



New Mexico Secretary of State

Bureau of Elections & Ethics Administration

Third-Party Voter Registration Agent Manual



For compliance with the
National Voter Registration Act

Updated July 2016

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About this manual

This manual has been prepared by the Secretary of State (SOS) Bureau of Elections to comply with the National Voter Registration Act (NVRA) of 1993. It is designed to help elections officials, third-party voter registration agents and the general public understand the role and responsibilities of third-party registration agents. It does not supersede federal or state laws or rules, and does not have the force of law. For more information, third party agents are encouraged to read Article 4 of the New Mexico Election Code for applicable laws on the registration of electors.

To obtain copies of the National Voter Registration Act or other information about the contents of this reference manual or to suggest modifications, please contact:



sos.elections@state.nm.us



Office of the Secretary of State
325 Don Gaspar, Suite 300
Santa Fe, NM 87503

For answers to more urgent questions about voter registration rules and procedures, contact the Bureau of Elections at the following telephone numbers:



505-827-3600
Toll Free 1-800-477-3632

A directory of county clerks can be found on the Secretary of State's website:



sos.state.nm.us/Voter_Information/County_Clerk_Information.aspx

What is a third-party registration agent?

A third-party registration agent is any person, entity, or organization that assists in registering a voter that is not a state or federal agency. Third party registration agents must attend a training course and register with a County Clerk's Office or the Office of the Secretary of State.



Important:

THIRD-PARTY AGENTS ARE PROHIBITED FROM:

- Seeking to influence an applicant's political party preference; or
- Making any statement or taking any action that discourages or intends to discourage the applicant from completing the form; or
- Disclosing or unlawfully using information collected on a voter registration application

What is the National Voter Registration Act?

The National Voter Registration Act (NVRA) was passed by Congress in 1993. The NVRA requires that qualified electors (i.e. individuals eligible to vote) be given an opportunity to complete a Voter Registration Application Form. The NVRA also encourages voter registration by providing new and innovative ways to register. Further, the NVRA mandated three ways to register: mail, "motor voter" registration that allows registration alongside the driver's licensing process at MVD offices, and agency-based registration at various public service offices. These programs not only bring new voters into the election process, but also bring new people to the task of registration administration, including third-party voter registration agents.

As the chief election officer for New Mexico, the Secretary of State is responsible for working closely with county clerks, other state agencies and the public to comply with this federal mandate.

What are the qualifications for third-party registration agents?

State law outlining registration and procedures for third-party registration agents is found in Section 1-4-49 NMSA 1978. In order to become a third-party registration agent, an applicant must:

1. Complete a third-party voter registration agent training course provided by the County Clerk's Office or the Secretary of State's Office;
2. Submit a Voter Registration Agent Identification Form; and
3. Be issued a personal Voter Registration Agent (VRA) Number by the Secretary of State's Office. The third party agent information and identification number must be entered into the statewide third-party agent database by the county clerk and the agent's original VRA Identification Form will be filed with the Secretary of State's office. A copy of the form is retained at the local county clerk's office, and the third party agent must also retain a copy.

The third party agent must carry and display a copy of the VRA Identification Form as proof of their credentials when assisting applicants with registering to vote.

The VRA Identification Form includes:

- Name of the organization
- Names of the officers of the organization
- Address and phone number of the organization
- Name of the third-party registration agent
- Address and phone number of the agent
- Date of birth of the agent

- A signed, sworn statement by the agent that he or she will obey all state laws and rules regarding the registration of voters, which contains a statement advising the agent of criminal penalties for false registration

- A printed notification that completed certificates of voter registration must be placed in the mail or delivered to the secretary of state or county clerk within forty-eight (48) hours of the third-party registration agent taking possession of a certificate of voter registration completed by a registrant. (the forty-eight (48) hours deadline excludes intermediate Saturdays, Sundays, and federal or state holidays)

What are the duties of a third-party registration agent?

An agent may perform their duties anywhere in New Mexico. They shall provide any qualified elector with an opportunity to register to vote—regardless of political affiliation, religion or race—and will perform their lawful duties without charge as follows:

- Offer the client a Voter Registration Application Form
- Assist in the preparation of the form of qualified electors at the request of the applicant
- Assist a voter in making any changes to their current registration information (e.g. name, address or party affiliation)
- Ensure that the form is completely filled out and in proper form

Remember, as a third-party Agent, you are responsible for facilitating the voter registration process. Therefore, if at any time while registering an individual you have a question or a red flag appears due to a registrant not being able to remember their address, has a change of address, does not remember their social security number, makes an error on the application, or if there is suspicion that it may be a bogus registration, you should make a proper notation in your log. Documentation is essential to the process. Third-party registration agent log forms are available for download from the Secretary's website.

The third-party agent must ensure the applicant is provided with the receipt on the voter registration application that informs them that if they do not receive confirmation of the Voter Registration Application Form within fifteen (15) days, the applicant should contact their county clerk. The phone number for the office of the county clerk where the voter applicant resides, as well as the toll free phone number and website address of the Secretary of State's office is included on the receipt.

Obtaining Registration Forms

Initially, agents are issued a packet of 20 Voter Registration Application Forms. At any time, an agent may request another packet. However, the packet must be obtained from a county clerk's office or the Secretary of State in person and the agent is required to sign for the packet.

Reminder: All forms are issued and tracked according to the name of the agent and Voter Registration Agent (VRA) Number. Blank Voter Registration Application Forms cannot be mailed to third-party agents.

What else should VRAs keep in mind?

Applicants must print legibly (i.e. if you cannot read the form, then the Secretary of State's office and the county clerk will not likely be able to read it either). If the application is not legible, ask the registrant if you can complete another form for them and have them sign. Be sure to void the first form and enter it in your log. Make sure you void and return all forms; **all forms released to VRAs must be accounted for**; this includes all forms that have been destroyed or damaged and that are no longer usable.

As an extension of this idea, remember to keep well-documented records using the voter registration agent log provided on the SOS website. You are responsible for the information on the voter registration forms, which is why the Secretary of State's office and county clerk's office require that you keep a log.

The pre-addressed registration form does not receive a cancelled date stamp, so keep a log of any mailed forms by certificate number, date placed in the mail and location of where you mailed the forms. It is also highly recommended that the agent walk the form into the post office and get the documents postmarked.

The block on the bottom left side of the front of the Voter Registration Application Form is for the agent's Voter Registration Agent Number (VRA number). The Voter Registration Application Forms are tracked by serial numbers. **Your assigned VRA number must be entered on the form in the box provided.**

Third-party agents are not responsible for verification of the truth of any information contained in a voter registration application form and are only providing an applicant with the opportunity to register to vote and agents do not determine if the applicant is qualified to register to vote.

Online voter registration

As of January 1, 2016, the Secretary of State's Office provides applicants with the ability to apply to register to vote online from the SOS website. Currently, this site is not setup to track VRA numbers or assistance provided to voters during the registration process, so agents should only use the state paper or federal paper forms to register voters. A future software release to the online voter registration will allow for online registration by third party agents. When this is available, third party agents will be notified, training will be provided, and this manual will be updated accordingly.

How are address changes made?

A change of address must be completed by preparing a new registration form. The entire voter registration application must be complete in order for the county clerk to accept and process the application.

How much assistance is too much?

A third-party agent offering voter registration services must provide a consistent and thoughtful degree of assistance, including bilingual assistance when necessary, unless the applicant refuses such assistance. An agent should never insist upon providing assistance to an applicant or pre-fill applications prior to an applicant requesting such assistance.

What are the qualified political parties?

Applicants may choose to register for any qualified political party in New Mexico or may choose to register with no party affiliation which is referred to as 'Declined to Select' or Independent. The current qualified political parties in New Mexico are:

Major Parties

- New Mexico Democratic Party (DEM)
- New Mexico Republican Party (REP)

Minor Parties

- Constitution Party of New Mexico (CON)
- Independent American Party of New Mexico (INM)
- Libertarian Party of New Mexico (LIB)
- Green Party of New Mexico (GRN)
- American Delta Party of New Mexico
- Party for Socialism and Liberation of New Mexico

Note: New Mexico conducts closed primary elections. Only voters affiliated with a major political party may participate in a primary election.

Voters who would like to change their party affiliation must complete the entire voter registration application in order for it to be accepted.

Third party agents should assist the voter in coding their party preference correctly as indicated in the parentheses in the above listing.

What are the rules regarding confidentiality?

Applicant information must remain confidential and be used only for voter registration purposes. It is unlawful for the voter's month and day of birth or any portion of the social security number required on the certificate of registration to be copied, conveyed or used by anyone other than the person registering to vote.

Once the county clerk has accepted a Voter Registration Application Form for filing, individuals or groups may make a public records request for registration information. However, certain information on the form is always privacy protected in accordance with **Section 1-4-5, NMSA 1978**.



Important:

An applicant 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 (agent) shall not be required to provide physical residence address information on the Certificate of Registration. This also applies to individuals participating in the Confidential Address Program (CAP), pursuant to **Section 31-26-3 NMSA 1978**.

How do I collect and transmit registration forms?

Collections and transmittals of completed Voter Registration Application Forms **must be returned** to the county clerk's office or the Secretary of State within 48 hours. Careful and regular coordination with the county clerk's office is crucial.

What is a VRA's liability?



The New Mexico Election Code explains the responsibilities of VRAs and their liability under statute. While this manual should not be considered a legal resource, below is outlined the liability of agents under state rules:

Any person who intentionally violates any provision of section 1-4-49 of the Election Code shall be guilty of a petty misdemeanor and the person's third-party agent status shall be revoked. If the person who violates a provision of this section is an employee of an organization and has decision-making authority involving the organization's voter registration activities or is an officer of the organization, then that organization shall be subject to civil penalties.

If the Secretary of State reasonably believes that a person committed a violation of the provisions of this section, then the Secretary shall refer the matter to the attorney general or district attorney for enforcement. The attorney general or district attorney may institute a civil action in district court for a violation of the provisions of this section or to prevent a violation of the provisions of this section. An action for relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including a civil penalty of two hundred fifty dollars (\$250.00) for each violation, not to exceed five thousand dollars (\$5,000.00).

Individuals or groups conducting voter registration drives may use Third-Party Registration Forms or the National Form. Once a form is filled out, individuals or groups cannot copy, convey or use the DOB or SSN information on the form (Section 1-4-5 (E), NMSA 1978).

Organizations employing registration agents or using volunteer registration agents shall deliver a Certificate of Registration* to the county clerk or the Secretary of State's office within 48 hours. It is strongly recommended that third-party agents deliver the applications in person.

**NOTE: A Certificate of Registration is also referred to as a Voter Registration Application Form.*

What information is required in order to register to vote?

The voter registration form must be completely filled out and legible in order for the county clerk to complete the process of registering an applicant to vote. State law requires that the applicant provide:

- Applicant's name;
- Full SSN;
- Full DOB;
- Physical address (not a PO box);
- Gender; and
- Signature

Pursuant to section 1-4-5.3, if an applicant lacks a specific physical address, the applicant may substitute a mailing address along with a description of the physical address description, such as a map or latitude and longitude description. The qualified elector will be assigned to a precinct based on the geographic description of where the qualified

What does the privacy notice entail?

On the registration application form, the privacy notice states that a voter applicant must provide their full Social Security number (SSN) and date of birth (DOB) pursuant to the New Mexico Election Code. Pursuant to section 1-4-5 NMSA 1978, a person who unlawfully copies, conveys, or uses information from a certificate of registration is guilty of a fourth degree felony.

Additionally, if an applicant chooses to disclose their e-mail address, this shall not be disclosed on any voter lists (Section 1-4-15 NMSA 1978).

If an applicant does not wish to provide their full SSN, you may complete the Voter Registration Application Form and return it to the county clerk's office, but **be sure you inform the voter applicant they will not be registered until they provide the full Social Security number to the clerk's office in the county where they reside.**

Reminders for VRAs

When providing voter registration services to an applicant, please take note of the following considerations:



The use of **black ink** is recommended. Please print legibly. The entire voter registration application must be filled out in its entirety for it to be processed by the county clerk even if the applicant intends on updating information or changing party affiliation.



If any applicant is unable to read or write in either English or Spanish, or is unable to read or write due to a physical disability and is assisted by someone other than the agent in filling out the Voter Registration Application Form, then both the person assisting and the third-party agent shall sign **Item 9** on the front of the application in order to identify the person that assisted the applicant.



If an error is made while filling out the Voter Registration Application Form, the agent shall mark the Voter Registration Application Form as **VOID**; it shall be returned with the completed Voter Registration Application Forms to the county clerk's Office.



The agent shall instruct the applicant not to fill out the **shaded areas at the bottom of the form** which are for use of the county clerk's office. Item 9 on the front page is for the VRA's signature and VRA Number. The VRA number also goes on the **yellow portion**, which is the voter's receipt.

Sample Voter Registration Application Form

LINE 2

Physical Address:
Do not use PO boxes.

Rural addresses:
Township, range and section may be used, or a map can be drawn in the area indicated.

LINE 10

This does not need to be filled out by the VRA, unless the agent provided substantial assistance in physically filling out the form.

PERSONAL INFORMATION		Protected: See Privacy Notice <small>This information not to be copied.</small>	
1	NAME Last First Middle Name or Initial Gender	Birth Date	Social Security Number
2	PHYSICAL STREET ADDRESS WHERE YOU LIVE NOW Street Address Apartment, Unit, or Lot # City Zip		
3	ADDRESS WHERE YOU GET YOUR MAIL (if different from above) Mailing Address City Zip		
4	If you are changing your name on this application, under what full name were you previously registered? Last, First, Middle		5 E-Mail Address (*optional)
6	POLITICAL PARTY NOTE: You must name a major political party to vote in primary elections. Party <input type="checkbox"/> NO PARTY <input type="checkbox"/> If you choose NO PARTY check this box <input type="checkbox"/>	DAYTIME TELEPHONE NUMBER (optional) May the county clerk make this telephone number public for election purposes? YES <input type="checkbox"/> NO <input type="checkbox"/>	POLL WORKER Would you like to serve as an election day precinct worker? YES <input type="checkbox"/> NO <input type="checkbox"/>
8	I hereby authorize you to cancel my previous registration in the following county and state. City or Township County State		
9	ATTESTATION OF QUALIFICATION Please answer the following questions: Are you a citizen of the United States? Yes <input type="checkbox"/> No <input type="checkbox"/> Will you be at least eighteen years of age on or before the next general election? Yes <input type="checkbox"/> No <input type="checkbox"/> If you checked "NO" to any of the questions above, do not complete this form. If you have been convicted of a felony and are currently on parole or supervised probation, do not complete this form.		
10	Name of person who assisted you in filling out this form: _____ VRA ID# _____ TODAY'S DATE: _____ SIGN YOUR FULL NAME OR MARK ON THE YELLOW LINE BELOW: _____		
DO NOT WRITE IN SHADED AREAS - FOR OFFICIAL USE ONLY			
Accepted for filing in County Registration Records		PCT. MUN. PRC DIST. REP. DIST. SEN. DIST. SCHOOL. C.C.	
Date	County Clerk	Filing Clerk	

LINE 1

DOB & SSN:
Privacy-protected, not public record

LINE 9

The attestation should be carefully read. The questions in this section must be answered, and the form must be dated.

SHADED PORTION

Leave shaded areas blank. This is for use by county clerks only.

IN ORDER TO PROCESS YOUR CERTIFICATE OF REGISTRATION YOU MUST COMPLETE AND SIGN THIS APPLICATION. YOU WILL RECEIVE CONFIRMATION BY MAIL OF YOUR REGISTRATION FROM THE COUNTY CLERK.

***PRIVACY NOTICE**

Your Social Security number and date of birth are required to register to vote. Pursuant to New Mexico law, the secretary of state, county clerk or any other registration agent shall not release to the public a voter's social security number or date of birth. A person who unlawfully copies, conveys, or uses information from a certificate of registration is guilty of a fourth degree felony. See NMSA, 1978 § 1-4-5 and NMSA, 1978, 1-4-5.4.

Per NMSA 1978 § 1-5-14(D) voter files provided to the public shall not include email address.

USE THIS AREA ONLY IF YOU LIVE AT A RESIDENCE WITH NO PHYSICAL ADDRESS.

If the address where you live ("Physical Address") is one of the following:

- a rural address
- a non-street address
- a non-traditional place

In the space provided to the right, you must draw a map of where you live in relation to local landmarks, such as roads, schools, churches, stores, etc. This will help your county clerk to determine your correct voting precinct.

Also in the space below "RURAL ADDRESS DESCRIPTION", please describe the following:

- the actual number of the state or county road on which your residence is located, and on which side of the road it sits (east, west, north, south);
- the number of the nearest state roads that cross your road (in both directions from either side of your home), or the names of the identifiable landmarks;
- the distance and direction you would travel from home to reach each of these roads;
- the distance you would travel to reach your home if you live on a private road that is an extension of a public road (please note at which end of the public road your road begins east, west, north or south).

EXAMPLE RD 678, north side, 1 mile east of RD 815
- OR -
RD 743, west side, 1 mile north of Smith's store and 4 miles south of RD 698

5. any county issued rural address assigned to your physical residence where you live now:
EXAMPLE 3251 CR W Grady, NM 88120
This address may also be used in Block 2 "PHYSICAL ADDRESS WHERE YOU LIVE NOW" on the reverse of this form.

RURAL ADDRESS DESCRIPTION

N
W + E
S

ALL VOTER REGISTRATION FORMS MUST INCLUDE A MAILING ADDRESS IN BOX 2 OR BOX 3 ON THE REVERSE OF THIS FORM.

REGISTRATION CANCELLATION

If a voter wishes to cancel their registration, direct them to the county clerk's office or the voter may download and fill out a cancellation form which is available on the SOS website. A list of county clerks contact information is available on the Secretary of State's website.

Voter Registration Eligibility Requirements

- The applicant must be a **citizen of the United States and a resident of New Mexico**
- Applicants under the age of **18 years of age** may fill out an application to register to vote, however, they will be placed in suspense until they reach the qualifying age of 18 to vote in the next election.
- As of July 1, 2016, voters who will be 18 years of age by the next general election will be allowed to vote in the primary election.
- The applicant **has not been denied the right to vote** by:
 - reason of mental incapacity
 - if convicted of a felony, all conditions of probation or parole have been satisfied, the applicant has served the entirety of the sentence or has been granted a pardon.

The Help America Vote Act (HAVA) requires that states mandate ID for the first-time voter who registered by mail, if the registration did not require ID. Any voter who has not previously voted in a federal election must also provide ID. There are two approved forms of ID, photo and non-photo. Any current and valid government-issued photo identification fulfills the photo ID requirement. A copy of a current utility bill, bank statement, government check, paycheck or other government document with the name and address of the voter fulfills the non-photo ID requirement.



Note: State law requires that in order to vote in the next election, the applicant must register at least **28 days prior to the election date**.

New Mexico currently has closed primary elections and only voters registered with a major party are eligible to vote in these elections.