

**1-866-OUR-VOTE  
(1-866-687-8683)****Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**VOTER REGISTRATION FORMS****1) Where can voter registration forms be obtained?**

There are several ways to get a voter registration form. Individuals may apply to register to vote by contacting a County Clerk. Contact information is available at <http://www.sos.state.nm.us/sos-CClerk.html>. The New Mexico Certificate of Registration Form ("New Mexico Form") is available at any County Clerk's Office, the Office of the Secretary of State, and many state agencies that serve specific clients at those offices such as motor vehicle offices. The National Vote Registration Form ("The National Form") can be downloaded at <http://www.fabnit.com/nvra-update-09-12-06.pdf>. Individuals who apply for a driver's license, license renewal or motor vehicle identification card may simultaneously register to vote or file a change of address for voter registration purposes.

**2) Are there restrictions on registering to using photocopied voter registration forms?**

The New Mexico form is on cardstock, is a permanent record and is not available online. It may not be duplicated. However, the National Form is available online, and may be downloaded or duplicated by any voter or organization. It is unlawful to copy the applicant's date of birth or social security number from a completed registration application before submission.

**3) Are there restrictions on the use of the National Voter Registration Form?**

The National Voter Registration Form can be used in New Mexico.

**4) Are there restrictions regarding the use of registration form information?**

Yes. Once a form is filled out, individuals or groups cannot copy, convey or use the information on the form for purposes other than voter registration. The form must be promptly delivered to either the Secretary of State or the proper county clerk's office.

**5) Are there restrictions regarding pre-filling info on registration forms?**

No. New Mexico does not have any restrictions regarding pre-filling information on registration forms. Inconsistent information on registration forms, such as name or address, may delay the registration process. See **Question 11**.

**COMPLETING VOTER REGISTRATION FORMS**

**6) How long must you live in a county before you are eligible to register to vote?**

A person must have been a resident of the New Mexico county for at least ninety days (and in the precinct in which he offers to vote for at least thirty days) prior to the election.

**7) Are there any restrictions on registering to vote using a P.O. Box, college campus, or dorm address?**

A person may register to vote using any address she considers to be her residence. A residence is any place where a person's habitation is fixed, and to which, whenever she is absent, she has the intention to return. A college or dorm address may be used if the applicant lives at that address, and when she leaves – for temporary purposes only– has the intent to return. A post office box is not a residence and therefore cannot be used as the primary registration address.

Students with a campus P.O. Box should fill in their dorm name and room number in the Home Address box (Box 2) and then enter their P.O. Box number in the Address Where You Get Your Mail box (Box 3) on the National Form. They may also look for, and fill in, the corresponding boxes on the New Mexico Form.

**8) If I enter or leave the state because of work or school, can I register to vote?**

Yes. A person's voting address is determined based on her residence, and that residence need not be permanent. A residence is any place where a person's habitation is fixed, and to which, whenever she is absent, she has the intention to return. While a person may reside at her permanent address and leave for temporary purposes, e.g. to attend college, the college address can also be considered a residence for voter registration purposes as long as when she leaves the college address, she does so with the intention of returning.

A person is eligible to register and vote in the county they consider their residence. If a person is away from their residence, they may vote by absentee ballot.

**9) Are there any identification requirements to register to vote?**

Identification is required to register to vote in New Mexico if an applicant is registering for the first time in the state and if the registration form is submitted by mail. The applicant must submit with the form a copy of: 1) a current and valid photo identification; or 2) a current 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 current address of the applicant. If the applicant does not submit the required identification when registering, the applicant will be required to do so when voting in person or absentee.

**10) Are there any identification requirements in order to vote?**

Yes. New Mexico voters must provide identification at the polling place in order to vote. Acceptable forms of physical identification include the following:

- an original or copy of a current and valid photo identification with or without an address, the address of which is not required to match the voter's certificate of registration or a voter identification card; or

- an original or copy of 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 person, the address of which is not required to match the voter's certificate of registration.

Acceptable forms of verbal identification include:

- a verbal or written statement by the voter of the voter's name, year of birth, and registered address; provided, however, that the statement of the voter's name need not contain the voter's middle initial or suffix.

If a voter fails to provide the required voter identification, the voter shall be allowed to vote on a provisional ballot. A first time registrant who submits the registration by mail must provide physical identification.

### **I 1) What are the rules regarding missing or illegible information on registration forms?**

The County Clerk will process the registration if it is completed in proper form. If the applicant's certificate of registration is rejected for any reason, the county clerk shall stamp or write the word "rejected" on the new certificate of registration and hand or mail it, if possible, to the applicant with an explanation why the new certificate of registration was rejected and what remedial action, if any, the applicant must take to bring the registration up to date or into compliance with the New Mexico Election Code.

### **I 2) If a person changes their name, can they have their new name reflected on their voter registration records by filling out a voter registration form?**

Yes. A person may register to change her name by filing an application to change the certification of registration. The application to change the certificate of registration shall show the name by which the qualified elector previously registered, his change of name, and a request that the change be shown on his certificate of registration. The application shall be signed by the voter. When completed, the application shall be filed with the County Clerk and retained for six years in a file established for that purpose. The County Clerk shall note the change of name on the voter's certificate of registration.

## **REGISTERING OTHERS TO VOTE**

### **I 3) What are the laws regarding third party registration?**

New Mexico requires organizations to disclose to the Secretary of State the names of the officers of the organization; the name and permanent address of the organization; the names, permanent and temporary addresses, and dates of birth of all of its volunteers or employees; and a sworn statement from its employees or volunteers agreeing to abide by applicable laws and regulations. Organizations employing registration agents or using volunteer registration agents shall deliver or mail a certificate of registration to the Secretary of State or County Clerk within forty-eight hours of its completion, or deliver it the next business day if the appropriate office is closed for that forty-eight-hour period.

A person who intentionally violates the registration and disclosure requirement is guilty of a petty misdemeanor and the person's third-party registration agent status shall be revoked. If an employee of an organization violates the requirements, and if she has decision-making authority involving the organization's voter registration activities or is an officer of the organization, that organization shall be subject to civil penalties.

The Secretary of State issued rules requiring the Secretary of State to provide third-party registration agents with voter registration forms that have tear-off receipts for the applicants and traceable numbers. They also limit the number of voter registration forms to fifty per individual or organization, though the Secretary has discretion to increase the number to accommodate special circumstances.

**14) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?**

No. Currently, New Mexico does not have any legislation restricting the registration process for people who receive compensation.

**15) Is training required for voter registration drives?**

No. New Mexico law does not contain a training requirement.

**16) Are volunteers or staff of voter registration drives required to be county or state residents?**

No.

## **REGISTRATION DEADLINES**

**17) What is the deadline to register to vote?**

Voter registration closes twenty-eight days prior to an election. For federal qualified electors and overseas voters, the County Clerk shall accept a certificate of registration by electronic transmission from a voter qualified to apply for, and vote by, absentee ballot in the county if the transmission is received before 5:00 p.m. on the Friday immediately preceding the election.

**18) Must organizations or individuals engaged in voter registration submit their forms within a certain period of time?**

Yes. Organizations employing registration agents or using volunteer registration agents shall deliver or mail a certificate of registration to the Secretary of State or County Clerk within forty-eight hours of its completion, or deliver it the next business day if the appropriate office is closed for that forty-eight-hour period.

**19) Is Election Day registration allowed?**

Election Day registration is not available in New Mexico.

**20) Does New Mexico state election law allow for early voting?**

Individuals may vote early in-person. You may go to your County Clerk's office beginning the twenty-eighth day before the election and vote on either a paper ballot or electronic voting machine. Early voting begins on the third Saturday before the election at alternate sites. Call your County Clerk for locations. Alternate sites for early voting are open from 12:00 p.m. until 8:00 p.m. on Tuesday, Wednesday, Thursday, and Friday. The sites are open from 10:00 a.m. until 6:00 p.m. on Saturdays. They are closed on Sunday and Monday. Early voting ends the Saturday before the election.

Any voter may vote by absentee ballot as if he were able to vote in-person on Election Day. A voter may request an absentee ballot using the New Mexico Absentee Ballot Application or the Federal Postcard ballot application. If a military or overseas voter submits the Federal Postcard registration form, it also acts as an absentee request form. The New Mexico Absentee Ballot Application is available at any County Clerk's office. A voter or organization may request the New Mexico Absentee Ballot Application by mail, telephone, or in person. However, the information on the form may not be altered or re-arranged. The Federal Postcard absentee ballot application ("Federal Absentee Application") is available at <http://www.fvap.gov/pubs/onlinefpca.pdf>. Military personnel should also contact their Voting Assistance Officer for additional information. The voter must complete the application on their own. Absentee ballots must be returned to the County Clerk or voter's precinct before 7:00 p.m. on Election Day to be counted. N.M. Stat. Ann. §1-6-10(B). More information can be found at: <http://www.sos.state.nm.us/sos-Questions.html>.

## **VOTER REGISTRATION LEGISLATION**

### **21) Is there any pending legislation? If so, where is it in the legislative process?**

There were several bills in both the Senate and the House in 2007 that would allow a qualified elector to apply for registration on Election Day at a polling place in the county in which she resides. Actions on these bills are all postponed indefinitely.

### **22) What applicable statutes are possibly affected?**

If you would like to read the statutes that generally apply to voter registration, they are under Chapter 1 of New Mexico's Revised Statutes Annotated, specifically:

- § 1-1-1 to § 1-1-25 on elections generally;
- § 1-4-1 to § 1-1-50 on voter registration; and
- § 1-6-1 to § 1-6-25 on absentee voting.

### **23) Are there any helpful official elections contacts?**

County Clerk information can be found at: <http://www.sos.state.nm.us/sos-CClerk.html>.  
For more information, contact the Secretary of State's Office at:

Office of the Secretary of State  
New Mexico State Capitol  
325 Don Gaspar, Suite 300  
Santa Fe, NM 87503  
Phone: (505)827-3600. Fax: (505)827-3634, Toll Free: 1-800-477-3632

### **24) What web resources are available?**

The New Mexico Secretary of State's website provides information on the voter registration process: <http://www.sos.state.nm.us/sos-elections.html>. This site includes resources such as frequently asked questions, absentee ballots, and special provisions for military officers. You may also check your voter registration status at: <https://voterview.state.nm.us/>.

The National Campaign for Fair Elections is another resource: [www.nationalcampaignforfairelections.org/pages/new\\_mexico](http://www.nationalcampaignforfairelections.org/pages/new_mexico).