CHAPTER 145
AN ACT

RELATING TO ELECTIONS; CHANGING REQUIREMENTS AND PROCEDURES
FOR VOTER REGISTRATION; PROVIDING PROCEDURES AND REQUIREMENTS
FOR REGISTRATION BY ELECTRONIC MEANS; ENACTING THE UNIFORM
MILITARY AND OVERSEAS VOTERS ACT; MAKING CORRESPONDING
CHANGES TO THE ELECTION CODE AND THE MUNICIPAL ELECTION CODE;
PROHIBITING PROXY VOTING; ALLOWING USE OF COUNTY CLERK
EMPLOYEES AS ELECTION CLERKS; REQUIRING SUFFICIENT STAFF AND
EQUIPMENT AT POLLING LOCATIONS; SETTING, CLARIFYING AND
STANDARDIZING PROCESSES, DATES AND DEADLINES; PROVIDING
DEFINITIONS; ALLOWING Access BY COUNTY CLERKS TO THE DRIVER'S
LICENSE DATABASE; PERMITTING PARTY COMMITTEE APPOINTMENTS
ACCORDING TO PARTY RULES; PRESCRIBING THE ORDER OF OFFICES ON
THE BALLOT; EXEMPTING CERTAIN VOTING RECORDS FROM THE
INSPECTION OF PUBLIC RECORDS ACT UNTIL AFTER ALL RECOUNTS,
CONTESTS AND CANVASSING ARE COMPLETED; ENSURING THAT MISTAKEN
CANCELLATION OF REGISTRATION WILL NOT VOID A PROVISIONAL
BALLOT; Restricting THE HOLDING OF OTHER ELECTIONS WITHIN
FIFTY DAYS OF A GENERAL ELECTION; PRESCRIBING RECOUNT
PROCEDURES; PROVIDING STANDARDS FOR CONSOLIDATED PRECINCTS;
AUTHORIZING SCHOOL BOARDS TO SET THE TIMES FOR ALTERNATE
VOTING LOCATIONS; REQUIRING ELECTIONS FOR CHANGING THE NUMBER
OF SCHOOL BOARD MEMBERS TO BE HELD DURING A REGULAR SCHOOL
ELECTION; UPDATING FORMS; PROVIDING FOR A PENALTY; ASSIGNING
PROSECUTORIAL DUTIES; GRANTING AUTHORITY TO THE SECRETARY OF
STATE TO COOPERATE WITH LOCAL, STATE AND FEDERAL AGENCIES ON
VERIFICATION OF VOTER REGISTRATION INFORMATION.

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

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

"FEDERAL QUALIFIED ELECTOR.--As used in the Election
Code, "federal qualified elector" means:

A. a uniformed-service voter; or

B. an overseas voter."

SECTION 2. A new section of the Election Code is
enacted to read:

"OVERSEAS VOTER.--As used in the Election Code,
"overseas voter" means an individual who is a United States
citizen, who is outside the United States and who:

A. is temporarily absent from the individual's
 residence in this state;

B. before leaving the United States, was last
 eligible to vote in this state and, except for a state
 residency requirement, otherwise satisfies this state's voter
 eligibility requirements;

C. before leaving the United States, would have
 been last eligible to vote in this state had the voter then
 been of voting age and, except for a state residency
 requirement, otherwise satisfies this state's voter
eligibility requirements; or

D. was born outside the United States, is not otherwise described in this section and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

    (1) the last place where a parent or legal guardian of the individual was, or would have been, eligible to vote before leaving the United States is within this state; and

    (2) the individual has not previously registered to vote in any other state."

SECTION 3. A new section of the Election Code is enacted to read:

"UNIFORMED-SERVICE VOTER. -- As used in the Election Code, "uniformed-service voter" means an individual who is a United States citizen, whose voting residence is in this state, who otherwise satisfies this state's voter eligibility requirements and who is:

A. a member of the active or reserve components of the army, navy, air force, marine corps or coast guard of the United States who is on active duty and who by reason of that active duty is absent from the state;

B. a member of the merchant marine, the commissioned corps of the public health service, the astronaut program of the national aeronautics and space
administration or the commissioned corps of the national
oceanic and atmospheric administration of the United States
and who by reason of that service is absent from the state;

C. a member on activated status of the national
guard or state militia and who by reason of that active duty
is absent from the member's county of residence; or

D. a spouse or dependent of a member referred to
in Subsection A, B or C of this section and who, by reason of
active duty or service of the member, is absent from the
state; provided the spouse or dependent is an individual
recognized as a spouse or dependent by the entity under which
the member is serving."

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

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

SECTION 5. A new section of the Election Code is
enacted to read:

"POWER OF ATTORNEY--PROHIBITED USE.--A power of attorney
or other form of proxy is not valid for use by a person in
any procedure or transaction concerning elections, including
voter registration, petition signature, voter-registration
cancellation, absentee ballot requests or voting another
person's ballot."
SECTION 6. Section 1-1-22 NMSA 1978 (being Laws 2005, Chapter 270, Section 1) is amended to read:

"1-1-22. COMPUTATION OF TIME--DEADLINES.--For the purpose of the Election Code, time periods of less than eleven days shall be computed as calendar days; provided, however, that if an actual deadline falls on a weekend or state-recognized holiday, the next business day shall be the deadline, unless the deadline is expressed as a day of the week, in which case that day remains the actual deadline."

SECTION 7. Section 1-2-1 NMSA 1978 (being Laws 1969, Chapter 240, Section 22, as amended) is amended to read:

"1-2-1. SECRETARY OF STATE--CHIEF ELECTION OFFICER--RULES.--

A. The secretary of state is the chief election officer of the state.

B. The secretary of state shall:

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

(2) subject to the State Rules Act, make rules pursuant to the provisions of, and necessary to carry out the purposes of, the Election Code and shall furnish to the county clerks copies of such rules; provided that no rule is adopted or amended within the fifty-six days before a primary or a general election.
C. No forms or procedures shall be used in any
election held pursuant to the Election Code without prior
approval of the secretary of state."

SECTION 8. Section 1-2-1.1 NMSA 1978 (being Laws 1979,
Chapter 74, Section 3, as amended) is amended to read:

"1-2-1.1. ATTORNEY GENERAL REQUIRED TO ASSIST SECRETARY
OF STATE--DISTRICT ATTORNEYS REQUIRED TO ASSIST SECRETARY OF
STATE AND COUNTY CLERKS.--

A. The attorney general shall, upon request of the
secretary of state, provide legal advice, assistance,
services and representation as counsel in any action to
enforce the provisions of the Election Code and the Municipal
Election Code.

B. Upon the request of the secretary of state or a
county clerk, the attorney general and the several district
attorneys of the state shall assign investigators or lawyers
to aid the secretary of state and county clerks to ensure the
proper conduct of an election.

C. Each district attorney shall assign a lawyer to
be the elections prosecutor for the judicial district or for
each county in the judicial district. The district attorney
shall communicate and maintain current the name and contact
information of the assigned elections prosecutor to the
secretary of state and to each county clerk in the judicial
district. The assigned elections prosecutor shall receive
from the county clerk in the prosecutor's county or judicial
district referrals of suspected violations of the Election
Code. The assigned elections prosecutor shall each month
report in writing to the county clerk and the district
attorney the status of each referral until the matter is
concluded."

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

"1-2-12. PRECINCT BOARD--NUMBER FOR EACH PRECINCT.--

A. For primary, general and special federal
elections, the precinct board shall consist of:

(1) a presiding judge;

(2) two election judges; and

(3) one election clerk.

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

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

(2) may appoint teams of presiding judges
and election judges for absent voter precincts, recount
precinct boards and alternate voting locations, provided that
each team meets the requirements pursuant to Paragraph (1) of
this subsection.
C. For all other elections, the precinct board shall consist of:

   (1) a presiding judge;
   (2) one election judge; and
   (3) one election clerk.

D. If the county clerk determines that additional election clerks are needed, the clerk may appoint such additional election clerks as the clerk deems necessary.

E. County clerk employees may be appointed to assist a precinct board."

SECTION 10. Section 1-2-20 NMSA 1978 (being Laws 1969, Chapter 240, Section 39, as amended) is amended to read:

"1-2-20. MESSENGERS--COMPENSATION.--

A. The county clerk may appoint messengers to deliver ballot boxes, poll books, keys, election supplies and other materials pertaining to the election. Messengers may also be authorized to collect absentee ballots and removable media storage devices from polling places and deliver them to locations designated by the county clerk.

B. Messengers shall be paid mileage as provided in the Per Diem and Mileage Act each way over the usually traveled route. The mileage shall be paid within thirty days following the date of election if funds are available for payment."

SECTION 11. Section 1-3-4 NMSA 1978 (being Laws 1975,
Chapter 255, Section 30, as amended) is amended to read:

"1-3-4. CONSOLIDATION OF PRECINCTS.--

A. Precincts may be consolidated by the board of county commissioners for the following elections:
   (1) primary and general elections;
   (2) statewide special elections;
   (3) countywide special elections; and
   (4) elections to fill vacancies in the office of United States representative.

E. Precincts may be consolidated by the governing body of a municipality for municipal candidate and bond elections, unless otherwise prohibited.

C. Precincts may be consolidated by the local school board for school district candidate and bond elections, unless otherwise prohibited.

D. When precincts are consolidated for a primary and general election, the resolution required by Section 1-3-2 NMSA 1978, in addition to the other matters required by law, shall state therein which precincts have been consolidated and the designation of the polling place. In addition, when consolidating precincts for primary and general elections:
   (1) any voter of the county shall be allowed to vote in any consolidated precinct polling location in the county;
(2) each consolidated precinct in a primary or general election shall be composed of no more than ten precincts;

(3) each consolidated precinct shall comply with the provisions of Section 1-3-7 NMSA 1978;

(4) each consolidated precinct polling location shall have a broadband internet connection and real-time access to the statewide voter registration electronic management system;

(5) the county clerk may maintain any alternative voting locations previously used in the same election open for voting on election day for any voter in the county, in addition to the polling location established in each consolidated precinct; and

(6) the board of county commissioners may permit rural precincts to be exempted from operating as or being a part of a consolidated precinct; provided that if the precinct is not designated as a mail ballot election precinct pursuant to Section 1-6-22.1 NMSA 1978 and the polling place for the rural precinct does not have real-time access to the statewide voter registration electronic management system, voters registered in a rural precinct as described in this paragraph are permitted to vote in any consolidated precinct polling location on election day only by use of a provisional paper ballot, which shall be counted after the county clerk
confirms that the voter did not also vote in the rural
precinct.

E. When precincts are consolidated for a municipal
election, school election or special county election, the
proclamation, in addition to the other matters required by
law, shall state which precincts have been consolidated and
the designation of the polling place. Precincts consolidated
for a municipal election, school election or special county
election may allow any voter to vote in any consolidated
precinct in the county, which shall be stated in the
proclamation.

F. When precincts are consolidated for a statewide
special election or for a special election to fill a vacancy
in the office of United States representative, within
twenty-one days after the proclamation of election is issued
by the governor, the board of county commissioners shall pass
a resolution that, in addition to other matters required by
law, shall state which precincts have been consolidated and
the designation of the polling place. Precincts consolidated
for a statewide special election or for a special election to
fill a vacancy in the office of United States representative
may allow any voter to vote in any consolidated precinct in
the county, which shall be stated in the resolution.

G. Unless the county clerk receives a written
waiver from the secretary of state specifying the location
and specific provision being waived, each consolidated precinct polling location shall:

(1) have ballots available for voters from every precinct that is able to vote in the consolidated precinct;

(2) have at least one optical scan tabulator programmed to read every ballot style able to be cast in the consolidated precinct;

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

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

(5) have sufficient check-in stations to accommodate voters throughout the day as provided in Section 1-9-5 NMSA 1978;

(6) have a secure area for storage of preprinted ballots or for storage of paper ballot stock and a system designed to print ballots at a polling location;

(7) issue a ballot to voters who have provided the required voter identification after the voter has signed a signature roster or an electronic equivalent approved by the voting system certification committee or after the voter has subscribed an application to vote on a
form approved by the secretary of state; and

(8) be in a location that is accessible and compliant with the requirements of the federal Americans with Disabilities Act of 1990.

H. As a prerequisite to consolidation, the authorizing resolution must find that consolidation will make voting more convenient and accessible to voters of the consolidated precinct and does not result in delays for voters in the voting process and the consolidated precinct voting location will be centrally located within the consolidated precinct."

SECTION 12. A new section of Chapter 1, Article 3 NMSA 1978 is enacted to read:

"ELECTION-DAY POLLING PLACES--ADEQUATE RESOURCES.--

A. Each election-day polling place in a primary or general election that does not contain mail ballot election precincts or precincts consolidated pursuant to Section 1-3-4 NMSA 1978 shall comply with the requirements for polling places and precincts as provided in Subsections B and C of this section, unless the county clerk receives a written waiver from the secretary of state specifying the location and specific provision being waived.

B. Each polling place shall:

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

(2) be in a location that is accessible and compliant with the requirements of the federal Americans with Disabilities Act of 1990.

C. Each precinct polling place located within a single polling place shall have:

(1) a separate precinct board and signature roster for the precinct;

(2) at least one optical scan tabulator for the precinct; and

(3) sufficient spaces for at least five voters to simultaneously and privately mark their ballots, with at least one of those spaces wheelchair-accessible, for the precinct."

SECTION 13. Section 1-4-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 63, as amended) is amended to read:

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

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

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

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

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

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

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

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

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

D. When properly executed by the registration
agent or officer or qualified elector, the original of the
certificate of registration shall be presented, either in
person or by mail by the qualified elector or by the
registration agent or officer, to the county clerk of the
county in which the qualified elector resides. It is
unlawful for the qualified elector's month and day of birth
or any portion of the qualified elector's social security
number required on the certificate of registration to be
copied, conveyed or used by anyone other than the person
registering to vote, either before or after it is filed with
the county clerk, and by elections administrators in their
official capacity.

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

SECTION 14. 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:

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

A. A qualified elector may apply for registration
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. Except as provided in Subsection D of this
section, 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 not be required to provide physical residence address information on the certificate of registration.

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

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 at least twenty-eight days before the election.

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 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 question "Will you be at least eighteen years of age on or before the next general election?" and boxes for the applicant to check to indicate whether the applicant will be eighteen years of age or older on or before the next general election;

(3) the statement "If you checked 'no' in response to either of these questions, do not complete this form."

(4) 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 current and valid photo identification; 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 identification, the applicant will be required to do so when voting in person or absentee; and

(5) a statement requiring the applicant to swear or affirm that the information supplied by the applicant is true."
SECTION 15. Section 1-4-5.5 NMSA 1978 (being Laws 1975,  
Chapter 255, Section 78, as amended) is amended to read:  
"1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR  
SPECIAL VOTER LISTS.--  

A. The county clerk or secretary of state shall  
furnish voter data, mailing labels or special voter lists  
only upon written request to the county clerk or the  
secretary of state and after compliance with the requirements  
of this section; provided, however, all requesters shall be  
treated equally in regard to the charges and the furnishing  
of the materials.  

B. In furnishing voter data, mailing labels or  
special voter lists, the county clerk or secretary of state  
shall not provide data or lists that include voters' social  
security numbers, codes used to identify agencies where  
voters have registered, a voter's day and month of birth or  
voters' telephone numbers if prohibited by voters.  

C. Each requester of voter data, mailing labels or  
special voter lists shall sign an affidavit that the voter  
data, mailing labels and special voter lists shall be used  
for governmental or election and election campaign purposes  
only and shall not be made available or used for unlawful  
purposes.  

D. The secretary of state shall prescribe the form  
of the affidavit.
E. As used in this section:

(1) "election campaign purposes" means relating in any way to a campaign in an election conducted by a federal, state or local government;

(2) "governmental purposes" means noncommercial purposes relating in any way to the structure, operation or decision-making of a federal, state or local government;

(3) "mailing labels" means prepared mailing labels of selected voters arranged in the order in which requested and providing only the name and address of the voter;

(4) "special voter list" means a prepared list of selected voters arranged in the order in which requested; and

(5) "voter data" means selected information derived from the voter file."

SECTION 16. Section 1-4-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 66, as amended) is amended to read:

"1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--For qualified electors, the following provisions shall apply:

A. the county clerk shall receive certificates of registration at all times during normal working hours, except that the clerk shall close registration at 5:00 p.m. on the
twenty-eighth day immediately preceding any election at which
the registration books are to be furnished to the precinct
board;

E. registration shall be reopened on the Monday
following the election;

C. for purposes of a municipal or school election,
the registration period for those precincts within the
municipality or school district is closed at 5:00 p.m. on the
twenty-eighth day immediately preceding the municipal or
school election and is opened again on the Monday following
the election;

D. during the period when registration is closed,
the county clerk shall receive certificates of registration
and other documents pertaining thereto but shall not file any
certificate of registration in the registration book until
the Monday following the election, at which time a voter
information document shall be mailed to the registrant at the
address shown on the certificate of registration;

E. when the twenty-eighth day prior to any
election referred to in this section is a Saturday, Sunday or
legal holiday, registration shall be closed at 5:00 p.m. of
the next succeeding regular business day for the office of
the county clerk; and

F. the county clerk shall accept for filing any
certificate of registration that is subscribed and dated on
or before the twenty-eighth day preceding the election and:

(1) received by the county clerk before

5:00 p.m. on the Friday immediately following the close of
registration;

(2) mailed and postmarked not less than
twenty-eight days prior to any election referred to in this
section; or

(3) accepted at a state agency designated
pursuant to Section 1-4-5.2 NMSA 1978.

SECTION 17. Section 1-4-11 NMSA 1978 (being Laws 1969,
Chapter 240, Section 67, as amended) is amended to read:

"1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF
CERTIFICATES.--

A. Upon receipt of a complete certificate of
registration, if the certificate of registration is in proper
form, the county clerk shall determine if the qualified
elector applying for registration is already registered in
the registration records of the county. If the qualified
elector is not already registered in the county and if the
certificate of registration is received within the time
allowed by law for filing certificates of registration in the
county clerk's office, the county clerk shall sign or stamp,
in the space provided therefor on each copy of the
certificate, the qualified elector's name and the date the
certificate was accepted for filing in the county
registration records. Voter information shall be handed or mailed immediately to the qualified elector and to no other person.

E. If the qualified elector is already registered in the county as shown by the qualified elector's original certificate of registration currently on file in the county registration records, the county clerk shall not accept the new certificate of registration unless it is filed pursuant to Section 1-4-13, 1-4-15, 1-4-17 or 1-4-18 NMSA 1978. If the applicant's certificate of registration is rejected for any reason, the county clerk shall stamp or write the word "rejected" on the new certificate of registration and hand or mail it, if possible, to the applicant with an explanation of why the new certificate of registration was rejected and what remedial action, if any, the applicant must take to bring the registration up to date or into compliance with the Election Code.

C. The county clerk shall reject any certificate of registration that does not contain the qualified elector's name, address, social security number and date of birth, along with a signature or usual mark. The county clerk shall reject any certificate of registration in which the question regarding citizenship is not answered or is answered in the negative.

D. If the qualified elector does not register in
person, indicates that the qualified elector has not
previously voted in a general election in New Mexico and does
not provide the registration officer with the required
identification, the registration officer shall indicate this
on the qualified elector's certificate of registration and
the county clerk shall note this on the appropriate precinct
signature roster."

SECTION 18. Section 1-4-12 NMSA 1978 (being Laws 1969,
Chapter 240, Section 68, as amended) is amended to read:
"1-4-12. DUTIES OF COUNTY CLERK--FILING OF
CERTIFICATES.--

A. Certificates of registration, if in proper
form, shall be processed and filed by the county clerk as
follows:

(1) a voter information document shall be
delivered or mailed to the voter; and

(2) the original certificate shall be filed
alphabetically by surname and inserted into the county
register pursuant to Section 1-5-5 NMSA 1978.

B. The county clerk shall, on Monday of each week,
process all certificates of registration that are in proper
form and that were received in the county clerk's office up
to 5:00 p.m. on the preceding Friday. The county clerk shall
not process certificates of registration when the
registration books are closed pursuant to Section 1-4-8
NMSA 1978, during the county canvass or during the period of 
time following the county canvass when voter credit is 
entered into the voter registration electronic management 
system, provided such credit is entered for all voters no 
later than forty-five days following an election."

SECTION 19. A new section of Chapter 1, Article 4 
NMSA 1978 is enacted to read:

"AUTHORIZATION TO VERIFY VOTER REGISTRATION 
INFORMATION--INVESTIGATION AND RECONCILIATION.--

A. The secretary of state may:

(1) provide to the chief election officer of 
another state or a consortium of chief election officers of 
other states information that is requested, including social 
security numbers, dates of birth, driver's licenses and 
identification card numbers and other information that the 
secretary of state deems necessary for the chief election 
officer of that state or for the consortium to maintain a 
voter registration list, if the secretary of state is 
satisfied that the information provided pursuant to this 
paragraph will be used only for the maintenance of that voter 
registration list; and

(2) request from the chief election officer 
of another state or a consortium of chief election officers 
of other states information that the secretary of state deems 
necessary to maintain the statewide voter registration list."
B. The secretary of state may enter into a written agreement with an agency or political subdivision of this state or with a department of the federal government pursuant to which the state agency, political subdivision or federal department shall provide to the secretary of state information that is in the possession of the state agency, political subdivision or federal department and that the secretary of state deems necessary to maintain the statewide voter registration list.

C. The secretary of state may enter into a written agreement with the secretary of taxation and revenue to match information in the database of the voter registration electronic management system with information in the database of the motor vehicle division of the taxation and revenue department to the extent required to enable each official to verify the accuracy of the information provided on applications for voter registration. Upon the execution of the written agreement, the secretary of taxation and revenue shall enter into an agreement with the federal commissioner of social security pursuant to 42 U.S.C. Section 15483 (now 52 U.S.C. Section 21083), for the purpose of verifying applicable information.

D. The secretary of state shall provide to the appropriate county clerk in this state and to no other person necessary information or documentation received by the
secretary of state from or through an agency or political
subdivision of this state, a federal department, the chief
election officer of another state or a consortium of chief
election officers of other states that calls into question
the information provided on a certificate of registration;
that raises questions regarding the status of a person
registered to vote in this state; or that suggests that a
voter may have voted in two states during the same election.
The county clerk shall only disclose information received
from the secretary of state pursuant to this subsection to
complete an investigation pursuant to this section.

E. The county clerk shall investigate or reconcile
the information received from the secretary of state. The
secretary of state shall develop and maintain a manual for
county clerks that describes best practices in investigating
and reconciling information that is derived from comparisons
of different databases, including safeguards to ensure that
eligible voters are not removed in error from the official
list of voters."

SECTION 20. Section 1-4-18.1 NMSA 1978 (being Laws
2013, Chapter 91, Section 1) is amended to read:

"1-4-18.1. ONLINE VOTER REGISTRATION.--

A. A person may complete a certificate of
registration in person or by mail. In addition, the
secretary of state shall, not later than January 1, 2016,
allow a voter to submit an update to an existing certificate of registration and, not later than July 1, 2017, allow a qualified elector to submit a new certificate of registration form electronically through a web site authorized by the secretary of state or through any computer system maintained by a state agency for electronic voter registration that is approved by the secretary of state; provided that the person is qualified to register to vote and has 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.

B. An online certificate of registration form shall contain all of the information that is required for a paper form. The person shall also be required to provide the person's full New Mexico driver's license number or state identification card number.

C. When a person submits a new certificate of registration or an update to an existing certificate of registration, the person shall mark the box associated with the following statement included as part of the electronic certificate of registration 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
register 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.”.

D. Prior to January 1, 2016, the secretary of
state, in conjunction with the county clerks of the state,
shall adopt rules establishing a uniform and
nondiscriminatory process to match the information contained
in the voter registration election management system with the
database of the motor vehicle division of the taxation and
revenue department or the federal social security
administration for electronic certificates of registration
updates completed pursuant to this section.

E. Prior to January 1, 2017, the secretary of
state, in conjunction with the county clerks of the state,
shall adopt rules establishing a uniform and
nondiscriminatory process to match the information contained
in the voter registration election management system with the
database of the motor vehicle division of the taxation and
revenue department or the federal social security
administration for all electronic certificates of
registration completed pursuant to this section.

F. Electronically submitted certificate of
registration application forms shall retain the dates of
submission by the qualified elector and of acceptance by the
county clerk.

G. For purposes of deadlines contained in the
Election Code, the time and date of the submission by the
qualified elector shall be considered the time and date when
the certificate of registration is received by the county
clerk.

E. The secretary of state shall ensure that the
web sites used for electronic voter registration are secure
and that the confidentiality of all users and the integrity
of data submitted are preserved."

SECTION 21. Section 1-5-1 NMSA 1978 (being Laws 1969,
Chapter 240, Section 103, as amended) is amended to read:
"1-5-1. SHORT TITLE.--Chapter 1, Article 5 NMSA 1978
may be cited as the "Voter Records System Act"."

SECTION 22. Section 1-5-14 NMSA 1978 (being Laws 1969,
Chapter 240, Section 118, as amended) is amended to read:
"1-5-14. FILE MAINTENANCE REPORTS--VOTER FILE
UPDATES.--

A. At least once a month, the secretary of state
shall have made from the state voter file a file maintenance
report of additions, deletions and changes, if any, to each
of the county registers. The file maintenance report shall
indicate whether each entry listed is an addition, deletion
or change to the county register.

B. A digital version of the file maintenance
report shall be stored by the secretary of state for at least one year.

C. Upon request, the secretary of state shall furnish an updated voter file to the state chair of each of the qualified political parties in the state. Upon request, the county clerk shall provide a file maintenance report or an updated voter file to the county chair of each of the qualified political parties in the county.

D. File maintenance reports and updated voter files shall be provided in a manipulable digital format and shall not include the voter's social security number, codes used to identify the agency where the voter registered, the voter's day and month of birth, the voter's email address, or, if prohibited by the voter, the voter's telephone number."

SECTION 23. Section 1-5-30 NMSA 1978 (being Laws 1989, Chapter 298, Section 1, as amended) is amended to read:

"1-5-30. SECRETARY OF STATE--ESTABLISHMENT OF STATEWIDE COMPUTERIZED VOTER REGISTRATION SYSTEM.--

A. The secretary of state shall develop, implement, establish and supervise a statewide computerized voter registration system that complies with the federal Help America Vote Act of 2002 to facilitate voter registration and to provide a central database containing voter registration information for New Mexico."
B. The statewide computerized voter registration system shall:

(1) provide for the establishment and maintenance of a central database for all voter registration information;

(2) permit the offices of all county clerks to add, modify and delete county information from the system to provide for accurate and up-to-date records;

(3) permit the offices of the county clerks and the bureau of elections to have access to the central database for review and search capabilities;

(4) provide security and protection for all information in the central database and monitor the central database to ensure the prevention of unauthorized entry;

(5) provide procedures for the electronic receipt of voter registration application and update information, including digitized and electronic signatures, photographs and other data provided by the motor vehicle division of the taxation and revenue department or the federal social security administration;

(6) provide procedures for entering data into the central database; and

(7) provide a centralized system for each county to enter the precinct to which a voter should be assigned for voting purposes."
SECTION 24. Section 1-5-31 NMSA 1978 (being Laws 1989, Chapter 298, Section 2, as amended) is amended to read:

"1-5-31. UNIFORM PROCEDURES FOR COUNTIES.--The secretary of state shall:

A. assist county clerks by devising uniform procedures and forms that are compatible with the voter registration electronic management system;

E. provide to each county clerk the computer software necessary for the use and maintenance of the voter registration electronic management system;

C. provide to each county clerk, through an agreement with the motor vehicle division of the taxation and revenue department, access to the division's driver's license database for the purpose of verifying voter registrations, processing absentee ballots and qualifying provisional ballots; and

D. adopt such rules as are necessary to establish and administer the voter registration electronic management system and to regulate the use of the driver's license database by county clerks."

SECTION 25. A new section of the Election Code is enacted to read:

"SHORT TITLE.--Sections 25 through 41 of this act may be cited as the "Uniform Military and Overseas Voters Act"."
enacted to read:

"DEFINITIONS.--As used in the Uniform Military and Overseas Voters Act:

A. "appropriate clerk" means a county clerk for elections conducted pursuant to the Election Code and a municipal clerk for elections conducted pursuant to the Municipal Election Code;

E. "federal postcard application" means the application prescribed under the federal Uniformed and Overseas Citizens Absentee Voting Act;

C. "federal write-in absentee ballot" means the ballot approved pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act;

D. "military-overseas ballot" means:

(1) a federal write-in absentee ballot; or

(2) a ballot sent to a federal qualified elector by the appropriate clerk and cast in accordance with the provisions of the Uniform Military and Overseas Voters Act;

E. "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States; and

F. "United States", used in the territorial sense, means the several states, the District of Columbia, Puerto
Rico, the United States Virgin Islands and any territory or
insular possession subject to the jurisdiction of the United
States."

SECTION 27. A new section of the Election Code is
enacted to read:

"ELECTIONS COVERED--FORM OF BALLOT AND BALLOT
MATERIALS--BENEFITS OF THE UNIFORM MILITARY AND OVERSEAS
VOTERS ACT.--

A. The procedures in the Uniform Military and
Overseas Voters Act apply to elections conducted pursuant to
the Election Code and the Municipal Election Code.

B. A federal qualified elector may vote for all
candidates and on all questions as if the voter were able to
cast a ballot in person.

C. The form of the military-overseas ballot shall
be the same as the ballot provided to all other voters. The
form of the military-overseas ballot materials shall be the
same as the ballot materials provided to all other voters,
except as required by the Uniform Military and Overseas
Voters Act.

D. To receive the benefits of the Uniform Military
and Overseas Voters Act, a federal qualified elector shall
inform the appropriate clerk that the individual is a federal
qualified elector. Methods of informing the appropriate
clerk include:
(1) the use of a federal postcard
application or federal write-in absentee ballot;
(2) the use of an army post office, fleet
post office or diplomatic post office address in the correct
format as a mailing address on a certificate of registration
or as a delivery address on an absentee ballot application;
(3) the use of an overseas address as a
mailing address on a certificate of registration or as a
delivery address on an absentee ballot application; or
(4) the inclusion on a certificate of
registration or an absentee ballot application or other
information sufficient to identify the voter as a federal
qualified elector."

SECTION 28. A new section of the Election Code is
enacted to read:
"ROLE OF SECRETARY OF STATE--FEDERAL UNIFORMED AND
OVERSEAS CITIZENS ABSENTEE VOTING ACT.--
A. The secretary of state shall make available to
federal qualified electors information regarding voter
registration procedures for federal qualified electors and
procedures for casting military-overseas ballots.
B. The secretary of state shall establish an
electronic transmission system through which a federal
qualified elector may apply for and receive voter
registration materials, military-overseas ballots and other
information pursuant to the Uniform Military and Overseas Voters Act. The secretary of state shall ensure that the electronic transmission system is capable of accepting a federal postcard application, any other approved electronic registration application and any other approved electronic military-overseas ballot application sent to a county clerk or municipal clerk.

C. Official transmittal envelopes and official mailing envelopes for transmission of absentee ballot materials to and from federal qualified electors shall be in the same form as those used in the jurisdiction where the voter is registered except as modified to comply with the Uniform Military and Overseas Voters Act or federal law. The secretary of state may, to the extent reasonably possible, coordinate with other states to develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state.

D. The secretary of state shall prescribe the form and content of a declaration for use by a federal qualified elector to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a federal qualified elector and timely and proper
completion of a military-overseas ballot. The declaration
shall be based on the declaration prescribed to accompany a
federal write-in absentee ballot, as modified to be
consistent with the Uniform Military and Overseas Voters Act.
The secretary of state shall ensure that a form for the
execution of the declaration, including an indication of the
date of execution of the declaration, is a prominent part of
all balloting materials for which the declaration is
required.

E. The secretary of state shall prescribe to the
appropriate clerk the form of and distribute to each county
clerk a supply of:

(1) official inner envelopes for use in
sealing the completed absentee ballot;

(2) official mailing envelopes for use in
returning the official inner envelope to the appropriate
clerk; provided that only the official mailing envelope for
absentee ballots in a primary election shall contain a
designation of party affiliation;

(3) absentee ballot instructions describing
the proper methods for completion and return of the ballot,
including instructions for those federal qualified electors
returning a ballot electronically;

(4) official transmittal envelopes for use
by the appropriate clerk in mailing absentee ballot
materials; and

(5) official holding envelopes for ballots returned electronically by federal qualified electors."

SECTION 29. A new section of the Election Code is enacted to read:

"METHODS OF REGISTERING TO VOTE.--

A. A federal qualified elector may register to vote using any of the following methods; provided that the document is received by the county clerk by the deadline for registering to vote as provided in Section 1-4-8 NMSA 1978:

(1) using the procedures provided in Article 4 of the Election Code;

(2) using a federal postcard application or the application's approved electronic equivalent; or

(3) using the declaration accompanying a federal absentee write-in ballot.

B. A voter's certificate of registration completed pursuant to the Uniform Military and Overseas Voters Act shall remain valid until the voter's certificate of registration is canceled in accordance with the procedures specified in Article 4 of the Election Code.

C. In registering to vote, a federal qualified elector shall use and must be assigned to the voting precinct of the address of:

(1) the residence of the voter, if the voter
resides in this state; or

(2) the last place of residence of the voter
in this state, or the last place of residence in this state
of the parent or legal guardian of the voter if the voter did
not reside in this state; provided that if that address is no
longer a recognized residential address, the voter shall be
assigned an address or other location within that precinct or
that precinct part."

SECTION 30. A new section of the Election Code is
enacted to read:

"METHODS OF APPLYING FOR MILITARY-OVERSEAS BALLOT--
TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS
BALLOT.--

A. A federal qualified elector who is currently
registered to vote in this state may, by the deadline
specified in the Absent Voter Act or Municipal Election Code
for receipt of absentee ballot applications, apply for a
military-overseas ballot by:

(1) using an absentee ballot application
pursuant to the Absent Voter Act or Municipal Election Code;

(2) using the federal postcard application
or the application's electronic equivalent; or

(3) using the declaration accompanying a
federal write-in absentee ballot as an application for a
military-overseas ballot simultaneously with the submission
B. A federal qualified elector who is not currently registered to vote in this state may, by the deadline in the Election Code for registering to vote, simultaneously register to vote and apply for a military-overseas ballot by using a federal postcard application or the application's electronic equivalent.

C. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an automatic application for a military-overseas ballot for the general election.

D. An application for a military-overseas ballot is effective as an automatic application for a military-overseas ballot for a runoff election necessary to conclude the election for which the application was submitted."

SECTION 31. A new section of the Election Code is enacted to read:

"TRANSMISSION OF UNVOTED MILITARY-OVERSEAS BALLOTS TO FEDERAL QUALIFIED ELECTORS.--

A. Not later than forty-five days before an election, even if the forty-fifth day before an election falls on a weekend or a holiday, the appropriate clerk shall transmit a ballot and balloting materials to all federal qualified electors who by that date submit a valid
B. The appropriate clerk shall transmit a ballot and balloting materials as soon as practicable when the ballot application from a federal qualified elector arrives after the forty-fifth day before the election and before absentee ballots are transmitted to other voters pursuant to the Absent Voter Act or the provisions of the Municipal Election Code.

C. The appropriate clerk shall transmit a ballot and balloting materials in accordance with the procedures for processing of all other absentee ballot applications for that jurisdiction when the ballot application from a federal qualified elector arrives after the appropriate clerk has begun transmitting ballots and balloting materials to other voters.

D. A federal qualified elector may request that the ballot and balloting materials be sent by facsimile transmission, electronic mail delivery or other equivalent electronic transmission available to the appropriate clerk where the ballot and balloting materials are sent directly by the clerk to the federal qualified elector. The clerk shall transmit the ballot and balloting materials using the means of transmission requested by the federal qualified elector. The clerk shall determine the most reasonable expedited means of delivery for a ballot and balloting materials for a
federal qualified elector who does not request a particular
means of transmission."

SECTION 32. A new section of the Election Code is
enacted to read:

"RECEIPT OF VOTED MILITARY-OVERSEAS BALLOTS FROM FEDERAL
QUALIFIED ELECTORS.--

A. A military-overseas ballot shall be considered
timely if it is received by the appropriate clerk no later
than the closing of the polls on election day.

B. A federal qualified elector may transmit, and
the appropriate clerk shall accept, a military-overseas
ballot by facsimile transmission, electronic mail delivery or
other equivalent electronic delivery available to the
appropriate clerk when the military-overseas ballot is sent
directly by the voter to that clerk; provided that, when
sending a military-overseas ballot utilizing any method
described in this subsection:

   (1) the federal qualified elector signs an
affidavit waiving the right of secrecy of the federal
qualified elector's ballot;

   (2) the federal qualified elector transmits
the affidavit with the military-overseas ballot; and

   (3) the appropriate clerk places the
received ballot in a holding envelope provided by the
secretary of state for this purpose and delivers the ballot
to the absent precinct board."

SECTION 33. A new section of the Election Code is enacted to read:

"EMERGENCY RESPONSE PROVIDERS.--

A. An emergency response provider may benefit from the ability to apply for an absentee ballot and to return the marked ballot in the same manner as provided in the Uniform Military and Overseas Voters Act for federal qualified electors; provided that the emergency response provider may not use the federal postcard application or the federal write-in absentee ballot.

B. The appropriate clerk shall transmit to, receive from and process an absentee ballot of an emergency response provider in the same manner as provided in the Uniform Military and Overseas Voters Act for a federal qualified elector.

C. As used in this section, "emergency response provider" means a resident of this state who otherwise satisfies this state's voter eligibility requirements and who, in response to an emergency, is temporarily assigned by a governmental or nongovernmental relief agency or employer to provide support to the victims of the emergency or to rebuild the infrastructure in the affected area and:

(1) the assignment is for a period beginning on or after the thirty-five days immediately prior to an
election;

(2) the affected area is outside the individual's county of residence; and

(3) the president of the United States or the governor of a state has declared an emergency in the affected area."

SECTION 34. A new section of the Election Code is enacted to read:

"USE OF FEDERAL WRITE-IN ABSENTEE BALLOT--
QUALIFICATION.--

A. A federal qualified elector may use a federal write-in absentee ballot to vote for all offices and ballot measures in an election.

B. In completing the federal write-in absentee ballot, the federal qualified elector may designate a candidate by writing in the name of the candidate. In a general election when voting for a specified office, a federal qualified elector may in the alternate complete the federal write-in absentee ballot by writing in the name of a political party, in which case the ballot shall be counted for the candidate of that political party.

C. A qualified federal write-in absentee ballot shall be processed by the canvassing board in the same manner as a provisional ballot. A federal write-in absentee ballot from a federal qualified elector shall not be qualified if
the federal qualified elector voted on any other type of 
blood. A federal write-in absentee ballot of an overseas 
voter shall not be qualified if the ballot is submitted from 
any location in the United States."

SECTION 35. A new section of the Election Code is 
enacted to read:

"CONFIRMATION OF RECEIPT OF APPLICATION AND VOTED 
BALLOT.--The secretary of state, upon the recommendation of 
the voting system certification committee, shall implement an 
electronic free-access system by which a federal qualified 
elector may determine by telephone, electronic mail or 
internet whether the federal qualified elector's:

A. federal postcard application or other 
registration or military-overseas ballot application has been 
received and accepted; and

B. military-overseas ballot has been received and 
the current status of the ballot."

SECTION 36. A new section of the Election Code is 
enacted to read:

"USE OF VOTER'S ELECTRONIC-MAIL ADDRESS.-- 

A. The county clerk shall request an 
electronic-mail address from each federal qualified elector 
who registers to vote. An electronic-mail address provided 
by a federal qualified elector shall not be made available to 
the public and is exempt from disclosure pursuant to the
Inspection of Public Records Act. The electronic-mail address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and ballot materials if the voter has requested electronic transmission by electronic mail, and verifying the voter's mailing address and physical location. The request for an electronic-mail address shall describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

E. If an absentee ballot is transmitted to a federal qualified elector via electronic mail, the appropriate clerk shall note in the absentee ballot register the voter's registration address, that the ballot was delivered to the voter electronically and the date on which it was sent, but shall not disclose the voter's electronic-mail address.

C. A federal qualified elector who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections in the election cycle. The appropriate clerk shall provide a military-overseas ballot to a voter who makes a standing request for each election to which the request is applicable as an automatic application for a
military-overseas ballot."

SECTION 37. A new section of the Election Code is
enacted to read:

"PROHIBITION OF NONSUBSTANTIVE REQUIREMENTS.--

   A. If the intention of the voter is clearly
discernable in accordance with the provisions of Section
1-1-5.2 NMSA 1978, an abbreviation, misspelling or other
minor variation in the form of the name of a candidate or a
political party shall be accepted as a valid vote.

   E. Failure to satisfy a nonsubstantive
requirement, such as using paper or envelopes of a specified
size or weight, does not invalidate a document submitted
pursuant to the Uniform Military and Overseas Voters Act.

   C. Notarization is not required for the execution
of any document required by the Uniform Military and Overseas
Voters Act."

SECTION 38. A new section of the Election Code is
enacted to read:

"ABSENTEE BALLOTS--REPORTS.--

   A. Within thirty days following a general
election, the county clerk shall report to the secretary of
state the number of absentee ballots transmitted in the
general election to uniformed-service voters and overseas
voters for the election and the number of those ballots
returned, rejected or counted.
B. Within ninety days following a general election, the secretary of state shall report to the federal election assistance commission the combined absentee ballot numbers submitted by the counties pursuant to this section."

SECTION 39. A new section of the Election Code is enacted to read:

"EQUITABLE RELIEF.—A court of competent jurisdiction of this state may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, the Uniform Military and Overseas Voters Act on application by:

A. a federal qualified elector alleging a grievance under the Uniform Military and Overseas Voters Act; or

B. an election official in this state."

SECTION 40. A new section of the Election Code is enacted to read:

"UNIFORMITY OF APPLICATION AND CONSTRUCTION.—In applying and construing the Uniform Military and Overseas Voters Act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it."

SECTION 41. A new section of the Election Code is enacted to read:

"RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND
NATIONAL COMMERCE ACT.--The Uniform Military and Overseas Voters Act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b)."

SECTION 42. Section 1-6-3 NMSA 1978 (being Laws 1969, Chapter 240, Section 129, as amended) is amended to read:

"1-6-3. RIGHT TO VOTE BY ABSENTEE BALLOT.--A voter may vote by absentee ballot for all candidates and on all questions appearing on the ballot as if the voter were able to cast the ballot in person."

SECTION 43. Section 1-6-4 NMSA 1978 (being Laws 1969, Chapter 240, Section 130, as amended) is amended to read:

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

A. Application by a voter for an absentee ballot shall be made only on a form prescribed by the secretary of state. The form shall identify the applicant and contain information to establish the applicant's qualification for issuance of an absentee ballot under the Absent Voter Act; provided that on the application form for a general election ballot there shall be no box, space or place provided for designation of the voter's political party affiliation."
B. Each application for an absentee ballot shall be signed by the applicant and shall require the applicant's printed name, registration address and year of birth to be supplied by the applicant, which shall constitute the required form of identification, except for new registrants who have registered by mail and at that time did not provide acceptable identification. 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.

C. A person who willfully and with knowledge and intent to deceive or mislead any voter, precinct 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 an absentee ballot request form is guilty of a fourth degree felony."

SECTION 44. 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 absentee ballot application with the date and time of receipt in the clerk's office and enter the required information in the absentee ballot register. The county clerk shall then
determine if the applicant is a voter, and if the voter is a
unified-service voter or an overseas voter. If the
applicant is a unified-service voter or overseas voter, the
application shall be processed pursuant to the Uniform
Military and Overseas Voters Act.

E. If the applicant does not have a valid
certificate of registration on file in the county, an
absentee ballot shall not be issued and the county clerk
shall mark the application "rejected" and file the
application in a separate file from those accepted.

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

D. 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 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 absentee ballot the required
physical form of identification. The county clerk shall note
on the absentee ballot register and signature roster that the
applicant's absentee ballot must be returned with the
required identification.

E. If the applicant has on file with the county a
valid certificate of registration, the county clerk shall mark the application "accepted" and, beginning twenty-eight days before the election, deliver an absentee ballot to the voter in the county clerk's office or mail to the applicant an absentee ballot and the required envelopes for use in returning the ballot. An absent voter shall not be permitted to change party affiliation during those periods when change of party affiliation is prohibited by the Election Code. Upon delivery of an absentee ballot to a voter in the county clerk's office or mailing of an absentee 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 who has been provided or mailed an absentee ballot.

F. Absentee ballots may be marked in person at the county clerk's office during the regular hours and days of business beginning on the twenty-eighth day preceding the election and from 10:00 a.m. to 6:00 p.m. on the Saturday immediately prior to the date of the election. The act of marking the absentee ballot in the office of the county clerk shall be a convenience to the voter in the delivery of the absentee ballot and does not make the office of the county clerk a polling place subject to the requirements of a polling place in the Election Code. If the county clerk establishes an additional alternate voting location near the...
clerk's office, absentee ballots may be marked in person at that location during the regular hours and days of business beginning on the twenty-eighth day preceding the election and during the hours for voting at alternate voting locations commencing on the third Saturday prior to the election through the Saturday immediately prior to the election. The additional alternate voting location shall be operated by the county clerk and the county clerk's staff.

G. When marking an absentee ballot in person at the county clerk's office, the voter shall provide the required voter identification to the county clerk or the clerk's authorized representative. If the voter does not provide the required voter identification, the voter shall be allowed to vote on a provisional ballot. If the voter provides the required voter identification, the voter, after subscribing an application for an absentee ballot, shall be allowed to vote by inserting the ballot into an optical scan tabulator certified for in-person absentee voting at the county clerk's office. The county clerk or the clerk's authorized representative shall make an appropriate designation indicating that the voter has voted absentee. In marking the absentee ballot, the voter may be assisted pursuant to the provisions of Section 1-12-15 NMSA 1978.

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

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

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

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

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

SECTION 45. Section 1-6-6 NMSA 1978 (being Laws 1969, Chapter 240, Section 132, as amended) is amended to read:

"1-6-6. ABSENTEE BALLOT REGISTER.--

A. For each election, the county clerk shall keep an "absentee ballot register", in which the county clerk shall enter:

(1) the name and address of each absentee ballot applicant;

(2) the date and time of receipt of the application;
(3) whether the application was accepted or rejected;
(4) the date of issue of an absentee ballot in the county clerk's office or at an alternate location or the mailing of an absentee ballot to the applicant;
(5) the applicant's precinct;
(6) whether the applicant is a voter and whether the voter is a uniformed-service voter or an overseas voter;
(7) whether the voter is required to submit identification pursuant to Section 1-6-5 NMSA 1978; and
(8) the date and time the completed absentee ballot was received from the applicant by the county clerk or the absent voter voted early in person in the county clerk's office or at an alternate location.

B. Absentee ballots shall be sent to applicants beginning twenty-eight days before the election. For each application for an absentee 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 it is sent not later than twenty-two days before the election. Within twenty-two days of election day, the county clerk shall send either the ballot or a notice of rejection to the applicant within twenty-four hours after receipt of the voter's application.
for an absentee ballot.

C. The absentee ballot register is a public record open to public inspection in the county clerk's office during regular office hours. The county clerk shall have an updated absentee ballot register available for public inspection Monday through Friday during regular office hours.

D. The county clerk shall deliver to the absent voter precinct on election day a complete list of all absentee ballot applicants and early voters with applicable information shown in the absentee ballot register for each applicant and early voter up to 6:00 p.m. on the Saturday preceding the election. The county clerk shall deliver a signature roster containing the same information as the lists to the absent voter precinct board.

E. Upon request, the county clerk shall transmit to the county chair of each of the major political parties in the county a complete copy of entries made in the absentee ballot register. Such transmissions shall be made once each week beginning four weeks immediately prior to the election. A final copy shall be transmitted on the Saturday immediately following the election.

F. If the county clerk has available the technology to do so, at the request of a candidate or chair of a political party of the county, the county clerk shall electronically transmit to the candidate or chair via the
internet the information, when updated, on the absentee
ballot register indicating voters who have requested absentee
ballots, returned their absentee ballots or voted early in
person."

SECTION 46. Section 1-6-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 134, as amended) is amended to read:
"1-6-8. ABSENTEE BALLOT ENVELOPES.--

A. The secretary of state shall prescribe the form
of, procure and distribute to each county clerk a supply of:

(1) official inner envelopes for use in
sealing the completed absentee ballot;

(2) official mailing envelopes for use in
returning the official inner envelope to the county clerk;
provided the official mailing envelope for absentee ballots
in a general election shall contain no designation of party
affiliation;

(3) absentee ballot instructions, describing
proper methods for completion of the ballot and returning it;
and

(4) official transmittal envelopes for use
by the county clerk in mailing absentee ballot materials.

B. Official transmittal envelopes and official
mailing envelopes for transmission of absentee ballot
materials to and from the county clerk and voters shall be
printed in black in substantially similar form. All official
inner envelopes shall be printed in black.

C. The reverse of each official mailing envelope shall contain a form to be executed by the voter completing the absentee ballot. The form shall identify the voter and shall contain the following statement: "I will not vote in this election other than by the enclosed ballot. I will not receive or offer any compensation or reward for giving or withholding any vote."

D. The official mailing envelope shall contain a space for the voter to record the voter's name, registration address and year of birth. The envelope shall have a security flap to cover this information.

SECTION 47. Section 1-6-9 NMSA 1978 (being Laws 1969, Chapter 240, Section 135, as amended) is amended to read:

"1-6-9. MANNER OF VOTING--ALTERNATE DELIVERY METHODS.--Except as provided in Section 1-6-5 or Section 1-6-5.7 NMSA 1978, a person voting pursuant to the Absent Voter Act shall secretly mark the absentee 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 voter shall then complete the form on the reverse of the official mailing envelope, which shall include a statement by the voter under penalty of perjury.
that the facts stated in the form are true and the voter's name, registration address and year of birth. Voters shall either deliver or mail the official mailing envelope to the county clerk of their county of residence."

SECTION 48. Section 1-6-10 NMSA 1978 (being Laws 1969, Chapter 240, Section 136, as amended) is amended to read:

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

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

B. Completed official mailing envelopes shall be accepted until 7:00 p.m. on election day. Any completed official mailing envelope received after that time shall not be delivered to the absent voter precinct board but shall be preserved by the county clerk until the time for election contests has expired. In the absence of a restraining order after expiration of the time for election contests, the county clerk shall destroy all late official mailing envelopes without opening or permitting the contents to be examined, cast, counted or canvassed. Before their destruction, the county clerk shall count the numbers of late
ballots from voters, uniformed-service voters and overseas
voters and report the number from each category to the
secretary of state.

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

SECTION 49. Section 1-6-22.1 NMSA 1978 (being Laws
2009, Chapter 251, Section 1 and Laws 2009, Chapter 274,
Section 1, as amended) is amended to read:

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

A. Notwithstanding the provisions of Sections
1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday
in November of each odd-numbered year, a board of county
commissioners may designate a precinct as a mail ballot
election precinct if, upon a written request of the county
clerk, it finds that the precinct has fewer than one hundred
voters and the nearest polling place for an adjoining
precinct is more than twenty miles driving distance from the SJC/SB 643
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boundary for the precinct in question.

B. If a precinct is designated a mail ballot election precinct, in addition to the notice required pursuant to Section 1-3-8 NMSA 1978, the county clerk shall notify by mail with delivery confirmation all voters in that precinct at least forty-two days before an election that each voter will be sent an absentee ballot twenty-eight days before the election and that there will be no polling place for the precinct on election day. The county clerk shall include in the notice a card informing the voter that if the voter does not want to receive an absentee ballot for that election, the voter should return the card before the date the county clerk is scheduled to mail out absentee ballots. The notice shall also inform the voter that a voting system equipped for persons with disabilities will be available at all early voting sites before election day and in the office of the county clerk on election day in case the voter prefers to vote in person and not by mail. In addition, the notice shall inform the voter if the county is consolidating precincts on election day and, if so, the ability of the voter to cast a ballot at any consolidated precinct on election day if the voter chooses not to receive an absentee ballot, or to cast a provisional ballot at any consolidated precinct if the voter does not receive an absentee ballot, which will be counted upon confirmation that the voter has
not returned the absentee ballot.

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

D. The county clerk shall keep a sufficient number of ballots from a mail ballot election precinct such that if a voter from that precinct does not receive an absentee ballot before election day, the voter may vote on an absentee ballot in the office of the county clerk on election day in lieu of voting on the missing ballot."

SECTION 50. Section 1-8-7 NMSA 1978 (being Laws 1969, Chapter 240, Section 157, as amended) is amended to read:

"1-8-7. VACANCY ON GENERAL ELECTION BALLOT--DEATH OF CANDIDATE OR RESIGNATION OR DEATH OF OFFICE HOLDER BEFORE PRIMARY.--

A. Vacancies on the general election ballot may be filled as provided in Subsection B of this section if after a primary election there is no nominee of a major political party for a public office to be filled in the general election and if the vacancy was caused by:

(1) the death of a candidate after filing of the declaration of candidacy or after certification as a convention-designated nominee and before the primary
election; or

(2) the resignation or death of a person
holding a public office after the last Friday before the
first Tuesday in March, when such office was not included in
the governor's proclamation and is required by law to be
filled at the next succeeding general election after the
vacancy is created.

E. The vacancy may be filled subsequent to the
primary election by the central committee of the state or
county political party, as the case may be, as provided by
Subsection A of Section 1-8-8 NMSA 1978. The name of the
person to fill the vacancy on the general election ballot
shall be filed with the proper filing officer within fifteen
days after the primary election, and when so filed, it shall
be placed on the general election ballot as the political
party's nominee for such office."

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

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

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

(1) the central committee of the state political party filing the name of its nominee for the office with the proper filing officer when the office is a federal office, state office, district office or multicounty legislative district office; and

(2) the central committee of the county political party filing the name of its nominee for the office with the proper filing officer when the office is a magistrate office, county office or legislative district office where the district is entirely within the boundaries of a single county.

B. Appointments made pursuant to Subsection A of this section shall qualify pursuant to Section 1-8-18 NMSA 1978.

C. The county or state central committee members making the appointment pursuant to Subsection A of this section shall be as provided for in the rules of the respective party; provided that, at a minimum, the committee
shall include those members residing within the boundaries of
the area to be represented by the public office.

D. Appointments to fill vacancies in the list of a
party's nominees shall be made and filed at least fifty-six
days prior to the general election.

E. When the name of a nominee is filed as provided
in this section, the name shall be placed on the general
election ballot as the party's candidate for that office."

SECTION 52. Section 1-8-14 NMSA 1978 (being Laws 1969,
Chapter 240, Section 163) is amended to read:

"1-8-14. PRIMARY ELECTION LAW--PROCLAMATION--DUTIES OF
SECRETARY OF STATE.--Upon the proclamation being filed, the
secretary of state shall immediately:

A. publish the proclamation for five consecutive
days in at least four daily newspapers of general circulation
in the state;

B. post the proclamation and any amended
proclamation on the secretary of state's web site; and

C. send an authenticated copy of the proclamation
or any amended proclamation to each county clerk along with a
copy of the text in an editable electronic format."

SECTION 53. Section 1-8-16 NMSA 1978 (being Laws 1969,
Chapter 240, Section 165, as amended) is amended to read:

"1-8-16. PRIMARY ELECTION LAW--PROCLAMATION--
AMENDMENT.--The governor may amend the proclamation between

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the time of its issuance and the first Tuesday in March to
include a newly created public office that is capable by law
of being filled at the next succeeding general election, or
any existing office becoming vacant by removal, resignation
or death when such vacancy occurs no later than the last
Friday before the first Tuesday in March, or to provide for
any corrections or omissions."

SECTION 54. Section 1-8-26 NMSA 1978 (being Laws 1975,
Chapter 295, Section 12, as amended by Laws 2014, Chapter 40,
Section 5 and by Laws 2014, Chapter 81, Section 5) is amended
to read:

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

A. Declarations of candidacy by preprimary
convention designation for any statewide office or for the
office of United States representative shall be filed with
the proper filing officer on the first Tuesday in February of
each even-numbered year between the hours of 9:00 a.m. and
5:00 p.m.

B. Declarations of candidacy for any other office
to be nominated in the primary election shall be filed with
the proper filing officer on the second Tuesday of March of
each even-numbered year between the hours of 9:00 a.m. and
5:00 p.m.

C. Certificates of designation shall be submitted

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

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

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

F. If a candidate is notified by the proper filing
officer that the candidate is not qualified to have the
candidate's name appear on the ballot, the candidate may
challenge that decision by filing a petition with the district
court within ten days of the notification. The district court
shall hear and render a decision on the matter within ten days
after the petition is filed. The decision of the district
court may be appealed to the supreme court within five days
after the decision is rendered. The supreme court shall hear
and render a decision on the appeal forthwith."

SECTION 55. Section 1-9-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 188, as amended) is amended to read:

"1-9-5. REQUIREMENT TO USE VOTING SYSTEMS--SUFFICIENT CHECK-IN STATIONS AND VOTING BOOTHs.--

A. Certified voting systems shall be used in all polling locations in all statewide elections.

B. The secretary of state shall provide to the county clerk of each county at least one optical scan tabulator for use in each polling location in the general and primary elections. At the request of a county clerk, the secretary of state shall provide additional optical scan tabulators for use in a polling place to accommodate the anticipated number of voters in that polling place and to preserve the secrecy of the ballot. The request shall be made no later than the first Monday in August of each odd-numbered year.

C. The secretary of state shall provide to the county clerk of each county a sufficient number of check-in stations for use in each polling location in the primary and general elections when electronic rosters or their equivalents are used. The number of check-in stations at a polling location shall be capable of accommodating the number of voters who appeared to vote in person on election day from the precincts represented in a consolidated precinct in the same
election held four years earlier or the number of voters who
actually voted in that polling location four years earlier,
whichever is greater; provided that no polling location shall
be provided fewer than two check-in stations. No later than
the last Tuesday in June of each odd-numbered year, the
secretary of state shall determine how many voters a check-in
station can accommodate in a day and develop a formula so that
a check-in station is in use no more than seventy-five percent
of the time. No later than the first Monday in August of the
odd-numbered year, the county clerk in each county shall
provide to the secretary of state the number of check-in
stations required per polling location based on the formula
provided by the secretary of state. Nothing in this section
prohibits the board of county commissioners from acquiring
additional check-in stations for use in an election, in
addition to those provided by the secretary of state.

D. The county clerk shall ensure that an adequate
number of voting booths are provided to ensure that voters in
each polling location may cast their ballots in secret."

SECTION 56. Section 1-9-7 NMSA 1978 (being Laws 1969,
Chapter 240, Section 190, as amended) is amended to read:

"1-9-7. VOTING SYSTEMS--ACQUISITION.--

A. The secretary of state shall provide to the
county clerk of each county a sufficient number of voting
systems as required by the Election Code for the conduct of
primary and general elections.

B. When authorized by the state board of finance, the board of county commissioners may acquire new or previously owned voting systems. No less than ninety days prior to each primary and general election, the board of county commissioners of each county may make application to the state board of finance for any additional voting systems to be acquired by a county in excess of the number of voting systems required by the Election Code for the conduct of primary and general elections.

C. The additional voting systems shall be of a type certified by the secretary of state. They shall be purchased by the state board of finance. Unless paid in full by the county at the time of purchase, the cost of the voting systems, including all transportation costs, shall be paid out of the voting system revolving fund. The state board of finance shall cause to be delivered to each county clerk the additional voting systems.

D. Except for intercounty acquisitions of equipment approved by the secretary of state, a previously owned voting system shall have a warranty equal to the warranty required of a new voting system."

SECTION 57. Section 1-10-5 NMSA 1978 (being Laws 1977, Chapter 222, Section 28, as amended) is amended to read:

"1-10-5. BALLOTS--PRINTING.--The county clerk shall
have access to sufficient ballots to send to federal qualified
electors no later than the last business day before the
forty-fifth day prior to an election. All other ballots shall
be printed and in the possession of the county clerk at least
forty days before the election. When a county is using a
system that is designed to print ballots at a polling
location, the system shall be programmed and capable of
operation at least forty days before the election."

SECTION 58. Section 1-10-8 NMSA 1978 (being Laws 1977,
Chapter 222, Section 31, as amended) is amended to read:

"1-10-3. BALLOTS--PRIMARY AND GENERAL ELECTIONS--ORDER
OF OFFICES.--The ballot used in the primary and general
elections shall contain, when applicable, the offices to be
voted on in the following order:

A. president and vice president;
B. United States senator;
C. United States representative;
D. non-judicial state offices to be voted on at
large, in the order prescribed by the secretary of state;
E. state senator;
F. state representative;
G. other districted offices, in the order
prescribed by the secretary of state;
H. judicial offices in partisan contests, in the
order prescribed by the secretary of state;
I. county commissioners;
J. county clerk;
K. county treasurer;
L. county assessor;
M. county sheriff;
N. probate judge; and
O. in the order prescribed by the secretary of state:

(1) judicial offices in retention elections;
(2) local government ballot questions authorized by the board of county commissioners; and
(3) other questions prescribed by the secretary of state."

SECTION 59. Section 1-10-10 NMSA 1978 (being Laws 1969, Chapter 240, Section 209, as amended) is amended to read:

"1-10-10. BALLOTS--SAMPLE.--

A. The county clerk shall make available in both English and Spanish a number of sample ballots in a quantity and in a printed or electronic format as prescribed by the secretary of state.

B. The sample ballots shall be the same in all respects as the official ballots, except that, if printed, they shall be printed on colored paper and shall not contain the facsimile signature of the county clerk or any endorsement on the back thereof. Each sample ballot shall be marked in
large black capital letters, "SAMPLE BALLOT".

C. Printed sample ballots shall be made available in reasonable quantities to all interested persons at the county clerk's office, in each polling place and on the county's web site, if the county maintains a web site."

SECTION 60. 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.

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 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. 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. 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 61. Section 1-12-10.1 NMSA 1978 (being Laws 2003, Chapter 356, Section 2, as amended) is amended to read:

"1-12-10.1. CONDUCT OF ELECTIONS--VOTING INFORMATION.--

A. The secretary of state shall provide voting information, which the county clerks shall display, in accordance with the federal Help America Vote Act of 2002, in
each polling place and in each county clerk's office and at any location where voting is taking place.

B. The county clerk shall ensure that in each polling place there is posted the phone numbers of the county clerk and the secretary of state."

SECTION 62. Section 1-12-13 NMSA 1978 (being Laws 1969, Chapter 240, Section 266, as amended) is amended to read:

"1-12-13. CONDUCT OF ELECTION--AID OR ASSISTANCE TO VOTER IN MAKING BALLOT.--

A. When a voter who is eligible for assistance pursuant to Section 1-12-12 NMSA 1978 requires assistance in marking a ballot or using the voting system, the voter shall announce this fact before receiving the ballot or using the voting system.

B. The voter's request for assistance shall be noted by the voter's name in the signature roster and initialed by the presiding judge.

C. After noting the request for assistance in the signature roster, the voter shall be permitted assistance in marking the ballot or using the voting system as provided in Section 1-12-15 NMSA 1978.

D. Any person who swears falsely in order to secure assistance is guilty of a misdemeanor."

SECTION 63. Section 1-12-15 NMSA 1978 (being Laws 1969, Chapter 240, Section 267, as amended) is amended to read:
"1-12-15. CONDUCT OF ELECTION--PERSONS WHO MAY ASSIST VOTER.--

A. In any election, if a voter who has requested assistance in marking the ballot is blind, has a physical disability, has an inability to read or write or is a member of a language minority who has requested assistance pursuant to Subsection D of Section 1-12-12 NMSA 1978, the voter may be accompanied into the voting booth only by a person of the voter's own choice other than the voter's employer or an agent of that employer, an officer or agent of the voter's union or a candidate whose name appears on the ballot in this election.

B. The name of the person providing assistance to a voter pursuant to this section shall be recorded on the signature roster.

C. A person who provides assistance to a voter when the person knows the voter does not require assistance pursuant to Section 1-12-12 NMSA 1978 is guilty of a misdemeanor."

SECTION 64. Section 1-12-25.4 NMSA 1978 (being Laws 2003, Chapter 356, Section 7, as amended) is amended to read:

"1-12-25.4. PROVISIONAL PAPER BALLOTS--DISPOSITION.--

A. Upon closing of the polls, provisional paper ballots shall be delivered to the county clerk, who shall determine if the ballots will be counted prior to certification of the election."
B. A provisional paper ballot shall not be counted if the registered voter did not sign either the signature roster or the ballot's envelope.

C. If there is no record of the voter ever having been registered in the county, the voter shall be offered the opportunity to register and the provisional paper ballot shall not be counted.

D. If the voter was registered in the county, the registration was later canceled and the county clerk determines that the cancellation was in error, or that the voter's name should not have been placed on the list of voters whose registrations were to be canceled, the voter's registration shall be immediately restored and the provisional paper ballot counted.

E. If the county clerk determines that the cancellation was not in error, the voter shall be offered the opportunity to register at the voter's correct address, and the provisional paper ballot shall not be counted.

F. If the voter is a registered voter in the county, but has voted on a provisional paper ballot at a polling place other than the voter's designated polling place, the county canvassing board shall ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted.

G. If the county clerk finds that the voter who
voted on a provisional paper ballot at the polls has also
voted an absentee ballot in that election, the provisional
dpaper ballot shall not be counted.

H. The county canvassing board shall prepare a
tally displaying the number of provisional paper ballots
received, the number found valid and counted, the number
rejected and not counted and the reason for not counting the
ballots as part of the canvassing process and forward it to
the secretary of state immediately upon certification of the
election.

I. The secretary of state shall issue rules to
ensure securing the secrecy of the provisional paper ballots,
especially when canvassing, reviewing or recounting, and
protecting against fraud in the voting process."

SECTION 65. Section 1-12-31 NMSA 1978 (being Laws 1969,
Chapter 240, Section 291, as amended) is amended to read:

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

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

(1) one ballot box key in an envelope
addressed to the county clerk;

(2) one signature roster;
(3) one tally sheet; and

(4) all unused election supplies not destroyed pursuant to the Election Code.

B. The removable media storage device shall not be placed in the ballot box and shall be returned immediately to the county clerk either by messenger or along with the locked ballot box.

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

SECTION 66. Section 1-12-69 NMSA 1978 (being Laws 1977, Chapter 222, Section 72, as amended) is amended to read:

"1-12-69. DISPOSITION OF PAPER BALLOTS. --

A. Paper ballots marked by voters and all records related to voting in any election in which a federal candidate appears on the ballot shall be retained and preserved for a period of twenty-two months from the date of the election.

B. Paper ballots marked by voters and all records related to voting in any election in which no federal candidate appears on the ballot shall be retained and preserved for forty-five days after adjournment of the state or county canvassing board, whichever is later.

C. In precincts where a recount or judicial inquiry or inspection of contents is sought, the county clerk
shall hold ballots marked by voters and records related to voting in those precincts intact until forty-five days following the recount, judicial inquiry or inspection of contents is completed, whichever is later.

D. Paper ballots marked by voters and records related to voting in any election shall only be destroyed using a destruction method approved by the state records administrator for destruction of public records.

E. The state records administrator is authorized to receive for storage and destruction paper ballots marked by voters and records related to voting in any election in which a federal candidate appears on the ballot. At least three days prior to sending the ballots and records to the state records administrator, the county clerk shall notify the county chair of each political party that participated in the election. The chairs or their designees may inspect the boxes prior to their sealing for delivery.

F. At least three days prior to the destruction by the county clerk of paper ballots marked by voters and records related to voting, the county clerk shall notify the county chair of each political party participating in the election of the time, place and date thereof. The chair of each political party may be present or may have the chair's accredited representative present.

G. Paper ballots marked by voters, their digitized
equivalents and records related to voting are exempt from the
Inspection of Public Records Act until forty-five days
following any recount, contest or other judicial inquiry or
until forty-five days after adjournment of the state or county
canvassing board, whichever is later. Any inspection of paper
ballots marked by voters, their digitized equivalents or
records related to voting shall be conducted in such a manner
as to secure the secrecy of the ballot."

SECTION 67. Section 1-12-71 NMSA 1978 (being Laws 1977,
Chapter 222, Section 7) is amended to read:

"1-12-71. RESTRICTION ON LOCAL GOVERNMENT ELECTIONS.--
No municipal, school, county or special district election
shall be held within fifty days prior to or following any
statewide election. This section does not prohibit a local
government ballot question authorized by the board of county
commissioners from appearing on the general election ballot."

SECTION 68. Section 1-13-9 NMSA 1978 (being Laws 1969,
Chapter 240, Section 312, as amended) is amended to read:

"1-13-9. POST-ELECTION DUTIES--COUNTY CANVASS--VOTING
MACHINE RECHECK.--

A. During the official canvass of an election, the
county canvassing board, upon written request of any candidate
in the election or upon receipt of a written petition of
twenty-five voters of the county, shall make, in the presence
of the district judge, a recheck and comparison of the results
shown on the official returns being canvassed with the results
appearing on the alphanumeric printout of the contest,
candidates and vote totals of each voting machine used in the
election.

B. The necessary corrections, if any, shall be
made on the returns, and the results of the election, as shown
by the recheck and comparison, shall be declared."

SECTION 69. Section 1-13-13 NMSA 1978 (being Laws 1969,
Chapter 240, Section 316, as amended) is amended to read:

"1-13-13. POST-ELECTION DUTIES--COUNTY CANVASSING
BOARD--CERTIFYING RESULTS.--

A. The county canvassing board shall complete the
canvass of the returns and declare the results within ten days
from the date of the election. A county canvassing board in a
county with more than two hundred fifty thousand voters shall
complete the canvass of the returns and declare the results
within thirteen days from the date of the election.

B. On the thirty-first day after any primary,
general or district special election, the county canvassing
board shall issue to those candidates entitled by law election
certificates, or certificate of nomination in the case of the
primary election, to all county officers, magistrates and to
members of the legislature elected from districts wholly
within the county. In addition, the county canvassing board
shall declare the results, immediately after completion of the
canvass, of the election and of all questions affecting only the county.

C. The county canvassing board, immediately after completion of the canvass, shall also certify to the state canvassing board the number of votes cast for all other candidates and questions respectively and shall immediately deliver to the county chair of each political party that participated in the election a certificate showing the total number of votes cast for each candidate in the election in the county."

SECTION 70. Section 1-13-14 NMSA 1978 (being Laws 1969, Chapter 240, Section 317) is amended to read:

"1-13-14. POST-ELECTION DUTIES--OPENING THE BALLOT BOX.--Once the ballot box has been locked by the precinct board after its first count and tally, no person shall open the ballot box or remove its contents except by court order or as otherwise provided by the Election Code."

SECTION 71. Section 1-13-21 NMSA 1978 (being Laws 1971, Chapter 317, Section 21, as amended) is amended to read:

"1-13-21. CLEARING VOTING SYSTEMS--TRANSFERRING BALLOTS.--

A. The county clerk shall not clear the votes recorded on the removable storage media devices until at least forty-five days after adjournment of the state canvassing board.
B. The county clerk shall not clear and shall keep locked those removable media storage devices from voting systems used to tabulate votes for precincts where a recount, judicial inquiry or inspection is sought, subject to order of the district court or other authority having jurisdiction of the contest or inspection.

C. Beginning forty-five days after the adjournment of the state or county canvassing board, whichever is later, or forty-five days after completion of a recount or judicial inquiry, the county clerk may transfer ballots from the locked ballot boxes for disposition pursuant to Section 1-12-69 NMSA 1978."

SECTION 72. Section 1-14-6 NMSA 1978 (being Laws 1969, Chapter 240, Section 339) is amended to read:

"1-14-6. CONTEST OF ELECTION--PRESERVATION OF BALLOTS.--Either the contestant or contestee, within the time provided by the Election Code for the preservation of ballots, may give written notice with delivery confirmation to the county clerk of those counties wherein the contestant or contestee wishes the ballots preserved that a contest is pending in a designated court, and thereupon it is the duty of the county clerk to preserve the ballots of all precincts named in the notice of contest and answer until the contest has been finally determined."

SECTION 73. Section 1-14-13.2 NMSA 1978 (being Laws SJC/SB 643 Page 87
2009, Chapter 233, Section 1) is amended to read:

"1-14-13.2. POST-ELECTION DUTIES--VOTING SYSTEM
CHECK.--

A. At least ninety days prior to each general
election, the secretary of state shall contract with an
auditor qualified by the state auditor to audit state agencies
to oversee a check on the accuracy of precinct electronic vote
tabulators, alternate voting location electronic vote
tabulators and absent voter precinct electronic vote
tabulators. The voting system check shall be conducted for
all federal offices, for governor and for the statewide
elective office, other than the office of the governor, for
which the winning candidate won by the smallest percentage
margin of all candidates for statewide office in New Mexico.
The voting system check is waived for any office for which a
recount is conducted.

B. For each selected office, the auditor shall
publicly select a random sample of precincts from a pool of
all precincts in the state no later than twelve days after the
election. The random sample shall be chosen in a process that
will ensure, with at least ninety percent probability for the
selected offices, that faulty tabulators would be detected if
they would change the outcome of the election for a selected
office. The auditor shall select precincts starting with the
statewide office with the largest winning margin and ending
with the precincts for the statewide office with the smallest winning margin and then, in the same manner, select precincts from each congressional district. The size of the random sample for each office shall be determined as provided in Table 1 of this subsection. When a precinct is selected for one office, it shall be used in lieu of selecting a different precinct when selecting precincts for another office in the same congressional district, or for any statewide office. If the winning margin in none of the offices for which a voting system check is required is less than fifteen percent, a voting system check for that general election shall not be required.

Table 1

<table>
<thead>
<tr>
<th>Winning margin between top two candidates for the office according to the county canvasses</th>
<th>Number of precincts in the state to be tested for that office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent</td>
<td></td>
</tr>
<tr>
<td>greater than 15</td>
<td>no precincts for that office</td>
</tr>
<tr>
<td>greater than 14</td>
<td></td>
</tr>
<tr>
<td>but less than or equal to 15</td>
<td>4</td>
</tr>
<tr>
<td>greater than 13</td>
<td></td>
</tr>
<tr>
<td>but less than or equal to 14</td>
<td></td>
</tr>
<tr>
<td>greater than 12</td>
<td></td>
</tr>
</tbody>
</table>
but less than or equal to 13
greater than 11
but less than or equal to 12
greater than 10
but less than or equal to 11
greater than 9.0
but less than or equal to 10
greater than 8.0
but less than or equal to 9.0
greater than 7.0
but less than or equal to 8.0
greater than 6.0
but less than or equal to 7.0
greater than 5.5
but less than or equal to 6.0
greater than 5.0
but less than or equal to 5.5
greater than 4.5
but less than or equal to 5.0
greater than 4.0
but less than or equal to 4.5
greater than 3.5
but less than or equal to 4.0
greater than 3.0
but less than or equal to 3.5
greater than 2.5
but less than or equal to 3.0
greater than 2.0
but less than or equal to 2.5
greater than 1.8
but less than or equal to 2.0
greater than 1.6
but less than or equal to 1.8
greater than 1.4
but less than or equal to 1.6
greater than 1.2
but less than or equal to 1.4
greater than 1.1
but less than or equal to 1.2
greater than 1.0
but less than or equal to 1.1
greater than 0.9
but less than or equal to 1.0
greater than 0.8
but less than or equal to 0.9
greater than 0.7
but less than or equal to 0.8
greater than 0.6
but less than or equal to 0.7
greater than 0.5
but less than or equal to 0.6 130
0.5 or less 165.

C. The auditor shall notify the appropriate county clerks of the precincts that are to be included in the voting system check upon their selection. The auditor shall direct the appropriate county clerks to open the locked ballot boxes, remove ballots from the selected precincts and compare the original machine count precinct vote totals, including early absentee and absentee by mail machine count vote totals, for candidates for offices subject to the voting system check from the selected precincts for each office with the respective vote totals of a hand recount of the paper ballots from those precincts. The county clerks shall report their results to the auditor within ten days of the notice to conduct the voting system check unless a county clerk is aware of a recount in any office that includes one or more precincts in the county, in which case the county clerk shall report the results of the post-election audit to the auditor within ten days following the conclusion of the recount.

D. Based on the results of the voting system check and any other auditing results, the auditor shall determine the error rate in the sample for each office. If the winning margin decreases and the error rate based on the difference between the vote totals of hand recounts of the paper ballots and the original precinct vote totals exceeds ninety percent.
of the winning margin for an office, another sample equal in
size to the original sample shall be selected and the original
precinct vote totals compared to the vote totals of hand
recounts. The error rate based on the first and second sample
shall be reported, and if it exceeds ninety percent of the
winning margin for the office, the state canvassing board
shall order that a full hand recount of the ballots for that
office be conducted.

E. The auditor shall report the results of the
voting system check to the secretary of state upon completion
of the voting system check and release the results to the
public.

F. Persons designated as county canvass observers
may observe the hand recount described in Subsection C of this
section. Observers shall comply with the procedures governing
county canvass observers as provided in Section 1-2-31
NMSA 1978.

G. If a recount for an office selected for a
voting system check is conducted pursuant to the provisions of
Chapter 1, Article 14 NMSA 1978, the vote totals from the hand
count of ballots for that office in precincts selected for the
voting system check may be used in lieu of recounting the same
ballots for the recount.

H. All costs of a voting system check or required
hand recount shall be paid in the same manner as automatic
recounts."

SECTION 74. Section 1-14-16 NMSA 1978 (being Laws 2008, Chapter 41, Section 3) is amended to read:

"1-14-16. RECOUNT OR RECHECK PROCEEDINGS.--

A. Immediately after filing of the application for recount or recheck, or notice of an automatic recount, the appropriate canvassing board shall issue an order to the county clerk of each county where a precinct specified in the application or notice is located commanding the county clerk to convene a recount precinct board at the county seat on a day specified in the order, which date shall not be more than ten days after the filing of the application for a recount or recheck or notice of an automatic recount.

B. Upon receipt of the order, the county clerk shall appoint a recount precinct board pursuant to the provisions of Section 1-2-12 NMSA 1978 and shall send notices of the names of the recount precinct board members and the date fixed for the recount or recheck to the district judge for the county and the county chair of each of the political parties that participated in the election for the office in question. The county clerk shall keep a log of how each person was notified and confirmation that the notice was received. Presiding judges and election judges on the recount precinct board shall be appointed from among those persons who served as precinct board members in the most recent election.
C. The recount precinct board, district judge and county clerk shall meet on the date fixed for the recount or recheck, and the ballot boxes and ballot containers or voting machines of the precincts involved in the recount or recheck shall be opened. The recount precinct board shall recount and retally the ballots, or recheck the votes cast on the voting machines, as the case may be, for the office in question in the presence of the county clerk, district judge and any other person who may desire to be present.

D. After completion of the recount or recheck, the recount precinct board shall replace the ballots in the ballot boxes and ballot containers and lock them, or the voting machines shall be locked and resealed, and the precinct board shall certify to the proper canvassing board the results of the recount or recheck. The district judge and the county clerk shall also certify that the recount or recheck was made in their presence.

SECTION 75. Section 1-14-18 NMSA 1978 (being Laws 1969, Chapter 240, Section 347, as amended) is amended to read:

"1-14-18. RECOUNT--RECHECK--RECANVASS BY CANVASSING BOARDS.--

A. Immediately upon receipt of the certificate of recount or recheck from all the recount precinct boards making a recount or recheck, the proper canvassing board shall meet and recanvass the returns for the office in question.

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B. In making the recanvass, the proper canvassing board shall be bound by the certificates of recount or recheck from the recount precinct boards instead of the original returns from the precinct boards.

C. After the recanvass, if it appears that fraud or error has been committed sufficient to change the winner of the election, then the proper canvassing board shall revoke the certificate of nomination or election already issued to any person for that office and shall issue a certificate of nomination or election in favor of the person receiving a plurality of the votes cast at the election as shown by the recount or recheck, and such certificate shall supersede all others and entitle the holder to the same rights and privileges as if such certificate had been originally issued by the canvassing board."

SECTION 76. Section 1-14-19 NMSA 1978 (being Laws 1969, Chapter 240, Section 348, as amended) is amended to read:

"1-14-19. RECOUNT--RECHECK--CANDIDATE FOR DISTRICT JUDGE.--If a recount or recheck is demanded on the election of a district judge and the judge of the district was a candidate for partisan office at the election, the chief justice of the supreme court shall designate a district judge who shall act in such proceedings."

SECTION 77. Section 1-14-23 NMSA 1978 (being Laws 2007, Chapter 337, Section 2) is amended to read:
1-14-23. RECOUNT PROCEDURES.--

A. To ensure the accuracy of electronic vote tabulating systems, in a recount, the votes from a random selection of ballots shall be tallied by hand, and the votes from the same ballots shall be tabulated by the electronic vote tabulating systems to be used in the recount. For statewide and federal office, the number of ballots to be tallied and tabulated shall be equal to the greater of one hundred, or two percent, of the ballots cast in each county. For all other offices, the number of ballots to be tallied and tabulated shall be equal to the greater of one hundred, or five percent, of the ballots cast for the office, distributed by county where applicable. If more than one electronic vote tabulating system is to be used in a county, the ballots to be recounted shall be divided among the electronic vote tabulating systems to be used, and the above process shall be performed on each electronic vote tabulating system based on the number of votes to be recounted on each individual electronic vote tabulating system.

B. If the results of the hand tally and the electronic vote tabulating system tabulation do not differ, the remaining ballots shall be recounted using that electronic vote tabulating system. If the results of the hand tally and the electronic vote tabulating system differ, the electronic vote tabulating system shall not be used in the recount and
the remaining ballots shall be recounted by hand or on a
different electronic vote tabulating system in which the
results did not differ.

C. When using an electronic vote tabulating system
for a recount, a county clerk may permit a visual inspection
of the ballots prior to tabulation by the optical scan
tabulating system for the purpose of permitting a
representative of a candidate to identify individual ballots
to be selected for hand tally by the precinct board."

SECTION 78. Section 1-14-24 NMSA 1978 (being Laws 2008,
Chapter 41, Section 1) is amended to read:

"1-14-24. AUTOMATIC RECOUNTS--ELECTIONS FOR STATE AND
FEDERAL OFFICES--PROCEDURES.--

A. An automatic recount of the vote is required
when the canvass of returns in a primary or general
election for a federal or statewide office, or a judicial
office in a county with more than two hundred thousand
registered qualified electors, indicates that the margin
between the two candidates receiving the greatest number of
votes for the office is less than one-fourth of one percent of
the total votes cast for that office in that election. An
automatic recount of the vote is required when the canvass of
returns in a primary or general election for any other state
office indicates that the margin between the two candidates
receiving the greatest number of votes for the office is less
than one percent of the total votes cast for that office in
that election.

B. For an office for which ballots were cast in
more than one county, the secretary of state shall file notice
with the state canvassing board upon the completion of the
state canvass that an automatic recount is required, and the
state canvassing board shall order a recount of the ballots
for the specified office. For an office in which ballots were
cast solely within one county, the secretary of state shall
file notice with the state canvassing board within seven days
after receiving notice from the county clerk following the
completion of the county canvass that an automatic recount is
required, and the state canvassing board shall order a recount
of the ballots for the specified office.

C. Automatic recounts shall be conducted pursuant
to the recount procedures established in Sections 1-14-16 and
1-14-18 through 1-14-23 NMSA 1978.

D. For the purposes of this section, "state
office" means the office of governor, lieutenant governor,
state auditor, state treasurer, attorney general, secretary of
state, supreme court justice, court of appeals judge, district
judge, magistrate judge, public regulation commissioner,
commissioner of public lands, state senator or state
representative."

SECTION 79. Section 1-22-2 NMSA 1978 (being Laws 1985,
Chapter 168, Section 4, as amended) is amended to read:

"1-22-2. DEFINITIONS.--As used in the School Election Law:

A. "board" means the governing authority of the school district;

B. "county clerk" means the clerk of each county in which the school district is situate;

C. "proper filing officer" means the county clerk or, in the case of a multicounty school district, the clerk of the county in which the administrative office of the school district is situate;

D. "magistrate" means the magistrate whose office is situated in the municipality where the administrative office of the school district is located or in close proximity to the municipality;

E. "school district election" means a regular or special school district election but does not include a recall election; and

F. "superintendent" means the superintendent of schools of the school district."

SECTION 80. Section 1-22-3 NMSA 1978 (being Laws 1985, Chapter 168, Section 5, as amended) is amended to read:

"1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF CANDIDATES.--

A. A school district election shall be held in
each school district to elect qualified persons to membership on a board. No person shall become a candidate for membership on a board unless the person's record of voter registration shows that the person is a qualified elector of the state, physically resides in the school district in which the person is a candidate and was registered to vote in the district on the date the board's proclamation calling a regular school district election is filed in the office of the county clerk.

B. A regular school district election shall be held in each school district on the first Tuesday in February of each odd-numbered year.

C. An election on a ballot question held at any time other than the date for the regular school district election shall be a special school district election called, conducted and canvassed as provided in the Election Code.

D. Except as otherwise provided in the School Election Law, school district elections shall be called, conducted and canvassed as provided in the Election Code."

SECTION 81. Section 1-22-5 NMSA 1978 (being Laws 1985, Chapter 168, Section 7, as amended) is amended to read:

"1-22-5. SPECIAL ELECTION--PROCLAMATION--PUBLICATION.--

A. Whenever a special school district election is to be called or is required by law, the board shall by resolution issue a public proclamation in Spanish and English calling the election. The proclamation shall forthwith be
filed by the superintendent with the proper filing officer.

   6. The proclamation shall specify:
      (1) the date on which the special election
      will be held;
      (2) the questions to be submitted to the
      voters;
      (3) the precincts in each county in which
      the election is to be held and the location of each polling
      place;
      (4) the hours each polling place will be
      open; and
      (5) the date and time of the closing of the
      registration books by the proper filing officer as required by
      law.

   C. After filing the proclamation with the proper
   filing officer and not less than fifty days before the date of
   the election, the proper filing officer shall publish the
   proclamation at least twice in a newspaper of general
   circulation in the school district. The publication of the
   proclamation shall conform to the requirements of the federal
   Voting Rights Act of 1965, as amended."

SECTION 82. Section 1-22-6 NMSA 1978 (being Laws 1985, 
Chapter 168, Section 8, as amended) is amended to read:

"1-22-6. PRECINCTS--CONSOLIDATION--POLLING PLACES.--

A. The same precincts that are used in a general
election shall be used in a school district election, provided that:

(1) if a precinct lies partly within and partly outside of a school district, the part of the precinct lying within the school district constitutes a precinct for a school district election; and

(2) all of the area within the exterior boundaries of a school district may constitute one precinct for a school district election.

B. In the event that only one candidate has filed a declaration of candidacy for each position to be filled at an election and no declared write-in candidates have filed for any position and there are no questions or bond issues on the ballot, only one polling place for the election shall be designated and it shall be in a designated polling place in the school district of the county in which the school district is located, which may include the county clerk's office if it is located within the school district.

C. Except as otherwise provided in the School Election Law, the county clerk shall consolidate precincts for a school district election as provided in the proclamation for that election and shall provide for a polling place within each precinct or consolidated precinct. A consolidated precinct in a school district election shall be composed of no more than twenty precincts."
SECTION 83. Section 1-22-7 NMSA 1978 (being Laws 1985, Chapter 168, Section 9, as amended) is amended to read:

"1-22-7. DECLARATION OF CANDIDACY--FILING DATE--

PENALTY.--

A. A candidate for a board position that will be filled at a regular school district election shall file a declaration of candidacy with the proper filing officer during the period commencing at 9:00 a.m. on the third Tuesday in December of the even-numbered year immediately preceding the date of the regular school district election and ending at 5:00 p.m. or the same day.

B. A candidate shall file for only one board position during a filing period.

C. Whoever knowingly makes a false statement in a declaration of candidacy is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

SECTION 84. Section 1-22-8 NMSA 1978 (being Laws 1985, Chapter 168, Section 10, as amended) is amended to read:

"1-22-8. DECLARATION OF CANDIDACY--SWORN STATEMENT OF INTENT--FORM.--In making a declaration of candidacy, the candidate shall submit a sworn statement of intent in substantially the following form:

"DECLARATION OF CANDIDACY--STATEMENT OF INTENT

I, ________________, (candidate's name on certificate
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of registration) being first duly sworn, say that I am a voter
of Precinct No. ____________ of the county of
_______________, State of New Mexico. I reside at
__________________________
and was registered to vote at that place on the date the
school board's proclamation calling the election was filed in
the office of the county clerk;

I am a qualified elector of the State of New Mexico
residing within _________________ school district;

I desire to become a candidate for the office of School
Board Position No. _____________ at the school district
election to be held on the date set by law;

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

I make the foregoing affidavit under oath, knowing that
any false statement herein constitutes a felony punishable
under the criminal laws of New Mexico.

______________________________
(Declarant)

______________________________
(Mailing Address)

______________________________
(Residence Address)

Subscribed and sworn to before me this _____ day of
_______________, 20 _____.
(Notary Public)

My commission expires:

SECTION 85. Section 1-22-12 NMSA 1978 (being Laws 1985, Chapter 168, Section 14, as amended) is amended to read:

"1-22-12. CONDUCT OF ELECTIONS.--

A. Except as otherwise provided in the School Election Law, the county clerk shall administer and conduct school district elections pursuant to the provisions of the Election Code for the conduct of general elections.

B. Precinct board members for each polling place shall be appointed by the county clerk from among those persons who meet the qualifications set forth in Section 1-2-7 NMSA 1978 and who reside within the school district. The number of members on each precinct board shall be as provided in Section 1-2-12 NMSA 1978. Vacancies on election day shall be filled as provided in Section 1-2-15 NMSA 1978.

C. In the event that only one candidate has filed a declaration of candidacy for each position to be filled at the election, no declared write-ins have filed for any position and there are no questions or bond issues on the ballot, the county clerk may perform the duties of the precinct board at the request of the school district.

D. All costs of school district elections shall be
paid by the school district."

SECTION 86. Section 1-22-19 NMSA 1978 (being Laws 1985, 
Chapter 168, Section 21, as amended) is amended to read:

"1-22-19. ABSENTEE VOTING.--

A. A voter may vote in a school district election 
by absentee ballot for all candidates and on all questions 
appearing on the ballot in the voter's precinct as if the 
voter were casting the ballot in person at the polling place 
on election day.

B. The provisions of the Absent Voter Act apply to 
absentee voting in school district elections, provided that 
absentee ballots may be marked in person during the regular 
hours and days of business at the county clerk's office from 
8:00 a.m. on the twenty-fifth day preceding the election until 
5:00 p.m. on the Friday immediately prior to the date of the 
election. Absentee ballots shall be printed at least thirty 
days prior to the date of the election. In addition, 
provisions may be made by the board in the proclamation for 
absentee voting by electronic voting machine at alternate 
voting locations at any time beginning on the twentieth day 
preceding an election through the Saturday immediately prior 
to the date of the election.

C. A regular precinct board may be designated to 
serve as the absent voter precinct board. A member of the 
absent voter precinct board shall receive the same
compensation as a regular precinct board member. A regular
precinct board member who also serves as a member of the
absent voter precinct board shall not be entitled to extra
compensation for serving on the absent voter precinct board."

SECTION 87. Section 3-9-1 NMSA 1978 (being Laws 1973,
Chapter 375, Section 2, as amended) is amended to read:

"3-9-1. DEFINITIONS.—As used in Chapter 3, Article 9
NMSA 1978:

A. "absentee voting" means the casting of a vote
by a qualified elector for any candidate or question prior to
election day;

B. "early voter" means a voter who votes in person
before election day, and not by mail;

C. "election" means a regular or special municipal
election;

D. "federal qualified elector" means:

(1) a uniformed-service voter; or

(2) an overseas voter;

E. "immediate family" means a person's spouse,
children, parents, brothers and sisters;

F. "overseas voter" means an individual who is a
United States citizen, who is outside the United States and
who:

(1) is temporarily absent from the
individual's residence in this state;
(2) before leaving the United States, was
last eligible to vote in this state and, except for a state
residency requirement, otherwise satisfies this state's voter
eligibility requirements;

(3) before leaving the United States, would
have been last eligible to vote in this state had the voter
then been of voting age and, except for a state residency
requirement, otherwise satisfies this state's voter
eligibility requirements; or

(4) was born outside the United States, is
not otherwise described in this subsection and, except for a
state residency requirement, otherwise satisfies this state's
voter eligibility requirements, if:

(a) the last place where a parent or
legal guardian of the individual was, or under the Municipal
Election Code would have been, eligible to vote before leaving
the United States is within this state; and

(b) the individual has not previously
registered to vote in any other state;

G. "uniformed-service voter" means an individual
whose voting residence is in this state, who otherwise
satisfies this state's voter eligibility requirements and who
is:

(1) a member of the active or reserve
components of the army, navy, air force, marine corps or coast
guard of the United States who is on active duty and who by reason of that active duty is absent from the state;

(2) a member of the merchant marine, the commissioned corps of the United States public health service, the astronaut program of the national aeronautics and space administration or the commissioned corps of the national oceanic and atmospheric administration of the United States and who by reason of that service is absent from the state;

(3) a member on activated status of the national guard or state militia and who by reason of that active duty is absent from the member's county of residence; or

(4) a spouse or dependent of a member referred to in Paragraph (1), (2) or (3) of this subsection and who, by reason of active duty or service of the member, is absent from the state; provided the spouse or dependent is an individual recognized as a spouse or dependent by the entity under which the member is serving; and

H. "voter" means a qualified elector of the municipality."

SECTION 88. Section 3-9-3 NMSA 1978 (being Laws 1973, Chapter 375, Section 1, as amended) is amended to read:

"3-9-3. ABSENTEE VOTING--REGULAR OR SPECIAL MUNICIPAL ELECTIONS--RIGHT TO VOTE.--

A. Any voter entitled to vote in the municipal
election may vote by absentee ballot for all candidates and on all questions appearing on the ballot at such regular or special election at the voter's assigned polling place, as if the voter were able to cast a ballot in person at such polling place.

E. A federal qualified elector entitled to vote in the municipal election may vote in a municipal election pursuant to the provisions of the Uniform Military and Overseas Voters Act.

C. The provisions of this section shall also apply to a regular or special municipal election held in conjunction with any other political subdivision."

SECTION 89. Section 3-9-4 NMSA 1978 (being Laws 1973, Chapter 375, Section 3, as amended) is amended to read:

"3-9-4. ABSENTEE BALLOT APPLICATION--REJECTION--ACCEPTANCE--ISSUANCE OF ABSENTEE BALLOT.--

A. The municipal clerk shall prescribe the form of the absentee ballot application.

B. An application for an absentee ballot may be obtained from the municipal clerk.

C. Upon receipt of a properly completed and delivered application for an absentee ballot, the municipal clerk shall contact the county clerk to determine if the applicant is a qualified elector of the municipality.

D. The municipal clerk shall reject an absentee
ballot application for any of the following reasons:

(1) the application is not made on the form provided by the municipal clerk;
(2) the application does not set forth the applicant's full name and address;
(3) the application does not set forth the applicant's date of birth;
(4) the application is not signed by the applicant; or
(5) the applicant:
   (a) has no valid affidavit of registration on file with the county clerk; or
   (b) has a valid affidavit of registration on file with the county clerk, but is not a resident of the municipality; and
   (c) cannot comply with Subparagraph (a) or (b) of this paragraph pursuant to Subsection B of Section 3-8-40 NMSA 1978.

E. If the municipal clerk rejects an absentee ballot application pursuant to Subsection D of this section, the municipal clerk shall mark the application "rejected", enter "rejected" in the absentee ballot register and file the application in a separate file. The municipal clerk shall, within twenty-four hours of rejection of the application, notify the applicant in writing of the reasons for rejection.
of the application. If the application is incomplete, the
municipal clerk shall immediately mail a new application for
an absentee ballot.

F. If the application for absentee ballot is
accepted, the municipal clerk shall:

(1) mark the application "accepted";

(2) enter the required information in the
absentee ballot register; and

(3) issue to the applicant an absentee
ballot.

G. The municipal clerk shall deliver the absentee
ballot to the applicant in the office of the municipal clerk
if the application for absentee ballot has been accepted and
if the application is submitted in person by the applicant or
mail an absentee ballot to any qualified elector whose
application for an absentee ballot was received by mail and
has been accepted. The municipal clerk shall notify the
county clerk who shall write "absentee ballot" on the
signature line of the signature roster next to the name of the
person who has been sent an absentee ballot. Names of
individuals that have been labeled "absentee ballot" shall
appear on a separate list called the "absentee voter list".
This list shall be submitted to the municipal clerk by the
county clerk in the same manner as provided in Subsection B of
Section 3-8-7 NMSA 1978.

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H. It is the duty of the municipal clerk to verify the signature roster and absentee voter list to ensure that all names of individuals who have been issued absentee ballots have been labeled "absentee ballot" on the signature roster and their names listed on the absentee voter list. If not, the municipal clerk shall write "absentee ballot" on the signature line of the signature roster next to the name of the person who has been sent an absentee ballot. The municipal clerk shall then enter the name and all required information on the absentee voter list.

I. If the application for an absentee ballot is delivered in person to the municipal clerk during regular hours and days of business and is accepted, the municipal clerk shall issue the voter the absentee ballot and it shall be marked by the applicant in a voting booth in the municipal clerk's office, sealed in the proper envelopes and otherwise properly executed and returned to the municipal clerk or the clerk's authorized representative before the applicant leaves the office of the municipal clerk.

J. The act of marking the absentee ballot in the office of the municipal clerk shall be a convenience to the voter in the delivery of the absentee ballot and does not make the office of the municipal clerk a polling place subject to the requirements of a polling place in the Municipal Election Code other than as provided in this subsection. During the
period of time between the date a person may first apply in
person for an absentee ballot and the final date for such
application and marking of the ballot in the office of the
municipal clerk, it is unlawful to solicit votes or display or
otherwise make accessible any posters, signs or other forms of
campaign literature whatsoever in the clerk's office.

K. Absentee ballots shall be issued to voters
whose applications have been approved not earlier than
thirty-five days prior to the election and not later than
5:00 p.m. on the Friday immediately prior to the date of the
election.

L. No absentee ballot shall be delivered or mailed
by the municipal clerk to any person other than the applicant
for such ballot."

SECTION 90. Section 3-9-5 NMSA 1978 (being Laws 1973,
Chapter 375, Section 6, as amended) is amended to read:

"3-9-5. ABSENTEE BALLOT REGISTER.--

A. For each election, the municipal clerk shall
keep an "absentee ballot register" in which the clerk shall
enter:

(1) in numerical sequence, the name and
municipal address of each absentee ballot applicant;

(2) the date and time of receipt of the
application;

(3) whether the application was accepted or
rejected;

(4) the date of delivery to the voter in person in the office of the municipal clerk, or mailing of an absentee ballot to the applicant, the method of delivery and, if mailed, the address to which the ballot was mailed;

(5) the applicant's precinct and district number, if applicable;

(6) whether the applicant is a voter, and whether the voter is a uniformed-service voter or an overseas voter;

(7) affidavits of voters who did not receive absentee ballots; and

(8) the date and time the completed ballot was received from the applicant by the municipal clerk.

B. The absentee ballot register is a public record open to public inspection in the municipal clerk's office during regular office hours and shall be preserved for two years after the date of the election. The municipal clerk shall have an updated absentee ballot register available for public inspection Monday through Friday during regular office hours."

SECTION 91. Section 3-9-6 NMSA 1978 (being Laws 1973, Chapter 375, Section 7, as amended) is amended to read:

"3-9-6. FORM OF ABSENTEE BALLOT--FORM OF ABSENTEE BALLOT ENVELOPES.--
A. The form of the absentee ballot shall be, as nearly as practicable, in the same form as prescribed by the municipal clerk for other ballots. However, to reduce weight and bulk for transport of absentee ballots, the size and weight of the paper for envelopes, ballots and instructions shall be reduced as much as is practicable. The ballots shall provide for sequential numbering.

E. Absentee ballots and envelopes shall be delivered by the printer to the municipal clerk not later than thirty-five days prior to the date of the election to be held.

C. The municipal clerk shall prescribe the form of:

(1) official inner envelopes for use in sealing the completed absentee ballot;

(2) official mailing envelopes for use in returning the official inner envelope to the municipal clerk;

(3) absentee ballot instructions, describing proper methods for completion of the ballot and returning it; and

(4) official transmittal envelopes for use by the municipal clerk in mailing absentee ballot materials.

D. Official transmittal envelopes and official mailing envelopes for transmission of absentee ballot materials to and from the municipal clerk and federal qualified electors shall be as prescribed in the Uniform
Military and Overseas Voters Act. Official transmittal envelopes and official mailing envelopes for transmission of absentee ballot materials to and from the municipal clerk shall be printed in green in substantially similar form. All official inner envelopes shall be printed in green.

E. The reverse of each official mailing envelope shall contain a form to be signed by the person completing the absentee ballot. The form shall identify the person and shall contain the following statement: "I will not vote in this election other than by the enclosed ballot. I will not receive or offer any compensation or reward for giving or withholding any vote."

SECTION 92. Section 3-9-7 NMSA 1978 (being Laws 1973, Chapter 375, Section 8, as amended) is amended to read:

"3-9-7. MANNER OF VOTING--USE OF AN ELECTRONIC VOTING DEVICE.--

A. Any person voting an absentee ballot under the provisions of the Municipal Election Code shall secretly mark the ballot as instructed on the ballot, place the marked ballot 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 voter shall then complete the form on the reverse of the official mailing envelope.

B. A voter, caregiver to that voter or member of
that voter's immediate family may deliver that voter's
absentee ballot to the municipal clerk in person or by mail,
provided that the voter has subscribed the outer envelope of
the absentee ballot.

C. When an electronic voting device is used by the
voter to cast an absentee vote, the municipal clerk shall
ensure that each absentee voting machine is located within the
office of the municipal clerk. The area shall be secured by
lock and key. Each day during the time the absentee voting
machine is used for absentee voting, the municipal clerk
shall, in the presence of one other employee of the
municipality, unlock the office where the voting machine is
located. Each day, at the close of regular office hours, the
municipal clerk shall, in the presence of one other municipal
employee, secure the office where the voting machine is
located. Each day immediately after unlocking or locking the
office where the voting machine is located, the municipal
clerk and the employee present shall sign or initial the
absentee voting daily report. The municipal clerk shall
prescribe the form of the absentee voting daily report, which
shall include the following information:

(1) the voting machine serial number;
(2) the beginning and ending public counter
number for the day;
(3) the beginning and ending protective
counter number for the day;

(4) the closing seal number, if any;

(5) the total number of voters for the day;

and

(6) a place for the date and signature of
the municipal clerk and the municipal employee.

D. Voting shall be conducted substantially in the
manner provided in the Municipal Election Code. The absentee
voting daily report shall be submitted to the absent voter
precinct on election day, along with any voting machines
used."

SECTION 93. Section 3-9-8 NMSA 1978 (being Laws 1973,
Chapter 375, Section 9, as amended) is amended to read:

"3-9-8. CARE OF ABSENTEE BALLOTS--DESTRUCTION OF UNUSED
BALLOTS BY MUNICIPAL CLERK.--

A. The municipal clerk shall mark on each
completed official outer envelope the date and time of receipt
in the municipal clerk's office, record this information in
the absentee ballot register and safely and securely keep the
official outer envelope unopened until it is delivered on
election day to the proper precinct board or until it is
canceled and destroyed in accordance with law. Once a ballot
is officially accepted by the municipal clerk and recorded in
the absentee ballot register, it cannot be returned to the
voter for any reason.
B. The municipal clerk shall accept completed official outer envelopes received by mail or delivered in person to the municipal clerk's office by the voter signing the official outer envelope, by a member of the voter's immediate family or by the caregiver to the voter until 7:00 p.m. on election day. Any completed outer envelope received after that time and date shall be marked as to the time and date received, shall not be delivered to the precinct board and shall be preserved until the time for election contests has expired. In the absence of a court order, after the expiration of the time for election contests, the municipal clerk shall destroy all late official mailing envelopes without opening or permitting the contents to be examined, cast, counted or canvassed. Before their destruction, the municipal clerk shall count the numbers of late ballots from voters, uniformed-service voters and overseas voters and record the number from each category in the absentee ballot register.

C. After 5:00 p.m. and not later than 8:00 p.m. on the Friday immediately preceding the date of the election, the municipal clerk shall record the numbers of the unused absentee ballots and shall publicly destroy in the municipal clerk's office all unused ballots. The municipal clerk shall execute a certificate of such destruction, which shall include the numbers on the ballots destroyed, and the certificate
shall be placed within the absentee ballot register.

D. At 7:00 p.m. on the day of the election, the municipal clerk shall determine the number of ballots that were mailed and have not been received and execute a "certificate of unreceived absentee ballots". The certificate shall be placed in the absentee ballot register and shall become an official part of the register. The municipal clerk shall determine the form of the certificate of unreceived absentee ballots."

SECTION 94. Section 3-9-11 NMSA 1978 (being Laws 1985, Chapter 208, Section 99, as amended) is amended to read:

"3-9-11. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER

PRECINCT BOARDS.--

A. Before opening any official mailing envelope, an election judge shall determine that the required signature has been executed on the reverse side of the official mailing envelope.

B. If the signature is missing, an election judge shall write "rejected" on the front of the official mailing envelope. The election clerks shall write the notation "rejected -- missing signature" in the "notations" column on the absentee voter list. An election judge shall place the official mailing envelope unopened in an envelope provided for rejected ballots, seal the envelope, write the voter's name on the front of the envelope and deposit it in the locked ballot box.
C. Declared challengers certified by the municipal clerk may examine the official mailing envelope and may challenge the ballot of any absent voter for the following reasons:

(1) the official mailing envelope has been opened prior to being received by the absent voter precinct board;

(2) the person offering to vote is not a voter as provided in the Municipal Election Code; or

(3) the person offering to vote is not a federal qualified elector authorized to vote in a municipal election.

Upon the challenge of an absentee ballot, an election judge shall generally follow the same procedure as when ballots are challenged when a person offers to vote in person. If a challenged ballot is not to be counted, it shall not be opened and shall be placed in an envelope provided for challenged ballots.

D. If the official mailing envelopes have properly executed signatures and the voters have not been challenged:

(1) an election judge shall open the official mailing envelopes and deposit the ballots in their still sealed official inner envelopes in the locked ballot box; and
(2) the election clerks shall mark the notation "AB" opposite the voter's name in the "notations" column of the absentee voter list.

E. Prior to the closing of the polls, an election judge may remove the absentee ballots from the official inner envelopes and either count and tally the results of absentee balloting by hand or register the results of each absentee ballot on a voting machine the same as if the absent voter had been present and voted in person. It shall be unlawful for any person to disclose the results of such count and tally or such registration on a voting machine of absentee ballots prior to the closing of the polls.

F. The municipal clerk shall, prior to the opening of the polls on election day, notify the absent voter precinct board in writing whether absentee ballots are to be counted and tallied or registered on a voting machine. The procedures shall be such as to ensure the secrecy of the ballot.

G. Absent voter precinct polls shall be closed at 7:00 p.m. on the day of the election by the absent voter precinct board."

SECTION 95. Section 22-5-3 NMSA 1978 (being Laws 1969, Chapter 103, Section 2, as amended) is amended to read:

"22-5-3. SCHOOL BOARD MEMBERSHIP--OPTIONAL FORM.--

A. The local school board of any school district in this state may by resolution provide for the local board of
that district to be composed of seven qualified electors of
the state who reside within the district. The resolution
shall provide that the board consist of seven separate
positions, and each such position shall be designated by
number. Qualified electors seeking election to the school
board shall file and run for only one of the numbered
positions.

B. If the resolution provided for in this section
is adopted, it shall go into effect within thirty days after
its adoption unless a petition signed by the qualified
electors of the school district in a number equal to twenty
percent of all the voters in the district voting at the last
regular school board election is presented to the local board
within such thirty days asking that an election be held on the
question of increasing the membership of the local board to
seven members.

C. Upon receipt and verification of the petition,
the local school board shall within thirty days call a special
school election to vote upon the question of increasing the
membership of the local school board in that district to seven
members.

D. If the voters of the school district approve
the increase in the local school board's membership to seven
members, the resolution shall be in effect.

E. A resolution adopted pursuant to Subsection A
of this section shall conform to the requirements of Section 1-22-5 NMSA 1978 and shall provide for the election of two additional school board members at the next regular school district election. One new member shall be elected to serve until the first regular school board election following the member's election. The second new member shall be elected to serve until the second regular school board election following the member's election. Thereafter, persons elected to fill the additional new positions on the board shall be elected for terms as provided by law."

SECTION 96. Section 22-5-3.1 NMSA 1978 (being Laws 1981, Chapter 302, Section 1) is amended to read:

"22-5-3.1. LOCAL SCHOOL BOARDS--REVERSION TO FIVE MEMBERS.--

A. Any seven-member local school board of a school district in the state may by resolution provide for the local school board of that school district to be composed of five qualified electors of the state who reside within the school district.

B. If the resolution specified in Subsection A of this section is adopted, the existing local school board at the first election at which the terms of three members expire shall by lot:

(1) eliminate two positions if the next succeeding election is one at which the terms of two members
expire;

(2) eliminate two positions if the next succeeding election is one at which the term of one member expires, and at the next election at which the terms of three members expire designate one position for a two-year term; provided that thereafter all terms shall be four-year terms; or

(3) eliminate two positions if the next succeeding election is one at which the terms of three members expire, and at the succeeding election designate one position for a two-year term; provided that thereafter all terms shall be four-year terms.

C. Any resolution adopted pursuant to the provisions of this section shall be effective thirty days after its adoption unless a petition signed by the qualified electors of the school district in a number equal to at least twenty percent of all voters in the school district voting at the last regular school board election is presented to the local school board on or before the thirtieth day asking that an election be held on the question of decreasing the membership of the local school board to five members.

D. Upon receipt and verification of the petition, the local school board shall within thirty days call a special election to vote upon the question of decreasing the membership of the local school board in that school district.
to five members.

E. If the voters of the school district approve
the decrease in the local school board's membership to five
members, the resolution shall be in effect, and the
elimination of two members at subsequent elections as provided
in Subsection B of this section shall be valid."

SECTION 97. Section 22-5-9 NMSA 1978 (being Laws 1967,
Chapter 16, Section 32, as amended) is amended to read:

"22-5-9. LOCAL SCHOOL BOARD VACANCIES.—

A. A vacancy occurring in the membership of a
local school board shall be filled at an open meeting, at
which a quorum of the membership is present, by a majority
vote of the remaining members appointing a qualified elector
to fill the vacancy.

B. A qualified elector appointed to fill a vacancy
occurring in the membership of a local school board shall hold
that office until the next regular school district election
when an election shall be held to fill the vacancy for the
unexpired term.

C. If a qualified elector is not appointed to fill
the vacancy within forty-five days from the date the vacancy
occurred, the department shall appoint a qualified elector to
fill the vacancy until the next regular school district
election.

D. In the event vacancies occur in a majority of
the full membership of a local school board, the department
shall appoint qualified electors to fill the vacancies. Those
persons appointed shall hold office until the next regular
school district election when an election shall be held to
fill the vacancies for the unexpired terms."

SECTION 98. Section 22-7-13 NMSA 1978 (being Laws 1977,
Chapter 308, Section 13, as amended) is amended to read:

"22-7-13. SPECIAL RECALL ELECTION.--

A. The date of the special recall election shall
be set no later than one hundred twenty days after the date of
the determination by the county clerk but in no event shall
the election be held within the period of time prohibited for
local government elections pursuant to Section 1-12-71
NMSA 1978.

B. The question to be submitted to the voters at
the special recall election shall be whether the named member
shall be recalled.

C. A special recall election may be held in
conjunction with a regular or a special school district
election.

D. Whenever a special recall election is called,
the county clerk shall give public notice of the special
recall election by publishing information regarding the
election once each week for four consecutive weeks. The first
publication of the information shall be made between
forty-five and sixty days before the date of the special 
recall election. Information regarding the election shall be 
in compliance with the federal Voting Rights Act of 1965, as 
amended, and shall include the date when the special recall 
election will be held, the question to be submitted to the 
voters, a brief description of the boundaries of each 
precinct, the location of each polling place, the hours each 
polling place will be open and the date and time of the 
closing of the registration books by the county clerk as 
required by law.

E. The ballot shall be in compliance with the 
federal Voting Rights Act of 1965, as amended, and shall 
present the voter the choice of voting "for the removal of the 
named member" or "against the removal of the named member".

F. All special recall elections shall be held in 
compliance with the federal Voting Rights Act of 1965, as 
amended.

G. Except as otherwise provided in the Local 
School Board Member Recall Act, special recall elections in a 
school district shall be conducted as provided in the Election 
Code."

SECTION 99. Section 27-5-9 NMSA 1978 (being Laws 1965, 
Chapter 234, Section 9, as amended) is amended to read:

"27-5-5. TAX LEVIES AUTHORIZED.--

A. Subject to the provisions of Subsection B of
this section, the board of county commissioners, upon the
certification of the county as to the amount needed to provide
health care to indigent residents of the county or to support
the state's medicaid program, shall impose a levy against the
net taxable value, as that term is defined in the Property Tax
Code, of the property in the county sufficient to raise the
amount certified by the county.

E. The question of imposing an indigent and
medicaid health care levy for the purpose of the Indigent
Hospital and County Health Care Act shall be submitted to the
electors and voted upon as a separate question at the next
subsequent general election or any special election called
prior thereto for such purpose.

C. Upon finding by the board of county
commissioners that an election will be necessary, the board of
county commissioners shall meet and order an election to be
held at a designated time in the county upon the question of
imposing an indigent and medicaid health care levy for the
purpose of the Indigent Hospital and County Health Care Act in
the county. If the question is to be voted upon at a special
election, the election shall be held not less than thirty nor
more than fifty days after the finding, but in no event shall
the election be held within fifty days preceding or succeeding
any general election held in the county. The order for the
election shall be made a part of the official minutes of the
board of county commissioners. A copy of the order shall be
published in a newspaper of general circulation in the county
at least fifteen days before the date set for the election,
and an affidavit of publication shall be obtained. At least
five days prior to the date for holding the election, the
board of county commissioners shall publish in a newspaper of
general circulation in the county and post in five conspicuous
places in the county a notice of election, which shall be in
substantially the following form:

"NOTICE OF ELECTION ON SPECIAL INDIGENT
AND MEDICAID HEALTH CARE LEVY
Notice is given on the _______ day of
_______________, 20___, there will be held in
____________________ county of New Mexico an election
on the question of imposing an indigent and medicaid health
care levy to provide health care to indigent residents of the
county or to support the state's medicaid program, such levy
to be made annually against the taxable value of the property
in the county and limited to an amount sufficient to provide
funds necessary to support the state's medicaid program or to
provide health care to indigent residents of the county who do
not qualify for medicaid.

____________________
Official Title of the Authority".

The election shall be held on the date specified in the notice
and shall be, if a special election, conducted and canvassed in substantially the same manner as general elections are conducted and canvassed in the county; provided that the ballot used in any election shall be a special and separate ballot and shall be in substantially the following form:

"BALLOT

On the question of imposing an indigent and medicaid health care levy for the purposes of the Indigent Hospital and County Health Care Act, such levy to be made annually against the taxable value of the property in ___________ county of New Mexico, and limited to an amount sufficient to provide funds budgeted and certified as necessary for health care for indigent residents of the county in addition to those services provided by the state or to support the state's medicaid program:

FOR THE LEVY ........................................
AGAINST THE LEVY ..................................

D. If the electors vote in favor of an indigent and medicaid health care levy, the levy shall become effective in the same manner prescribed by law for all levies upon property within that county, and a levy for those purposes in such an amount as will provide sufficient money for the fund shall be made for each year thereafter.

E. Any board of county commissioners that has, prior to the effective date of this section, made a valid
imposition of a property tax for the purpose of the Indigent
Hospital and County Health Care Act shall not be required to
hold an election on the existing tax, and that tax may be
imposed and continue to be imposed in accordance with the
provisions of law existing at the time of its imposition.
However, if any such tax is not imposed in a given property
tax year or if the authorization for its imposition terminates
or expires, the election requirements of Subsections B and C
of this section shall apply to any subsequent proposed
imposition of a property tax for indigent health care for
county residents or to support the state's medicaid program."

SECTION 100. TEMPORARY PROVISION.--The Uniform Military
and Overseas Voters Act shall be compiled as a separate
article in the Election Code.

SECTION 101. REPEAL.--Sections 1-6-2, 1-6-4.1, 1-6-4.2,
1-6-5.1, 1-6-18.1 and 3-9-2 NMSA 1978 (being Laws 1987,
Chapter 327, Sections 6 and 9, Laws 2003, Chapter 355,
Section 1, Laws 1991, Chapter 105, Section 10, Laws 2003,
Chapter 356, Section 8 and Laws 1973, Chapter 375, Section 4,
as amended) are repealed.

SECTION 102. APPLICABILITY.--The Uniform Military and
Overseas Voters Act is applicable to any federal postcard
application received as of the first day of the current
election cycle.

SECTION 103. EFFECTIVE DATE.--
A. The effective date of the provisions of Sections 1 through 34 and 36 through 102 of this act is July 1, 2015.

E. The effective date of the provisions of Section 35 of this act is January 1, 2018."