

ABSENTEE BALLOT DROP-OFF BOXES

This is the 9th in a series of articles addressing the changes made to the New Mexico Election Code during the 2019 legislative session.

Provided by: THE NEW MEXICO ELECTION INTEGRITY PROJECT (a task force sponsored by [The New Mexico Justice Project](#)). The New Mexico Justice Project began posting these articles on July 4 and has gained over 450 followers in the past 10 days. We appreciate the support and the opportunity to provide information on the New Mexico Election Code and the electoral process.

Article #9:

ABSENTEE BALLOT DROP-OFF BOXES

Changes to the Election Code enacted in 2019 will allow for absentee ballot drop-off boxes. The new statute, 1-6-9 (E) of the Election Code now provides new language that says:

E. The official mailing envelope may be returned by depositing the official mailing envelope in a secured container made available by the county clerk to receive voted mailed ballots for that election; provided that:

(1) the location of the containers and the days and times the containers will be available to receive ballots are posted by the county clerk at least ninety days before a statewide election or forty-two days before a special election;

(2) the location of a secured container is considered a polling place for purposes of electioneering too close to the polling place in violation of Section 1-20-16 NMSA 1978;

(3) all secured containers shall be monitored by video surveillance cameras and the video recorded by that system shall be retained by the county clerk as a record related to voting pursuant to the provisions of Section 1-12-69 NMSA 1978;

(4) signage at the location of a secured container shall inform voters and those dropping off ballots at the location:

(a) that it is a violation of law for any person who is not an immediate family member to collect and deliver a ballot for another person;

(b) that electioneering is prohibited within one hundred feet of the secured container; and

(c) of the dates and approximate time[s] the ballots will be collected; and

(5) at least once a day, the county clerk or a full-time deputy county clerk shall collect the ballots from the secured containers, register the date and time stamp on each official mailing envelope and identify the location of the secured container in the ballot register.

Once again, the amendments that increased the security for these drop-off boxes were made at the urging of House Republicans. Republican Greg Nibert of Roswell particularly requested subsection (3), requiring that the containers be monitored by video surveillance cameras and that the video be recorded and retained as a public record under 1-12-69.

One of the objections to these types of collection boxes is that in New Mexico it is illegal to collect and deliver another person's ballot unless you are an immediate caregiver or family member, and there are concerns about the containers being used to facilitate "ballot harvesting."

"Ballot harvesting" occurs when groups, campaigns, or individuals go around collecting a bunch of ballots and turn them in to be counted. Our Election Code does not allow it.

Under the old law, absentee ballots had to be mailed in or delivered to the county clerk's office by the voter, the voter's immediate family member, or the voter's caregiver. So while legislators wanted to make ballot delivery more convenient for voters, in the process of doing so they did not want to enact a provision which would open the door to illegal ballot harvesting.

With today's technology, these "secured containers" could become something more than just old-fashioned drop boxes. New Mexico voters should support the adoption of rules which will require the

collection boxes to be equipped in such a way that the delivery of a ballot into the box results in an automatic date and time stamp on each ballot. This same process takes place when ballots are hand-delivered to the county clerk's office. Automation of the "drop-off" boxes would make the handling of ALL ballots uniform and non-discriminatory, which should be the goal in every step of the voting process.

Automatic date and time stamping in the drop-off boxes, combined with video surveillance of the boxes, will ensure that the new provisions in the Election Code do not lead to ballot harvesting or other forms of abuse or fraud. Or if there are attempts to violate the law, video surveillance evidence will exist to prosecute the perpetrators.