



# New Mexico

## *Voter Registration & Voter List Maintenance Guide*

*Provided by*

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# State Guide to Voter Registration & Voter List Maintenance Statutes

This is a guide to your state's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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# Who can I contact with election related questions?

## [Link to Elections Official](#)

<b>Chief Elections Office:</b>	Secretary of State <a href="#">Bureau of Elections</a>
<b>Physical Address:</b>	New Mexico Capitol Annex North 325 Don Gaspar, Suite 300 Santa Fe, NM 87501
<b>Mailing Address:</b>	New Mexico Capitol Annex North 325 Don Gaspar, Suite 300 Santa Fe, NM 87501
<b>Phone Number:</b>	505-827-3600 (option 2)
<b>Fax Number:</b>	505-827-8403
<b>Online Contact:</b>	<a href="mailto:Elections@sos.nm.gov">Elections@sos.nm.gov</a>

# How do I register to vote?

[Link to Register](#)

[Link to Statutes](#)

## **Voter Registration Eligibility Requirements**

In order to register and vote in New Mexico, an applicant must be:

- A resident of New Mexico
- A citizen of the United States
- An individual who has not been denied the right to vote by a court of law due to reason of mental incapacity
- 18 years or older at the time of the next election
- If you are currently incarcerated in New Mexico for a felony offense you cannot vote while you are incarcerated. However, once you are no longer confined to a jail, prison, or other correctional facility you can register and vote in New Mexico elections. You can register to vote and vote even if you are on probation or parole.

[ARTICLE VII, Section 1.](#)

# How do I cancel my voter registration?

[Link to Statutes](#)

[Link to Form](#)

## **1- 4- 30. Cancellation of registration; voter's request.**

A. The county clerk shall cancel a certificate of registration upon the request of a voter only for the following reasons:

- (1) when the voter changes the voter's registered residence address to another county within the state;
- (2) when the voter moves to another state; and
- (3) upon the written request of the voter.

B. A written request by a voter to cancel the voter's registration shall be in writing and subscribed before a registration officer or a person authorized to administer oaths or on a form prescribed by the secretary of state.

# How is voter list maintenance handled?

## 1-4-24. Cancellation of registration; county clerk; grounds.

shall cancel certificates of registration for the following reasons:

- A. death of the voter;
- B. at the request of the voter; or
- C. at the direction of the board of registration.

## 1-4-25. Cancellation of registration; determination of death.

A. For purposes of cancellation of registration, the death of a voter shall be ascertained by obituary notices or probate records or by comparison of registration records with monthly certified lists of deceased residents filed with the secretary of state.

B. The state registrar of vital statistics shall file monthly with the secretary of state certified lists of deceased residents over the age of eighteen years, sorted by county, regardless of the place of death.

C. The monthly certified list of deceased residents shall show the:

- (1) name;
- (2) age;
- (3) sex;
- (4) marital status;
- (5) birth place;
- (6) birth date;
- (7) social security number, if any;
- (8) address; and
- (9) place and date of death of the deceased resident.

D. The secretary of state shall, upon receipt of the monthly certified list of deceased residents, forward each county's list to the county clerk.

E. The county clerk shall, upon receipt of the monthly certified list of deceased residents, cancel any deceased resident's certificate of registration.

F. Upon receipt of a notarized document from the president or governor of an Indian nation, tribe or pueblo or from a tribal enrollment clerk indicating that a tribal member is deceased, the county clerk shall cancel the certification of registration of that deceased tribal member.

## 1-4-27.1. Eligibility to vote and register to vote upon release.

A. A voter is ineligible to vote while imprisoned in a correctional facility as part of a sentence for a felony conviction. Except as provided in this section, an otherwise qualified elector is ineligible to register to vote while imprisoned in a correctional facility as part of a sentence for a felony conviction.

B. During the reentry phase of an inmate's sentence, if the inmate is a voter or otherwise a qualified elector, the inmate shall be given an opportunity to register to vote or update an existing registration by means of a transaction with the motor vehicle division of the taxation and revenue department prior to the inmate's release from custody. If the inmate does not conduct a transaction with the motor vehicle division of the taxation and revenue department prior to the inmate's release from custody, the corrections department shall provide the inmate an opportunity to register to vote or update an existing registration by means of an online portal provided by the secretary of state or, if such a portal is not available, by means of a paper registration form.

### **1-4-27.1. Cont.**

C. The corrections department shall deliver to the secretary of state information and data necessary to carry out the provisions of this section. The secretary of state shall maintain current information in the statewide voter registration electronic management system on the ineligibility status of an inmate to vote or register to vote pursuant to this section, as well as an inmate's eligibility status to vote upon release and to register to vote or update an existing voter registration while preparing for release.

D. Notwithstanding a person's status in the statewide voter registration electronic management system, a voter or a qualified elector who appears personally before a county clerk, the clerk's authorized representative or a precinct board member, at an office of the motor vehicle division of the taxation and revenue department or at a state agency that provides public assistance or services to persons with disabilities is presumed to meet the eligibility requirement of non-imprisonment for voting and registering to vote pursuant to the provisions of this section.

E. For the purposes of this section, "correctional facility" means a jail, prison or other detention facility that is used for the confinement of an adult, whether operated by the state or a political subdivision of the state or a private contractor on behalf of the state or a political subdivision of the state.

### **1-4-28. Cancellation of registration; change of residence; notice.**

A. The secretary of state, county clerks and boards of registration, in compliance with the federal National Voter Registration Act of 1993, shall remove from the official list of eligible voters the names of voters who are ineligible to vote due to change of residence.

B. The secretary of state shall conduct a general program that identifies voters who may no longer reside at their address of registration. This program shall use information supplied by the United States postal service national change of address service. This program may also include, among other practices, identification of voters whose official election-related mail is returned and periodic mailings to voters to verify continued residency at their address of registration, provided such practices are uniform, nondiscriminatory and in compliance with the federal Voting Rights Act of 1965.

C. Between ninety and one hundred twenty days before the next general election, the secretary of state shall send to each voter who it appears has changed address from the voter's precinct of registration a notice, sent by forwardable mail, that shall include a postage prepaid and pre-addressed return card. The notice shall state that:

- (1) if the voter did not change residency, the voter should return the card no later than twenty-eight days before the next general election;
- (2) if the voter does not return the card, the voter may be provided an opportunity to update the voter's registration address before the voter casts a ballot in any election during the period beginning on the date of the notice and ending on the day after the second general election that occurs after the date of the notice;
- (3) if the voter does not vote in any election during the period beginning on the date of that notice and ending on the day after the second general election that occurs after the date of the notice, the voter's registration may be canceled; and
- (4) if the voter has changed residence within the same county, the voter should complete the place on the return card for the voter to indicate the address of the new residence and a request to have the voter's registration moved to that address in the same county.

D. If the voter returned the card indicating a new address and the address is:

- (1) in the same county, the county clerk shall correct the official list of eligible voters in accordance with the change of residence information obtained on the return card; or
- (2) in another county, the county clerk shall forward the return card to the appropriate county clerk, who shall process the change of residence as a new registration in the county.

E. No later than the fifteenth day of March following a general election, the board of registration shall review the list of eligible voters. The board of registration shall direct the county clerk to cancel the registration of any voter who has been sent notice in conformance with this section and who:

- (1) has failed to respond to the notice sent in conformance with this section and has not voted or appeared to vote in any election during the period beginning on the date of the notice and ending on the day after the second general election that occurs after the date of the notice; or
- (2) has confirmed in writing that the voter has changed residence to a place outside the state.

#### **1-4-29. Board of registration; county clerk; failure to cancel; duty of the secretary of state.**

A. If the board of registration or the county clerk of any county does not cancel registration certificates as required by law, the secretary of state shall investigate the registration records, election returns and other pertinent records of that county and file a petition with the district court for the cancellation of the certificates of those persons as the investigation determines should have been canceled by the board of registration or the county clerk.

B. In such a proceeding, the court shall determine the cost of the investigation, and if it finds that the board of registration or the county clerk did not cancel certificates of registration in the manner provided by law, shall enter judgment against the county for the cost of the investigation.

#### **1-4-30. Cancellation of registration; voter's request.**

A. The county clerk shall cancel a certificate of registration upon the request of a voter only for the following reasons:

- (1) when the voter changes the voter's registered residence address to another county within the state;
- (2) when the voter moves to another state; and
- (3) upon the written request of the voter.

B. A written request by a voter to cancel the voter's registration shall be in writing and subscribed before a registration officer or a person authorized to administer oaths or on a form prescribed by the secretary of state.

C. The voter's certificate of registration shall be deemed canceled upon receipt by the county clerk of the request when the request is for the reasons specified in Subsection A of this section.

## [The National Voter Registration Act of 1993](#)

Congress enacted the National Voter Registration Act of 1993 (also known as the “NVRA” and the “Motor Voter Act”), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).

# List of voter registration statuses and their definitions

## [Link to Statutes](#)

Registration Statuses	
<b>Active</b> - a qualified elector who appears of the list of eligible voters	<a href="#"><u>1-1-4.</u></a>
<b>Inactive</b> - a registered elector who must update the voter registration address before casting a ballot.	<a href="#"><u>1-4-28.</u></a>
<b>Canceled</b> - when a registration is canceled, the county clerk shall remove the registration. A new registration is required to vote.	<a href="#"><u>1-4-32.</u></a>



# How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

Individuals wishing to file a complaint for an alleged violation of the Help America Vote Act (HAVA) should use the [HAVA administrative complaint form](#) provided by the Secretary of State's office or local election officials. Complaints are required to be in writing and signed under oath by the person filing the complaint (complainant). Anyone requiring additional assistance with filing a HAVA Title III complaint may contact Ethics at [sos.ethics@sos.nm.gov](mailto:sos.ethics@sos.nm.gov).

# How do I file a non-HAVA election complaint?

[Link to Process](#)

[Link to Form](#)

The New Mexico Secretary of State's Office is charged with investigating complaints related to elections and ethics under New Mexico law. Statutory authority to investigate is limited to the following portions of state and federal law:

- Election Code and Campaign Practices (Chapter 1 NMSA);
  - Local Election Act (Chapter 1, Article 22 NMSA);
  - Lobbyist Regulation Act (Chapter 2, Article 11 NMSA);
  - Governmental Conduct Act (Chapter 10, Article 16 NMSA);
  - Financial Disclosure Act (Chapter 10, Article 16A NMSA); and
- Public Law 107-252, Help America Vote Act of 2002 ("HAVA").

If you believe your complaint falls under the authority of the NM Secretary of State's Office, please submit your complaint, in writing, on the [Complaint Form](#).

## Who can I contact regarding an election related complaint?

<b>Secretary of State—Bureau of Elections, Ethics Division</b>	
<b>Physical Address:</b>	Bureau of Elections, Ethics Division 325 Don Gaspar, Suite 300 Santa Fe, NM 87501
<b>Mailing Address:</b>	325 Don Gaspar, Suite 300 Attn: Bureau of Elections, Ethics Division Santa Fe, NM 87501
<b>Phone Number:</b>	505-827-3600
<b>Fax Number:</b>	505-827-8403
<b>Email Address:</b>	<a href="mailto:sos.ethics@state.nm.us">sos.ethics@state.nm.us</a>
<b>Website:</b>	<a href="https://www.sos.nm.gov/voting-and-elections/voter-information-portal-nmvote-org/election-ethics-and-voter-complaints/">https://www.sos.nm.gov/voting-and-elections/voter-information-portal-nmvote-org/election-ethics-and-voter-complaints/</a>