



New Mexico Secretary of State Elections Division

Motor Vehicle Division Voter Registration Agent Manual



For compliance with the
National Voter Registration Act

Updated July 2016

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About this manual

This manual has been prepared by the Secretary of State (SOS) Bureau of Elections to comply with the National Voter Registration Act (NVRA) of 1993. It is designed to help the Taxation and Revenue Department (TRD) Motor Vehicle Division (MVD) registration agents understand the role and responsibilities of registration agents. It does not supersede federal or state laws or rules, nor does it have the force of law.

To obtain copies of the National Voter Registration Act or other information about the contents of this reference manual or to suggest modifications, please contact:



sos.elections@state.nm.us



Office of the Secretary of State
325 Don Gaspar, Suite 300
Santa Fe, NM 87503

For answers to more urgent questions about voter registration rules and procedures, contact the Bureau of Elections at the following telephone numbers:



505-827-3600
Toll Free 1-800-477-3632

A directory of county clerks can be found on the Secretary of State's website:



www.sos.state.nm.us/Voter_Information/County_Clerk_Information.aspx

To learn more about voter registration and elections, please visit the FAQ page on the Secretary of State's website:

www.sos.state.nm.us/Voter_Information/Frequently_Asked_Questions.aspx

What is a registration agent?

A registration agent is a state employee who provides voter registration at a state agency or any other individual who assists another person in completion of a Voter Registration Application Form. For purposes of this manual, registration agents include individuals who are MVD employees as well as individuals who are employees of TRD Agents (i.e., local governments and private entities designated as agents of TRD for providing driver's licensing services in New Mexico). A registration agent must be able to read and write legibly and be competent to perform the duties required under the NVRA.



DUTIES OF A REGISTRATION AGENT:

- Registration agents may perform their lawful duties at any location within the State of New Mexico. They shall provide any qualified elector (i.e., eligible voter) with an opportunity to register to vote, without charge, regardless of political affiliation, religion or race.
- All applicants and renewal applicants for a driver's license or a state identification card shall be given the opportunity to register to vote or update their voter registration.
- Agents shall assist the applicant in the completion of the Voter Registration Form at his or her request.
- Agents shall provide individuals who are changing their address on their driver's license or identification card with the opportunity to also change their address for voter registration, if already registered to vote.

Important:

THIRD-PARTY AGENTS ARE PROHIBITED FROM:

- Seeking to influence an applicant's political party preference.
- Displaying any political preference or party allegiance.
- Making any statement or taking any action that discourages or intends to discourage the applicant from completing the form.
- Sharing voter registration applicant information.

What is the National Voter Registration Act?

The National Voter Registration Act (NVRA) was passed by Congress in 1993. The NVRA requires that qualified electors (i.e. individuals eligible to vote) be given an opportunity to complete a Voter Registration Application Form. The NVRA also encourages voter registration by providing new and innovative ways to register. Further, the NVRA mandated three ways to register: by mail, “motor voter” registration that allows registration alongside the driver’s licensing process at MVD offices, and agency-based registration at various public service offices. These programs not only bring new voters into the election process, but also bring new people to the task of registration administration, including third-party voter registration agents.

As the chief election officer for New Mexico, the Secretary of State is responsible for working closely with county clerks, other state agencies and the public to comply with this federal mandate.

What is active outreach?

The NVRA requires that motor vehicle licensure and voter registration be offered simultaneously. Applicants for a driver’s license, renewal, change of address, identification card or change of voter registration *must always* be offered the opportunity to register to vote.

The voter registration process has been incorporated into the computer system used for processing these applicants. The voter registration inquiry occurs in conjunction with other inquiries for personal information needed to complete the application process.

The computer program prompts the applicant to answer if they would like to register to vote. The program requires the applicant to record in the computer the response, i.e., that the applicant either wants to register to vote (by selecting “Yes”) or declines to register to vote (by selecting “No”). The agent cannot proceed with processing an application until this information is recorded.

If “Yes” is selected, the applicant completes the remaining information, including party affiliation, voter qualification questions, attestation signature, and date. As described above, the agent assists the applicant in completing the Form, if the applicant desires such assistance.

What about those who decline to register to vote?

Applicants may decline the opportunity to register to vote. A declination to register does not affect applicants' eligibility for a driver's license or identification card.

What about those who are disqualified from the application process?

Generally, all applicants who, during the application process, are disqualified from obtaining a driver's license or state identification card also must be verbally asked whether they would like to register to vote. If the applicant responds affirmatively, the agent will use the process in the previous section to allow for electronic registration. The agent also provides assistance in completing the Form, as described above. *(The only exception is that if the applicant is identified as someone other than the person the applicant purports to be, then a Voter Registration Application Form should not be provided.)*

How are address changes processed?

Any change of address submitted for a motor vehicle driver's license or identification card also serves as a change of address for voter registration purposes unless the individual states that the change of address is not for voter registration purposes. Changes of address may be processed using the MVD computer system or using a paper form.

Change of address by computer:

- (1) The computer program prompts the applicant to answer if he or she would like to register to vote or update their voter registration.
- (2) If the applicant checks "Yes" the applicant completes the remaining information, including party affiliation, voter qualification questions, attestation signature, and date. As described above, the agent assists the applicant in completing the Form, if the applicant desires such assistance.

Change of address by paper form:

- (1) The paper change-of-address form states that the change of address must be reported to the New Mexico Secretary of State as a change of address for voter registration purposes, unless the individual states on the form that the change of address is not for voter registration purposes. The form allows for an appropriate declination box that may be checked-off to indicate that the change of address is not for voter registration purposes.
- (2) Agents shall forward all completed change-of-address forms, which indicate a change of address for voting purposes (i.e., where the declination box is not checked), to the appropriate individual in their office for transmission to the Secretary of State.

How much assistance is too much?

Motor Vehicle Division and TRD Agent Offices providing voter registration services must provide the same degree of assistance, including bilingual assistance when necessary, to individuals completing a Voter Registration Application Form as they offer to individuals completing the Motor Vehicle Division Office Forms, unless the applicant refuses such assistance.

What are the rules regarding confidentiality?

Applicant information must remain confidential and be used only for voter registration purposes. It is unlawful for the voter's month and day of birth or any portion of the social security number required on the certificate of registration to be copied, conveyed or used by anyone other than the person registering to vote.

Once the county clerk has accepted a Voter Registration Application Form for filing, individuals or groups may make a public records request for registration information. However, certain information on the form is always privacy protected in accordance with **Section 1-4-5, NMSA 1978.**



An applicant who has filed for an order of protection pursuant to the provisions of the Family Violence Protection Act and who presents a copy of that order from a state or tribal court to the registration officer (agent) shall not be required to provide physical residence address information on the Certificate of Registration. This also applies to individuals participating in the Confidential Address Program (CAP), pursuant to **Section 21-26-2 NMSA 1978.**

What does the privacy notice entail?

On the registration application form, the privacy notice states that a voter applicant must provide their full Social Security number (SSN) and date of birth (DOB) pursuant to the New Mexico Election Code. Pursuant to section 1-4-5 NMSA 1978, a person who unlawfully copies, conveys, or uses information from a certificate of registration is guilty of a fourth degree felony. Additionally, if an applicant chooses to disclose their e-mail address, this shall not be disclosed on any voter lists (Section 1-4-15 NMSA 1978).

How can we ensure accountability and consistency?

In each Motor Vehicle Division Office and TRD Agent Office, there must be appointed one person to be in charge of and responsible for all voter registration activities. This individual—the “Voter Registration Contact”—is responsible for ensuring that the procedures set forth in this Manual are implemented. This includes training new employees and answering employee questions, and coordinating voter registration activities with local and state election officials. While not a full-time task, it will be continuous. See below for a detailed listing of this person’s duties.

Collection and Transmittal of Voter Registrations:

- 1) A completed Voter Registration Application accepted at a MVD or TRD Agent Office shall be transmitted to the County Clerk’s office in your county or to the Secretary of State’s office *not later than 10 days after the date of acceptance*.
- 2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate election official *not later than 5 days after the date of acceptance*.

Voter Registration Posters:

Each MVD and TRD Agent Office must prominently post signs advising the public of the opportunity to register to vote at that office. The Voter Registration Contact is responsible for ensuring that these are posted.

No Duplication of Applicants’ Information

In order to streamline the process, federal law requires that any information needed for motor vehicle purposes can also be used for voter registration, and shall only be requested from the applicant once. The registration procedure is designed to ensure that name, address, gender and Social Security Number information obtained for the applicant’s driver’s license be saved for subsequent use in filing out the Voter Registration Application.

The duplicate information used for the driver’s license, renewal, change of address, or identification card, which is also required for voter registration, is contained in Items 1 - 3 of the Voter Registration Application (see below). The process of capturing this duplicate information is designed to occur automatically. When this information is key- entered for motor vehicle purposes, the computer system will temporarily retain it in memory.

Process and Responsibilities in a Nutshell

The Four Voter Registration Steps:

1. Applicants who have been qualified to obtain a driver's license or identification card:
 - a. If the applicant would like to register to vote, the applicant clicks "yes" to the question "Voter Registration." If the applicant is requesting a change of address, the computer asks the applicant if the Secretary of State's office should be notified. If applicant states "yes," applicant completes the remaining information, including party affiliation, voter qualification questions, attestation signature, and date. As described above, the agent assists the applicant in completing the Form, if the applicant desires such assistance. For those applicants who decline voter registration services, the applicant clicks "no."
2. Applicants who have been disqualified from obtaining a driver's license or identification card:
 - a. Verbally offer applicant opportunity to register to vote. Applicant completes the remaining information, including party affiliation, voter qualification questions, attestation signature, and date. As described above, the agent assists the applicant in completing the Form, if the applicant desires such assistance.
 - b. This offer should not be made to any applicant who is identified as someone other than the person he or she purports to be.
3. Unless the applicant refuses assistance, *provide the same degree of assistance in completion of the Voter Registration Application as would be provided to the applicant in completion of the Motor Vehicle Division Office forms*, including bilingual assistance, if necessary.
4. Transmit Voter Registration Applications to the appropriate election officials.

Responsibilities of the Voter Registration Contact

1. Ensure that the Voter Registration Agent Code is kept secure and confidential.
2. Ensure that all employees in the office are complying with their voter registration responsibilities, and provide support and guidance to employees.
3. Enter the Voter Registration Agent (VRA) Code on all blank Voter Registration Application Forms received from the County Clerk's office, and ensure that the VRA Code is entered on all completed Voter Registration Application Forms returned to the County Clerk.
4. Ensure that office personnel understand that they may not influence or attempt to coerce applicants to declare a political party preference and may not discourage registration verbally or by attitude.

5. Transmit all Voter Registration Applications to the County Clerk's office in your county within the required time period: generally, ten (10) calendar days; however, registration applications accepted within five (5) days before the last day for the voter registration before an election shall be transmitted to the County Clerk not later than five (5) days after acceptance. The County Clerk is responsible for contacting your office and making arrangement for transmittal of completed forms. If this is not done, please contact the County Clerk's office in your county.
6. Answer questions about voter registration from the public.
7. Ensure that voter registration posters are prominently posted in the office.

What information is required in order to register to vote?

The voter registration form must be completely filled out and legible in order for the county clerk to complete the process of registering an applicant to vote. State law requires that the applicant provide:

- Applicant's name;
- Full SSN;
- Full DOB;
- Physical address (not a PO box);
- Gender; and
- Signature

Pursuant to section 1-4-5.3, if an applicant lacks a specific physical address, the applicant may substitute a mailing address along with a description of the physical address description, such as a map or latitude and longitude description. The qualified elector will be assigned to a precinct based on the geographic description of where the qualified elector lives.

Voter Registration Eligibility Requirements

- The applicant must be a **citizen of the United States and a resident of New Mexico**
- Applicants under the age of **18 years of age** may fill out an application to register to vote, however, they will be placed in suspense until they reach the qualifying age of 18 to vote in the next election.
- As of July 1, 2016, voters who will be 18 years of age by the next general election will be allowed to vote in the primary election.
- The applicant **has not been denied the right to vote** by:
 - reason of mental incapacity
 - if convicted of a felony, all conditions of probation or parole have been satisfied, the applicant has served the entirety of the sentence or has been granted a pardon.

The Help America Vote Act (HAVA) requires that states mandate ID for the first-time voter who registered by mail, if the registration did not require ID. Any voter who has not previously voted in a federal election must also provide ID. There are two approved forms of ID, photo and non-photo. Any current and valid government-issued photo identification fulfills the photo ID requirement. A copy of a current utility bill, bank statement, government check, paycheck or other government document with the name and address of the voter fulfills the non-photo ID requirement.

Sample Voter Registration Application Form

LINE 2
Physical Address: Do not use PO boxes.

Rural addresses: Township, range and section may be used, or a map can be drawn in the area indicated.

LINE 1
DOB & SSN: Privacy-protected, not public record

LINE 9
The attestation should be carefully read. The questions in this section must be answered, and the form must be signed.

SHADED PORTION
Leave shaded areas blank. This is for use by county clerks only.

PERSONAL INFORMATION						Protected: See Privacy Notice This information not to be copied.																	
1	NAME Last	First	Middle Name or Initial	Gender	Birth Date	Social Security Number																	
2	PHYSICAL STREET ADDRESS WHERE YOU LIVE NOW Street Address							City	Zip														
3	ADDRESS WHERE YOU GET YOUR MAIL (if different from above) Mailing Address							City	Zip														
4	If you are changing your name on this application, under what full name were you previously registered? Last, First, Middle							5	E-Mail Address (*optional)														
6	POLITICAL PARTY NOTE: You must name a major political party to vote in primary elections. <input type="checkbox"/> YES <input type="checkbox"/> NO		DAYTIME TELEPHONE NUMBER (optional) May the county clerk make this telephone number public for election purposes? <input type="checkbox"/> YES <input type="checkbox"/> NO		POLL WORKER Would you like to serve as an election day precinct worker? <input type="checkbox"/> YES <input type="checkbox"/> NO																		
8	I hereby authorize you to cancel my previous registration in the following county and state. City or Township: _____ County: _____ State: _____																						
9	Please answer the following questions: Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be at least eighteen years of age on or before the next general election? If you checked "NO" to any of the questions above, do not complete this form. If you have been convicted of a felony and are currently on parole or supervised probation, do not complete this form.				ATTESTATION OF QUALIFICATION I swear/affirm that I am a citizen of the United States and a resident of the state of New Mexico; that I have not been denied the right to vote by a court of law by reason of mental incapacity; that I am, or will be at the time of the next election, 18 years of age; and, if I have been convicted of a felony, I have completed all conditions of parole and supervised probation, served the entirety of a sentence or have been granted a pardon by the governor. I further swear/affirm that I am authorizing cancellation of any prior registration to vote in the jurisdiction of my prior residence; and that all the information I have provided is correct. TODAY'S DATE: _____ SIGN YOUR FULL NAME OR MARK ON THE YELLOW LINE BELOW: _____																		
10	Name of person who assisted you in filling out this form: _____		VRA ID # _____																				
DO NOT WRITE IN SHADED AREAS - FOR OFFICIAL USE ONLY																							
Accepted for filing in County Registration Records			PCT.			MUN.			PRC. DIST.			REP. DIST.			SEN. DIST.			SCHOOL.			C.C.		
Date: _____			County Clerk: _____			Filing Clerk: _____																	

IN ORDER TO PROCESS YOUR CERTIFICATE OF REGISTRATION YOU MUST COMPLETE AND SIGN THIS APPLICATION. YOU WILL RECEIVE CONFIRMATION BY MAIL OF YOUR REGISTRATION FROM THE COUNTY CLERK.

* PRIVACY NOTICE

Your Social Security number and date of birth are required to register to vote. Pursuant to New Mexico law, the secretary of state, county clerk or any other registration agent shall not release to the public a voter's social security number or date of birth. A person who unlawfully copies, conveys, or uses information from a certificate of registration is guilty of a fourth degree felony. See NMSA, 1978 § 1-4-5 and NMSA, 1978, 1-4-5.4.

Per NMSA 1978 § 1-5-14(D) voter files provided to the public shall not include email address.

USE THIS AREA ONLY IF YOU LIVE AT A RESIDENCE WITH NO PHYSICAL ADDRESS.

If the address where you live ("Physical Address") is one of the following:

- a rural address
- a non-street address
- a non-traditional place

In the space provided to the right, you must draw a map of where you live in relation to local landmarks, such as roads, schools, churches, stores, etc. This will help your county clerk to determine your correct voting precinct.

Also in the space below "RURAL ADDRESS DESCRIPTION", please describe the following:

- the actual number of the state or county road on which your residence is located, and on which side of the road it sits (east, west, north, south);
- the number of the nearest state roads that cross your road (in both directions from either side of your home), or the names of the identifiable landmarks;
- the distance and direction you would travel from home to reach each of these roads;
- the distance you would travel to reach your home if you live on a private road that is an extension of a public road (please note at which end of the public road your road begins east, west, north or south).

EXAMPLE RD 678, north side, 1 mile east of RD 615
- OR -
RD 743, west side, 1 mile north of Smith's store and 4 miles south of RD 688

5. any county issued rural address assigned to your physical residence where you live now:
EXAMPLE 3251 CR W Grady, NM 88120
This address may also be used in Block 2 "PHYSICAL ADDRESS WHERE YOU LIVE NOW" on the reverse of this form.

MAP

N
W + E
S

RURAL ADDRESS DESCRIPTION

ALL VOTER REGISTRATION FORMS MUST INCLUDE A MAILING ADDRESS IN BOX 2 OR BOX 3 ON THE REVERSE OF THIS FORM.

REGISTRATION CANCELLATION

If a voter wishes to cancel their registration, direct them to the county clerk's office or the voter may download and fill out a cancellation form which is available on the SOS website. An updated list of county clerks contact information is available on the Secretary of State's website at:
www.sos.state.nm.us/Voter_Information/County_Clerk_Information.aspx

What are the qualified political parties?

Applicants may choose to register for any qualified political party in New Mexico or may choose to register with no party affiliation which is referred to as 'Declined to Select' or Independent. The current qualified political parties in New Mexico are:

Major Parties

- New Mexico Democratic Party (DEM)
- New Mexico Republican Party (REP)

Minor Parties

- American Delta Party of New Mexico
- Constitution Party of New Mexico (CON)
- Independent American Party of New Mexico (INM)
- Libertarian Party of New Mexico (LIB)
- Green Party of New Mexico (GRN)
- Party for Socialism and Liberation

Note: New Mexico conducts closed primary elections. Only voters affiliated with a major political party may participate in a primary election.

Voters who would like to change their party affiliation must complete the entire voter registration application in order for it to be accepted.