

1 HOUSE BILL 290
2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY
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10 AN ACT
11 RELATING TO ELECTIONS; CREATING THE VOTER ROLL CLEANUP TASK
12 FORCE; DIRECTING THE VOTER ROLL CLEANUP TASK FORCE TO STUDY AND
13 PROVIDE RECOMMENDATIONS AND PROPOSE LEGISLATION TO IMPLEMENT
14 BEST PRACTICES TO ENSURE THE ACCURACY OF NEW MEXICO VOTER
15 ROLLS; DECLARING AN EMERGENCY.
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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. TEMPORARY PROVISION--VOTER ROLL CLEANUP TASK
19 FORCE--CREATED--DUTIES--REPORTING.--

20 A. The "voter roll cleanup task force" is created
21 to study and provide recommendations on best practices to
22 assure the voters of New Mexico of the validity and reliability
23 of New Mexico voter rolls. The task force shall function from
24 the date of its appointment until December 31, 2021. Staff and
25 administrative support for the task force shall be jointly

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1 coordinated and provided by the secretary of state and the
2 legislative council service.

3 B. By April 20, 2021, the members of the voter roll
4 cleanup task force shall be appointed as follows:

5 (1) six members who are legislators, with the
6 two political parties with the most members in the state being
7 represented in equal numbers, appointed as follows:

8 (a) three members of the house of
9 representatives appointed by the speaker of the house of
10 representatives; and

11 (b) three members of the senate
12 appointed by the senate committees' committee or, if the
13 legislature is not in session at the time of appointment,
14 appointed by the president pro tempore of the senate in
15 consultation with and agreement of a majority of the members
16 who served on the senate committees' committee during the first
17 session of the fifty-fifth legislature;

18 (2) the secretary of state or the secretary's
19 designee;

20 (3) the director of the motor vehicle division
21 of the taxation and revenue department, or a designee of the
22 director who has oversight or knowledge of the motor vehicle
23 division's databases and information technology operations;

24 (4) the state registrar, or a designee of the
25 registrar who has oversight or knowledge of the vital records

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1 and health statistics bureau of the public health division of
2 the department of health's databases and information technology
3 operations;

4 (5) the secretary of information technology,
5 or a designee of the secretary who has oversight or knowledge
6 of databases, cybersecurity and information technology
7 operations;

8 (6) a representative of the administrative
9 office of the courts who has knowledge or oversight of the
10 administrative office of the court's databases, information
11 technology operations and electronic juror notification and
12 selection processes;

13 (7) three county clerks appointed by the
14 county clerks affiliate of the New Mexico association of
15 counties;

16 (8) one representative of county assessors,
17 appointed by the county assessors affiliate of the New Mexico
18 association of counties;

19 (9) a representative of the census program at
20 the state data center, appointed by the secretary of economic
21 development; and

22 (10) four public members with expertise in
23 elections, campaigns and private sector organizational
24 structure and operations who reflect the ethnic, cultural and
25 geographic diversity of the state, two of whom shall be

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1 appointed by the speaker of the house of representatives and
2 two of whom shall be appointed by the president pro tempore of
3 the senate.

4 C. The voter roll cleanup task force shall invite
5 the United States postal service in New Mexico to appoint a
6 representative to participate as an advisory member of the task
7 force.

8 D. Public members of the voter roll cleanup task
9 force are entitled to receive per diem and mileage pursuant to
10 the Per Diem and Mileage Act but shall receive no other
11 compensation, perquisite or allowance.

12 E. The chair and vice chair of the voter roll
13 cleanup task force shall be elected by the membership of the
14 task force. The task force shall meet at the call of the chair
15 or at the request of one-third of its membership, and as
16 necessary to carry out its duties, but no less than once and no
17 more than twice a month. The first meeting of the task force
18 shall be held no later than May 1, 2021, and the first meeting
19 of the task force shall be an organizational meeting for the
20 task force to develop a work plan to carry out the task force's
21 duties.

22 F. A vacancy on the voter roll cleanup task force
23 shall be filled by the original appointing authority. A member
24 who misses three meetings of the task force shall be removed
25 from the task force and upon the request of the chair, the

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1 appointing authority shall replace the member who has failed to
2 attend three meetings.

3 G. A majority of the members constitutes a quorum
4 for the transaction of business. The support of a majority of
5 the members is required for adoption of any action; provided
6 that the final report of the voter roll cleanup task force,
7 including its recommendations and proposed legislation, shall
8 have, at minimum, the support of a majority of the legislative
9 members.

10 H. The voter roll cleanup task force may create
11 subcommittees by a majority vote of the members. A
12 subcommittee shall be composed of at least one member from the
13 senate and one member from the house of representatives,
14 including at least one member of a minority political party
15 that is represented in either the senate or house of
16 representatives.

17 I. Meetings of the voter roll cleanup task force
18 shall be subject to the Open Meetings Act, and the task force
19 shall actively solicit public input.

20 J. The voter roll cleanup task force shall develop
21 policy recommendations and proposed legislation to implement
22 best practices for maintaining accurate voter rolls. In
23 developing its policy recommendations and proposed legislation,
24 the task force shall consider:

25 (1) federal and state law, constitutional

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1 provisions, rules and court decisions governing the maintenance
2 of voter rolls;

3 (2) the ease by which a person may update or
4 cancel the person's voter registration when the person
5 registers to vote in another state and the ease by which the
6 state may remove from the New Mexico voter rolls a person who
7 has registered to vote in another state;

8 (3) the impacts for maintaining accurate voter
9 rolls of absentee voting when a voter lives in another district
10 or state, including consideration of time limits for out-of-
11 district absentee voting and absentee voting by military
12 personnel who are registered to vote in New Mexico;

13 (4) practices to remove a person from the
14 voter rolls when the person resides in a location that no
15 longer qualifies the person as a qualified elector in New
16 Mexico; clarification of the definition of "intent to reside"
17 for the purposes of residence; and how to best use, on an at
18 least quarterly basis, the electronic voter registration center
19 and the interstate voter registration cross-check systems to
20 verify and update voter registration information on the voter
21 rolls;

22 (5) best practices and standards for the
23 prompt removal of deceased persons from the voter rolls;

24 (6) the impacts of issues relating to the
25 United States postal service on verifying voter registration,

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1 including inconsistent delivery and addressing, and how best to
2 conduct and use quarterly reviews of the national change of
3 address database to notify voters of the need to update voter
4 registration;

5 (7) how county assessor records could be used
6 to verify and assure residential requirements of voter
7 registration;

8 (8) how to improve data sharing between the
9 motor vehicle division of the taxation and revenue department
10 and the secretary of state and county clerks for the purposes
11 of updating certificates of registration and removing people
12 who are unqualified electors from the voter rolls; and

13 (9) how to proactively and consistently
14 educate voters of the need to keep information on a voter's
15 certificate of registration up to date, including voter
16 registration impacts from the federal decennial census and
17 redistricting.

18 K. No later than December 1, 2021, the voter roll
19 cleanup task force shall draft a report of its findings and
20 recommendations for consideration by the governor and the
21 legislature and shall present its report to the New Mexico
22 legislative council, the legislative finance committee, the
23 interim committee that studies courts, corrections and justice
24 issues and the county clerks affiliate of the New Mexico
25 association of counties. The task force shall provide a final

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1 report, including any proposed legislation, to the governor and
2 all legislators by December 31, 2021.

3 L. The secretary of state, county clerks and other
4 relevant state agencies shall cooperate with the voter roll
5 cleanup task force and provide the task force with information
6 regarding databases, information technology systems, cyber-
7 security, budget, staffing, organizational structure and other
8 information as relevant to the duties of the task force and as
9 requested by the task force.

10 SECTION 2. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect immediately.