

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 25 THIRD-PARTY REGISTRATION AGENTS

1.10.25.1 ISSUING AGENCY: Office of the Secretary of State
[1.10.25.1 NMAC - N, 8-15-2005]

1.10.25.2 SCOPE: This rule applies to any special statewide election, general election, primary election, county wide election or elections to fill vacancies in the office of United States representative and regular or special school district elections as modified by the School Election Law (Sections 1-22-1 to 1-22-19 NMSA 1978).
[1.10.25.2 NMAC - N, 8-15-2005]

1.10.25.3 STATUTORY AUTHORITY: Election Code, Section 1-2-1 NMSA 1978; Chapter 270, Laws 2005. The issuing authority shall issue rules to ensure the integrity of the registration process and require that organizations account for all voter registration forms used by their registration agents.
[1.10.25.3 NMAC - N, 8-15-2005]

1.10.25.4 DURATION: Permanent.
[1.10.25.4 NMAC - N, 8-15-2005]

1.10.25.5 EFFECTIVE DATE: August 15, 2005 unless a later date is cited at the end of a section.
[1.10.25.5 NMAC - N, 8-15-2005]

1.10.25.6 OBJECTIVE: The Election Code (Chapter 1, Article 4) was amended by Chapter 270, Laws 2005. The purpose of the amendment is to define and regulate third-party voter registration agents and to set forth procedures, provide for reports and set penalties for violations.
[1.10.25.6 NMAC - N, 8-15-2005]

1.10.25.7 DEFINITIONS:

A. “Voter registration organization” means one or more persons organized as a group that are engaged in voter registration activities and includes, but is not limited to, political parties, candidate committees, political action committees, political advertising campaigns, campaign committees and non-partisan interest groups.

B. “Registrant” means a qualified elector who has completed and subscribed a new or existing certificate of voter registration.

C. “Registration agent” means a state, county or federal employee who provides voter registration at a state agency (a/k/a registration officer), or tribal registration officer, or any other individual who assists another person in completion of a voter registration application.

D. “Third-party registration agent” means any individual who solicits and provides substantive assistance to another person (who is not his or her family member) in the completion of a certificate of voter registration on behalf of a voter registration organization that is not a state, county or federal agency.

E. “Assist” or “assistance” means taking physical possession of a certificate of voter registration completed by a registrant. An individual who engages in conduct intentionally designed to either disenfranchise a potential or current voter or defraud the state of New Mexico through the voter registration process shall be deemed to have assisted a voter.

F. “Voter's receipt” means the receipt for the certificate of voter registration, provided to the voter by a third-party registration agent.

G. “A person having decision-making authority involving the organization's voter registration activities” means a person who organizes or directs voter registration drives.

[1.10.25.7 NMAC - N, 8-15-2005; A/E, 9-21-2010]

1.10.25.8 SECRETARY OF STATE PROCEDURES:

A. All voter registration organizations shall register with the secretary of state or a county clerk, prior to the provision of substantive assistance to a registrant, on a prescribed form that will be made available on the internet on the secretary of state's website and at county clerk offices. The form may be hand-delivered, hand-delivered by another person, or delivered by mail or as a portable document format (.pdf) file via email to the secretary of state's office. The form must bear a legible notary seal or the equivalent.

B. All third-party registration agents shall register with the secretary of state or a county clerk, prior to the provision of substantive assistance to a registrant, on a prescribed form that will be made available on the internet on the secretary of state's website and at county clerk offices. The form may be hand-delivered, hand-delivered by another person, or delivered by mail or as a portable document format (.pdf) file via email to the secretary of state's office. The form must bear a legible notary seal or the equivalent. Third-party voter registration agents shall not be required to fill out the requisite forms in person at the secretary of state's or a county clerk's office.

C. The secretary of state's office shall time and date stamp each completed voter registration form received before sending the form to the appropriate county for entry into the voter registration database.

D. Beginning March 1, 2011, the secretary of state shall prescribe a certificate of voter registration that includes a receipt for voter registration that shall be provided to the voter by the third-party registration agent. The voter's receipt shall include language informing the voter that the third-party registration agent is responsible for returning the original certificate of voter registration to the secretary of state or county clerk if he or she assists in completing the form - *i.e.*, if he or she takes possession of the completed form - and that failure of the third-party registration agent to do so will result in the voter not being registered to vote in elections in New Mexico.

E. The secretary of state shall keep a record of all certificates of voter registration with a traceable number that is provided to voter registration organizations. The secretary of state shall also provide New Mexico voter registration forms in quantities of twenty (20) per third party voter registration agent. The secretary of state retains discretion to increase these quantities for special events and circumstances. Any member of a voter registration organization may pick up blank New Mexico voter registration forms, including on behalf of other third party voter registration agents in the organization, provided, however, that any agent picking up forms for another agent must produce the absent agent's completed log pursuant to Subsection H of 1.10.25.8 NMAC. The secretary of state shall also keep a list of all third-party registration agents which will be available on the secretary of state's website.

F. For purposes of computing any time period specified in this rule, the secretary of state's office and its agents shall exclude intermediate Saturdays, Sundays, and federal or state holidays.

G. All third party voter registration agents must complete training regarding the use of voter registration forms, the requirements that Section 1-4-49 NMSA 1978, places on third party voter registration agents, and the penalties for failing to comply with Section 1-4-49 NMSA 1978. Such training will be offered in person, both from the secretary of state's office and from each county clerk in the state of New Mexico, but training must also be made available to all third party voter registration agents who cannot attend in person, including making training available through the internet on the secretary of state's website.

H. Each third party voter registration agent shall maintain a log regarding the use of each blank state of New Mexico voter registration card the agent receives from the secretary of state or a county clerk. The log, the form of which will be available on the secretary of state's website, shall include the unique identification number associated with each form, whether the registrant or the third party voter registration agent took possession of the form upon completion by the registrant, and, if the third party voter registration agent took possession of the form upon completion by the registrant, the date the form was completed by the registrant. Third party voter registration agents shall produce a completed log when requesting additional blank voter registration forms from the secretary of state or a county clerk.

[1.10.25.8 NMAC - N, 8-15-2005; A/E, 9-21-2010]

1.10.25.9 PRESCRIBED FORMS:

A. Prescribed form for voter registration organizations.

(1) Name of voter registration organization.
(2) Permanent or temporary address, if any, of the voter registration organization.
(3) Telephone number of the voter registration organization.
(4) Names of the officers of the voter registration organization.
(5) A printed notification that the prescribed form completed by voter registration organizations is a public record.

(6) A signed, sworn statement by a representative of the voter registration organization that the organization and its agents will obey all state laws and rules regarding the registration of voters. The sworn statement shall contain language advising the organization of the criminal penalties associating with submitting a false registration.

(7) A printed notification that completed certificates of voter registration must be placed in the mail or delivered to the secretary of state or county clerk within forty-eight (48) hours of the voter registration

organization or its agents taking possession of a certificate of voter registration completed by a registrant. The notification shall specify that the forty-eight (48) hour deadline excludes intermediate Saturdays, Sundays, and federal or state holidays.

B. Prescribed form for third-party registration agents.

- (1) Name of organization.
- (2) Permanent address of the organization.
- (3) Telephone number of the organization.
- (4) Name of the third-party registration agent.
- (5) Permanent or temporary addresses, if any, of third-party registration agent.
- (6) Date of birth of third-party registration agent.
- (7) Social security number of third-party registration agent.
- (8) Telephone number of third-party registration agent (optional).
- (9) A signed, sworn statement by each third-party registration agent that the agent will obey all state

laws and rules regarding the registration of voters. The sworn statement shall contain language advising the agent of criminal penalties provided for false registration.

(10) A printed notification that completed certificates of voter registration must be placed in the mail or delivered to the secretary of state or county clerk within forty-eight (48) hours of the third-party registration agent taking possession of a certificate of voter registration completed by a registrant. The notification shall specify that the forty-eight (48) hour deadline excludes intermediate Saturdays, Sundays, and federal or state holidays.

(11) A printed notification that the form is a public record, except for the social security number and date of birth.

[1.10.25.9 NMAC - N, 8-15-2005; A/E, 9-21-2010]

1.10.25.10 COUNTY CLERK PROCEDURES:

A. The secretary of state may designate county clerks as agents in the registration of voter registration organizations and third-party registration agents. The secretary of state shall provide all prescribed forms to county clerks, along with directions for their completion and maintenance.

B. The county clerk shall keep a record of all certificates of voter registration with a traceable number that is provided to voter registration organizations. A county clerk shall also provide New Mexico voter registration forms in quantities of twenty (20) per third party voter registration agent. The county clerk retains discretion to increase these quantities for special events or circumstances. Any member of a voter registration organization may pick up blank New Mexico voter registration forms, including on behalf of other third party voter registration agents in the organization, provided, however, that any agent picking forms up for another agent must produce the absent agent's completed log pursuant to Subsection H of 1.10.25.8 NMAC.

C. The county clerk shall promptly forward to the secretary of state copies of all documents required of voter registration organizations and third-party registration agents and file originals in the office of the county clerk.

[1.10.25.10 NMAC - N, 8-15-2005; A/E, 9-21-2010]

1.10.25.11 PENALTIES:

A. A person will be found guilty of a petty misdemeanor for violation of Section 1-4-49 NMSA 1978 only if the violation was intentional.

B. A person will be subject to civil penalties for violation of Section 1-4-49 NMSA 1978 only if the violation was intentional or if the person has engaged in a pattern or practice of violating Section 1-4-49 NMSA 1978.

[1.10.25.11 NMAC - N/E, 9-21-2010]

HISTORY OF 1.10.25 NMAC: [RESERVED]