

## Conducting a Voter Registration Drive in New Mexico

### IMPORTANT DATES FOR 2012

#### Registration Deadlines and Election Dates

Primary Election Registration Deadline: May 8

Primary Election: June 5

General Election Registration Deadline: October 9

General Election: November 6

### Before Getting Started

**Training Requirement:** Civic organizations, employees, or volunteers conducting voter registration drives must complete New Mexico's Third-Party Voter Registration Agent training course. Training is conducted by the county clerks and must also be available on the secretary of state's website. *New Mexico Secretary of State, [Third-Party Voter Registration Agent Manual](#), N. M. Code R. § 1.10.25.8 (E).*

**Notification and Registration Requirements:** Civic organizations, employees, or volunteers conducting voter registration drives must register with the New Mexico Secretary of State (SOS) and submit a Voter Registration Agent Identification Form, which includes all of the following:

- The names of officers of the organization and the name and permanent address of the organization;
- The names, permanent addresses, temporary addresses, if any, social security number, and dates of birth of each person registering persons to vote in New Mexico on behalf of the organization;
- A sworn statement from each registration agent employed by or volunteering for the organization stating that the agent will obey all state laws and rules regarding the registration of voters on a form that gives notice of the criminal penalties for false registration.

*N.M. Stat. Ann. § 1-4-49(A). N. M. Code R. § 1.10.25.8 (E).*

This information must be turned in before any registration work is done by an agent. *N.M. Code R. § 1.10.25.8(A).* The prescribed form may be hand-delivered, hand-delivered by another person, or delivered by mail or fax to the SOS or the county clerk.

**Compensation Restrictions:** New Mexico law does not regulate the basis by which third-party voter registration organizations pay their employees.

### What voter registration applications should we use?

**State Form:** Voter registration organizations may request certificate of registration forms from the SOS or any county clerk in person. *N.M. Stat. ANN. § 1-4-5.1(B).*

Registrations forms are only provided in quantities of twenty per agent, although the SOS and the county clerks may provide more at their discretion. Forms must be picked up in person and if picking up forms on behalf of another agent, the absent agent's completed log regarding prior forms must be submitted. *N.M. Code R. §§ 1.10.25.8(E), 1.10.25.8(H).*

State forms include a receipt which must be given to voters upon their completion of the form. *N.M. Code R. §§ 1.10.25.8(D).*

**Federal Form:** Voter registration organizations may also use the Federal voter registration form, which may be downloaded or duplicated by any voter or organization. New Mexico Secretary of State, [Third-Party Voter Registration Agent Manual](#).

**Photocopying Blank Forms:** Blank state forms may not be copied and must be originals obtained from election officials.

## Handling Applications

**Incomplete Application:** Voter registration organizations may not fill in missing information on a registrant's voter registration form without the registrant's consent. Third Party Agents must include their name on line 9 of the application indicating assistance in filling out the application only if the agent assisted in actually completing the form. *New Mexico Secretary of State, [Third-Party Voter Registration Agent Manual](#).*

**Photocopying Completed Applications:** It is unlawful for an elector's date of birth or any portion of the elector's social security number required on a certificate of registration to be copied, conveyed, or used by anyone other than the person registering to vote. *N.M. Stat. ANN. § 1-4-5(E).*

**Submitting Completed Applications:** Completed certificates of registration should be submitted to the appropriate county clerk's office or the secretary of state's office within 48 hours of completion. A list of county clerk's offices is available on the [SOS website](#).

## Penalties

Any person who commits any of the following acts will be guilty of a fourth degree felony:

- Soliciting, procuring, aiding, abetting, inducing or attempting to solicit, procure, aid, abet or induce any person to register or attempt to register with the name of any other person, whether real, deceased or fictitious; or
- Destroying the certificate of registration of any qualified elector, or removing such certificate from its proper binder or file; or
- Unlawfully copying, conveying, or using information from a certificate of registration.

*N.M. Stat. Ann. §§ 1-20-3, 1-4-5(F).*

A person who intentionally violates the provisions of the third-party registration agent law (§ 1-4-49) is guilty of a petty misdemeanor and the person's status as a third party voter registration agent will be revoked.

*N.M. Stat. Ann. § 1-4-49(D).*

In addition to the criminal penalties for intentional violations, individuals who violate § 1-4-49 are subject to civil penalties, which could include a permanent or temporary injunction, a restraining order, or civil penalties of \$250 per violation, up to \$5,000. *N.M. Stat. Ann. § 1-4-49(E).*

If a person who intentionally violates §1-4-49 is an officer of an organization or is an employee with decision-making authority, then the organization itself is subject to the civil penalties. *N.M. Stat. Ann. § 1-4-49(D).*

A person who collects absentee ballot applications and fails to submit a completed application is guilty of a petty misdemeanor punishable by no more than six months imprisonment. *N.M. Stat. Ann. § 1-6-4.3(B), 30-1-6(C).*

## Deadlines

**General Deadlines:** Voter registration closes 28 days prior to an election. However, when the twenty-eighth day prior to an election is a Saturday, Sunday or legal holiday, registration shall be closed at 5:00 p.m. of the next succeeding regular business day for the office of the county clerk. *N.M. Stat. Ann. § 1-4-8(A)(5).*

**Submitting Completed Applications:** Voter registration organizations must deliver completed certificates of registration or completed applications for absentee ballots to the SOS or county clerk **within forty-eight hours of completion by the applicant**. If the appropriate office is closed during that period, they must deliver it on the next business day. *N.M. Stat. Ann. §§ 1-4-49(B), 1-6-4.3.*

A completed certificate of registration must be subscribed and dated on or before the twenty-eighth day preceding the election and must be received by the county clerk before 5:00 p.m. on the Friday immediately following the close of registration. It must also be mailed or postmarked not less than twenty-eight days prior to the election. *N.M. Stat. Ann. § 1-4-8(A)(6).*

**For more information, visit [www.fairelectionsnetwork.com](http://www.fairelectionsnetwork.com).**

*This Guide was prepared by FELN staff who are not licensed to practice law in New Mexico and FELN intends that the information contained herein is used only as a general guide. This document should not be used as a substitute for consultation with a licensed New Mexico legal professional.*

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