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SENATE BILL 32

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Gregg Schmedes

AN ACT

RELATING TO ELECTIONS; PROHIBITING THE SHARING OF EARLY AND
ABSENTEE VOTER INFORMATION WHILE AN ELECTION IS UNDERWAY;
AMENDING SECTIONS OF THE ELECTION CODE.

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

SECTION 1. 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

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1 materials.

2 B. In furnishing voter data, mailing labels or
3 special voter lists, the county clerk or secretary of state
4 shall not provide data or lists that include voters' social
5 security numbers, codes used to identify agencies where voters
6 have registered, a voter's day and month of birth, [ø] voters'
7 telephone numbers if prohibited by voters or information
8 regarding a voter's request for or return or status of an
9 absentee ballot or early vote while an election is underway.

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

15 D. The secretary of state shall prescribe the form
16 of the affidavit.

17 E. As used in this section:

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

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

25 (3) "mailing labels" means prepared mailing

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1 labels of selected voters arranged in the order in which
2 requested and providing only the name and address of the voter;

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

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

8 SECTION 2. Section 1-5-14 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 118, as amended) is amended to read:

10 "1-5-14. FILE MAINTENANCE REPORTS--VOTER FILE
11 UPDATES.--

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

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

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

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1 political parties in the county.

2 D. File maintenance reports and updated voter files
3 shall be provided in a manipulable digital format and shall not
4 include the voter's social security number, codes used to
5 identify the agency where the voter registered, the voter's day
6 and month of birth, the voter's email address, information
7 regarding a voter's request for or return or status of an
8 absentee ballot or early vote while an election is underway or,
9 if prohibited by the voter, the voter's telephone number."

10 SECTION 3. Section 1-6-6 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 132, as amended) is amended to read:

12 "1-6-6. BALLOT REGISTER.--

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

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

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

20 (3) whether the application was accepted or
21 rejected;

22 (4) the date of issue of an absentee ballot at
23 an early voting location or the mailing of an absentee ballot
24 to the applicant;

25 (5) the applicant's precinct;

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

4 (7) whether the voter is required to submit
5 documentary identification pursuant to Section 1-6-5 NMSA 1978;
6 and

7 (8) the date and time the completed mailed
8 ballot was received from the voter by the county clerk or the
9 absent voter registered a ballot early in person in the county
10 clerk's office or at an alternate location.

11 B. For each special election, the county clerk
12 shall keep a "mailed ballot register", in which the county
13 clerk shall enter:

14 (1) the name and address of each voter to whom
15 a mailed ballot was sent;

16 (2) the date of mailing of a mailed ballot to
17 the voter;

18 (3) the applicant's precinct;

19 (4) whether the voter is a uniformed-service
20 voter or an overseas voter;

21 (5) whether the voter is required to submit a
22 documentary identification pursuant to Section 1-6-5 NMSA 1978;
23 and

24 (6) the date and time the completed mailed
25 ballot was received from the voter by the county clerk.

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1 C. Beginning the day after an election, each ballot
2 register is a public record open to public inspection in the
3 county clerk's office during regular office hours. The county
4 clerk shall have an updated ballot register available for
5 public inspection Monday through Friday during regular office
6 hours.

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

15 E. Upon request by a candidate or chair of a
16 political party participating in a partisan election in the
17 county, the county clerk shall transmit to the candidate or
18 county chair [~~of each of the political parties participating in~~
19 ~~a partisan election in the county a complete~~] a copy of entries
20 made in the absentee ballot register, excluding the name and
21 address of any voter. Such transmissions shall be made once
22 each week beginning four weeks immediately prior to the
23 election. A final copy with voter names and addresses shall be
24 transmitted on the Saturday immediately following the election.

25 [F. ~~If the county clerk has available the~~

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1 ~~technology to do so, at the request of a candidate or chair of~~
2 ~~a political party of the county, the county clerk shall~~
3 ~~electronically transmit to the candidate or chair via the~~
4 ~~internet the information, when updated, on the absentee ballot~~
5 ~~register indicating voters who have requested absentee ballots,~~
6 ~~returned their absentee ballots or voted early in person.]"~~

7 SECTION 4. Section 1-11-13 NMSA 1978 (being Laws 1969,
8 Chapter 240, Section 223, as amended) is amended to read:

9 "1-11-13. INDEX OF VOTERS.--Upon the written request of a
10 qualified political party, a candidate, an election-related
11 organization or an election observer, the secretary of state
12 shall send to the requester an index of all voters and their
13 addresses, their party affiliation, their precinct, their voter
14 history and their unique identifier [~~and their early or~~
15 ~~absentee voting status in any election currently underway].~~

16 Each index shall be certified by the secretary of state as
17 being an accurate listing of all voters in each requested
18 county. The written request shall specify whether the
19 information is to be received electronically or on paper, the
20 electronic or physical delivery address, the time period during
21 which the information is to be received, the frequency of
22 receiving the information and the method of payment."