

ORDINANCE № 2073-2016

ADOPTING VOTER AUTHENTICATION BY PHOTO IDENTIFICATION FOR MUNICIPAL ELECTIONS; AND, ADOPTING A NEW CHAPTER TO THE CLOVIS CITY CODE, DESIGNATED AS CHAPTER 1.06

BE IT ORDAINED BY THE GOVERNING BODY that is the City Commission of the City of Clovis, New Mexico:

SECTION ONE. RECITALS. At the March 1, 2016 regular municipal election, the voters passed an amendment to the City of Clovis home rule charter requiring the City Commission to adopt an ordinance implementing voter authentication by photo identification for all future municipal elections. The Clovis City Commission adopts this Ordinance designating a new chapter of the Clovis City Code to comply with a new City Charter section. It is the intent of this Ordinance not to disenfranchise any qualified elector, but to verify elector identity. Procedures are enacted to provide multiple methods of authentication that will be the least burdensome to qualified electors.

SECTION TWO. ADOPTION OF CHAPTER 1.06. There is hereby adopted Chapter 1.06 to the Clovis City Code, entitled Voter Authentication by Photo Identification, consisting of a single section designated 1.06.010, which shall read as follows:

CHAPTER 1.06

VOTER AUTHENTICATION BY PHOTO IDENTIFICATION

1.06.010 **Voter Authentication by Photo Identification.**

Voter Authentication by Photo Identification shall be required for all municipal elections as follows:

A. When a voter approaches the election polling place seeking to vote, the voter must identify herself or himself audibly by name. The Municipal Election Clerk shall locate the registered voter's name as spoken and ask the individual seeking to vote for one current identification card containing the voter's name and photograph.

B. Such photo identification card may include any card issued by a government agency (federal, state, county or municipality), passport, driver's license, student identification card, state issued identification card, insurance card, union card, a professional association card or a voter identification card issued by the Clovis City Clerk, provided the item submitted contains a photograph depiction of the voter.

C. If the individual is unable to provide a photo identification card, she or he shall be allowed to vote on a conditional ballot, but only if she or he swears or affirms under penalty of perjury in an affidavit provided by the City Clerk that she or he is the registered voter listed on the voter registration rolls at the precinct at which she or he presented herself or himself to vote and provides her or his date of birth and the last four digits of her or his Social Security number.

D. Conditional ballots shall be issued for no other reason than the failure to present photo identification. Conditional ballots shall be counted only by the Canvassing Board and only on the voter's presentation to the City Clerk, by 9:00 a.m. on the third day following the election, one of the photo identification cards described in this section. The Canvassing Board shall also verify that the voter who cast the conditional ballot was registered to vote for the election and did not vote elsewhere in the same election. If a voter who cast a conditional ballot under this section swears or affirms under penalty of perjury in an affidavit provided by the City Clerk within the three-day canvassing period that she or he has a religious objection to being photographed, such voter shall not be required to submit

photo identification. The Canvassing Board shall otherwise verify that the conditional ballot was valid.

E. The City Clerk shall develop and provide instructions for election judges concerning the requirements of this section and a method of complaint and resolution for individuals who feel they have been discriminated against by election officials or the City Clerk's administration of this section.

F. Regarding the requirements of this section, knowingly executing a false statement constitutes perjury as provided in Section 30-25-1 NMSA 1978 and voting on the basis of a falsely executed statement constitutes false voting as provided in Sections 1-20-8, 1-20-8.1 and 3-8-75 NMSA 1978.

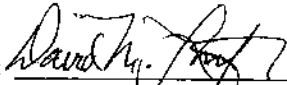
G. Voter authentication by photo identification cards shall be issued by the City Clerk without charge to any voter who presents any two of the following identification documents that show the name and address of the voter: a federal, state or municipal issued identification card without photo identification, Social Security card, student identification card, library card, insurance card, selective service card, union card, professional association card, utility bill, bank statement, government check or a paycheck, upon confirmation with the County Clerk that such person is registered to vote. If the individual is unable to present any two of these documents to the City Clerk, then the voter shall swear or affirm in writing under penalty of perjury that she or he is the registered voter and shall be issued a voter photo identification card upon confirmation with the County Clerk that such person is registered to vote. The City Clerk issued photo identification card shall state on its face that it shall not be valid for identification other than for the purpose of voting in City of Clovis municipal elections and shall not be valid if the voter is subsequently purged from the voter rolls.

H. This section shall take precedence over the State Municipal Election Code and any reference in this article to the State Municipal Election Code. The provisions of the section shall apply only to City of Clovis municipal elections.

PASSED APPROVED AND ADOPTED BY THE GOVERNING BODY of the City of

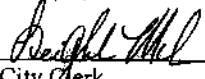
Clovis this 2nd day of June, 2016.

CITY OF CLOVIS, NEW MEXICO

By: 
David Lausford, Mayor

(SEAL)

ATTEST:


City Clerk