AN ACT

RELATING TO ELECTIONS; STANDARDIZING LANGUAGE IN THE ELECTION CODE; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR BALLOT-PRINTING SYSTEMS; ALLOWING FOR ELECTION OBSERVERS AND ELECTION-RELATED ORGANIZATIONS; DELIMITING DUTIES OF THE SECRETARY OF STATE AND COUNTY CLERKS; PROVIDING FOR THE APPOINTMENT AND OPERATION OF PRECINCT BOARDS; PROVIDING FOR CHALLENGERS, WATCHERS AND COUNTY CANVASS OBSERVERS; PROVIDING REGISTRATION PROCEDURES; PROVIDING VOTING PROCEDURES FOR EARLY IN-PERSON ABSENTEE VOTING; PROVIDING QUALIFICATION PROCEDURES FOR MINOR PARTIES; SETTING THE DATE OF THE PRIMARY ELECTION; SETTING FILING DATES FOR CERTAIN CANDIDATES; PRESCRIBING THE FORM FOR NOMINATING PETITIONS; PROVIDING PROCEDURES FOR CERTIFICATION AND PREPARATION OF VOTING MACHINES; PROVIDING FOR ELECTION AND POST-ELECTION PROCEDURES; AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978.

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

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

"ELECTION OBSERVER.---As used in the Election Code, "election observer" means a person registered with the United States department of state as an international election observer or a person registered with the New Mexico secretary
of state who is an academic engaged in research on elections and the election process."

SECTION 2. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:
"ELECTION-RELATED ORGANIZATION.--As used in the Election Code, "election-related organization" means an organization registered with the secretary of state that is involved in election monitoring or voter turnout activities."

SECTION 3. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:
"BALLOT BOX KEY.--As used in the Election Code, "ballot box key" means:

A. a physical key that opens a lock used to secure a ballot box; or

B. the number on a numbered seal affixed to secure a ballot box."

SECTION 4. Section 1-1-3.1 NMSA 1978 (being Laws 2003, Chapter 356, Section 1) is amended to read:
"1-1-3.1. ELECTION CYCLE.--Except as otherwise provided, as used in the Election Code:

A. "election cycle" means the period beginning on the day after the last general election and ending on the day of the general election;

B. "general election cycle" means the period beginning on the day after the primary election and ending on
the day of the general election; and

C. "primary election cycle" means the period
beginning on the day after the last general election and
ending on the day of the primary election."

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

"1-1-4. QUALIFIED ELECTOR.--As used in the Election
Code, "qualified elector" means any resident of this state
who is qualified to vote under the provisions of the
constitution of New Mexico and the constitution of the United
States."

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

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

SECTION 7. Section 1-1-12 NMSA 1978 (being Laws 1969,
Chapter 240, Section 11, as amended) is amended to read:

"1-1-12. CONSOLIDATED PRECINCT.--

A. As used in the Election Code, "consolidated
precinct" means the combination of two or more precincts into
one polling place pursuant to the provisions of Section 1-3-4
NMSA 1978.

B. When consolidated precincts are used in an
election, references to "precincts" in the voting process shall be applicable to consolidated precincts."

SECTION 8. Section 1-1-13 NMSA 1978 (being Laws 1969, Chapter 240, Section 12) is amended to read:

"1-1-13. PRECINCT BOARD.--As used in the Election Code, "precinct board" or "poll workers" means the appointed election officials serving a single precinct, a consolidated precinct, an absent voter precinct or an alternate voting location."

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

"1-1-14. PUBLICATION.--

A. As used in the Election Code, "publication", unless otherwise provided in the constitution of New Mexico or the Election Code, means publication for the required number of times in a newspaper of general circulation in the county. "Publication in Spanish" means publication for the required number of times in an official Spanish language newspaper as set forth in Section 14-11-13 NMSA 1978 or any other Spanish language newspaper that meets the requirements of Section 14-11-2 NMSA 1978 if such newspaper exists in the county and is of general circulation in the county.

B. In addition to publication as required by Subsection A of this section, any publication required of:

(1) the secretary of state shall also be
posted in the office of the secretary of state and on the
secretary of state's web site; and

(2) the county clerk shall also be posted in
the office of the county clerk and on the county's web site,
if the county maintains a web site."

SECTION 10. Section 1-1-15 NMSA 1978 (being Laws 1969,
Chapter 240, Section 15) is amended to read:

"1-1-15. POSTING.--

A. As used in the Election Code, "posting" means
posting for not less than seven days prior to an election or
to an action to be taken.

B. A posting as described in Subsection A of this
section is satisfied by posting in the office of:

(1) the secretary of state and on the
secretary of state's web site, when the secretary of state
has the duty to post; or

(2) the county clerk and on the county's web
site, if the county maintains a web site, when the county
clerk has the duty to post."

SECTION 11. A new section of Chapter 1, Article 2 NMSA
1978 is enacted to read:

"STATE CANVASS OBSERVERS.--

A. The state chair of each political party
represented on the ballot may appoint in writing state
canvass observers. A candidate for elected office and an
election-related organization may each appoint state canvass
observers if the candidate or organization makes a written
request to the secretary of state at least ten days prior to
the election date and specifies the names of the qualified
appointees.

B. State canvass observers shall be voters of the
state. No person shall be qualified for appointment or
service as a state canvass observer who is a sheriff, deputy
sheriff, marshal, deputy marshal or state or municipal police
officer.

C. The state canvass observer or election
observer, upon presentation of the observer's written
appointment, shall be permitted to be present at any time
from the time the state canvassing begins until the
completion of the canvass.

D. A state canvass observer or election observer
is strictly limited to observing and documenting the
canvassing process, and shall not interrupt the canvassing
process.

E. State canvass observers shall not interfere
with the orderly conduct of the canvass and may be removed by
the secretary of state if the observer does not comply with
the law.

F. As used in this section, "state canvass" means
the process of examining election returns and certificates
issued by the county canvassing boards and ending with the
certification and announcement of the results by the state
canvassing board."

SECTION 12. 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--ENFORCEMENT POWERS.--

A. The secretary of state is the chief election
officer of the state and shall:

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

(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; and

(3) through the attorney general or the
district attorney having jurisdiction, bring such actions as
deemed necessary and proper for the enforcement of the
provisions of the Election Code.

B. 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 13. Section 1-2-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 23, as amended) is amended to read:

"1-2-2. SECRETARY OF STATE--GENERAL DUTIES.--The secretary of state shall:

A. generally supervise all elections by administrating the Election Code in its statewide application;

B. prepare instructions for the conduct of election and registration matters in accordance with the laws of the state;

C. advise county clerks, boards of county commissioners and boards of registration as to the proper methods of performing their duties prescribed by the Election Code;

D. report possible violations of the Election Code of which the secretary of state has knowledge to the district attorney or the attorney general for prosecution;

E. cause to be published in book form and distributed to the county clerk of each county for use by precinct boards a sufficient number of copies of the Election Code as it is from time to time amended and supplemented;

F. be responsible for the education and training of county clerks regarding elections;

G. be responsible for the education and training of voting machine technicians; and

H. assist the county clerks in the education and
training of registration officers."

SECTION 14. Section 1-2-7 NMSA 1978 (being Laws 1969, Chapter 240, Section 29, as amended) is amended to read:

"1-2-7. PRECINCT BOARD--QUALIFICATION OF MEMBERS--QUALIFICATION OF PRESIDING JUDGES--QUALIFICATION OF MINORS.--

A. In order to qualify as a member of the precinct board, a person shall:

(1) be a voter of the county in which the person is appointed to serve;

(2) be able to read and write;

(3) have the necessary capacity to carry out a precinct board member's functions with acceptable skill and dispatch; and

(4) execute the precinct board member's oath of office.

B. Before serving as a presiding judge of a precinct board, a person shall receive training in the duties of that position and be certified for the position by the county clerk.

C. No person shall be qualified for appointment or service on a precinct board:

(1) who is a candidate to be voted for at the election;

(2) who is a spouse, parent, child, brother
or sister of any candidate to be voted for at the election;

(3) who is married to a parent, child, brother or sister of any candidate to be voted for at the election or who is the parent of the spouse of any candidate to be voted for at the election; or

(4) who is a sheriff, deputy sheriff, marshal, deputy marshal or state or municipal police officer.

D. A county clerk may appoint not more than two minors to serve on a precinct board under the direct supervision of the presiding judge. A minor appointed by the county clerk shall:

(1) meet the qualifications set forth in Subsection A of this section, except the minor need not be eligible to vote;

(2) be sixteen or seventeen years of age at the time of the election in which the minor is serving as a member of a precinct board;

(3) be a citizen at the time of the election for which the minor will be serving as a member of a precinct board;

(4) have the approval of the minor's parent or legal guardian, unless the minor is emancipated;

(5) attend at least one school of instruction in accordance with the provisions of Section 1-2-17 NMSA 1978; and
(6) be appointed to a precinct board in the county in which the minor's parent or legal guardian resides, in accordance with the provisions of Section 1-2-11 NMSA 1978.

E. A minor appointed to a precinct board shall not serve as the presiding judge or as an election judge."

SECTION 15. Section 1-2-11 NMSA 1978 (being Laws 1977, Chapter 222, Section 5) is amended to read:

"1-2-11. PRECINCT BOARD--ASSIGNMENT.--Wherever possible, the county clerk shall assign persons appointed as precinct board members to serve in precincts wherein they reside or in precincts located in the representative district wherein they reside. In the event of a shortage or absence of precinct board members in certain precincts, the county clerk may, in the best interest of the election process, assign appointed precinct board members to serve on any precinct board in the county, provided that such appointed board members shall not change the proportionate representation of each party on the board."

SECTION 16. 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 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.

SECTION 17. Section 1-2-14 NMSA 1978 (being Laws 1969, Chapter 240, Section 34, as amended) is amended to read:

"1-2-14. PRECINCT BOARDS--NOTICE OF APPOINTMENT.--
A. Immediately after the appointment of the precinct boards, the county clerk shall:
(1) make and certify a list of the names of
the appointees for each polling location, by precinct where
applicable, post the list in a conspicuous and accessible
place in the county clerk's office and keep it posted for
five days and send a copy of the list upon request to the
county chair of each political party participating in the
election and to the secretary of state; and

(2) notify each person appointed, request
the person's acceptance and keep a record of all
notifications and acceptances.

B. If any person appointed to a precinct board
fails to accept the appointment within two weeks after the
notice was sent or communicated, the county clerk shall
appoint another qualified person for the precinct board."

SECTION 18. Section 1-2-16 NMSA 1978 (being Laws 1969,
Chapter 240, Section 36, as amended) is amended to read:

"1-2-16. PRECINCT BOARD--COMPENSATION. --

A. Members of a precinct board shall be
compensated for their services at the rate of not less than
the federal minimum hourly wage rate nor more than two
hundred dollars ($200) for an election day.

B. Members of a precinct board assigned to
alternate voting locations or absent voter precincts may be
compensated at an hourly rate set by the county clerk.

C. Compensation shall be paid within thirty days
following the date of election."

SECTION 19. Section 1-2-17 NMSA 1978 (being Laws 1969, Chapter 240, Section 37, as amended) is amended to read:

"1-2-17. PRECINCT BOARD--SCHOOLS OF INSTRUCTION.--

A. The county clerk shall cause to be held a public school of instruction for all presiding judges, precinct boards and others who will be officially concerned with the conduct of elections.

B. The schools for instruction provided for in this section shall be as follows:

(1) one school not less than seven days before the primary election;

(2) one school not less than seven days before the general election; and

(3) one school not less than seven days before any other statewide election.

C. All major details of the conduct of elections shall be covered by the county clerk or the clerk's authorized representative at such school, with special emphasis being given to recent changes in the Election Code.

D. The school of instruction shall be open to any interested person, and notice of the school shall be given to the public press at least four days before the school is to be held. Each member of the precinct board shall be notified at least seven days prior to commencement of the school.
E. A person shall not serve as a judge or member of a precinct board in any election unless that person has attended at least one such school of instruction in the calendar year of the election at which the person is appointed to serve or has been certified by the county clerk with respect to the person's completion of the school of instruction. This subsection shall not apply to filling of vacancies on election day as provided in Subsection B of Section 1-2-15 NMSA 1978."

SECTION 20. Section 1-2-21 NMSA 1978 (being Laws 1969, Chapter 240, Section 40, as amended) is amended to read:

"1-2-21. CHALLENGERS--APPOINTMENT.--

A. The county chair of each political party represented on the ballot may appoint in writing challengers for each polling location. If more than one challenger is appointed to a polling location, the challengers shall be listed in ranking order.

B. If any county chair fails to make such appointments, the precinct chair of the political party may appoint in writing one challenger for the polling location corresponding to the precinct.

C. If any precinct chair fails to make such appointments, or if no person properly appointed is present at the polling place and offers to serve, the voters present belonging to that political party may appoint one challenger
in writing."

SECTION 21. Section 1-2-22 NMSA 1978 (being Laws 1969, Chapter 240, Section 41, as amended) is amended to read:

"1-2-22. CHALLENGERS, WATCHERS AND ELECTION OBSERVERS--QUALIFICATIONS--RESTRICTIONS.--Challengers and watchers shall be voters of a precinct located in that county to which they are appointed. No person shall be qualified for appointment or service as a challenger, watcher or election observer:

A. who is a candidate for any office to be voted for at the election;

B. who is a spouse, parent, child, brother or sister of any candidate to be voted for at the election;

C. who is married to a parent, child, brother or sister of any candidate to be voted for at the election or who is the parent of the spouse of any candidate to be voted for at the election; or

D. who is a sheriff, deputy sheriff, marshal, deputy marshal or state or municipal police officer."

SECTION 22. Section 1-2-23 NMSA 1978 (being Laws 1969, Chapter 240, Section 42, as amended) is amended to read:

"1-2-23. CHALLENGERS--PERMITTED ACTIVITIES.--

A. A challenger, upon presentation of the written appointment to the precinct board, shall be permitted to be present at any time from the time the precinct board convenes..."
at the polling place until the completion of the precinct board's duties after the polls close.

B. A challenger, for the purpose of interposing challenges, may:

(1) view the signature roster or precinct voter list for the purpose of determining whether the challenger desires to interpose a challenge when a signature roster or precinct voter list is used;

(2) view the application to vote form before the voter receives a ballot for the purpose of determining whether the challenger desires to interpose a challenge when an application to vote form is used;

(3) view the signature roster or checklist of voters to determine whether entries are being made in accordance with the Election Code;

(4) view each voting machine before the polls are opened to ensure that the public counter is at zero, that the results tape contains no votes and that there are no voted ballots in the voting machine bins; and

(5) make in any polling place and preserve for future reference written memoranda of any action or omission on the part of any member of the precinct board."

SECTION 23. Section 1-2-25 NMSA 1978 (being Laws 1969, Chapter 240, Section 44, as amended) is amended to read:

"1-2-25. CHALLENGERS, WATCHERS, COUNTY CANVASS
OBSERVERS--PERMITTED AND PROHIBITED ACTIVITIES.--

A. Challengers, watchers and county canvass observers shall:

(1) not be permitted to perform any duty of a precinct board member;

(2) not handle the ballots, signature rosters, checklist of voters or voting machines or take any part in the counting or tallying of the ballots or the county canvass;

(3) not be allowed to view a voter's full date of birth or any portion of the voter's social security number;

(4) not interfere with the orderly conduct of the election, the counting or tallying of the ballots or the county canvass;

(5) be allowed in the room in which the voting is being conducted at a polling location, provided that at any given time each political party, candidate or election-related organization may have no more than one person present; and

(6) be allowed in the room in which the absent voter precinct board conducts its business or, in the case of county canvass observers, in which the county canvass is conducted, provided that each political party, candidate or election-related organization shall have no more than:
(a) two persons present at any given time in counties with more than ten thousand registered voters;

(b) four persons present at any given time in counties with more than fifty thousand registered voters; or

(c) fifteen persons present at any given time in counties with more than two hundred fifty thousand registered voters.

B. Subject to permission granted by the county clerk, additional challengers may be present in the room in which the absent voter precinct board conducts its business, provided that the number of additional challengers allowed pursuant to this subsection is identical for each political party participating in the election."

SECTION 24. Section 1-2-26 NMSA 1978 (being Laws 1969, Chapter 240, Section 45, as amended) is amended to read:

"1-2-26. CHALLENGERS--PENALTY.--The act of denying a challenger, who has presented a written appointment to the precinct board and who is not interfering with the orderly conduct of the election, the right to be present at the polling place, or denying a challenger the right to challenge voters and view the signature rosters or checklist of voters or denying a challenger the right to witness the precinct board in the conduct of its duties is a petty misdemeanor."
SECTION 25. Section 1-2-27 NMSA 1978 (being Laws 1969, Chapter 240, Section 46, as amended) is amended to read:

"1-2-27. WATCHERS--APPOINTMENT.--

A. An election-related organization may appoint watchers in a county if the organization provides a written notice to the secretary of state at least ten days prior to the election date and specifies the names of the qualified appointees. The secretary of state shall notify the county clerk of the qualified appointees at least five days before the election.

B. Any group of three candidates for elected office may appoint watchers in a county if the candidates provide a written notice to the secretary of state at least ten days prior to the election date and specify the names of the qualified appointees. The secretary of state shall notify the county clerk of the qualified appointees at least five days before the election."

SECTION 26. Section 1-2-29 NMSA 1978 (being Laws 1969, Chapter 240, Section 48, as amended) is amended to read:

"1-2-29. WATCHERS AND ELECTION OBSERVERS--PERMISSIBLE ACTIVITIES.--

A. Upon presentation to a precinct board of a written appointment, a watcher or election observer may:

(1) be present at any time from the time the precinct board convenes at the polling place until the
completion of the precinct board's duties after the polls close;

(2) be permitted to observe that the election is being conducted in accordance with the Election Code;

(3) view the precinct voter list to ascertain whether a voter has voted, subject to the same prohibitions and restrictions as are placed upon challengers by the Election Code;

(4) view any voting machine being used in the precinct in the same manner that challengers may examine the voting machines; and

(5) make in any polling place and preserve for future reference written memoranda of any action or omission on the part of any member of the precinct board charged with the performance of a duty by the Election Code.

B. A watcher appointed on behalf of candidates may be present only in polling locations within the county of appointment at which ballots are cast for at least one of the candidates making the appointment."

SECTION 27. Section 1-2-30 NMSA 1978 (being Laws 1969, Chapter 240, Section 49) is amended to read:

"1-2-30. WATCHERS AND ELECTION OBSERVERS--PENALTY.--The act of denying a watcher or an election observer, who has presented a written appointment to the precinct board and who
is not interfering with the orderly conduct of the election, the right to be present at the polling place or denying a watcher or election observer the right to witness the precinct board in the conduct of its duties is a petty misdemeanor."

SECTION 28. Section 1-2-31 NMSA 1978 (being Laws 2005, Chapter 270, Section 15) is amended to read:

"1-2-31. COUNTY CANVASS OBSERVERS.--

A. The county chair of each political party represented on the ballot may appoint in writing county canvass observers. A candidate for elected office and an election-related organization may each appoint county canvass observers in a county if the candidate or organization makes a written request to the secretary of state at least ten days prior to the election date and specifies the names of the qualified appointees. The secretary of state shall notify the county clerk of the qualified appointees at least five days before the election.

B. County canvass observers shall be voters of a precinct located in that county to which they are appointed. No person shall be qualified for appointment or service as a county canvass observer who is a sheriff, deputy sheriff, marshal, deputy marshal or state or municipal police officer.

C. A county canvass observer or an election observer, upon presentation of the observer's written
appointment, shall be permitted to be present at any time
from the time the county canvassing begins until the
completion of the canvass.

D. A county canvass observer or election observer
is strictly limited to observing and documenting the
canvassing process and shall not interrupt the canvassing
process.

E. County canvass observers and election observers
shall not interfere with the orderly conduct of the canvass
and may be removed by the county clerk if the observer does
not comply with the law.

F. As used in this section, "county canvass" means
the process of qualifying and verifying paper ballots and
counting and tallying votes for each precinct beginning upon
the closing of the polls and ending with the certification
and announcement of the results by the county canvassing
board."

SECTION 29. Section 1-3-3 NMSA 1978 (being Laws 1969,
Chapter 240, Section 52, as amended) is amended to read:

"1-3-3. PRECINCTS--COMBINED.--

A. In the interest of economy, the board of county
commissioners may combine any precinct where the total vote
cast from that precinct in the last preceding general
election was less than one hundred with an adjacent and
contiguous precinct."
B. No such combination shall be made where the total vote cast from both precincts in the last preceding general election exceeds eight hundred or where such combinations would cross legislative district boundary lines."

SECTION 30. Section 1-4-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 60, as amended) is amended to read:

"1-4-2. QUALIFICATION FOR REGISTRATION.--Any resident of New Mexico who will be a qualified elector at the date of the next ensuing election shall be permitted within the provisions of the Election Code to register and become a voter."

SECTION 31. 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.

E. Only when the certificate of registration is properly filled out, subscribed 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. 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.

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

SECTION 32. Section 1-4-15 NMSA 1978 (being Laws 1969, Chapter 240, Section 71, as amended) is amended to read:

"1-4-15. REGISTRATION--CHANGE OF PARTY AFFILIATION.--

A. A voter may change the voter's designated party affiliation by executing a new certificate of registration indicating the change of party affiliation.

B. A voter who has previously declined to designate a party affiliation but who desires to designate a party affiliation shall execute a new certificate of
registration indicating the desired party affiliation.

C. A voter who does not designate on the certificate of registration a party affiliation shall be considered to have declined to designate a party affiliation."

SECTION 33. Section 1-4-18 NMSA 1978 (being Laws 1969, Chapter 240, Section 74, as amended by Laws 1993, Chapter 314, Section 17 and also by Laws 1993, Chapter 316, Section 17) is amended to read:

"1-4-18. CHANGE OF REGISTERED RESIDENCE TO ANOTHER COUNTY.--When a voter changes the voter's registered residence address from one county in this state to another county in this state, the voter shall complete a new certificate of registration and file it with the appropriate county clerk."

SECTION 34. Section 1-4-22 NMSA 1978 (being Laws 1969, Chapter 240, Section 78, as amended) is amended to read:

"1-4-22. CANCELLATION OF REGISTRATION--PETITION TO DISTRICT COURT.--

A. At any time not less than ninety days prior to a primary or general election, the secretary of state may file and present to the district court a verified petition alleging, on information and belief, that certain persons registered, named in the petition, are not qualified electors in the precincts named in the petition. The petition shall
contain a brief statement of the facts upon which such allegation is made.

B. Upon filing and presentation of the petition, the court shall by order fix a day for hearing thereon, which date shall be not less than fourteen days nor more than twenty-one days after such order. The court shall direct the county clerk to use the address on the certificates of registration to forthwith notify the persons named in the petition whose registration is sought to be canceled of the date and purpose of the hearing and that each person should contact the county clerk no later than the close of business the day before the hearing or be present at the hearing if the person desires to oppose the cancellation.

C. If, after hearing, the court finds that the registration of any of the persons named in the petition should be canceled, it shall by order direct the county clerk to cancel the registrations."

SECTION 35. Section 1-4-27.1 NMSA 1978 (being Laws 2001, Chapter 46, Section 1, as amended) is amended to read:

"1-4-27.1. CANCELLATION OF REGISTRATION FOLLOWING CONVICTION--ELIGIBILITY FOR VOTING UPON SATISFACTION OF CONDITIONS.--

A. When a voter has been convicted of a felony in any state or federal court, the voter's registration shall be canceled.
B. A person convicted of a felony who is otherwise a qualified elector is eligible to register to vote when that person:

(1) has been unconditionally discharged from a correctional facility or detention center;

(2) has completed all conditions of parole or supervised probation; or

(3) has had the conviction overturned on appeal.

C. The secretary of state shall each month maintain current in the statewide voter registration electronic management system the eligibility status of persons convicted of felonies to register to vote pursuant to this section.

D. The corrections department, the New Mexico sentencing commission and the administrative office of the courts shall deliver to the secretary of state information and data as needed to carry out the provisions of this section.

E. The secretary of state shall request from the United States attorney for the district of New Mexico, in conformance with 42 U.S.C. Section 1973gg-6(g), information and data as needed to carry out the provisions of this section."

SECTION 36. Section 1-4-28 NMSA 1978 (being Laws 1975, SB 403 Page 29
Chapter 255, Section 46, as amended) is amended to read:

"1-4-28. CANCELLATION OF REGISTRATION--CHANGE OF
RESIDENCE--NOTICE.--

A. The secretary of state, county clerks and
boards of registration, in compliance with the federal
National Voter Registration Act of 1993, shall remove from
the official list of eligible voters the names of voters who
are ineligible to vote due to change of residence.

B. The secretary of state shall conduct a general
program that identifies voters who may no longer reside at
their address of registration. This program shall use
information supplied by the United States postal service
national change of address service. This program may also
include, among other practices, identification of voters
whose official election-related mail is returned and periodic
mailings to voters to verify continued residency at their
address of registration, provided such practices are uniform,
nondiscriminatory and in compliance with the federal Voting

C. Between ninety and one hundred twenty days
before the next general election, the secretary of state
shall send to each voter who it appears has changed address
from the voter's precinct of registration a notice, sent by
forwardable mail, that shall include a postage prepaid and
pre-addressed return card. The notice shall state that:
(1) if the voter did not change residency, the voter should return the card no later than twenty-eight days before the next general election;

(2) if the voter does not return the card, the voter may be provided an opportunity to update the voter's registration address before the voter casts a ballot in any election during the period beginning on the date of the notice and ending on the day after the second general election that occurs after the date of the notice;

(3) if the voter does not vote in any election during the period beginning on the date of that notice and ending on the day after the second general election that occurs after the date of the notice, the voter's registration may be canceled;

(4) if the voter has changed residence within the same county, the voter should complete the place on the return card for the voter to indicate the address of the new residence and a request to have the voter's registration moved to that address in the same county; and

(5) if the voter has changed residence outside of the county, the voter should follow the information provided concerning how the voter can continue to be eligible to vote.

D. The county clerk shall correct the official list of eligible voters in accordance with change of
residence information obtained on the prepaid and
pre-addressed return card to a new address in the same
county, and such names shall not be removed from the list of
eligible voters for reason of change of residence.

E. No later than the fifteenth day of March
following a general election, the board of registration shall
review the list of eligible voters. The board of
registration shall direct the county clerk to cancel the
registration of any voter who has been sent notice in
conformance with this section and who:

(1) has failed to respond to the notice sent
in conformance with this section and has not voted or
appeared to vote in any election during the period beginning
on the date of the notice and ending on the day after the
second general election that occurs after the date of the
notice; or

(2) has confirmed in writing that the voter
has changed residence to a place outside the county."

SECTION 37. Section 1-4-30 NMSA 1978 (being Laws 1969,
Chapter 240, Section 86, as amended by Laws 1993, Chapter
314, Section 26 and also by Laws 1993, Chapter 316, Section
26) is amended to read:

"1-4-30. CANCELLATION OF REGISTRATION--VOTER'S
REQUEST.--

A. The county clerk shall cancel a certificate of
registration upon the request of a voter only for the following reasons:

(1) when the voter changes the voter's registered residence address to another county within the state;

(2) when the voter moves to another state; and

(3) upon the written request of the voter.

B. A written request by a voter to cancel the voter's registration shall be in writing and subscribed before a registration officer or a person authorized to administer oaths or on a form prescribed by the secretary of state.

C. The voter's certificate of registration shall be deemed canceled upon receipt by the county clerk of the request when the request is for the reasons specified in Subsection A of this section."

SECTION 38. Section 1-4-50 NMSA 1978 (being Laws 2007, Chapter 337, Section 1) is amended to read:

"1-4-50. PROHIBITION ON RELEASE OF REGISTRATION INFORMATION.--The secretary of state, county clerk or any other registration agent shall not release to the public a voter's social security number or a voter's month and day of birth, and no person shall release to the public or share that information with someone other than a registration
officer if the person learned of that information from the voter's certificate of registration."

SECTION 39. 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--FEDERAL QUALIFIED ELECTOR--OVERSEAS VOTER.--

A. Application by a federal qualified elector or an overseas voter for an absentee ballot shall be made on the official postcard form prescribed or authorized by the federal government to the county clerk of the county of the applicant's residence. The form shall allow the applicant to receive an absentee ballot for all elections within an election cycle.

B. Application by a voter for an absentee ballot shall be made only on a form prescribed by the secretary of state in accordance with federal law. 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.

C. 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.

D. An application for an absentee ballot by a federal qualified elector or an overseas voter shall be accepted at any time preceding the general election.

E. 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 40. 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, an absent uniformed
services voter or an overseas voter.

B. If the applicant does not have a valid
certificate of registration on file in the county and is not
a federal qualified elector or if the applicant states that
the applicant is a federal qualified elector but the
application indicates the applicant is not a federal
qualified elector, 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 county clerk finds that the applicant is
a voter other than a federal qualified elector or overseas voter, 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. If the county clerk finds that the applicant is a federal qualified elector or overseas voter, the county clerk shall mark the application "accepted" and beginning forty-five days before the election, mail to the applicant an absentee ballot and the required envelopes for use in returning the ballot. Acceptance of an application of a federal qualified elector constitutes registration for the election in which the ballot is to be cast. Acceptance of an application from an overseas voter who is not an absent uniformed services voter constitutes a request for changing information on the certificate of registration of any such voter. 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 41. Section 1-6-5.6 NMSA 1978 (being Laws 2003, Chapter 357, Section 6, as amended) is amended to read:

"1-6-5.6. EARLY VOTING--ALTERNATE VOTING LOCATIONS--PROCEDURES.--The county clerk shall:

A. ensure that voters have adequate access to alternate voting locations for early voting in the county, taking into consideration population density and travel time to the location of voting;

B. ensure that early voters are not allowed to vote in person on election day;

C. ensure that adequate interpreters are available at alternate voting locations in those precincts having a majority of qualified electors who are part of a recognized language minority; and

D. based on rules adopted by the secretary of state, allow for mobile alternate voting locations in rural areas of the state that may be set up temporarily in specified precincts of the county during the period when early voting is allowed at alternate voting locations."

SECTION 42. Section 1-6-5.7 NMSA 1978 (being Laws 2005, Chapter 270, Section 40, as amended) is amended to read:

"1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING PROCEDURES--ALTERNATE VOTING LOCATIONS.--

A. Commencing on the third Saturday prior to an
election and ending on the Saturday immediately preceding the
election, an early voter may vote in person on a voting
system at an alternate voting location established by the
county clerk.

B. Early voting shall be conducted in each office
of the county clerk and at such alternate voting locations as
may be established by the county clerk, provided that the
county clerk shall establish:

(1) in counties with more than ten thousand
voters, not fewer than one alternate voting location;

(2) in counties with more than fifty
thousand voters, not fewer than four alternate voting
locations; and

(3) in counties with more than two hundred
fifty thousand voters, not fewer than fifteen alternate
voting locations.

C. Not later than ninety days before each primary
and general election, the county clerk shall publicly fix the
hours of operation for alternate voting locations in the
county, which shall open no earlier than 7:00 a.m. and shall
close no later than 9:00 p.m. Within ninety days of a
primary or general election, a county clerk may modify the
hours of operation of alternate voting locations with the
written approval of the secretary of state. Alternate voting
locations shall be open each day of early voting for at least
eight consecutive hours. Alternate voting locations may be closed Sundays and Mondays during the early voting period.

D. Each alternate voting location shall comply with the following provisions, unless the county clerk receives a written waiver from the secretary of state specifying the location and specific provision being waived:

(1) have ballots available for voters from every precinct in the county;

(2) have at least one optical scan tabulator programmed to read every ballot style in the county;

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

(4) have a broadband internet connection;

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

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

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

E. When voting early, 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 identification, the voter shall be allowed to vote after subscribing an application to vote on a form approved by the secretary of state. The county clerk or the clerk's authorized representative shall make an appropriate designation on the signature roster or register next to the voter's name indicating that the voter has voted early."

SECTION 43. Section 1-6-9.2 NMSA 1978 (being Laws 1999, Chapter 267, Section 1) is amended to read:

"1-6-9.2. PREPARATION OF ELECTRONIC VOTING MACHINES.--

A. Beginning ten days before an electronic voting machine is issued for absentee voting, the county clerk may begin to prepare, inspect and seal the voting machine in accordance with Section 1-11-6 NMSA 1978.

B. At least one day before an electronic voting machine is used for absentee voting, the county clerk shall certify to the secretary of state and the county chair of each political party represented on the ballot the type and serial number of each voting machine to be used."

SECTION 44. 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, overseas voters and federal qualified electors 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 45. Section 1-6-14 NMSA 1978 (being Laws 1971, Chapter 317, Section 11, as amended) is amended to read:

"1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER PRECINCT BOARDS.--

A. Before opening an official mailing envelope, the presiding judge and the election judges shall determine that the required information has been completed on the reverse side of the official mailing envelope.

B. If the voter's signature is missing, the presiding judge shall write "Rejected" on the front of the official mailing envelope. The judge or election clerk shall enter the voter's name in the signature rosters or register and shall write the notation "Rejected--Missing Signature" in the "Notations" column of the signature rosters or register. The presiding judge shall place the official mailing envelope unopened in an envelope provided for rejected ballots, seal the envelope and write the voter's name on the front of the envelope and deposit it in the locked ballot box.

C. A lawfully appointed challenger may view 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 by someone other than the voter prior to being received by the absent voter precinct board;
(2) the official mailing envelope does not contain a signature; or
(3) the person offering to vote is not a voter as provided in the Election Code.

D. If a challenge is upheld by unanimous vote of the presiding judge and the election judges, the official mailing envelope shall not be opened but shall be placed in an envelope provided for challenged ballots. If the reason for the challenge is satisfied by the voter before the conclusion of the county canvass, the official mailing envelope shall be opened and the vote counted. The same procedure shall be followed in canvassing and determining the validity of challenged absentee ballots as with other challenged ballots.

E. If the official mailing envelope has been properly subscribed and the voter has not been challenged:

(1) the judges or election clerks shall enter the absent voter's name and residence address as shown on the official mailing envelope in the signature rosters and shall mark the notation "AB" opposite the voter's name in the "Notations" column of the signature rosters or register; and
(2) only between 8:00 a.m. and 10:00 p.m. on the five days preceding election day, including Saturday and Sunday, and beginning at 7:00 a.m. on election day, under the personal supervision of the presiding election judge, shall the election judges open the official mailing envelope and the official inner envelope and insert the enclosed ballot into an electronic voting machine to be registered and retained until votes are counted and canvassed following the closing of the polls on election night.

F. It is unlawful for a person to disclose the results of a count and tally or the registration on a voting machine of absentee ballots prior to the closing of the polls.

G. Absentee ballots shall be counted and tallied, where possible, on an electronic voting machine as provided in the Election Code.

H. Absent voter precinct polls shall close in accordance with Section 1-6-23 NMSA 1978, and the results of the election shall be certified as prescribed by the secretary of state.

I. If an absentee ballot does not contain the identification required pursuant to Subsection D of Section 1-6-5 NMSA 1978, it shall be handled as a provisional paper ballot in accordance with the Election Code."

SECTION 46. Section 1-6-16 NMSA 1978 (being Laws 1969,
Chapter 240, Section 141, as amended) is amended to read:

"1-6-16. CASTING BALLOT IN PERSON PROHIBITED.--

A. No person who has been issued an absentee ballot shall vote in person other than on a replacement absentee ballot.

B. At any time prior to 5:00 p.m. on the Monday immediately preceding the date of the election, a person whose absentee ballot application has been accepted and who was mailed an absentee ballot but who has not received the absentee ballot may execute, in the office of the county clerk or at an alternate voting location in the county where the voter is registered to vote, during operational hours, a sworn affidavit stating that the person did not receive or vote the absentee ballot. Upon receipt of the sworn affidavit, the county clerk shall issue the voter a replacement absentee ballot.

C. Replacement absentee ballots shall be delivered to the absent voter precinct board for tabulation and shall not be placed in a voting system for tabulation of votes cast at the office of the county clerk or at an alternate voting location.

D. The secretary of state shall prescribe the form of the affidavit and the manner in which the county clerk shall void the first ballot mailed to the applicant."

SECTION 47. Section 1-6-22.1 NMSA 1978 (being Laws
2009, Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1) 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 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 registered mail 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, the voter should return the card before the date the county clerk is scheduled to mail out absentee ballots. The card 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.

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 48. Section 1-1-9 NMSA 1978 (being Laws 1969,
Chapter 240, Section 8, as amended) is recompiled as part of
Chapter 1, Article 7 NMSA 1978 and is amended to read:

"MAJOR POLITICAL PARTY--MINOR POLITICAL PARTY.--As used
in the Election Code:

A. "major political party" means any qualified
political party, any of whose candidates received as many as
five percent of the total number of votes cast at the last
preceding general election for the office of governor or
president of the United States, as the case may be, and whose
membership totals not less than one-third of one percent of
the statewide registered voter file on the day of the
governor's primary election proclamation; and

   B. "minor political party" means any qualified
   political party that is not qualified as a major political
   party pursuant to Subsection A of this section."

SECTION 49. Section 1-7-2 NMSA 1978 (being Laws 1969,
Chapter 240, Section 145, as amended) is amended to read:

"1-7-2. QUALIFICATION--REMOVAL--REQUALIFICATION.--

   A. To qualify as a political party in New Mexico,
each political party through its governing body shall adopt
rules providing for the organization and government of that
party and shall file the rules with the secretary of state.
Uniform rules shall be adopted throughout the state by the
county organizations of that party, where a county
organization exists, and shall be filed with the county
clerks. At the same time the rules are filed with the
secretary of state, the governing body of the political party
shall also file with the secretary of state a petition
containing the hand-printed names, signatures, addresses of
registration and counties of residence of at least one-half
of one percent of the total votes cast for the office of
governor at the preceding general election who declare by
their signatures on the petition that they are voters of
New Mexico and that they desire the party to be a qualified political party in New Mexico. Blank petition forms shall be available at any time from the secretary of state.

B. Each county political party organization may adopt supplementary rules insofar as they do not conflict with the uniform state rules or do not abridge the lawful political rights of any person. Such supplementary rules shall be filed with the county clerk and the secretary of state in the same manner as other rules are filed.

C. A qualified political party shall cease to be qualified for the purposes of the Election Code if two successive general elections are held without at least one of the party's candidates on the ballot or if the total votes cast for the party's candidates for governor or president of the United States, provided that the party has a candidate seeking election to either of these offices, in a general election do not equal at least one-half of one percent of the total votes cast for the office of governor or president of the United States, as applicable. No later than March 15 of an odd-numbered year, the secretary of state shall send notice of nonqualification to the state chair of any political party that fails to remain qualified. The notice shall be delivered by registered mail to the last known address of the state chair of the political party, and a copy shall be kept in the secretary of state's file of parties.
qualified in New Mexico.

D. The secretary of state shall then notify all
county clerks of the removal and nonqualification of the
political party and shall post the notice on the web site
maintained by the secretary of state. The secretary of state
shall within forty-five days notify by mail all voters
registered as members of such party of the removal and
nonqualification of the party.

E. To requalify, the party shall again comply with
the provisions of the Election Code dealing with filing
requirements for political parties."

SECTION 50. Section 1-8-4 NMSA 1978 (being Laws 1969,
Chapter 240, Section 154, as amended) is amended to read:

"1-8-4. SECRETARY OF STATE--CERTIFICATION OF
NOMINEES--MINOR POLITICAL PARTY.--Upon receipt of
certificates of nomination of any minor political party, and
no later than 5:00 p.m. on the thirty-fifth day following the
filing date, the secretary of state shall:

A. determine whether the method of nomination used
by the certifying political party complies with the current
rules of that party on file in the secretary of state's
office;

B. determine whether all the requirements of
Sections 1-8-1 through 1-8-3 NMSA 1978 have been complied
with and that the petition and list of signatures and
addresses of voters are valid and comply with law; and

C. if such determinations are answered in the affirmative, within forty-two days following the filing date certify the names of each minor party's nominees as candidates for the office for which each is nominated to each county clerk in the state."

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. 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.

D. 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 1-8-9 NMSA 1978 (being Laws 1975, Chapter 255, Section 104, as amended) is amended to read:

"1-8-9. GENERAL ELECTION--WITHDRAWAL OF CANDIDATES.--No candidate shall withdraw from a general election unless the candidate withdraws at least sixty-three days prior to that election and the candidate files a signed and notarized statement of withdrawal with the proper filing officer."

SECTION 53. Section 1-8-11 NMSA 1978 (being Laws 1969,
Chapter 240, Section 160) is amended to read:

"1-8-11. PRIMARY ELECTION LAW--TIME OF HOLDING PRIMARY.--A primary election shall be held in each county in this state on the first Tuesday after the first Monday in June of each even-numbered year."

SECTION 54. 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 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, or to provide for any corrections or omissions."

SECTION 55. Section 1-8-25 NMSA 1978 (being Laws 1969, Chapter 240, Section 170, as amended) is amended to read:

"1-8-25. PROPER FILING OFFICER--DECLARATION OF CANDIDACY--NOMINATING PETITIONS--WITHDRAWAL OF CANDIDACY.--For the purposes of Chapter 1, Articles 8 and 12 NMSA 1978, the proper filing officer is:

A. the secretary of state for the offices of:

(1) United States senator;
(2) United States representative;
(3) all state elective offices;
(4) legislative offices elected from
multicounty districts;

(5) all public regulation commission
districts;

(6) all elective judicial offices in the
judicial department, except magistrates; and

(7) all offices representing a district
composed of more than one county; and

B. the county clerk for the offices of:

(1) all elective county offices;

(2) magistrates; and

(3) legislative offices elected from a
district located wholly within one county or that is composed
of only one county."

SECTION 56. Section 1-8-26 NMSA 1978 (being Laws 1975,
Chapter 295, Section 12, as amended) 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 second 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 third 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 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-first 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.
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 57. Section 1-8-30 NMSA 1978 (being Laws 1973, Chapter 228, Section 4, as amended) is amended to read:

"1-8-30. PRIMARY ELECTION LAW--DECLARATION OF CANDIDACY--NOMINATING PETITION--FILING AND FORM.--

A. As used in the Primary Election Law, "nominating petition" means the authorized form used for obtaining the required number of signatures of voters, which is signed on behalf of the person wishing to become a candidate for a political office in the primary election requiring a nominating petition.

B. In making a declaration of candidacy, the candidate at the same time shall file a nominating petition, which shall be on the form prescribed by law.

C. The nominating petition shall be on paper approximately eight and one-half inches wide and eleven inches long with numbered lines for signatures spaced approximately three-eighths of an inch apart and shall be in the following form:

"NOMINATING PETITION"
I, the undersigned, a registered voter of New Mexico, and a member of the ____________ party, hereby nominate ________________, who resides at ______________ in the county of ____________, New Mexico, for the party nomination for the office of ________________, to be voted for at the primary election to be held on ____, and I declare that I am a registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

1. ___________ _______________ ______________ __________
   (usual signature) (name printed as registered) (address as registered) (city or zip code)

2. ___________ _______________ ______________ __________
   (usual signature) (name printed as registered) (address as registered) (city or zip code).

D. In October of odd-numbered years, the secretary of state shall post on the secretary of state's web site and shall furnish to each county clerk a sample of a nominating petition form, a copy of which shall be made available by the county clerk upon request of any candidate.

E. When more than one sheet is required for a petition, each of the sheets shall be in the form prescribed.
by this section and all sheets shall be firmly secured by a staple or other suitable fastening."

SECTION 58. Section 1-8-31 NMSA 1978 (being Laws 1973, Chapter 228, Section 5, as amended) is amended to read:

"1-8-31. PRIMARY ELECTION LAW--NOMINATING PETITION--SIGNATURES TO BE COUNTED.--

A. A person who signs a nominating petition shall sign only one petition for the same office unless more than one candidate is to be elected to that office, and in that case, a person may sign not more than the number of nominating petitions equal to the number of candidates to be elected to the office.

B. A person who signs a nominating petition shall indicate the person's registration address. If the person does not have a standard street address, the person may provide the mailing address as shown on the person's certificate of registration.

C. A signature shall be counted on a nominating petition unless there is evidence presented that the person signing:

(1) was not a registered member of the candidate's political party ten days prior to the filing of the nominating petition;

(2) failed to provide information required by the nominating petition;
(3) is not a voter of the state, district, county or area to be represented by the office for which the person seeking the nomination is a candidate;

(4) has signed more than one petition for the same office, except as provided in Subsection A of this section, or has signed one petition more than once;

(5) is not of the same political party as the candidate named in the nominating petition as shown by the signer's certificate of registration; or

(6) is not the person whose name appears on the nominating petition.

D. The following information shall be listed in the appropriate space at the top of the nominating petition before the petition has been signed by any voter: the party affiliation of voters signing the petition, the candidate's name, the candidate's address, the candidate's county of residence and the office sought by the candidate, which shall include the district or division of the office sought, if applicable. A nominating petition, including all signatures on the petition page, shall be invalid if any of the preceding information is not listed before the petition is signed by a voter or if any of the preceding information is altered.

E. The procedures set forth in this section shall be used to validate signatures on any petition required by
the Election Code, except that Paragraphs (1) and (5) of Subsection C of this section shall not apply to petitions filed by unaffiliated candidates or petitions filed by candidates of minor political parties."

SECTION 59. Section 1-8-36.1 NMSA 1978 (being Laws 1981, Chapter 156, Section 1, as amended) is amended to read:

"1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

A. Write-in candidates are permitted in the primary election only for the offices of United States representative, members of the legislature, district judges, district attorneys, public regulation commission, public education commission, magistrates and any office voted upon by all voters of the state.

B. A person may be a write-in candidate only for nomination by the major political party with which the person is affiliated as shown by the certificate of registration, and such person shall have the qualifications to be a candidate in the primary election for the political party for which the person is a write-in candidate.

C. A person desiring to be a write-in candidate for one of the offices listed in Subsection A of this section in the primary election shall file with the proper filing officer a declaration of intent to be a write-in candidate. Such declaration of intent shall be filed between 9:00 a.m. and 5:00 p.m. on the third Tuesday in March."
D. A write-in vote shall be counted and canvassed only if:

(1) the name written in is the name of a declared write-in candidate and shows two initials and last name; first name, middle initial or name and last name; first and last name; or the full name as it appears on the declaration of intent to be a write-in candidate and misspellings of the above combinations that can be reasonably determined by a majority of the members of the precinct board to identify a declared write-in candidate; and

(2) the name is written on the proper line provided on the ballot for write-in votes for the office for which the candidate has filed a declaration of intent and the voter has followed the directions for casting a vote for the write-in candidate.

E. At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the obligations to report pursuant to the Campaign Reporting Act, except that the write-in candidate's name shall not be printed on the ballot.

F. No unopposed write-in candidate shall have the write-in candidate's nomination certified unless the write-in candidate receives at least the number of write-in votes in
the primary election as the write-in candidate would need
signatures on a nominating petition pursuant to the
requirements set out in Section 1-8-33 NMSA 1978.

G. A write-in vote shall be cast by writing in the
name and following the directions for casting a vote for the
write-in candidate. As used in this section, "write-in" does
not include the imprinting of any name by rubber stamp or
similar device or the use of pre-printed stickers or labels."

SECTION 60. Section 1-8-41 NMSA 1978 (being Laws 1973,
Chapter 228, Section 11, as amended) is amended to read:

"1-8-41. PRIMARY ELECTION LAW--FILING FEE.--The filing
fee in the primary election for any county office shall be
fifty dollars ($50.00), which shall be paid at the time of
the filing of the declaration of candidacy for nomination by
a political party."

SECTION 61. Section 1-8-44 NMSA 1978 (being Laws 1969,
Chapter 240, Section 182, as amended) is amended to read:

"1-8-44. PRIMARY ELECTION LAW--WITHDRAWAL OF
CANDIDATES.--A candidate seeking to withdraw from a primary
election shall withdraw no later than the first Tuesday in
April before that primary election by filing a signed and
notarized statement of withdrawal with the proper filing
officer."

SECTION 62. Section 1-8-45 NMSA 1978 (being Laws 1977,
Chapter 322, Section 1, as amended by Laws 1993, Chapter 314,
Section 49 and also by Laws 1993, Chapter 316, Section 49) is amended to read:

"1-8-45. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--DEFINITION.--

A. As used in the Election Code, an independent candidate means a person who:

(1) is a candidate for any state or county office to be voted on at a general election:

(a) whose certificate of voter registration shows affiliation with no qualified political party on the date of the governor's proclamation for the primary election and, if applicable, shows residence on the date of the governor's proclamation for the primary election in the district or county of the office for which the person is a candidate; and

(b) who has complied with the nomination procedures set forth in the Election Code for independent candidates;

(2) is a candidate for United States senator or United States representative:

(a) whose certificate of voter registration, if any, shows affiliation with no qualified political party on the date of the governor's proclamation for the primary election;

(b) who will be a resident of New
Mexico when elected; and

(c) who has complied with the nomination procedures set forth in the Election Code for independent candidates; or

(3) is a candidate for the office of president or vice president who:

(a) has complied with the nomination procedures set forth in the Election Code for independent candidates; and

(b) was not a major party candidate for the same office on the primary election ballot.

B. No person shall become an independent candidate for any office, and the person's name shall not be printed on the general election ballot, unless the person complies with the requirements of this section.

C. Any voter may challenge the candidacy of any person seeking to become an independent candidate for any office for the reason that the person does not meet the requirements of this section or because the nominating petitions, if required, do not meet the requirements of Section 1-8-31 NMSA 1978 by filing a petition in the district court within ten days after the last day for filing a declaration of candidacy. The district court shall hear and render a decision on the matter within ten days after the filing of the petition. 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 63. Section 1-8-48 NMSA 1978 (being Laws 1977,
Chapter 322, Section 4, as amended) is amended to read:

"1-8-48. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED
STATES REPRESENTATIVE SPECIAL ELECTIONS--DECLARATION OF
INDEPENDENT CANDIDACY AND NOMINATING PETITION.--

A. Nomination as an independent candidate shall be
made by filing a declaration of independent candidacy and a
nominating petition with the proper filing officer.

B. In making a declaration of independent
candidacy, the candidate for an office other than that of
president or vice president shall submit a sworn statement in
the following form:

"DECLARATION OF INDEPENDENT CANDIDACY

I, _________________ (candidate's
name), being first duly sworn, say that:

I reside at _________________;

I did not designate any current affiliation
with a qualified political party on my certificate
of registration on or before the date of issuance
of the governor's proclamation for the primary
election in the year of the general election at
which I seek to be a candidate;
I meet the qualifications listed in Section 1-8-45 NMSA 1978 for the office that I seek;

I desire to become a candidate for the office of ____________________________, District__________
at the general election to be held on the date set by law for this year;

if the office I seek be a state or county district office, I actually reside within the district of the office for which I declare my candidacy, and if the office I seek be a countywide office, I actually reside in the county of the office for which I declare my candidacy;

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

if a candidate for any office for which a nominating petition is required, I am submitting with this statement a nominating petition in the form and manner as prescribed by the Election Code; and

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

__________________________________________________
(Declarant)
C. The secretary of state shall prescribe and furnish the form for the declaration of independent candidacy for the office of president and vice president."

SECTION 64. Section 1-8-50 NMSA 1978 (being Laws 1977, Chapter 322, Section 6, as amended) is amended to read:

"1-8-50. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITION FORM.--

A. As used in Sections 1-8-45 through 1-8-52 NMSA 1978, "nominating petition" means the authorized form used for obtaining the required number of signatures of voters that is signed on behalf of the person wishing to become an independent candidate for a political office in a general or United States representative special election requiring a
nominating petition.

B. In making a declaration of candidacy, the candidate shall file a nominating petition at the same time, which shall be on forms prescribed by law.

C. The nominating petition for an independent candidate for any office except president of the United States shall be on paper approximately eight and one-half inches wide and eleven inches long with numbered lines for signatures spaced approximately three-eighths of an inch apart and shall be in the following form:

"NOMINATING PETITION FOR INDEPENDENT CANDIDACY

I, the undersigned, a registered voter of New Mexico, hereby nominate ____________________________, who resides at _________________________ in the county of ________________, New Mexico, as an independent candidate for the office of _________________________, to be voted for at the general election, or United States representative special election to be held on ________________,__________

   (month)    (day)     (year)

and I declare that I am a registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number
of candidates necessary to fill the office at the next
ensuing general election or at a United States
representative special election.

1. ___________ ______________  ____________   ___________
   (usual         (name printed   (address as   (city or zip
   signature)     as registered)  registered     code)

2. ___________ ______________   ____________   ___________
   (usual         (name printed   (address as   (city or zip
   signature)     as registered)  registered     code).

D. The nominating petition for an independent
candidate for the office of president of the United States
shall be on paper approximately eight and one-half inches
wide and eleven inches long with numbered lines for
signatures spaced approximately three-eighths of an inch
apart and shall be in the following form:

"NOMINATING PETITION FOR INDEPENDENT CANDIDACY
FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES

I, the undersigned, a registered voter of New
Mexico, by endorsement hereon, petition that the name of
___________ be printed on the general election ballot as
an independent candidate for the office of president of
the United States, to be voted on at the general election
to be held on November _________, _____. I also declare
that I am that person whose name appears hereon and that
I have not signed, nor will I sign, any nominating
petition for any other candidate seeking the office of president of the United States at the next ensuing general election."

E. In March of even-numbered years, the secretary of state shall post on the secretary of state's web site and shall furnish to each county clerk a sample of the nominating petition form, a copy of which shall be made available by the county clerk upon request of any candidate as provided by the Election Code.

F. When more than one sheet is required for a petition, each of the sheets shall be in the form prescribed by this section, and all sheets shall be firmly secured by a staple or other suitable fastening."

SECTION 65. Section 1-8-52 NMSA 1978 (being Laws 1977, Chapter 322, Section 8, as amended) is amended to read:

"1-8-52. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING PETITIONS--CIRCULATION--DATE OF FILING.--

A. Declarations of independent candidacy and nominating petitions shall be filed with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-first day following the primary election of each even-numbered year and between 9:00 a.m. and 5:00 p.m. on the fifty-sixth day preceding any United States representative special election.

B. Declarations of independent candidacy and
nominating petitions for the office of president of the
United States shall be filed with the proper filing officer
between 9:00 a.m. and 5:00 p.m. on the twenty-first day
following the primary election."

SECTION 66. A new section of Chapter 1, Article 9 NMSA 1978 is enacted to read:

"SYSTEMS DESIGNED TO PRINT BALLOTS AT POLLING
LOCATIONS--BALLOT PREPARATION REQUIREMENTS.--Systems designed
to print ballots at polling locations shall provide the
general capabilities for ballot preparation and shall be
capable of:

A. enabling the automatic formatting of ballots in
accordance with the requirements of the Election Code, as
amended from time to time, for offices, candidates and
questions qualified to be placed on the ballot for each
political subdivision and election district;

B. supporting the maximum number of potentially
active voting positions;

C. generating ballots for a primary election that
segregate the choices in partisan contests by party
affiliation;

D. generating ballots that contain identifying
codes or marks uniquely associated with each format;

E. ensuring that voting response fields properly
align with the specific candidate names or questions printed
on the ballot;

F. generating ballots that can be tabulated by all certified voting systems in the state;

G. generating a ballot for an individual voter based on voter registration data provided by state or county;

H. functionality in absentee, early and election day voting environments;

I. providing absentee ballot tracking ability;

J. uniform allocation of space and fonts used for each office, candidate and question such that the voter perceives no active voting position to be preferred to any other;

K. rendering the ballot in any of the written languages required by the federal Voting Rights Act of 1965, as amended;

L. conformity with optical scan vote tabulator vendor specifications for type of paper stock, weight, size and shape; size and location of voting positions used to record votes; folding; bleed-through; and ink for printing; and

M. interfacing with the statewide voter file for the exchange of data."

SECTION 67. A new section of Chapter 1, Article 9 NMSA 1978 is enacted to read:

"SYSTEMS DESIGNED TO PRINT BALLOTS AT POLLING LOCATIONS--
SECURITY REQUIREMENTS.--Systems designed to print ballots at polling locations shall provide the security capabilities for ballot preparation and shall be capable of:

A. providing a full audit trail of individual voter activity;

B. providing full ballot production audit logs for all activity, including absentee voting by mail, in-person absentee voting, early voting, provisional voting and spoiling ballots;

C. creation and preservation of an audit trail of every ballot issued, including during a period of interrupted communication in the event of loss of network connectivity;

D. suitable security passwords at user, administrator and management levels;

E. preventing the modification of ballot formatting by polling place users; and

F. retaining full functionality and capability of printing ballots during a period of interrupted communication in the event of loss of network connectivity."

SECTION 68. A new section of Chapter 1, Article 9 NMSA 1978 is enacted to read:

"SYSTEMS DESIGNED TO PRINT BALLOTS AT POLLING LOCATIONS--HARDWARE, SOFTWARE AND USABILITY REQUIREMENTS.--Systems designed to print ballots at polling locations shall:
A. provide hardware requirements that:

(1) shall be networkable and scalable for multi-user environments;

(2) function without degradation in capabilities after transit to and from the place of use;

(3) function without degradation in capabilities after storage between elections;

(4) function in the natural environment, including variations in temperature, humidity and atmospheric pressure;

(5) function in an induced environment, including proper and improper operation and handling of the system and its components during the election process;

(6) contain prominent instructions as to any special requirements;

(7) have no restrictions on space allowed for installation, except that the arrangement of the system shall not impede the performance of duties by election workers, the orderly flow of voters through the polling place or the ability of voters to vote in private; and

(8) operate with the electrical supply ordinarily found in polling place, nominal one hundred twenty volts alternating current, sixty hertz, single phase;

B. provide software requirements that shall:

(1) be capable of exporting voter data and
voter activity status data to state and county voter registration systems;

   (2) be capable of generating all required absentee and early voting signature rosters in a state-approved format;

   (3) generate daily and to-date activity reports based on user-defined criteria; and

   (4) have both single transaction and batch transaction absentee production capability; and

C. be capable of being operated by computer users familiar with a graphical user interface."

SECTION 69. Section 1-9-1 NMSA 1978 (being Laws 1969, Chapter 240, Section 184, as amended) is amended to read:

"1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM DEFINED.--

A. The secretary of state shall study, examine and certify all voting systems used in elections for public office in New Mexico. The secretary of state shall maintain a current list of certified voting systems and copies of filed testing and evaluation reports accessible by the public on the secretary of state's web site. Only voting systems certified by the secretary of state and acquired pursuant to a competitive bid process in accordance with the provisions of the Procurement Code shall be used in any election for public office in New Mexico."
B. As used in Chapter 1, Article 9 NMSA 1978, "voting system" means a combination of mechanical, electromechanical or electronic equipment, including the software and firmware required to program and control the equipment, that is used to cast and count votes, and also including any type of system that is designed to print or to mark ballots at a polling location; equipment that is not an integral part of a voting system but that can be used as an adjunct to it is considered to be a component of the system."

SECTION 70. Section 1-9-7.5 NMSA 1978 (being Laws 2010, Chapter 28, Section 3) is amended to read:

"1-9-7.5. VOTING SYSTEMS--VOTING SYSTEM CERTIFICATION COMMITTEE--MEMBERS.--

A. The "voting system certification committee" is created. The committee shall review written test reports and the findings of the secretary of state on the certification, recertification and decertification of voting systems for use in elections in the state.

B. The voting system certification committee shall be composed of:

(1) the secretary of information technology or the secretary's designee from within the department of information technology; and

(2) four additional members as follows:

(a) one member appointed by the president
pro tempore of the senate;

(b) one member appointed by the minority floor leader of the senate;

(c) one member appointed by the speaker of the house of representatives; and

(d) one member appointed by the minority floor leader of the house of representatives.

C. The four additional members appointed pursuant to Paragraph (2) of Subsection B of this section shall be county clerks or their chief deputies or other persons knowledgeable of elections in this state. Members shall be appointed for terms of two years beginning on May 1 of each even-numbered year. Vacancies shall be filled by the original appointing authority.

D. The members of the committee shall select a committee member to serve as chair of the committee. No person who is currently or has been within the previous twelve months an employee or contractor of a voting machine vendor or the office of the secretary of state may serve as a member of the committee. Members of the committee are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act, to be paid out of the funds appropriated to the secretary of state.

E. All meetings of the voting system certification committee shall be open meetings held in accordance with the
Open Meetings Act. All reports and other records that are used, created, received, maintained or held by or on behalf of the voting system certification committee shall be open to public inspection pursuant to the Inspection of Public Records Act."

SECTION 71. Section 1-10-4 NMSA 1978 (being Laws 1977, Chapter 222, Section 27, as amended) is amended to read:

"1-10-4. BALLOTS--PREPARATION.--

A. Not less than fifty-six days before the primary election, each proper filing officer shall group all candidates for each party by themselves and prepare in writing a separate ballot for each party and certify the candidates for each ballot position to the printer.

B. Not less than fifty-six days before the general election, each proper filing officer shall prepare in writing the ballot containing the name of each candidate that has been certified and filed as the nominee of a party and any constitutional amendments, questions or other propositions that are to be voted on and certify all such information to the ballot printer. A copy of each certification shall be kept on file in the office of the secretary of state.

C. Upon request of the county chair of a political party participating in the election, the county clerk shall furnish proof sheets or a copy of the proof sheets of the ballot as soon as they become available."
SECTION 72. 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 and overseas voters no later than the last business day before the forty-fifth day prior to a primary or general election, as required by federal law. 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 73. Section 1-11-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 212, as amended) is amended to read:

"1-11-2. CONTENTS OF PROCLAMATION.--The proclamation shall:

A. give notice of the election;
B. set forth the purpose of the election;
C. list the offices to be filled;
D. list all properly certified candidates and their party affiliation for each of the offices to be filled;
E. list all properly certified candidates for judicial retention;
F. list all properly declared write-in candidates for each of the offices to be filled;"
G. list the names of all precinct board members, the polling location and the precinct, if applicable, to which they are appointed; and

H. give the address or location of each polling place and alternate voting location where the election is to be held."

SECTION 74. Section 1-11-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 215, as amended) is amended to read:

"1-11-5. VOTING DEVICE--PREPARATION--CERTIFICATION.--Forty-two days before the election, the county clerk may begin to prepare, inspect, certify and seal electronic voting machines that are to be used in the election, and such preparation, inspection, certification and sealing shall continue until all machines are prepared, inspected, certified and sealed."

SECTION 75. Section 1-11-6 NMSA 1978 (being Laws 1969, Chapter 240, Section 216, as amended) is amended to read:

"1-11-6. VOTING MACHINES--MANNER OF PREPARING.--When preparing, inspecting and sealing voting machines, the county clerk shall:

A. certify to the secretary of state and the county chair of each political party participating in the election the type and serial number of each voting machine intended to be used in each polling location, by precinct number, where applicable;
B. prepare, in the presence of those persons entitled to be present, the electronic voting machines for the election as follows:

(1) all public, candidate and question counters shall be set at zero;

(2) each such counter shall be tested for accuracy by casting votes upon it until it correctly registers each vote cast;

(3) each such counter shall be reset at zero and the voting machine shall be immediately sealed with a numbered metal seal so as to prevent operation of the machine or its registering counters without breaking the seal; and

(4) on the certificate for that voting machine there shall be recorded:

(a) the number on the seal; and

(b) the reading shown on the protective counter; and

C. seal and retain the logic and accuracy test printout, known as the internal audit trail, until it may be disposed of pursuant to Section 1-12-69 NMSA 1978."

SECTION 76. Section 1-11-6.1 NMSA 1978 (being Laws 1985, Chapter 207, Section 26, as amended) is amended to read:

"1-11-6.1. ELECTRONIC VOTING MACHINES--TESTING.--All programming of vote tabulating machines shall be tested under the supervision of the county clerk. The machines shall be
programmed so that votes will be counted in accordance with
the specifications for electronic voting machines."

SECTION 77. Section 1-11-7 NMSA 1978 (being Laws 1969,
Chapter 240, Section 217, as amended) is amended to read:

"1-11-7. VOTING MACHINE--CERTIFICATE OF PREPARATION.--
Immediately after each electronic voting machine has been
prepared for the election, the county clerk shall prepare a
written certificate, which shall be filed in the county
clerk's office. A copy of the certificate shall be posted on
the voting machine, and one copy shall be forwarded to the
secretary of state. The certificate shall show the serial
number for the voting machine, whether or not the machine has
all of its public counters set at zero and whether or not the
machine has been tested by voting on each public counter to
prove the counter is in perfect condition. The certificate
shall also show the number of the seal that has sealed the
machine and the number registered on the public counter."

SECTION 78. Section 1-11-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 218, as amended) is amended to read:

"1-11-8. VOTING MACHINES--NOTICE OF SEALING.--

A. At least three days before preparing any type of
voting machine for an election, the county clerk shall send
notice to the county chair of each political party having a
candidate on the ballot in the election. The notice shall
state the times when and places where the voting machines
will be prepared.

   B. Party and organization representatives, election observers and candidates may be present at the preparation, inspection and sealing of the voting machines to ensure compliance with the Election Code."

SECTION 79. Section 1-11-13 NMSA 1978 (being Laws 1969, Chapter 240, Section 223) is amended to read:

"1-11-13. INDEX OF VOTERS.--Upon the written request of a qualified political party, a candidate, an election-related organization or an election observer, the secretary of state shall send to the requester an index of all voters and their addresses, their party affiliation, their precinct, their voter history, their unique identifier and their early or absentee voting status in any election currently underway. Each index shall be certified by the secretary of state as being an accurate listing of all voters in each requested county. The written request shall specify whether the information is to be received electronically or on paper, the electronic or physical delivery address, the time period during which the information is to be received, the frequency of receiving the information and the method of payment."

SECTION 80. Section 1-11-14 NMSA 1978 (being Laws 1969, Chapter 240, Section 224, as amended) is amended to read:

"1-11-14. TALLY SHEETS AND STATEMENTS OF CANVASS--PREPARATION.--Prior to election day, the secretary of state
shall cause to be printed in the tally sheets and statements of canvass, in the proper places and under the proper designations, the names of all candidates appearing on the official ballot. The secretary shall approve a county's use of computer-based tally sheets upon recommendation of the voting system certification committee if the county submits the software program to be used for tallying to the secretary of state at least ninety days prior to the election and the voting system certification committee determines that the program is acceptable for the proposed use."

SECTION 81. Section 1-12-2.1 NMSA 1978 (being Laws 1999, Chapter 236, Section 1) is amended to read:

"1-12-2.1. PRECINCT BOARD WORK SHIFT OPTION.--

A. The county clerk may choose to schedule precinct board members into two work shifts on election day and also may determine the length of each shift for each precinct board member so long as the first shift begins at least one hour before the polls open.

B. If the county clerk chooses to schedule precinct board members in shifts, the presiding judge on each precinct board shall be scheduled to work both shifts that day.

C. The county clerk shall notify the secretary of state of all precincts that will be following a two-shift schedule when the county clerk submits the list of precinct board appointments in accordance with Section 1-2-14 NMSA"
1978."

SECTION 82. Section 1-12-3 NMSA 1978 (being Laws 1977, Chapter 222, Section 36) is amended to read:

"1-12-3. CONDUCT OF ELECTION--PRECINCT BOARD DUTIES.--

The secretary of state shall prescribe the duties of the precinct board, including duties that, during the conduct of the election, the presiding judge may reassign between judges and election clerks. Copies of such duties shall be furnished to each county clerk, and the clerk shall distribute them to each precinct."

SECTION 83. 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. Each precinct board using voter lists shall post securely at or near the entrance of the polling place one copy of an alphabetical list of voters for use of the voters prior to voting. The posted copy shall not contain a listing of voter addresses, years of birth, unique identifiers or social security numbers.

B. 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 the checklist of voters used for confirmation of registration and voting 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 by the presence of the person's name on the checklist of voters 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 that list number and 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. 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 and the voter shall not vote on any other type of ballot.

F. 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.

G. 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 84. Section 1-12-7.2 NMSA 1978 (being Laws 1969, Chapter 240, Section 114, as amended) is amended to read:
"1-12-7.2. VOTER WHOSE NAME IS NOT ON LIST OR ROSTER.--

A. A voter whose name does not appear on the voter list and signature roster for the precinct in which the voter offers to vote shall be permitted to vote in the precinct pursuant to the federal National Voter Registration Act of 1993 and Section 1-12-8 NMSA 1978.

B. The judges or election clerks in charge of the signature rosters shall add the voter's name and address in ink to the signature roster on the line immediately following the last entered voter's name and, the voter shall be allowed to sign an affidavit of eligibility and cast a provisional paper ballot, provided the voter has first signed or marked both the signature roster and checklist of registered voters.

C. The provisional paper ballot tracking number for the voter shall be entered on the affidavit of eligibility, the signature roster and the checklist of registered voters.

D. In a primary election, a voter shall not be permitted to vote for a candidate of a party different from the party designation shown on the voter's certificate of registration. Upon making that determination, the county clerk shall transmit the ballot to the county canvassing board to be tallied and included in the canvass of that county for the appropriate precinct."

SECTION 85. Section 1-12-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 247, as amended) is amended to read:
"1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

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

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

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

(3) the person executes a statement swearing or affirming to the best of the person's knowledge that the person is a qualified elector, is currently registered and eligible to vote in that county and has not cast a ballot or voted in that election.

B. A voter shall vote on a provisional paper ballot if the voter:

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

(2) registered to vote by mail;

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

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

C. A voter shall vote on a provisional paper ballot in accordance with the provisions of Section 1-12-7.1 NMSA 1978 if the voter does not provide the required voter identification to the election judge.

D. A judge or election clerk shall have the voter sign the signature roster and issue the voter a provisional paper ballot, an outer envelope and an official inner envelope. The voter shall vote on the provisional paper ballot in secrecy and, when done, place the ballot in the official inner envelope and place the official inner envelope in the outer envelope and return it to the judge or election clerk. The judge or election clerk shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate place and place it in an envelope designated for provisional paper ballots.

E. Knowingly executing a false statement constitutes perjury as provided in the Criminal Code, and voting on the basis of such falsely executed statement constitutes fraudulent voting."

SECTION 86. Section 1-12-8.1 NMSA 1978 (being Laws 2005, Chapter 270, Section 62, as amended) is amended to read:

"1-12-8.1. CONDUCT OF ELECTION--USE OF VOTER'S RECEIPT OF CERTIFICATE OF REGISTRATION--PROCEDURES.--If a voter whose name is not in the signature roster presents the voter's
receipt of the voter's certificate of registration, the voter shall be allowed to vote on a provisional paper ballot in the proper precinct in accordance with the provisions of Section 1-12-7.1 NMSA 1978. The judge or election clerk shall inform the voter that the voter will be notified by the county clerk to provide a copy of the receipt of the certificate of registration to the county clerk if the original certificate is not located. A note shall be entered on the signature roster indicating that the voter's certificate of registration should be checked by the county clerk. For the purposes of investigation or prosecution, the county clerk shall provide the district attorney and the secretary of state with the person's name and address and the corresponding receipt number of the person's certificate of registration for each person whose certificate of registration is not located."

SECTION 87. Section 1-12-8.2 NMSA 1978 (being Laws 2005, Chapter 270, Section 60, as amended) is amended to read:

"1-12-8.2. CONDUCT OF ELECTION--ELECTION DAY DELIVERY OF ABSENTEE BALLOT BY VOTER--PROCEDURES.--

A. A voter who requested and received an absentee ballot shall be allowed to deliver the official mailing envelope containing the voter's absentee ballot on election day to any polling location in the county in which the voter is registered if the voter presents the official mailing receipt of the voter's certificate of registration, the voter shall be allowed to vote on a provisional paper ballot in the proper precinct in accordance with the provisions of Section 1-12-7.1 NMSA 1978. The judge or election clerk shall inform the voter that the voter will be notified by the county clerk to provide a copy of the receipt of the certificate of registration to the county clerk if the original certificate is not located. A note shall be entered on the signature roster indicating that the voter's certificate of registration should be checked by the county clerk. For the purposes of investigation or prosecution, the county clerk shall provide the district attorney and the secretary of state with the person's name and address and the corresponding receipt number of the person's certificate of registration for each person whose certificate of registration is not located."

SECTION 87. Section 1-12-8.2 NMSA 1978 (being Laws 2005, Chapter 270, Section 60, as amended) is amended to read:

"1-12-8.2. CONDUCT OF ELECTION--ELECTION DAY DELIVERY OF ABSENTEE BALLOT BY VOTER--PROCEDURES.--

A. A voter who requested and received an absentee ballot shall be allowed to deliver the official mailing envelope containing the voter's absentee ballot on election day to any polling location in the county in which the voter is registered if the voter presents the official mailing receipt of the voter's certificate of registration, the voter shall be allowed to vote on a provisional paper ballot in the proper precinct in accordance with the provisions of Section 1-12-7.1 NMSA 1978. The judge or election clerk shall inform the voter that the voter will be notified by the county clerk to provide a copy of the receipt of the certificate of registration to the county clerk if the original certificate is not located. A note shall be entered on the signature roster indicating that the voter's certificate of registration should be checked by the county clerk. For the purposes of investigation or prosecution, the county clerk shall provide the district attorney and the secretary of state with the person's name and address and the corresponding receipt number of the person's certificate of registration for each person whose certificate of registration is not located."

SECTION 87. Section 1-12-8.2 NMSA 1978 (being Laws 2005, Chapter 270, Section 60, as amended) is amended to read:

"1-12-8.2. CONDUCT OF ELECTION--ELECTION DAY DELIVERY OF ABSENTEE BALLOT BY VOTER--PROCEDURES.--

A. A voter who requested and received an absentee ballot shall be allowed to deliver the official mailing envelope containing the voter's absentee ballot on election day to any polling location in the county in which the voter is registered if the voter presents the official mailing receipt of the voter's certificate of registration, the voter shall be allowed to vote on a provisional paper ballot in the proper precinct in accordance with the provisions of Section 1-12-7.1 NMSA 1978. The judge or election clerk shall inform the voter that the voter will be notified by the county clerk to provide a copy of the receipt of the certificate of registration to the county clerk if the original certificate is not located. A note shall be entered on the signature roster indicating that the voter's certificate of registration should be checked by the county clerk. For the purposes of investigation or prosecution, the county clerk shall provide the district attorney and the secretary of state with the person's name and address and the corresponding receipt number of the person's certificate of registration for each person whose certificate of registration is not located."
envelope to the presiding judge before the polls close on
election day.

B. The judge shall note that the voter delivered
the absentee ballot in person on election day. The official
mailing envelope shall not be opened but shall be placed in
an envelope provided for delivery to the county clerk. The
precinct board shall deliver the unopened official mailing
envelopes to the county clerk before midnight on election
day.

C. If the unopened official mailing envelope is
received by the county clerk from a precinct board before the
absent voter precinct board has adjourned, it shall be logged
and transmitted to the absent voter precinct board to be
tallied immediately. If the unopened mailing envelope is
received by the county clerk from a precinct board after the
absent voter precinct board has adjourned, it shall be logged
and transmitted to the county canvassing board to be tallied
and included in the canvass of that county for the
appropriate precinct."

SECTION 88. Section 1-12-10 NMSA 1978 (being Laws 1969,
Chapter 240, Section 249, as amended) is amended to read:

"1-12-10. CONDUCT OF ELECTION--VOTER'S NAME, ADDRESS AND
SIGNATURE.--

A. A voter at the polls shall announce the voter's
name and address in an audible tone of voice. When a judge
or election clerk finds the voter's name in the signature roster, the judge or election clerk shall in like manner repeat the name of the voter. The judge or election clerk shall then ask the voter to provide the required voter identification. The voter shall then sign the voter's name or make the voter's mark on the signature line in the copy of the signature roster to be returned to the county clerk. Upon the voter's name or mark being written in the signature roster, a challenge may be interposed as provided in the Election Code.

B. If a voter fails to provide the required voter identification, the voter shall be allowed to vote on a provisional paper ballot."

SECTION 89. Section 1-12-19.1 NMSA 1978 (being Laws 1981, Chapter 156, Section 2, as amended) is amended to read:

"1-12-19.1. GENERAL ELECTIONS--SPECIAL ELECTIONS--WRITE-IN CANDIDATES.--

A. A person desiring to be a write-in candidate in a general election shall file with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the twenty-first day after the primary election a declaration of intent to be a write-in candidate. A person desiring to be a write-in candidate in a special election for United States representative or a statewide special election shall file with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the sixty-third
day immediately preceding the election a declaration of
intent to be a write-in candidate.

B. The form of the declaration of intent shall be
prescribed by the secretary of state and shall contain a
sworn statement by the candidate that the candidate is
qualified to be a candidate for and to hold the office for
which the candidate is filing.

C. At the time of filing the declaration of intent
to be a write-in candidate, the write-in candidate shall be
considered a candidate for all purposes and provisions
relating to candidates in the Election Code, including the
obligation to report under the Campaign Reporting Act, except
that the candidate shall not be entitled to have the
candidate's name printed on the ballot.

D. The secretary of state shall, not more than ten
days after the filing date, certify the names of the declared
write-in candidates to the county clerks of every county
affected by such candidacy.

E. No person shall be a write-in candidate in the
general election who was a candidate in the primary election
immediately prior to the general election. A write-in
candidate for governor or lieutenant governor in the general
election shall have a companion write-in candidate, and they
shall be candidates to be elected jointly by the casting by a
voter of a single vote applicable to both offices.
F. A vote for a write-in candidate shall be counted and canvassed only if:

   (1) the name written in is the name of a declared write-in candidate and shows two initials and last name; first name, middle initial or name and last name; first and last name; or the full name as it appears on the declaration of intent to be a write-in candidate and misspellings of the above combinations that can be reasonably determined by a majority of the members of the precinct board to identify a declared write-in candidate; and

   (2) the name is written in the proper office on the proper line provided on the ballot for write-in votes for the office for which the candidate has filed a declaration of intent and the voter has followed the directions for casting a vote for the write-in candidate.

G. No unopposed write-in candidate shall have an election certified unless the candidate receives at least the number of write-in votes equal to two percent of the total vote in the state, district or county in which the candidate seeks election that were cast for governor in the last preceding general election in which a governor was elected.

H. A write-in vote shall be cast by writing in the name. As used in this section, "write-in" does not include the imprinting of any name by rubber stamp or similar device or the use of preprinted stickers or labels."
SECTION 90. Section 1-12-20 NMSA 1978 (being Laws 1969, Chapter 240, Section 273, as amended) is amended to read:

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

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

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

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

D. the person offering to vote is improperly registered because the person is not a qualified elector; or

E. in the case of a primary election, the person desiring to vote is not affiliated with a political party represented on the ballot."

SECTION 91. Section 1-12-21 NMSA 1978 (being Laws 1969, Chapter 240, Section 274, as amended) is amended to read:

"1-12-21. CONDUCT OF ELECTION--CHALLENGES--ENTRIES.--When a challenge is interposed, the judges or election clerks shall enter the word "CHALLENGED" under the notation headings in the signature rosters, along with the reason for the challenge, the time the challenge was made and the name and title of the person interposing the challenge."
SECTION 92. Section 1-12-22 NMSA 1978 (being Laws 1969, Chapter 240, Section 275, as amended) is amended to read:

"1-12-22. CONDUCT OF ELECTION--CHALLENGES--
DISPOSITION.--Challenges shall be handled as follows:

A. if the challenge is unanimously affirmed by the presiding judge and the two election judges, the person shall be furnished a provisional paper ballot. The election clerks shall enter such voter's name in the checklist of registered voters, and the voter shall sign the voter's name in the signature roster. The word "Affirmed" shall be written opposite such voter's name under the challenge notation in the signature roster and checklist of registered voters, together with the number of the ballot so furnished; or

B. if the challenge is not unanimously affirmed by the presiding judge and the two election judges, the voter shall be allowed to vote, and the election clerks shall enter the words "Not Affirmed" under the challenge notation after the voter's name in the signature roster and the checklist of registered voters."

SECTION 93. Section 1-12-23 NMSA 1978 (being Laws 1969, Chapter 240, Section 277, as amended) is amended to read:

"1-12-23. CONDUCT OF ELECTION--VOTING MACHINES--INSTRUCTIONS.--Before each voter receives a ballot, a member of the precinct board shall, so far as possible, instruct the voter on the voting process and call the voter's attention to
the posted sample ballot. If any voter asks for further information before completing the voting process, the judges or election clerks shall provide appropriate information and assist the voter with the voting process."

SECTION 94. Section 1-12-25.2 NMSA 1978 (being Laws 2003, Chapter 356, Section 3, as amended) is amended to read:

"1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

A. If a voter is required to vote on a provisional paper ballot, the presiding judge or election judge shall give the voter written instructions on how the voter may determine whether the vote was counted and, if the vote was not counted, the reason it was not counted.

B. The county clerk shall provide a free access system, such as a toll-free telephone number or internet web site, that a voter who casts a provisional paper ballot may access to ascertain whether the voter's ballot was counted and, if the vote was not counted, the reason it was not counted and how to appeal the decision pursuant to rules issued by the secretary of state. Access to information about an individual voter's provisional paper ballot is restricted to the voter who cast the ballot.

C. Beginning with the closing of the polls on election day through the tenth day following the election, the county clerk shall notify by mail each person whose
provisional paper ballot was not counted of the reason the
ballot was not counted. The voter shall have until the
Friday prior to the meeting of the state canvassing board to
appeal to the county clerk a decision to reject the voter's
ballot."

SECTION 95. Section 1-12-30 NMSA 1978 (being Laws 1969,
Chapter 240, Section 289, as amended) is amended to read:

"1-12-30. CONDUCT OF ELECTION--DISPOSITION OF SIGNATURE
ROSTER, CHECKLIST OF REGISTERED VOTERS AND MACHINE-PRINTED
RETURN REPORTING UNOFFICIAL RETURNS.--

A. After all certificates have been executed, the
presiding judge and the two election judges shall place the
checklist of registered voters voting and one copy of the
machine-printed returns in the stamped, addressed envelope
provided for that purpose and immediately mail it to the
secretary of state.

B. The signature roster, the machine-printed
returns and the removable media storage device shall be
returned to the county clerk. The signature roster, the
machine-printed returns and the removable media storage
device shall not be placed in the ballot box.

C. Signature rosters and machine-printed returns in
the custody of the county clerk may be destroyed only
pursuant to Section 1-12-69 NMSA 1978.

D. The county clerk shall report the unofficial
total returns for the county to the secretary of state within
ten hours after the polls close."

SECTION 96. 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;

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

(5) the removable media storage device.

B. 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 97. Section 1-12-37 NMSA 1978 (being Laws 1973, 
Chapter 358, Section 2, as amended) is amended to read:

"1-12-37. CONDUCT OF ELECTION--VOTING
MACHINES--VERIFICATION OF RETURNS.--Two election officials of
different parties shall verify that the counter settings
registered on the machine-printed returns are legible. The
machine-printed returns shall show the number of votes cast
for each candidate and the number of votes cast for and
against any constitutional amendment or other question
submitted, and the return shall be signed by each member of
the precinct board and two watchers of opposing interest, if
there be such."

SECTION 98. Section 1-12-43 NMSA 1978 (being Laws 1977,
Chapter 222, Section 46, as amended) is amended to read:

"1-12-43. EMERGENCY SITUATIONS.--

A. If any electronic vote tabulator becomes
disabled while being used to the extent that any voter is
unable to cast a vote for all the candidates or questions of
the voter's choice and have such vote recorded by the
electronic vote tabulator, it shall be repaired, if possible,
or another electronic vote tabulator shall be promptly
substituted.

B. If a disabled electronic vote tabulator cannot
be repaired in a reasonable length of time and if there are
no other electronic vote tabulators available for
substitution, the presiding judge shall order marked ballots
to be collected and securely preserved until they may be
tabulated pursuant to rules promulgated by the secretary of
state.
C. A voter shall not be denied the opportunity to mark a ballot for later tabulation due to the lack of a functioning electronic vote tabulator.

D. The county clerk shall provide additional ballots if needed and when requested by the precinct board."

SECTION 99. Section 1-12-51 NMSA 1978 (being Laws 1977, Chapter 222, Section 54, as amended) is amended to read:

"1-12-51. PAPER BALLOTS--UNAUTHORIZED RECEIPT OR DELIVERY OF PAPER BALLOT.--Except for absentee ballots and unless otherwise provided by law, a voter shall not receive a paper ballot from any person other than from a member of the precinct board or at an alternate voting location. No person other than a member of the precinct board or officer authorized by law shall deliver a paper ballot to any voter."

SECTION 100. Section 1-12-66 NMSA 1978 (being Laws 1977, Chapter 222, Section 69, as amended) is amended to read:

"1-12-66. PAPER BALLOTS--SIGNATURE ROSTERS, CHECKLIST OF VOTERS AND TALLY SHEETS--DISPOSITION.--

A. After the counting and tallying of paper ballots are completed and after all certificates have been executed, the presiding judge and the two election judges shall place the checklist of voters and one copy of the tally sheet in the stamped, addressed envelope provided for that purpose and an election judge shall immediately mail it to the secretary of state."
B. The signature roster and the original tally sheet shall be returned to the county clerk. The signature roster and the tally sheet shall not be placed in the ballot box.

C. Signature rosters, checklists of registered voters and tally sheets in the custody of the county clerk and the secretary of state may be destroyed only pursuant to Section 1-12-69 NMSA 1978."

SECTION 101. Section 1-13-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 310, as amended) is amended to read:

"1-13-8. POST-ELECTION DUTIES--COUNTY CANVASS--SEARCH FOR MISSING RETURNS.--If it is necessary to open a ballot box on election night to ascertain if missing election returns are enclosed in the ballot box, the ballot box shall be opened by the county clerk and the district judge, or someone designated by the district judge. In the presence of the district judge or the designated representative of the district judge, the county clerk may remove the missing returns necessary to canvass the election. When such omission or negligence of the precinct board causes an additional expense to be incurred, no compensation shall be paid to the precinct board for its services on election day."

SECTION 102. 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.--"
A. The county clerk shall not clear the votes recorded on the removable storage media devices until at least thirty 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."

SECTION 103. Section 1-20-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 432) is amended to read:

"1-20-8. FALSE VOTING.--False voting consists of:

A. voting or offering to vote with the knowledge of not being a qualified elector;

B. voting or offering to vote in the name of any other person;

C. voting or offering to vote more than once in the same election;

D. falsifying any information on an absentee ballot official mailing envelope or affixing a signature or mark other than one's own on an absentee ballot official mailing envelope;

E. inducing, abetting or procuring or attempting to induce, abet or procure a person known to not be a qualified
elector to vote; or

F. inducing, abetting or procuring or attempting to induce, abet or procure a person who, having voted once in any election, to vote or attempt to vote again at the same election.

Whoever commits false voting is guilty of a fourth degree felony."

SECTION 104. Section 1-20-16 NMSA 1978 (being Laws 1969, Chapter 240, Section 440) is amended to read:

"1-20-16. ELECTIONEERING TOO CLOSE TO THE POLLING PLACE.--

A. Electioneering too close to the polling place consists of any form of campaigning within:

(1) one hundred feet of the building in which the polling place is located on election day when voting at a school, church or private residence; and

(2) one hundred feet of the door through which voters may enter to vote at the office of the county clerk, an alternate voting location, a mobile voting site or any location used as a polling place on election day that is not a school, church or private residence.

B. Electioneering includes the display or distribution of signs or campaign literature, campaign buttons, t-shirts, hats, pins or other such items and includes the verbal or electronic solicitation of votes for a
candidate or question.

C. Whoever commits electioneering too close to the polling place is guilty of a petty misdemeanor."

SECTION 105. Section 1-20-17 NMSA 1978 (being Laws 1969, Chapter 240, Section 441) is amended to read:

"1-20-17. OBSTRUCTING THE POLLING PLACE.--

A. Obstructing the polling place consists of:

(1) any person other than a voter offering to vote, a member of the precinct board, a lawfully appointed challenger or watcher, an election observer, an election official having business in the polling place or a person authorized by the Election Code to give assistance to a voter who, during the conduct of the election, approaches nearer than fifty feet from the door through which voters may enter to vote at the office of the county clerk, an alternate voting location, a mobile voting site or any location used as a polling place; or

(2) any person who willfully blocks the entrance to a polling place so as to prevent free ingress and egress.

B. A person conducting lawful, non-election-related business nearer than fifty feet from the door through which voters may enter to vote is not guilty of obstructing a polling place, provided the person does not willfully block the entrance to the polling place.
C. Whoever obstructs the polling place is guilty of a petty misdemeanor."

SECTION 106. Section 1-23-4 NMSA 1978 (being Laws 1987, Chapter 160, Section 4) is amended to read:

"1-23-4. LAW GOVERNING.--

A. Except as otherwise provided in the Mail Ballot Election Act, mail ballot elections shall be conducted in accordance with the provisions of the local government's absentee voter law.

B. If the local government does not have an absentee voter law, the mail ballot election shall be called, conducted and canvassed as provided in the Election Code."

SECTION 107. Section 1-24-2 NMSA 1978 (being Laws 1989, Chapter 295, Section 2) is amended to read:

"1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--PUBLICATION.--

A. Whenever a local government special election is to be called or is required by law, the governing body shall by resolution issue a public proclamation calling the election. The proclamation shall forthwith be filed with the county clerk. The proclamation shall specify:

(1) the date on which the special election will be held;

(2) the purpose for which the special election is called;
(3) if officers are to be elected or positions on the governing body are to be filled, the date on which declarations of candidacy are to be filed;

(4) if a question is to be voted upon, the text of that question;

(5) the precincts in each county in which the election is to be held and the location of each polling place in the precinct;

(6) the hours that each polling place will be open; and

(7) the date and time of closing the registration books by the county clerk as required by law.

B. After filing with the county clerk the proclamation issued pursuant to Subsection A of this section, and not less than fifty-six days before the date of the election, the governing body shall publish the proclamation once each week for two consecutive weeks in a newspaper of general circulation within the boundaries of the local government or special district. The proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended.

C. Whenever a statewide special election is to be called or is required by law, the governor shall by resolution issue a public proclamation calling the election.
United States representative is to be called or is required
by law, the governor shall by resolution issue a public
proclamation calling the election pursuant to the
requirements of Section 1-15-18.1 NMSA 1978. The
proclamation shall forthwith be filed with the secretary of
state. The proclamation shall specify:

(1) the date on which the special election will
be held;

(2) the purpose for which the special election
is called;

(3) if a vacancy in the office of United States
representative is to be filled, the date on which
declarations of candidacy are to be filed;

(4) if a question is to be voted upon, the text
of that question; and

(5) the date and time of closing the
registration books by the county clerk as required by law.

D. After the proclamation issued pursuant to
Subsection C of this section is filed with the secretary of
state, the secretary of state shall within five days certify
the proclamation to each county clerk in the state. Not less
than fifty-six days before the date of the election, the
county clerk shall publish the proclamation once each week
for two consecutive weeks in a newspaper of general
circulation, which shall include the precincts in the county
in which the election is to be held and the location of each polling place in the precinct and the hours that each polling place will be open. For an election called pursuant to Subsection F of Section 1-15-18.1 NMSA 1978, the proclamation shall be published consistent with this subsection not less than thirty-six days before the date of the election. The proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended."

SECTION 108. Section 4-38-24 NMSA 1978 (being Laws 1876, Chapter 1, Section 14 (7), as amended) is amended to read:

"4-38-24. POWERS OVER HIGHWAYS.--The board of county commissioners of each county shall have the power to lay out, alter or discontinue any road running through one or more precincts or townships in such county and to perform such other duties respecting roads as may be required by law."

SECTION 109. TEMPORARY PROVISIONS--RECOMPILATION.--

A. Sections 1-4-10, 1-5-7 and 1-5-8 NMSA 1978 (being Laws 1977, Chapter 222, Section 7 and Laws 1969, Chapter 240, Sections 109 and 110, as amended) are recompiled in Chapter 1, Article 12 NMSA 1978.

B. Sections 1-5-19, 1-5-24 and 1-5-25 NMSA 1978 (being Laws 1969, Chapter 240, Section 125 and Laws 1975, Chapter 255, Sections 78 and 79, as amended) are recompiled in Chapter 1, Article 4 NMSA 1978.

C. Sections 1-8-53 through 1-8-61 and 1-8-63 NMSA
1978 (being Laws 1977, Chapter 230, Sections 1 and 2, Laws 2003, Chapter 300, Section 3 and Laws 1977, Chapter 230, Sections 3 through 9 and 11, as amended) are recompiled in Chapter 1, Article 15 NMSA 1978.

D. Sections 1-12-9, 1-12-9.1 and 1-12-58 NMSA 1978 (being Laws 1969, Chapter 240, Section 248, Laws 1995, Chapter 198, Section 15 and Laws 1977, Chapter 222, Section 61, as amended) are recompiled in Chapter 1, Article 20 NMSA 1978.


SECTION 111. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2011.