

1 SENATE BILL 337

2 50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

3 INTRODUCED BY

4 Howie Morales and Conrad D. James

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10 AN ACT

11 RELATING TO ELECTIONS; ALLOWING THE CONSOLIDATION OF PRECINCTS  
12 FOR PRIMARY AND GENERAL ELECTIONS; PROVIDING PROCEDURES FOR  
13 CONSOLIDATING PRECINCTS.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 1-1-12 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 11, as amended) is amended to read:

18 "1-1-12. CONSOLIDATED PRECINCT.--

19 A. As used in the Election Code, "consolidated  
20 precinct" means the combination of two or more precincts into  
21 one polling place pursuant to the provisions of [~~Sections 3-3-4~~  
22 ~~and 3-6-20.1 NMSA 1953~~] Section 1-3-4 NMSA 1978.

23 B. When consolidated precincts are used, references  
24 to "precincts" in the voting process shall be applicable to  
25 consolidated precincts."

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1           SECTION 2. Section 1-3-2 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 51, as amended by Laws 2009, Chapter 251,  
3 Section 3 and by Laws 2009, Chapter 274, Section 2) is amended  
4 to read:

5           "1-3-2. PRECINCTS--DUTIES OF COUNTY COMMISSIONERS.--

6           A. Not later than the first Monday in November of  
7 each odd-numbered year, the board of county commissioners shall  
8 by resolution:

9                   (1) designate the polling place of each  
10 precinct that shall provide individuals with physical mobility  
11 limitations an unobstructed access to at least one voting  
12 machine;

13                   (2) create additional precincts to meet the  
14 requirements of Section 1-3-1 NMSA 1978 or upon petition  
15 pursuant to Section 4-38-21 NMSA 1978;

16                   (3) create additional polling places in  
17 existing precincts as necessary pursuant to Section 1-3-7.1  
18 NMSA 1978;

19                   (4) consolidate any precincts pursuant to  
20 Section 1-3-4 NMSA 1978;

21                   [~~(4)~~] (5) divide any precincts as necessary to  
22 meet legal and constitutional requirements for redistricting;  
23 and

24                   [~~(5)~~] (6) designate any mail ballot election  
25 precincts.

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1           B. The county clerk shall notify the secretary of  
2 state in writing of any proposed changes in precincts or the  
3 designation of polling places made by the board of county  
4 commissioners and shall furnish a copy of the map showing the  
5 current geographical boundaries, designation and word  
6 description of each new polling place and each new or changed  
7 precinct.

8           C. The secretary of state shall review all new or  
9 changed precinct maps submitted pursuant to this section for  
10 compliance under the Precinct Boundary Adjustment Act. Any  
11 necessary precinct boundary adjustments shall be made and  
12 submitted to the secretary of state no later than the first  
13 Monday in December of each odd-numbered year. Upon approval of  
14 the new or changed precincts by the secretary of state, the  
15 precincts and polling places as changed by the resolution of  
16 the boards of county commissioners and approved by the  
17 secretary of state shall be the official precincts and polling  
18 places for the next succeeding primary and general elections."

19           SECTION 3. Section 1-3-4 NMSA 1978 (being Laws 1975,  
20 Chapter 255, Section 30) is amended to read:

21           "1-3-4. CONSOLIDATION OF PRECINCTS--~~[NOTICE]~~.--

22           A. Precincts may be consolidated by the  
23 ~~[appropriate governing authority]~~ board of county commissioners  
24 for the following elections:

25                     (1) primary and general elections;

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1                    [~~(1)~~] (2) statewide special elections;  
2                    [~~(2)~~] (3) countywide special elections; and  
3                    [~~(3)~~] (4) elections to fill vacancies in the  
4 office of [~~representative in congress~~] the United States house  
5 of representatives.

6                    [~~(4)~~] B. Precincts may be consolidated by the  
7 governing body of a municipality for municipal candidate and  
8 bond elections, unless otherwise prohibited. [~~and~~

9                    ~~(5)~~] C. Precincts may be consolidated by the local  
10 school board for school district candidate and bond elections,  
11 unless otherwise prohibited.

12                    [~~B-~~] D. When precincts are consolidated [as  
13 provided in this section] for a primary and general election,  
14 the [~~notice of election~~] resolution required by Section 1-3-2  
15 NMSA 1978, in addition to the other matters required by law,  
16 shall state therein which precincts have been consolidated and  
17 the designation of the polling place. In addition, when  
18 consolidating precincts for primary and general elections:

19                    (1) any voter of the county shall be allowed  
20 to vote in any consolidated precinct polling location in the  
21 county;

22                    (2) each consolidated precinct shall be  
23 comprised of no more than ten precincts;

24                    (3) each consolidated precinct shall comply  
25 with the provisions of Section 1-3-7 NMSA 1978;

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1                   (4) each consolidated precinct polling  
2 location shall have a broadband internet connection and real-  
3 time access to the statewide voter registration electronic  
4 management system;

5                   (5) the county clerk may maintain any  
6 alternative voting locations previously used in the same  
7 election open for voting on election day for any voter in the  
8 county, in addition to the polling location established in each  
9 consolidated precinct; and

10                   (6) the board of county commissioners may  
11 permit rural precincts to be exempted from operating as or  
12 being a part of a consolidated precinct; provided that if the  
13 precinct is not designated as a mail ballot election precinct  
14 pursuant to Section 1-6-22.1 NMSA 1978 and the polling place  
15 for the rural precinct does not have real-time access to the  
16 statewide voter registration electronic management system,  
17 voters registered in a rural precinct as described in this  
18 paragraph are permitted to vote in any consolidated precinct  
19 polling location on election day only by use of a provisional  
20 paper ballot, which shall be counted after the county clerk  
21 confirms that the voter did not also vote in the rural  
22 precinct.

23                   E. When precincts are consolidated for a municipal  
24 election, school election or special county election, the  
25 proclamation, in addition to the other matters required by law,

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1 shall state which precincts have been consolidated and the  
2 designation of the polling place. Precincts consolidated for a  
3 municipal election, school election or special county election  
4 may allow any voter to vote in any consolidated precinct in the  
5 county, which shall be stated in the proclamation.

6 F. When precincts are consolidated for a statewide  
7 special election or for a special election to fill a vacancy in  
8 the office of the United States house of representatives,  
9 within twenty-one days after the proclamation of election is  
10 issued by the governor, the board of county commissioners shall  
11 pass a resolution that, in addition to other matters required  
12 by law, shall state which precincts have been consolidated and  
13 the designation of the polling place. Precincts consolidated  
14 for a statewide special election or for a special election to  
15 fill a vacancy in the office of the United States house of  
16 representatives may allow any voter to vote in any consolidated  
17 precinct in the county, which shall be stated in the  
18 resolution.

19 G. Unless the county clerk receives a written  
20 waiver from the secretary of state specifying the location and  
21 specific provision being waived, each consolidated precinct  
22 polling location shall:

23 (1) have ballots available for voters from  
24 every precinct that is able to vote in the consolidated  
25 precinct;

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1                   (2) have at least one optical scan tabulator  
2 programmed to read every ballot style able to be cast in the  
3 consolidated precinct;

4                   (3) have at least one voting system available  
5 to assist disabled voters to cast and record their votes;

6                   (4) have sufficient spaces for at least five  
7 voters to simultaneously and privately mark their ballots, with  
8 at least one of those spaces wheelchair-accessible;

9                   (5) have a secure area for storage of  
10 preprinted ballots or for storage of paper ballot stock and a  
11 system designed to print ballots at a polling location;

12                   (6) issue a ballot to voters who have provided  
13 the required voter identification after the voter has signed a  
14 signature roster or an electronic equivalent approved by the  
15 voting system certification committee or after the voter has  
16 subscribed an application to vote on a form approved by the  
17 secretary of state; and

18                   (7) be in a location that is accessible and  
19 compliant with the requirements of the federal Americans with  
20 Disabilities Act of 1990."

21                   SECTION 4. Section 1-3-7 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 57, as amended by Laws 2009, Chapter 251,  
23 Section 4 and by Laws 2009, Chapter 274, Section 3) is amended  
24 to read:

25                   "1-3-7. POLLING PLACES.--

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1           A. No less than one polling place shall be provided  
2 for each precinct that is not a mail ballot election precinct.

3           B. The board of county commissioners shall  
4 designate as the polling place or places, as the case may be,  
5 in each precinct, other than a mail ballot election precinct,  
6 the most convenient and suitable public building or public  
7 school building in the precinct that can be obtained.

8           C. If no public building or public school building  
9 is available, the board of county commissioners shall provide  
10 some other suitable place, which shall be the most convenient  
11 and appropriate place obtainable in the precinct, considering  
12 the purpose for which it is to be used pursuant to the Election  
13 Code.

14           D. If, in a precinct that is not a mail ballot  
15 election precinct or a consolidated precinct, there is no  
16 public building or public school building available in the  
17 precinct, and there is no other suitable place obtainable in  
18 the precinct, the board of county commissioners may designate  
19 as a polling place for the precinct the most convenient and  
20 suitable building or public school building nearest to that  
21 precinct that can be obtained. No polling place shall be  
22 designated outside the boundary of the precinct as provided in  
23 this subsection until such designated polling place is approved  
24 by written order of the district court of the county in which  
25 the precinct is located.

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1           E. Upon application of the board of county  
2 commissioners, the governing board of any school district shall  
3 permit the use of any school building or a part thereof for  
4 registration purposes and the conduct of any election, provided  
5 that the building or the part used for the election complies  
6 with the standards set out in the federal Voting Accessibility  
7 for the Elderly and Handicapped Act.

8           F. Public schools may be closed for elections at  
9 the discretion of local school boards."

10           SECTION 5. Section 1-3-18 NMSA 1978 (being Laws 1989,  
11 Chapter 199, Section 1) is amended to read:

12           "1-3-18. POLLING PLACES--BUILDING REQUIREMENTS--  
13 INSPECTION.--

14           A. No building used as a polling place for the  
15 conduct of an election in any class A county shall house:

16                   (1) more than four precinct polling places in  
17 the conduct of any single election; and

18                   (2) more than two precinct polling places in  
19 any single room.

20           B. The restrictions set forth in Subsection A of  
21 this section may be waived with the approval of the director of  
22 the ~~[state]~~ bureau of elections and do not apply to precincts  
23 that are consolidated pursuant to the provisions of Section  
24 1-3-4 NMSA 1978.

25           C. The location of each precinct polling place

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1 within the building shall be clearly designated by appropriate  
2 signs, prominently and clearly displayed at a height no less  
3 than six feet from the floor. Signs for each precinct polling  
4 place shall also be clearly displayed outside the building  
5 where polling takes place.

6 D. Not less than thirty days prior to any election  
7 at which the building is intended for use as a polling place,  
8 the county clerk or [~~his~~] the clerk's designated representative  
9 shall physically inspect each such facility to determine its  
10 suitability for precinct polling places and its capability of  
11 handling heavy voter traffic in the most expeditious manner  
12 with a maximum efficiency and minimum discomfort of the voter.  
13 In the event the building is found to meet these standards, the  
14 county clerk shall certify for the record its acceptability.

15 E. Each polling place [~~will~~] shall be furnished and  
16 have available equipment necessary to assist voters in reading  
17 the ballot."

18 SECTION 6. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2011.

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