IV. STATE-BY-STATE SURVEY

When states regulate voter registration drives, it directly affects who participates in the electoral process, and who is permitted to assist them. This survey provides a state-by-state snapshot of the following four categories of restrictions.

1) **Official Volunteer Systems**  
   - Laws requiring official certification or authorization to conduct voter registration drives.

2) **Training Programs**  
   - Laws offering or requiring a specified course of training before conducting voter registration drives.

3) **Registration & Reporting Requirements**  
   - Laws requiring groups to first register with the State and maintain or submit various records and reports related to drives.

4) **Return Deadlines & Penalties**  
   - Laws requiring the submission of collected voter registration applications prior to the general book closing deadline, and imposing penalties for violations of the return deadline or violations of other rules.

For almost every state, the Brennan Center provided the chief election official with an opportunity to edit the summary. Revised drafts were returned to the official for final review.

These summaries are not intended as, and do not constitute, legal advice. They are provided for informational and educational use only. For more information, including specific voter registration requirements, or any revisions to the laws described, contact the elections office listed for each state.

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NEW MEXICO

<table>
<thead>
<tr>
<th>Official Volunteer System:</th>
<th>No</th>
<th>For More Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training:</td>
<td>Yes</td>
<td>Elections Division</td>
</tr>
<tr>
<td>Registration &amp; Reporting:</td>
<td>Yes</td>
<td>State Capitol</td>
</tr>
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<td>Return Deadline &amp; Penalties:</td>
<td>48 Hours</td>
<td>325 Don Gaspar, Suite 300</td>
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<tr>
<td>Other:</td>
<td>Yes</td>
<td>Santa Fe, NM 87501</td>
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<tr>
<td></td>
<td></td>
<td>(505) 827-3600</td>
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<tr>
<td></td>
<td></td>
<td><a href="http://www.sos.state.nm.us">http://www.sos.state.nm.us</a></td>
</tr>
</tbody>
</table>
New Mexico’s law regulating voter registration drives applies to organizations and small groups that assist in registration.1 Regulations define a “voter registration organization” as “one or more persons organized as a group . . . engaged in voter registration activities.”2 And while the law broadly refers to anyone who “registers or assists in registering voters,” a federal court has ruled that a single person “assists in registering voters” once they collect a completed form for submission to state election officials. The law does not apply to groups that merely distribute forms.3

Voter registration groups must pre-register with the Secretary of State, by providing the name and address of the organization, and the names, permanent or temporary addresses, and dates of birth of every person employed by or volunteering with the organization to help register voters.4 The New Mexico Secretary of State publishes the names, identification numbers, addresses and phone numbers of registered third party “voter registration agents” on its website.5 Organizations must also provide a sworn statement from each employee or volunteer stating that he or she will obey all state laws and rules.6 All of this information must be submitted to elections officials before any voter registration begins.7 All registered groups must also complete a training program regarding the use of registration forms, applicable restrictions, and penalties for violating those restrictions. Training is available from county clerks, the Secretary of State, and online.8 The Secretary of State also publishes a “Voter Registration Agents Manual” available online.9

Forms issued to registered groups must include a traceable number and a receipt that is issued to the applicant.10 The Secretary of State and county clerks shall provide third party voter registration agents forms in quantities of 20.11 Additional forms per request are available only at the discretion of the Secretary of State or county clerk.12

Voter registration forms must be submitted to the state or county within 48 hours of their completion by the voter, or on the next business day if the appropriate office is closed for that 48-hour period.13

Anyone who intentionally violates any provision of the requirements related to pre-registration and the return deadline is guilty of a petty misdemeanor14 and subject to criminal penalties, which include either a $500 fine

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1 N.M. STAT. ANN. § 1-4-49(A) (2011).
2 N.M. CODE. § 1.10.25.7(A) (Lexis Nexis 2012).
3 Am. Assoc of People with Disabilities v. Herrera, 690 F. Supp. 2d 1183, 1223 (D.N.M. 2010); see also N.M. Code R. 1.10.25.7(E) (Lexis Nexis 2012) (defining “assist” or “assistance” to mean “taking physical possession” of a completed voter registration form).
7 N.M. CODE R. § 1.10.25.8 (A) (Lexis Nexis 2012).
8 N.M. CODE R. § 1.10.25.8(g) (Lexis Nexis 2012).
10 N.M. CODE R. § 1.10.25.8 (D), (E) (Lexis Nexis 2012).
11 N.M. CODE R. §§ 1.10.25.8 (E), 25.10 T(B) (Lexis Nexis 2012).
12 N.M. CODE R. §§ 1.10.25.8 (E), .10 (B) (Lexis Nexis 2012).
13 N.M. STAT. ANN. § 1-4-49 (B) (2011).
14 N.M. STAT. ANN. § 1-4-49 (D) (2011).
or as much as six months in jail, or both.\textsuperscript{15} Additionally, it is illegal to photocopy a voter registration form without obscuring the voter’s Social Security number and birth date,\textsuperscript{16} and a violation of that rule is a fourth-degree felony.\textsuperscript{17} In addition to the criminal penalties for intentional violations of the law, individuals are also subject to civil actions by the state, which can include prospective actions for injunctive relief to prevent violations, as well as actions for civil penalties of $250 “for each violation,” not to exceed $5,000. If the individual committing the violation has decision-making authority or is an officer of an organization, the organization itself is subject to civil actions and penalties brought by the state.\textsuperscript{18}

\textit{View the full report at:}

http://www.brennancenter.org/content/resource/state_restrictions_on_voter_registration_drives/

\textsuperscript{15} N.M. STAT. ANN. § 31-19-1 (B) 2011).
\textsuperscript{16} N.M. STAT. ANN. § 1-4-5(E) 2011).
\textsuperscript{17} N.M. STAT. ANN. § 1-4-5(F) 2011).
\textsuperscript{18} N.M. STAT. ANN. § 1-4-49(E) (2011).