

HOUSE BILL 243

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Harlan Vincent and Gail Armstrong and Alan T. Martinez
and Mark Duncan and Cathrynn N. Brown

AN ACT

RELATING TO ELECTIONS; AMENDING THE ELECTION CODE; REVISING THE
MANNER OF PICKING UP BALLOTS FROM BALLOT COLLECTION BOXES;
MAKING AN APPROPRIATION.

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

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

"1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY
METHODS.--

A. When voting a mailed ballot, the voter shall
secretly mark the mailed ballot in the manner provided in the
Election Code for marking paper ballots, place it in the
official inner envelope and securely seal the envelope. The
voter shall then place the official inner envelope inside the
official mailing envelope and securely seal the envelope. The

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1 voter shall then complete the form on the reverse of the
2 official mailing envelope under the privacy flap. The voter or
3 another person authorized by law shall then return the official
4 mailing envelope containing the voted ballot to the county
5 clerk of the voter's county of residence. If returned by a
6 person other than the voter, the official mailing envelope
7 shall contain the signature, printed name and relationship to
8 the voter of the person returning the ballot.

9 B. The official mailing envelope may be returned by
10 mail using the United States postal service. The secretary of
11 state shall implement a free-access tracking system for each
12 voter to be able to see the status of the voter's mailed ballot
13 while en route to the voter as well as when returned to the
14 county clerk.

15 C. The official mailing envelope may be returned
16 using a commercial delivery service; provided that unless the
17 secretary of state has approved the use of a specific
18 commercial delivery service, the voter shall be responsible for
19 the costs of delivery by means of such service.

20 D. The official mailing envelope may be returned in
21 person to the office of the county clerk or, in a statewide
22 election, to an alternate voting location, mobile alternate
23 voting location, election day voting location or other location
24 where the receipt and storage of the official mailing envelope
25 containing a voted ballot is under the supervision of an

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1 election official or county clerk's agent.

2 E. The official mailing envelope may be returned by
3 depositing the official mailing envelope in a monitored secured
4 container made available by the county clerk to receive an
5 official mailing envelope containing a voted ballot for that
6 election; provided that:

7 (1) the location of the containers and the
8 days and times the containers will be available to receive
9 ballots are posted by the county clerk at least forty-two days
10 before an election;

11 (2) the location of a monitored secured
12 container is considered a polling place for purposes of
13 electioneering too close to the polling place in violation of
14 Section 1-20-16 NMSA 1978;

15 (3) all secured containers shall be monitored
16 by video surveillance cameras and the video recorded by that
17 system shall be retained by the county clerk as a record
18 related to voting pursuant to the provisions of Section 1-12-69
19 NMSA 1978;

20 (4) signage at the location of a monitored
21 secured container shall inform voters and those dropping off
22 ballots at the location:

23 (a) that it is a violation of law for
24 any person who is not an immediate family member, which
25 includes a voter's spouse, child, parent, domestic partner,

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1 grandchild, grandparent, sibling or person with whom the voter
2 has a continuing personal relationship, to collect and deliver
3 a ballot for another person except as authorized by the
4 Election Code;

5 (b) that electioneering is prohibited
6 within one hundred feet of the monitored secured container; and

7 (c) of the range of dates and
8 approximate time the ballots will be collected for that
9 election; and

10 (5) at least every [~~three days and on election~~
11 ~~day after the polls close, the county clerk, deputy county~~
12 ~~clerk, election board member or messenger~~] twenty-four hours,
13 teams of two members of the election board who are not from the
14 same political party shall collect the ballots from the
15 monitored secured containers and register the date and
16 container location on each official mailing envelope.

17 F. Each county clerk shall ensure that teams of two
18 members of the election board who are not from the same
19 political party are present at each monitored secured container
20 at 7:00 p.m. on election day. Teams shall allow any voters in
21 line by 7:00 p.m. to deposit their ballots in the monitored
22 secured container. The teams shall then collect all ballots
23 and lock the monitored secured container so no additional
24 ballots can be deposited.

25 [~~F.~~] G. It is a violation of Section 1-20-6 NMSA

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