

HOUSE BILL 223

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

INTRODUCED BY

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AN ACT

RELATING TO ELECTIONS; REQUIRING ALL VOTERS TO PRESENT IDENTIFICATION BEFORE VOTING; PROVIDING FOR FREE IDENTIFICATION CARDS TO BE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT; PROVIDING FOR XEROGRAPHIC COPIES OF A VOTER'S IDENTIFICATION DOCUMENT; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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:

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

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1 state government office that is capable of making such copies."

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

4 "1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the
5 Election Code, "required voter identification" means: [~~any of~~
6 ~~the following forms of identification as chosen by the voter:~~

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

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

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

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

23 A. for a voter voting in-person, a current driver's
24 license or identification card issued by the motor vehicle
25 division of the taxation and revenue department; or

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1 B. for a voter voting absentee by mail, a current
2 driver's license or identification card issued by the motor
3 vehicle division of the taxation and revenue department or the
4 voter's social security number."

5 SECTION 3. Section 1-4-5.1 NMSA 1978 (being Laws 1993,
6 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
7 as amended) is amended to read:

8 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

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

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

16 C. A qualified elector who wishes to register to
17 vote shall fill out completely and sign the certificate of
18 registration and provide a copy of the required voter
19 identification. The qualified elector may seek the assistance
20 of any person in completing the certificate of registration.

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

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1 the secretary of state pursuant to the Confidential Substitute
2 Address Act.

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

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

12 G. Within one business day after receipt of a
13 certificate of registration, the secretary of state shall send
14 the certificate to the county clerk in the county where the
15 qualified elector resides. Within one business day after
16 receipt of a certificate of registration of another county, a
17 county clerk shall send the certificate of registration to the
18 county clerk in the county where the qualified elector resides.

19 H. Only when the certificate of registration is
20 properly filled out, signed by the qualified elector and
21 accepted for filing by the county clerk as evidenced by the
22 county clerk's signature or stamp and the date of acceptance
23 thereon shall it constitute an official public record of the
24 registration of the qualified elector. A qualified elector
25 complies with a voter registration deadline established in the

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1 Election Code when a properly filled-out voter registration
2 certificate has been received by a county clerk or the
3 secretary of state, regardless of the date the certificate is
4 processed.

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

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

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

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

19 ~~(a) if the form is submitted by mail by~~
20 ~~the applicant and the applicant is registering for the first~~
21 ~~time in New Mexico, the applicant must submit with the form a~~
22 ~~copy of: 1) a photo identification issued by a government or~~
23 ~~educational institution; or 2) a current utility bill, bank~~
24 ~~statement, government check, paycheck, student identification~~
25 ~~card or other government document, including identification~~

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1 ~~issued by an Indian nation, tribe or pueblo, that shows the~~
2 ~~name and current address of the applicant; and~~

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

6 ~~(4)]~~ (3) a statement requiring the applicant
7 to swear or affirm that the information supplied by the
8 applicant is true."

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

11 "1-6-4. MAILED BALLOT APPLICATION.--

12 A. In a statewide election, application by a voter
13 for a mailed ballot shall be made only on the official form
14 approved by the secretary of state or its online equivalent
15 accessed through a website authorized by the secretary of
16 state. The form shall identify the applicant and contain
17 information to establish the applicant's qualification for
18 issuance of a mailed ballot under the Absent Voter Act.

19 B. Each application on a paper form for a mailed
20 ballot shall be signed by the applicant and shall require the
21 applicant's printed name, registration address, ~~[and]~~ year of
22 birth and required voter identification. When submitted by the
23 voter, the county clerk shall accept an application for a
24 mailed ballot pursuant to this subsection regardless of whether
25 the application for a mailed ballot is delivered to the county

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1 clerk on paper or by electronic means. When submitted by a
2 third party, the county clerk shall not accept an application
3 for a mailed ballot pursuant to this subsection if the
4 application for a mailed ballot is delivered by electronic
5 means.

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

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

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

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

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

4 E. Online applications for mailed ballots shall
5 retain the dates of submission by the qualified elector and of
6 acceptance by the county clerk. For purposes of deadlines
7 contained in the Election Code, the time and date of the
8 submission by the voter shall be considered the time and date
9 when the application for a mailed ballot is received by the
10 county clerk.

11 ~~[F. New registrants who registered for the first~~
12 ~~time in this state by mail and at that time did not provide~~
13 ~~acceptable documentary identification as required by federal~~
14 ~~law shall be informed of the need to comply with federal~~
15 ~~identification requirements when returning the requested ballot~~
16 ~~and notified that if the registrant votes for the first time in~~
17 ~~New Mexico by mail and does not follow the instructions for~~
18 ~~returning the required documentary identification, the~~
19 ~~registrant waives the right to secrecy in that mailed ballot.~~
20 ~~The secretary of state shall issue rules to exempt voters from~~
21 ~~submitting identification only as required by federal law and~~
22 ~~shall review and, if necessary, update these rules no later~~
23 ~~than March 15 of even-numbered years.~~

24 ~~G.]~~ F. A person who willfully and with knowledge
25 and intent to deceive or mislead any voter, election board,

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1 canvassing board, county clerk or other election official and
2 who falsifies any information on an absentee ballot request
3 form or who affixes a signature or mark other than the person's
4 own on a mailed ballot request form is guilty of a fourth
5 degree felony."

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

8 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

9 A. The county clerk shall mark each completed
10 application for a mailed ballot with the date and time of
11 receipt in the clerk's office and enter the required
12 information in the ballot register. The county clerk shall
13 then determine if the applicant is a voter and if the voter is
14 a uniformed-service voter or an overseas voter. If the
15 applicant is a uniformed-service voter or overseas voter, the
16 application shall be processed pursuant to the Uniform Military
17 and Overseas Voters Act. An application for a mailed ballot
18 from a voter who is not a federal qualified elector is timely
19 if received by the county clerk no later than fourteen days
20 prior to election day.

21 B. If the applicant does not have a valid
22 certificate of registration on file in the county, a mailed
23 ballot shall not be issued and the county clerk shall mark the
24 application "rejected" and file the application in a separate
25 file from those accepted.

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1 ~~[G. When required by federal law, if the applicant~~
2 ~~has on file with the county a valid certificate of registration~~
3 ~~that indicates that the applicant is a voter who is a new~~
4 ~~registrant in the state and who registered by mail without~~
5 ~~submitting the required documentary identification, the county~~
6 ~~clerk shall notify the voter that the voter must submit with~~
7 ~~the mailed ballot a form of documentary identification from the~~
8 ~~list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA~~
9 ~~1978. The county clerk shall note on the ballot register and~~
10 ~~signature roster that the applicant's mailed ballot must be~~
11 ~~returned with the required voter identification.~~

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

17 ~~[E.]~~ D. Upon the mailing of a mailed ballot to an
18 applicant who is a voter, an appropriate designation shall be
19 made in the absentee ballot register.

20 ~~[F.]~~ E. A mailed ballot shall not be delivered by
21 the county clerk to any person other than the applicant for the
22 ballot. Mailed ballots shall be sent to applicants beginning
23 twenty-eight days before the election. For each application
24 for a mailed ballot received twenty-three or more days before
25 the election, the county clerk shall send either the ballot or

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1 a notice of rejection to the applicant as soon as practicable;
2 provided that the ballot or a notice of rejection is sent not
3 later than twenty-two days before the election. For each
4 application for a mailed ballot received within twenty-two days
5 of election day, the county clerk shall send either the mailed
6 ballot or a notice of rejection to the applicant within twenty-
7 four hours after receipt of the voter's application for a
8 mailed ballot.

9 ~~[G.]~~ F. If the application for a mailed ballot from
10 a voter who is not a federal qualified elector indicates that
11 the mailed ballot is to be delivered to an address other than
12 an address listed on the voter's certificate of registration,
13 the county clerk shall prepare a notice of requested mailed
14 ballot. The notice of requested mailed ballot shall inform the
15 voter of the address to which the ballot was mailed along with
16 the phone number of the county clerk's office and the internet
17 address of the voter web portal provided by the secretary of
18 state. The notice of requested mailed ballot shall be sent to
19 the address provided on the voter's certificate of registration
20 on the same day the county clerk sends the mailed ballot to the
21 address requested by the voter.

22 ~~[H.]~~ G. When an application for a mailed ballot is
23 rejected pursuant to this section, the county clerk shall send
24 a notice of rejection to the mailing address on the voter's
25 certificate of registration and the address listed on the

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1 voter's application for mailed ballot, if different. The
2 notice of rejection shall indicate the reason for the rejection
3 and, if applicable, information on how to correct the
4 deficiency that is the reason for the rejection. If an
5 application is rejected because it was not timely received, the
6 county clerk shall, within twenty-four hours of receipt of the
7 application, send a rejection notice to the voter that shall
8 include a list of the early voting locations and election day
9 polling places in the county.

10 ~~[F.]~~ H. The county clerk shall only accept
11 applications for a mailed ballot made through the official web
12 portal operated by the secretary of state or submitted on the
13 official form. If a voter submits more than one application
14 for a mailed ballot containing the same information, subsequent
15 applications containing the same information shall not be
16 processed."

17 SECTION 6. A new section of Chapter 1, Article 12 NMSA
18 1978 is enacted to read:

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

24 SECTION 7. Section 1-12-7.1 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 112, as amended) is amended to read:

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

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

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

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

20 D. The judge or election clerk assigned to confirm
21 registration shall determine that each person offering to vote
22 is registered and, in the case of a primary election, that the
23 voter is registered in a party designated on the primary
24 election ballot. If the person's registration is confirmed and
25 the voter provides the required voter identification, the judge

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1 or election clerk shall announce to the judges or election
2 clerks the list number and the name of the voter as shown on
3 the checklist of voters. If the voter does not provide the
4 required voter identification, the voter shall be allowed to
5 vote on a provisional paper ballot and shall provide the
6 required voter identification to the county clerk's office
7 before 5:00 p.m. on the second day following the election, or
8 to the precinct board before the polls close, or the voter's
9 provisional ballot shall not be qualified. If the required
10 voter identification is provided, the voter's provisional paper
11 ballot shall be qualified and the voter shall not vote on any
12 other type of ballot.

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

19 ~~[F. If the signature roster indicates that the~~
20 ~~voter is required to present a physical form of identification~~
21 ~~before voting, the judge or election clerk shall ask the voter~~
22 ~~for the required physical form of identification. If the voter~~
23 ~~does not provide the required identification, the voter shall~~
24 ~~be allowed to vote on a provisional paper ballot; provided,~~
25 ~~however, that if the voter brings the required physical form of~~

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1 ~~identification to the polling place after casting a provisional~~
2 ~~paper ballot, that ballot shall be qualified.~~

3 ~~G.]~~ F. The judge or election clerk shall follow the
4 procedures provided for in Sections 1-12-7.2 and 1-12-8 NMSA
5 1978 if a person whose name does not appear on the signature
6 roster requests to vote or a person is required to vote on a
7 provisional paper ballot.

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

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

13 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

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

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

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

23 (3) the person executes a statement swearing
24 or affirming to the best of the person's knowledge that the
25 person is a qualified elector, is currently registered and

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1 eligible to vote in that county and has not cast a ballot or
2 voted in that election.

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

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

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

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

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

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

17 ~~[D.]~~ C. A judge or election clerk shall have the
18 voter sign the signature roster and issue the voter a
19 provisional paper ballot, an outer envelope and an official
20 inner envelope. The voter shall vote on the provisional paper
21 ballot in secrecy and, when done, place the ballot in the
22 official inner envelope and place the official inner envelope
23 in the outer envelope and return it to the judge or election
24 clerk. The judge or election clerk shall ensure that the
25 required information is completed on the outer envelope, have

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1 the voter sign it in the appropriate place and place it in an
2 envelope designated for provisional paper ballots.

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

7 **SECTION 9.** Section 1-12-20 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 273, as amended) is amended to read:

9 "1-12-20. CONDUCT OF ELECTION--INTERPOSING CHALLENGES.--A
10 challenge may be interposed by a member of the precinct board
11 or by a party challenger for the following reasons:

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

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

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

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

20 E. the required voter identification that the
21 person presents does not conform to the requirements of Section
22 1-1-24 NMSA 1978; or

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

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1 SECTION 10. Section 1-12-25.3 NMSA 1978 (being Laws 2003,
2 Chapter 356, Section 6, as amended) is amended to read:

3 "1-12-25.3. PROVISIONAL PAPER BALLOTS--REQUIRED
4 INFORMATION.--

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

- 7 (1) the name and signature of the voter;
- 8 (2) the voter's registered address, both
9 present and former if applicable;
- 10 (3) the voter's date of birth;
- 11 (4) the reason for using the ballot;
- 12 (5) the precinct and the polling place at
13 which the voter has voted; and
- 14 (6) sufficient space to list the disposition
15 of the ballot after review by the county clerk.

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

22 SECTION 11. Section 1-24-3 NMSA 1978 (being Laws 2019,
23 Chapter 212, Section 156, as amended) is amended to read:

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

25 A. All special elections in this state shall be

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

6 B. Without requiring a voter to file an application
7 to receive a ballot, the county clerk shall send a mailed
8 ballot to every voter of the county or local public body,
9 except a voter:

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

15 (2) whose voter notification pursuant to
16 Section 1-11-4.1 NMSA 1978 or official election-related mail
17 sent through a uniform, nondiscriminatory process was returned
18 to the county clerk or the secretary of state as undeliverable
19 and the voter has not communicated with the county clerk that
20 the official voter notification or election-related mail was
21 returned as undeliverable in error or filed a certificate of
22 registration with a new address; or

23 (3) whose ballot is delivered pursuant to the
24 provisions of the Intimate Partner Violence Survivor Suffrage
25 Act.

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

16 D. Between the twenty-seventh and twenty-fifth day
17 before the election, pursuant to Subsection B of this section,
18 the county clerk shall send to each voter a ballot for the
19 special election, along with a postage-paid return envelope, a
20 notice that there will be no traditional polling places for the
21 election, the recommended deadline to deposit the voted mailed
22 ballot with the United States postal service for return by
23 mail, the deadline for the ballot to be received by the county
24 clerk and a list of the times and locations of monitored
25 secured containers available in the county.

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1 E. Beginning twenty-two days before the election,
2 the county clerk shall issue replacement and provisional
3 ballots as provided in the Absent Voter Act for the mailed
4 ballot process. In addition, the county clerk shall send a
5 ballot to any voter described in Paragraphs (1) and (2) of
6 Subsection B of this section who has not previously been sent a
7 ballot if the voter submits an application pursuant to Section
8 1-6-4 NMSA 1978.

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

20 SECTION 12. Section 66-5-408 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 335, as amended) is amended to read:

22 "66-5-408. FEES.--

23 A. Upon application for an identification card with
24 a four-year term, there shall be paid to the department a fee
25 of five dollars (\$5.00). Upon application for an

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1 identification card with an eight-year term, there shall be
2 paid to the department a fee of ten dollars (\$10.00). A fee
3 shall not be charged to an applicant for an identification card
4 if the applicant:

5 (1) is at least seventy-five years of age or a
6 homeless individual; or

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

11 B. The department with the approval of the governor
12 may increase the amount of the identification card fee by an
13 amount not to exceed three dollars (\$3.00) for the purpose of
14 implementing an enhanced licensing system; provided that for an
15 identification card issued for an eight-year period, the amount
16 of the fee shall be twice the amount charged for other
17 identification cards. The additional amounts collected
18 pursuant to this subsection are appropriated to the department
19 to defray the expense of the new system of licensing and for
20 use as set forth in the provisions of Subsection F of Section
21 66-6-13 NMSA 1978. Unexpended and unencumbered balances from
22 fees collected pursuant to the provisions of this subsection at
23 the end of any fiscal year shall not revert to the general fund
24 but shall be expended by the department in fiscal year 2010 and
25 subsequent fiscal years.

.227275.2

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1 C. As used in this section, "homeless individual"
2 means an individual:

3 (1) who lacks a fixed, regular and adequate
4 nighttime residence, including an individual who:

5 (a) lives in the housing of another
6 person due to that individual's loss of housing, economic
7 hardship or other reason related to that individual's lack of a
8 fixed residence;

9 (b) lives in a motel, hotel, trailer
10 park or camping ground due to the lack of alternative adequate
11 accommodations;

12 (c) lives in an emergency or
13 transitional shelter;

14 (d) sleeps in a public or private place
15 not designed for or ordinarily used as a regular sleeping
16 accommodation for human beings; or

17 (e) lives in an automobile, a park, a
18 public space, an abandoned building, substandard housing, a bus
19 station, a train station or a similar setting; and

20 (2) whose homelessness can be verified through
21 an attestation, which shall not be required to be notarized, by
22 one of the following:

23 (a) a public or private governmental or
24 nonprofit agency that provides services to homeless
25 individuals;

.227275.2

1 (b) a local education agency homeless
2 liaison, school counselor or school nurse;

3 (c) a social worker licensed in the
4 state; or

5 (d) the homeless individual."

6 SECTION 13. REPEAL.--Section 1-12-4.1 NMSA 1978 (being
7 Laws 2005, Chapter 270, Section 59) is repealed.

8 SECTION 14. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2024.

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