each polling place
8 in the precinct;

9 (6) the hours that each polling place will be
10 open; and

11 (7) the date and time of closing the
12 registration books by the county clerk as required by law.

13 B. After filing with the county clerk the
14 proclamation issued pursuant to Subsection A of this section,
15 and not less than fifty-six days before the date of the
16 election, the governing body shall publish the proclamation
17 once each week for two consecutive weeks in a newspaper of
18 general circulation within the boundaries of the local
19 government or special district. The proclamation shall
20 conform to the requirements of the federal Voting Rights Act
21 of 1965, as amended.

22 C. Whenever a statewide special election is to be
23 called or is required by law, the governor shall by
24 resolution issue a public proclamation calling the election.

25 Whenever an election to fill a vacancy in the office of

1 United States representative is to be called or is required
2 by law, the governor shall by resolution issue a public
3 proclamation calling the election pursuant to the
4 requirements of Section 1-15-18.1 NMSA 1978. The
5 proclamation shall forthwith be filed with the secretary of
6 state. The proclamation shall specify:

7 (1) the date on which the special election will
8 be held;

9 (2) the purpose for which the special election
10 is called;

11 (3) if a vacancy in the office of United States
12 representative is to be filled, the date on which
13 declarations of candidacy are to be filed;

14 (4) if a question is to be voted upon, the text
15 of that question; and

16 (5) the date and time of closing the
17 registration books by the county clerk as required by law.

18 D. After the proclamation issued pursuant to
19 Subsection C of this section is filed with the secretary of
20 state, the secretary of state shall within five days certify
21 the proclamation to each county clerk in the state. Not less
22 than fifty-six days before the date of the election, the
23 county clerk shall publish the proclamation once each week
24 for two consecutive weeks in a newspaper of general
25 circulation, which shall include the precincts in the county

1 in which the election is to be held and the location of each
2 polling place in the precinct and the hours that each polling
3 place will be open. For an election called pursuant to
4 Subsection F of Section 1-15-18.1 NMSA 1978, the proclamation
5 shall be published consistent with this subsection not less
6 than thirty-six days before the date of the election. The
7 proclamation shall conform to the requirements of the federal
8 Voting Rights Act of 1965, as amended."

9 SECTION 108. Section 4-38-24 NMSA 1978 (being Laws 1876,
10 Chapter 1, Section 14 (7), as amended) is amended to read:

11 "4-38-24. POWERS OVER HIGHWAYS.--The board of county
12 commissioners of each county shall have the power to lay out,
13 alter or discontinue any road running through one or more
14 precincts or townships in such county and to perform such
15 other duties respecting roads as may be required by law."

16 SECTION 109. TEMPORARY PROVISIONS--RECOMPILATION.--

17 A. Sections 1-4-10, 1-5-7 and 1-5-8 NMSA 1978
18 (being Laws 1977, Chapter 222, Section 7 and Laws 1969,
19 Chapter 240, Sections 109 and 110, as amended) are recompiled
20 in Chapter 1, Article 12 NMSA 1978.

21 B. Sections 1-5-19, 1-5-24 and 1-5-25 NMSA 1978
22 (being Laws 1969, Chapter 240, Section 125 and Laws 1975,
23 Chapter 255, Sections 78 and 79, as amended) are recompiled
24 in Chapter 1, Article 4 NMSA 1978.

25 C. Sections 1-8-53 through 1-8-61 and 1-8-63 NMSA

1 1978 (being Laws 1977, Chapter 230, Sections 1 and 2, Laws
2 2003, Chapter 300, Section 3 and Laws 1977, Chapter 230,
3 Sections 3 through 9 and 11, as amended) are recompiled in
4 Chapter 1, Article 15 NMSA 1978.

5 D. Sections 1-12-9, 1-12-9.1 and 1-12-58 NMSA 1978
6 (being Laws 1969, Chapter 240, Section 248, Laws 1995,
7 Chapter 198, Section 15 and Laws 1977, Chapter 222, Section
8 61, as amended) are recompiled in Chapter 1, Article 20 NMSA
9 1978.

10 SECTION 110. REPEAL.--Sections 1-2-13, 1-2-28, 1-4-14,
11 1-4-23, 1-4-31, 1-6-5.3, 1-6-5.5, 1-6-9.1, 1-6-24, 1-6-25,
12 1-8-52.1, 1-8-64, 1-10-2.1, 1-10-7.1, 1-11-9, 1-11-12,
13 1-11-12.1, 1-12-11, 1-12-25, 1-12-35, 1-12-37.1 and 1-12-40
14 NMSA 1978 (being Laws 1969, Chapter 240, Sections 33, 47, 70,
15 79 and 87, Laws 1999, Chapter 267, Section 2, Laws 2003,
16 Chapter 357, Section 4, Laws 1991, Chapter 105, Section 13,
17 Laws 1969, Chapter 54, Sections 5 and 6, Laws 2007, Chapter
18 25, Section 1, Laws 1979, Chapter 74, Section 5, Laws 1991,
19 Chapter 105, Section 16, Laws 1997, Chapter 93, Section 1,
20 Laws 1969, Chapter 240, Sections 219 and 222, Laws 2005,
21 Chapter 270, Section 9, Laws 1969, Chapter 240, Sections 250,
22 279 and 295, Laws 2002, Chapter 51, Section 1 and Laws 1969,
23 Chapter 240, Section 300, as amended) are repealed.

24 SECTION 111. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2011. _____