HOUSE BILL 74

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

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AN ACT

RELATING TO ELECTIONS; REMOVING REQUIREMENTS THAT APPLICATIONS FOR ABSENTEE OR ABSENTEE-EARLY BALLOTS IN CERTAIN CONSERVANCY DISTRICT ELECTIONS BE NOTARIZED.

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

SECTION 1. Section 73-14-31.1 NMSA 1978 (being Laws 1996, Chapter 42, Section 15) is amended to read:

"73-14-31.1. ABSENTEE BALLOT APPLICATION.--

A. Application by a qualified elector for an absentee ballot shall be made on the official form prescribed by the board of directors and printed and furnished by the election director. The form shall identify the applicant and contain information to establish [his] the applicant's qualification as a qualified elector for issuance of an absentee ballot. Each application for an absentee ballot shall

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1   be [subscribed and sworn to] signed by the applicant.

2   B.   The election director shall mark each completed

3   absentee ballot application with the date and time of receipt

4   and enter the required information in the absentee ballot

5   qualified elector list. The election director shall then

6   determine if the applicant is a qualified elector.

7   C.   If the applicant is not listed in the qualified

8   elector list, an absentee ballot shall not be issued and the

9   election director shall mark the application "rejected" and

10   file the application in a separate file from those accepted.

11   D.   The election director shall notify in writing

12   each applicant of the fact of acceptance or rejection of [his]

13   the applicant's application and, if rejected, shall state the

14   reason for rejection.

15   E.   If the election director determines that the

16   applicant is a qualified elector, the election director shall

17   mark the application "accepted" and deliver or mail to the

18   applicant an absentee ballot and the required envelopes for use

19   in returning the ballot to the absent voter precinct."

20   SECTION 2.   Section 73-14-31.3 NMSA 1978 (being Laws 1999,

21   Chapter 168, Section 8) is amended to read:

22   "73-14-31.3.   ABSENTEE-EARLY VOTING--ELECTIONEERING.--

23   A.   A voter may apply to vote absentee-early by

24   completing an absentee-early ballot application on the official

25   form prescribed by the board of directors and printed and

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1   furnished by the election director. The form shall identify

2   the applicant and contain information to establish [his] the

3   applicant's qualifications as a qualified elector for issuance

4   of an affidavit for absentee-early voting. Each application

5   shall be [subscribed and sworn to] signed by the applicant.

6   B.   Once it is determined that the application form

7   is complete, the election director shall mark the application

8   with the date and time of receipt and enter the required

9   information in the absentee ballot register.

10   C.   If the voter is determined to be a qualified

11   elector, the [elections] election director shall inform the

12   voter that [his] the voter's application has been accepted and

13   instruct the voter on how to vote.

14   D.   For the purpose of absentee-early voting,

15   electioneering is not permitted in the election director's

16   office, the middle Rio Grande conservancy district offices or

17   designated satellite locations.

18   E.   For the purpose of this section,

19   "electioneering" means any form of campaigning within one

20   hundred feet of the election director's office, the middle Rio

21   Grande conservancy district office or designated satellite

22   locations and includes the display of signs or distribution of

23   campaign literature."

24   SECTION 3. EFFECTIVE DATE.--The effective date of the

25   provisions of this act is July 1, 2012.

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