

1 SENATE BILL 403

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Linda M. Lopez

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9  
10 AN ACT

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

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

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

"[NEW MATERIAL] ELECTION OBSERVER.--As used in the Election Code, "election observer" means a person registered with the United States department of state as an international election observer or a person registered with the New Mexico secretary of state who is an academic engaged in research on elections and the election process."

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

"[NEW MATERIAL] ELECTION-RELATED ORGANIZATION.--As used in the Election Code, "election-related organization" means an organization registered with the secretary of state that is involved in election monitoring or voter turnout activities."

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

"[NEW MATERIAL] BALLOT BOX KEY.--As used in the Election Code, "ballot box key" means:

- A. a physical key that opens a lock used to secure a ballot box; or
- B. the number on a numbered seal affixed to secure a ballot box."

SECTION 4. Section 1-1-3.1 NMSA 1978 (being Laws 2003, .184067.3

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1 Chapter 356, Section 1) is amended to read:

2 "1-1-3.1. ELECTION CYCLE.--Except as otherwise provided,  
3 as used in the Election Code:

4 A. "election cycle" means the period [~~between the~~  
5 beginning [~~of a general election and the end of the following~~  
6 ~~general election~~] on the day after the last general election  
7 and ending on the day of the general election;

8 B. "general election cycle" means the period  
9 beginning on the day after the primary election and ending on  
10 the day of the general election; and

11 C. "primary election cycle" means the period  
12 beginning on the day after the last general election and ending  
13 on the day of the primary election."

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

16 "1-1-4. QUALIFIED ELECTOR.--As used in the Election Code,  
17 "qualified elector" means any [~~person~~] resident of this state  
18 who is qualified to vote under the provisions of the  
19 constitution of New Mexico and the constitution of the United  
20 States."

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

23 "1-1-5. VOTER.--As used in the Election Code, "voter"  
24 means any qualified elector, federal qualified elector or  
25 overseas voter who is registered under the provisions of the

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1 Election Code."

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

4 "1-1-12. CONSOLIDATED PRECINCT.--

5 A. As used in the Election Code, "consolidated  
6 precinct" means the combination of two or more precincts into  
7 one polling place pursuant to the provisions of [~~Sections 3-3-4~~  
8 ~~and 3-6-20.1 NMSA 1953~~] Section 1-3-4 NMSA 1978.

9 B. When consolidated precincts are used in an  
10 election, references to "precincts" in the voting process shall  
11 be applicable to consolidated precincts."

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

14 "1-1-13. PRECINCT BOARD.--As used in the Election Code,  
15 "precinct board" or "poll workers" means the appointed election  
16 officials serving a single precinct, [~~or~~] a consolidated  
17 precinct, an absent voter precinct or an alternate voting  
18 location."

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

21 "1-1-14. PUBLICATION.--

22 A. As used in the Election Code, "publication",  
23 unless otherwise provided in the constitution of New Mexico or  
24 the Election Code, means publication for the required number of  
25 times in a newspaper of general circulation in the county.

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1 "Publication in Spanish" means publication for the required  
2 number of times in an official Spanish language newspaper as  
3 set forth in Section 14-11-13 NMSA 1978 or any other Spanish  
4 language newspaper ~~[which]~~ that meets the requirements of  
5 Section 14-11-2 NMSA 1978 if such newspaper exists in the  
6 county and is of general circulation in the county.

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

9 (1) the secretary of state shall also be  
10 posted in the office of the secretary of state and on the  
11 secretary of state's web site; and

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

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

17 "1-1-15. POSTING.--

18 A. As used in the Election Code, "posting" means  
19 posting for not less than seven days prior to an election or to  
20 an action to be taken ~~[in at least one conspicuous place in~~  
21 ~~each precinct in the county]~~.

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

24 (1) the secretary of state and on the  
25 secretary of state's web site, when the secretary of state has

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1 the duty to post; or

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

5 SECTION 11. A new section of Chapter 1, Article 2 NMSA  
6 1978 is enacted to read:

7 "[NEW MATERIAL] STATE CANVASS OBSERVERS.--

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

15 B. State canvass observers shall be voters of the  
16 state. No person shall be qualified for appointment or service  
17 as a state canvass observer who is a sheriff, deputy sheriff,  
18 marshal, deputy marshal or state or municipal police officer.

19 C. The state canvass observer or election observer,  
20 upon presentation of the observer's written appointment, shall  
21 be permitted to be present at any time from the time the state  
22 canvassing begins until the completion of the canvass.

23 D. A state canvass observer or election observer is  
24 strictly limited to observing and documenting the canvassing  
25 process, and shall not interrupt the canvassing process.

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1           E. State canvass observers shall not interfere with  
2 the orderly conduct of the canvass and may be removed by the  
3 secretary of state if the observer does not comply with the  
4 law.

5           F. As used in this section, "state canvass" means  
6 the process of examining election returns and certificates  
7 issued by the county canvassing boards and ending with the  
8 certification and announcement of the results by the state  
9 canvassing board."

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

12           "1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--RULES  
13 [~~AND REGULATIONS~~]-ENFORCEMENT POWERS.--

14           A. The secretary of state is the chief election  
15 officer of the state and shall:

16                   (1) obtain and maintain uniformity in the  
17 application, operation and interpretation of the Election Code;

18                   (2) subject to the State Rules Act, make rules  
19 [~~and regulations~~] pursuant to the provisions of, and necessary  
20 to carry out the purposes of, the Election Code and shall  
21 furnish to the county clerks copies of such rules; [~~and~~  
22 ~~regulations~~] provided that no rule is adopted or amended within  
23 the fifty-six days before a primary or a general election; and

24                   (3) through the attorney general or the  
25 district attorney having jurisdiction, bring such actions as

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1 deemed necessary and proper for the enforcement of the  
2 provisions of the Election Code.

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

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

8 "1-2-2. SECRETARY OF STATE--GENERAL DUTIES.--The  
9 secretary of state shall:

10 A. generally supervise all elections [~~B.~~  
11 ~~administer~~] by administering the Election Code in its statewide  
12 application; [~~especially as it relates to federal and state~~  
13 ~~elective offices~~

14 ~~G.]~~ B. prepare instructions for the conduct of  
15 election and registration matters in accordance with the laws  
16 of the state;

17 [~~D.]~~ C. advise county clerks, boards of county  
18 commissioners and boards of registration as to the proper  
19 methods of performing their duties prescribed by the Election  
20 Code;

21 [~~E.]~~ D. report possible violations of the Election  
22 Code of which the secretary of state has knowledge to the  
23 district attorney or the attorney general for prosecution;

24 [~~F.]~~ E. cause to be published in [~~pamphlet~~] book  
25 form and distributed to the county clerk of each county for use

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1 by precinct boards a sufficient number of copies of the  
2 Election Code as it is from time to time amended and  
3 supplemented;

4 [G.] F. be responsible for the education and  
5 training of county clerks regarding elections;

6 [H.] G. be responsible for the education and  
7 training of voting machine technicians; and

8 [I.] H. assist the county clerks in the education  
9 and training of registration officers [~~in the recruitment and~~  
10 ~~training of poll workers and other election workers and in the~~  
11 ~~certification of the presiding judges of the precinct boards]."~~

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

14 "1-2-7. PRECINCT BOARD--QUALIFICATION OF MEMBERS--  
15 QUALIFICATION OF PRESIDING JUDGES--QUALIFICATION OF MINORS.--

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

18 (1) be a [~~resident of the representative~~  
19 ~~district and county in which the precinct where the person is a~~  
20 ~~voter is located]~~ voter of the county in which the person is  
21 appointed to serve;

22 (2) be able to read and write;

23 (3) have the necessary capacity to carry out a  
24 precinct board member's functions with acceptable skill and  
25 dispatch; and

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1 (4) execute the precinct board member's oath  
2 of office.

3 B. Before serving as a presiding judge of a  
4 precinct board, a person shall receive training in the duties  
5 of that position and be certified for the position by the  
6 county clerk.

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

9 (1) who is a candidate [~~for any federal,~~  
10 ~~state, district or county office~~] to be voted for at the  
11 election;

12 (2) who is a spouse, parent, child, brother or  
13 sister of any candidate to be voted for at the election; [~~or~~]

14 (3) who is married to a parent, child, brother  
15 or 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 [~~(3)~~] (4) who is a sheriff, deputy sheriff,  
19 marshal, deputy marshal or state or municipal police officer.

20 D. A county clerk may appoint not more than two  
21 minors to serve on a precinct board under the direct  
22 supervision of the presiding judge [~~of a precinct~~]. A minor  
23 appointed by the county clerk shall:

24 (1) meet the qualifications set forth in  
25 Subsection A of this section, except the minor need not be

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1 eligible to vote;

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

5 (3) be a citizen at the time of the election  
6 for which the minor will be serving as a member of a precinct  
7 board;

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

10 (5) attend at least one school of instruction  
11 in accordance with the provisions of Section 1-2-17 NMSA 1978;  
12 and

13 (6) be appointed to [~~the~~] a precinct board [~~of~~  
14 ~~the precinct~~] in the county in which the minor's parent or  
15 legal guardian resides [~~unless the county clerk determines~~  
16 ~~there is a shortage or absence of precinct board members in~~  
17 ~~certain precincts~~], in accordance with the provisions of  
18 Section 1-2-11 NMSA 1978.

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

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

23 "1-2-11. PRECINCT BOARD--ASSIGNMENT.--Wherever possible,  
24 the county clerk shall assign persons appointed as precinct  
25 board members to serve in precincts wherein they reside or in

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1 precincts located in the representative district wherein they  
2 reside. In the event of a shortage or absence of precinct  
3 board members in certain precincts, the county clerk may, in  
4 the best interest of the election process, assign appointed  
5 precinct board members to serve ~~[it]~~ on any precinct board in  
6 the county, provided that such appointed board members shall  
7 not change the proportionate representation of each party on  
8 the board."

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

11 "1-2-12. PRECINCT BOARD--NUMBER FOR EACH PRECINCT  
12 [~~MULTIPARTISAN~~].--

13 ~~[A. When absentee ballots are counted, the precinct~~  
14 ~~board shall consist of:~~

- 15 (1) ~~a presiding judge;~~  
16 (2) ~~one election judge from each of the major~~  
17 ~~political parties;~~  
18 (3) ~~one clerk from each of the major political~~  
19 ~~parties; and~~  
20 (4) ~~if a major party has no registered,~~  
21 ~~qualified elector who is able to fill the position as election~~  
22 ~~judge or election clerk, a registered, qualified elector from~~  
23 ~~another major party, chosen by the county clerk to fill the~~  
24 ~~vacant position.~~

25 B.] A. For primary, general and special federal

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1 elections, the precinct board shall consist of:

2 (1) a presiding judge;

3 (2) two election judges [~~who shall be of~~  
4 ~~different major political parties~~]; and

5 (3) one election clerk [~~who shall be of a~~  
6 ~~different political party than the presiding judge~~].

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

9 (1) shall appoint presiding judges and  
10 election judges so that at least one election judge shall not  
11 be of the same political party, if any, as the presiding judge;  
12 and

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

17 C. For all other elections, the precinct board  
18 shall consist of:

19 (1) a presiding judge;

20 (2) one election judge; and

21 (3) one election clerk.

22 D. If the county clerk determines that additional  
23 election clerks are needed [~~in a precinct~~], the clerk may  
24 appoint such additional election clerks as the clerk deems  
25 necessary [~~provided, however, that such appointments for~~

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1 ~~partisan elections shall be made in the manner that provides~~  
2 ~~for representation from all major political parties.~~

3 ~~E. In addition to the members of the precinct board~~  
4 ~~provided for in this section, the county clerk may appoint an~~  
5 ~~additional election clerk for the purpose of making changes in~~  
6 ~~the certificate of registration of any voter who has voted in~~  
7 ~~that election at the polling place]."~~

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

10 "1-2-14. PRECINCT BOARDS--NOTICE OF APPOINTMENT.--

11 A. Immediately after the appointment of the  
12 precinct boards, the county clerk shall:

13 (1) make and certify a list of the names of  
14 the appointees for each polling location, by precinct where  
15 applicable, post the list in a conspicuous and accessible place  
16 in [his] the county clerk's office and keep it posted for five  
17 days and send a copy of the list [~~by mail~~] upon request to the  
18 county [~~chairman~~] chair of each [~~major~~] political party  
19 participating in the election and to the secretary of state;  
20 and

21 (2) [~~by mail~~] notify each person appointed,  
22 request [~~his written~~] the person's acceptance and keep a record  
23 of all notifications and acceptances [~~The notice shall be~~  
24 ~~accompanied by a copy of the instructions to the precinct~~  
25 ~~board~~].

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

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

7           "1-2-16. PRECINCT BOARD--COMPENSATION.--

8           A. Members of a precinct board shall be compensated  
9 for their services at the rate of not less than the federal  
10 minimum hourly wage rate nor more than [~~one hundred fifty~~  
11 ~~dollars (\$150)~~] two hundred dollars (\$200) for an election day.

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

15           [~~B.~~] C. Compensation shall be paid within thirty  
16 days following the date of election."

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

19           "1-2-17. PRECINCT BOARD--SCHOOLS OF INSTRUCTION.--

20           A. The [~~secretary of state may supervise and the~~]  
21 county clerk shall cause to be held a public school of  
22 instruction for all presiding judges, precinct boards and  
23 others who will be officially concerned with the conduct of  
24 elections.

25           B. The schools for instruction provided for in this

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1 section shall be as follows:

2 (1) one school not less than seven days before  
3 the primary election;

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

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

8 C. All major details of the conduct of elections  
9 shall be covered by the ~~[secretary of state or the secretary's~~  
10 ~~authorized representative or the]~~ county clerk or the clerk's  
11 authorized representative at such school, with special emphasis  
12 being given to recent changes in the Election Code.

13 D. The school of instruction shall be open to any  
14 interested person, and notice of the school shall be given to  
15 the public press at least four days before the school is to be  
16 held. Each member of the precinct board shall be notified ~~[by~~  
17 ~~mail]~~ at least seven days prior to commencement of the school.

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

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

3           "1-2-21. CHALLENGERS--APPOINTMENT.--

4           A. The county [~~chairman~~] chair of each political  
5 party represented on the ballot may appoint in writing [~~one~~  
6 ~~challenger and one alternate challenger for each precinct~~]  
7 challengers for each polling location. If more than one  
8 challenger is appointed to a polling location, the challengers  
9 shall be listed in ranking order.

10           B. If any county [~~chairman~~] chair fails to make  
11 such appointments, the precinct [~~chairman~~] chair of the  
12 political party may appoint in writing one challenger [~~and one~~  
13 ~~alternate challenger~~] for the polling location corresponding to  
14 the precinct.

15           C. If any precinct [~~chairman~~] chair fails to make  
16 such appointments, or if no person properly appointed is  
17 present at the polling place and offers to serve, the voters  
18 present belonging to that political party may appoint one  
19 challenger [~~and one alternate challenger~~] in writing."

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

22           "1-2-22. CHALLENGERS, WATCHERS AND ELECTION OBSERVERS--  
23 QUALIFICATIONS--RESTRICTIONS.--Challengers [~~and alternate~~  
24 ~~challengers~~] and watchers shall be voters of a precinct located  
25 in that county to which they are appointed. [~~No sheriff,~~

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1 ~~deputy sheriff, marshal, deputy marshal, municipal or state~~  
2 ~~police officer, candidate or any person who is a spouse or~~  
3 ~~child of a candidate being voted on at the election shall serve~~  
4 ~~as a challenger or alternate challenger.] No person shall be  
5 qualified for appointment or service as a challenger, watcher  
6 or election observer:~~

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

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

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

15 D. who is a sheriff, deputy sheriff, marshal,  
16 deputy marshal or state or municipal police officer."

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

19 "1-2-23. CHALLENGERS--PERMITTED ACTIVITIES.--

20 A. A challenger [~~or alternate challenger~~], upon  
21 presentation of the written appointment to the precinct board,  
22 shall be permitted to be present at any time from the time the  
23 precinct board convenes at the polling place until the  
24 completion of the [~~counting and tallying of the ballots~~]  
25 precinct board's duties after the polls close.

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1           B. A challenger [~~or alternate challenger~~], for the  
2 purpose of interposing challenges, may:

3                   (1) [~~inspect the registration book~~] view the  
4 signature roster or precinct voter list for the purpose of  
5 determining whether the challenger [~~or alternate challenger~~]  
6 desires to interpose a challenge when a signature roster or  
7 precinct voter list is used;

8                   (2) [~~inspect the poll books, registration book~~  
9 ~~or signature rosters~~] 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 an  
12 application to vote form is used;

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

16                   [~~(3) examine~~] (4) view each voting machine  
17 before the polls are opened to [~~compare the number on the metal~~  
18 ~~seal and the numbers on the counters with the numbers on the~~  
19 ~~key envelope and to see that the voting machine is ready for~~  
20 ~~voting at the opening of the polls~~] ensure that the public  
21 counter is at zero, that the results tape contains no votes and  
22 that there are no voted ballots in the voting machine bins; and

23                   [~~(4)~~] (5) make in any polling place and  
24 preserve for future reference written memoranda of any action  
25 or omission on the part of any member of the precinct board."

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

3           "1-2-25. CHALLENGERS, WATCHERS, COUNTY CANVASS OBSERVERS--  
4 PERMITTED AND PROHIBITED ACTIVITIES.--

5           A. Challengers, [~~and alternate challengers~~]  
6 watchers and county canvass observers shall:

7                   (1) not be permitted to perform any duty of a  
8 precinct board member; [~~Challengers and alternate challengers~~  
9 ~~shall~~]

10                   (2) not handle the ballots, [~~poll books~~]  
11 signature rosters, checklist of voters or voting machines or  
12 take any part in the [~~tallying or~~] counting or tallying of the  
13 ballots or the county canvass;

14           [~~B. Only one challenger or alternate challenger for~~  
15 ~~each political party in each precinct shall be permitted at one~~  
16 ~~time in the room in which the voting is being conducted.~~

17           [~~C. Challengers shall not interfere with the orderly~~  
18 ~~conduct of the election.~~]

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

21                   (4) not interfere with the orderly conduct of  
22 the election, the counting or tallying of the ballots or the  
23 county canvass;

24                   (5) be allowed in the room in which the voting  
25 is being conducted at a polling location, provided that at any

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1 given time each political party, candidate or election-related  
2 organization may have no more than one person present; and

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

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

10 (b) four persons present at any given  
11 time in counties with more than fifty thousand registered  
12 voters; or

13 (c) fifteen persons present at any given  
14 time in counties with more than two hundred fifty thousand  
15 registered voters.

16 B. Subject to permission granted by the county  
17 clerk, additional challengers may be present in the room in  
18 which the absent voter precinct board conducts its business,  
19 provided that the number of additional challengers allowed  
20 pursuant to this subsection is identical for each political  
21 party participating in the election."

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

24 "1-2-26. CHALLENGERS--PENALTY.--The act of denying a  
25 challenger [~~or alternate challenger~~], who has presented [~~his~~] a

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1 written appointment to the precinct board and who is not  
2 interfering with the orderly conduct of the election, the right  
3 to be present at the polling place, or denying [~~him~~] a  
4 challenger the right to challenge voters and [~~inspect~~] view the  
5 [~~registration books~~] signature rosters or [~~poll books~~]  
6 checklist of voters or denying [~~him~~] a challenger the right to  
7 witness the [~~counting and tallying of ballots~~] precinct board  
8 in the conduct of its duties is a petty misdemeanor."

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

11 "1-2-27. WATCHERS--APPOINTMENT.--

12 [~~A. The county chairman of each political party~~  
13 ~~represented on the ballot may appoint in writing two watchers~~  
14 ~~for each precinct. If any county chairman fails to make the~~  
15 ~~appointments, the precinct chairman of the political party may~~  
16 ~~appoint in writing two watchers for the precinct. If any~~  
17 ~~precinct chairman fails to make the appointments, or if no~~  
18 ~~person properly appointed is present at the polling place and~~  
19 ~~offers to serve, the voters present belonging to that political~~  
20 ~~party may appoint in writing two watchers.~~

21 B. [~~In a general election, a candidate for elected~~  
22 ~~office and]~~

23 A. An election-related organization may appoint  
24 [~~one watcher per polling place~~] watchers in a county if the  
25 [~~candidate or~~] organization [~~makes~~] provides a written

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1     ~~[request]~~ notice to the secretary of state at least ten days  
2     prior to the election date and specifies the ~~[polling place to~~  
3     ~~be watched and the name]~~ names of the qualified ~~[appointee]~~  
4     appointees. The secretary of state shall notify the county  
5     clerk of the qualified appointees at least five days before the  
6     election. ~~[For the purposes of this section, "election-related~~  
7     ~~organization" means an organization involved in voter turnout~~  
8     ~~activities.~~

9             ~~G. In a primary election any group of six~~  
10            ~~candidates for county office for each political party~~  
11            ~~participating in the election may appoint in writing an~~  
12            ~~additional watcher for each precinct. No candidate, however,~~  
13            ~~shall join in more than one request for an additional watcher.~~

14            ~~D. In a primary election any group of three~~  
15            ~~candidates seeking nomination for statewide or district office~~  
16            ~~may appoint in writing one watcher for each of those precincts~~  
17            ~~as they may desire. No candidate, however, shall join in more~~  
18            ~~than one request for an additional watcher at any precinct.]~~

19            B. Any group of three candidates for elected office  
20            may appoint watchers in a county if the candidates provide a  
21            written notice to the secretary of state at least ten days  
22            prior to the election date and specify the names of the  
23            qualified appointees. The secretary of state shall notify the  
24            county clerk of the qualified appointees at least five days  
25            before the election."

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

3           "1-2-29. WATCHERS AND ELECTION OBSERVERS--PERMISSIBLE  
4 [~~AND UNPERMISSIBLE~~] ACTIVITIES.--

5           A. Upon presentation to a precinct board of [~~his~~] a  
6 written appointment, [~~to the precinct board~~] a watcher or  
7 election observer may:

8                       (1) be present at any time from the time the  
9 precinct board convenes at the polling place until the  
10 completion of the [~~counting and tallying of the ballots~~]  
11 precinct board's duties after the polls close;

12                       (2) be permitted to observe that the election  
13 is being conducted in accordance with the Election Code;

14                       (3) [~~inspect~~] view the precinct voter list to  
15 ascertain whether a voter has voted, subject to the same  
16 prohibitions and restrictions as are placed upon challengers by  
17 the Election Code;

18                       (4) [~~examine~~] view any voting machine being  
19 used in the precinct in the same manner that challengers may  
20 examine the voting machines; and

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

25           B. A watcher [~~is subject to the same prohibitions~~

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1 ~~and restrictions as are placed upon challengers by the Election~~  
2 ~~Code]~~ appointed on behalf of candidates may be present only in  
3 polling locations within the county of appointment at which  
4 ballots are cast for at least one of the candidates making the  
5 appointment."

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

8 "1-2-30. WATCHERS AND ELECTION OBSERVERS--PENALTY.--The  
9 act of denying a watcher or an election observer, who has  
10 presented [~~his~~] a written appointment to the precinct board and  
11 who is not interfering with the orderly conduct of the  
12 election, the right to be present at the polling place or  
13 denying [~~him~~] a watcher or election observer the right to  
14 witness the [~~counting and tallying of the ballots~~] precinct  
15 board in the conduct of its duties is a petty misdemeanor."

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

18 "1-2-31. COUNTY CANVASS OBSERVERS.--

19 A. The county chair of each political party  
20 represented on the ballot may appoint in writing county canvass  
21 observers. A candidate for elected office and an election-  
22 related organization may each appoint [~~one~~] county canvass  
23 [~~observer per~~] observers in a county if the candidate or  
24 organization makes a written request to the secretary of state  
25 [~~or county clerk~~] at least ten days prior to the election date

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1 and specifies the ~~[county canvass to be watched and the name]~~  
2 names of the qualified ~~[appointee. A county chair of a~~  
3 ~~qualified political party may appoint as many observers as the~~  
4 ~~chief election officer for that county determines is~~  
5 ~~functional; provided that the state or county chair may appoint~~  
6 ~~at least three observers and that the number of observers for~~  
7 ~~each major political party is identical]~~ appointees. The  
8 secretary of state shall notify the county clerk of the  
9 qualified appointees at least five days before the election.

10 B. County canvass observers shall be voters of a  
11 precinct located in that county to which they are appointed.  
12 No ~~[sheriff, deputy sheriff, marshal, deputy marshal, municipal~~  
13 ~~or state police officer, candidate or person who is a spouse,~~  
14 ~~parent or child of a candidate being voted on at the election~~  
15 ~~shall serve as a county canvass observer]~~ person shall be  
16 qualified for appointment or service as a county canvass  
17 observer who is a sheriff, deputy sheriff, marshal, deputy  
18 marshal or state or municipal police officer.

19 C. ~~[The]~~ A county canvass observer or an election  
20 observer, upon presentation of the observer's written  
21 appointment ~~[to the county clerk]~~, shall be permitted to be  
22 present at any time from the time the county canvassing begins  
23 until the completion of the canvass.

24 D. ~~[Only one county canvass observer for each~~  
25 ~~candidate and each election-related organization in each county~~

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1 ~~shall be permitted at one time in the room in which the canvass~~  
2 ~~is being conducted.~~ An] A county canvass observer or election  
3 observer is strictly limited to observing and documenting the  
4 canvassing process and [~~may~~] shall not interrupt the canvassing  
5 process.

6 E. County canvass observers and election observers  
7 shall not interfere with the orderly conduct of the canvass and  
8 may be removed by the [~~chief election officer~~] county clerk if  
9 the observer does not comply with the law.

10 F. As used in this section, [~~(1)~~] "county canvass"  
11 means the process of qualifying and verifying paper ballots and  
12 counting and tallying votes for each precinct beginning upon  
13 the closing of the polls and ending with the certification and  
14 announcement of the results by the county canvassing board [~~and~~

15 ~~(2) "election-related organization" means an~~  
16 ~~organization involved in voter turnout activities]."~~

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

19 "1-3-3. PRECINCTS--COMBINED.--

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

25 B. No such combination shall be made where the

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1 total vote cast [~~in person in~~] from both precincts in the last  
2 preceding general election exceeds [~~six hundred~~] eight hundred  
3 or where such combinations would cross legislative district  
4 boundary lines."

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

7 "1-4-2. QUALIFICATION FOR REGISTRATION.--Any [~~person~~]  
8 resident of New Mexico who will be a qualified elector at the  
9 date of the next ensuing election shall be permitted within the  
10 provisions of the Election Code to register and become a voter  
11 [~~provided, however, he shall not register in New Mexico without~~  
12 ~~cancelling his registration in the state of previous residence~~  
13 ~~if such there be~~]."

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

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

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

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

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

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

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

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

12                   (1) by signing the certificate of registration  
13 using the qualified elector's given name, middle name or  
14 initial and last name; or

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

22                   D. When properly executed by the registration agent  
23 or officer or qualified elector, the original of the  
24 certificate of registration shall be presented, either in  
25 person or by mail by the qualified elector or by the

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1 registration agent or officer, to the county clerk of the  
2 county in which the qualified elector resides.

3 E. Only when the certificate of registration is  
4 properly filled out, subscribed by the qualified elector and  
5 accepted for filing by the county clerk as evidenced by the  
6 county clerk's signature or stamp and the date of acceptance  
7 thereon shall it constitute an official public record of the  
8 registration of the qualified elector. It is unlawful for the  
9 qualified elector's [~~date~~] month and day of birth or any  
10 portion of the qualified elector's social security number  
11 required on the certificate of registration to be copied,  
12 conveyed or used by anyone other than the person registering to  
13 vote, either before or after it is filed with the county clerk,  
14 and by elections administrators in their official capacity.

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

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

20 "1-4-15. REGISTRATION--CHANGE OF PARTY AFFILIATION.--

21 A. A voter may change [~~his~~] the voter's designated  
22 party affiliation by executing a new certificate of  
23 registration [~~for~~] indicating the change of party affiliation.

24 B. A voter who has previously declined to designate  
25 a party affiliation but who desires to designate a party

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1 affiliation shall ~~[make an original designation of party~~  
2 ~~affiliation by executing a]~~ execute a new certificate of  
3 registration ~~[for designation of]~~ indicating the desired party  
4 affiliation.

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

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

12 "1-4-18. CHANGE OF REGISTERED RESIDENCE TO ANOTHER  
13 COUNTY.--When a voter changes ~~[his]~~ the voter's registered  
14 residence address from one county in this state to another  
15 county in this state, ~~[he]~~ the voter shall complete a new  
16 certificate of registration and file it with the appropriate  
17 county clerk ~~[provided, he shall not register in the county of~~  
18 ~~new residence without first canceling his registration in the~~  
19 ~~county of previous residence]."~~

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

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

24 A. At any time not less than ~~[forty-two]~~ ninety  
25 days prior to ~~[any]~~ a primary or general election ~~[held~~

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1 ~~pursuant to the Election Code~~, the secretary of state [~~the~~  
2 ~~county chairman of any major political party or any twenty~~  
3 ~~petitioners who are voters of the county~~] may file and present  
4 to the district court a verified petition alleging, [~~either on~~  
5 ~~personal knowledge or~~] on information and belief, that certain  
6 persons registered, named in the petition, are not qualified  
7 electors in the precincts named in the petition. The petition  
8 shall contain a brief statement of the facts upon which such  
9 allegation is made.

10 B. Upon filing and presentation of [~~such~~] the  
11 petition, the court shall by order fix a day for hearing  
12 thereon, which date shall be not less than [~~five~~] fourteen days  
13 nor more than [~~ten~~] twenty-one days after such order. The  
14 court shall direct the county clerk to use the address on the  
15 certificates of registration to forthwith notify [~~such~~] the  
16 persons named in the petition whose registration is sought to  
17 be canceled of the date and purpose of the hearing and that  
18 each [~~such~~] person should contact the county clerk no later  
19 than the close of business the day before the hearing or be  
20 present at the hearing if [~~he~~] the person desires to oppose  
21 [~~such~~] the cancellation.

22 [~~G. Any county chairman or any group of twenty~~  
23 ~~petitioners who, without reasonable cause, shall file a~~  
24 ~~petition seeking to purge a voter are liable for the costs of~~  
25 ~~such proceeding.~~

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1           ~~D.]~~ C. If, after hearing, the court finds that the  
2 registration of any of the persons named in the petition should  
3 be canceled, it shall by order direct the county clerk to  
4 cancel [~~such~~] the registrations."

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

7           "1-4-27.1. CANCELLATION OF REGISTRATION FOLLOWING  
8 CONVICTION--ELIGIBILITY FOR VOTING UPON SATISFACTION OF  
9 CONDITIONS.--

10           A. When a voter has been convicted of a felony in  
11 any state or federal court, the voter's registration shall be  
12 [~~cancelled~~] canceled.

13           B. [~~When a voter~~] A person convicted of a felony  
14 [~~is placed on supervised probation and has completed the~~  
15 ~~conditions of supervision as ordered by the court, the person~~  
16 ~~is eligible for registration.~~

17           C. ~~When a voter convicted of a felony is~~  
18 ~~unconditionally discharged from a correctional facility under~~  
19 ~~the jurisdiction of the corrections department, or is~~  
20 ~~conditionally discharged from a facility under the jurisdiction~~  
21 ~~of the corrections department and has completed all conditions~~  
22 ~~of probation or parole, the person is eligible for~~  
23 ~~registration.~~

24           D. ~~When a voter convicted of a federal offense~~  
25 ~~constituting a felony is unconditionally discharged from a~~

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1 ~~correctional facility under the jurisdiction of a federal~~  
2 ~~corrections agency and has completed all conditions of~~  
3 ~~probation or parole, the person is eligible for registration]~~  
4 who is otherwise a qualified elector is eligible to register to  
5 vote when that person:

6 (1) has been unconditionally discharged from a  
7 correctional facility or detention center;

8 (2) has completed all conditions of parole or  
9 supervised probation; or

10 (3) has had the conviction overturned on  
11 appeal.

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

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

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

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

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

9 B. The secretary of state shall ~~[issue rules for~~  
10 ~~the cancellation of voter registrations in strict compliance~~  
11 ~~with the federal National Voter Registration Act of 1993]~~  
12 conduct a general program that identifies voters who may no  
13 longer reside at their address of registration. This program  
14 shall use information supplied by the United States postal  
15 service national change of address service. This program may  
16 also include, among other practices, identification of voters  
17 whose official election-related mail is returned and periodic  
18 mailings to voters to verify continued residency at their  
19 address of registration, provided such practices are uniform,  
20 nondiscriminatory and in compliance with the federal Voting  
21 Rights Act of 1965.

22 C. Between ninety and one hundred twenty days  
23 before the next general election, the secretary of state shall  
24 send to each voter who it appears has changed address from the  
25 voter's precinct of registration a notice, sent by forwardable

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1 mail, that shall include a postage prepaid and pre-addressed  
2 return card. The notice shall state that:

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

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

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

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

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

25 D. The county clerk shall correct the official list

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

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

12 (1) has failed to respond to the notice sent  
13 in conformance with this section and has not voted or appeared  
14 to vote in any election during the period beginning on the date  
15 of the notice and ending on the day after the second general  
16 election that occurs after the date of the 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 314,  
21 Section 26 and also by Laws 1993, Chapter 316, Section 26) is  
22 amended to read:

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

24 A. The county clerk shall cancel a certificate of  
25 registration upon the request of a voter only for the following

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1 reasons:

2 (1) when the voter changes [~~his~~] the voter's  
3 registered residence address to another county within the  
4 state; [~~and~~]

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

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

7 B. [~~An application~~] A written request by a voter to  
8 cancel [~~his~~] the voter's registration shall be in writing and  
9 subscribed before a registration officer or a person authorized  
10 to administer oaths or on a form prescribed by the secretary of  
11 state.

12 [~~G. Upon receipt of the written request for~~  
13 ~~cancellation of registration, the county clerk shall cancel the~~  
14 ~~voter's registration and shall forthwith mail to such person a~~  
15 ~~notice of such cancellation and the date of cancellation.~~

16 ~~D.]~~ C. The voter's certificate of registration  
17 shall be deemed canceled upon receipt by the county clerk of  
18 the [~~written~~] request [~~therefor and~~] when [~~such~~] the request is  
19 for the reasons specified in Subsection A of this section."

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

22 "1-4-50. PROHIBITION ON RELEASE OF REGISTRATION  
23 INFORMATION.--The secretary of state, county clerk or any other  
24 registration agent shall not release to the public a voter's  
25 social security number or [~~date~~] a voter's month and day of

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1 birth, and no person shall release to the public or share that  
2 information with someone other than a registration officer if  
3 the person learned of that information from the voter's  
4 certificate of registration."

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

7 "1-6-4. ABSENTEE BALLOT APPLICATION--FEDERAL QUALIFIED  
8 ELECTOR--OVERSEAS VOTER.--

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

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

24 C. Each application for an absentee ballot shall be  
25 [~~subscribed~~] signed by the applicant and shall require the

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

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

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

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

22 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

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

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1 absentee ballot register. The county clerk shall then  
2 determine if the applicant is a voter, an absent uniformed  
3 services voter or an overseas voter.

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

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

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

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1           E. If the county clerk finds that the applicant is  
2 a voter other than a federal qualified elector or overseas  
3 voter, the county clerk shall mark the application "accepted"  
4 and, beginning twenty-eight days before the election, deliver  
5 an absentee ballot to the voter in the county clerk's office or  
6 mail to the applicant an absentee ballot and the required  
7 envelopes for use in returning the ballot. If the county clerk  
8 finds that the applicant is a federal qualified elector or  
9 overseas voter, the county clerk shall mark the application  
10 "accepted" and beginning forty-five days before the election,  
11 mail to the applicant an absentee ballot and the required  
12 envelopes for use in returning the ballot. Acceptance of an  
13 application of a federal qualified elector constitutes  
14 registration for the election in which the ballot is to be  
15 cast. Acceptance of an application from an overseas voter who  
16 is not an absent uniformed services voter constitutes a request  
17 for changing information on the certificate of registration of  
18 any such voter. An absent voter shall not be permitted to  
19 change party affiliation during those periods when change of  
20 party affiliation is prohibited by the Election Code. Upon  
21 delivery of an absentee ballot to a voter in the county clerk's  
22 office or mailing of an absentee ballot to an applicant who is  
23 a voter, an appropriate designation shall be made on the  
24 signature line of the signature roster next to the name of the  
25 voter who has been provided or mailed an absentee ballot.

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1           ~~[F. If an application for an absentee ballot is~~  
2 ~~delivered in person to the county clerk and is accepted, the~~  
3 ~~county clerk shall provide the voter an absentee ballot and it~~  
4 ~~shall be marked by the applicant in a voting booth of a type~~  
5 ~~prescribed by the secretary of state, sealed in the proper~~  
6 ~~envelopes and otherwise properly executed and returned to the~~  
7 ~~county clerk or the clerk's authorized representative before~~  
8 ~~the voter leaves the office of the county clerk. The act of~~  
9 ~~marking the absentee ballot in the office of the county clerk~~  
10 ~~shall be a convenience to the voter in the delivery of the~~  
11 ~~absentee ballot and does not make the office of the county~~  
12 ~~clerk a polling place subject to the requirements of a polling~~  
13 ~~place in the Election Code other than is provided in this~~  
14 ~~subsection. It is unlawful to solicit votes, display or~~  
15 ~~otherwise make accessible any posters, signs or other forms of~~  
16 ~~campaign literature whatsoever in the clerk's office or~~  
17 ~~alternate voting location. In marking the absentee ballot, the~~  
18 ~~voter, pursuant to the provisions of Section 1-12-15 NMSA 1978,~~  
19 ~~may be assisted by one person of the voter's choice.~~

20           G.] F. Absentee ballots may be marked in person at  
21 the county clerk's office during the regular hours and days of  
22 business beginning on the twenty-eighth day preceding the  
23 election and from 10:00 a.m. to 6:00 p.m. on the Saturday  
24 immediately prior to the date of the election. The act of  
25 marking the absentee ballot in the office of the county clerk

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

14 G. When marking an absentee ballot in person at the  
15 county clerk's office, the voter shall provide the required  
16 voter identification to the county clerk or the clerk's  
17 authorized representative. If the voter does not provide the  
18 required voter identification, the voter shall be allowed to  
19 vote on a provisional ballot. If the voter provides the  
20 required voter identification, the voter, after subscribing an  
21 application for an absentee ballot, shall be allowed to vote by  
22 inserting the ballot into an optical scan tabulator certified  
23 for in-person absentee voting at the county clerk's office.  
24 The county clerk or the clerk's authorized representative shall  
25 make an appropriate designation indicating that the voter has

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1 voted absentee. In marking the absentee ballot, the voter may  
2 be assisted pursuant to the provisions of Section 1-12-15 NMSA  
3 1978.

4 H. Absentee ballots shall be sent to applicants not  
5 later than on the Friday immediately prior to the date of the  
6 election.

7 I. An absentee ballot shall not be delivered or  
8 mailed by the county clerk to any person other than the  
9 applicant for such ballot.

10 J. The secretary of state and each county clerk  
11 shall make reasonable efforts to publicize and inform voters of  
12 the times and locations for absentee voting; provided, however,  
13 that notice is provided at least ten days before early voting  
14 begins.

15 K. The secretary of state shall establish  
16 procedures for the submittal, when required by federal law, of  
17 required voter identification with mailed-in absentee ballots.

18 L. It is unlawful to electioneer in the county  
19 clerk's office or in any alternate voting location."

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

22 "1-6-5.6. EARLY VOTING--ALTERNATE VOTING LOCATIONS--  
23 PROCEDURES.--The [~~secretary of state~~] county clerk shall [~~adopt~~  
24 ~~rules to~~]:

25 A. ensure that voters have adequate access to

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1 alternate voting locations for early voting in [~~each~~] the  
2 county, taking into consideration population density and travel  
3 time to the location of voting;

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

6 C. ensure that adequate interpreters are available  
7 at alternate [~~early~~] voting locations in those precincts having  
8 a majority of qualified electors who are part of a recognized  
9 language minority; and

10 D. based on rules adopted by the secretary of  
11 state, allow for mobile alternate voting locations in rural  
12 areas of the state that may be set up temporarily in specified  
13 precincts of the county during the period when early voting is  
14 allowed at alternate voting locations."

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

17 "1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING  
18 PROCEDURES--ALTERNATE VOTING LOCATIONS.--

19 A. Commencing on the third Saturday prior to an  
20 election and ending on the Saturday immediately preceding the  
21 election, an early voter may vote in person on a voting system  
22 at an alternate voting location established by the county  
23 clerk.

24 B. [~~In class A counties with more than two hundred~~  
25 ~~thousand registered voters, the county clerk shall establish~~

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1 ~~not fewer than twelve alternate voting locations as a~~  
2 ~~convenience to the voters. For class A counties with two~~  
3 ~~hundred thousand registered voters or fewer, the county clerk~~  
4 ~~shall establish not fewer than four alternate voting locations.~~  
5 ~~In non-class A counties with more than ten thousand registered~~  
6 ~~voters, the county clerk shall establish at least one alternate~~  
7 ~~voting location. In non-class A counties with ten thousand~~  
8 ~~registered voters or fewer] Early voting shall be conducted in~~  
9 ~~[the] each office of the county clerk [~~or~~] and at such~~  
10 ~~alternate voting locations as may be [~~designated~~] established~~  
11 ~~by the county clerk, provided that the county clerk shall~~  
12 ~~establish:~~

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

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

17 (3) in counties with more than two hundred  
18 fifty thousand voters, not fewer than fifteen alternate voting  
19 locations.

20 C. Not later than ninety days before each primary  
21 and general election, the county clerk shall publicly fix the  
22 hours of operation for alternate voting locations in the  
23 county, which shall open no earlier than 7:00 a.m. and shall  
24 close no later than 9:00 p.m. Within ninety days of a primary  
25 or general election, a county clerk may modify the hours of

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1 operation of alternate voting locations with the written  
2 approval of the secretary of state. Alternate voting locations  
3 shall be open each day of early voting for at least eight  
4 consecutive hours. Alternate voting locations may be closed  
5 Sundays and Mondays during the early voting period.

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

10 (1) have ballots available for voters from  
11 every precinct in the county;

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

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

16 (4) have a broadband internet connection;

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

20 (6) have a secure area for storage of pre-  
21 printed ballots or for storage of a [~~ballot on demand printing~~  
22 ~~system~~] paper ballot stock and a system designed to print  
23 ballots at a polling location; and

24 (7) be in a location that is accessible and  
25 compliant with the requirements of the federal Americans with

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1 Disabilities Act of 1990.

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

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

16 "1-6-9.2. PREPARATION OF ELECTRONIC VOTING MACHINES.--

17 A. [~~Five~~] Beginning ten days before an electronic  
18 voting machine is issued for absentee voting [~~as provided in~~  
19 ~~Section 1-6-9.1 NMSA 1978~~], the county clerk may begin to  
20 prepare, inspect and seal the voting machine in accordance with  
21 [~~the specifications for electronic voting machines adopted by~~  
22 ~~the secretary of state~~] Section 1-11-6 NMSA 1978.

23 B. At least one day before [~~any~~] an electronic  
24 voting machine is used for absentee voting, the county clerk  
25 shall certify to the secretary of state and [~~all~~] the county

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1 ~~[party chairmen]~~ chair of each political party represented on  
2 the ballot the type and serial number of each voting machine to  
3 be used."

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

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

7 A. The county clerk shall mark on each completed  
8 official mailing envelope the date and time of receipt in the  
9 clerk's office, record this information in the absentee ballot  
10 register and safely keep the official mailing envelope unopened  
11 in a locked and number-sealed ballot box until it is delivered  
12 to the ~~[proper]~~ absent voter precinct board or until it is  
13 canceled and destroyed in accordance with law.

14 B. ~~[The county clerk shall accept]~~ Completed  
15 official mailing envelopes shall be accepted until 7:00 p.m. on  
16 election day ~~[and the county clerk or absent voter precinct~~  
17 ~~board shall accept completed official mailing envelopes from~~  
18 ~~precincts within the county of the voters who turned in their~~  
19 ~~absentee ballots at their precinct by the close of polls on~~  
20 ~~election day]~~. Any completed official mailing envelope  
21 received after that time shall not be delivered to ~~[a]~~ the  
22 absent voter precinct board but shall be preserved by the  
23 county clerk until the time for election contests has expired.  
24 In the absence of a restraining order after expiration of the  
25 time for election contests, the county clerk shall destroy all

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1 late official mailing envelopes without opening or permitting  
2 the contents to be examined, cast, counted or canvassed.  
3 Before their destruction, the county clerk shall count the  
4 numbers of late ballots from voters, [~~federal voters~~] overseas  
5 [~~citizen~~] voters and federal qualified electors and report the  
6 number from each category to the secretary of state.

7 C. [~~At~~] No later than 5:00 p.m. on the Monday  
8 immediately preceding the date of election, the county clerk  
9 shall record the numbers of [~~the~~] unused [~~absentee~~] ballots and  
10 shall publicly destroy in the county clerk's office all such  
11 unused ballots or prepare the unused ballots for delivery to  
12 precinct boards. The county clerk shall execute a certificate  
13 of destruction, which shall include the numbers on the  
14 [~~absentee~~] ballots destroyed. A copy of the certificate of  
15 destruction shall be sent to the secretary of state."

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

18 "1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER  
19 PRECINCT BOARDS.--

20 A. Before opening an official mailing envelope, the  
21 presiding judge and the election judges shall determine that  
22 the required information has been completed on the reverse side  
23 of the official mailing envelope.

24 B. If the voter's signature is missing, the  
25 presiding judge shall write "Rejected" on the front of the

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

9 C. A lawfully appointed challenger may [~~examine~~  
10 view the official mailing envelope and may challenge the ballot  
11 of any absent voter for the following reasons:

12 (1) the official mailing envelope has been  
13 opened by someone other than the voter prior to being received  
14 by the absent voter precinct board; [~~or~~]

15 (2) the official mailing envelope does not  
16 contain a signature; or

17 [~~(2)~~] (3) the person offering to vote is not a  
18 [~~federal~~] voter [~~federal qualified elector, overseas voter or~~  
19 ~~voter~~] as provided in the Election Code.

20 [~~Upon the challenge of an absentee ballot, the election~~  
21 ~~judges and the presiding election judge shall follow the same~~  
22 ~~procedure as when ballots are challenged when a person attempts~~  
23 ~~to vote in person.~~]

24 D. If a challenge is upheld by unanimous vote of  
25 the presiding judge and the election judges, the official

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1 mailing envelope shall not be opened but shall be placed in an  
2 envelope provided for challenged ballots. If the reason for  
3 the challenge is satisfied by the voter before the conclusion  
4 of the county canvass, the official mailing envelope shall be  
5 opened and the vote counted. The same procedure shall be  
6 followed in canvassing and determining the validity of  
7 challenged absentee ballots as with other challenged ballots.

8 ~~[D-]~~ E. If the official mailing envelope has been  
9 properly subscribed and the voter has not been challenged:

10 (1) the judges or election clerks shall enter  
11 the absent voter's name and residence address as shown on the  
12 official mailing envelope in the signature rosters and shall  
13 mark the notation "AB" opposite the voter's name in the  
14 "Notations" column of the signature rosters or register; and

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

24 ~~[E-]~~ F. It is unlawful for a person to disclose the  
25 results of a count and tally or the registration on a voting

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1 machine of absentee ballots prior to the closing of the polls.

2 [F-] G. Absentee ballots shall be counted and  
3 tallied, where possible, on an electronic voting machine as  
4 provided in the Election Code.

5 [G-] H. Absent voter precinct polls shall close in  
6 accordance with Section 1-6-23 NMSA 1978, and the results of  
7 the election shall be certified as prescribed by the secretary  
8 of state.

9 [H-] I. If an absentee ballot does not contain the  
10 identification required pursuant to Subsection D of Section  
11 1-6-5 NMSA 1978, it shall be handled as a provisional paper  
12 ballot in accordance with the Election Code."

13 SECTION 46. Section 1-6-16 NMSA 1978 (being Laws 1969,  
14 Chapter 240, Section 141, as amended) is amended to read:

15 "1-6-16. [VOTING] CASTING BALLOT IN PERSON PROHIBITED.--

16 A. [~~Except as provided in Section 1-6-16.1 NMSA~~  
17 ~~1978~~] No person who has been issued an absentee ballot shall  
18 vote in person [~~at his precinct poll~~] other than on a  
19 replacement absentee ballot.

20 B. At any time prior to 5:00 p.m. on the Monday  
21 immediately preceding the date of the election, a person whose  
22 absentee ballot application has been accepted and who was  
23 mailed an absentee ballot but who has not received the absentee  
24 ballot may execute, in the office of the county clerk [øf] or  
25 at an alternate voting location in the county where [he] the

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1 voter is registered to vote, during operational hours, a sworn  
2 affidavit stating that [~~he~~] the person did not receive or vote  
3 [~~his~~] the absentee ballot. Upon receipt of the sworn  
4 affidavit, the county clerk shall issue the voter a replacement  
5 absentee ballot.

6 C. Replacement absentee ballots shall be delivered  
7 to the absent voter precinct board for tabulation and shall not  
8 be placed in a voting system for tabulation of votes cast at  
9 the office of the county clerk or at an alternate voting  
10 location.

11 [~~G.~~] D. The secretary of state shall prescribe the  
12 form of the affidavit and the manner in which the county clerk  
13 shall void the first ballot mailed to the applicant."

14 **SECTION 47.** Section 1-6-22.1 NMSA 1978 (being Laws 2009,  
15 Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1)  
16 is amended to read:

17 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING  
18 IN LIEU OF POLLING PLACE.--

19 A. Notwithstanding the provisions of [~~Section~~]  
20 Sections 1-1-11 and 1-1-12 NMSA 1978, not later than the first  
21 Monday in November of each odd-numbered year a board of county  
22 commissioners may designate a precinct as a mail ballot  
23 election precinct if, upon a written request of the county  
24 clerk, it finds that the precinct has fewer than [~~fifty~~] one  
25 hundred voters and the nearest polling place for an adjoining

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1 precinct is more than [~~thirty~~] twenty miles driving distance  
2 from the [~~polling place designated~~] boundary for the precinct  
3 in question.

4 B. If a precinct is designated a mail ballot  
5 election precinct, in addition to the notice required pursuant  
6 to Section 1-3-8 NMSA 1978, the county clerk shall notify by  
7 registered mail all voters in that precinct at least [~~forty~~]  
8 forty-two days before an election that each voter will be sent  
9 an absentee ballot twenty-eight days before the election and  
10 that there will be no polling place for the precinct on  
11 election day. The county clerk shall include in the notice a  
12 card informing the voter that if the voter does not want to  
13 receive an absentee ballot, the voter should return the card  
14 before the date the county clerk is scheduled to mail out  
15 absentee ballots. The card shall also inform the voter that a  
16 voting system equipped for persons with disabilities will be  
17 available at all early voting sites before election day and in  
18 the office of the county clerk on election day in case the  
19 voter prefers to vote in person and not by mail.

20 C. The county clerk shall mail each voter in the  
21 mail ballot election precinct an absentee ballot on the twenty-  
22 eighth day before an election, unless the voter has requested  
23 otherwise, along with a notice that there will be no polling  
24 place in that precinct on election day.

25 D. The county clerk shall keep a sufficient number

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1 of ballots from a mail ballot election precinct such that if a  
2 voter from that precinct does not receive an absentee ballot  
3 before election day, the voter may vote on an absentee ballot  
4 in the office of the county clerk on election day in lieu of  
5 voting on the missing ballot."

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

9 "MAJOR POLITICAL PARTY--MINOR POLITICAL PARTY.--As used in  
10 the Election Code:

11 A. "major political party" means any qualified  
12 political party, any of whose candidates received as many as  
13 five percent of the total number of votes cast at the last  
14 preceding general election for the office of governor or  
15 president of the United States, as the case may be, and whose  
16 membership totals not less than one-third of one percent of the  
17 statewide registered voter file on the day of the governor's  
18 primary election proclamation; and

19 B. "minor political party" means any qualified  
20 political party [~~none of whose candidates received five percent~~  
21 ~~or more of the total number of votes cast at the last preceding~~  
22 ~~general election for the office of governor or president of the~~  
23 ~~United States, as the case may be]~~ that is not qualified as a  
24 major political party pursuant to Subsection A of this  
25 section."

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

3           "1-7-2. QUALIFICATION--REMOVAL--REQUALIFICATION.--

4           A. To qualify as a political party in New Mexico,  
5 each political party through its governing body shall adopt  
6 rules [~~and regulations~~] providing for the organization and  
7 government of that party and shall file the rules [~~and~~  
8 ~~regulations~~] with the secretary of state. Uniform rules [~~and~~  
9 ~~regulations~~] shall be adopted throughout the state by the  
10 county organizations of that party, where a county organization  
11 exists, and shall be filed with the county clerks. At the same  
12 time the rules [~~and regulations~~] are filed with the secretary  
13 of state, the governing body of the political party shall also  
14 file with the secretary of state a petition containing the  
15 hand-printed names, signatures, addresses of [~~residence~~]  
16 registration and counties of residence of at least one-half of  
17 one percent of the total votes cast for the office of governor  
18 [~~or president~~] at the preceding general election who declare by  
19 their signatures on [~~such~~] the petition that they are voters of  
20 New Mexico and that they desire the party to be a qualified  
21 political party in New Mexico. Blank petition forms shall be  
22 available at any time from the secretary of state.

23           B. Each county political party organization may  
24 adopt [~~such~~] supplementary rules [~~and regulations~~] insofar as  
25 they do not conflict with the uniform state rules [~~and~~

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1 ~~regulations~~] or do not abridge the lawful political rights of  
2 any person. Such supplementary rules shall be filed with the  
3 county clerk and the secretary of state in the same manner as  
4 other rules are filed.

5 C. ~~[All political parties that appeared on the 1988~~  
6 ~~New Mexico general election ballot shall continue to be~~  
7 ~~qualified political parties unless disqualified in accordance~~  
8 ~~with this subsection. Beginning with the general election in~~  
9 ~~1990]~~ A qualified political party shall cease to be qualified  
10 for the purposes of the Election Code if two successive general  
11 elections are held without at least one of the party's  
12 candidates on the ballot or if the total votes cast for the  
13 party's candidates for governor or president of the United  
14 States, provided that the party has a candidate seeking  
15 election to either of these offices, in a general election do  
16 not equal at least one-half of one percent of the total votes  
17 cast for the office of governor or president of the United  
18 States, as applicable. ~~[After giving notice]~~ No later than  
19 March 15 of an odd-numbered year, the secretary of state shall  
20 send notice of nonqualification to the state chair of any  
21 political party that fails to remain qualified. The notice  
22 shall be delivered by registered mail to the ~~[state chairman of~~  
23 ~~the party at his]~~ last known address ~~[the secretary of state]~~  
24 of the state chair of the political party, and a copy shall  
25 ~~[remove all material dealing with the political party from his]~~

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1 be kept in the secretary of state's file of parties qualified  
2 in New Mexico.

3 D. The secretary of state shall then notify all  
4 county clerks of the removal and nonqualification of the  
5 political party [~~The county clerk is then authorized to remove~~  
6 ~~such rules and regulations from the county files. The county~~  
7 ~~clerk] and shall post the notice on the web site maintained by  
8 the secretary of state. The secretary of state shall  
9 [~~immediately~~] within forty-five days notify by mail all voters  
10 registered as members of such party of the removal and  
11 nonqualification of the party.~~

12 E. To requalify, the party [~~must~~] shall again  
13 comply with the provisions of the Election Code dealing with  
14 filing requirements for political parties."

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

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

22 A. determine whether the method of nomination used  
23 by the certifying political party complies with the current  
24 rules [~~and regulations~~] of that party on file in [~~his~~] the  
25 secretary of state's office;

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1           B. determine whether all the requirements of  
2 Sections 1-8-1 [~~1-8-2 and~~] through 1-8-3 NMSA 1978 have been  
3 complied with and that the petition and list of signatures and  
4 addresses of voters are valid and comply with law; and

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

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

12           "1-8-8. VACANCY ON GENERAL ELECTION BALLOT--OCCURRING  
13 AFTER PRIMARY.--

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

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1 (1) the central committee of the state  
2 political party filing the name of its nominee for the office  
3 with the proper filing officer when ~~[such]~~ the office is a  
4 federal office, state office, district office or multicounty  
5 legislative district office; and

6 (2) the central committee of the county  
7 political party filing the name of its nominee for the office  
8 with the proper filing officer when ~~[such]~~ the office is a  
9 magistrate office, county office or ~~[a]~~ legislative district  
10 office where the district is entirely within the boundaries of  
11 a single county.

12 B. Appointments made pursuant to Subsection A of  
13 this section shall ~~[be of the same party affiliation as the~~  
14 ~~original nominee and reside in the district from which he will~~  
15 ~~be elected as shown by his certificate of registration on file~~  
16 ~~in the county clerk's office before the day of the governor's~~  
17 ~~primary election proclamation]~~ qualify pursuant to Section  
18 1-8-18 NMSA 1978.

19 C. Appointments to fill vacancies in the list of a  
20 party's nominees shall be made and filed at least fifty-six  
21 days prior to the general election. ~~[If the vacancy is caused~~  
22 ~~by the death of a nominee, the central committee may in like~~  
23 ~~manner file the name of its nominee to fill the vacancy up~~  
24 ~~until five days prior to the general election.]~~

25 D. When the name of a nominee is filed as provided

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1 in this section, [~~such~~] the name shall be placed on the general  
2 election ballot as the party's candidate for that office. [~~In~~  
3 ~~the case of a nominee appointed after the general election~~  
4 ~~ballots are printed, such name shall be placed on the ballot by~~  
5 ~~pasting the printed name of the nominee over the name of the~~  
6 ~~candidate whose vacancy he fills on the general election~~  
7 ~~ballot.~~]"

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

10 "1-8-9. GENERAL ELECTION--WITHDRAWAL OF CANDIDATES.--No  
11 candidate shall withdraw from a general election unless the  
12 candidate withdraws at least sixty-three days prior to that  
13 election and the candidate files a signed and notarized  
14 statement of withdrawal with the [~~secretary of state~~] proper  
15 filing officer."

16 SECTION 53. Section 1-8-11 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 160) is amended to read:

18 "1-8-11. PRIMARY ELECTION LAW--TIME OF HOLDING PRIMARY.--  
19 A primary election shall be held in each county in this state  
20 on the first Tuesday after the first Monday in June of each  
21 even-numbered year."

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

24 "1-8-16. PRIMARY ELECTION LAW--PROCLAMATION--AMENDMENT.--  
25 The governor may amend the proclamation between the time of its

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1 issuance and the ~~[time set for filing declarations of candidacy~~  
2 ~~or statements of candidacy for convention designation,~~  
3 ~~whichever the case may be]~~ first Tuesday in March to include  
4 ~~[an office]~~ a newly created public office that is capable by  
5 law of being filled at the next succeeding general election, or  
6 any existing office becoming vacant by removal, resignation or  
7 death, or to provide for any corrections or omissions."

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

10 "1-8-25. ~~[PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY]~~  
11 PROPER FILING OFFICER--DECLARATION OF CANDIDACY--NOMINATING  
12 PETITIONS--WITHDRAWAL OF CANDIDACY.--For the purposes of  
13 Chapter 1, Articles 8 and 12 NMSA 1978, the proper filing  
14 officer ~~[for filing declarations of candidacy]~~ is:

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

16 (1) United States senator;

17 (2) United States representative;

18 (3) all state elective offices;

19 (4) legislative offices elected from  
20 multicounty districts;

21 (5) all public regulation commission  
22 districts;

23 (6) all elective judicial offices in the  
24 judicial department, except magistrates; and

25 (7) all offices representing a district

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1 composed of more than one county; and

2 B. the county clerk for the offices of:

3 (1) all elective county offices;

4 (2) magistrates; and

5 (3) legislative offices elected from a

6 district located wholly within one county or that is composed  
7 of only one county."

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

10 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS  
11 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

12 A. Declarations of candidacy by preprimary  
13 convention designation for any statewide office or for the  
14 office of United States representative [~~and declarations of~~  
15 ~~candidacy for retention of a justice of the supreme court or~~  
16 ~~judge of the court of appeals]~~ shall be filed with the proper  
17 filing officer on the second Tuesday in February of each even-  
18 numbered year between the hours of 9:00 a.m. and 5:00 p.m.

19 B. Declarations of candidacy for any other office  
20 [~~and declarations of candidacy for retention for all affected~~  
21 ~~district judicial offices]~~ to be nominated in the primary  
22 election shall be filed with the proper filing officer on the  
23 third Tuesday of March of each even-numbered year between the  
24 hours of 9:00 a.m. and 5:00 p.m.

25 C. Certificates of designation shall be submitted

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1 to the secretary of state on the first Tuesday following the  
2 preprimary convention at which the candidate's designation  
3 took place between the hours of 9:00 a.m. and 5:00 p.m.

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

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

17 ~~[E-]~~ F. If a candidate is notified by the proper  
18 filing officer that the candidate is not qualified to have  
19 the candidate's name appear on the ballot, the candidate may  
20 challenge that decision by filing a petition with the  
21 district court within ten days of the notification. The  
22 district court shall hear and render a decision on the matter  
23 within ten days after the petition is filed. The decision of  
24 the district court may be appealed to the supreme court  
25 within five days after the decision is rendered. The supreme

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1 court shall hear and render a decision on the appeal  
2 forthwith."

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

5 "1-8-30. PRIMARY ELECTION LAW--DECLARATION OF  
6 CANDIDACY--NOMINATING PETITION--FILING AND FORM.--

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

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

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

21 "NOMINATING PETITION

22 I, the undersigned, a registered voter of [~~the county~~  
23 of \_\_\_\_\_] New Mexico, and a member of the  
24 \_\_\_\_\_ party, hereby nominate \_\_\_\_\_,  
25 who resides at \_\_\_\_\_ in the county of

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1 \_\_\_\_\_, New Mexico, for the party nomination for the  
2 office of \_\_\_\_\_, to be voted for at the  
3 primary election to be held on [~~the first Tuesday of June,~~  
4 ~~20~~] \_\_\_\_\_, and I declare that I am a [~~resident~~] registered  
5 voter of the state, district, county or area to be  
6 represented by the office for which the person being  
7 nominated is a candidate. I also declare that I have not  
8 signed, and will not sign, any nominating petition for more  
9 persons than the number of candidates necessary to fill such  
10 office at the next ensuing general election.

- 11 1. \_\_\_\_\_  
12 (usual (name printed (address as (city or  
13 signature) as registered) registered) [~~rt. no.~~  
14 zip code)
- 15 2. \_\_\_\_\_  
16 (usual (name printed (address as (city or  
17 signature) as registered) registered) [~~rt. no.~~  
18 zip code)]."

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

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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 [~~his residence as his~~] the person's registration  
15 address. If the person does not have a [~~residential~~]  
16 standard street address, [~~he~~] the person may provide [~~his~~]  
17 the mailing address as shown on the person's certificate of  
18 registration.

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

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

25 (2) failed to provide information required

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1 by the nominating petition [~~sufficient to determine that the~~  
2 ~~person~~];

3 (3) is not a [~~qualified~~] voter of the state,  
4 district, county or area to be represented by the office for  
5 which the person seeking the nomination is a candidate;

6 [~~(3)~~] (4) has signed more than one petition  
7 for the same office, except as provided in Subsection A of  
8 this section, or has signed one petition more than once;

9 [~~(4)~~] (5) is not of the same political party  
10 as the candidate named in the nominating petition as shown by  
11 the signer's certificate of registration; or

12 [~~(5)~~] (6) is not the person whose name  
13 appears on the nominating petition.

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

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1           ~~[D-]~~ E. The procedures set forth in this section  
2 shall be used to validate signatures on any petition required  
3 by the Election Code, except that Paragraphs (1) and ~~[4-]~~  
4 (5) of Subsection C of this section shall not apply to  
5 petitions filed by unaffiliated candidates or petitions filed  
6 by candidates of minor political parties."

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

9           "1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN  
10 CANDIDATES.--

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

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

23           C. A person desiring to be a write-in candidate  
24 for one of the offices listed in Subsection A of this section  
25 in the primary election shall file with the proper filing

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1 officer a declaration of intent to be a write-in candidate.  
2 Such declaration of intent shall be filed [~~before~~] between  
3 9:00 a.m. and 5:00 p.m. on the [~~second~~] third Tuesday in  
4 March.

5 D. A write-in vote shall be counted and canvassed  
6 only if:

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

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

20 E. At the time of filing the declaration of  
21 intent to be a write-in candidate, the write-in candidate  
22 shall be considered a candidate for all purposes and  
23 provisions relating to candidates in the Election Code,  
24 including the obligations to report pursuant to the Campaign  
25 Reporting Act, except that the write-in candidate's name

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1 shall not be printed on the ballot.

2 F. No unopposed write-in candidate shall have the  
3 write-in candidate's nomination certified unless the write-in  
4 candidate receives at least the number of write-in votes in  
5 the primary election as the write-in candidate would need  
6 signatures on a nominating petition pursuant to the  
7 requirements set out in Section 1-8-33 NMSA 1978.

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

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

16 "1-8-41. PRIMARY ELECTION LAW--FILING FEE.--The filing  
17 fee in the primary election for any county office shall be  
18 fifty dollars (\$50.00), which shall be paid at the time of  
19 the filing of the declaration of candidacy [~~provided the~~  
20 ~~filing fee for candidates for the office of county~~  
21 ~~councilman, county clerk, county assessor or sheriff in H-~~  
22 ~~class counties or incorporated counties under Article 10,~~  
23 ~~Section 5 of the constitution of New Mexico shall be five~~  
24 ~~dollars (\$5.00)] for nomination by a political party."~~

25 SECTION 61. Section 1-8-44 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 182, as amended) is amended to read:

2 "1-8-44. PRIMARY ELECTION LAW--WITHDRAWAL OF  
3 CANDIDATES.--A candidate seeking to withdraw from a primary  
4 election shall withdraw no later than the first Tuesday in  
5 April before that primary election by filing a signed and  
6 notarized statement of withdrawal with the [~~secretary of~~  
7 ~~state~~] proper filing officer."

8 SECTION 62. Section 1-8-45 NMSA 1978 (being Laws 1977,  
9 Chapter 322, Section 1, as amended by Laws 1993, Chapter 314,  
10 Section 49 and also by Laws 1993, Chapter 316, Section 49) is  
11 amended to read:

12 "1-8-45. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
13 STATES REPRESENTATIVE SPECIAL ELECTIONS--DEFINITION.--

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

16 [~~A.~~] (1) is a candidate [~~without party~~  
17 ~~affiliation for an~~] for any state or county office to be  
18 voted on at a general election: [~~or any United States~~  
19 ~~representative special election;~~

20 B. ~~except for a candidate for the office of~~  
21 ~~president or vice president, is a person who will be~~  
22 ~~qualified to hold the office for which he is a candidate~~  
23 ~~under the provisions of the constitution of New Mexico and~~  
24 ~~the Election Code]~~

25 (a) whose certificate of voter

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1 registration shows affiliation with no qualified political  
2 party on the date of the governor's proclamation for the  
3 primary election and, if applicable, shows residence on the  
4 date of the governor's proclamation for the primary election  
5 in the district or county of the office for which the person  
6 is a candidate; and

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

10 (2) is a candidate for United States senator  
11 or United States representative:

12 (a) whose certificate of voter  
13 registration, if any, shows affiliation with no qualified  
14 political party on the date of the governor's proclamation  
15 for the primary election;

16 (b) who will be a resident of New  
17 Mexico when elected; and

18 (c) who has complied with the  
19 nomination procedures set forth in the Election Code for  
20 independent candidates; or

21 [~~G. except for~~] (3) is a candidate for the  
22 office of president or vice president [~~is a qualified elector~~  
23 ~~registered to vote in New Mexico at the time of filing the~~  
24 ~~declaration of independent candidacy and nominating petition;~~

25 ~~D. except for a candidate for the office of~~

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1 ~~president or vice president, has indicated on such person's~~  
2 ~~certificate of registration a declination to designate a~~  
3 ~~party affiliation;~~

4 ~~E.]~~ who:

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

8 ~~[F.]~~ (b) was not ~~[a person who~~  
9 ~~appeared as]~~ a major party candidate for the same office on  
10 the primary election ballot.

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

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

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1 the decision is rendered. The supreme court shall hear and  
2 render a decision on the appeal forthwith."

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

5 "1-8-48. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
6 STATES REPRESENTATIVE SPECIAL ELECTIONS--DECLARATION OF  
7 INDEPENDENT CANDIDACY AND NOMINATING PETITION.--

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

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

15 "DECLARATION OF INDEPENDENT CANDIDACY

16 I, \_\_\_\_\_ (candidate's  
17 name [~~on certificate of registration~~]), being  
18 first duly sworn, say that:

19 I reside at \_\_\_\_\_ [~~in~~  
20 ~~the county of \_\_\_\_\_, New Mexico, and~~  
21 ~~that I am a voter of Precinct No. \_\_\_\_\_ of the~~  
22 ~~county of \_\_\_\_\_, State of New Mexico~~];

23 I [~~have declined to designate my party~~  
24 ~~affiliation as shown by my~~] did not designate any  
25 current affiliation with a qualified political

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1 party on my certificate of registration [~~and I~~  
2 ~~have not changed such declination subsequent to~~  
3 on or before the date of issuance of the  
4 governor's proclamation for the primary election  
5 in the year of the general election at which I  
6 seek to be a candidate;

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

9 I desire to become a candidate for the office of  
10 \_\_\_\_\_, District \_\_\_\_\_  
11 at the general election to be held on the date set  
12 by law for this year; [~~and~~

13 if the office I seek be [~~that of a member of~~  
14 ~~the legislature or public regulation commission,~~  
15 ~~that~~] a state or county district office, I  
16 actually reside within the district of the office  
17 for which I declare my candidacy, and if the  
18 office I seek be a countywide office, I actually  
19 reside in the county of the office for which I  
20 declare my candidacy;

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

23 if a candidate for any office for which a  
24 nominating petition is required, I am submitting  
25 with this statement a nominating petition in the

1 form and manner as prescribed by the Election  
2 Code; and

3 I make the foregoing affidavit under oath or  
4 affirmation knowing that any false statement  
5 herein constitutes a felony punishable under the  
6 criminal laws of New Mexico.

7 \_\_\_\_\_  
8 (Declarant)

9 \_\_\_\_\_  
10 (~~Mailing~~ Residence Address)

11 \_\_\_\_\_  
12 (~~Residence~~ Mailing Address, if different)

13 Subscribed and sworn to or affirmed before me  
14 this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.  
15 (month) (year)

16 \_\_\_\_\_  
17 (Notary Public)

18 My commission expires:  
19 \_\_\_\_\_".

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

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

25 "1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED

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1 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION  
2 FORM.--

3 A. As used in Sections 1-8-45 through 1-8-52 NMSA  
4 1978, "nominating petition" means the authorized form used  
5 for obtaining the required number of signatures of voters  
6 that is signed on behalf of the person wishing to become an  
7 independent candidate for a political office in a general or  
8 United States representative special election requiring a  
9 nominating petition.

10 B. In making a [~~determination~~] declaration of  
11 candidacy, the candidate shall file a nominating petition at  
12 the same time, which shall be on forms prescribed by law.

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

19 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY  
20 [~~FOR ANY OFFICE EXCEPT PRESIDENT OF THE UNITED STATES~~]

21 I, the undersigned, a registered voter of [~~the~~  
22 ~~county of~~ \_\_\_\_\_] New Mexico, hereby  
23 nominate \_\_\_\_\_, who  
24 resides at \_\_\_\_\_ in the county of  
25 \_\_\_\_\_, New Mexico, as an independent candidate

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1 for the office of \_\_\_\_\_, to be voted  
2 for at the general election, or United States  
3 representative special election to be held on  
4 \_\_\_\_\_,  
5 (month) (day) (year)

6 and I declare that I am a [~~resident~~] registered voter of  
7 the state, district, county or area to be represented by  
8 the office for which the person being nominated is a  
9 candidate. I also declare that I have not signed, and  
10 will not sign, any nominating petition for more persons  
11 than the number of candidates necessary to fill the  
12 office at the next ensuing general election or at a  
13 United States representative special election.

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

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

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1 "NOMINATING PETITION FOR INDEPENDENT CANDIDACY  
2 FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES

3 I, the undersigned, a registered voter of [~~the~~  
4 ~~county of \_\_\_\_\_~~] New Mexico, by endorsement hereon,  
5 petition that the name of \_\_\_\_\_ be printed on the  
6 general election ballot as an independent candidate for  
7 the office of president of the United States, to be  
8 voted on at the general election to be held on November  
9 \_\_\_\_\_, \_\_\_\_\_. I also declare that I am that person  
10 whose name appears hereon and that I have not signed,  
11 nor will I sign, any nominating petition for any other  
12 candidate seeking the office of president of the United  
13 States at the next ensuing general election.".

14 E. In March of even-numbered years, the secretary  
15 of state shall post on the secretary of state's web site and  
16 shall furnish to each county clerk a sample of the nominating  
17 petition form, a copy of which shall be made available by the  
18 county clerk upon request of any candidate as provided by the  
19 Election Code.

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

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

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

4           A. Declarations of independent candidacy and  
5 nominating petitions shall be filed with the proper filing  
6 officer [~~during the period commencing at~~] between 9:00 a.m.  
7 and 5:00 p.m. on the twenty-first day following the primary  
8 election of each even-numbered year and [~~ending at 5:00 p.m.~~  
9 ~~on that same day and not later than~~] between 9:00 a.m. and  
10 5:00 p.m. on the fifty-sixth day preceding any United States  
11 representative special election.

12           B. Declarations of independent candidacy and  
13 nominating petitions for the office of president of the  
14 United States shall be filed with the proper filing officer  
15 [~~during the period commencing at~~] between 9:00 a.m. and 5:00  
16 p.m. on the twenty-first day following the primary election  
17 [~~and ending at 5:00 p.m. on the same day~~]."

18           SECTION 66. A new section of Chapter 1, Article 9 NMSA  
19 1978 is enacted to read:

20           "[NEW MATERIAL] SYSTEMS DESIGNED TO PRINT BALLOTS AT  
21 POLLING LOCATIONS--BALLOT PREPARATION REQUIREMENTS.--Systems  
22 designed to print ballots at polling locations shall provide  
23 the general capabilities for ballot preparation and shall be  
24 capable of:

25           A. enabling the automatic formatting of ballots in

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1 accordance with the requirements of the Election Code, as  
2 amended from time to time, for offices, candidates and  
3 questions qualified to be placed on the ballot for each  
4 political subdivision and election district;

5 B. supporting the maximum number of potentially  
6 active voting positions;

7 C. generating ballots for a primary election that  
8 segregate the choices in partisan contests by party  
9 affiliation;

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

12 E. ensuring that voting response fields properly  
13 align with the specific candidate names or questions printed  
14 on the ballot;

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

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

19 H. functionality in absentee, early and election  
20 day voting environments;

21 I. providing absentee ballot tracking ability;

22 J. uniform allocation of space and fonts used for  
23 each office, candidate and question such that the voter  
24 perceives no active voting position to be preferred to any  
25 other;

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1           K. rendering the ballot in any of the written  
2 languages required by the federal Voting Rights Act of 1965,  
3 as amended;

4           L. conformity with optical scan vote tabulator  
5 vendor specifications for type of paper stock, weight, size  
6 and shape; size and location of voting positions used to  
7 record votes; folding; bleed-through; and ink for printing;  
8 and

9           M. interfacing with the statewide voter file for  
10 the exchange of data."

11           **SECTION 67.** A new section of Chapter 1, Article 9 NMSA  
12 1978 is enacted to read:

13           "[NEW MATERIAL] SYSTEMS DESIGNED TO PRINT BALLOTS AT  
14 POLLING LOCATIONS--SECURITY REQUIREMENTS.--Systems designed  
15 to print ballots at polling locations shall provide the  
16 security capabilities for ballot preparation and shall be  
17 capable of:

18           A. providing a full audit trail of individual voter  
19 activity;

20           B. providing full ballot production audit logs for  
21 all activity, including absentee voting by mail, in-person  
22 absentee voting, early voting, provisional voting and  
23 spoiling ballots;

24           C. creation and preservation of an audit trail of  
25 every ballot issued, including during a period of interrupted

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1 communication in the event of loss of network connectivity;

2 D. suitable security passwords at user,  
3 administrator and management levels;

4 E. preventing the modification of ballot formatting  
5 by polling place users; and

6 F. retaining full functionality and capability of  
7 printing ballots during a period of interrupted communication  
8 in the event of loss of network connectivity."

9 SECTION 68. A new section of Chapter 1, Article 9 NMSA  
10 1978 is enacted to read:

11 "[NEW MATERIAL] SYSTEMS DESIGNED TO PRINT BALLOTS AT  
12 POLLING LOCATIONS--HARDWARE, SOFTWARE AND USABILITY  
13 REQUIREMENTS.--Systems designed to print ballots at polling  
14 locations shall:

15 A. provide hardware requirements that:

16 (1) shall be networkable and scalable for  
17 multi-user environments;

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

20 (3) function without degradation in  
21 capabilities after storage between elections;

22 (4) function in the natural environment,  
23 including variations in temperature, humidity and atmospheric  
24 pressure;

25 (5) function in an induced environment,

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1 including proper and improper operation and handling of the  
2 system and its components during the election process;

3 (6) contain prominent instructions as to any  
4 special requirements;

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

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

13 B. provide software requirements that shall:

14 (1) be capable of exporting voter data and  
15 voter activity status data to state and county voter  
16 registration systems;

17 (2) be capable of generating all required  
18 absentee and early voting signature rosters in a state-  
19 approved format;

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

22 (4) have both single transaction and batch  
23 transaction absentee production capability; and

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

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

3           "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM  
4 DEFINED.--

5           A. The secretary of state shall study, examine and  
6 certify all voting systems used in elections for public  
7 office in New Mexico. The secretary of state shall maintain  
8 a current list of certified voting systems and copies of  
9 filed testing and evaluation reports accessible by the public  
10 on the secretary of state's web site. Only voting systems  
11 certified by the secretary of state and acquired pursuant to  
12 a competitive bid process in accordance with the provisions  
13 of the Procurement Code shall be used in any election for  
14 public office in New Mexico.

15           B. As used in Chapter 1, Article 9 NMSA 1978,  
16 "voting system" means a combination of mechanical,  
17 electromechanical or electronic equipment, including the  
18 software and firmware required to program and control the  
19 equipment, that is used to cast and count votes, and also  
20 including any type of system that is designed to print or to  
21 mark ballots at a polling location; equipment that is not an  
22 integral part of a voting system but that can be used as an  
23 adjunct to it is considered to be a component of the system  
24 [~~including any type of system that is designed to print or~~  
25 ~~mark ballots at a polling location~~]."

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

3           "1-9-7.5. VOTING SYSTEMS--VOTING SYSTEM CERTIFICATION  
4 COMMITTEE--MEMBERS.--

5           A. The "voting system certification committee" is  
6 created. The committee shall review written test reports and  
7 the findings of the secretary of state on the certification,  
8 recertification and decertification of voting systems for use  
9 in elections in the state.

10           B. The voting system certification committee shall  
11 be composed of:

12                   (1) the secretary of information technology or  
13 the secretary's designee from within the department of  
14 information technology; and

15                   (2) four additional members as follows:

16                           (a) one member appointed by the president  
17 pro tempore of the senate;

18                           (b) one member appointed by the minority  
19 floor leader of the senate;

20                           (c) one member appointed by the speaker of  
21 the house of representatives; and

22                           (d) one member appointed by the minority  
23 floor leader of the house of representatives.

24           C. The four additional members appointed pursuant  
25 to Paragraph (2) of Subsection B of this section shall be

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1 county clerks or their chief deputies or other persons  
2 knowledgeable of elections in this state. Members shall be  
3 appointed [~~no later than May 1 of each even-numbered year~~]  
4 for terms of two years beginning on May 1 of each even-  
5 numbered year. Vacancies shall be filled by the original  
6 appointing authority.

7 D. The members of the committee shall select a  
8 committee member to serve as chair of the committee. No  
9 person who is currently or has been within the previous  
10 twelve months an employee or contractor of a voting machine  
11 vendor or the office of the secretary of state may serve as a  
12 member of the committee. Members of the committee are  
13 entitled to receive per diem and mileage as provided in the  
14 Per Diem and Mileage Act, to be paid out of the funds  
15 appropriated to the secretary of state.

16 E. All meetings of the voting system certification  
17 committee shall be open meetings held in accordance with the  
18 Open Meetings Act. All reports and other records that are  
19 used, created, received, maintained or held by or on behalf  
20 of the voting system certification committee shall be open to  
21 public inspection pursuant to the Inspection of Public  
22 Records Act."

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

25 "1-10-4. BALLOTS--PREPARATION.--

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1           A. Not less than [~~forty-nine~~] fifty-six days before  
2 the primary election, [~~the county clerk~~] each proper filing  
3 officer shall group all candidates for each party by  
4 themselves and prepare in writing a separate ballot for each  
5 party and certify the candidates for each ballot position to  
6 the printer [~~and have the ballots for each party printed~~].

7           B. Not less than [~~fifty-three~~] fifty-six days  
8 before the general election, [~~the county clerk~~] each proper  
9 filing officer shall prepare in writing the ballot containing  
10 the name of each candidate [~~which~~] that has been certified  
11 and filed as the nominee of [~~his~~] a party and any  
12 constitutional amendments, questions or other propositions  
13 that are to be voted on and certify all such information to  
14 the ballot printer. A copy of [~~the~~] each certification shall  
15 be [~~transmitted to~~] kept on file in the office of the  
16 secretary of state.

17           C. Upon request of the county chair of a political  
18 party participating in the election, the county clerk shall  
19 furnish [~~to the county chairman of a major political party~~  
20 ~~upon his request~~] proof sheets or a copy of the proof sheets  
21 of the ballot as soon as they become available."

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

24           "1-10-5. BALLOTS--PRINTING.-- [~~Ballots shall be printed~~  
25 ~~and in the hands of the county clerk at least forty days~~

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

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

13 "1-11-2. CONTENTS OF PROCLAMATION.--The proclamation  
14 shall:

- 15 A. give notice of the election;
- 16 B. set forth the purpose of the election;
- 17 C. list the offices to be filled;
- 18 D. list all properly certified candidates and their

19 party affiliation for each of the offices to be filled;  
20 E. list all properly certified candidates for  
21 judicial retention;

22 [~~E.~~] F. list [~~the~~] all properly declared write-in  
23 [~~candidate's name and party affiliation~~] candidates for each  
24 of the offices to be filled;

25 [~~F.~~] G. list the names of all precinct board

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1 members, the polling location and the precinct, if  
2 applicable, to which they are appointed; and

3 ~~[G.]~~ H. give the address or location of ~~[the]~~ each  
4 polling place ~~[in each precinct]~~ and alternate voting  
5 location where the election is to be held."

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

8 "1-11-5. VOTING DEVICE--PREPARATION--CERTIFICATION.--  
9 ~~[Thirty]~~ Forty-two days before the election, the county clerk  
10 may begin to prepare, inspect, certify and seal ~~[lever voting~~  
11 ~~machines and]~~ electronic voting machines ~~[which]~~ that are to  
12 be used in the election, and such preparation, inspection,  
13 certification and sealing shall continue until all machines  
14 are prepared, inspected, certified and sealed."

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

17 "1-11-6. VOTING MACHINES--MANNER OF PREPARING.--~~[Thirty~~  
18 ~~days prior to an election]~~ When preparing, inspecting and  
19 sealing voting machines, the county clerk shall:

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

25 B. prepare, in the presence of those persons

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1 entitled to be present, the [~~lever voting machines and~~  
2 electronic voting machines for the election as follows:

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

5 (2) [~~assisted by watchers~~] each such counter  
6 shall be tested for accuracy by casting votes upon it until  
7 it correctly registers each vote cast;

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

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

14 (a) the number on the seal; and

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

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

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

23 "1-11-6.1. ELECTRONIC VOTING MACHINES--TESTING.--

24 [~~A. The county clerk shall insure that all~~  
25 ~~electronic voting machine programs are tested not later than~~

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1 ~~ten days prior to the election. The tests shall be conducted~~  
2 ~~by the county clerk in the presence of the county chairman of~~  
3 ~~each major political party and any interested candidate or~~  
4 ~~representative of the candidate. The county clerk shall seal~~  
5 ~~and retain the logic and accuracy test printout, known as the~~  
6 ~~internal audit trail, for forty-five days after the election.~~  
7 ~~The county clerk shall also seal and retain the test ballots~~  
8 ~~used in the marksense voting machines for a period of forty-~~  
9 ~~five days after the election.~~

10 B.] All programming of vote tabulating machines  
11 shall be ~~[performed]~~ tested under the supervision of the  
12 ~~[secretary of state and the]~~ county clerk. The machines  
13 shall be programmed so that votes will be counted in  
14 accordance with the specifications for electronic voting  
15 machines ~~[adopted by the secretary of state.~~

16 G. ~~After testing, all counters shall be set at zero~~  
17 ~~and the machine shall be immediately sealed with a numbered~~  
18 ~~metal or plastic seal so as to prevent operation of the~~  
19 ~~machine or its registering counters without breaking the~~  
20 ~~seal.~~

21 D. ~~On the certificate for that machine there shall~~  
22 ~~be recorded:~~

- 23 (1) ~~the number of the seal; and~~  
24 (2) ~~the reading shown on the protective~~  
25 ~~counter]."~~

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

3           "1-11-7. VOTING MACHINE--CERTIFICATE OF PREPARATION.--  
4 Immediately after each [~~lever voting machine and~~] electronic  
5 voting machine has been prepared for the election, the county  
6 clerk shall prepare a written certificate, which shall be  
7 filed in [~~his~~] the county clerk's office. A copy of the  
8 certificate shall be posted on the voting machine, and one  
9 copy shall be forwarded to the secretary of state. The  
10 certificate shall show the serial number for the voting  
11 machine, whether or not the machine has all of its  
12 [~~resettable registering~~] public counters set at zero and  
13 whether or not the machine has been tested by voting on each  
14 [~~registering~~] public counter to prove the counter is in  
15 perfect condition. The certificate shall also show the  
16 number of the seal [~~which~~] that has sealed the machine and  
17 the number registered on the [~~protective~~] 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 [~~written~~] notice to the county [~~chairman~~] chair of each  
24 political party having a candidate on the ballot in the  
25 election. The notice shall state the times when and places

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1 where the voting machines 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 [~~insure~~]  
5 ensure 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. [~~VOTERS ALPHABETICAL~~] INDEX OF VOTERS.--~~[Not~~  
9 ~~more than twenty nor less than ten days before a general or~~  
10 ~~primary election, the county clerk shall send an alphabetical~~  
11 ~~index, by precinct, of all voters, their party affiliation~~  
12 ~~and their addresses to the secretary of state and to the~~  
13 ~~county chairman of each of the major political parties. Each~~  
14 ~~alphabetical index shall be certified by the county clerk as~~  
15 ~~being an accurate listing of all voters in the county by~~  
16 ~~precinct, party and address.] Upon the written request of a~~

17 qualified political party, a candidate, an election-related  
18 organization or an election observer, the secretary of state  
19 shall send to the requester an index of all voters and their  
20 addresses, their party affiliation, their precinct, their  
21 voter history, their unique identifier and their early or  
22 absentee voting status in any election currently underway.  
23 Each index shall be certified by the secretary of state as  
24 being an accurate listing of all voters in each requested  
25 county. The written request shall specify whether the

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1 information is to be received electronically or on paper, the  
2 electronic or physical delivery address, the time period  
3 during which the information is to be received, the frequency  
4 of receiving the information and the method of payment."

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

7 "1-11-14. TALLY SHEETS AND STATEMENTS OF CANVASS--  
8 PREPARATION.--Prior to election day, the secretary of state  
9 shall cause to be printed in the tally sheets and statements  
10 of canvass, in the proper places and under the proper  
11 designations, the names of all candidates appearing on the  
12 official ballot. The secretary shall approve a county's use  
13 of computer-based tally sheets upon recommendation of the  
14 voting system certification committee if the county submits  
15 the software program to be used for tallying to the secretary  
16 of state at least [~~sixty~~] ninety days prior to the election  
17 and the [~~secretary~~] voting system certification committee  
18 determines that the program is acceptable for the proposed  
19 use."

20 SECTION 81. Section 1-12-2.1 NMSA 1978 (being Laws  
21 1999, Chapter 236, Section 1) is amended to read:

22 "1-12-2.1. [~~ELECTION DAY WORK SHIFTS~~] PRECINCT BOARD  
23 WORK SHIFT OPTION.--

24 A. The county clerk may choose to schedule precinct  
25 board members into two work shifts on election day and also

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1 may determine the length of each shift for each precinct  
2 board member so long as the first shift begins at least one  
3 hour before the polls open.

4 B. If the county clerk chooses to schedule precinct  
5 board members in shifts, [~~at least one election~~] the  
6 presiding judge on each precinct board shall be scheduled to  
7 work both shifts that day.

8 C. The county clerk shall notify the secretary of  
9 state of all precincts that will be following a two-shift  
10 schedule when [~~he~~] the county clerk submits the list of  
11 precinct board appointments in accordance with Section 1-2-14  
12 NMSA 1978."

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

15 "1-12-3. CONDUCT OF ELECTION--PRECINCT BOARD DUTIES.--  
16 The secretary of state shall prescribe the duties of the  
17 precinct board, including duties that, during the conduct of  
18 the election, the presiding judge may reassign between judges  
19 and election clerks. Copies of such duties shall be  
20 furnished to each county clerk, and the clerk shall  
21 distribute them to each precinct."

22 SECTION 83. Section 1-12-7.1 NMSA 1978 (being Laws  
23 1969, Chapter 240, Section 112, as amended) is amended to  
24 read:

25 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF  
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1 VOTERS--USE DURING ELECTION.--

2 A. Each precinct board using voter lists shall post  
3 securely at or near the entrance of the polling place one  
4 copy of an alphabetical list of voters for use of the voters  
5 prior to voting. The posted copy shall not contain a listing  
6 of voter addresses, years of birth, unique identifiers or  
7 social security numbers.

8 B. The presiding judge of the precinct board shall  
9 assign one judge or election clerk of the board to be in  
10 charge of one copy of the checklist of voters, which shall be  
11 used to confirm the registration and voting of each person  
12 offering to vote.

13 C. The presiding judge of the precinct board shall  
14 assign one judge or election clerk to be in charge of the  
15 signature roster.

16 D. The judge or election clerk assigned to the  
17 checklist of voters used for confirmation of registration and  
18 voting shall determine that each person offering to vote is  
19 registered and, in the case of a primary election, that the  
20 voter is registered in a party designated on the primary  
21 election ballot. If the person's registration is confirmed  
22 by the presence of the person's name on the checklist of  
23 voters and the voter provides the required voter  
24 identification, the judge or election clerk shall announce to  
25 the judges or election clerks the list number and the name of

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1 the voter as shown on the checklist of voters. If the voter  
2 does not provide the required voter identification, the voter  
3 shall be allowed to vote on a provisional paper ballot and  
4 shall provide the required voter identification to the county  
5 clerk's office before [~~the county canvass begins~~] 5:00 p.m.  
6 on the second day following the election, or to the precinct  
7 board before the polls close, or the voter's provisional  
8 ballot shall not be qualified. If the required voter  
9 identification is provided, the voter's provisional paper  
10 ballot shall be qualified and the voter shall not vote on any  
11 other type of ballot.

12 E. The judge or election clerk shall locate that  
13 list number and name on the signature roster and shall  
14 require the voter to sign the voter's usual signature or, if  
15 unable to write, to make the voter's mark opposite the  
16 voter's printed name. If the voter makes the voter's mark,  
17 it shall be witnessed by one of the judges or election clerks  
18 of the precinct board. If the signature roster indicates  
19 that the voter is required to present a physical form of  
20 identification before voting, the [~~election~~] judge or  
21 election clerk shall ask the voter for the required physical  
22 form of identification. If the voter does not provide the  
23 required identification, the voter shall be allowed to vote  
24 on a provisional paper ballot; provided, however, that if the  
25 voter brings the required physical form of identification to

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1 the polling place after casting a provisional paper ballot,  
2 that ballot shall be qualified and the voter shall not vote  
3 on any other type of ballot.

4 F. The [~~election~~] judge or election clerk shall  
5 follow the procedures provided for in Sections 1-12-7.2 and  
6 1-12-8 NMSA 1978 if a person whose name does not appear on  
7 the signature roster requests to vote or a person is required  
8 to vote on a provisional paper ballot.

9 G. A voter shall not be permitted to vote until the  
10 voter has properly signed the voter's usual signature or made  
11 the voter's mark in the signature roster.

12 [~~H. After the poll is closed, the election clerk in~~  
13 ~~charge of the signature roster shall draw a single horizontal~~  
14 ~~line in ink through each signature space in the signature~~  
15 ~~roster where no signature or mark appears.]"~~

16 SECTION 84. Section 1-12-7.2 NMSA 1978 (being Laws  
17 1969, Chapter 240, Section 114, as amended) is amended to  
18 read:

19 "1-12-7.2. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER.--

20 A. A voter whose name does not appear on the voter  
21 list and signature roster for the precinct in which [~~he~~] the  
22 voter offers to vote shall be permitted to vote in the  
23 precinct pursuant to the federal National Voter Registration  
24 Act of 1993 and Section 1-12-8 NMSA 1978.

25 B. The judges or election clerks in charge of the

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1 signature rosters shall add the voter's name and address in  
2 ink to the signature roster on the line immediately following  
3 the last entered voter's name and, the voter shall be allowed  
4 to sign an affidavit of eligibility and cast a provisional  
5 paper ballot, provided [~~he~~] the voter has first signed or  
6 marked both the signature roster and checklist of registered  
7 voters.

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

11 D. In a primary election, a voter shall not be  
12 permitted to vote for a candidate of a party different from  
13 the party designation shown on [~~his~~] the voter's certificate  
14 of registration. Upon making that determination, the county  
15 clerk shall transmit the ballot to the county canvassing  
16 board to be tallied and included in the canvass of that  
17 county for the appropriate precinct.

18 [~~E. Verbal authorization from the county clerk to~~  
19 ~~allow a person to vote is not permitted.]"~~

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

22 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

23 A. A person shall be permitted to vote on a  
24 provisional paper ballot even though the person's original  
25 certificate of registration cannot be found in the county

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1 register or even if the person's name does not appear on the  
2 signature roster, provided:

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

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

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

12 B. A voter shall vote on a provisional paper ballot  
13 if the voter:

14 (1) has not previously voted in a general  
15 election in New Mexico or has been purged from the voter  
16 list;

17 (2) registered to vote by mail;

18 (3) did not submit the physical form of the  
19 required voter identification with the certificate of  
20 registration form; and

21 (4) does not present to the election judge a  
22 physical form of the required voter identification.

23 C. A voter shall vote on a provisional paper ballot  
24 in accordance with the provisions of Section 1-12-7.1 NMSA  
25 1978 if the voter does not provide the required voter

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1 identification to the election judge.

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

14 E. Knowingly executing a false statement  
15 constitutes perjury as provided in the Criminal Code ~~[of this~~  
16 ~~state]~~, and voting on the basis of such falsely executed  
17 statement constitutes fraudulent voting."

18 **SECTION 86.** Section 1-12-8.1 NMSA 1978 (being Laws  
19 2005, Chapter 270, Section 62, as amended) is amended to  
20 read:

21 "1-12-8.1. CONDUCT OF ELECTION--USE OF VOTER'S RECEIPT  
22 OF CERTIFICATE OF REGISTRATION--PROCEDURES.--If a voter whose  
23 name is not in the signature roster presents the voter's  
24 receipt of the voter's certificate of registration, the voter  
25 shall be allowed to vote on a provisional paper ballot in the

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

15 SECTION 87. Section 1-12-8.2 NMSA 1978 (being Laws  
16 2005, Chapter 270, Section 60, as amended) is amended to  
17 read:

18 "1-12-8.2. CONDUCT OF ELECTION--ELECTION DAY DELIVERY  
19 OF ABSENTEE BALLOT BY VOTER--PROCEDURES.--

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

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1 before the polls close on election day.

2 B. The [~~election~~] judge shall note [~~on the~~  
3 ~~signature roster~~] that the voter delivered the absentee  
4 ballot in person on election day. The official mailing  
5 envelope shall not be opened but shall be placed in an  
6 envelope provided for delivery to the county clerk. The  
7 precinct board shall deliver the unopened official mailing  
8 envelopes to the [~~absent voter precinct board or~~] county  
9 clerk before midnight on election 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  
23 AND SIGNATURE.--

24 A. [~~When~~] A voter [~~presents himself~~] at the polls  
25 [~~to vote, he~~] shall announce [~~his~~] the voter's name and

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

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

15 SECTION 89. Section 1-12-19.1 NMSA 1978 (being Laws  
16 1981, Chapter 156, Section 2, as amended) is amended to read:

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

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

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1 officer between 9:00 a.m. and 5:00 p.m. on the sixty-third  
2 day immediately preceding the election a declaration of  
3 intent to be a write-in candidate [~~The declaration of intent~~  
4 ~~shall be filed~~]. [~~A person desiring to be a write-in~~  
5 ~~candidate in a general election shall file the declaration of~~  
6 ~~intent between 9:00 a.m. and 5:00 p.m. on the day after the~~  
7 ~~primary election.~~]

8 B. The form of the declaration of intent shall be  
9 prescribed by the secretary of state and shall contain a  
10 sworn statement by the candidate that the candidate is  
11 qualified to be a candidate for and to hold the office for  
12 which the candidate is filing.

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

20 D. The secretary of state shall, not [~~less~~] more  
21 than [~~forty~~] ten days [~~before~~] after the [~~general election~~]  
22 filing date, certify the names of the declared write-in  
23 candidates to the county clerks of every county affected by  
24 such candidacy.

25 E. No person shall be a write-in candidate in the

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1 general election who was a candidate in the primary election  
2 immediately prior to the general election. A write-in  
3 candidate for governor or lieutenant governor in the general  
4 election shall have a companion write-in candidate, and they  
5 shall be candidates to be elected jointly by the casting by a  
6 voter of a single vote applicable to both offices.

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

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

17 (2) the name is written in the proper office  
18 on the proper line provided on the ballot for write-in votes  
19 for the office for which the candidate has filed a  
20 declaration of intent and the voter has followed the  
21 directions for casting a vote for the write-in candidate.

22 G. No unopposed write-in candidate shall have an  
23 election certified unless the candidate receives at least the  
24 number of write-in votes [~~as the candidate would need~~  
25 ~~signatures on a nominating petition pursuant to the~~

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1 ~~requirements in Section 1-8-33 NMSA 1978~~ equal to two  
2 percent of the total vote in the state, district or county in  
3 which the candidate seeks election that were cast for  
4 governor in the last preceding general election in which a  
5 governor was elected.

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

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

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

16 A. the person [~~presenting himself~~] offering to vote  
17 is not registered to vote;

18 B. the person [~~presenting himself~~] offering to vote  
19 is listed [on the purge list placed with the signature  
20 rosters or is listed] among those persons [in the precinct  
21 from] to whom an absentee ballot was [received] mailed;

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

24 [~~G.~~] D. the person [~~presenting himself~~] offering to  
25 vote is improperly registered because [he] the person is not

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1 a qualified elector; or

2 ~~[D.]~~ E. in the case of a primary election, the  
3 person ~~[presenting himself]~~ desiring to vote is not  
4 affiliated with a political party represented on the ballot  
5 ~~[or~~

6 ~~E. in the case of an absentee ballot, the official~~  
7 ~~outer envelope of the absentee voter has been opened prior to~~  
8 ~~the counting of the ballots]."~~

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

11 "1-12-21. CONDUCT OF ELECTION--CHALLENGES--ENTRIES.--  
12 When a challenge is interposed, the judges or election clerks  
13 shall enter the word "CHALLENGED" under the notation headings  
14 in the signature rosters, along with the reason for the  
15 challenge, the time the challenge was made and the name and  
16 title of the person interposing the challenge."

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

19 "1-12-22. CONDUCT OF ELECTION--CHALLENGES--  
20 DISPOSITION.--Challenges shall be handled as follows:

21 A. if the challenge is unanimously affirmed by the  
22 presiding judge and the two election judges, the person shall  
23 ~~[nevertheless]~~ be furnished a provisional paper ballot.  
24 ~~[regardless of whether or not voting machines are being used~~  
25 ~~in the precinct, and he shall be allowed to mark it. The~~

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1 ~~paper ballot shall then be returned to the presiding judge,~~  
2 ~~who shall announce the voter's name in an audible tone and in~~  
3 ~~the voter's presence and place the challenged ballot in an~~  
4 ~~envelope marked "Rejected". Then this envelope shall be~~  
5 ~~sealed, and the voter's name shall be written on the~~  
6 ~~envelope. The envelope containing the rejected ballot shall~~  
7 ~~then be deposited in the ballot box and shall not be~~  
8 ~~counted.]~~ The election clerks shall enter such voter's name  
9 in the [~~signature roster to be sent to the secretary of~~  
10 ~~state~~] checklist of registered voters, and the voter shall  
11 sign [~~his~~] the voter's name in the [~~other~~] signature roster.  
12 The word "Affirmed" shall be written opposite such voter's  
13 name under the challenge notation in [~~both~~] the signature  
14 [~~rosters~~] roster and checklist of registered voters, together  
15 with the number of the ballot so furnished; or

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

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

24 "1-12-23. CONDUCT OF ELECTION--VOTING MACHINES--  
25 INSTRUCTIONS.--Before each voter [~~enters the voting machine~~]

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1 receives a ballot, a member of the precinct board shall, so  
2 far as possible, instruct ~~[him]~~ the voter on ~~[how to operate]~~  
3 the voting ~~[machine, illustrate its operation on the model]~~  
4 process and call ~~[his]~~ the voter's attention to the posted  
5 sample ballot. If any voter ~~[after entering the voting~~  
6 ~~machine and before drawing its curtain]~~ asks for further  
7 information ~~[regarding the machine's operation]~~ before  
8 completing the voting process, the ~~[two election]~~ judges or  
9 election clerks shall ~~[give him the necessary information and~~  
10 ~~retire before the curtain is drawn]~~ provide appropriate  
11 information and assist the voter with the voting process."

12 SECTION 94. Section 1-12-25.2 NMSA 1978 (being Laws  
13 2003, Chapter 356, Section 3, as amended) is amended to read:

14 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--  
15 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

16 A. If a voter is required to vote on a provisional  
17 paper ballot, the presiding judge or election judge shall  
18 give the voter written instructions on how the voter may  
19 determine whether the vote was counted and, if the vote was  
20 not counted, the reason it was not counted.

21 B. The county clerk shall ~~[establish]~~ provide a  
22 free access system, such as a toll-free telephone number or  
23 internet web site, that a voter who casts a provisional paper  
24 ballot may access to ascertain whether the voter's ballot was  
25 counted and, if the vote was not counted, the reason it was

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1 not counted and how to appeal the decision pursuant to rules  
2 issued by the secretary of state. Access to information  
3 about an individual voter's provisional paper ballot is  
4 restricted to the voter who cast the ballot.

5 C. Beginning with the closing of the polls on  
6 election day through the tenth day following the election,  
7 the county clerk shall notify by mail each person whose  
8 provisional paper ballot was not counted of the reason the  
9 ballot was not counted. The voter shall have until the  
10 Friday prior to the meeting of the state canvassing board to  
11 appeal to the county clerk a decision to reject the voter's  
12 ballot."

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

15 "1-12-30. CONDUCT OF ELECTION--DISPOSITION OF [~~POLL~~  
16 ~~BOOK~~] SIGNATURE ROSTER, CHECKLIST OF REGISTERED VOTERS AND  
17 MACHINE-PRINTED RETURN REPORTING UNOFFICIAL RETURNS.--

18 A. After all certificates have been executed, the  
19 presiding judge and the two election judges shall place the  
20 checklist of registered voters voting and one copy of the  
21 machine-printed returns in the stamped, addressed envelope  
22 provided for that purpose and immediately mail it to the  
23 secretary of state.

24 B. The signature roster, the machine-printed  
25 returns and the [~~direct-recording electronic cartridge for~~

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1 ~~electronic and marksense machines]~~ removable media storage  
2 device shall be returned to the county clerk. The signature  
3 roster, the machine-printed returns and the [~~direct-recording~~  
4 ~~electronic cartridge for electronic and marksense machines]~~  
5 removable media storage device shall not be placed in the  
6 ballot box.

7 C. Signature rosters and machine-printed returns in  
8 the custody of the county clerk may be destroyed [~~three years~~  
9 ~~after the election to which they apply]~~ only pursuant to  
10 Section 1-12-69 NMSA 1978.

11 D. The county clerk shall report the unofficial  
12 total returns for the county to the secretary of state within  
13 ten hours after the polls close."

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

16 "1-12-31. CONDUCT OF ELECTION--DISPOSITION OF BALLOT  
17 BOXES AND OTHER ELECTION MATERIALS.--

18 A. The following election returns and materials  
19 shall not be placed in the ballot box and shall be returned  
20 immediately to the county clerk along with the locked ballot  
21 box:

- 22 (1) one ballot box key in an envelope
- 23 addressed to the county clerk;
- 24 (2) one signature roster;
- 25 (3) one tally sheet;

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1                   ~~[(4) the registration binder;~~  
2                   ~~(5)]~~ (4) all unused election supplies not  
3 destroyed pursuant to the Election Code; and  
4                   ~~[(6) a machine cartridge for any electronic~~  
5 ~~vote tabulator]~~  
6                   (5) the removable media storage device.

7                   B. The election judge of the party different from  
8 that of the presiding judge shall place the other ballot box  
9 key in the envelope addressed to the district court and  
10 immediately mail it to the district court."

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

13                   "1-12-37. CONDUCT OF ELECTION--VOTING MACHINES--  
14 VERIFICATION OF RETURNS.--~~[A.]~~ Two election officials of  
15 different parties shall verify that the counter settings  
16 registered on the machine-printed returns are legible. The  
17 machine-printed returns shall show the number of votes cast  
18 for each candidate and the number of votes cast for and  
19 against any constitutional amendment or other question  
20 submitted, and the return shall be signed by each member of  
21 the precinct board and two watchers of opposing interest, if  
22 there be such.

23                   ~~[B. If the machine-printed returns are not legible,~~  
24 ~~the precinct officials shall call the county clerk in order~~  
25 ~~to have the center counter compartment door opened and shall~~

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1 ~~proceed to canvass the results from the counters of the~~  
2 ~~machine.]"~~

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

5 "1-12-43. EMERGENCY SITUATIONS.--

6 A. If any electronic vote tabulator becomes  
7 disabled while being used to the extent that any voter is  
8 unable to cast a vote for all the candidates or questions of  
9 the voter's choice and have such vote recorded by the  
10 electronic vote tabulator, it shall be repaired, if possible,  
11 or another electronic vote tabulator shall be promptly  
12 substituted.

13 ~~[B. The board of county commissioners shall~~  
14 ~~appropriate funds for servicing, repairing and substituting~~  
15 ~~electronic vote tabulators that become disabled.~~

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

23 ~~[D.]~~ C. A voter shall not be denied the opportunity  
24 to mark a ballot for later tabulation due to the lack of a  
25 functioning electronic vote tabulator.

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1           ~~[E.]~~ D. The county clerk shall provide additional  
2 ballots if needed and when requested by the precinct board."

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

5           "1-12-51. PAPER BALLOTS--UNAUTHORIZED RECEIPT OR  
6 DELIVERY OF PAPER BALLOT.--Except for absentee ballots and  
7 unless otherwise provided by law, a voter shall not receive a  
8 paper ballot from any person other than from a member of the  
9 precinct board [~~of the polling place where the voter is~~  
10 ~~authorized to vote~~] or at an alternate [~~early~~] voting  
11 location. No person other than a member of the precinct  
12 board or officer authorized by law shall deliver a paper  
13 ballot to any voter."

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

17           "1-12-66. PAPER BALLOTS--SIGNATURE ROSTERS, CHECKLIST  
18 OF 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.

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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 [~~three years~~  
8 ~~after the election to which they apply~~] only pursuant to  
9 Section 1-12-69 NMSA 1978."

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

12           "1-13-8. POST-ELECTION DUTIES--COUNTY CANVASS--SEARCH  
13 FOR MISSING RETURNS.--If it is necessary to open a ballot box  
14 on election night to ascertain if missing election returns  
15 are enclosed [~~therein~~] in the ballot box, the ballot box  
16 shall be opened [~~in the presence of the county canvassing~~  
17 ~~board~~] by the county clerk and the district judge, or someone  
18 designated by [~~him. If it is necessary to send the key of~~  
19 ~~the ballot box to his designated representative, the district~~  
20 ~~judge shall send it by certified mail, and it shall be~~  
21 ~~returned in the same manner. Where~~] the district judge. In  
22 the presence of the district judge or the designated  
23 representative of the district judge, the county clerk may  
24 remove the missing returns necessary to canvass the election.  
25 When such omission or negligence of the precinct board causes

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1 an additional expense to be incurred, no compensation shall  
2 be paid to the precinct board for its services on election  
3 day."

4 SECTION 102. Section 1-13-21 NMSA 1978 (being Laws  
5 1971, Chapter 317, Section 21, as amended) is amended to  
6 read:

7 "1-13-21. CLEARING VOTING SYSTEMS.--

8 A. ~~[Thirty days after adjournment of the state~~  
9 ~~canvassing board, each]~~ The county clerk ~~[in the presence of~~  
10 ~~the district judge or the district judge's designated~~  
11 ~~representative]~~ shall not clear the votes recorded on the  
12 ~~[memory cards of all voting systems of the precincts for~~  
13 ~~which the county clerk has not received notice by registered~~  
14 ~~mail of contest or judicial inquiry]~~ removable storage media  
15 devices until at least thirty days after adjournment of the  
16 state canvassing board.

17 B. The county clerk shall not clear and shall keep  
18 locked those ~~[memory cards]~~ removable media storage devices  
19 from voting systems used ~~[in]~~ to tabulate votes for precincts  
20 where a recount, judicial inquiry or inspection is sought,  
21 subject to order of the district court or other authority  
22 having jurisdiction of the contest or inspection.

23 ~~[G. At least three days prior to the clearing of~~  
24 ~~the voting system memory cards, the county clerk shall notify~~  
25 ~~the county chair of each political party participating in the~~

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1 ~~election of the time, place and date thereof. The chair of~~  
2 ~~the political party may be present or may have the chair's~~  
3 ~~accredited representative present at the clearing.]"~~

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

6 "1-20-8. FALSE VOTING.--False voting consists of:

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

9 B. voting or offering to vote in the name of any  
10 other person;

11 ~~[C. knowingly voting or offering to vote in any~~  
12 ~~precinct except that in which one is registered;~~

13 ~~D.]~~ C. voting or offering to vote more than once in  
14 the same election;

15 D. falsifying any information on an absentee ballot  
16 official mailing envelope or affixing a signature or mark  
17 other than one's own on an absentee ballot official mailing  
18 envelope;

19 E. inducing, abetting or procuring or attempting to  
20 induce, abet or procure a person known to not be a qualified  
21 elector to vote; or

22 F. inducing, abetting or procuring or attempting to  
23 induce, abet or procure a person who, having voted once in  
24 any election, to vote or attempt to vote again at the same  
25 election.

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1           Whoever commits false voting is guilty of a fourth  
2 degree felony."

3           SECTION 104. Section 1-20-16 NMSA 1978 (being Laws  
4 1969, Chapter 240, Section 440) is amended to read:

5           "1-20-16. ELECTIONEERING TOO CLOSE TO THE POLLING  
6 PLACE.--

7           A. Electioneering too close to the polling place  
8 consists of any form of campaigning [on election day] within:

9                   (1) one hundred feet of the building in which  
10 the polling place is located [and includes the display of  
11 signs or distribution of campaign literature] on election day  
12 when voting at a school, church or private residence; and

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

18           B. Electioneering includes the display or  
19 distribution of signs or campaign literature, campaign  
20 buttons, t-shirts, hats, pins or other such items and  
21 includes the verbal or electronic solicitation of votes for a  
22 candidate or question.

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

25           SECTION 105. Section 1-20-17 NMSA 1978 (being Laws

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1 1969, Chapter 240, Section 441) is amended to read:

2 "1-20-17. OBSTRUCTING THE POLLING PLACE.--

3 A. Obstructing the polling place consists of:

4 [~~A. approaching nearer than fifty feet from any~~  
5 ~~polling place during the conduct of the election unless]~~

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

16 [~~B. willfully blocking]~~ (2) any person who  
17 willfully blocks the entrance to [the] a polling place so as  
18 to prevent free ingress and egress.

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

24 C. Whoever obstructs the polling place is guilty of  
25 a petty misdemeanor."

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

3           "1-23-4. LAW GOVERNING.--

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

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

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

13          "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--  
14 PUBLICATION.--

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

20                   (1) the date on which the special election  
21 will be held;

22                   (2) the purpose for which the special election  
23 is called;

24                   (3) if officers are to be elected or positions  
25 on the governing body are to be filled, the date on which

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1 declarations of candidacy are to be filed;

2 (4) if a question is to be voted upon, the  
3 [~~test~~] text of that question;

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

7 (6) the hours that each polling place will be  
8 open; and

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

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

20 C. Whenever a statewide special election is to be  
21 called or is required by law, the governor shall by  
22 resolution issue a public proclamation calling the election.  
23 Whenever an election to fill a vacancy in the office of  
24 United States representative is to be called or is required  
25 by law, the governor shall by resolution issue a public

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1 proclamation calling the election pursuant to the  
2 requirements of Section 1-15-18.1 NMSA 1978. The  
3 proclamation shall forthwith be filed with the secretary of  
4 state. The proclamation shall specify:

5 (1) the date on which the special election  
6 will be held;

7 (2) the purpose for which the special election  
8 is called;

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

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

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

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

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

7 SECTION 108. Section 4-38-24 NMSA 1978 (being Laws  
8 1876, Chapter 1, Section 14 (7), as amended) is amended to  
9 read:

10 "4-38-24. POWERS OVER HIGHWAYS.--~~[Sec. 142.]~~ The board  
11 of county commissioners of each county shall have the power  
12 to lay out, alter or discontinue any road running through one  
13 or more precincts or townships in such county ~~[also]~~ and to  
14 perform such other duties respecting roads as may be required  
15 by law.

16 ~~[Said board of commissioners shall also appoint the~~  
17 ~~board of registration, for the registration of the legal~~  
18 ~~voters, and also the judges of election, for all the~~  
19 ~~elections held in their respective counties; also act as~~  
20 ~~boards of canvassers of the elections within their respective~~  
21 ~~counties; and shall count the votes cast in any election~~  
22 ~~within their respective counties; and shall determine the~~  
23 ~~result thereof from the returns of the judges of election of~~  
24 ~~the various precincts; and shall declare the result of said~~  
25 ~~election; and shall immediately issue a certificate of~~

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1 ~~election under their hands to the person that may have~~  
2 ~~received the highest number of votes for any office. That~~  
3 ~~the judges of election shall make their returns to the~~  
4 ~~commissioners of their respective counties, in the same~~  
5 ~~manner as they are now required by law to make the same to~~  
6 ~~the judges of probate and under the same penalties. The~~  
7 ~~votes cast in any election shall be canvassed and counted~~  
8 ~~within the time prescribed by law, and the said boards of~~  
9 ~~commissioners shall discharge all the duties and shall~~  
10 ~~exercise all the powers exercised by the several probate~~  
11 ~~judges prior to March 1, 1876 relative to elections as~~  
12 ~~required by law on that date and shall be subject to the same~~  
13 ~~penalties for any failure in the discharge of their duties or~~  
14 ~~abuse or usurpation of power.]"~~

15 SECTION 109. TEMPORARY PROVISIONS--RECOMPILATION.--

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

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

24 C. Sections 1-8-53 through 1-8-61 and 1-8-63 NMSA  
25 1978 (being Laws 1977, Chapter 230, Sections 1 and 2, Laws

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

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

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

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