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AN ACT

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

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

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

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

A. As used in the Election Code, "consolidated
precinct" means the combination of two or more precincts into
one polling place pursuant to the provisions of Section 1-3-4
NMSA 1978.

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

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

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

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

- (1) designate the polling place of each

1 precinct that shall provide individuals with physical
2 mobility limitations an unobstructed access to at least one
3 voting machine;

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

7 (3) create additional polling places in
8 existing precincts as necessary pursuant to Section 1-3-7.1
9 NMSA 1978;

10 (4) consolidate any precincts pursuant to
11 Section 1-3-4 NMSA 1978;

12 (5) divide any precincts as necessary to
13 meet legal and constitutional requirements for redistricting;
14 and

15 (6) designate any mail ballot election
16 precincts.

17 B. The county clerk shall notify the secretary of
18 state in writing of any proposed changes in precincts or the
19 designation of polling places made by the board of county
20 commissioners and shall furnish a copy of the map showing the
21 current geographical boundaries, designation and word
22 description of each new polling place and each new or changed
23 precinct.

24 C. The secretary of state shall review all new or
25 changed precinct maps submitted pursuant to this section for

1 compliance under the Precinct Boundary Adjustment Act. Any
2 necessary precinct boundary adjustments shall be made and
3 submitted to the secretary of state no later than the first
4 Monday in December of each odd-numbered year. Upon approval
5 of the new or changed precincts by the secretary of state,
6 the precincts and polling places as changed by the resolution
7 of the boards of county commissioners and approved by the
8 secretary of state shall be the official precincts and
9 polling places for the next succeeding primary and general
10 elections."

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

13 "1-3-4. CONSOLIDATION OF PRECINCTS.--

14 A. Precincts may be consolidated by the board of
15 county commissioners for the following elections:

16 (1) primary and general elections;

17 (2) statewide special elections;

18 (3) countywide special elections; and

19 (4) elections to fill vacancies in the
20 office of the United States house of representatives.

21 B. Precincts may be consolidated by the governing
22 body of a municipality for municipal candidate and bond
23 elections, unless otherwise prohibited.

24 C. Precincts may be consolidated by the local
25 school board for school district candidate and bond

1 elections, unless otherwise prohibited.

2 D. When precincts are consolidated for a primary
3 and general election, the resolution required by Section
4 1-3-2 NMSA 1978, in addition to the other matters required by
5 law, shall state therein which precincts have been
6 consolidated and the designation of the polling place. In
7 addition, when consolidating precincts for primary and
8 general elections:

9 (1) any voter of the county shall be allowed
10 to vote in any consolidated precinct polling location in the
11 county;

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

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

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

20 (5) the county clerk may maintain any
21 alternative voting locations previously used in the same
22 election open for voting on election day for any voter in the
23 county, in addition to the polling location established in
24 each consolidated precinct; and

25 (6) the board of county commissioners may

1 permit rural precincts to be exempted from operating as or
2 being a part of a consolidated precinct; provided that if the
3 precinct is not designated as a mail ballot election precinct
4 pursuant to Section 1-6-22.1 NMSA 1978 and the polling place
5 for the rural precinct does not have real-time access to the
6 statewide voter registration electronic management system,
7 voters registered in a rural precinct as described in this
8 paragraph are permitted to vote in any consolidated precinct
9 polling location on election day only by use of a provisional
10 paper ballot, which shall be counted after the county clerk
11 confirms that the voter did not also vote in the rural
12 precinct.

13 E. When precincts are consolidated for a municipal
14 election, school election or special county election, the
15 proclamation, in addition to the other matters required by
16 law, shall state which precincts have been consolidated and
17 the designation of the polling place. Precincts consolidated
18 for a municipal election, school election or special county
19 election may allow any voter to vote in any consolidated
20 precinct in the county, which shall be stated in the
21 proclamation.

22 F. When precincts are consolidated for a statewide
23 special election or for a special election to fill a vacancy
24 in the office of the United States house of representatives,
25 within twenty-one days after the proclamation of election is

1 issued by the governor, the board of county commissioners
2 shall pass a resolution that, in addition to other matters
3 required by law, shall state which precincts have been
4 consolidated and the designation of the polling place.
5 Precincts consolidated for a statewide special election or
6 for a special election to fill a vacancy in the office of the
7 United States house of representatives may allow any voter to
8 vote in any consolidated precinct in the county, which shall
9 be stated in the resolution.

10 G. Unless the county clerk receives a written
11 waiver from the secretary of state specifying the location
12 and specific provision being waived, each consolidated
13 precinct polling location shall:

14 (1) have ballots available for voters from
15 every precinct that is able to vote in the consolidated
16 precinct;

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

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

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

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

4 (6) issue a ballot to voters who have
5 provided the required voter identification after the voter
6 has signed a signature roster or an electronic equivalent
7 approved by the voting system certification committee or
8 after the voter has subscribed an application to vote on a
9 form approved by the secretary of state; and

10 (7) be in a location that is accessible and
11 compliant with the requirements of the federal Americans with
12 Disabilities Act of 1990.

13 H. As a prerequisite to consolidation, the
14 authorizing resolution must find that consolidation will make
15 voting more convenient and accessible to voters of the
16 consolidated precinct and does not result in delays for
17 voters in the voting process and the consolidated precinct
18 voting location will be centrally located within the
19 consolidated precinct."

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

24 "1-3-7. POLLING PLACES.--

25 A. No less than one polling place shall be

1 provided for each precinct that is not a mail ballot election
2 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
13 Election 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
23 in this subsection until such designated polling place is
24 approved by written order of the district court of the county
25 in which the precinct is located.

1 E. Upon application of the board of county
2 commissioners, the governing board of any school district
3 shall permit the use of any school building or a part thereof
4 for registration purposes and the conduct of any election,
5 provided that the building or the part used for the election
6 complies with the standards set out in the federal Voting
7 Accessibility 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
17 in 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
22 of the bureau of elections and do not apply to precincts that
23 are consolidated pursuant to the provisions of Section 1-3-4
24 NMSA 1978.

25 C. The location of each precinct polling place

1 within the building shall be clearly designated by
2 appropriate signs, prominently and clearly displayed at a
3 height no less than six feet from the floor. Signs for each
4 precinct polling place shall also be clearly displayed
5 outside the building 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 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
13 voter. In the event the building is found to meet these
14 standards, the county clerk shall certify for the record its
15 acceptability.

16 E. Each polling place shall be furnished and have
17 available equipment necessary to assist voters in reading the
18 ballot."

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

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