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SENATE BILL 643

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Lisa A. Torraco

AN ACT

RELATING TO ELECTIONS; CHANGING REQUIREMENTS AND PROCEDURES FOR  
VOTER REGISTRATION; CHANGING PROCEDURES FOR CANCELING VOTER  
REGISTRATION; PROVIDING PROCEDURES AND REQUIREMENTS FOR  
REGISTRATION BY ELECTRONIC MEANS; PROVIDING FOR VERIFICATION OF  
VOTER REGISTRATION DATA.

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

SECTION 1. A new section of Chapter 1, Article 4 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] PROCESSING UNTIMELY RECEIVED CERTIFICATES  
OF REGISTRATION.--If any qualified elector submits a  
certificate of registration to a state agency pursuant to  
Section 1-4-5.2 NMSA 1978 prior to the close of registration  
for any election, which registration is not received by the  
county clerk's office or is lost, the applicant shall be

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1 permitted to complete a new certificate of registration in the  
2 office of the county clerk. Upon proof of the completion of  
3 the certificate of registration prior to the close of  
4 registration, the qualified elector shall be added to the  
5 statewide voter file."

6 SECTION 2. A new section of Chapter 1, Article 4 NMSA  
7 1978 is enacted to read:

8 "[NEW MATERIAL] NOTICE OF REGISTRATION--CANCELLATION OF  
9 REGISTRATION.--

10 A. When a person who has previously registered to  
11 vote in another state applies for voter registration in New  
12 Mexico, the person shall provide on the certificate of  
13 registration form all information needed to cancel any previous  
14 registration. The county clerk shall notify the state  
15 elections office of the applicant's previous state of the  
16 change in registration.

17 B. A county clerk receiving official information  
18 that a voter has registered to vote in another state shall  
19 immediately cancel that voter's certificate of registration in  
20 the statewide voter file."

21 SECTION 3. Section 1-4-5 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 63, as amended) is amended to read:

23 "1-4-5. METHOD OF REGISTRATION--UNLAWFUL USE OF  
24 INFORMATION--PENALTY.--

25 A. A qualified elector may apply to register to  
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1 vote by completing a state certificate of registration form or  
2 federal voter registration application, with or without the  
3 assistance of a registration officer or agent [~~for~~  
4 ~~registration~~].

5 B. The registration officer or agent or qualified  
6 elector shall fill out each of the blanks on the certificate of  
7 registration by typing or printing in ink or completing the  
8 form electronically. The qualified elector shall be given a  
9 receipt that shall contain:

10 (1) a number traceable to the registration  
11 agent or officer or online transaction;

12 (2) a statement informing the qualified  
13 elector that if the qualified elector does not receive  
14 confirmation of the qualified elector's registration within  
15 fifteen days of the receipt date, the qualified elector should  
16 contact the office of the county clerk in the county where the  
17 qualified elector resides; and

18 (3) a toll-free number for the office of the  
19 county clerk and an address for the web site of the secretary  
20 of state.

21 C. The qualified elector shall subscribe a  
22 certificate of registration as follows:

23 (1) by signing the certificate of registration  
24 using the qualified elector's [~~given~~] first name [~~middle name~~  
25 ~~or initial~~] and last name and middle name or initial if used;

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1 or

2 (2) if any qualified elector seeking to  
3 register is unable to read and write either the English or  
4 Spanish language or is unable to read or write because of some  
5 physical disability, the certificate of such person shall be  
6 filled out by a registration officer or agent and the name of  
7 the qualified elector so registering shall be subscribed by the  
8 making of the qualified elector's mark.

9 D. When properly executed by the registration agent  
10 or officer or qualified elector, the original of the  
11 certificate of registration shall be presented, either in  
12 person [~~or~~], by mail or electronically by the qualified elector  
13 or by the registration agent or officer, to the county clerk of  
14 the county in which the qualified elector resides.

15 E. Only when the certificate of registration is  
16 properly filled out, subscribed by the qualified elector,  
17 verified by the county clerk and accepted for filing by the  
18 county clerk as evidenced by the county clerk's signature or  
19 stamp and the date of acceptance thereon shall it constitute an  
20 official public record of the registration of the qualified  
21 elector. It is unlawful for the qualified elector's month and  
22 day of birth or any portion of the qualified elector's social  
23 security number required on the certificate of registration to  
24 be copied, conveyed or used by anyone other than the person  
25 registering to vote, either before or after it is filed with

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1 the county clerk, and by elections administrators in their  
2 official capacity.

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

6 SECTION 4. 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 by mail, in person or electronically; in the office of the  
12 secretary of state or county clerk; or with a registration  
13 agent or officer.

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

18 ~~G.]~~ B. Except as provided in Subsection ~~[D]~~ C of  
19 this section, a qualified elector who wishes to register to  
20 vote shall fill out completely and sign the certificate of  
21 registration and submit the proper identification if  
22 registering electronically. The qualified elector may seek the  
23 assistance of any person in completing the certificate of  
24 registration.

25 ~~[D.]~~ C. A qualified elector who has filed for an  
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1 order of protection pursuant to the provisions of the Family  
2 Violence Protection Act and who presents a copy of that order  
3 from a state or tribal court to the registration officer shall  
4 not be required to provide physical residence address  
5 information on the certificate of registration.

6 ~~[E.]~~ D. Completed certificates of registration may  
7 be mailed or presented in person by the registrant or any other  
8 person to the secretary of state or presented in person by the  
9 registrant or any other person to the county clerk of the  
10 county in which the registrant resides. Electronic voter  
11 registration applications shall be submitted to the clerk as  
12 provided in this section.

13 ~~[F.]~~ E. If the ~~[registrant]~~ qualified elector  
14 wishes to vote in the next election, the completed and signed  
15 certificate of registration shall be delivered or mailed and  
16 postmarked at least twenty-eight days before the election.

17 ~~[G.]~~ F. Upon receipt of a certificate of  
18 registration, the secretary of state shall send the certificate  
19 to the county clerk in the county where the qualified elector  
20 resides.

21 ~~[H.]~~ G. Only when the certificate of registration  
22 is properly filled out, signed by the qualified elector,  
23 verified by the county clerk and accepted for filing by the  
24 county clerk as evidenced by the county clerk's signature or  
25 stamp and the date of acceptance thereon and when notice has

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1 been received by the [~~registrant~~] qualified elector shall it  
2 constitute an official public record of the registration of the  
3 qualified elector.

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

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

16 (2) the question "Will you be at least  
17 eighteen years of age on or before election day?" and boxes for  
18 the applicant to check to indicate whether the applicant will  
19 be eighteen years of age or older on election day;

20 (3) the statement "If you checked 'no' in  
21 response to either of these questions, do not complete this  
22 form.";

23 [~~(4) a statement informing the applicant that:~~  
24 ~~(a) if the form is submitted by mail by~~  
25 ~~the applicant and the applicant is registering for the first~~

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1 ~~time in New Mexico, the applicant must submit with the form a~~  
2 ~~copy of: 1) a current and valid photo identification; or 2) a~~  
3 ~~current utility bill, bank statement, government check,~~  
4 ~~paycheck, student identification card or other government~~  
5 ~~document, including identification issued by an Indian nation,~~  
6 ~~tribe or pueblo, that shows the name and current address of the~~  
7 ~~applicant; and~~

8 ~~(b) if the applicant does not submit the~~  
9 ~~required identification, the applicant will be required to do~~  
10 ~~so when voting in person or absentee;] and~~

11 [~~(5)~~] (4) a statement requiring the applicant  
12 to swear or affirm that the information supplied by the  
13 applicant is true."

14 SECTION 5. Section 1-4-5.4 NMSA 1978 (being Laws 1969,  
15 Chapter 240, Section 125, as amended) is amended to read:

16 "1-4-5.4. REGISTRATION--FORM.--

17 A. The secretary of state shall prescribe the form  
18 and assure that the certificate of registration to be used in  
19 any county is compatible with the data processing systems.

20 B. The certificate of registration form shall  
21 require the following elements of information concerning the  
22 applicant for registration: name, gender, residence,  
23 municipality, post office, county of former registration,  
24 social security number, date of birth, political party  
25 affiliation, zip code, telephone number or email address at the

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1 applicant's option and statement of qualification for voting.

2 C. On paper certificate of registration forms,  
3 provision shall be made for the usual signature or mark of the  
4 applicant, for the signature of the county clerk and for the  
5 dates of such signatures. Electronically submitted certificate  
6 of registration forms shall retain the dates of submission by  
7 the applicant and acceptance by the county clerk.

8 D. The certificate form may be multipurpose by  
9 providing for an indication of whether the certificate of  
10 registration is for a new registration, a change in the  
11 existing registration or a cancellation of an existing  
12 registration. Provision shall be made on any multipurpose form  
13 for entry of any existing registered information for which a  
14 change may be requested.

15 E. The paper certificate of registration forms  
16 shall be serially numbered and shall be furnished promptly and  
17 in adequate supply by the secretary of state upon application  
18 from the county clerk."

19 SECTION 6. Section 1-4-5.5 NMSA 1978 (being Laws 1975,  
20 Chapter 255, Section 78, as amended) is amended to read:

21 "1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR  
22 SPECIAL VOTER LISTS.--

23 A. The county clerk or secretary of state shall  
24 furnish voter data, mailing labels or special voter lists only  
25 upon written request to the county clerk or the secretary of

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1 state and after compliance with the requirements of this  
2 section; provided, however, all requesters shall be treated  
3 equally in regard to the charges and the furnishing of the  
4 materials.

5 B. In furnishing voter data, mailing labels or  
6 special voter lists, the county clerk or secretary of state  
7 shall not provide data or lists that include voters' social  
8 security numbers, codes used to identify agencies where voters  
9 have registered, a voter's day and month of birth [~~or voters'~~  
10 ~~telephone numbers if prohibited by voters~~], any information  
11 derived from the motor vehicle division of the taxation and  
12 revenue department or the federal social security  
13 administration file that is not otherwise contained on the  
14 certificate of registration or, if prohibited by a voter, the  
15 voter's telephone number or email address.

16 C. Each requester of voter data, mailing labels or  
17 special voter lists shall sign an affidavit that the voter  
18 data, mailing labels and special voter lists shall be used for  
19 governmental or election and election campaign purposes only  
20 and shall not be made available or used for unlawful purposes.

21 D. The secretary of state shall prescribe the form  
22 of the affidavit."

23 SECTION 7. Section 1-4-11 NMSA 1978 (being Laws 1969,  
24 Chapter 240, Section 67, as amended) is amended to read:

25 "1-4-11. DUTIES OF COUNTY CLERK--UPON RECEIPT OF

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1 CERTIFICATES.--

2 A. Upon receipt of a complete certificate of  
3 registration, if in proper form, the county clerk shall  
4 determine if the ~~[qualified elector applying for registration~~  
5 ~~is already registered in the registration records of the~~  
6 ~~county]~~ information submitted by the applicant is valid by  
7 comparing the information on the certificate of registration  
8 with information provided by the motor vehicle division of the  
9 taxation and revenue department or the federal social security  
10 administration.

11 B. For a paper certificate of registration, if the  
12 applicant is otherwise eligible and the name reasonably  
13 matches, and the date of birth and social security number match  
14 the information for the applicant maintained by the motor  
15 vehicle division of the taxation and revenue department or the  
16 federal social security administration, the applicant shall be  
17 registered to vote.

18 C. For an electronic certificate of registration  
19 form, if the applicant is otherwise eligible, and the date of  
20 birth, social security number, driver's license number or state  
21 identification card number, and expiration date of the driver's  
22 license or state identification card number match, and the name  
23 reasonably matches, the information maintained by the motor  
24 vehicle division of the taxation and revenue department or the  
25 federal social security administration, the applicant shall be

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1 registered to vote.

2 D. If the information required in Subsection B or C  
3 of this section, as applicable, provided by the applicant does  
4 not match the information maintained by the motor vehicle  
5 division of the taxation and revenue department or the federal  
6 social security administration, the applicant may provide a  
7 copy of the required voter identification. If the applicant  
8 provides such identification and is otherwise eligible, the  
9 applicant shall be registered to vote.

10 E. If the information required in Subsection B or C  
11 of this section, as applicable, provided by the applicant does  
12 not match the information maintained by the motor vehicle  
13 division of the taxation and revenue department or the federal  
14 social security administration, and the applicant does not  
15 provide the required voter identification, the applicant shall  
16 be provisionally registered to vote. An identification notice  
17 shall be sent to the voter within forty-eight hours of the  
18 voter being placed in provisional status. The voter shall  
19 provide the corrected information or a copy of an acceptable  
20 form of the required voter identification containing a  
21 photograph of the voter in order to be registered to vote.

22 F. A provisionally registered voter shall vote on a  
23 provisional ballot. The provisional ballot of a voter who was  
24 provisionally registered on the date registration is closed may  
25 be counted if the voter provides the required voter

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1 identification pursuant to Section 1-12-25.4 NMSA 1978.

2 G. If an update to a certificate of registration is  
3 submitted that does not match the information maintained by the  
4 motor vehicle division of the taxation and revenue department  
5 or the federal social security administration, the existing  
6 certificate of registration shall remain valid until a valid  
7 update is submitted, and the voter shall not be considered a  
8 provisional voter.

9 H. If the qualified elector is not already  
10 registered in the county and if the certificate of registration  
11 is received within the time allowed by law for filing  
12 certificates of registration in the county clerk's office, the  
13 county clerk shall sign or stamp, in the space provided  
14 therefor on each copy of the certificate, the qualified  
15 elector's name and the date the certificate was accepted for  
16 filing in the county registration records. Voter information  
17 shall be handed or mailed immediately to the qualified elector  
18 and to no other person.

19 ~~[B. If the qualified elector is already registered~~  
20 ~~in the county as shown by the qualified elector's original~~  
21 ~~certificate of registration currently on file in the county~~  
22 ~~registration records, the county clerk shall not accept the new~~  
23 ~~certificate of registration unless it is filed pursuant to~~  
24 ~~Section 1-4-13, 1-4-15, 1-4-17 or 1-4-18 NMSA 1978.]~~

25 I. If the applicant's certificate of registration

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1 is rejected for any reason, the county clerk shall stamp or  
2 write the word "rejected" on the new certificate of  
3 registration and hand [~~o~~], mail [~~i~~] or transmit it  
4 electronically, if possible, to the applicant with an  
5 explanation of why the new certificate of registration was  
6 rejected and what remedial action, if any, the applicant must  
7 take to bring the registration up to date or into compliance  
8 with the Election Code.

9 ~~[G. If the qualified elector does not register in~~  
10 ~~person, indicates that the qualified elector has not previously~~  
11 ~~voted in a general election in New Mexico and does not provide~~  
12 ~~the registration officer with the required identification, the~~  
13 ~~registration officer shall indicate this on the qualified~~  
14 ~~elector's certificate of registration and the county clerk~~  
15 ~~shall note this on the appropriate precinct signature roster.]"~~

16 SECTION 8. Section 1-4-12 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 68, as amended) is amended to read:

18 "1-4-12. DUTIES OF COUNTY CLERK--FILING OF  
19 CERTIFICATES.--

20 A. Certificates of registration, if in proper form  
21 and verified in accordance with Section 1-4-11 NMSA 1978, shall  
22 be processed and filed by the county clerk as follows:

23 (1) a voter identification card shall be  
24 delivered or mailed to the voter; and

25 (2) the original certificate, or a paper copy

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1 of an electronic certificate, shall be filed alphabetically by  
2 surname and inserted into the county register pursuant to  
3 Section 1-5-5 NMSA 1978.

4 B. The county clerk shall [~~on Monday of each week~~]  
5 timely process all certificates of registration that are in  
6 proper form and [~~that were received in his office up to 5:00~~  
7 ~~p.m. on the preceding Friday~~] verified. No voter shall be  
8 denied the right to vote in any election because a properly  
9 submitted form was not timely processed by the county clerk.

10 C. The contents of certificates of registration,  
11 except for the voter's social security number and [~~date~~] month  
12 and day of birth, are public records."

13 SECTION 9. Section 1-4-13 NMSA 1978 (being Laws 1969,  
14 Chapter 240, Section 69, as amended by Laws 1993, Chapter 314,  
15 Section 12 and also by Laws 1993, Chapter 316, Section 12) is  
16 amended to read:

17 "1-4-13. CHANGE OF NAME--CORRECTING ERROR.--

18 A. Any voter who changes [~~his~~] the voter's name or  
19 discovers an error in [~~his~~] the voter's certificate of  
20 registration may have the name on [~~his~~] the certificate changed  
21 or the error corrected by filing an application to change the  
22 certificate of registration.

23 B. The application to change the certificate of  
24 registration shall show the name by which the qualified elector  
25 previously registered, [~~his~~] the voter's change of name or

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1 correction of error and a request that the change be shown on  
2 [~~his~~] the voter's certificate of registration. The application  
3 shall be subscribed by the voter. When completed, the  
4 application shall be filed with the county clerk and retained  
5 for six years in a file established for that purpose.

6 C. The county clerk shall note the change of name  
7 or correction of error on the voter's certificate of  
8 registration."

9 SECTION 10. Section 1-4-15 NMSA 1978 (being Laws 1969,  
10 Chapter 240, Section 71, as amended) is amended to read:

11 "1-4-15. REGISTRATION--CHANGE OF PARTY AFFILIATION.--

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

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

19 C. A voter who does not designate on the  
20 certificate of registration a party affiliation shall be  
21 considered to have declined to designate a party affiliation.  
22 Whenever a voter fails to make any affirmative designation of a  
23 party or declination of a party affiliation, the county clerk  
24 shall notify the voter that the voter has been registered  
25 without a party affiliation."

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1           SECTION 11. Section 1-4-18.1 NMSA 1978 (being Laws 2013,  
2 Chapter 91, Section 1) is amended to read:

3           "1-4-18.1. ONLINE VOTER REGISTRATION UPDATES.--

4           A. In addition to updating a certificate of  
5 registration in person or by mail, a voter may [~~in accordance~~  
6 ~~with the provisions of Sections 1-4-15 through 1-4-18 NMSA~~  
7 ~~1978]~~ update an existing certificate of registration  
8 electronically by completing a certificate of registration form  
9 on the secretary of state's web site [~~Upon receipt of an~~  
10 ~~updated certificate of registration, the secretary of state~~  
11 ~~shall transmit the certificate to the county clerk of the~~  
12 ~~county in which the registrant resides, and the county clerk~~  
13 ~~shall print the updated certificate, file it in the county's~~  
14 ~~register of voters and enter it into the statewide voter file.~~

15           B. ~~A certificate of registration updated~~  
16 ~~electronically shall be electronically authenticated by the~~  
17 ~~registrant using an electronic signature in conformance with~~  
18 ~~the Electronic Authentication of Documents Act and the Uniform~~  
19 ~~Electronic Transactions Act. A certificate of registration~~  
20 ~~that is electronically authenticated in accordance with the~~  
21 ~~provisions of this subsection shall be deemed to have been~~  
22 ~~subscribed and sworn to by the registrant.~~

23           C. ~~The secretary of state shall ensure that the web~~  
24 ~~site used for electronic registration is secure and that the~~  
25 ~~confidentiality of all users and integrity of data submitted~~

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1 ~~are preserved. The secretary of state shall implement the~~  
2 ~~provisions of this section no later than June 30, 2015] or~~  
3 through any application maintained by a state agency for  
4 electronic voter registration that is approved by the secretary  
5 of state, if the person is qualified to register to vote and  
6 has a current New Mexico driver's license or state  
7 identification card issued by the motor vehicle division of the  
8 taxation and revenue department.

9 B. An online certificate of registration form shall  
10 contain all of the information that is required for a paper  
11 form except that the applicant shall be required to provide:

12 (1) the applicant's full New Mexico driver's  
13 license or state identification card number; and

14 (2) the date the New Mexico driver's license  
15 or state identification card was issued.

16 C. For an applicant's registration or change in  
17 registration to be accepted, the applicant shall mark the box  
18 associated with the following statement included as part of the  
19 online certificate of registration form:

20 "By clicking on the box below, I swear or affirm all of the  
21 following:

22 (1) I am the person whose name and identifying  
23 information is provided on this form, and I desire to register  
24 to vote in the state of New Mexico;

25 (2) all the information I have provided on

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1 this form is true and correct as of the date I am submitting  
2 this form; and

3 (3) I authorize the motor vehicle division of  
4 the taxation and revenue department to transmit to the  
5 secretary of state my signature, photograph and address that is  
6 on file with the motor vehicle division and understand that  
7 such signature will be used by my county clerk on this online  
8 application for admission as a voter as if I had signed this  
9 form personally.".

10 D. Upon receipt of an electronic certificate of  
11 registration form, the secretary of state or approved agency  
12 shall transmit the form to the county clerk of the county in  
13 which the applicant resides, through the electronic statewide  
14 voter file. The county clerk shall verify that the information  
15 provided on the form matches the information maintained for the  
16 applicant by the motor vehicle division of the taxation and  
17 revenue department or the federal social security  
18 administration pursuant to Section 1-4.5.1 NMSA 1978. The  
19 county clerk shall verify that:

20 (1) the applicant has an authentic New Mexico  
21 driver's license or state identification card issued by the  
22 motor vehicle division of the taxation and revenue department  
23 and that the driver's license or identification number provided  
24 by the applicant matches the driver's license or state  
25 identification card number for that person on file with the

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1 division;

2 (2) the date of issuance of the driver's  
3 license or identification card listed on the form matches the  
4 date of issuance of that card for that person on file with the  
5 division;

6 (3) the date of birth provided by the  
7 applicant matches the date of birth for that person on file  
8 with the division; and

9 (4) the applicant's social security number  
10 matches the social security number for that person on file with  
11 the division.

12 E. If the information provided by the applicant  
13 matches the information on the motor vehicle division of the  
14 taxation and revenue department databases for any driver's  
15 license or state identification card holder and is matched as  
16 provided in Subsection C of this section, the county clerk  
17 shall proceed with the processing of the certificate of  
18 registration. The county clerk shall print the certificate,  
19 file it in the county's register of voters and enter the person  
20 into the county statewide voter file as a registered voter.  
21 The statewide voter file system shall be capable of receiving  
22 electronic voter registration application information,  
23 including electronic signatures, photographs and other data  
24 provided by the motor vehicle division of the taxation and  
25 revenue department or the federal social security

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1 administration. The county clerk shall import the applicant's  
2 digitized signature, address and photograph, if available, upon  
3 a successful match of that applicant's information with that  
4 contained in the motor vehicle division's database.

5 F. A certificate of registration form submitted  
6 electronically shall be electronically authenticated by the  
7 registrant using an electronic signature in conformance with  
8 the Electronic Authentication of Documents Act and the Uniform  
9 Electronic Transactions Act. A certificate of registration  
10 form that is electronically authenticated in accordance with  
11 the provisions of this subsection shall be deemed to have been  
12 subscribed and sworn to by the applicant.

13 G. All certificate of registration forms submitted  
14 on a web site maintained by the secretary of state shall be  
15 deemed timely filed if they are submitted no later than 11:59  
16 p.m. on the final day for voter registration prior to an  
17 election.

18 H. The secretary of state shall ensure that the web  
19 site used for electronic registration is secure and that the  
20 confidentiality of all users and integrity of data submitted  
21 are preserved. The secretary of state shall implement the  
22 provisions of this section no later than January 1, 2017."

23 **SECTION 12.** Section 1-4-25 NMSA 1978 (being Laws 1969,  
24 Chapter 240, Section 81, as amended) is amended to read:

25 "1-4-25. CANCELLATION OF REGISTRATION--DETERMINATION OF  
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underscored material = new  
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1 DEATH.--

2 A. For purposes of cancellation of registration,  
3 the death of a voter shall be ascertained by obituary notices  
4 [~~or~~], a form for reporting deceased voters from a funeral home,  
5 probate records [~~or~~], by comparison of registration records  
6 with [~~monthly~~] weekly certified lists of deceased residents  
7 filed with the secretary of state or by comparison with a  
8 certified list of deceased voters from the federal social  
9 security administration.

10 B. The state registrar of vital statistics shall  
11 file [~~monthly~~] weekly with the secretary of state certified  
12 lists of deceased residents over the age of eighteen years,  
13 sorted by county, regardless of the place of death.

14 C. The [~~monthly~~] weekly certified list of deceased  
15 residents shall show the:

- 16 (1) name;
- 17 (2) age;
- 18 (3) sex;
- 19 (4) marital status;
- 20 (5) birth place;
- 21 (6) birth date;
- 22 (7) social security number, if any;
- 23 (8) address; and
- 24 (9) place and date of death of the deceased
- 25 resident.

underscored material = new  
[bracketed material] = delete

1           D. The secretary of state shall, upon receipt of  
2 the [~~monthly~~] certified list of deceased residents, forward  
3 each county's list to the county clerk.

4           E. The county clerk shall, upon receipt of the  
5 [~~monthly~~] certified list of deceased residents, cancel any  
6 deceased resident's certificate of registration.

7           F. Upon receipt of a notarized document from the  
8 president or governor of an Indian nation, tribe or pueblo or  
9 from a tribal enrollment clerk indicating that a tribal member  
10 is deceased, the county clerk shall cancel the certification of  
11 registration of that deceased tribal member.

12           G. At the time funeral arrangements are made, a  
13 funeral director or funeral service licensee is encouraged to  
14 make available to near relatives of the deceased a form upon  
15 which the near relative may report the status of the deceased  
16 voter to the board of elections of the county in which the  
17 deceased was registered to vote. A funeral director or funeral  
18 service licensee may obtain forms for reporting the status of  
19 deceased voters from the county board of elections.

20           H. The secretary of state may determine if any of  
21 the persons listed on the federal social security  
22 administration death master file or reported as deceased by the  
23 vital records department of another state are registered to  
24 vote and prepare a list of those registrants for each county  
25 clerk. The county clerk shall change the status of those

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1 registrants to "deceased" in the statewide voter registration  
2 system."

3 SECTION 13. Section 1-4-27.1 NMSA 1978 (being Laws 2001,  
4 Chapter 46, Section 1, as amended) is amended to read:

5 "1-4-27.1. CANCELLATION OF REGISTRATION FOLLOWING  
6 CONVICTION--ELIGIBILITY FOR VOTING UPON SATISFACTION OF  
7 CONDITIONS.--

8 A. When a voter has been convicted of a felony in  
9 any state or federal court, the voter's registration shall be  
10 canceled.

11 B. A person convicted of a felony who is otherwise  
12 a qualified elector is eligible to register to vote when that  
13 person:

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

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

18 (3) has had the conviction overturned on  
19 appeal.

20 C. The secretary of state shall each ~~[month]~~ week  
21 maintain current in the statewide voter registration electronic  
22 management system the eligibility status of persons convicted  
23 of felonies to register to vote pursuant to this section.

24 D. The corrections department, the New Mexico  
25 sentencing commission and the administrative office of the

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underscoring material = new  
~~[bracketed material]~~ = delete

1 courts shall deliver to the secretary of state information and  
2 data as needed to carry out the provisions of this section.

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

7 SECTION 14. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2015.