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AN ACT

RELATING TO ELECTIONS; PROVIDING PROTECTIONS FOR POLLING LOCATIONS ON INDIAN NATION, TRIBAL OR PUEBLO LAND IN THE EVENT OF A DECLARED EMERGENCY OR THE INVOCATION OF EMERGENCY POWERS; CHANGING NOTICE PROVISIONS FOR REQUESTS FOR ALTERNATE VOTING LOCATIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new Section 1-3-7.2 NMSA 1978 is enacted to read:

"1-3-7.2. POLLING PLACES ON NATIVE AMERICAN LANDS.--If, in an area that includes Indian nation, tribal or pueblo lands, the president, governor or governing body of the Indian nation, tribe or pueblo has declared an emergency or has invoked emergency powers pursuant to other laws:

A. a polling place located on Indian nation, tribal or pueblo land shall not be eliminated or consolidated with other polling places, nor shall the days and times of voting be modified, without the written agreement of the Indian nation, tribe or pueblo where the polling place is located;

B. no later than ninety-eight days before a statewide election without a court order and by means of a written request or no later than forty-nine days before a statewide election with a court order, the county clerk shall

1 provide to an Indian nation, tribe or pueblo that has not
2 previously requested for that election cycle at least one
3 alternate voting or mobile alternate voting location for that
4 election; provided the alternate voting or mobile alternate
5 voting location otherwise complies with the requirements of
6 Section 1-6-5.8 NMSA 1978;

7 C. no later than eighty-four days before a
8 statewide election without a court order and by means of a
9 written request or no later than thirty-five days before a
10 statewide election with a court order, the county clerk shall
11 provide an election day polling place to an Indian nation,
12 tribe or pueblo that does not already have an election day
13 polling place within its boundaries if voters registered
14 within the Indian nation, tribe or pueblo are unable to leave
15 the Indian nation, tribe or pueblo during the time when
16 voting occurs for a statewide election;

17 D. the requirement that a polling place be
18 available to all voters in the county is waived if an Indian
19 nation, tribe or pueblo is inaccessible or the borders are
20 closed; and

21 E. all necessary and reasonable expenses by the
22 county clerk for compliance with this section shall be
23 reimbursed by the secretary of state."

24 SECTION 2. Section 1-3-8 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 58, as amended) is amended to read:

1 "1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--

2 A. Upon the adoption of any resolution, or upon
3 the final action of any district court upon a petition
4 creating, abolishing, dividing or consolidating any precinct,
5 or changing any precinct boundary, or changing any designated
6 polling place, the board of county commissioners shall:

7 (1) send a certified copy of the resolution
8 or court order to the secretary of state and to the county
9 chair of each of the major political parties; and

10 (2) publish once the resolution in a
11 newspaper as provided in the Election Code.

12 B. A polling place located on Indian nation,
13 tribal or pueblo lands shall not be eliminated or
14 consolidated with other polling locations without the written
15 agreement of the Indian nation, tribe or pueblo on which the
16 polling place is located."

17 SECTION 3. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect
19 immediately.

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