

ABSENTEE BALLOTS AND VOTER IDENTIFICATION

[NOTE; This is the 7th in a series of articles addressing the changes made to the New Mexico Election Code during the 2019 legislative session.]

Provided by: NEW MEXICO ELECTION INTEGRITY
(a task force sponsored by [The New Mexico Justice Project](#))

Article #7:

One of the key findings in the Herrell Report* regarding absentee ballots in Doña Ana County in the 2018 election was that a huge number of the ballots did not contain the required voter identification information.

Many of the ballots were missing the voters' addresses and years of birth, or the information that was provided didn't match the voter file.

This meant that absentee ballots—which has always been the least secure form of voting—had a lower standard for Voter ID than any other form of voting in New Mexico.

Armed with that information from the Herrell Report, Republican House members Greg Nibert (R-Roswell) and Rod Montoya (R-Farmington) pushed for new provisions for absentee voting that make it clear that any ballot that does not contain the correct, required voter ID must be rejected. (Their efforts are reflected in the language shown in ALL CAPS in the two passages shown below.)

The new provisions are found in NMSA 1978, Section 1-6-14. Subsection B now says:

"If the voter's signature or the required voter identification is missing, the presiding judge shall write "Rejected" on the front of the official mailing envelope. The judge or election clerk shall enter the voter's name in the signature rosters or register and shall write the notation "Rejected—Missing Signature" or "REJECTED—MISSING REQUIRED VOTER IDENTIFICATION" in the "Notations" column of the register. The presiding judge shall place the official mailing envelope unopened in a container provided for rejected ballots."

The new language here is CAPITALIZED, and now requires the rejection of any absentee ballot envelope that does not contain the voter's name, registration address and year of birth—the same identification that would be required to vote in person at an early voting site or on Election Day.

In addition, the lack of Voter ID on an absentee envelope can now be challenged by an appointed challenger. Again, the new language is CAPITALIZED.

Subsection C says:

"A lawfully appointed challenger may view the official mailing envelope and may challenge the ballot of any mailed ballot voter for the following reasons:

(1) the official mailing envelope has been opened by someone other than the voter prior to being received by the absent voter election board;

(2) the official mailing envelope does not contain a signature;

(3) THE OFFICIAL MAILING ENVELOPE DOES NOT CONTAIN THE REQUIRED VOTER IDENTIFICATION; OR

(4) the person offering to vote is not a voter as provided in the Election Code"

Challengers who are appointed to absentee boards need to be aware of the new requirements and MOST IMPORTANT: any rules adopted by the Secretary of State must allow challengers to view all information contained on the absentee envelopes before they are opened by poll workers.

Based on the findings in the Herrell Report,* documenting the irregularities in the absentee ballots in Doña Ana County in 2018, this single change to the Election Code— requiring voter ID on absentee ballots—is a vital element necessary to greatly reduce opportunities for fraud in absentee voting in New Mexico.

[The New Mexico Justice Project](#) and the New Mexico Election Integrity Task Force applaud this change but cautions that challengers and election watchers must be vigilant to ensure that it is enforced.

* The Herrell Report is a 44-page analysis of voting procedure irregularities in Doña Ana County in 2018. The report was published in January 2019.