

## HB 4 Voting Rights Protections

HB 4 violates our constitutional rights and wrests control from local communities.

### **Removing Constitutional Rights**

This law provides for an opt-out system that violates the constitutional rights of those who do not vote for religious reasons, places an undue burden on mentally disabled who cannot vote, and registers illegal immigrants when they seek an ID or a license.

***1-4-47 (B) Automatic Voter Registration: ...the person shall be registered to vote and shall be informed that the person is being registered to vote and that the person will receive a notice from the county clerk providing additional information, including how to decline to be registered, and the person shall be offered the opportunity to designate affiliation with a qualified political party during the in-person transaction.***

### **Opening the Indian Nation, Tribe, or Pueblo to Fraud on their Lands**

The automatic voter registration allowed for in this law opens the door for fraud on tribal lands since no signature is required of the voter being registered. Further down, the Native American Voting Rights Act 1-21A-1 (New Section) allows them to register to vote and get ballots from places other than their residence, again without a signature.

***1-4-47.1 (C) Indian Nation, Tribe or Pueblo automatic voter registration can transmit electronic voter registration without signatures.***

### **Unprotected Voter Registration Data**

Multiple groups outside the government now have full access to voter registration and rolls with no mention of security protocols. Places like the MVD which are set up for voter registration now have no guidance or oversight as to the protection of voter registration data. Other NGOs perform “contract” work with various state agencies that assist people with disabilities.

***1-4-48 (C) Each state agency (note: no mention of NGOs) participating in the voter registration program (this is all state agencies providing public assistance or services to people with disabilities) shall maintain sufficient records for the secretary of state to comply with federal voter registration reporting requirements and the HAVA 2022. Any records maintained by a state agency regarding voter registration activities in that agency are confidential and shall not be released as public records.***

### **Blocking Election Transparency**

This section of the law opens the door to stop auditing elections, canvassing, and checking voter registration data. The phrase “unlawful use” of voter data, mailing labels or “special voter lists” is intentionally vague.

***1-4-5.6 Voter “data”, voter roll, defining the unlawful use or distribution.***

## **Inmates Eligible to Vote**

This section indicates that inmates will be registered to vote after release but before sentence is completed.

**1-4-27.1 Providing that inmates are eligible to vote and register to vote upon release.**

## **Felons Voting from Prison**

County Clerks are no longer allowed to cancel voter registration due to a felony conviction. Couple this with a permanent absentee voter list and you have felons voting from prison.

**1-4-24 Cancellation of Registration --- County Clerk – Grounds. Eliminating a requirement that a voter’s registration be cancelled upon felony conviction and conforming the restoration of citizenship provision accordingly.**

## **Creation of Permanent Absentee Voter List**

The clerks will be required to maintain a permanent absentee voter list that will send ballots each time there is a statewide election that includes their precinct. The absentee voter list shall contain the voter’s name, year of birth, address and precinct in the county, but not the last four of the SS# (which is now being used as a verification in SB 180 1-6-10 (B).)

**Section 10 (No statute number) (New Section). Creating a voluntary permanent absentee voter list.**

## **Local Elections Violations of the NM Constitution**

The NM Constitution states in Article IV sec 24 *“The legislature shall not pass local or special laws in any of the following cases: regulating county, precinct or district affairs; ...the opening or conducting of any election or designating the place of voting...”*

1. **Undue Burden on Counties** “Each county” is required to have at least two monitored, secured containers. While the county clerks may request a waiver, the Secretary of State alone decides whether to grant the request. There is no way to appeal the ruling. Additionally, an extra burden could be placed on the county because “political subdivisions” could request a “secured container.” If the county clerk denies the request, the “political subdivision” may appeal to the SOS. This violates the NM Constitution.

**1-11-12.2 (New Section) Providing requirements for “monitored secured containers” drop boxes.**

2. **Governing Precinct Boundaries - 1-21A-3 (New Section) Precinct Boundaries.**
3. **Regulating Local Elections and Violating the NM Constitution**  
Monitored Secured Containers are considered polling places, and only the County can regulate precinct or district affairs.

4. **1-21A-4 (New Section) Requests for Polling Places and Monitored Secured Containers.**
  5. **1-21A-5 (New Section) Election Day Polling Places – Requirements**
  6. **1-21A-6 (New Section) Early Voting Locations – Requirements**
  7. **SOS directed drop boxes:** This section gives the SOS the right to place a secure container “drop box” on or near tribal land. It’s unclear whether the drop boxes are the SOS’s responsibility.
- 1-21A-7 (New Section) Monitored Secured Containers – Requirements**

### **Continued Violations of the NM Constitution**

**In the NM Constitution it states - Article IV Sec 26 [Grant of franchise or privilege]. ... no exclusive right, franchise, privilege, or immunity shall be granted by the legislature or any municipality in this state. Granting the privilege to register to vote from somewhere other than your residence a violation. 1-4-5.7 (E) states a qualified elector must have a physical form of ID that shall either contain an address that matches the address provided for the certificate of registration; or be accompanied by an original or copy of a utility bill, bank statement, government check (continues)...an address that matches the address provided for the certificate of registration.**

**1-21A-8 Use of Governmental and Official Buildings as mailing addresses on Voter Registration Certificates and Mailed Ballot Applications –**

### **Voter’s Rights Violated**

It was reported during an open meeting of the Sandoval County Commissioners that during the primary for 2022, voters were turned away from their normal polling place because the Pueblos were still under COVID lockdown. This infringed on the right to vote for those who were turned away and is codified in this law.

**1-21A-9 Emergency Situation.** *If the tribal leadership declares an emergency: D. the requirement that a polling place be available to all voters in the county shall be waived if an Indian nation, tribe, or pueblo is inaccessible or the borders are closed.*

### **Declaring Election Day a School Holiday**

The statute does not address the question of “time off with pay” compensation for employees of the school, nor does it address the hardship some families will have when children are not in school.

**22-2-8.1 (F) Declaring the day of a General Election and a regular local election a school holiday.**

Clearly, this law is fraught with violations of both the New Mexico Constitution and the United States Constitution. It blurs the lines between County and State responsibilities and opens doors for fraud and litigation.

See how your [Representatives](#) and [Senators](#) voted on these laws, and read them for yourself to see what we’re fighting.