

1 HOUSE BILL 110

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 John Block

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10 AN ACT

11 RELATING TO ELECTIONS; REQUIRING ALL VOTERS TO PRESENT
12 IDENTIFICATION BEFORE VOTING; PROVIDING FOR FREE IDENTIFICATION
13 CARDS TO BE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE
14 TAXATION AND REVENUE DEPARTMENT; PROVIDING FOR XEROGRAPHIC
15 COPIES OF A VOTER'S IDENTIFICATION DOCUMENT; AMENDING,
16 REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. A new section of the Election Code is enacted
20 to read:

21 "[NEW MATERIAL] VOTER IDENTIFICATION--PROVISION OF
22 XEROGRAPHIC COPIES.--At the request of a voter, the state shall
23 provide at no charge a xerographic copy of the voter's required
24 voter identification document when the voter presents the
25 document during normal business hours at any state office that

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1 is capable of making such copies."

2 SECTION 2. Section 1-1-24 NMSA 1978 (being Laws 2005,
3 Chapter 270, Section 6, as amended) is amended to read:

4 "1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the
5 Election Code, "required voter identification" means: [~~any of~~
6 ~~the following forms of identification as chosen by the voter:~~

7 A. ~~a physical form of identification, which may be:~~
8 (1) ~~an original or copy of a current and valid~~
9 ~~photo identification with or without an address, which address~~
10 ~~is not required to match the voter's certificate of~~
11 ~~registration; or~~

12 (2) ~~an original or copy of a utility bill,~~
13 ~~bank statement, government check, paycheck, student~~
14 ~~identification card or other government document, including~~
15 ~~identification issued by an Indian nation, tribe or pueblo,~~
16 ~~that shows the name and address of the person, the address of~~
17 ~~which is not required to match the voter's certificate of~~
18 ~~registration; or~~

19 B. ~~a verbal or written statement by the voter of~~
20 ~~the voter's name, registration address and year of birth;~~
21 ~~provided, however, that the statement of the voter's name need~~
22 ~~not contain the voter's middle initial or suffix]~~

23 A. for a voter voting in-person, a current driver's
24 license or identification card issued by the motor vehicle
25 division of the taxation and revenue department; or

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1 B. for a voter voting absentee by mail, a current
2 driver's license or identification card issued by the motor
3 vehicle division of the taxation and revenue department or the
4 voter's social security number."

5 SECTION 3. Section 1-4-5.1 NMSA 1978 (being Laws 1993,
6 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
7 as amended) is amended to read:

8 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

9 A. A qualified elector may apply for registration
10 using the paper form by mail, in the office of the secretary of
11 state or county clerk or with a registration agent or officer.

12 B. A person may request certificate of registration
13 forms from the secretary of state or any county clerk in
14 person, by telephone or by mail for that person or for other
15 persons.

16 C. A qualified elector who wishes to register to
17 vote shall fill out completely and sign the certificate of
18 registration. The qualified elector may seek the assistance of
19 any person in completing the certificate of registration.

20 D. A qualified elector who has filed for an order
21 of protection pursuant to the provisions of the Family Violence
22 Protection Act and who presents a copy of that order from a
23 state or tribal court to the registration officer shall be
24 referred to the confidential address program administered by
25 the secretary of state pursuant to the Confidential Substitute

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1 Address Act.

2 E. Completed certificates of registration may be
3 mailed or presented in person by the registrant or any other
4 person to the secretary of state, to the county clerk of the
5 county in which the registrant resides or to any other county
6 clerk in this state.

7 F. If the registrant wishes to vote in the next
8 election, the completed and signed certificate of registration
9 shall be delivered or mailed and postmarked within the time
10 frame provided in Subsection A of Section 1-4-8 NMSA 1978.

11 G. Within one business day after receipt of a
12 certificate of registration, the secretary of state shall send
13 the certificate to the county clerk in the county where the
14 qualified elector resides. Within one business day after
15 receipt of a certificate of registration of another county, a
16 county clerk shall send the certificate of registration to the
17 county clerk in the county where the qualified elector resides.

18 H. Only when the certificate of registration is
19 properly filled out, signed by the qualified elector and
20 accepted for filing by the county clerk as evidenced by the
21 county clerk's signature or stamp and the date of acceptance
22 thereon shall it constitute an official public record of the
23 registration of the qualified elector. A qualified elector
24 complies with a voter registration deadline established in the
25 Election Code when a properly filled-out voter registration

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1 certificate has been received by a county clerk or the
2 secretary of state, regardless of the date the certificate is
3 processed.

4 I. The secretary of state shall prescribe the form
5 of the certificate of registration, which form shall be a
6 postpaid mail-in format and shall be printed in Spanish and
7 English. The certificate of registration form shall be clear
8 and understandable to the average person and shall include
9 brief but sufficient instructions to enable the qualified
10 elector to complete the form without assistance. The form
11 shall also include:

12 (1) the question "Are you a citizen of the
13 United States of America?" and boxes for the applicant to check
14 to indicate whether the applicant is or is not a citizen;

15 (2) the statement "If you checked 'no', do not
16 complete this form."; and

17 ~~[(3) a statement informing the applicant that:~~

18 ~~(a) if the form is submitted by mail by~~
19 ~~the applicant and the applicant is registering for the first~~
20 ~~time in New Mexico, the applicant must submit with the form a~~
21 ~~copy of 1) a photo identification issued by a government or~~
22 ~~educational institution; or 2) a current utility bill, bank~~
23 ~~statement, government check, paycheck, student identification~~
24 ~~card or other government document, including identification~~
25 ~~issued by an Indian nation, tribe or pueblo, that shows the~~

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1 ~~name and current address of the applicant; and~~

2 ~~(b) if the applicant does not submit the~~
3 ~~required documentary identification, the applicant will be~~
4 ~~required to do so when voting in person or absentee; and~~

5 ~~(4)]~~ (3) a statement requiring the applicant
6 to swear or affirm that the information supplied by the
7 applicant is true."

8 SECTION 4. Section 1-6-4 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 130, as amended) is amended to read:

10 "1-6-4. MAILED BALLOT APPLICATION.--

11 A. In a statewide election, application by a voter
12 for a mailed ballot shall be made only on a paper form or its
13 online equivalent. The form shall identify the applicant and
14 contain information to establish the applicant's qualification
15 for issuance of a mailed ballot under the Absent Voter Act;
16 provided that only on the application form for a primary
17 election ballot there shall be a box, space or place provided
18 for designation of the voter's political party affiliation.

19 B. Each application on a paper form for a mailed
20 ballot shall be signed by the applicant and shall require the
21 applicant's printed name, registration address, ~~[and]~~ year of
22 birth and required voter identification to be supplied by the
23 applicant ~~[which shall constitute the required form of~~
24 ~~identification]~~. When submitted by the voter, the county clerk
25 shall accept an application for a mailed ballot pursuant to

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1 this subsection regardless of whether the application for a
2 mailed ballot is delivered to the county clerk on paper or by
3 electronic means. When submitted by a third party, the county
4 clerk shall not accept an application for a mailed ballot
5 pursuant to this subsection if the application for a mailed
6 ballot is delivered by electronic means.

7 C. The secretary of state shall allow a voter to
8 submit an online application for a mailed ballot through a
9 website authorized by the secretary of state; provided that the
10 voter shall have a current [~~or expired~~] New Mexico driver's
11 license or state identification card issued by the motor
12 vehicle division of the taxation and revenue department. An
13 online request for a mailed ballot shall contain all of the
14 information that is required for a paper form. The voter shall
15 also provide the person's full New Mexico driver's license
16 number, [~~or~~] state identification card number or social
17 security number.

18 D. When a voter requests a mailed ballot pursuant
19 to this section, the voter shall mark the box associated with
20 the following statement, which shall be included as part of the
21 online mailed ballot request form:

22 "By clicking the boxes below, I swear or affirm all of the
23 following:

24 [] I am the person whose name and identifying
25 information is provided on this form and I desire to request a

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1 mailed ballot to vote in the state of New Mexico; and

2 [] All of the information that I have provided on
3 this form is true and correct as of the date I am submitting
4 this form."

5 E. Online applications for mailed ballots shall
6 retain the dates of submission by the qualified elector and of
7 acceptance by the county clerk. For purposes of deadlines
8 contained in the Election Code, the time and date of the
9 submission by the voter shall be considered the time and date
10 when the application for a mailed ballot is received by the
11 county clerk.

12 ~~[F. New registrants who registered for the first~~
13 ~~time in this state by mail and at that time did not provide~~
14 ~~acceptable documentary identification as required by federal~~
15 ~~law shall be informed of the need to comply with federal~~
16 ~~identification requirements when returning the requested~~
17 ~~ballot. The secretary of state shall issue rules to exempt~~
18 ~~voters from submitting identification only as required by~~
19 ~~federal law and shall review and, if necessary, update these~~
20 ~~rules no later than March 15 of even-numbered years.~~

21 ~~G.]~~ F. A person who willfully and with knowledge
22 and intent to deceive or mislead any voter, election board,
23 canvassing board, county clerk or other election official and
24 who falsifies any information on an absentee ballot request
25 form or who affixes a signature or mark other than the person's

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1 own on a mailed ballot request form is guilty of a fourth
2 degree felony."

3 SECTION 5. Section 1-6-5 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 131, as amended) is amended to read:

5 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

6 A. The county clerk shall mark each completed
7 application for a mailed ballot with the date and time of
8 receipt in the clerk's office and enter the required
9 information in the ballot register. The county clerk shall
10 then determine if the applicant is a voter and if the voter is
11 a uniformed-service voter or an overseas voter. If the
12 applicant is a uniformed-service voter or overseas voter, the
13 application shall be processed pursuant to the Uniform Military
14 and Overseas Voters Act.

15 B. If the applicant does not have a valid
16 certificate of registration on file in the county, a mailed
17 ballot shall not be issued and the county clerk shall mark the
18 application "rejected", file the application in a separate file
19 from those accepted and notify the applicant in writing with an
20 explanation why the application was rejected.

21 ~~[C. When required by federal law, if the applicant~~
22 ~~has on file with the county a valid certificate of registration~~
23 ~~that indicates that the applicant is a voter who is a new~~
24 ~~registrant in the state and who registered by mail without~~
25 ~~submitting the required documentary identification, the county~~

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1 ~~clerk shall notify the voter that the voter must submit with~~
2 ~~the mailed ballot a form of documentary identification from the~~
3 ~~list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA~~
4 ~~1978. The county clerk shall note on the ballot register and~~
5 ~~signature roster that the applicant's mailed ballot must be~~
6 ~~returned with the required voter identification.~~

7 ~~D.]~~ C. If the applicant has on file with the county
8 a valid certificate of registration, the county clerk shall
9 mark the application "accepted" and deliver a mailed ballot to
10 the voter and the required envelopes for use in returning the
11 ballot.

12 ~~[E.]~~ D. Upon the mailing of a mailed ballot to an
13 applicant who is a voter, an appropriate designation shall be
14 made on the signature line of the signature roster next to the
15 name of the voter.

16 ~~[F.]~~ E. A mailed ballot shall not be delivered by
17 the county clerk to any person other than the applicant for the
18 ballot. Mailed ballots shall be sent to applicants beginning
19 twenty-eight days before the election. For each application
20 for a mailed ballot received twenty-three or more days before
21 the election, the county clerk shall send either the ballot or
22 a notice of rejection to the applicant as soon as practicable;
23 provided that the ballot or a notice of rejection is sent not
24 later than twenty-two days before the election. For each
25 application for a mailed ballot received within twenty-two days

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1 of election day, the county clerk shall send either the mailed
2 ballot or a notice of rejection to the applicant within twenty-
3 four hours after receipt of the voter's application for a
4 mailed ballot. A mailed ballot shall be requested not later
5 than the Thursday immediately prior to the date of the election
6 and shall be sent to the voter not later than the Friday
7 immediately prior to the date of the election."

8 SECTION 6. A new section of Chapter 1, Article 12 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] CONDUCT OF ELECTION--CHALLENGES TO A
11 VOTER'S IDENTIFICATION.--If the required voter identification
12 is challenged because it does not conform to the requirements
13 of Section 1-1-24 NMSA 1978, the voter shall be allowed to vote
14 on a provisional ballot."

15 SECTION 7. Section 1-12-7.1 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 112, as amended) is amended to read:

17 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF
18 VOTERS--USE DURING ELECTION.--

19 A. At each election day polling location, other
20 than a consolidated precinct where any voter in the county may
21 vote, the precinct board shall post securely at or near the
22 entrance of the polling place one copy of an alphabetical list
23 of voters and a map of the precincts represented in that
24 polling place for use of the voters prior to voting. The
25 posted copy shall not contain a listing of voter addresses,

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1 years, months or days of birth or social security numbers.

2 B. At each polling location where physical rosters
3 are used, the presiding judge of the precinct board shall
4 assign one judge or election clerk of the board to be in charge
5 of one copy of the checklist of voters, which shall be used to
6 confirm the registration and voting of each person offering to
7 vote.

8 C. The presiding judge of the precinct board shall
9 assign one judge or election clerk to be in charge of the
10 signature roster.

11 D. The judge or election clerk assigned to confirm
12 registration shall determine that each person offering to vote
13 is registered and, in the case of a primary election, that the
14 voter is registered in a party designated on the primary
15 election ballot. If the person's registration is confirmed and
16 the voter provides the required voter identification, the judge
17 or election clerk shall announce to the judges or election
18 clerks the list number and the name of the voter as shown on
19 the checklist of voters. If the voter does not provide the
20 required voter identification, the voter shall be allowed to
21 vote on a provisional paper ballot and shall provide the
22 required voter identification to the county clerk's office
23 before 5:00 p.m. on the second day following the election, or
24 to the precinct board before the polls close, or the voter's
25 provisional ballot shall not be qualified. If the required

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1 voter identification is provided, the voter's provisional paper
2 ballot shall be qualified and the voter shall not vote on any
3 other type of ballot.

4 E. The judge or election clerk shall locate the
5 name on the signature roster and shall require the voter to
6 sign the voter's usual signature or, if unable to write, to
7 make the voter's mark opposite the voter's printed name. If
8 the voter makes the voter's mark, it shall be witnessed by one
9 of the judges or election clerks of the precinct board.

10 ~~[F. If the signature roster indicates that the~~
11 ~~voter is required to present a physical form of identification~~
12 ~~before voting, the judge or election clerk shall ask the voter~~
13 ~~for the required physical form of identification. If the voter~~
14 ~~does not provide the required identification, the voter shall~~
15 ~~be allowed to vote on a provisional paper ballot; provided,~~
16 ~~however, that if the voter brings the required physical form of~~
17 ~~identification to the polling place after casting a provisional~~
18 ~~paper ballot, that ballot shall be qualified.~~

19 G.] F. The judge or election clerk shall follow the
20 procedures provided for in Sections 1-12-7.2 and 1-12-8 NMSA
21 1978 if a person whose name does not appear on the signature
22 roster requests to vote or a person is required to vote on a
23 provisional paper ballot.

24 ~~[H.]~~ G. A voter shall not be permitted to vote
25 until the voter has properly signed the voter's usual signature

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1 or made the voter's mark in the signature roster."

2 SECTION 8. Section 1-12-8 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 247, as amended) is amended to read:

4 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

5 A. A person shall be permitted to vote on a
6 provisional paper ballot even though the person's original
7 certificate of registration cannot be found in the county
8 register or even if the person's name does not appear on the
9 signature roster; provided that:

10 (1) the person's residence is within the
11 boundaries of the county in which the person offers to vote;

12 (2) the person's name is not on the list of
13 persons submitting absentee ballots; and

14 (3) the person executes a statement swearing
15 or affirming to the best of the person's knowledge that the
16 person is a qualified elector, is currently registered and
17 eligible to vote in that county and has not cast a ballot or
18 voted in that election.

19 ~~[B. A voter shall vote on a provisional paper
20 ballot if the voter:~~

21 ~~(1) has not previously voted in a general
22 election in New Mexico or has been purged from the voter list;~~

23 ~~(2) registered to vote by mail;~~

24 ~~(3) did not submit the physical form of the
25 required voter identification with the certificate of~~

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1 ~~registration form; and~~

2 ~~(4) does not present to the election judge a~~
3 ~~physical form of the required voter identification.~~

4 ~~G.]~~ B. A voter shall vote on a provisional paper
5 ballot in accordance with the provisions of Section 1-12-7.1
6 NMSA 1978 if the voter does not provide the required voter
7 identification to the election judge.

8 ~~[D.]~~ C. A judge or election clerk shall have the
9 voter sign the signature roster and issue the voter a
10 provisional paper ballot, an outer envelope and an official
11 inner envelope. The voter shall vote on the provisional paper
12 ballot in secrecy and, when done, place the ballot in the
13 official inner envelope and place the official inner envelope
14 in the outer envelope and return it to the judge or election
15 clerk. The judge or election clerk shall ensure that the
16 required information is completed on the outer envelope, have
17 the voter sign it in the appropriate place and place it in an
18 envelope designated for provisional paper ballots.

19 ~~[E.]~~ D. Knowingly executing a false statement
20 constitutes perjury as provided in the Criminal Code, and
21 voting on the basis of such falsely executed statement
22 constitutes fraudulent voting."

23 **SECTION 9.** Section 1-12-20 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 273, as amended) is amended to read:

25 "1-12-20. CONDUCT OF ELECTION--INTERPOSING CHALLENGES.--A

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1 challenge may be interposed by a member of the precinct board
2 or by a party challenger for the following reasons:

3 A. the person offering to vote is not registered to
4 vote;

5 B. the person offering to vote is listed among
6 those persons to whom an absentee ballot was mailed;

7 C. the person offering to vote has already cast a
8 ballot in that election;

9 D. the person offering to vote is improperly
10 registered because the person is not a qualified elector; ~~[or]~~

11 E. the required voter identification that the
12 person presents does not conform to the requirements of Section
13 1-1-24 NMSA 1978; or

14 ~~[E.]~~ F. in the case of a primary election, the
15 person desiring to vote is not affiliated with a political
16 party represented on the ballot."

17 SECTION 10. Section 1-12-25.3 NMSA 1978 (being Laws 2003,
18 Chapter 356, Section 6, as amended) is amended to read:

19 "1-12-25.3. PROVISIONAL PAPER BALLOTS--REQUIRED
20 INFORMATION.--

21 A. At a minimum, the following information shall be
22 printed on the outer envelope for a provisional paper ballot:

23 (1) the name and signature of the voter;

24 (2) the voter's registered address, both
25 present and former if applicable;

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- 1 (3) the voter's date of birth;
- 2 (4) the reason for using the ballot;
- 3 (5) the precinct and the polling place at
- 4 which the voter has voted; and
- 5 (6) sufficient space to list the disposition
- 6 of the ballot after review by the county clerk.

7 B. A provisional paper ballot shall not be rejected
8 for lack of the information required by this section and shall
9 be qualified as long as the voter provides a valid signature
10 and sufficient information for the clerk to determine the voter
11 is a qualified elector and has provided a copy of the required
12 voter identification."

13 SECTION 11. Section 1-24-3 NMSA 1978 (being Laws 2019,
14 Chapter 212, Section 156) is amended to read:

15 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

16 A. All special elections in this state shall be
17 conducted absentee. Mailed ballots shall be used exclusively
18 for voting in special elections. Except as otherwise provided
19 in the Special Election Act, all special elections in this
20 state shall be conducted and canvassed as provided in the
21 Election Code.

22 B. Without requiring a voter to file an application
23 to receive a ballot, the county clerk shall send a mailed
24 ballot to every voter of the county or local public body,
25 except a voter:

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1 (1) who was sent a notice pursuant to
2 Subsection C of Section 1-4-28 NMSA 1978 and who has not
3 returned the prepaid and pre-addressed return card sent
4 pursuant to that section and has not filed a new certificate of
5 registration with a new address; or

6 (2) whose official election-related mail sent
7 through a uniform, nondiscriminatory process was returned to
8 the county clerk or the secretary of state as undeliverable and
9 the voter has not communicated with the county clerk that the
10 official election-related mail was returned as undeliverable in
11 error or filed a certificate of registration with a new
12 address.

13 C. Forty-two days before the election, the county
14 clerk shall send to each voter of the county or local public
15 body described in Paragraphs (1) and (2) of Subsection B of
16 this section notice, sent by forwardable mail, that the voter
17 will not be sent a ballot for the special election unless the
18 voter updates the voter's address as provided by the Election
19 Code or informs the county clerk that the address on the
20 certificate of registration is valid. The notice shall include
21 contact information for the office of the county clerk and an
22 internet address where the voter may update the voter's address
23 or communicate with the county clerk. The mailed ballot
24 register shall note which voters were sent a notice pursuant to
25 this subsection.

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1 D. Between the twenty-seventh and twenty-fifth day
2 before the election, pursuant to Subsection B of this section,
3 the county clerk shall send to each voter a ballot for the
4 special election, along with a postage-paid return envelope, a
5 notice that there will be no traditional polling places for the
6 election, the deadline for the ballot to be received by the
7 county clerk and a list of the times and locations of secured
8 containers available in addition to the United States postal
9 service for a voter to return the ballot.

10 E. Beginning twenty-two days before the election,
11 the county clerk shall issue replacement and provisional
12 ballots as provided in the Absent Voter Act for the mailed
13 ballot process. In addition, the county clerk shall send a
14 ballot to any voter described in Paragraphs (1) and (2) of
15 Subsection B of this section who has not previously been sent a
16 ballot if the voter submits an application pursuant to Section
17 1-6-4 NMSA 1978.

18 ~~[F. When required by federal law, if the voter has~~
19 ~~on file with the county a valid certificate of registration~~
20 ~~that indicates that the voter is a new registrant in the state~~
21 ~~and who registered by mail without submitting the required~~
22 ~~voter identification, the county clerk shall notify the voter~~
23 ~~that the voter must submit with the mailed ballot the required~~
24 ~~documentary identification from the list in Paragraph (3) of~~
25 ~~Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk~~

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1 ~~shall note on the mailed ballot register and signature roster~~
2 ~~that the applicant's mailed ballot must be returned with the~~
3 ~~required voter identification.]"~~

4 SECTION 12. Section 66-5-408 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 335, as amended) is amended to read:

6 "66-5-408. FEES--EXCEPTIONS.--

7 A. Upon application for an identification card with
8 a four-year term, there shall be paid to the department a fee
9 of five dollars (\$5.00). Upon application for an
10 identification card with an eight-year term, there shall be
11 paid to the department a fee of ten dollars (\$10.00). A fee
12 shall not be charged to an applicant for an identification card
13 if the applicant:

14 (1) is at least seventy-five years of age; or
15 (2) will be at least eighteen years of age on
16 the date of the next general election and the person signs a
17 statement requesting an identification card at no cost for
18 voter identification purposes.

19 B. The department with the approval of the governor
20 may increase the amount of the identification card fee by an
21 amount not to exceed three dollars (\$3.00) for the purpose of
22 implementing an enhanced licensing system; provided that for an
23 identification card issued for an eight-year period, the amount
24 of the fee shall be twice the amount charged for other
25 identification cards. The additional amounts collected

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1 pursuant to this subsection are appropriated to the department
2 to defray the expense of the new system of licensing and for
3 use as set forth in the provisions of Subsection F of Section
4 66-6-13 NMSA 1978. Unexpended and unencumbered balances from
5 fees collected pursuant to the provisions of this subsection at
6 the end of any fiscal year shall not revert to the general fund
7 but shall be expended by the department in fiscal year 2010 and
8 subsequent fiscal years."

9 SECTION 13. REPEAL.--Section 1-12-4.1 NMSA 1978 (being
10 Laws 2005, Chapter 270, Section 59) is repealed.

11 SECTION 14. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2023.