

FIFTY-SIXTH LEGISLATURE  
FIRST SESSION

February 21, 2023

HOUSE FLOOR AMENDMENT number \_\_\_\_\_ to HOUSE BILL 4

Amendment sponsored by Representative John Block

1. On page 1, line 15, after the semicolon, insert "REQUIRING ALL VOTERS TO PRESENT IDENTIFICATION BEFORE VOTING; PROVIDING FOR FREE IDENTIFICATION CARDS TO BE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT; PROVIDING FOR XEROGRAPHIC COPIES OF A VOTER'S IDENTIFICATION DOCUMENT;".

2. On page 2, between lines 7 and 8, insert the following new sections:

"SECTION 1. A new section of the Election Code is enacted to read:

"[NEW MATERIAL] VOTER IDENTIFICATION--PROVISION OF XEROGRAPHIC COPIES.--At the request of a voter, the state shall provide at no charge a xerographic copy of the voter's required voter identification document when the voter presents the document during normal business hours at any state office that is capable of making such copies."

SECTION 2. Section 1-1-24 NMSA 1978 (being Laws 2005, Chapter 270, Section 6, as amended) is amended to read:

"1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the Election Code, "required voter identification" means: ~~[any of the following forms of identification as chosen by the voter:~~

~~A. a physical form of identification, which may be:~~

~~(1) an original or copy of a current and valid photo identification with or without an address, which address is not required to match the voter's certificate of registration; or~~

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~~(2) an original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the person, the address of which is not required to match the voter's certificate of registration; or~~

~~B. a verbal or written statement by the voter of the voter's name, registration address and year of birth; provided, however, that the statement of the voter's name need not contain the voter's middle initial or suffix]~~

A. for a voter voting in-person, a current driver's license or identification card issued by the motor vehicle division of the taxation and revenue department or an identification card issued by the United States military or issued by an Indian nation, tribe or pueblo that shows the name and address of the person, the address of which is not required to match the voter's certificate of registration; or

B. for a voter voting absentee by mail, a copy of a current driver's license or identification card issued by the motor vehicle division of the taxation and revenue department, the voter's social security number or a copy of an identification card issued by the United States military or issued by an Indian nation, tribe or pueblo that shows the name and address of the person, the address of which is not required to match the voter's certificate of registration."

3. On page 3, before line 1, insert the following new section:

"SECTION 4. Section 1-4-5.1 NMSA 1978 (being Laws 1993, Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7, as amended) is amended to read:

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"1-4-5.1. METHOD OF REGISTRATION--FORM.--

A. A qualified elector may apply for registration using the paper form by mail, in the office of the secretary of state or county clerk or with a registration agent or officer.

B. A person may request certificate of registration forms from the secretary of state or any county clerk in person, by telephone or by mail for that person or for other persons.

C. A qualified elector who wishes to register to vote shall fill out completely and sign the certificate of registration. The qualified elector may seek the assistance of any person in completing the certificate of registration.

D. A qualified elector who has filed for an order of protection pursuant to the provisions of the Family Violence Protection Act and who presents a copy of that order from a state or tribal court to the registration officer shall be referred to the confidential address program administered by the secretary of state pursuant to the Confidential Substitute Address Act.

E. Completed certificates of registration may be mailed or presented in person by the registrant or any other person to the secretary of state, to the county clerk of the county in which the registrant resides or to any other county clerk in this state.

F. If the registrant wishes to vote in the next election, the completed and signed certificate of registration shall be delivered or mailed and postmarked within the time frame provided in Subsection A of Section 1-4-8 NMSA 1978.

G. Within one business day after receipt of a certificate of registration, the secretary of state shall send the certificate to the county clerk in the county where the qualified elector resides. Within one business day after receipt of a certificate of

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registration of another county, a county clerk shall send the certificate of registration to the county clerk in the county where the qualified elector resides.

H. Only when the certificate of registration is properly filled out, signed by the qualified elector and accepted for filing by the county clerk as evidenced by the county clerk's signature or stamp and the date of acceptance thereon shall it constitute an official public record of the registration of the qualified elector. A qualified elector complies with a voter registration deadline established in the Election Code when a properly filled-out voter registration certificate has been received by a county clerk or the secretary of state, regardless of the date the certificate is processed.

I. The secretary of state shall prescribe the form of the certificate of registration, which form shall be a postpaid mail-in format and shall be printed in Spanish and English. The certificate of registration form shall be clear and understandable to the average person and shall include brief but sufficient instructions to enable the qualified elector to complete the form without assistance. The form shall also include:

(1) the question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen;

(2) the statement "If you checked 'no', do not complete this form."; and

~~[(3) a statement informing the applicant that:~~

~~(a) if the form is submitted by mail by the applicant and the applicant is registering for the first time in New Mexico, the applicant must submit with the form a copy of: 1) a photo identification issued by a government or educational~~

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~~institution; or 2) a current utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and current address of the applicant; and~~

~~(b) if the applicant does not submit the required documentary identification, the applicant will be required to do so when voting in person or absentee; and~~

~~(4)]~~ (3) a statement requiring the applicant to swear or affirm that the information supplied by the applicant is true."".

4. On page 27, between lines 11 and 12, insert the following new sections:

"SECTION 15. Section 1-6-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 130, as amended) is amended to read:

"1-6-4. MAILED BALLOT APPLICATION.--

A. In a statewide election, application by a voter for a mailed ballot shall be made only on a paper form or its online equivalent. The form shall identify the applicant and contain information to establish the applicant's qualification for issuance of a mailed ballot under the Absent Voter Act; provided that only on the application form for a primary election ballot there shall be a box, space or place provided for designation of the voter's political party affiliation.

B. Each application on a paper form for a mailed ballot shall be signed by the applicant and shall require the applicant's printed name, registration address, ~~[and]~~ year of birth and required voter identification to be supplied by the applicant ~~[which shall constitute the required form of identification]~~. When submitted by the voter, the county clerk shall accept an application for a mailed

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ballot pursuant to this subsection regardless of whether the application for a mailed ballot is delivered to the county clerk on paper or by electronic means. When submitted by a third party, the county clerk shall not accept an application for a mailed ballot pursuant to this subsection if the application for a mailed ballot is delivered by electronic means.

C. The secretary of state shall allow a voter to submit an online application for a mailed ballot through a website authorized by the secretary of state; provided that the voter shall have a current [~~or expired~~] New Mexico driver's license or state identification card issued by the motor vehicle division of the taxation and revenue department. An online request for a mailed ballot shall contain all of the information that is required for a paper form. The voter shall also provide the person's full New Mexico driver's license number, [~~or~~] state identification card number or social security number.

D. When a voter requests a mailed ballot pursuant to this section, the voter shall mark the box associated with the following statement, which shall be included as part of the online mailed ballot request form:

"By clicking the boxes below, I swear or affirm all of the following:

[ ] I am the person whose name and identifying information is provided on this form and I desire to request a mailed ballot to vote in the state of New Mexico; and

[ ] All of the information that I have provided on this form is true and correct as of the date I am submitting this form."

E. Online applications for mailed ballots shall retain the dates of submission by the qualified elector and of acceptance by the county clerk. For purposes of deadlines contained in the

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Election Code, the time and date of the submission by the voter shall be considered the time and date when the application for a mailed ballot is received by the county clerk.

~~[F. New registrants who registered for the first time in this state by mail and at that time did not provide acceptable documentary identification as required by federal law shall be informed of the need to comply with federal identification requirements when returning the requested ballot. The secretary of state shall issue rules to exempt voters from submitting identification only as required by federal law and shall review and, if necessary, update these rules no later than March 15 of even-numbered years.~~

G.] F. A person who willfully and with knowledge and intent to deceive or mislead any voter, election board, canvassing board, county clerk or other election official and who falsifies any information on an absentee ballot request form or who affixes a signature or mark other than the person's own on a mailed ballot request form is guilty of a fourth degree felony."

**SECTION 16.** Section 1-6-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 131, as amended) is amended to read:

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

A. The county clerk shall mark each completed application for a mailed ballot with the date and time of receipt in the clerk's office and enter the required information in the ballot register. The county clerk shall then determine if the applicant is a voter and if the voter is a uniformed-service voter or an overseas voter. If the applicant is a uniformed-service voter or overseas voter, the application shall be processed pursuant to the Uniform Military and Overseas Voters Act.

B. If the applicant does not have a valid certificate of

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registration on file in the county, a mailed ballot shall not be issued and the county clerk shall mark the application "rejected", file the application in a separate file from those accepted and notify the applicant in writing with an explanation why the application was rejected.

~~[C. When required by federal law, if the applicant has on file with the county a valid certificate of registration that indicates that the applicant is a voter who is a new registrant in the state and who registered by mail without submitting the required documentary identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot a form of documentary identification from the list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk shall note on the ballot register and signature roster that the applicant's mailed ballot must be returned with the required voter identification.~~

D.] C. If the applicant has on file with the county a valid certificate of registration, the county clerk shall mark the application "accepted" and deliver a mailed ballot to the voter and the required envelopes for use in returning the ballot.

~~[E.]~~ D. Upon the mailing of a mailed ballot to an applicant who is a voter, an appropriate designation shall be made on the signature line of the signature roster next to the name of the voter.

~~[F.]~~ E. A mailed ballot shall not be delivered by the county clerk to any person other than the applicant for the ballot. Mailed ballots shall be sent to applicants beginning twenty-eight days before the election. For each application for a mailed ballot received twenty-three or more days before the election, the county clerk shall send either the ballot or a notice of rejection to the applicant as soon as practicable; provided that the ballot or a notice of rejection is sent not later than twenty-two days before



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the election. For each application for a mailed ballot received within twenty-two days of election day, the county clerk shall send either the mailed ballot or a notice of rejection to the applicant within twenty-four hours after receipt of the voter's application for a mailed ballot. A mailed ballot shall be requested not later than the Thursday immediately prior to the date of the election and shall be sent to the voter not later than the Friday immediately prior to the date of the election."".

5. On page 29, between lines 3 and 4, insert the following new sections:

"SECTION 18. A new section of Chapter 1, Article 12 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CONDUCT OF ELECTION--CHALLENGES TO A VOTER'S IDENTIFICATION.--If the required voter identification is challenged because it does not conform to the requirements of Section 1-1-24 NMSA 1978, the voter shall be allowed to vote on a provisional ballot."

SECTION 19. Section 1-12-7.1 NMSA 1978 (being Laws 1969, Chapter 240, Section 112, as amended) is amended to read:

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

A. At each election day polling location, other than a consolidated precinct where any voter in the county may vote, the precinct board shall post securely at or near the entrance of the polling place one copy of an alphabetical list of voters and a map of the precincts represented in that polling place for use of the voters prior to voting. The posted copy shall not contain a listing of voter addresses, years, months or days of birth or social security numbers.

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B. At each polling location where physical rosters are used, the presiding judge of the precinct board shall assign one judge or election clerk of the board to be in charge of one copy of the checklist of voters, which shall be used to confirm the registration and voting of each person offering to vote.

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

D. The judge or election clerk assigned to confirm registration shall determine that each person offering to vote is registered and, in the case of a primary election, that the voter is registered in a party designated on the primary election ballot. If the person's registration is confirmed and the voter provides the required voter identification, the judge or election clerk shall announce to the judges or election clerks the list number and the name of the voter as shown on the checklist of voters. If the voter does not provide the required voter identification, the voter shall be allowed to vote on a provisional paper ballot and shall provide the required voter identification to the county clerk's office before 5:00 p.m. on the second day following the election, or to the precinct board before the polls close, or the voter's provisional ballot shall not be qualified. If the required voter identification is provided, the voter's provisional paper ballot shall be qualified and the voter shall not vote on any other type of ballot.

E. The judge or election clerk shall locate the name on the signature roster and shall require the voter to sign the voter's usual signature or, if unable to write, to make the voter's mark opposite the voter's printed name. If the voter makes the voter's mark, it shall be witnessed by one of the judges or election clerks of the precinct board.

~~[F. If the signature roster indicates that the voter is required to present a physical form of identification before voting, the judge or election clerk shall ask the voter for the required~~

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~~physical form of identification. If the voter does not provide the required identification, the voter shall be allowed to vote on a provisional paper ballot; provided, however, that if the voter brings the required physical form of identification to the polling place after casting a provisional paper ballot, that ballot shall be qualified.~~

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

~~[H.] G.~~ A voter shall not be permitted to vote until the voter has properly signed the voter's usual signature or made the voter's mark in the signature roster."

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

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

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

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

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

(3) the person executes a statement swearing or affirming to the best of the person's knowledge that the person is a

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qualified elector, is currently registered and eligible to vote in that county and has not cast a ballot or voted in that election.

~~[B. A voter shall vote on a provisional paper ballot if the voter:~~

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

~~(2) registered to vote by mail;~~

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

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

~~E.]~~ B. A voter shall vote on a provisional paper ballot in accordance with the provisions of Section 1-12-7.1 NMSA 1978 if the voter does not provide the required voter identification to the election judge.

~~[D.]~~ C. A judge or election clerk shall have the voter sign the signature roster and issue the voter a provisional paper ballot, an outer envelope and an official inner envelope. The voter shall vote on the provisional paper ballot in secrecy and, when done, place the ballot in the official inner envelope and place the official inner envelope in the outer envelope and return it to the judge or election clerk. The judge or election clerk shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate place and place it in an envelope designated for provisional paper ballots.

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

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**SECTION 21.** Section 1-12-20 NMSA 1978 (being Laws 1969, Chapter 240, Section 273, as amended) is amended to read:

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

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

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

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

D. the person offering to vote is improperly registered because the person is not a qualified elector; ~~[or]~~

E. the required voter identification that the person presents does not conform to the requirements of Section 1-1-24 NMSA 1978; or

~~[E.]~~ F. in the case of a primary election, the person desiring to vote is not affiliated with a political party represented on the ballot."

**SECTION 22.** Section 1-12-25.3 NMSA 1978 (being Laws 2003, Chapter 356, Section 6, as amended) is amended to read:

"1-12-25.3. PROVISIONAL PAPER BALLOTS--REQUIRED INFORMATION.--

A. At a minimum, the following information shall be printed on the outer envelope for a provisional paper ballot:

(1) the name and signature of the voter;

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(2) the voter's registered address, both present and former if applicable;

(3) the voter's date of birth;

(4) the reason for using the ballot;

(5) the precinct and the polling place at which the voter has voted; and

(6) sufficient space to list the disposition of the ballot after review by the county clerk.

B. A provisional paper ballot shall not be rejected for lack of the information required by this section and shall be qualified as long as the voter provides a valid signature and sufficient information for the clerk to determine the voter is a qualified elector and has provided a copy of the required voter identification."

6. On page 41, between lines 7 and 8, insert the following new section:

"SECTION 34. Section 1-24-3 NMSA 1978 (being Laws 2019, Chapter 212, Section 156) is amended to read:

"1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

A. All special elections in this state shall be conducted absentee. Mailed ballots shall be used exclusively for voting in special elections. Except as otherwise provided in the Special Election Act, all special elections in this state shall be conducted and canvassed as provided in the Election Code.

B. Without requiring a voter to file an application to receive a ballot, the county clerk shall send a mailed ballot to

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every voter of the county or local public body, except a voter:

(1) who was sent a notice pursuant to Subsection C of Section 1-4-28 NMSA 1978 and who has not returned the prepaid and pre-addressed return card sent pursuant to that section and has not filed a new certificate of registration with a new address; or

(2) whose official election-related mail sent through a uniform, nondiscriminatory process was returned to the county clerk or the secretary of state as undeliverable and the voter has not communicated with the county clerk that the official election-related mail was returned as undeliverable in error or filed a certificate of registration with a new address.

C. Forty-two days before the election, the county clerk shall send to each voter of the county or local public body described in Paragraphs (1) and (2) of Subsection B of this section notice, sent by forwardable mail, that the voter will not be sent a ballot for the special election unless the voter updates the voter's address as provided by the Election Code or informs the county clerk that the address on the certificate of registration is valid. The notice shall include contact information for the office of the county clerk and an internet address where the voter may update the voter's address or communicate with the county clerk. The mailed ballot register shall note which voters were sent a notice pursuant to this subsection.

D. Between the twenty-seventh and twenty-fifth day before the election, pursuant to Subsection B of this section, the county clerk shall send to each voter a ballot for the special election, along with a postage-paid return envelope, a notice that there will be no traditional polling places for the election, the deadline for the ballot to be received by the county clerk and a list of the times and locations of secured containers available in addition to the United States postal service for a voter to return the ballot.

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E. Beginning twenty-two days before the election, the county clerk shall issue replacement and provisional ballots as provided in the Absent Voter Act for the mailed ballot process. In addition, the county clerk shall send a ballot to any voter described in Paragraphs (1) and (2) of Subsection B of this section who has not previously been sent a ballot if the voter submits an application pursuant to Section 1-6-4 NMSA 1978.

~~[F. When required by federal law, if the voter has on file with the county a valid certificate of registration that indicates that the voter is a new registrant in the state and who registered by mail without submitting the required voter identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot the required documentary identification from the list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk shall note on the mailed ballot register and signature roster that the applicant's mailed ballot must be returned with the required voter identification.]"~~

7. On page 45, between lines 10 and 11, insert the following new section:

"SECTION 37. Section 66-5-408 NMSA 1978 (being Laws 1978, Chapter 35, Section 335, as amended) is amended to read:

"66-5-408. FEES--EXCEPTIONS.--

A. Upon application for an identification card with a four-year term, there shall be paid to the department a fee of five dollars (\$5.00). Upon application for an identification card with an eight-year term, there shall be paid to the department a fee of ten dollars (\$10.00). A fee shall not be charged to an applicant for an identification card if the applicant:

(1) is at least seventy-five years of age; or



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(2) will be at least eighteen years of age on the date of the next general election and the person signs a statement requesting an identification card at no cost for voter identification purposes.

B. The department with the approval of the governor may increase the amount of the identification card fee by an amount not to exceed three dollars (\$3.00) for the purpose of implementing an enhanced licensing system; provided that for an identification card issued for an eight-year period, the amount of the fee shall be twice the amount charged for other identification cards. The additional amounts collected pursuant to this subsection are appropriated to the department to defray the expense of the new system of licensing and for use as set forth in the provisions of Subsection F of Section 66-6-13 NMSA 1978. Unexpended and unencumbered balances from fees collected pursuant to the provisions of this subsection at the end of any fiscal year shall not revert to the general fund but shall be expended by the department in fiscal year 2010 and subsequent fiscal years.".

8. On page 45, line 12, strike "and" and insert in lieu thereof a comma and after "1-6-5.8", insert "and 1-12-4.1".

9. On page 45, line 13, strike "and" and insert in lieu thereof a comma.

10. On page 45, line 14, before the first comma, insert "and Laws 2005, Chapter 270, Section 59".

11. On page 45, strike lines 17 through 24 in their entirety and insert in lieu thereof:

**"SECTION 38. EFFECTIVE DATE.--**

A. The effective date of the provisions of Sections 1 through 4, 6 through 10, 15 through 34, 36 and 37 of this act is

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July 1, 2023.

B. The effective date of the provisions of Sections 14 and 35 of this act is January 1, 2024.

C. The effective date of the provisions of Sections 5 and 11 through 13 of this act is July 1, 2025."

12. Renumber sections to correspond to these amendments.

\_\_\_\_\_  
John Block

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_