

## Voting System & Voter Protection Bills Passed In 2023 New Mexico Legislature

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Governor Michelle Lujan Grisham recently signed three Bills that make voting secure and accessible to more New Mexicans. As you know, many states are actively curtailing ease of access to voting stations for low income neighborhoods and minority groups (who traditionally vote for Democrats). We have the reverse here and that is good to see. The three Bills that became law are:

- **HB4: Voting Rights Protections (39 pages)**
- **SB43: Protection of Election Office and Employees from Intimidation (2 pages)**
- **SB180: Implementing several “fixes” to the administrative systems that process ballots and protect confidentiality. (172 pages)**

Here are the highlights: if you relish the details, all these Bills are available on the Legislative Website <https://www.nmlegis.gov/Calendar/Session>. Click on the **Legislation** tab and then **select Search by Number**. The number of each Bill is included here as well as whether they were filed in the House (HB) or Senate (SB).

You can also read the Fiscal Impact Report (FIR) by clicking on **Analysis** which gives you a detailed summary as well as estimated costs.

### **HB4: VOTING RIGHTS PROTECTIONS:**

This Bill (now Law) has the following features, and each item has multiple facets of how voters might be affected. Various provisions of this Bill get implemented between 2023 and 2025, and that is detailed in the FIR.

Here is a content summary.

#### **1. Expands Voter Registration Sites:**

- i. Enacts Automatic Voter Registration when an individual applies for a driver’s license. (This will get more young people registered.) They will receive a notice telling them they have been registered to vote. If they wish to opt out, it provides them information on how to do so, and their decision will remain confidential. There will be no party affiliation if initial registration occurs outside of the Secretary of State’s (SOS) website. New registrants will get information on how to enter this information on-line at <https://www.sos.nm.gov/voting-and-elections/voting-faqs/voter-registration/>.
- ii. Voter Registration can also occur at all state agencies providing public assistance or services to people with disabilities. The law allows the Secretary of State to authorize other state agencies to register people to vote, such as the taxation and revenue department and HSD – if those agencies agree to add this service.
- iii. When changes of addresses are filed at the MVD, the Secretary of State’s Office will be notified so that the change of address will update Voter Registration data.

- iv. Individuals can register to vote on the same day so long as they provide the necessary documentation that qualifies them to vote in that election. They can also update their information at the time they vote.
  - v. Individuals cannot change party affiliation at the time of voting to vote in a **primary election**. Note: existing law allows DTS (Declined to State) voters to select a ballot of a party involved in the primary but they will then be enrolled in that party. They can go online after the election and revert to DTS.
  - vi. Spells out the information required for registration or updating registration information at an election site. The agency can confirm citizenship using its databases but what constitutes adequate documentation needs to be worked out between SOS and MVD.
2. **Using [& misusing] Voter Data, Mailing Labels or Voter Lists.** This provision makes it a felony to *“knowing and willful selling, loaning, providing access to...voter data...for purposes prohibited by the Election Code.”* It specifically prohibits the publication of these data on the internet.
  3. **People in Prison:** People who are released from imprisonment are free to register to vote. They cannot register to vote while still in prison on a felony conviction. Those with non-felony sentences have special provisions. Note: previously, incarcerated persons were not eligible to vote until they finished parole and paid any outstanding fines. This section also simplifies the process of how the SOS is notified of a person’s release.
  4. **Option of Receiving Absentee Ballot permanently:** People who register to vote Absentee have the option of always voting Absentee. There are situations where they will be removed such as if they fail to return the ballot for two consecutive elections, or their ballot is returned as “undeliverable”, etc. This is incredibly useful to home-bound people, or people who may travel for work.
  5. **NATIVE AMERICAN VOTERS** have a number of provisions under this law that expands their access to vote in all elections.
    - i. The most important feature introduced by this law is the ability for the Secretary of State to enter into an MOA (memorandum of agreement) with the Indian nation, tribe or pueblo to process electronic registration information submitted by these agencies, and make arrangements to access paper signatures if electronic signatures are not feasible.
    - ii. County Commissioners must inform Native Governments of any adjustments they wish to make to precinct boundaries that affect Indian land.
    - iii. An Indian nation, tribe or pueblo can ask for polling locations, Election Day polling places, or request monitored secured containers on or near their land.
    - iv. Governmental and Official Buildings can be used as Mailing addresses on Voter Registration certificates and mail in ballots for Indian Nations, tribes and pueblos.
    - v. There are detailed provisions for how these requests for support should be handled. The SOS will bear the costs related to providing support (such as secured containers).
  6. **Election Day is a School Holiday.** This is because so many communities use schools as voting locations. Given security concerns, schools cannot be used if students are present. [Not sure why Election Day wasn’t declared a state holiday – that’s for a Bill Amendment later!]
  7. **Monitored Secured Containers:** Each County must have at least two monitored secured containers. A county may request waiver from the SOS if this is a hardship, or if more than two are requested.
  8. **Felony Conviction impact:** a person who has been convicted as a felon cannot run for or hold public office without written proof of having completed the sentence and the Governor’s pardon restoring full citizenship.

#### **SB43: PROTECTION FOR ELECTION WORKERS FROM INTIMIDATION**

This is a very short Bill that says that anyone convicted of intimidation, i.e. *“use of or threatened use of force, violence, infliction of damage, harm or loss, or any form of economic retaliation”* upon Election Officials (starting with the Secretary of State on down to poll challengers and watchers will be subject to a fourth degree felony.

#### **SB180: ELECTION SYSTEM ADMINISTRATION AND PROCESS CHANGES AND FIXES**

This extremely long and detailed Bill provides legislation to modernize election security and administration in New Mexico by updating the Election Code. It focuses primarily on provisions to aid election administrators in the efficient conduct of elections, secure sensitive voter data, increase compensation for election workers, require training for poll challengers and watchers (volunteers like us), allow electronic nominating petition signatures, make permanent the SOS election security program, and update times and procedures for mail in ballots.

[Many thanks to Dick Mason for his edits and for Senator Liz Stephanic’s summary of SB180]