

## THE NEW MEXICO ELECTION INTEGRITY PROJECT

PRESENTS the CHANGES to the NEW MEXICO ELECTION CODE which were ADOPTED in 2019

[NOTE: This is the first of a series of articles addressing the changes made to the New Mexico Election Code during the 2019 legislative session.]

### **Article #1:**

#### **SAME-DAY VOTER REGISTRATION in NEW MEXICO (Part 1)**

Same-day voter registration was part of Senate Bill 672, introduced late in the 2019 legislative session by Senator Daniel Ivey-Soto (D-Albuquerque). It passed the New Mexico State Senate on a party-line vote, 24-16, with all Republicans opposing the bill. In the House, after five Republican floor amendments were attached, plus one from Democrat Representative Damon Ely of Corrales, the bill passed on a 45-22 vote.

#### **REGISTERING to VOTE at EARLY VOTING SITES**

Until this year, New Mexico law provided for a cut-off date for voter registration 28 days before an election. Under the new law, however, a “qualified elector” may not only vote during this 28-day period leading up to an election, but he or she can also REGISTER to vote during this same period. The voter can also “update” a registration during this time—allowing him or her to note a change of address.

The new law says that these registrations may only occur at the county clerk’s office or at early voting sites where the county clerk has assigned a county clerk employee to serve as a registration officer.

So, with these changes, voter registration during the 28 days preceding the election can only be done by county clerks’ staff members at either the county clerk’s office or an early voting site with an assigned county clerk employee to conduct the registration.

The bill does not allow for voter registration to occur on Election Day itself in the 2020 Election but adds Election Day registration in 2021.

#### **VOTER ID REQUIREMENTS FOR SAME-DAY VOTER REGISTRATION**

A voter registering during the early/absentee voting period must provide identification at the time of registering, unlike voter registration that occurs during the rest of the year which in most cases requires no ID at all. (There’s a federal exception for mailed-in registrations of first-time voters in a state that requires some form of ID).

The New Mexico ID required for this 28-day time period is:

1. A New Mexico driver’s license or ID card issued by MVD; OR
2. Any document that contains an address in the voter’s county, together with a photo identification card; OR
3. A current valid student photo ID card from a New Mexico college, accompanied by a current student fee statement that contains the student’s address in the county.

One positive effect of the five Republican amendments was the addition of identification requirements. The original bill did not contain any requirement that a same-day voter provide any form of identification. This requirement was the first amendment added by the House Republicans when the bill reached the House Floor for a vote.

(<https://nmlegis.gov/.../19%20Regul.../bills/senate/SB0672FH1.pdf>)

Of course, the second requirement is the weakest, and, as we’ve learned under current practice in New Mexico, the least form of ID will be the one requested.

#### **WHAT to WATCH FOR:**

As the Secretary of State begins the rulemaking process on this legislation, it will be important to ensure that the rules which are adopted for photo identification make it clear that the "identification document" is one that legitimately identifies the voter. Rules should also ensure that copies of the documentation provided are retained with the voter's registration form in the statewide voter file.