



A Short Guide to Helping Voters Register Under New Mexico Law

WHO IS ELIGIBLE TO VOTE?

In New Mexico, an individual may become a registered voter if she is:

- A United States citizen
- At least 18 years of age on the day of a general election,
- A resident of the state
- Not a convicted felon who is incarcerated or under probation or parole.
- Not under a judgment of mental incompetence;
- Registered in the precinct in which she desires to vote.

Registration closes 28 days before any election.¹ The county clerk shall accept for filing any certificate of registration that is signed and dated on or before 28 days before the election and received by the county clerk before 5:00 p.m. on the Friday immediately after the close of registration. The county clerk shall accept for filing any mailed certificate of registration postmarked 28 days or more before the election and received by 5:00 p.m. on the Friday immediately after the close of registration.

WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?

In New Mexico, the registration application is designed by the Secretary of State and distributed to the county boards. A complete registration application contains the following voter information:

- Name and gender.
- Checked box stating applicant is a U.S. Citizen and at least 18 years of age.
- Complete residential address.
- Mailing address if different from the residential address.
- Date of birth.
- Complete Social Security Number.
- Party Affiliation (may include Independent designation), if voter chooses to vote in a primary.
- Sworn or affirmed statement that the information on the form is true.
- Registrant's signature or mark.

If the registration form is submitted by mail and the applicant is registering for the first time in the state of New Mexico, she must submit with the form a copy of: 1) a current and valid photo identification or voter identification card; or 2) a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the applicant.²

WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

A. *Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?*

Yes, it is unlawful to copy the registrant's date of birth or social security number from the applications. A person who unlawfully copies, conveys or uses information from a certificate of registration is guilty of a fourth degree felony.³

B. *Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?*

Yes, the applications must be submitted within 48 hours, excluding days the election boards are

¹ N.M. Stat. 1-4-5.1(F)

² N.M. Stat. 1-4-5.1(I)(4)

³ N.M. Stat. 1-4-5



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closed. Voter registration groups are limited to receiving just 50 blank applications at a time.⁴ The secretary of state or county clerk may provide more forms at their discretion.

C. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?

No.

D. Are there special rules requiring a third party to sign her name to the completed voter registration application?

If the applicant is unable to read and write in either English or Spanish or is unable to read or write because of some physical disability, the third party registration agent may fill out the applicant's registration certificate at his or her direction. The applicant must make his or her mark on the certificate.⁵

E. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

Yes, voter registration groups must provide the secretary of state with:

- Name and address of the organization ,
- The names, addresses and birth dates of persons assisting applicants to register on behalf of the organization.
- A sworn statement by each registration agent employed by or volunteering for the organization, stating that she will obey New Mexico registration laws.⁶

The definition of "organization" is broad; it applies to one or more persons assisting others to register.

All third party registration agents must also register with the secretary of state or the county clerk on a prescribed form before assisting others to register.⁷

F. Does the state require any training in order to conduct a voter registration drive?

Yes, Counties require any person or group registering people within the community to receive training from any county clerk.⁸ This rule is not found in state law or administrative rules. A county clerk is required only to provide voter registration forms in quantities of fifty (50) per organization, but may increase these quantities for special events or circumstances in his or her discretion.⁹ The third party applications have numbers that can be used to trace what third party registration agent submitted the application.¹⁰

G. Does the state have restrictions on who may register voters?

There are no restrictions on who may become a third party registrar.

WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

According to an employee at the New Mexico Elections Division,¹¹ only if the applicant is present when the request is made, telephone consent would be insufficient. Each county should be queried on this subject. The answer is not found in state law or regulation.

⁴ N.M. Admin. Code tit. 1 § 10.25.8(C)

⁵ N.M. Stat. 1-4-5(C)(2)

⁶ N.M. Stat. 1-4-49

⁷ N.M. Admin. Code tit. 1 § 10.25.8(A)

⁸ Telephone conversation with training official at Bernalillo County Clerks office, May 31, 2007. Email response from Sheryl Nichols, Chief Deputy Clerk of Los Alamos County, May 31, 2007.

⁹ N.M. Admin. Code tit. 1 § 10.25.10(C)

¹⁰ N.M. Stat. 1-4-5 (B)(1)

¹¹ Telephone conversation with Division of Elections official, May 31, 2007.



2101 S. Main St. • Little Rock, AR 72206 • 1.800.546.8683 • 501.376.3952 fax • www.projectvote.org

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B. How may an applicant correct an incomplete application after it has been submitted?

If the county clerk rejects an application for any reason it is marked as “rejected” and the applicant is notified of the reason for the rejection and what steps may be taken to correct the problem(s).¹² If an applicant is rejected and cannot get the problem resolved with the clerk, he or she may file an appeal of the decision with the county district court.

DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

For more information, contact:

PROJECT VOTE

2101 S. Main Street
Little Rock, AR 72206
1-800-546-8683

¹² N.M. Stat. 1-4-11