

Proposed
SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 8

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

AN ACT

RELATING TO ELECTIONS; ALLOWING QUALIFIED RESIDENTS WHO ARE
SIXTEEN YEARS OLD TO VOTE IN ELECTIONS HELD PURSUANT TO THE
LOCAL ELECTION ACT; AMENDING VOTER REGISTRATION PROCEDURES AND
REQUIREMENTS; REPEALING AND REPLACING THE REGISTRATION AT
VOTING LOCATION PRIOR TO VOTING PROVISIONS; PROVIDING FOR
AUTOMATIC VOTER REGISTRATION; EXPANDING ONLINE VOTER
REGISTRATION OPPORTUNITIES; ALLOWING ACCESS TO LISTS OF
ELIGIBLE BUT UNREGISTERED INDIVIDUALS; REVISING NOMINATING
PETITION SIGNATURE REQUIREMENTS AND ALLOWING ELECTRONIC
SIGNATURES; PROVIDING THAT INMATES ARE ELIGIBLE TO VOTE AND
REGISTER TO VOTE UPON RELEASE; CREATING A VOLUNTARY PERMANENT
ABSENTEE VOTER LIST; REVISING PROVISIONS RELATING TO MONITORED
SECURED CONTAINERS; ENACTING THE NATIVE AMERICAN VOTING RIGHTS
ACT TO PROTECT POLLING PLACE ACCESS AND ADDRESS OTHER ELECTION
ISSUES INVOLVING VOTERS ON INDIAN NATION, TRIBAL AND PUEBLO

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underscored material = new
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1 LAND; CLARIFYING PROCEDURES FOR THE ACCEPTANCE OF VOTED MAILED
2 BALLOTS; DECLARING THE DAY OF A STATEWIDE ELECTION A LEGAL
3 PUBLIC HOLIDAY; DECLARING THE DAY OF A GENERAL ELECTION A
4 SCHOOL HOLIDAY; PROVIDING FOR A TRANSFER FROM THE EXCESS
5 EXTRACTION TAXES SUSPENSE FUND TO THE STATE ELECTION FUND;
6 MAKING CONFORMING AND TECHNICAL CHANGES; REPEALING A SESSION
7 LAW TO REMOVE A REFERENCE TO THE PUBLIC REGULATION COMMISSION
8 AS AN ELECTED OFFICE; AMENDING, REPEALING AND ENACTING SECTIONS
9 OF THE NMSA 1978.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

14 "1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--

15 A. Upon the adoption of any resolution, or upon the
16 final action of any district court upon a petition creating,
17 abolishing, dividing or consolidating any precinct, or changing
18 any precinct boundary, or changing any designated polling
19 place, the board of county commissioners shall:

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

23 (2) publish once the resolution in a newspaper
24 as provided in the Election Code.

25 B. A polling place located on Indian nation, tribal

1 or pueblo lands shall not be eliminated or consolidated with
 2 other polling locations, [~~without the written agreement of the~~
 3 ~~Indian nation, tribe or pueblo on which the polling place is~~
 4 ~~located~~] except as provided in the Native American Voting
 5 Rights Act."

6 SECTION 2. Section 1-4-2 NMSA 1978 (being Laws 1969,
 7 Chapter 240, Section 60, as amended) is amended to read:

8 "1-4-2. REGISTRATION OF QUALIFIED RESIDENTS--RIGHT TO
 9 VOTE IN PRIMARY AND ELECTIONS HELD PURSUANT TO THE LOCAL
 10 ELECTION ACT.--

11 A. Any qualified resident of New Mexico shall be
 12 permitted within the provisions of the Election Code to submit
 13 a voter registration certificate in paper form, through the
 14 online voter registration portal provided by the secretary of
 15 state, electronically when conducting [~~an in-person~~] a
 16 transaction at the motor vehicle division of the taxation and
 17 revenue department or as otherwise prescribed by the secretary
 18 of state or in the Election Code. The certificate shall be
 19 processed by the county clerk in the same manner as for a
 20 qualified elector, but the qualified resident shall not become
 21 a voter nor be considered a voter except as provided by this
 22 section.

23 B. If a qualified resident submits a voter
 24 registration certificate in accordance with the provisions of
 25 Subsection A of this section and pursuant to the requirements

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1 of Section 1-4-8 NMSA 1978, the qualified resident shall:

2 (1) become a voter upon the qualified
3 resident's eighteenth birthday;

4 (2) be considered a voter for the purpose of
5 participation in a statewide or special election [~~where~~] if the
6 qualified resident will turn eighteen on or before the day of
7 the statewide or special election; [~~or~~]

8 (3) be considered a voter for the purpose of
9 participation in a political party primary election [~~where~~] if
10 the qualified resident will turn eighteen on or before the day
11 of the general election immediately succeeding the primary
12 election;

13 (4) be considered a voter for the purpose of
14 participation in all elections held pursuant to the Local
15 Election Act upon the qualified resident's sixteenth birthday;
16 or

17 (5) be considered a voter for the purpose of
18 participation in all elections held pursuant to the Local
19 Election Act if the qualified resident will turn sixteen on or
20 before the day of the local election.

21 C. Any resident of New Mexico who may be a
22 qualified elector upon the resident's eighteenth birthday, or
23 who may be considered a voter for the purposes of an election
24 held pursuant to the Local Election Act upon the resident's
25 sixteenth birthday, who obtains a license, permit or

1 identification card from the motor vehicle division of the
 2 taxation and revenue department and who has not submitted a
 3 voter registration certificate pursuant to Subsection A of this
 4 section shall be sent a notification by the secretary of state
 5 advising the resident of the requirements and opportunity to
 6 register to vote and a uniform resource locator for a web page
 7 where the resident may submit a voter registration certificate
 8 online. When applicable, a notification shall be sent to a
 9 resident described in this subsection within the sixty days
 10 following the resident's [~~seventeenth~~] fifteenth birthday, when
 11 the resident obtained a license, permit or identification card
 12 from the motor vehicle division prior to the resident's
 13 [~~seventeenth~~] sixteenth birthday and within thirty days prior
 14 to the resident's eighteenth birthday."

15 SECTION 3. Section 1-4-5.2 NMSA 1978 (being Laws 1995,
 16 Chapter 198, Section 3) is amended to read:

17 "1-4-5.2. AGENCY REGISTRATION--FORM.--

18 A. A qualified elector may register to vote at
 19 certain state government offices.

20 B. Pursuant to Section 1-4-47 NMSA 1978, a
 21 qualified elector who applies for a driver's license, license
 22 renewal or motor vehicle identification card, who is not
 23 registered to vote in the state and who is not automatically
 24 registered to vote pursuant to the automatic voter registration
 25 provisions of Section 1-4-47 NMSA 1978 may simultaneously

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1 register to vote [~~or file a change of address for voter~~
2 ~~registration purposes~~].

3 C. Pursuant to Section 1-4-48 NMSA 1978, a
4 qualified elector may register to vote in any state agency that
5 provides public assistance or services to persons with
6 disabilities. The secretary of state may designate other state
7 or local public offices with the agreement of those offices.

8 D. Pursuant to Section 1-4-47 NMSA 1978, a
9 qualified elector may become registered to vote by automatic
10 voter registration at the motor vehicle division of the
11 taxation and revenue department or other state or local public
12 offices designated by the secretary of state."

13 SECTION 4. Section 1-4-5.5 NMSA 1978 (being Laws 1975,
14 Chapter 255, Section 78, as amended) is amended to read:

15 "1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR
16 SPECIAL VOTER LISTS.--

17 A. The county clerk or secretary of state shall
18 furnish voter data, mailing labels or special voter lists only
19 upon written request to the county clerk or the secretary of
20 state and after compliance with the requirements of this
21 section; provided, however, all requesters shall be treated
22 equally in regard to the charges and the furnishing of the
23 materials.

24 B. The secretary of state shall furnish the list of
25 eligible but unregistered individuals in the state, a county or

1 public office district only upon written request to the
2 secretary of state and after compliance with the requirements
3 of this section and to the extent allowable by law and
4 intergovernmental agreements; provided, however, all requesters
5 shall be treated equally in regard to the charges and the
6 furnishing of the materials.

7 ~~[B.]~~ C. In furnishing voter data, mailing labels or
8 special voter lists, the county clerk or secretary of state
9 shall not provide data or lists that include voters' social
10 security numbers, codes used to identify agencies where voters
11 have registered, a voter's day and month of birth or voters'
12 telephone numbers if prohibited by voters.

13 ~~[G.]~~ D. Each requester of voter data, mailing
14 labels or special voter lists shall sign an affidavit that the
15 voter data, mailing labels and special voter lists shall be
16 used for governmental or ~~[election and]~~ election campaign
17 purposes only and shall not be made available or used for
18 unlawful purposes.

19 ~~[D.]~~ E. The secretary of state shall prescribe the
20 form of the affidavit.

21 ~~[E.]~~ F. As used in this section:

22 (1) "election campaign purposes" means
23 relating in any way to a campaign in an election conducted by a
24 federal, state or local government;

25 (2) "eligible but unregistered" means those

1 persons who are believed to be qualified electors who have not
2 become voters as identified by the secretary of state using a
3 non-discriminatory comparison of databases in conjunction with
4 other governments and government agencies;

5 [~~2~~] (3) "governmental purposes" means
6 noncommercial purposes relating in any way to the structure,
7 operation or decision-making of a federal, state or local
8 government;

9 [~~3~~] (4) "mailing labels" means prepared
10 mailing labels of selected voters arranged in the order in
11 which requested and providing only the name and address of the
12 voter;

13 [~~4~~] (5) "special voter list" means a
14 prepared list of selected voters arranged in the order in which
15 requested; and

16 [~~5~~] (6) "voter data" means selected
17 information derived from the voter file."

18 SECTION 5. Section 1-4-5.7 NMSA 1978 (being Laws 2019,
19 Chapter 67, Section 1, as amended) is repealed and a new
20 Section 1-4-5.7 NMSA 1978 is enacted to read:

21 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION
22 PRIOR TO VOTING.--

23 A. In addition to the provisions in Section 1-4-8
24 NMSA 1978 providing for the closing of registration prior to an
25 election, a qualified elector seeking to register to vote or

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1 update an existing certificate of registration in the state
2 shall be allowed to do so at a voting location immediately
3 before voting in that election after signing an affidavit under
4 oath that the elector has not voted in the election in this
5 state or elsewhere and as further provided in this section.

6 B. During a statewide election, a qualified elector
7 may register to vote or update an existing certificate of
8 registration at the county clerk's office or any early or
9 election day voting location; provided that the secretary of
10 state shall establish procedures to ensure that a registration
11 officer has an opportunity to review the information of a
12 qualified elector who registers to vote or updates an existing
13 certificate of registration immediately before the qualified
14 elector votes.

15 C. A voter whose political party affiliation on the
16 voter's certificate of registration is with a major political
17 party shall not be allowed to change party affiliation when
18 updating an existing certificate of registration or registering
19 to vote at a voting location immediately before voting in a
20 primary election.

21 D. During a special election, a qualified elector
22 may register to vote or update an existing certificate of
23 registration at the county clerk's office during the regular
24 hours and days of business beginning on the twenty-eighth day
25 preceding the election until 7:00 p.m. on election day;

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1 provided that the county clerk shall provide the voter with a
2 ballot and balloting materials immediately after the qualified
3 elector registers to vote or updates the existing certificate
4 of registration.

5 E. A qualified elector seeking to register to vote
6 or update an existing certificate of registration pursuant to
7 this section shall provide a physical form of identification
8 that is issued by the federal government, a state government, a
9 federally recognized Indian nation, tribe or pueblo or a New-
10 Mexico-accredited educational institution and that:

11 (1) contains the name of the qualified
12 elector, which shall reasonably match the name provided on the
13 certificate of registration;

14 (2) contains a photograph of the qualified
15 elector, which shall resemble the qualified elector;

16 (3) need not contain an expiration date, and
17 if it does, the expiration date is not required to be a date on
18 or after the date of the election; and

19 (4) shall either:

20 (a) contain an address that matches the
21 address provided for the certificate of registration; or

22 (b) be accompanied by an original or
23 copy of a utility bill, bank statement, government check,
24 paycheck or other document issued by an educational institution
25 or government, including a document issued by a federally

1 recognized Indian nation, tribe or pueblo, dated within the
2 ninety days prior to the qualified elector registering to vote
3 or updating an existing certificate of registration and that
4 contains the name of the qualified elector, which shall
5 reasonably match the name provided on the certificate of
6 registration, and an address that matches the address provided
7 for the certificate of registration.

8 F. If a voting location does not have real-time
9 synchronization with the voting data at the office of the
10 county clerk, a voter desiring to update an existing
11 certificate of registration or to register to vote shall be
12 issued a provisional paper ballot. A provisional paper ballot
13 issued pursuant to this section shall be qualified and
14 tabulated once the county clerk determines that the voter did
15 not vote any other ballot in the same election and if no
16 challenge is successfully interposed."

17 SECTION 6. Section 1-4-18.1 NMSA 1978 (being Laws 2013,
18 Chapter 91, Section 1, as amended) is amended to read:

19 "1-4-18.1. ONLINE VOTER REGISTRATION.--

20 A. A person may complete a certificate of
21 registration in person or by mail. In addition, the secretary
22 of state shall [~~not later than January 1, 2016~~] allow a voter
23 to submit an update to an existing certificate of registration
24 and [~~not later than July 1, 2017~~] allow a qualified elector to
25 submit a new certificate of registration form electronically

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1 through a [~~web site~~] website authorized by the secretary of
2 state or through any computer system maintained by a state
3 agency for electronic voter registration that is approved by
4 the secretary of state; provided that the person is qualified
5 to register to vote [~~and has a current or expired New Mexico~~
6 ~~driver's license or state identification card issued by the~~
7 ~~motor vehicle division of the taxation and revenue department~~].

8 B. An online certificate of registration form shall
9 contain all of the information that is required for a paper
10 form. The person shall [~~also~~] be required to provide the
11 person's [~~full~~] social security number or New Mexico driver's
12 license number or state identification card number to access
13 the online certificate of registration form.

14 C. When a person submits a new certificate of
15 registration or an update to an existing certificate of
16 registration, the person shall mark the box associated with the
17 following statement included as part of the electronic
18 certificate of registration form:

19 "By clicking the boxes below, I swear or affirm all of the
20 following:

21 I am the person whose name and identifying
22 information is provided on this form, and I desire to register
23 to vote in the state of New Mexico; and

24 all of the information that I have provided on
25 this form is true and correct as of the date I am submitting

1 this form.".

2 D. [~~Prior to January 1, 2016~~] The secretary of
3 state, in conjunction with the county clerks of the state,
4 shall adopt rules establishing a uniform and nondiscriminatory
5 process to match the information contained in the voter
6 registration election management system with the database of
7 the motor vehicle division of the taxation and revenue
8 department or the federal social security administration for
9 electronic certificates of registration updates completed
10 pursuant to this section.

11 E. [~~Prior to January 1, 2017~~] The secretary of
12 state, in conjunction with the county clerks of the state,
13 shall adopt rules establishing a uniform and nondiscriminatory
14 process to match the information contained in the voter
15 registration election management system with the database of
16 the motor vehicle division of the taxation and revenue
17 department or the federal social security administration for
18 all electronic certificates of registration completed pursuant
19 to this section.

20 F. Electronically submitted certificate of
21 registration application forms shall retain the dates of
22 submission by the qualified elector and of acceptance by the
23 county clerk.

24 G. For purposes of deadlines contained in the
25 Election Code, the time and date of the submission by the

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1 qualified elector shall be considered the time and date when
2 the certificate of registration is received by the county
3 clerk.

4 H. The secretary of state shall ensure that the
5 [~~web sites~~] websites used for electronic voter registration are
6 secure and that the confidentiality of all users and the
7 integrity of data submitted are preserved.

8 I. No later than December 31, 2023, the secretary
9 of state shall develop an application programming interface to
10 allow approved third-party organizations to securely submit
11 certificates of registration on behalf of qualified electors.
12 The secretary of state shall adopt rules to implement this
13 subsection."

14 SECTION 7. Section 1-4-27.1 NMSA 1978 (being Laws 2001,
15 Chapter 46, Section 1, as amended) is repealed and a new
16 Section 1-4-27.1 NMSA 1978 is enacted to read:

17 "1-4-27.1. [~~NEW MATERIAL~~] IMPRISONED FELONS INELIGIBLE
18 TO VOTE OR REGISTER TO VOTE--ELIGIBILITY TO REGISTER TO VOTE
19 UPON RELEASE.--

20 A. A voter is ineligible to vote while imprisoned
21 in a correctional facility as a result of a conviction for a
22 felony. Except as provided in this section, a qualified
23 elector is ineligible to register to vote while imprisoned in a
24 correctional facility as a result of a conviction for a felony.
25 If the corrections department and the secretary of state have

1 the technology to do so, at the time a felon is admitted to a
2 correctional facility under the jurisdiction of the corrections
3 department as a result of a conviction for a felony, the
4 corrections department shall notify the secretary of state by
5 means of a secured electronic transmission of the imprisoned
6 felon's name, date of birth and social security number. If the
7 imprisoned felon has a certificate of registration on file in
8 any county in this state, the secretary of state shall notify
9 the appropriate county clerk, who shall cancel the imprisoned
10 felon's certificate of registration.

11 B. At the time an inmate is preparing for release
12 from a state correctional facility, if the inmate is a voter or
13 qualified elector, the inmate shall be given an opportunity to
14 register to vote or update an existing registration by means of
15 a transaction with the motor vehicle division of the taxation
16 and revenue department prior to the inmate's release from
17 custody. If the inmate does not conduct a transaction with the
18 motor vehicle division prior to the inmate's release from
19 custody, the corrections department shall provide the inmate an
20 opportunity to register to vote or update an existing
21 registration by means of an online portal provided by the
22 secretary of state or, if such a portal is not available, by
23 providing a paper registration form.

24 C. The secretary of state shall maintain current in
25 the voter registration electronic management system available

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1 information on the ineligibility status of an inmate to vote or
2 register to vote pursuant to this section, as well as an
3 inmate's eligibility status to vote upon release and to
4 register to vote while preparing for release. Notwithstanding
5 a person's status in the voter registration electronic
6 management system, a voter or a qualified elector who appears
7 personally before a county clerk, the clerk's authorized
8 representative or an election board member is presumed eligible
9 to vote or register to vote pursuant to the provisions of this
10 section.

11 D. The corrections department shall deliver to the
12 secretary of state information and data necessary to carry out
13 the provisions of this section. The secretary of state shall
14 request from the United States attorney for the district of New
15 Mexico, in conformance with 52 U.S.C. 20507(g), information and
16 data as needed to carry out the provisions of this section."

17 SECTION 8. Section 1-4-47 NMSA 1978 (being Laws 1991,
18 Chapter 80, Section 4, as amended) is repealed and a new
19 Section 1-4-47 NMSA 1978 is enacted to read:

20 "1-4-47. [NEW MATERIAL] DRIVER'S LICENSE VOTER
21 REGISTRATION--AUTOMATIC VOTER REGISTRATION AND UPDATES.--

22 A. Unless a person is automatically registered to
23 vote pursuant to the automatic voter registration provisions of
24 Subsections B and C of this section, when a person who is a
25 qualified elector or qualified resident but not registered to

1 vote in the state conducts a transaction to apply for or renew
2 a driver's license, state-issued identification card, learner's
3 permit or provisional license, the person shall be offered the
4 opportunity to simultaneously register to vote. A person
5 registering to vote pursuant to this subsection shall not be
6 required to provide a second time any information that
7 duplicates information required in the driver's license, state-
8 issued identification card, learner's permit or provisional
9 license portion of the transaction.

10 B. A qualified elector or qualified resident who
11 provides a document demonstrating United States citizenship in
12 the course of conducting an in-person transaction to apply for
13 or renew a driver's license, state-issued identification card,
14 learner's permit or provisional license shall be confirmed in a
15 database maintained by the motor vehicle division of the
16 taxation and revenue department as satisfying the citizenship
17 requirement for eligibility to vote. If the person is not
18 already registered to vote based on an automated database
19 check, the motor vehicle division of the taxation and revenue
20 department shall electronically transmit to the secretary of
21 state an electronic record containing the person's full name,
22 full social security number, date of birth, driver's license or
23 state-issued identification card number, residence address,
24 mailing address if different from residence address, county of
25 residence, citizenship status, an electronic image of the

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1 person's signature and any other available information
2 requested by the secretary of state.

3 C. Upon receiving an electronic record pursuant to
4 Subsection B of this section, the secretary of state shall
5 forward the person's electronic record to the county clerk of
6 the county in which the person resides. The county clerk shall
7 accept and process the electronic record received as a
8 certificate of registration pursuant to the provisions of
9 Section 1-4-11 NMSA 1978.

10 D. If the person whose electronic record is
11 received pursuant to Subsection C of this section was not
12 previously registered to vote and the county clerk accepts and
13 processes the registration, the county clerk shall send to the
14 person's mailing address, by nonforwardable mail, a notice that
15 the person has been registered to vote. The notice shall
16 include a postage prepaid and pre-addressed return card by
17 which the person may decline to be registered to vote. The
18 notice shall be prescribed by the secretary of state with
19 conforming language depending on whether the person is a
20 qualified elector or a qualified resident, may be combined with
21 a voter information document and shall include:

22 (1) an explanation of the voter eligibility
23 requirements, a statement of the penalties for registering to
24 vote when a person is not eligible and a statement that if the
25 person is not eligible to vote that the person should decline

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1 to register by returning the card;

2 (2) a statement that:

3 (a) if the person declines to register
4 to vote, the fact that the person has declined registration
5 will remain confidential and will be used only to process the
6 declination and for reporting election administration
7 statistics; and

8 (b) if the person does not decline the
9 registration, the office from which the person's electronic
10 record was received will remain confidential and will be used
11 only for reporting election administration statistics;

12 (3) information on how a person may become a
13 participant in the confidential substitute address program;

14 (4) an opportunity for the person to designate
15 affiliation with a qualified political party by returning the
16 card; and

17 (5) an opportunity for the person to request a
18 mailed ballot for the next statewide election, on a form
19 prescribed by the secretary of state, which shall serve as an
20 application for a mailed ballot pursuant to Section 1-6-4 NMSA
21 1978.

22 E. After a person returns the card described in
23 Subsection D of this section:

24 (1) if the person declines to be registered to
25 vote by returning the card, the person's registration shall be

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1 canceled and the person shall be deemed to have not registered
2 to vote. Information relating to a person declining to be
3 registered to vote pursuant to this section shall not be used
4 for any purpose other than to process the declination and for
5 reporting election administration statistics;

6 (2) if the person votes in an election after
7 registration under this section and subsequently returns the
8 card to decline the registration, the declination shall not be
9 effective until after the election in which the person voted;
10 and

11 (3) if the person returns the card to
12 designate affiliation with a qualified political party, the
13 person's political party affiliation shall be effective
14 pursuant to Section 1-4-8 NMSA 1978.

15 F. If a person who is registered to vote in the
16 state conducts a transaction to apply for or renew, update,
17 correct or replace the person's driver's license, state-issued
18 identification card, learner's permit or provisional license or
19 files a notice of change of address and the information
20 provided to the motor vehicle division of the taxation and
21 revenue department indicates a different address or name from
22 the person's existing certificate of registration, the motor
23 vehicle division of the taxation and revenue department shall
24 electronically transmit to the secretary of state an electronic
25 record containing the person's full name, date of birth,

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1 driver's license or state-issued identification card number,
2 residence address, mailing address if different from residence
3 address, county of residence, an electronic image of the
4 person's signature and any other available information
5 requested by the secretary of state. The secretary of state
6 shall issue standards for what is considered a different
7 address. If the new address is in:

8 (1) the same county, the secretary of state
9 shall send the information to the county clerk of the county
10 where the person is registered and the county clerk shall
11 process the change to the official list of eligible voters in
12 accordance with the change of residence information provided;
13 or

14 (2) a different county, the secretary of state
15 shall send the information to the county clerk of the county
16 where the person's new address is located and the county clerk
17 shall process the change of residence as a transferred
18 registration into the county.

19 G. Immediately at the conclusion of each in-person
20 transaction to apply for or renew a driver's license or state-
21 issued identification card, a person shall receive written
22 notification by the motor vehicle division of the taxation and
23 revenue department informing the person if a voter registration
24 transaction was processed and, if so, providing information
25 regarding any voter registration transaction delivered to the

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1 county clerk by the motor vehicle division as a result of the
2 application for or renewal of a driver's license or state-
3 issued identification card.

4 H. Unless a person who is an unqualified elector or
5 ineligible to register to vote knowingly and willfully takes
6 voluntary action to register to vote knowing that the person is
7 an unqualified elector or ineligible to register to vote, the
8 transfer of an electronic record or the failure of a person to
9 decline voter registration pursuant to this section shall not
10 be considered a violation of Section 1-20-3 NMSA 1978.

11 I. A person who is an unqualified elector or who is
12 ineligible to vote but who becomes registered to vote under
13 this section and votes or attempts to vote in an election held
14 after the effective date of the person's registration commits
15 false voting under Section 1-20-8 NMSA 1978 only if the person
16 knowingly and willfully took voluntary action to register to
17 vote with knowledge that the person is an unqualified elector
18 or ineligible to register or knowingly and willfully voted with
19 knowledge that the person is an unqualified elector or
20 ineligible to vote.

21 J. By January 1 following each general election,
22 the secretary of state shall submit to the legislature and make
23 publicly available a report on the implementation of this
24 section. Excluding any personal identifying information, the
25 report shall include:

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1 (1) the number of electronic records
 2 transmitted to the secretary of state by the motor vehicle
 3 division of the taxation and revenue department pursuant to
 4 this section;

5 (2) the number of new voters statewide as a
 6 result of the automatic voter registration system;

7 (3) the number of voters whose information was
 8 updated because of the automatic voter registration system,
 9 reported by the type of information updated; and

10 (4) the number of people who declined to be
 11 registered to vote through the automatic voter registration
 12 system.

13 K. The secretary of state shall adopt rules and
 14 coordinate as necessary with the motor vehicle division of the
 15 taxation and revenue department and other state agencies and
 16 Indian nations, tribes and pueblos designated by the secretary
 17 of state to implement the provisions of this section."

18 SECTION 9. Section 1-4-48 NMSA 1978 (being Laws 1995,
 19 Chapter 198, Section 13, as amended) is amended to read:

20 "1-4-48. ~~[AGENCY REGISTRATION]~~ STATE-AGENCY-BASED VOTER
 21 REGISTRATION PROGRAM--ESTABLISHED--HUMAN SERVICES DEPARTMENT.--

22 A. The secretary of state shall adopt and publish
 23 in accordance with the State Rules Act rules for the
 24 administration of a state-agency-based voter registration
 25 program. The rules shall provide for distribution of voter

1 registration forms, provisions for the acceptance of voter
2 registration forms and procedures for reporting voter
3 registration activity in accordance with the federal National
4 Voter Registration Act of 1993.

5 B. Voter registration shall be made available at
6 all state agencies providing public assistance or services to
7 people with disabilities. The secretary of state may [~~with the~~
8 ~~agreement of those offices~~] designate other state and local
9 public offices to provide voter registration services with the
10 agreement of those offices.

11 C. Each state agency participating in the voter
12 registration program shall maintain sufficient records for the
13 secretary of state to comply with federal voter registration
14 reporting requirements and the federal Help America Vote Act of
15 2002. Any records maintained by a state agency regarding voter
16 registration activities in that agency are confidential and
17 shall not be released as public records.

18 D. Any voter registration made or accepted at a
19 state agency pursuant to this section shall be transmitted to
20 the appropriate registration officer within ten calendar days.

21 E. A state agency employee or agency contractor who
22 participates in the voter registration process may not
23 intentionally influence the prospective registrant in the
24 selection of political party, or independent status, by word or
25 act. A state agency employee or agency contractor who

1 participates in the voter registration process may not reveal
 2 the existence of or the nature of the voter registration to
 3 anyone other than a registration officer.

4 F. The human services department shall develop
 5 procedures to be approved by the secretary of state to ensure
 6 that each benefit program administered by the department
 7 appropriately ensures that qualified electors receiving
 8 benefits are offered the opportunity to register to vote or
 9 update an existing certificate of registration without
 10 duplication of information contained by the department or by
 11 the secretary of state. No later than the last day of August
 12 of each calendar year, the human services department shall
 13 issue an annual report detailing implementation of the
 14 requirements of this subsection. The report shall be sent to
 15 the legislative council service, the secretary of state and
 16 each county clerk.

17 G. If a person who is not a qualified elector
 18 becomes registered to vote pursuant to this section, the
 19 person's registration shall be canceled and the person shall be
 20 deemed to have never registered."

21 SECTION 10. A new section of the Absent Voter Act is
 22 enacted to read:

23 "[NEW MATERIAL] VOLUNTARY PERMANENT ABSENTEE VOTER LIST--
 24 PROCEDURES.--

25 A. A voter, except a federal qualified elector who

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1 is subject to the provisions of the Uniform Military and
2 Overseas Voters Act or the Intimate Partner Violence Survivor
3 Suffrage Act, may apply to be added to the voluntary permanent
4 absentee voter list for the county in which the voter is
5 registered by completing a paper or online application that
6 conforms to the mailed ballot application requirements of
7 Section 1-6-4 NMSA 1978, except that the voluntary permanent
8 absentee voter application shall provide an additional checkbox
9 for the voter to affirm that reads:

10 "[] I am requesting to be added to the voluntary
11 permanent absentee voter list in my county. This means that
12 the county clerk shall automatically send a mailed ballot to
13 the mailing address listed on my certificate of voter
14 registration each time there is a statewide election that
15 includes my precinct."

16 B. Upon receipt of an application from a voter
17 requesting to be added to the voluntary permanent absentee
18 voter list, the county clerk shall process the application in
19 the same manner as an application for a mailed ballot, except
20 that the county clerk shall not accept an application to be
21 added to the voluntary permanent absentee voter list if the
22 voter's mailing address on the certificate of registration is
23 outside of New Mexico.

24 C. Upon acceptance of the application to be added
25 to the voluntary permanent absentee voter list, the county

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1 clerk shall add the voter's name to the voluntary permanent
2 absentee voter list in the county. The voluntary permanent
3 absentee voter list shall contain the voter's name, year of
4 birth, address and precinct in the county.

5 D. A voter whose name appears on the voluntary
6 permanent absentee voter list shall remain on the list, except
7 as provided in Subsection F of this section, and shall be sent
8 a mailed ballot by the county clerk for each statewide election
9 conducted that includes the precinct in which the voter is
10 eligible to vote. The mailed ballot shall be sent in the first
11 batch of mailed ballots delivered to voters in that election.

12 E. At least forty-nine days before each statewide
13 election, the county clerk shall send to each voter on the
14 voluntary permanent absentee voter list a notice reminding the
15 voter that the voter will be receiving a mailed ballot for that
16 election. The notice shall also inform the voter of how to
17 remove the voter's name from the voluntary permanent absentee
18 voter list if the voter would like to do so. The notice shall
19 be sent using non-forwardable mail with return postage prepaid.

20 F. A voter shall be removed from the voluntary
21 permanent absentee voter list by the county clerk for the
22 following reasons:

23 (1) the voter fails to return a mailed ballot
24 in two consecutive elections, including at least one general
25 election;

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1 (2) the county clerk has sent a mailed ballot
2 or other piece of election mail to the voter's mailing address
3 that was subsequently returned as undeliverable;

4 (3) the voter's certificate of registration is
5 canceled pursuant to the provisions of Section 1-4-24 NMSA
6 1978;

7 (4) the voter updates the voter's certificate
8 of registration indicating an address that is outside of the
9 county for which the voter is listed on the voluntary permanent
10 absentee voter list; or

11 (5) the voter submits a written request to the
12 county clerk requesting to be removed from the voluntary
13 permanent absentee voter list.

14 G. A county clerk shall take the necessary steps to
15 attempt to contact and notify a voter who has been removed from
16 the voluntary permanent absentee voter list. If a voter is
17 removed from the voluntary permanent absentee voter list, the
18 voter shall only be added again if the voter submits a new
19 voluntary permanent absentee voter application.

20 H. A county clerk shall maintain the voluntary
21 permanent absentee voter list for the county and shall make the
22 voluntary permanent absentee voter list available on request
23 pursuant to the provisions in Section 1-4-5.5 NMSA 1978."

24 SECTION 11. Section 1-6-9 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 135, as amended) is amended to read:

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1 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY
2 METHODS.--

3 A. When voting a mailed ballot, the voter shall
4 secretly mark the mailed ballot in the manner provided in the
5 Election Code for marking paper ballots, place it in the
6 official inner envelope and securely seal the envelope. The
7 voter shall then place the official inner envelope inside the
8 official mailing envelope and securely seal the envelope. The
9 voter shall then complete the form on the reverse of the
10 official mailing envelope [~~which shall include a statement by~~
11 ~~the voter under penalty of perjury that the facts stated in the~~
12 ~~form are true and the voter's name, registration address and~~
13 ~~year of birth]~~ under the privacy flap. The voter or another
14 person authorized by law shall then return the official mailing
15 envelope containing the voted ballot to the county clerk of the
16 voter's county of residence. If returned by a person other
17 than the voter, the official mailing envelope shall contain the
18 signature, printed name and relationship to the voter of the
19 person returning the ballot.

20 B. The official mailing envelope may be returned by
21 mail using the United States postal service. The secretary of
22 state shall implement a free-access tracking system for each
23 voter to be able to see the status of the voter's mailed ballot
24 while en route to the voter as well as when returned to the
25 county clerk.

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1 C. The official mailing envelope may be returned
2 using a commercial delivery service; provided that unless the
3 secretary of state has approved the use of a specific
4 commercial delivery service, the voter shall be responsible for
5 the costs of delivery by means of such service.

6 D. The official mailing envelope may be returned in
7 person to the office of the county clerk or, in a statewide
8 election, to an alternate voting location, mobile alternate
9 voting location, ~~[or]~~ election day voting location or other
10 location where the receipt and storage of the official mailing
11 envelope containing a voted ballot is under the supervision of
12 an election official or county employee.

13 E. The official mailing envelope may be returned by
14 depositing the official mailing envelope in a monitored secured
15 container made available by the county clerk to receive an
16 official mailing envelope containing a voted ~~[mailed ballots]~~
17 ballot for that election; provided that:

18 (1) each county shall have at least one
19 monitored secured container in the county. Those counties that
20 have alternate voting locations during early voting shall have
21 at least the same number of monitored secured containers as the
22 minimum required number of alternate voting locations in the
23 county. The secretary of state may approve a county for more
24 monitored secured containers than the minimum required pursuant
25 to this paragraph;

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1 [~~(1)~~] (2) the location of the containers and
2 the days and times the containers will be available to receive
3 ballots are posted by the county clerk at least [~~ninety days~~
4 ~~before a statewide election or~~] forty-two days before [a
5 ~~special~~] an election;

6 [~~(2)~~] (3) the location of a monitored secured
7 container is considered a polling place for purposes of
8 electioneering too close to the polling place in violation of
9 Section 1-20-16 NMSA 1978;

10 [~~(3)~~] (4) all secured containers shall be
11 monitored by video surveillance cameras and the video recorded
12 by that system shall be retained by the county clerk as a
13 record related to voting pursuant to the provisions of Section
14 1-12-69 NMSA 1978;

15 [~~(4)~~] (5) signage at the location of a
16 monitored secured container shall inform voters and those
17 dropping off ballots at the location:

18 (a) that it is a violation of law for
19 any person [~~who is not an immediate family member~~] to collect
20 and deliver a ballot for another person except as authorized by
21 the Election Code;

22 (b) that electioneering is prohibited
23 within one hundred feet of the monitored secured container; and

24 (c) of the range of dates and
25 approximate time the ballots will be collected for that

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1 election; and

2 [~~(5)~~] (6) at least [~~once a day~~] every three
3 days and on election day after the polls close, the county
4 clerk, [~~or a full-time~~] deputy county clerk, election board
5 member or messenger shall collect the ballots from the
6 monitored secured containers and register the date [~~and time~~
7 ~~stamp~~] and container location on each official mailing envelope
8 [~~and identify the location of the secured container in the~~
9 ~~ballot register~~].

10 F. It is a violation of Section 1-20-6 NMSA 1978
11 for any person to possess a key to a monitored secured
12 container without authorization from the county clerk. It is a
13 violation of Section 1-20-7 NMSA 1978 for any person other than
14 the county clerk to provide and operate a monitored secured
15 container or other receptacle to receive voted ballots."

16 SECTION 12. Section 1-6-10 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 136, as amended) is amended to read:

18 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

19 [~~A. The county clerk shall mark on each completed~~
20 ~~official mailing envelope the date and time of receipt in the~~
21 ~~clerk's office, record this information in the absentee or~~
22 ~~mailed ballot register and safely keep the official mailing~~
23 ~~envelope unopened in a locked and number-sealed ballot box~~
24 ~~until it is delivered to the proper election board, counted in~~
25 ~~the county canvass or canceled and destroyed in accordance with~~

1 ~~law.]~~

2 A. Completed official mailing envelopes that are
3 received at the county clerk's office or a polling place or
4 that are retrieved from the post office or a monitored secured
5 container shall be accepted until 7:00 p.m. on election day. A
6 completed official mailing envelope received after that time
7 shall not be qualified or opened but shall be preserved by the
8 county clerk for the applicable retention period provided in
9 Section 1-12-69 NMSA 1978. The county clerk shall report the
10 number of late ballots from voters, uniformed-service voters
11 and overseas voters and report the number from each category to
12 date on the final mailed ballot report and as part of the
13 county canvass report. If additional late ballots are
14 received, the county clerk shall update the number of late
15 ballots from each category to the secretary of state.

16 B. On the day a returned mailed ballot is received
17 by the county clerk, the county clerk shall mark the date of
18 receipt on the outside of the official mailing envelope.
19 Within one business day of receiving a returned official
20 mailing envelope, the county clerk shall remove the privacy
21 flap to verify that the voter signed the official mailing
22 envelope and to confirm that the last four digits of the social
23 security number provided by the voter match the information
24 available to the county clerk.

25 C. If the voter's signature is present and the last

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1 four digits of the voter's social security number match, the
2 county clerk shall note in the absentee ballot register that
3 the information required to be provided by the voter under the
4 privacy flap has been verified and shall safely keep the
5 official mailing envelope unopened in a locked and number-
6 sealed ballot box until it is delivered to the absent voter
7 election board.

8 D. If either the voter's signature is missing or
9 the last four digits of the voter's social security number are
10 not provided or do not match, the county clerk shall make the
11 appropriate notation in the absentee ballot register and shall
12 safely keep the official mailing envelope unopened in a secured
13 ballot box designated for those official mailing envelopes
14 received that are missing the voter's signature or the last
15 four digits of the voter's social security number or where the
16 last four digits of the social security number do not match the
17 information available to the county clerk. The county clerk
18 shall immediately send the voter a notice to cure containing
19 information regarding how the voter may provide documentation
20 to cure the missing or incorrect information.

21 E. If, pursuant to Subsection F of Section 1-6-4
22 NMSA 1978, the voter was notified of the need to comply with
23 federal identification requirements when returning the
24 requested ballot and failed to comply, the county clerk shall
25 preserve the inner envelope with the official mailing envelope

1 and write "Rejected" on the front of the official mailing
2 envelope, and the county clerk shall update the ballot register
3 accordingly and immediately send the voter a notice to cure
4 containing information regarding how the voter may provide the
5 missing or incorrect information. The county clerk shall place
6 the official mailing envelope with the attached inner envelope
7 in a container provided for rejected ballots; provided that if
8 the county clerk was required to open the inner envelope to
9 determine that the required documentary identification was not
10 included, the untallied ballot shall be returned to the inner
11 envelope and preserved along with the official mailing envelope
12 in a container for this purpose.

13 F. The voter may provide the missing or corrected
14 information at any time up to the conclusion of the appeal
15 process for rejected ballots. If a voter provides the missing
16 or corrected information:

17 (1) before the absent voter election board has
18 been convened, the county clerk shall attach the documentation
19 to the unopened official mailing envelope, update the ballot
20 register accordingly and transfer the ballot to the locked and
21 number-sealed ballot box until it is delivered to the absent
22 voter election board;

23 (2) after the absent voter election board has
24 been convened, the county clerk shall attach the documentation
25 to the unopened official mailing envelope, update the ballot

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1 register accordingly and transfer the ballot to the absent
2 voter election board;

3 (3) after the adjournment of the absent voter
4 election board but before the conclusion of the county canvass
5 process, the county clerk shall attach the documentation to the
6 unopened official mailing envelope, update the ballot register
7 accordingly and transfer the ballot to an election board
8 convened to assist in preparation of the county canvass report;
9 and

10 (4) after approval of the county canvass
11 report, the voter may appeal in accordance with appeal
12 procedures for provisional ballots established by rule of the
13 secretary of state pursuant to Section 1-12-25.2 NMSA 1978.

14 ~~[B-]~~ G. In a statewide election, if the unopened
15 official mailing envelope is received by the county clerk from
16 an election board before the absent voter election board has
17 adjourned, the unopened official mailing envelope shall be
18 ~~[logged and]~~ transmitted to the absent voter election board to
19 be tallied immediately. If the unopened official mailing
20 envelope is received by the county clerk from an election board
21 after the absent voter election board has adjourned, the
22 unopened official mailing envelope shall be ~~[logged and]~~
23 transmitted to an election board convened to assist in
24 preparation of the county canvass report to be tallied and
25 included in the canvass report of that county for the

1 appropriate precinct.

2 ~~[G. Completed official mailing envelopes shall be~~
 3 ~~accepted until 7:00 p.m. on election day.~~

4 ~~D. Any completed official mailing envelope received~~
 5 ~~after that time shall not be qualified or opened but shall be~~
 6 ~~preserved by the county clerk for the applicable retention~~
 7 ~~period provided in Section 1-12-69 NMSA 1978. The county clerk~~
 8 ~~shall report the number of late ballots from voters, uniformed-~~
 9 ~~service voters and overseas voters and report the number from~~
 10 ~~each category to date on the final absentee ballot report and~~
 11 ~~as part of the county canvass report. If additional late~~
 12 ~~ballots are received, the county clerk shall update the number~~
 13 ~~of late ballots from each category to the secretary of state.]"~~

14 SECTION 13. Section 1-8-33 NMSA 1978 (being Laws 1973,
 15 Chapter 228, Section 7, as amended) is amended to read:

16 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--
 17 NUMBER OF SIGNATURES REQUIRED.--

18 A. As used in this section:

19 (1) "total general election vote" means the
 20 sum of all votes cast for all candidates for governor at the
 21 last preceding election at which a governor was elected; and

22 (2) "total primary election vote" means the
 23 sum of all votes cast for all of the party's candidates for
 24 governor at the last preceding primary election at which the
 25 party's candidate for governor was nominated.

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1 ~~[B. Candidates who seek preprimary convention~~
2 ~~designation shall file nominating petitions at the time of~~
3 ~~filing declarations of candidacy. Nominating petitions for~~
4 ~~those candidates shall be signed by a number of voters equal to~~
5 ~~at least two percent of the total vote of the candidate's party~~
6 ~~in the state or congressional district, or the following number~~
7 ~~of voters, whichever is greater: for statewide offices, two~~
8 ~~hundred thirty voters; and for congressional candidates,~~
9 ~~seventy-seven voters.~~

10 G.] B. Nominating petitions for candidates for any
11 ~~[other]~~ office to be voted on at the primary election for which
12 nominating petitions are required and for which signatures are
13 submitted containing original signatures by voters on paper
14 nominating petition forms shall be signed by a number of voters
15 equal to at least:

16 (1) one percent of the total primary election
17 vote of the candidate's party in the district in the case of
18 candidates for the public education commission;

19 (2) two percent of the total primary election
20 vote of the candidate's party in the district or division in
21 the case of judicial candidates;

22 (3) three percent of the total primary
23 election vote of the candidate's party in the district; or
24 ~~[division, or]~~

25 (4) the following number of voters, whichever

1 is greater: for metropolitan court and magistrate courts, ten
2 voters; [~~for the public regulation commission, fifty voters~~]
3 for the public education commission, twenty-five voters; for
4 state representative, ten voters; for state senator, seventeen
5 voters; and for district attorney and district judge, fifteen
6 voters.

7 ~~[D. A candidate who fails to receive the preprimary~~
8 ~~convention designation that the candidate sought may collect~~
9 ~~additional signatures to total at least four percent of the~~
10 ~~total vote of the candidate's party in the state or~~
11 ~~congressional district, whichever applies to the office the~~
12 ~~candidate seeks, and file a new declaration of candidacy and~~
13 ~~nominating petitions for the office for which the candidate~~
14 ~~failed to receive a preprimary designation. The declaration of~~
15 ~~candidacy and nominating petitions shall be filed with the~~
16 ~~secretary of state either ten days following the date of the~~
17 ~~preprimary convention at which the candidate failed to receive~~
18 ~~the designation or on the date all declarations of candidacy~~
19 ~~and nominating petitions are due pursuant to the provisions of~~
20 ~~the Primary Election Law, whichever is later.]~~

21 C. Nominating petitions for candidates for any
22 office to be voted on at the primary election for which
23 nominating petitions are required and for which signatures are
24 submitted electronically using a secured internet application
25 certified for use in this state shall be signed by a number of

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1 voters equal to:

2 (1) one-half of one percent of the total
3 general election vote in the district or division, signed only
4 by members of the candidate's political party in the district
5 or division for the office sought; or

6 (2) the same number of signatures required for
7 an independent candidate for the same office, signed by any
8 voter in the district or division for the office sought; and

9 (3) for the public education commission, a
10 number of signatures totaling at least one-third the number
11 required in Paragraphs (1) and (2) of this subsection, and for
12 judicial candidates, a number of signatures totaling at least
13 two-thirds the number required in Paragraphs (1) and (2) of
14 this subsection."

15 SECTION 14. A new Section 1-21A-1 NMSA 1978 is enacted to
16 read:

17 "1-21A-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article
18 21A NMSA 1978 may be cited as the "Native American Voting
19 Rights Act"."

20 SECTION 15. A new Section 1-21A-2 NMSA 1978 is enacted to
21 read:

22 "1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the
23 Native American Voting Rights Act:

24 A. "early voting location" means an alternate
25 voting location and a mobile alternate voting location and

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1 includes early voting in the county clerk's office;

2 B. "Indian nation, tribe or pueblo" means any
 3 federally recognized Indian nation, tribe or pueblo located
 4 wholly or partially in New Mexico;

5 C. "polling place" means an early voting location
 6 and a voter convenience center;

7 D. "voter convenience center" means an election day
 8 voting location; and

9 E. "written request" means a request sent in
 10 writing by the president, governor or governing body of an
 11 Indian nation, tribe or pueblo, including a request sent by a
 12 person designated by the president, governor or governing body
 13 of an Indian nation, tribe or pueblo to submit written requests
 14 pursuant to the Native American Voting Rights Act; provided
 15 that the designation has been communicated in writing to the
 16 secretary of state and county clerk by the president, governor
 17 or governing body of the Indian nation, tribe or pueblo."

18 SECTION 16. A new Section 1-21A-3 NMSA 1978 is enacted to
 19 read:

20 "1-21A-3. [NEW MATERIAL] PRECINCT BOUNDARIES.--

21 A. When adjusting precinct boundaries for any group
 22 of census blocks that are on Indian nation, tribal or pueblo
 23 lands, the board of county commissioners shall inquire of each
 24 Indian nation, tribe or pueblo in the county to provide
 25 internal and external political boundaries for the Indian

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1 nation, tribe or pueblo.

2 B. The board of county commissioners shall adjust
3 precinct boundaries to correspond to the internal and external
4 political boundaries of each Indian nation, tribe or pueblo in
5 the county.

6 C. The secretary of state shall reject any precinct
7 boundary maps that do not comply with the provisions of this
8 section."

9 SECTION 17. A new Section 1-21A-4 NMSA 1978 is enacted to
10 read:

11 "1-21A-4. [NEW MATERIAL] REQUESTS FOR POLLING PLACES AND
12 MONITORED SECURED CONTAINERS.--

13 A. An Indian nation, tribe or pueblo may submit a
14 written request to a county clerk for locating early voting
15 locations, voter convenience centers or monitored secured
16 containers on or near the Indian nation's, tribe's or pueblo's
17 lands.

18 B. A written request for voter convenience centers
19 for all statewide elections in the next election cycle shall be
20 made between the second Tuesday in March and the second Tuesday
21 in April of each even-numbered year.

22 C. A written request for early voting locations for
23 all statewide elections in the current election cycle shall be
24 made between the second Tuesday in March and the second Tuesday
25 in April of each odd-numbered year.

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1 D. A written request for early voting locations for
2 the general election in that year by an Indian nation, tribe or
3 pueblo that has not already done so shall be made between the
4 first business day in January and the day the secretary of
5 state issues the proclamation for the general election.

6 E. A written request for monitored secured
7 containers for future statewide elections may be made between
8 the second Tuesday in March and the second Tuesday in April of
9 any year.

10 F. A written request for polling places may also be
11 made pursuant to the provisions of Section 1-21A-9 NMSA 1978 if
12 the president, governor or governing body of an Indian nation,
13 tribe or pueblo has declared a state of emergency or invoked
14 emergency powers."

15 **SECTION 18.** A new Section 1-21A-5 NMSA 1978 is enacted to
16 read:

17 "1-21A-5. [NEW MATERIAL] VOTER CONVENIENCE CENTERS--
18 REQUIREMENTS.--

19 A. A county clerk who has received a written
20 request from an Indian nation, tribe or pueblo for one or more
21 voter convenience centers on or near Indian nation, tribal or
22 pueblo land shall consider the request when submitting
23 recommendations to the board of county commissioners for the
24 biennial election day polling place resolution establishing
25 voter convenience centers for the subsequent election cycle;

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1 provided that:

2 (1) any voter of the county shall have access
3 to and be permitted to vote at the alternate voting or mobile
4 alternate voting location;

5 (2) the location of the voter convenience
6 center conforms to the requirements for voter convenience
7 centers, except as specified in this section;

8 (3) the county clerk provides federally
9 mandated language translators at the alternate voting or mobile
10 alternate voting locations; and

11 (4) if the voter convenience center is located
12 on Indian nation, tribal or pueblo land, the Indian nation,
13 tribe or pueblo provides the facility and services for the
14 alternate voting or mobile alternate voting location.

15 B. In considering the written request, the county
16 clerk shall evaluate the distance voters have to travel to get
17 to the nearest voter convenience center and the number of
18 monitored secured containers and early voting locations on or
19 near the Indian nation, tribal or pueblo lands.

20 C. At the time of submitting the election day
21 polling place resolution to the board of county commissioners,
22 the county clerk shall inform the board of county commissioners
23 of any written requests received by an Indian nation, tribe or
24 pueblo for a voter convenience center.

25 D. Once the election day polling place resolution

1 is adopted, a voter convenience center located on Indian
2 nation, tribal or pueblo lands shall not be eliminated or
3 consolidated with other voter convenience centers in that
4 election cycle without the written agreement of the Indian
5 nation, tribe or pueblo on whose lands the voter convenience
6 center is located."

7 SECTION 19. A new Section 1-21A-6 NMSA 1978 is enacted to
8 read:

9 "1-21A-6. [NEW MATERIAL] EARLY VOTING LOCATIONS--
10 REQUIREMENTS.--

11 A. A county clerk who has received a written
12 request from an Indian nation, tribe or pueblo for one or more
13 early voting locations shall provide at least one alternate
14 voting or mobile alternate voting location on or near Indian
15 nation, tribal or pueblo land; provided that:

16 (1) any voter of the county shall have access
17 to and be permitted to vote at the alternate voting or mobile
18 alternate voting location;

19 (2) the location of the alternate voting or
20 mobile alternate voting location on Indian nation, tribal or
21 pueblo land conforms to the requirements for alternate voting
22 locations, except as specified in this section;

23 (3) the county clerk provides federally
24 mandated language translators at the alternate voting or mobile
25 alternate voting locations;

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1 (4) the Indian nation, tribe or pueblo
2 provides the facility and services for the alternate voting or
3 mobile alternate voting location; and

4 (5) the alternate voting or mobile alternate
5 voting location may operate for less than the full early voting
6 period, to be decided upon between the Indian nation, tribe or
7 pueblo and the county clerk.

8 B. When responding to a written request, the county
9 clerk shall evaluate the population on the Indian nation,
10 tribal or pueblo land, the distance voters have to travel and
11 the number of monitored secured containers and early voting
12 locations on or near the Indian nation, tribal or pueblo land."

13 SECTION 20. A new Section 1-21A-7 NMSA 1978 is enacted to
14 read:

15 "1-21A-7. [NEW MATERIAL] MONITORED SECURED CONTAINERS--
16 REQUIREMENTS.--

17 A. A county clerk who has received a written
18 request from an Indian nation, tribe or pueblo for one or more
19 monitored secured containers on or near Indian nation, tribal
20 or pueblo land shall evaluate the population on the Indian
21 nation, tribal or pueblo land, the distance voters have to
22 travel and the number of monitored secured containers and early
23 voting locations on or near the Indian nation, tribal or pueblo
24 land. The county clerk shall respond in writing to the Indian
25 nation, tribe or pueblo regarding the provision of monitored

1 secured containers on or near Indian nation, tribal or pueblo
2 land within thirty days of receiving the written request.

3 B. An Indian nation, tribe or pueblo whose written
4 request to a county clerk for monitored secured containers is
5 denied may appeal that decision by submitting the written
6 request along with the denial letter from the county clerk to
7 the secretary of state, along with any response to the denial
8 letter from the Indian nation, tribe or pueblo. The secretary
9 of state may place a monitored secured container on or near
10 Indian nation, tribal or pueblo land in response to an appeal
11 submitted by an Indian nation, tribe or pueblo.

12 C. A monitored secured container located on or near
13 Indian nation, tribal or pueblo land shall comply with all
14 requirements for monitored secured containers provided in the
15 Election Code. If a monitored secured container is located on
16 Indian nation, tribal or pueblo land, the Indian nation, tribe
17 or pueblo shall provide the facility and services necessary for
18 the monitored secured container."

19 SECTION 21. A new Section 1-21A-8 NMSA 1978 is enacted to
20 read:

21 "1-21A-8. [NEW MATERIAL] USE OF GOVERNMENTAL AND OFFICIAL
22 BUILDINGS AS MAILING ADDRESSES ON VOTER REGISTRATION
23 CERTIFICATES AND MAILED BALLOT APPLICATIONS.--

24 A. The secretary of state shall maintain a list of
25 government and official buildings on Indian nation, tribal and

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1 pueblo land where members of the Indian nation, tribe or pueblo
2 may request delivery of mailed ballots. The list shall include
3 the common name for each building and the mailing address for
4 the building. The list shall be provided by county to each
5 county clerk with an Indian nation, tribe or pueblo in the
6 county.

7 B. If a county clerk receives a voter registration
8 certificate or an application for a mailed ballot that lists a
9 government or official building on Indian nation, tribal or
10 pueblo land by name only, the county clerk shall not reject the
11 certificate or application for lack of a mailing address and,
12 if the certificate or application is otherwise in the proper
13 form, shall mail the ballot and balloting materials to the
14 voter using the address for the government or official
15 building."

16 SECTION 22. A new Section 1-21A-9 NMSA 1978 is enacted to
17 read:

18 "1-21A-9. [NEW MATERIAL] EMERGENCY SITUATIONS.--If the
19 president, governor or governing body of an Indian nation,
20 tribal or pueblo has declared a state of emergency or has
21 invoked emergency powers pursuant to other laws:

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

1 tribe or pueblo;

2 B. no later than ninety-eight days before a
3 statewide election by means of a written request or no later
4 than forty-nine days before a statewide election with a court
5 order, the county clerk shall provide to an Indian nation,
6 tribe or pueblo that has not previously made a written request
7 for that election cycle at least one alternate voting or mobile
8 alternate voting location for that election; provided that the
9 alternate voting or mobile alternate voting location shall
10 otherwise comply with the requirements of Section 1-21A-6 NMSA
11 1978;

12 C. no later than eighty-four days before a
13 statewide election by means of a written request or no later
14 than thirty-five days before a statewide election with a court
15 order, the county clerk shall provide an election day polling
16 place to an Indian nation, tribe or pueblo that does not
17 already have an election day polling place within its
18 boundaries if voters registered within the Indian nation, tribe
19 or pueblo are unable to leave the Indian nation, tribe or
20 pueblo during the time when voting occurs for a statewide
21 election; and

22 D. the requirement that a polling place be
23 available to all voters in the county shall be waived if an
24 Indian nation, tribe or pueblo is inaccessible or the borders
25 are closed."

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1 SECTION 23. A new Section 1-21A-10 NMSA 1978 is enacted
2 to read:

3 "1-21A-10. [NEW MATERIAL] EXPENSES.--

4 A. All necessary and reasonable expenses incurred
5 by a county clerk for compliance with the Native American
6 Voting Rights Act, including the costs of voting equipment and
7 personnel for polling places and monitored secured containers
8 on Indian nation, tribal or pueblo land, shall be paid for by
9 the secretary of state or shall be reimbursed to the county by
10 the secretary of state.

11 B. The secretary of state shall deposit from the
12 state election fund sufficient funds to each county election
13 fund for the costs related to compliance with the Native
14 American Voting Rights Act, either as grants or reimbursement."

15 SECTION 24. Section 6-4-27 NMSA 1978 (being Laws 2020,
16 Chapter 3, Section 4) is amended to read:

17 "6-4-27. EXCESS EXTRACTION TAXES SUSPENSE FUND--TRANSFER
18 OF EXCESS OIL AND GAS EMERGENCY SCHOOL TAX REVENUE--STATE
19 ELECTION FUND--TAX STABILIZATION RESERVE--EARLY CHILDHOOD
20 EDUCATION AND CARE FUND.--

21 A. The "excess extraction taxes suspense fund" is
22 created as a nonreverting fund in the state treasury. Money in
23 the fund shall only be used to make transfers by the department
24 of finance and administration as required by this section.

25 B. At the end of each fiscal year, the department

1 of finance and administration shall transfer the balance of the
2 fund attributable to that fiscal year as follows:

3 (1) to the state election fund, the amount
4 necessary to bring the state election fund to a level equal to
5 twenty million dollars (\$20,000,000), counting for these
6 purposes only state funds previously deposited into the state
7 election fund for operating fund purposes; provided that, if
8 the balance in the excess extraction taxes suspense fund is not
9 sufficient to meet that level, the entire balance shall be
10 transferred to the state election fund;

11 [~~(1)~~] (2) after the transfer is made pursuant
12 to Paragraph (1) of this subsection, to the tax stabilization
13 reserve, the amount necessary to bring the balance of state
14 reserves to a level equal to twenty-five percent of the
15 aggregate recurring appropriations for that fiscal year from
16 the general fund, as determined by the department; provided
17 that, if the remaining balance in the excess extraction taxes
18 suspense fund is not sufficient to meet that level, the entire
19 remaining balance shall be transferred to the tax stabilization
20 reserve; and

21 [~~(2)~~] (3) after the transfer is made pursuant
22 to Paragraph (2) of this subsection, to the early childhood
23 education and care fund, the balance remaining in the excess
24 extraction taxes suspense fund, if any [~~after the transfer is~~
25 made pursuant to Paragraph (1) of this subsection].

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1 C. As used in this section, "state reserves" means
2 the general fund balances, as determined by the department of
3 finance and administration, including all authorized revenues
4 and transfers to the general fund and balances in the
5 appropriation contingency fund, the general fund operating
6 reserve, the state-support reserve fund, the tax stabilization
7 reserve and the tobacco settlement permanent fund."

8 SECTION 25. Section 12-5-2 NMSA 1978 (being Laws 1969,
9 Chapter 114, Section 1, as amended) is amended to read:

10 "12-5-2. LEGAL HOLIDAYS--DESIGNATION.--Legal public
11 holidays in New Mexico are:

12 A. New Year's day, January 1;

13 B. Martin Luther King, Jr.'s birthday, third Monday
14 in January;

15 C. Washington's and Lincoln's birthday, President's
16 day, third Monday in February;

17 D. Memorial day, last Monday in May;

18 E. Primary Election day, first Tuesday after the
19 first Monday in June of each even-numbered year;

20 ~~[E.]~~ F. Independence day, July 4;

21 ~~[F.]~~ G. Labor day, first Monday in September;

22 ~~[G.]~~ H. Indigenous Peoples' day, second Monday in
23 October;

24 I. General Election day, first Tuesday after the
25 first Monday in November of each even-numbered year;

1 J. Regular Local Election day, first Tuesday after
 2 the first Monday in November of each odd-numbered year;

3 [~~H.~~] K. Armistice day and Veterans' day, November
 4 11;

5 [~~I.~~] L. Thanksgiving day, fourth Thursday in
 6 November; and

7 [~~J.~~] M. Christmas day, December 25."

8 SECTION 26. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
 9 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
 10 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
 11 to read:

12 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM.--

13 A. Except as otherwise provided in this section,
 14 regular students shall be in school-directed programs,
 15 exclusive of lunch, for a minimum of the following:

16 (1) kindergarten, for half-day programs, two
 17 and one-half hours per day or four hundred fifty hours per year
 18 or, for full-day programs, five and one-half hours per day or
 19 nine hundred ninety hours per year;

20 (2) grades one through six, five and one-half
 21 hours per day or nine hundred ninety hours per year; and

22 (3) grades seven through twelve, six hours per
 23 day or one thousand eighty hours per year.

24 B. Up to thirty-three hours of the full-day
 25 kindergarten program may be used for home visits by the teacher

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underscored material = new
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1 or for parent-teacher conferences. Up to twenty-two hours of
2 grades one through six programs may be used for home visits by
3 the teacher or for parent-teacher conferences. Up to twelve
4 hours of grades seven through twelve programs may be used to
5 consult with parents to develop next step plans for students
6 and for parent-teacher conferences.

7 C. Nothing in this section precludes a local school
8 board from setting a school year or the length of school days
9 in excess of the minimum requirements established by Subsection
10 A of this section.

11 D. The secretary may waive the minimum length of
12 school days in those school districts where such minimums
13 would create undue hardships as defined by the department as
14 long as the school year is adjusted to ensure that students
15 in those school districts receive the same total
16 instructional time as other students in the state.

17 E. Notwithstanding any other provision of this
18 section, provided that instruction occurs simultaneously,
19 time when breakfast is served or consumed pursuant to a state
20 or federal program shall be deemed to be time in a school-
21 directed program and is part of the instructional day.

22 F. Every general election and regular local
23 election shall be a school holiday for students and staff at
24 each public school in this state."

25 SECTION 27. REPEAL.--

1 A. Sections 1-3-7.2, 1-4-5.8 and 1-6-5.8 NMSA
 2 1978 (being Laws 2021, Chapter 107, Section 1, Laws 2019,
 3 Chapter 67, Section 2 and Laws 2009, Chapter 251, Section 2,
 4 as amended) are repealed.

5 B. Laws 2020, Chapter 9, Section 5 is repealed.

6 **SECTION 28. EFFECTIVE DATE.--**

7 A. The effective date of the provisions of
 8 Sections 11, 12 and 14 through 23 of this act is July 1,
 9 2022.

10 B. The effective date of the provisions of
 11 Sections 1 through 10, 13 and 24 through 27 of this act is
 12 January 1, 2023.

underscoring material = new
 [bracketed material] = delete

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