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

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

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

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

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

and

(6) designate any mail ballot election precincts.

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

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

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

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

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

(1) primary and general elections;
(2) statewide special elections;
(3) countywide special elections; and
(4) elections to fill vacancies in the office of the United States house of representatives.

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

C. Precincts may be consolidated by the local school board for school district candidate and bond
elections, unless otherwise prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) have sufficient spaces for at least five
voters to simultaneously and privately mark their ballots,
with at least one of those spaces wheelchair-accessible;
(5) have a secure area for storage of preprinted ballots or for storage of paper ballot stock and a system designed to print ballots at a polling location;

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

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

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

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

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

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

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

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

D. If, in a precinct that is not a mail ballot election precinct or a consolidated precinct, there is no public building or public school building available in the precinct, and there is no other suitable place obtainable in the precinct, the board of county commissioners may designate as a polling place for the precinct the most convenient and suitable building or public school building nearest to that precinct that can be obtained. No polling place shall be designated outside the boundary of the precinct as provided in this subsection until such designated polling place is approved by written order of the district court of the county in which the precinct is located.
E. Upon application of the board of county commissioners, the governing board of any school district shall permit the use of any school building or a part thereof for registration purposes and the conduct of any election, provided that the building or the part used for the election complies with the standards set out in the federal Voting Accessibility for the Elderly and Handicapped Act.

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

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

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

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

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

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

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

C. The location of each precinct polling place
within the building shall be clearly designated by appropriate signs, prominently and clearly displayed at a height no less than six feet from the floor. Signs for each precinct polling place shall also be clearly displayed outside the building where polling takes place.

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

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

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