

1 HOUSE BILL 170

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 John Block and Stefani Lord and Mark Duncan and Steve D. Lanier
5 and Jay C. Block
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10 AN ACT

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

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

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

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

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

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

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

19 B.] A. for a voter voting in-person:

20 (1) a current driver's license or
21 identification card issued by the motor vehicle division of the
22 taxation and revenue department; and

23 (2) a verbal or written statement by the voter
24 of the voter's name, registration address and year of birth;
25 provided, however, that the statement of the voter's name need

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1 not contain the voter's middle initial or suffix; or

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

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

9 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

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

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

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

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

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1 referred to the confidential address program administered by
2 the secretary of state pursuant to the Confidential Substitute
3 Address Act.

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

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

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

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

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

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

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

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

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

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

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1 ~~card or other government document, including identification~~
2 ~~issued by an Indian nation, tribe or pueblo, that shows the~~
3 ~~name and current address of the applicant; and~~

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

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

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

12 "1-6-4. MAILED BALLOT APPLICATION.--

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

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

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

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

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

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

24 [] I am the person whose name and identifying
25 information is provided on this form and I desire to request a

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1 mailed ballot to vote in the state of New Mexico; and

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

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

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

25 G.] F. A person who willfully and with knowledge

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

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

9 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

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

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

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1 file from those accepted.

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

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

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

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

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

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

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

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

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

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

20 "1-6-6. BALLOT REGISTER.--

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

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

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- 1 (2) the date of receipt of the application;
2 (3) whether the application was accepted or
3 rejected;
4 (4) the date of issue of an absentee ballot at
5 an early voting location or the mailing of an absentee ballot
6 to the applicant;
7 (5) the applicant's precinct;
8 (6) whether the applicant is a voter and
9 whether the voter is a uniformed-service voter or an overseas
10 voter;
11 (7) whether the voter is required to submit
12 ~~[documentary]~~ required voter identification ~~[pursuant to~~
13 ~~Section 1-6-5 NMSA 1978]~~; and
14 (8) the date the completed mailed ballot was
15 received from the voter by the county clerk or the absent voter
16 registered a ballot early in person in the county clerk's
17 office or at an alternate location.
18 B. For each special election, the county clerk
19 shall keep a "mailed ballot register", in which the county
20 clerk shall enter:
21 (1) the name and address of each voter to whom
22 a mailed ballot was sent;
23 (2) the date of mailing of a mailed ballot to
24 the voter;
25 (3) the applicant's precinct;

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1 (4) whether the voter is a uniformed-service
2 voter or an overseas voter;

3 (5) whether the voter is required to submit [~~a~~
4 ~~documentary~~] required voter identification [~~pursuant to Section~~
5 ~~1-6-5 NMSA 1978~~]; and

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

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

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

21 E. Upon request by a candidate, a political
22 committee or the state or county chair of a political party
23 represented on the ballot in an election, the secretary of
24 state or county clerk shall transmit without charge to an
25 electronic address provided in the request a complete copy of

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1 entries made in the absentee ballot register statewide or in
2 the county. Such transmissions shall be made daily beginning
3 four weeks immediately prior to the election through the
4 Saturday immediately following the election."

5 SECTION 7. Section 1-6-8 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 134, as amended) is amended to read:

7 "1-6-8. MAILED BALLOT ENVELOPES.--

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

10 (1) official inner envelopes for use in
11 sealing the completed mailed ballot;

12 (2) official mailing envelopes for use in
13 returning the official inner envelope to the county clerk,
14 which shall be postage-paid; provided that only the official
15 mailing envelope for absentee ballots in a political party
16 primary shall contain a designation of party affiliation;

17 (3) mailed ballot instructions, describing
18 proper methods for completion of the ballot and returning it;
19 and

20 (4) official transmittal envelopes for use by
21 the county clerk in sending mailed ballot materials.

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

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1 envelopes shall be printed in black.

2 C. The reverse of each official mailing envelope
3 shall contain a form to be executed under penalty of perjury by
4 the voter completing the mailed ballot. The form shall
5 identify the voter and shall contain the pre-printed name of
6 the voter to whom the ballot was sent and the following
7 statement to be affirmed by the voter: "I attest under penalty
8 of perjury that I am the voter identified on this official
9 mailing envelope and that I have not and will not vote any
10 other ballot in this election.". The official mailing envelope
11 shall contain a space for the voter to record the voter's
12 signature and ~~[the last four digits of]~~ the voter's social
13 security number, which shall constitute the required voter
14 identification. Under the space for the voter's signature
15 shall be the following statement: "NOTICE: The only people who
16 may lawfully mail or deliver this ballot to the county clerk
17 are the voter, a member of the voter's immediate family or
18 household, the voter's caregiver or a person with whom the
19 voter has a continuing personal relationship.". The envelope
20 shall have a security flap to cover this information."

21 SECTION 8. Section 1-6-10 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 136, as amended) is amended to read:

23 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

24 A. Completed official mailing envelopes that are
25 received at the county clerk's office or a polling place or

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1 that are retrieved from the post office or a monitored secured
2 container shall be accepted until 7:00 p.m. on election day. A
3 completed official mailing envelope received after that time
4 shall not be qualified or opened but shall be preserved by the
5 county clerk for the applicable retention period provided in
6 Section 1-12-69 NMSA 1978. The county clerk shall report the
7 number of late ballots from voters, uniformed-service voters
8 and overseas voters and report the number from each category to
9 date on the final mailed ballot report and as part of the
10 county canvass report. If additional late ballots are
11 received, the county clerk shall update the number of late
12 ballots from each category to the secretary of state.

13 B. On the day a returned mailed ballot is received
14 by the county clerk, the county clerk shall mark the date of
15 receipt on the outside of the official mailing envelope.
16 Within one business day of receiving a returned official
17 mailing envelope, the county clerk shall remove the privacy
18 flap to verify that the voter signed the official mailing
19 envelope and to confirm that ~~[the last four digits of]~~ the
20 social security number provided by the voter ~~[match]~~ matches
21 the information available to the county clerk; provided that no
22 county clerk or deputy county clerk shall perform the
23 verification process pursuant to this subsection unless the
24 county clerk or deputy county clerk would also meet the
25 requirements to be a challenger, watcher or election observer

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1 pursuant to Paragraphs (1) through (4) of Subsection C of
2 Section 1-2-22 NMSA 1978.

3 C. If the voter's signature is present and [~~the~~
4 ~~last four digits of~~] the voter's social security number [~~match~~
5 matches], the county clerk shall note in the absentee ballot
6 register that the information required to be provided by the
7 voter under the privacy flap has been verified and shall safely
8 keep the official mailing envelope unopened in a locked and
9 number-sealed ballot box until it is delivered to the absent
10 voter election board.

11 D. If either the voter's signature is missing or
12 [~~the last four digits of~~] the voter's social security number
13 [~~are~~] is not provided or [~~do~~] does not match, the county clerk
14 shall make the appropriate notation in the absentee ballot
15 register and shall safely keep the official mailing envelope
16 unopened in a secured ballot box designated for those official
17 mailing envelopes received that are missing the voter's
18 signature or [~~the last four digits of~~] the voter's social
19 security number or where [~~the last four digits of~~] the social
20 security number [~~do~~] does not match the information available
21 to the county clerk. The county clerk shall immediately send
22 the voter a notice to cure containing information regarding how
23 the voter may provide documentation to cure the missing or
24 incorrect information.

25 E. If [~~pursuant to Subsection F of Section 1-6-4~~
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1 ~~NMSA-1978~~] the voter was notified of the need to comply with
2 federal identification requirements when returning the
3 requested ballot and failed to comply, the county clerk shall
4 preserve the inner envelope with the official mailing envelope
5 and write "Rejected" on the front of the official mailing
6 envelope, and the county clerk shall update the ballot register
7 accordingly and immediately send the voter a notice to cure
8 containing information regarding how the voter may provide the
9 missing or incorrect information. The county clerk shall place
10 the official mailing envelope with the attached inner envelope
11 in a container provided for rejected ballots; provided that if
12 the county clerk was required to open the inner envelope to
13 determine that the required documentary identification was not
14 included, the untallied ballot shall be returned to the inner
15 envelope and preserved along with the official mailing envelope
16 in a container for this purpose.

17 F. The voter may provide the missing or corrected
18 information at any time up to the conclusion of the appeal
19 process for rejected ballots. If a voter provides the missing
20 or corrected information:

21 (1) before the absent voter election board has
22 been convened, the county clerk shall attach the documentation
23 to the unopened official mailing envelope, update the ballot
24 register accordingly and transfer the ballot to the locked and
25 number-sealed ballot box until it is delivered to the absent

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1 voter election board;

2 (2) after the absent voter election board has
3 been convened, the county clerk shall attach the documentation
4 to the unopened official mailing envelope, update the ballot
5 register accordingly and transfer the ballot to the absent
6 voter election board;

7 (3) after the adjournment of the absent voter
8 election board but before the conclusion of the county canvass
9 process, the county clerk shall attach the documentation to the
10 unopened official mailing envelope, update the ballot register
11 accordingly and transfer the ballot to an election board
12 convened to assist in preparation of the county canvass report;
13 and

14 (4) after approval of the county canvass
15 report, the voter may appeal in accordance with appeal
16 procedures for provisional ballots established by rule of the
17 secretary of state pursuant to Section 1-12-25.2 NMSA 1978.

18 G. In a statewide election, if the unopened
19 official mailing envelope is received by the county clerk from
20 an election board before the absent voter election board has
21 adjourned, the unopened official mailing envelope shall be
22 transmitted to the absent voter election board to be tallied
23 immediately. If the unopened official mailing envelope is
24 received by the county clerk from an election board after the
25 absent voter election board has adjourned, the unopened

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1 official mailing envelope shall be transmitted to an election
2 board convened to assist in preparation of the county canvass
3 report to be tallied and included in the canvass report of that
4 county for the appropriate precinct."

5 SECTION 9. A new section of Chapter 1, Article 12 NMSA
6 1978 is enacted to read:

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

12 SECTION 10. Section 1-12-7.1 NMSA 1978 (being Laws 1969,
13 Chapter 240, Section 112, as amended) is amended to read:

14 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
15 VOTERS--USE DURING ELECTION.--

16 A. At each election day polling location, other
17 than a consolidated precinct where any voter in the county may
18 vote, the precinct board shall post securely at or near the
19 entrance of the polling place one copy of an alphabetical list
20 of voters and a map of the precincts represented in that
21 polling place for use of the voters prior to voting. The
22 posted copy shall not contain a listing of voter addresses,
23 years, months or days of birth or social security numbers.

24 B. At each polling location where physical rosters
25 are used, the presiding judge of the precinct board shall

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1 assign one judge or election clerk of the board to be in charge
2 of one copy of the checklist of voters, which shall be used to
3 confirm the registration and voting of each person offering to
4 vote.

5 C. The presiding judge of the precinct board shall
6 assign one judge or election clerk to be in charge of the
7 signature roster.

8 D. The judge or election clerk assigned to confirm
9 registration shall determine that each person offering to vote
10 is registered and, in the case of a primary election, that the
11 voter is registered in a party designated on the primary
12 election ballot. If the person's registration is confirmed and
13 the voter provides the required voter identification, the judge
14 or election clerk shall announce to the judges or election
15 clerks the list number and the name of the voter as shown on
16 the checklist of voters. If the voter does not provide the
17 required voter identification, the voter shall be allowed to
18 vote on a provisional paper ballot and shall provide the
19 required voter identification to the county clerk's office
20 before 5:00 p.m. on the second day following the election, or
21 to the precinct board before the polls close, or the voter's
22 provisional ballot shall not be qualified. If the required
23 voter identification is provided, the voter's provisional paper
24 ballot shall be qualified and the voter shall not vote on any
25 other type of ballot.

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1 E. The judge or election clerk shall locate the
2 name on the signature roster and shall require the voter to
3 sign the voter's usual signature or, if unable to write, to
4 make the voter's mark opposite the voter's printed name. If
5 the voter makes the voter's mark, it shall be witnessed by one
6 of the judges or election clerks of the precinct board.

7 ~~[F. If the signature roster indicates that the~~
8 ~~voter is required to present a physical form of identification~~
9 ~~before voting, the judge or election clerk shall ask the voter~~
10 ~~for the required physical form of identification. If the voter~~
11 ~~does not provide the required identification, the voter shall~~
12 ~~be allowed to vote on a provisional paper ballot; provided,~~
13 ~~however, that if the voter brings the required physical form of~~
14 ~~identification to the polling place after casting a provisional~~
15 ~~paper ballot, that ballot shall be qualified.~~

16 G.] F. The judge or election clerk shall follow the
17 procedures provided for in Sections 1-12-7.2 and 1-12-8 NMSA
18 1978 if a person whose name does not appear on the signature
19 roster requests to vote or a person is required to vote on a
20 provisional paper ballot.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ~~D.~~ C. A judge or election clerk shall have the
6 voter sign the signature roster and issue the voter a
7 provisional paper ballot, an outer envelope and an official
8 inner envelope. The voter shall vote on the provisional paper
9 ballot in secrecy and, when done, place the ballot in the
10 official inner envelope and place the official inner envelope
11 in the outer envelope and return it to the judge or election
12 clerk. The judge or election clerk shall ensure that the
13 required information is completed on the outer envelope, have
14 the voter sign it in the appropriate place and place it in an
15 envelope designated for provisional paper ballots.

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

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

22 "1-12-20. CONDUCT OF ELECTION--INTERPOSING CHALLENGES.--A
23 challenge may be interposed by a member of the precinct board
24 or by a party challenger for the following reasons:

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

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1 vote;

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

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

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

8 E. the required voter identification that the
9 person presents does not conform to the requirements of Section
10 1-1-24 NMSA 1978; or

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

14 SECTION 13. Section 1-12-25.3 NMSA 1978 (being Laws 2003,
15 Chapter 356, Section 6, as amended) is amended to read:

16 "1-12-25.3. PROVISIONAL PAPER BALLOTS--REQUIRED
17 INFORMATION.--

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

20 (1) the name and signature of the voter;

21 (2) the voter's registered address, both
22 present and former if applicable;

23 (3) the voter's date of birth;

24 (4) the reason for using the ballot;

25 (5) the precinct and the polling place at

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1 which the voter has voted; and

2 (6) sufficient space to list the disposition
3 of the ballot after review by the county clerk.

4 B. A provisional paper ballot shall not be rejected
5 for lack of the information required by this section and shall
6 be qualified as long as the voter provides a valid signature
7 and sufficient information for the clerk to determine the voter
8 is a qualified elector and has provided a copy of the required
9 voter identification."

10 SECTION 14. Section 1-24-3 NMSA 1978 (being Laws 2019,
11 Chapter 212, Section 156, as amended) is amended to read:

12 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

13 A. All special elections in this state shall be
14 conducted absentee. Mailed ballots shall be used exclusively
15 for voting in special elections. Except as otherwise provided
16 in the Special Election Act, all special elections in this
17 state shall be conducted and canvassed as provided in the
18 Election Code.

19 B. Without requiring a voter to file an application
20 to receive a ballot, the county clerk shall send a mailed
21 ballot to every voter of the county or local public body,
22 except a voter:

23 (1) who was sent a notice pursuant to
24 Subsection C of Section 1-4-28 NMSA 1978 and who has not
25 returned the prepaid and pre-addressed return card sent

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1 pursuant to that section and has not filed a new certificate of
2 registration with a new address;

3 (2) whose voter notification pursuant to
4 Section 1-11-4.1 NMSA 1978 or official election-related mail
5 sent through a uniform, nondiscriminatory process was returned
6 to the county clerk or the secretary of state as undeliverable
7 and the voter has not communicated with the county clerk that
8 the official voter notification or election-related mail was
9 returned as undeliverable in error or filed a certificate of
10 registration with a new address; or

11 (3) whose ballot is delivered pursuant to the
12 provisions of the Intimate Partner Violence Survivor Suffrage
13 Act.

14 C. Forty-two days before the election or in the
15 case of a voter notification returned to the county clerk, as
16 soon thereafter as practicable, the county clerk shall send to
17 each voter of the county or local public body described in
18 Paragraphs (1) and (2) of Subsection B of this section notice,
19 sent by forwardable mail, that the voter will not be sent a
20 ballot for the special election unless the voter updates the
21 voter's address as provided by the Election Code or informs the
22 county clerk that the address on the certificate of
23 registration is valid. The notice shall include contact
24 information for the office of the county clerk and an internet
25 address where the voter may update the voter's address or

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1 communicate with the county clerk. The mailed ballot register
2 shall note which voters were sent a notice pursuant to this
3 subsection.

4 D. Between the twenty-seventh and twenty-fifth day
5 before the election, pursuant to Subsection B of this section,
6 the county clerk shall send to each voter a ballot for the
7 special election, along with a postage-paid return envelope, a
8 notice that there will be no traditional polling places for the
9 election, the recommended deadline to deposit the voted mailed
10 ballot with the United States postal service for return by
11 mail, the deadline for the ballot to be received by the county
12 clerk and a list of the times and locations of monitored
13 secured containers available in the county.

14 E. Beginning twenty-two days before the election,
15 the county clerk shall issue replacement and provisional
16 ballots as provided in the Absent Voter Act for the mailed
17 ballot process. In addition, the county clerk shall send a
18 ballot to any voter described in Paragraphs (1) and (2) of
19 Subsection B of this section who has not previously been sent a
20 ballot if the voter submits an application pursuant to Section
21 1-6-4 NMSA 1978.

22 ~~[F. When required by federal law, if the voter has~~
23 ~~on file with the county a valid certificate of registration~~
24 ~~that indicates that the voter is a new registrant in the state~~
25 ~~and who registered by mail without submitting the required~~

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1 ~~documentary identification, the county clerk shall notify the~~
2 ~~voter that the voter must submit with the mailed ballot the~~
3 ~~required documentary identification from the list in Paragraph~~
4 ~~(3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county~~
5 ~~clerk shall note on the mailed ballot register and signature~~
6 ~~roster that the applicant's mailed ballot must be returned with~~
7 ~~the required documentary identification.]"~~

8 SECTION 15. Section 66-5-408 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 335, as amended) is amended to read:

10 "66-5-408. FEES.--

11 A. Upon application for an identification card with
12 a four-year term, there shall be paid to the department a fee
13 of five dollars (\$5.00). Upon application for an
14 identification card with an eight-year term, there shall be
15 paid to the department a fee of ten dollars (\$10.00). A fee
16 shall not be charged to an applicant for an identification card
17 if the applicant:

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

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

24 B. The department with the approval of the governor
25 may increase the amount of the identification card fee by an

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1 amount not to exceed three dollars (\$3.00) for the purpose of
2 implementing an enhanced licensing system; provided that for an
3 identification card issued for an eight-year period, the amount
4 of the fee shall be twice the amount charged for other
5 identification cards. The additional amounts collected
6 pursuant to this subsection are appropriated to the department
7 to defray the expense of the new system of licensing and for
8 use as set forth in the provisions of Subsection F of Section
9 66-6-13 NMSA 1978. Unexpended and unencumbered balances from
10 fees collected pursuant to the provisions of this subsection at
11 the end of any fiscal year shall not revert to the general fund
12 but shall be expended by the department in fiscal year 2010 and
13 subsequent fiscal years.

14 C. As used in this section, "homeless individual"
15 means an individual:

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

18 (a) lives in the housing of another
19 person due to that individual's loss of housing, economic
20 hardship or other reason related to that individual's lack of a
21 fixed residence;

22 (b) lives in a motel, hotel, trailer
23 park or camping ground due to the lack of alternative adequate
24 accommodations;

25 (c) lives in an emergency or

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1 transitional shelter;

2 (d) sleeps in a public or private place
3 not designed for or ordinarily used as a regular sleeping
4 accommodation for human beings; or

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

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

11 (a) a public or private governmental or
12 nonprofit agency that provides services to homeless
13 individuals;

14 (b) a local education agency homeless
15 liaison, school counselor or school nurse;

16 (c) a social worker licensed in the
17 state; or

18 (d) the homeless individual."

19 SECTION 16. REPEAL.--Section 1-12-4.1 NMSA 1978 (being
20 Laws 2005, Chapter 270, Section 59) is repealed.

21 SECTION 17. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2025.

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