



New Mexico Secretary of State

Bureau of Elections

Third-Party Voter Registration Agent Manual



For compliance with the
National Voter Registration Act

Contents

The Basics

About this manual [p. 2](#)

What is a third-party registration agent? [p. 3](#)

What is the National Voter Registration Act? [p. 3](#)

What are the qualifications for third-party registration agents? [p. 4](#)

What are the duties of a third-party registration agent? [p. 5](#)

The Details

What else should VRAs keep in mind? [p. 6](#)

How are address changes made? [p. 7](#)

How much assistance is too much? [p. 8](#)

What are the qualified political parties? [p. 7](#)

What are the rules regarding confidentiality? [p. 7](#)

How do I collect and transmit registration forms? [p. 8](#)

What is a VRA's liability? [p. 8](#)

What does the privacy notice entail? [p. 10](#)

Reminders for VRAs [p. 11](#)

Voter Registration (Eligibility) Requirements [p. 12](#)

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 elections officials, third-party voter registration agents and the general public understand the role and responsibilities of third-party registration agents. This manual does not supersede federal or state laws or rules, and it does not have the force of law. For more information, third party agents are encouraged to read Article 4 of the New Mexico Election Code for applicable laws on the registration of electors.

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:

<http://www.sos.state.nm.us>

What is a third-party registration agent?

A third-party registration agent is any person, entity, or organization that assists in registering a voter that is not a state or federal agency. Third party registration agents must attend a training course, register with a County Clerk's Office or the SOS, and provide a sworn statement stating that the agent will obey all state laws and rules regarding the registration of voters on a form that gives notice of the criminal penalties for false registration.



Important:

THIRD-PARTY AGENTS ARE PROHIBITED FROM:

- Seeking to influence an applicant's political party preference; or
- Making any statement or taking any action that discourages or intends to discourage the applicant from completing the form; or
- Disclosing or unlawfully using information collected on a voter registration application

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: 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 are the qualifications for third-party registration agents?

State law outlining registration and procedures for third-party registration agents is found in Section 1-4-49 NMSA 1978. In order to become a third-party registration agent, an applicant must:

1. Complete a third-party voter registration agent training course provided by the County Clerk's Office or the Secretary of State's Office.
 - a. The training covers 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.
2. Submit a Voter Registration Agent Identification Form; and
3. Be issued a personal Voter Registration Agent (VRA) Number by the Secretary of State's Office. The third party agent information and identification number must be entered into the statewide third-party agent database by the county clerk and the agent's original VRA Identification Form will be filed with the Secretary of State's office. A copy of the form is retained at the local county clerk's office, and the third party agent must also retain a copy.
4. The third party agent must carry and display a copy of the VRA Identification Form as proof of their credentials when assisting applicants with registering to vote.

The VRA Identification Form Includes:

- Name of the organization
- Names of the officers of the organization
- Address and phone number of the organization
- Name of the third-party registration agent
- Address and phone number of the agent
- Date of birth of the agent

- A signed, sworn statement by the agent that he or she will obey all state laws and rules regarding the registration of voters, which contains a statement advising the agent of criminal penalties for false registration

- 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 forty-eight (48) hours deadline excludes intermediate Saturdays, Sundays, and federal or state holidays)

What are the duties of a third-party registration agent?

An agent may perform their duties anywhere in New Mexico. They shall provide any qualified elector with an opportunity to register to vote—regardless of political affiliation, religion or race—and will perform their lawful duties without charge as follows:

- Offer the client a Voter Registration Application Form
- Assist in the preparation of the form of qualified electors at the request of the applicant
- Assist a voter in making any changes to their current registration information (e.g. name, address or party affiliation)
- Ensure that the form is completely filled out and in proper form

Remember, as a third-party Agent, you are responsible for facilitating the voter registration process. Therefore, if at any time while registering an individual you have a question or a red flag appears due to a registrant not being able to remember their address, has a change of address, does not remember their social security number, makes an error on the application, or if there is suspicion that it may be a bogus registration, you should make a proper notation in your log. Documentation is essential to the process. Third-party registration agent log forms are available for download from the Secretary's website.

The third-party agent must ensure the applicant is provided with the receipt on the voter registration application that informs them that if they do not receive confirmation of the Voter Registration Application Form within fifteen (15) days, the applicant should contact their county clerk. The phone number for the office of the county clerk where the voter applicant resides, as well as the toll free phone number and website address of the Secretary of State's office is included on the receipt.

Obtaining Registration Forms

Agents are issued a packet of 20 Voter Registration Application Forms. At any time, an agent may request another packet of 20 Registration Applications for special events or circumstances. However, the packet must be obtained from a county clerk's office or the Secretary of State in person and the agent is required to sign for the packet. 1.10.25.8(E) NMAC and 1.10.25.10 (B) NMAC.

Reminder: All forms are issued and tracked according to the name of the agent and Voter Registration Agent (VRA) Number. Blank Voter Registration Application Forms **cannot be mailed** to third-party agents.

What else should VRAs keep in mind?

Applicants must print legibly (i.e. if you cannot read the form, then the SOS and the county clerk will not likely be able to read it either). If the application is not legible, ask the registrant if you can complete another form for them and have them sign. Be sure to void the first form and enter it in your log. Make sure you void and return all forms; **all forms released to VRAs must be accounted for**; this includes all forms that have been destroyed or damaged and that are no longer usable.

As an extension of this idea, remember to keep well-documented records using the voter registration agent log provided on the SOS website. You are responsible for the information on the voter registration forms, which is why the Secretary of State's office and county clerk's office require that you keep a log.

The pre-addressed registration form does not receive a cancelled date stamp, so keep a log of any mailed forms by certificate number, date placed in the mail and location of where you mailed the forms. It is also highly recommended that the agent walk the form into the post office and get the documents postmarked.

The block on the bottom left side of the front of the Voter Registration Application Form is for the agent's Voter Registration Agent Number (VRA number). The Voter Registration Application Forms are tracked by serial numbers. **Your assigned VRA number must be entered on the form in the box provided.**

Third-party agents are not responsible for verification of the truth of any information contained in a voter registration application form and are only providing an applicant with the opportunity to register to vote and agents do not determine if the applicant is qualified to register to vote.

Online voter registration

The SOS provides applicants with the ability to apply to register to vote online from the SOS website. Currently, this site is not setup to track VRA numbers or assistance provided to voters during the registration process, so agents should only use the state paper or federal paper forms to register voters. A future software release to the online voter registration will allow for online registration by third party agents. When this is available, third party agents will be notified, training will be provided, and this manual will be updated accordingly.

How are address changes made?

A change of address must be completed by preparing a new registration form. The entire voter registration application must be complete in order for the county clerk to accept and process the application.

How much assistance is too much?

A third-party agent offering voter registration services must provide a consistent and thoughtful degree of assistance, including bilingual assistance when necessary, unless the applicant refuses such assistance. An agent should never insist upon providing assistance to an applicant or pre-fill applications prior to an applicant requesting such assistance.

What are the qualified political parties?

Applicants may choose to register for any qualified political party in New Mexico or may choose to register without a party affiliation which is referred to as Declined to Select (DTS) or Independent or check the box that indicates NO PARTY:

POLITICAL PARTY		
6	NOTE: You must name a major political party to vote in primary elections. ▶▶▶▶	Party <input type="text"/>
		If you choose NO PARTY check this box <input type="checkbox"/>

Note: New Mexico conducts closed primary elections. Only voters affiliated with a major political party may participate in a primary election. If you complete a new voter registration form or are making up-dates to your current information, BUT, do not complete question #6 (*political party to vote in primary elections*), you will be registered as, Decline to State (DTS) a Major or Minor Party. This means you are **not** affiliated with a Major or Minor Party, and will **not** be able to participate in New Mexico's 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.

Current qualified political parties in New Mexico are:

Major Parties

- New Mexico Democratic Party (DEM)
- New Mexico Republican Party (REP)
- Libertarian Party of New Mexico (LIB)

Minor Parties

- Green Party of New Mexico (GRN)
- Better for America Party of New Mexico (BAPNM)
- Constitution Party of New Mexico (CPNM)

Third party agents should assist the voter in coding their party preference correctly as indicated in the parentheses in the above listing under *current qualified political parties in New Mexico*.

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



Important:

Section 1-4-5.1 (D) NMSA 1978

D. A qualified elector 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 shall be referred to the confidential address program administered by the secretary of state pursuant to the Confidential Substitute Address Act.

As used in the Victims of Crime Act (*Section 31-26-3 NMSA 1978*).

How do I collect and transmit registration forms?

Collections and transmittals of completed Voter Registration Application Forms **must be returned** to the county clerk's office or the Secretary of State within 48 hours. Careful and regular coordination with the county clerk's office is crucial.

What is a VRA's liability?



The New Mexico Election Code explains the responsibilities of VRAs and their liability under statute. While this manual should not be considered a legal resource, below is outlined the liability of agents under state rules:

Any person who intentionally violates any provision of section 1-4-49 of the Election Code shall be guilty of a petty misdemeanor and the person's third-party agent status shall be revoked. If the person who violates a provision of this section is an employee of an organization and has decision-making authority involving the organization's voter registration activities or is an officer of the organization, then that organization shall be subject to civil penalties.

If the SOS reasonably believes that a person committed a violation of the provisions of this section, then the Secretary shall refer the matter to the attorney general or district attorney for enforcement. The attorney general or district attorney may institute a civil action in district court for a violation of the provisions of this section or to prevent a violation of the provisions of this section. An action for relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including a civil penalty of two hundred fifty dollars (\$250.00) for each violation, not to exceed five thousand dollars (\$5,000.00).

Individuals or groups conducting voter registration drives may use Third-Party Registration Forms or the National Form. **Once a form is filled out, individuals or groups cannot copy, convey or use the DOB or SSN information on the form (Section 1-4-5 (E), NMSA 1978).**

Organizations employing registration agents or using volunteer registration agents shall deliver a Certificate of Registration* to the county clerk or the Secretary of State's office within 48 hours. It is strongly recommended that third-party agents deliver the applications in person.

**NOTE: A Certificate of Registration is also referred to as a Voter Registration Application Form.*

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;
- Last four digits of SSN, or New Mexico Driver's License or State ID number;
- Full DOB;
- Physical address (not a PO box);
- Signature

Pursuant to Section 1-4-5.3(A); If a qualified elector resides in an area lacking a specific physical address, the qualified elector shall be allowed to substitute a mailing address along with a description, such as a map or the latitude and longitude, indicating where the qualified elector resides. The qualified elector shall be assigned to a precinct based on the geographic description of where the qualified elector resides.

What does the privacy notice entail?

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).

Reminders for VRAs

When providing voter registration services to an applicant, please take note of the following considerations:



The use of **black ink** is recommended. Please print legibly. The entire voter registration application must be filled out in its entirety for it to be processed by the county clerk even if the applicant intends on updating information or changing party affiliation.



If any applicant is unable to read or write in either English or Spanish, or is unable to read or write due to a physical disability and is assisted by someone other than the agent in filling out the Voter Registration Application Form, then both the person assisting and the third-party agent shall sign **Item 9** on the front of the application in order to identify the person that assisted the applicant.



If an error is made while filling out the Voter Registration Application Form, the agent shall mark the Voter Registration Application Form as **VOID**; it shall be returned with the completed Voter Registration Application Forms to the county clerk's Office.



The agent shall instruct the applicant not to fill out the **shaded areas at the bottom of the form** which are for use of the county clerk's office. Item 9 on the front page is for the VRA's signature and VRA Number. The VRA number also goes on the **yellow portion**, which is the voter's receipt.

Registration Eligibility Requirements

- The applicant must be a **citizen of the United States and a resident of New Mexico**
- 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 or educational institution issued photo identification fulfills the photo ID requirement. A copy of a current utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo that shows the name and current address of the applicant fulfills the non-photo ID requirement.



Note: State law requires that in order to vote in the next election, the applicant must register online or by mail at least 28 days prior to the election date. However, for 2019, an applicant may also register in person by 6:00 pm on the Saturday immediately prior to the date of the election at a county clerk's office or at an alternative voting location if a county clerk has assigned a county clerk employee to be the clerk's authorized deputy to serve as a registration officer.