SENATE BILL 8

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

INTRODUCED BY

Peter Wirth and Javier Martínez and Katy M. Duhigg and
Harold Pope and Carrie Hamblen

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR A NOMINATING PETITION
ELECTRONIC SIGNATURE PILOT PROGRAM; ALLOWING QUALIFIED
RESIDENTS WHO ARE SIXTEEN YEARS OLD TO VOTE IN LOCAL AND
MUNICIPAL ELECTIONS; ALLOWING DESIGNATION OF A TRIBAL
GOVERNMENT BUILDING AS A QUALIFIED ELECTOR'S MAILING ADDRESS;
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; PROVIDING THAT INMATES ARE ELIGIBLE
TO VOTE AND REGISTER TO VOTE UPON RELEASE; CREATING A PERMANENT
ABSENTEE VOTER LIST; 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

.221697.3SA
LAND; CLARIFYING PROCEDURES FOR THE ACCEPTANCE OF VOTED MAILED
BALLOTS; AMENDING PROVISIONS FOR MONITORED SECURED CONTAINERS;
DECLARING THE DAY OF A STATEWIDE ELECTION A LEGAL PUBLIC
HOLIDAY; DECLARING THE DAY OF A GENERAL ELECTION A SCHOOL
HOLIDAY; PROVIDING FOR A TRANSFER FROM THE EXCESS EXTRACTION
TAXES SUSPENSE FUND TO THE STATE ELECTION FUND; REQUIRING A
PRESIDENTIAL ELECTOR TO RESIGN IF THE ELECTOR VOTES AGAINST THE
ELECTOR'S PARTY; PROVIDING REQUIREMENTS FOR THE RESTORATION OF
THE RIGHT TO HOLD AN OFFICE OF PUBLIC TRUST; MAKING CONFORMING
AND TECHNICAL CHANGES; AMENDING, REPEALING AND ENACTING

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

SECTION 1. Section 1-1-7.2 NMSA 1978 (being Laws 1973,
Chapter 228, Section 5, as amended) is amended to read:

"1-1-7.2. PETITIONS--NOMINATIONS--SIGNATURES TO BE
COUNTED.--

A. A person who signs a nominating petition shall
sign only one petition for the same office unless more than one
candidate is to be elected to that office, and in that case, a
person may sign not more than the number of nominating
petitions equal to the number of candidates to be elected to
the office.

B. A person who signs a nominating petition shall
indicate the person's registration address. If the person does
not have a standard street address, the person may provide the mailing address as shown on the person's certificate of registration.

C. A signature shall be counted on a nominating petition unless there is evidence presented that the petition does not provide the information required by the nominating petition for each person signing or the person signing:

(1) is not a voter of the state, district, county or area to be represented by the office for which the person seeking the nomination is a candidate;

(2) has signed more than one petition for the same office, except as provided in Subsection A of this section, and if the person has signed more than one petition for the same office and in the same election cycle, none of the challenged signatures from that person shall count toward the total number of signatures required for any candidate for that office;

(3) has signed one petition more than once, in which case only one signature from that person shall count toward the total number of signatures required for that candidate for office;

(4) in a primary election, is not of the same political party as the candidate named in the nominating petition as shown by the signer's certificate of registration; or
(5) is not the person whose name appears on
the nominating petition.

D. The procedures set forth in this section shall
be used to validate signatures on any petition required by the
Election Code, except that Paragraph (4) of Subsection C of
this section shall not apply to petitions filed by unaffiliated
candidates or petitions filed by candidates of minor political
parties.

E. No later than January 1, 2023, the secretary of
state shall implement a pilot program of a secure internet
application, in addition to the paper circulation process, to
gather electronic signatures in accordance with rules developed
by the secretary of state. The secure internet application
shall provide for the ability to verify that a person signing
the petition is a registered voter and is eligible to sign the
petition for a particular candidate."

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

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

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

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

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

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

SECTION 3. Section 1-4-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 60, as amended) is amended to read:

"1-4-2. REGISTRATION OF QUALIFIED RESIDENTS--RIGHT TO VOTE IN PRIMARY, REGULAR LOCAL ELECTIONS, SPECIAL LOCAL ELECTIONS AND MUNICIPAL ELECTIONS. --

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

B. If a qualified resident submits a voter registration certificate in accordance with the provisions of Subsection A of this section and pursuant to the requirements of Section 1-4-8 NMSA 1978, the qualified resident shall:

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

(2) be considered a voter for the purpose of participation in a statewide or special election if the qualified resident will turn eighteen on or before the day of the statewide or special election; or

(3) be considered a voter for the purpose of participation in a political party primary election if the qualified resident will turn eighteen on or before the day of the general election immediately succeeding the primary election;

(4) become a voter for the purpose of participation in a regular local election, special local election or municipal election upon the qualified resident's sixteenth birthday; or

(5) be considered a voter for the purpose of participation in a regular local election, special local election or municipal election if the qualified resident will turn sixteen on or before the day of the regular local election.
election, special local election or municipal election.

C. Any resident of New Mexico who may be a
qualified elector upon the resident's eighteenth birthday, or
who may be a qualified elector for the purposes of a local
election, special local election or municipal election upon the
resident's sixteenth birthday, who obtains a license, permit or
identification card from the motor vehicle division of the
taxation and revenue department and who has not submitted a
voter registration certificate pursuant to Subsection A of this
section shall be sent a notification by the secretary of state
advising the resident of the requirements and opportunity to
register to vote and a uniform resource locator for a web page
where the resident may submit a voter registration certificate
online. When applicable, a notification shall be sent to a
resident described in this subsection within the sixty days
following the resident's [seventeenth] fifteenth birthday, when
the resident obtained a license, permit or identification card
from the motor vehicle division prior to the resident's
[seventeenth] sixteenth birthday and within thirty days prior
to the resident's eighteenth birthday."

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

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

A. A qualified elector may register to vote at
certain state government offices.
B. Pursuant to Section 1-4-47 NMSA 1978, a qualified elector who applies for a driver's license, license renewal or motor vehicle identification card, who is not registered to vote in the state and who is not automatically registered to vote pursuant to the automatic voter registration provisions of Section 1-4-47 NMSA 1978 may simultaneously register to vote [or file a change of address for voter registration purposes].

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

D. Pursuant to Sections 1-4-47 and 1-4-47.1 NMSA 1978, a qualified elector may become registered to vote by automatic voter registration at the motor vehicle division of the taxation and revenue department or other state or local public offices designated by the secretary of state."

SECTION 5. Section 1-4-5.3 NMSA 1978 (being Laws 2005, Chapter 270, Section 18, as amended) is amended to read:

"1-4-5.3. REGISTRATION--LACK OF PHYSICAL ADDRESS.--

A. If a qualified elector resides in an area lacking a specific physical address, the qualified elector shall be allowed to substitute a mailing address along with a description, such as a map or the latitude and longitude,
indicating where the qualified elector resides. A qualified
elector residing on Indian nation, tribal or pueblo land may
designate a tribal government building as the qualified
elector's mailing address. The qualified elector shall be
assigned to a precinct based on the geographic description of
where the qualified elector resides.

B. The secretary of state shall issue rules
regarding acceptable forms of non-physical addresses."

SECTION 6. Section 1-4-5.4 NMSA 1978 (being Laws 1969,
Chapter 240, Section 125, as amended) is amended to read:

"1-4-5.4. REGISTRATION--FORM.--

A. The secretary of state shall prescribe the paper
form and ensure that the certificate of registration to be used
in any county is compatible with the data processing systems.
The secretary of state shall also prescribe the form produced
by an online or electronic voter registration transaction.

B. The certificate of registration form shall
require the following elements of information concerning the
applicant for registration: name, gender, residence,
municipality, post office, county of former registration, date
of birth, political party affiliation, zip code, telephone
number at the applicant's option and statement of qualification
for voting. The paper form shall contain a space for the
qualified elector to provide a driver's license or state
identification number issued by the motor vehicle division of

.221697.3SA
the taxation and revenue department or the last four digits of
the qualified elector's social security number, while the form
resulting from an online or electronic voter registration
transaction shall contain the qualified elector's New Mexico
driver's license number or state identification number or full
social security number.

C. Provision shall be made for the usual signature
or mark of the applicant, for the signature of the county clerk
and for the dates of such signatures.

D. The certificate form may be multipurpose by
providing for an indication of whether the certificate of
registration is for a new registration, a change in the
existing registration or a cancellation of an existing
registration. Provision shall be made on any multipurpose form
for entry of any existing registered information for which a
change may be requested.

E. The certificate of registration forms shall be
serially numbered and shall be furnished promptly and in
adequate supply by the secretary of state upon application from
the county clerk.

F. The secretary of state shall maintain on the
secretary's website a Privacy Act notice in conformance with
the federal Privacy Act of 1974."

SECTION 7. Section 1-4-5.5 NMSA 1978 (being Laws 1975,
Chapter 255, Section 78, as amended) is amended to read:

.221697.3SA

- 10 -
"1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR SPECIAL VOTER LISTS.--

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

B. The secretary of state shall furnish the list of eligible but unregistered individuals in the state, a county or public office district only upon written request to the secretary of state and after compliance with the requirements of this section and to the extent allowable by law and intergovernmental agreements; provided, however, all requesters shall be treated equally in regard to the charges and the furnishing of the materials.

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

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

[D–] E. The secretary of state shall prescribe the
form of the affidavit.

[E–] F. As used in this section:

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

(2) "eligible but unregistered" means those
persons who are believed to be qualified electors who have not
become voters as identified by the secretary of state using a
non-discriminatory comparison of databases in conjunction with
other governments and government agencies;

(3) "governmental purposes" means
noncommercial purposes relating in any way to the structure,
operation or decision-making of a federal, state or local
government;

(4) "mailing labels" means prepared
mailing labels of selected voters arranged in the order in
which requested and providing only the name and address of the
voter;

(5) "special voter list" means a
prepared list of selected voters arranged in the order in which
SECTION 8. Section 1-4-5.7 NMSA 1978 (being Laws 2019, Chapter 67, Section 1, as amended) is repealed and a new Section 1-4-5.7 NMSA 1978 is enacted to read:

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

A. In addition to the provisions in Section 1-4-8 NMSA 1978 providing for the closing of registration prior to an election, a qualified elector seeking to register to vote or update an existing certificate of registration in the state shall be allowed to do so at a voting location immediately before voting in that election after signing an affidavit under oath that the elector has not voted in the election in this state or elsewhere and as further provided in this section.

B. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration at the county clerk's office during the regular hours and days of business beginning on the twenty-eighth day preceding the election through the last Friday before the election and during early voting on the Saturday immediately prior to the date of the election; provided that if the county clerk establishes an additional alternate voting location near the clerk's office in lieu of voting at the office of the
county clerk, a qualified elector may register to vote or update an existing certificate of registration at that location during the regular hours and days of business beginning on the twenty-eighth day preceding the election and during the hours for voting at alternate voting locations commencing on the third Saturday prior to the election through the Saturday immediately prior to the election and, if the additional alternative voting location is open on election day, during the regular hours of voting on election day.

C. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration at any alternate voting location, mobile alternate voting location or election day voting location; provided that the secretary of state shall establish procedures to ensure that a registration officer has an opportunity to review the information of a qualified elector who registers to vote or updates an existing certificate of registration immediately before the qualified elector votes.

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

E. During a special election, a qualified elector
may register to vote or update an existing certificate of
registration at the county clerk's office during the regular
hours and days of business beginning on the twenty-eighth day
preceding the election until the last regular business day the
week prior to the date of the election.

F. A qualified elector seeking to register to vote
or update an existing certificate of registration pursuant to
this section shall provide a physical form of identification
that is issued by a government, including a federally
recognized Indian nation, tribe or pueblo, or an educational
institution and that:

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

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

   (3) need not contain an expiration date, and

   (4) shall either:

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

       (b) be accompanied by an original or
copy of a utility bill, bank statement, government check,

paycheck or other document issued by an educational institution
or government, including a document issued by a federally
recognized Indian nation, tribe or pueblo, dated within the
ninety days prior to the qualified elector registering to vote
or updating an existing certificate of registration and that
contains an address that matches the address provided for the
certificate of registration.

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

SECTION 9. Section 1-4-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 66, as amended) is amended to read:

"1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except
for qualified electors who register to vote or update a
certificate of registration at a voting location prior to
voting pursuant to Section 1-4-5.7 NMSA 1978, for qualified
electors seeking to register to vote or update an existing
voter registration in the state prior to an election, the
following provisions shall apply:

.221697.3SA

- 16 -
A. to participate in an election, the deadline to
register to vote or update an existing voter registration is
twenty-eight days prior to that election;

B. the county clerk shall receive certificates of
registration at all times during normal working hours, except
that the clerk shall not process any certificate of
registration subscribed and sworn beginning the first business
day after the deadline to register to vote or update an
existing voter registration before an election if the
residential address on the certificate of registration
indicates that the registration is for a:

  (1) statewide election, within the county; or
  (2) special election, within any precinct in
the county in which votes may be cast in the special election;

C. between the deadline to register to vote or
update an existing voter registration through the day of the
election, the county clerk shall process all:

  (1) new voter registrations that meet the
requirements of this section;

  (2) updates to existing voter registrations in
this state that meet the requirements of this section; provided
that an update to an existing registration in this state shall
not be processed if the voter has requested or been sent a
ballot in the election, unless the voter executes an affidavit
stating that the voter has not and will not vote the ballot
that was issued and the ballot register does not show that a
ballot from the voter has been cast in the election; and

(3) pending cancellations of existing voter
registrations in this state through the day of the election;
provided that a cancellation of an existing voter registration
shall not be processed if the voter has requested or been sent
a ballot in the election;

D. certificates of registration and cancellations
of existing voter registrations not processed pursuant to
Subsection B or C of this section [shall] may be processed
beginning [thirty-five days after] the Monday following an
election and shall be processed beginning no later than the
first business day after the approval of the county canvas
report, at which time a voter information document shall be
mailed to the registrant at the address shown on the
certificate of registration; provided that if there is a
subsequent election scheduled at which a qualified elector or
voter would be eligible to vote if the certificate of
registration were processed on an earlier date, the certificate
of registration for that qualified elector or voter shall be
processed by the county clerk on a day and in a manner to
ensure the ability of the qualified elector or voter to vote in
the subsequent election;

E. when the deadline to register to vote or update
an existing voter registration prior to an election referred to

.221697.3SA

- 18 -
in this section is a Saturday, Sunday or state holiday, registration certificates shall be accepted through the next succeeding business day for the office of the county clerk; and

F. the county clerk shall accept for filing and process any certificate of registration that is subscribed and dated on or before the deadline to register to vote or update an existing voter registration prior to an election and:

(1) received by the county clerk by the end of the last regular business day of the week for the office of the county clerk immediately following the deadline to register to vote or update an existing voter registration prior to an election;

(2) mailed and postmarked on or before the day of the deadline to register to vote or update an existing voter registration prior to any election referred to in this section; or

(3) accepted at a state agency designated pursuant to Section 1-4-5.2 NMSA 1978."

SECTION 10. Section 1-4-18.1 NMSA 1978 (being Laws 2013, Chapter 91, Section 1, as amended) is amended to read:

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

A. A person may complete a certificate of registration in person or by mail. In addition, the secretary of state shall [not later than January 1, 2016] allow a voter to submit an update to an existing certificate of registration.
and [not later than July 1, 2017] allow a qualified elector to submit a new certificate of registration form electronically through a web site authorized by the secretary of state or through any computer system maintained by a state agency for electronic voter registration that is approved by the secretary of state; provided that the person is qualified to register to vote [and has a current or expired New Mexico driver's license or state identification card issued by the motor vehicle division of the taxation and revenue department].

B. An online certificate of registration form shall contain all of the information that is required for a paper form; provided that the person shall also be required to provide the person's [full] New Mexico driver's license number or state identification card number or full social security number. A person submitting an online certificate of registration who does not have a New Mexico driver's license or state identification card shall submit an electronic image or digital copy of the person's signature pursuant to rules adopted by the secretary of state.

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

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

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

☐ all of the information that I have provided on this form is true and correct as of the date I am submitting this form."

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

E. [Prior to January 1, 2017] The secretary of state, in conjunction with the county clerks of the state, shall adopt rules establishing a uniform and nondiscriminatory process to match the information contained in the voter registration election management system with the database of the motor vehicle division of the taxation and revenue department or the federal social security administration for all electronic certificates of registration completed pursuant to this section.
F. Electronically submitted certificate of registration application forms shall retain the dates of submission by the qualified elector and of acceptance by the county clerk.

G. For purposes of deadlines contained in the Election Code, the time and date of the submission by the qualified elector shall be considered the time and date when the certificate of registration is received by the county clerk.

H. The secretary of state shall ensure that the web sites used for electronic voter registration are secure and that the confidentiality of all users and the integrity of data submitted are preserved.

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

SECTION 11. Section 1-4-24 NMSA 1978 (being Laws 1969, Chapter 240, Section 80, as amended) is amended to read:

"1-4-24. CANCELLATION OF REGISTRATION--COUNTY CLERK--GROUNDS.--The county clerk shall cancel certificates of registration for the following reasons:

A. death of the voter;
B. a felony conviction of the voter;

C. at the request of the voter; or

D. at the direction of the board of registration."

SECTION 12. Section 1-4-27.1 NMSA 1978 (being Laws 2001, Chapter 46, Section 1, as amended) is amended to read:

"1-4-27.1. [CANCELLATION OF REGISTRATION FOLLOWING CONVICTION] INMATES INELIGIBLE TO VOTE OR REGISTER TO VOTE--ELIGIBILITY [FOR VOTING UPON SATISFACTION OF CONDITIONS] TO VOTE AND REGISTER TO VOTE UPON RELEASE.--

[A. When a voter has been convicted of a felony in any state or federal court, the voter's registration shall be canceled.

B. A person convicted of a felony who is otherwise a qualified elector is eligible to register to vote when that person:

(1) has been unconditionally discharged from a correctional facility or detention center;

(2) has completed all conditions of parole or supervised probation; or

(3) has had the conviction overturned on appeal.

C. The secretary of state shall each month maintain current in the statewide voter registration electronic management system the eligibility status of persons convicted.
of felonies to register to vote pursuant to this section.

D. The corrections department, the New Mexico sentencing commission and the administrative office of the courts shall deliver to the secretary of state information and data as needed to carry out the provisions of this section.

E. The secretary of state shall request from the United States attorney for the district of New Mexico, in conformance with 42 U.S.C. Section 1973gg-6(g), information and data as needed to carry out the provisions of this section.)

A. A voter is ineligible to vote while imprisoned in a correctional facility as part of a sentence for a felony conviction. Except as provided in this section, an otherwise qualified elector is ineligible to register to vote while imprisoned in a correctional facility as part of a sentence for a felony conviction.

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

C. The corrections department shall deliver to the
secretary of state information and data necessary to carry out
the provisions of this section. The secretary of state shall
maintain current information in the statewide voter
registration electronic management system on the ineligibility
status of an inmate to vote or register to vote pursuant to
this section, as well as an inmate's eligibility status to vote
upon release and to register to vote or update an existing
voter registration while preparing for release.

D. Notwithstanding a person's status in the
statewide voter registration electronic management system, a
voter or a qualified elector who appears personally before a
county clerk, the clerk's authorized representative or a
precinct board member, at an office of the motor vehicle
division of the taxation and revenue department or at a state
agency that provides public assistance or services to persons
with disabilities is presumed to meet the eligibility
requirement of non-imprisonment for voting and registering to
vote pursuant to the provisions of this section."

SECTION 13. Section 1-4-47 NMSA 1978 (being Laws 1991,
Chapter 80, Section 4, as amended) is repealed and a new
Section 1-4-47 NMSA 1978 is enacted to read:

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

A. Unless a person is automatically registered to vote pursuant to the automatic voter registration provisions of Subsections B and C of this section, when a person who is a qualified elector or qualified resident but not registered to vote in the state conducts a transaction to apply for or renew a driver's license, state-issued identification card, learner's permit or provisional license, the person shall be offered the opportunity to simultaneously register to vote. A person registering to vote pursuant to this subsection shall not be required to provide a second time any information that duplicates information required in the driver's license, state-issued identification card, learner's permit or provisional license portion of the transaction.

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

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

D. If the person whose electronic record is
received pursuant to Subsection C of this section was not
previously registered to vote and the county clerk accepts and
processes the registration, the county clerk shall send to the
person's mailing address, by nonforwardable mail, a notice that
the person has been registered to vote. The notice shall
include a postage prepaid and pre-addressed return card by
which the person may decline to be registered to vote. The
notice shall be prescribed by the secretary of state with
.221697.3SA
conforming language depending on whether the person is a
qualified elector or a qualified resident, may be combined with
a voter information document and shall include:

(1) an explanation of the voter eligibility
requirements, a statement of the penalties for registering to
vote when a person is not eligible and a statement that if the
person is not eligible to vote that the person should decline
to register by returning the card;

(2) a statement that:

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

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

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

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

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

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

1) if the person declines to be registered to
vote by returning the card, the person's registration shall be
canceled and the person shall be deemed to have not registered
to vote. Information relating to a person declining to be
registered to vote pursuant to this section shall not be used
for any purpose other than to process the declination and for
reporting election administration statistics;

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

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

F. If a person who is registered to vote in the
state conducts a transaction to apply for or renew, update,
correct or replace the person's driver's license, state-issued
identification card, learner's permit or provisional license or
files a notice of change of address and the information
provided to the motor vehicle division of the taxation and
revenue department indicates a different address or name from
the person's existing certificate of registration, the motor
vehicle division of the taxation and revenue department shall
electronically transmit to the secretary of state an electronic
record containing the person's full name, date of birth,
driver's license or state-issued identification card number,
residence address, mailing address if different from residence
address, county of residence, an electronic image of the
person's signature and any other available information
requested by the secretary of state. The secretary of state
shall issue standards for what is considered a different
address. If the new address is in:

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

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

.221697.3SA
G. Immediately at the conclusion of each in-person transaction to apply for or renew a driver's license or state-issued identification card, a person shall receive written notification by the motor vehicle division of the taxation and revenue department informing the person if a voter registration transaction was processed and, if so, providing information regarding any voter registration transaction delivered to the county clerk by the motor vehicle division as a result of the application for or renewal of a driver's license or state-issued identification card.

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

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

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

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

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

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

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

    K. The secretary of state shall adopt rules and
coordinate as necessary with the motor vehicle division of the
taxation and revenue department and other state agencies and
Indian nations, tribes and pueblos designated pursuant to
Section 1-4-47.1 NMSA 1978 to implement the provisions of this
section."
SECTION 14. A new Section 1-4-47.1 NMSA 1978 is enacted to read:

"1-4-47.1. [NEW MATERIAL] STATE AGENCY--INDIAN NATION, TRIBE OR PUEBLO--AUTOMATIC VOTER REGISTRATION REQUIREMENTS.--

A. Upon a determination by the secretary of state that a state agency, including an agency that participates in the state-agency-based voter registration program pursuant to Section 1-4-48 NMSA 1978, collects sufficient information consistent with Section 1-4-47 NMSA 1978 to transmit electronic records for automatic voter registration in accordance with the provisions of that section, including verification of United States citizenship by document or database verification for any agency clients not already registered to vote, the secretary of state shall enter into a memorandum of understanding with the agency requiring the agency to comply with the provisions of Section 1-4-47 NMSA 1978. The secretary of state and county clerks shall process the electronic records according to the provisions of Section 1-4-47 NMSA 1978, subject to any modifications necessary to comply with federal law.

B. An Indian nation, tribe or pueblo that collects sufficient information consistent with Section 1-4-47 NMSA 1978 to transmit electronic records for automatic voter registration in accordance with the provisions of that section, including verification of United States citizenship by document or database verification for any persons not already registered to vote.
vote, may in its discretion transmit the records to the secretary of state. The secretary of state shall enter into a memorandum of understanding with the Indian nation, tribe or pueblo detailing compliance with the provisions of Section 1-4-47 NMSA 1978. The secretary of state and county clerks shall process the electronic records according to the provisions of Section 1-4-47 NMSA 1978, subject to any modifications necessary to comply with federal law.

C. If a state agency or an Indian nation, tribe or pueblo is able to transmit electronic records that are complete for automatic voter registration except for an electronic signature image, the records shall be processed as complete records for automatic voter registration. The secretary of state shall adopt rules to obtain a signature from the qualified elector or qualified resident, including through a mailing requesting a signature, uploading a signature through an electronic system, providing a signature on a mailed ballot envelope or providing a signature at an early voting location or polling place."

SECTION 15. Section 1-4-48 NMSA 1978 (being Laws 1995, Chapter 198, Section 13, as amended) is amended to read:

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

A. The secretary of state shall adopt and publish in accordance with the State Rules Act rules for the
administration of a state-agency-based voter registration program. The rules shall provide for distribution of voter registration forms, provisions for the acceptance of voter registration forms and procedures for reporting voter registration activity in accordance with the federal National Voter Registration Act of 1993.

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

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

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

E. A state agency employee or agency contractor who participates in the voter registration process may not intentionally influence the prospective registrant in the
selection of political party, or independent status, by word or act. A state agency employee or agency contractor who participates in the voter registration process may not reveal the existence of or the nature of the voter registration to anyone other than a registration officer.

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

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

SECTION 16. A new section of the Absent Voter Act is enacted to read:

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

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

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

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

C. Upon acceptance of the application to be added to the permanent absentee voter list, the county clerk shall
add the voter's name to the permanent absentee voter list in
the county. The permanent absentee voter list shall contain
the voter's name, year of birth, address and precinct in the
county.

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

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

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

(1) the voter fails to return a mailed ballot
in two consecutive elections, including at least one general
election;
(2) the county clerk has sent a mailed ballot or other piece of election mail to the voter's mailing address that was subsequently returned as undeliverable;

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

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

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

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

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

SECTION 17. Section 1-6-9 NMSA 1978 (being Laws 1969, Chapter 240, Section 135, as amended) is amended to read:
"1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY

METHODS.--

A. When voting a mailed ballot, the voter shall secretly mark the mailed ballot in the manner provided in the Election Code for marking paper ballots, place it in the official inner envelope and securely seal the envelope. The voter shall then place the official inner envelope inside the official mailing envelope and securely seal the envelope. The voter shall then complete the form on the reverse of the official mailing envelope, which shall include a statement by the voter under penalty of perjury that the facts stated in the form are true and the voter's name, registration address and year of birth. The voter or another person authorized by law shall then return the official mailing envelope containing the voted ballot to the county clerk of the voter's county of residence. If returned by a person other than the voter, the official mailing envelope shall contain the signature, printed name and relationship to the voter of the person returning the ballot.

B. The official mailing envelope may be returned by mail using the United States postal service. The secretary of state shall implement a free-access tracking system for each voter to be able to see the status of the voter's mailed ballot while en route to the voter as well as when returned to the county clerk.
C. The official mailing envelope may be returned using a commercial delivery service; provided that unless the secretary of state has approved the use of a specific commercial delivery service, the voter shall be responsible for the costs of delivery by means of such service.

D. The official mailing envelope may be returned in person to the office of the county clerk or to an alternate voting location, mobile alternate voting location or election day voting location.

E. The official mailing envelope may be returned by depositing the official mailing envelope in a secured container made available by the county clerk to receive voted mailed ballots for that election; provided that:

1. Each county shall have at least one monitored secured container in the county. Those counties that have alternate voting locations during early voting shall have at least the same number of monitored secured containers as the minimum required number of alternate voting locations in the county. The secretary of state may approve a county for more monitored secured containers than the minimum required pursuant to this paragraph;

2. The location of the containers and the days and times the containers will be available to receive ballots are posted by the county clerk at least ninety days before a statewide election or forty-two days before a special election.
election;

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

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

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

(a) that it is a violation of law for any person who is not an immediate family member to collect and deliver a ballot for another person;

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

(c) of the dates and approximate time the ballots will be collected; and

[(5)] (6) at least once a day, the county clerk or a full-time deputy county clerk shall collect the ballots from the secured containers, register the date and time stamp on each official mailing envelope and identify the location of the secured container in the ballot register."
SECTION 18. Section 1-6-10 NMSA 1978 (being Laws 1969, Chapter 240, Section 136, as amended) is amended to read:

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

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

B. In a statewide election, if the unopened official mailing envelope is received by the county clerk from an election board before the absent voter election board has adjourned, the unopened official mailing envelope shall be logged and transmitted to the absent voter election board to be tallied immediately. If the unopened official mailing envelope is received by the county clerk from an election board after the absent voter election board has adjourned, the unopened official mailing envelope shall be logged and transmitted to be tallied and included in the canvass report of that county for the appropriate precinct.

C. Completed official mailing envelopes shall be accepted until 7:00 p.m. on election day. A completed official mailing envelope deposited in a secured container pursuant to .221697.3SA

- 43 -
Section 1-6-9 NMSA 1978 shall be accepted if deposited by 7:00 p.m. on election day.

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

SECTION 19. Section 1-6-11 NMSA 1978 (being Laws 1969, Chapter 240, Section 137, as amended) is amended to read:

"1-6-11. DELIVERY OF ABSENTEE BALLOTS TO ABSENT VOTER [PRECINCTS] ELECTION BOARD.--

A. Beginning on the Thursday immediately preceding election day, the county clerk may deliver to the special deputy county clerk for delivery to the absent voter [precinct] election board the absentee ballots received prior to the delivery day. The special deputy county clerk shall issue a receipt for all ballots delivered for the county clerk and shall observe the listing of the names on the official mailing envelopes in the signature rosters. The special deputy county clerk shall then obtain a receipt executed by the presiding
judge and each election judge and shall return the receipt to the county clerk for filing. The receipts shall specify the number of envelopes received by the special deputy county clerk from the county clerk for the absent voter precinct and the number of envelopes received by the absent voter [precinct] election board from the special deputy county clerk.

B. On election day, the county clerk shall deliver all absentee ballots not yet delivered to the absent voter [precinct] election board but received prior to 7:00 p.m. on election day pursuant to Subsection C of Section 1-6-10 NMSA 1978 to the special deputy county [clerks] clerk for delivery to the absent voter [precinct boards] election board. The special deputy county clerk shall issue a receipt for all ballots delivered for the county clerk and shall observe the listing of the names on the official mailing envelope in the signature rosters. The special deputy county clerk shall then obtain a receipt executed by the presiding judge and each election judge and shall return the receipt to the county clerk for filing. The receipts shall specify the number of envelopes received by the special deputy county clerk from the county clerk for each absent voter precinct and the number of envelopes received by the absent voter [precinct] election board from the special deputy county clerk.

C. At 7:00 a.m. on the Thursday prior to election day or on the day the absent voter [precinct] election board
begins early processing of absentee ballots, the county clerk shall deliver the electronic voting machines used for absentee voting by mail to the absent voter [precinct] election board. The machines shall not be used to vote on or count additional ballots for that election. A special deputy county clerk shall issue a receipt for each voting machine. Upon delivery of a voting machine, the special deputy shall:

(1) obtain a receipt executed by the presiding judge and each election judge specifying the serial number and the seal number of the machine;

(2) verify the public counter number on the machine; and

(3) return the receipt to the county clerk for filing."

SECTION 20. Section 1-11-19 NMSA 1978 (being Laws 2018, Chapter 79, Section 33, as amended) is amended to read:

"1-11-19. COSTS OF ELECTIONS--LOCAL ELECTION ASSESSMENT--STATE ELECTION FUND ESTABLISHED.--

A. There is created in the state treasury the "state election fund" solely for the purposes of:

(1) paying the costs of conducting and administering statewide elections required by the Election Code;

(2) reimbursing the counties for the costs of conducting and administering statewide elections required by
the Election Code;

(3) paying the administrative costs of the
office of the secretary of state for administering elections
required by the Election Code and for administering the state
election fund; and

(4) carrying out all other specified
provisions of the Election Code not already covered by another
fund administered by the secretary of state.

B. The state treasurer shall invest the state
election fund as other state funds are invested, and all income
derived from the fund shall be credited directly to the fund.
Remaining balances at the end of a fiscal year shall remain in
the fund and not revert to the general fund. Money in the fund
is appropriated to the office of the secretary of state for the
purposes authorized in Subsection A of this section. Money in
the fund shall only be expended on warrants of the department
of finance and administration pursuant to vouchers signed by
the secretary of state or the secretary's designee.

C. Money received from the following sources shall
be deposited directly into the state election fund:

(1) money appropriated to the fund by the
legislature;

(2) reimbursements from the state or a local
government for elections costs; and

(3) grants received by the secretary of state.
D. In the event that current year balances in the state election fund do not cover the costs of elections, the secretary of state may apply to the state board of finance for an emergency grant to cover those costs pursuant to Section 6-1-2 NMSA 1978.

SECTION 21. Section 1-15-9 NMSA 1978 (being Laws 1969, Chapter 240, Section 359) is amended to read:

"1-15-9. PRESIDENTIAL ELECTORS--PENALTY.--

A. All presidential electors shall cast their ballots in the electoral college for the candidates of the political party [which] that nominated them as presidential electors.

B. Any presidential elector who casts [his] a ballot in violation of the provisions contained in Subsection A of this section is guilty of a fourth degree felony and shall be deemed to have vacated the position of presidential elector."

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

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

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

"1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the .221697.3SA
Native American Voting Rights Act:

A. "early voting location" means an alternate voting location and a mobile alternate voting location and includes early voting in the county clerk's office;

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

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

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

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

SECTION 24. A new Section 1-21A-3 NMSA 1978 is enacted to read:

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

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

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

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

SECTION 25. A new Section 1-21A-4 NMSA 1978 is enacted to read:

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

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

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

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

D. An Indian nation, tribe or pueblo may amend a written request for an alternative voting location for the current election cycle by submitting a written request between the first business day in January and the day the secretary of state issues the proclamation for the general election.

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

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

SECTION 26. A new Section 1-21A-5 NMSA 1978 is enacted to read:

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

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

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

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

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

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

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

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

SECTION 27. A new Section 1-21A-6 NMSA 1978 is enacted to read:

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

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

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

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

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

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

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

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

SECTION 28. A new Section 1-21A-7 NMSA 1978 is enacted to read:

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

A. A county clerk who has received a written request from an Indian nation, tribe or pueblo for one or more monitored secured containers on or near Indian nation, tribal or pueblo land shall evaluate the population on the Indian nation, tribal or pueblo land, the distance voters have to travel and the number of monitored secured containers and early voting locations on or near the Indian nation, tribal or pueblo land. The county clerk shall respond in writing to the Indian nation, tribe or pueblo regarding the provision of monitored secured containers on or near Indian nation, tribal or pueblo land within thirty days of receiving the written request.

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

C. A monitored secured container located on or near
Indian nation, tribal or pueblo land shall comply with all
requirements for monitored secured containers provided in the
Election Code."

SECTION 29. A new Section 1-21A-8 NMSA 1978 is enacted to
read:

"1-21A-8. [NEW MATERIAL] DELIVERY OF MAILED BALLOTS.--

A. The secretary of state shall maintain a list of
government and official buildings on Indian nation, tribal and
pueblo land where members of the Indian nation, tribe or pueblo
may request delivery of mailed ballots. The list shall include
the common name for each building and the mailing address for
the building. The list shall be provided by county to each
county clerk with an Indian nation, tribe or pueblo in the
county.

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

SECTION 30. A new Section 1-21A-9 NMSA 1978 is enacted to read:

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

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

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

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

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

   SECTION 31. A new Section 1-21A-10 NMSA 1978 is enacted to read:

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

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

   .221697.3SA
B. The secretary of state shall deposit from the state election fund sufficient funds to each county election fund for the costs related to compliance with the Native American Voting Rights Act, either as grants or reimbursement.

SECTION 32. Section 6-4-27 NMSA 1978 (being Laws 2020, Chapter 3, Section 4) is amended to read:

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

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

B. At the end of each fiscal year, the department of finance and administration shall transfer the balance of the fund attributable to that fiscal year as follows:

(1) to the tax stabilization reserve, the amount necessary to bring the balance of state reserves to a level equal to twenty-five percent of the aggregate recurring appropriations for that fiscal year from the general fund, as determined by the department; provided that, if the balance in the excess extraction taxes suspense fund is not sufficient to meet that level, the entire balance shall be transferred to the tax stabilization reserve;
(2) to the election fund, the balance remaining in the excess extraction taxes suspense fund, if any, after the transfer is made pursuant to Paragraph (1) of this subsection, in an amount necessary to bring the election fund to a level equal to twenty million dollars ($20,000,000), counting for these purposes only state funds deposited into the election fund for operating fund purposes; and

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

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

SECTION 33. Section 12-5-2 NMSA 1978 (being Laws 1969, Chapter 114, Section 1, as amended) is amended to read:

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

A. New Year's day, January 1;

B. Martin Luther King, Jr.'s birthday, third Monday in January;
C. Washington's and Lincoln's birthday, President's day, third Monday in February;
D. Memorial day, last Monday in May;
E. Independence day, July 4;
F. Labor day, first Monday in September;
G. Indigenous Peoples' day, second Monday in October;
H. Armistice day and Veterans' day, November 11;
I. Thanksgiving day, fourth Thursday in November;
[and]
J. Christmas day, December 25; and
K. the date of a statewide election, as defined in the Election Code."

SECTION 34. Section 22-2-8.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 2, as amended by Laws 2011, Chapter 35, Section 1 and by Laws 2011, Chapter 154, Section 1) is amended to read:

"22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM.--
A. Except as otherwise provided in this section, regular students shall be in school-directed programs, exclusive of lunch, for a minimum of the following:

(1) kindergarten, for half-day programs, two and one-half hours per day or four hundred fifty hours per year or, for full-day programs, five and one-half hours per day or nine hundred ninety hours per year;
(2) grades one through six, five and one-half hours per day or nine hundred ninety hours per year; and
(3) grades seven through twelve, six hours per day or one thousand eighty hours per year.

B. Up to thirty-three hours of the full-day kindergarten program may be used for home visits by the teacher or for parent-teacher conferences. Up to twenty-two hours of grades one through six programs may be used for home visits by the teacher or for parent-teacher conferences. Up to twelve hours of grades seven through twelve programs may be used to consult with parents to develop next step plans for students and for parent-teacher conferences.

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

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

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

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

SECTION 35. Section 31-13-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-14, as amended) is amended to read:

"31-13-1. FELONY CONVICTION--RESTORATION OF [CITIZENSHIP] RIGHT TO HOLD AN OFFICE OF PUBLIC TRUST.--

A. A person who has been convicted of a felony shall not be permitted to vote in any statewide, county, municipal or district election held pursuant to the provisions of the Election Code, unless the person:

(1) has completed the terms of a suspended or deferred sentence imposed by a court;

(2) was unconditionally discharged from a correctional facility under the jurisdiction of the corrections department or was conditionally discharged from a correctional facility under the jurisdiction of the corrections department and has completed all conditions of probation or parole;

(3) was unconditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency or was conditionally discharged from a correctional facility under the jurisdiction of a federal
corrections agency and has completed all conditions of
probation or parole; or

(4) has presented the governor with a
certificate verifying the completion of the sentence and was
granted a pardon or a certificate by the governor restoring
the person's full rights of citizenship.

B. When a person has completed the terms of a
suspended or deferred sentence imposed by a court for a
felony conviction, the clerk of the district court shall
notify the secretary of state. The secretary of state shall
notify all county clerks that the person is eligible for
registration.

C. A person who has served the entirety of a
sentence imposed for a felony conviction, including a term of
probation or parole shall be issued a certificate of
completion by the corrections department. Upon issuance, the
corrections department shall inform the person that the
person is entitled to register to vote. The certificate of
completion shall state that the person's voting rights are
restored.

D. When the corrections department issues a
certificate of completion, the corrections
department shall notify the secretary of state that the
person is entitled to register to vote. The secretary of
state shall notify all county clerks that the person is
eligibility for registration. Additionally, a county clerk
shall accept the following documents as proof that a person
has served the entirety of the sentence for a felony
conviction and is eligible for registration:

(1) a judgment and sentence from a court of
this state, another state or the federal government, which
shows on its face that the person has completed the entirety
of the sentence;

(2) a certificate of completion from the
corrections department; or

(3) a certificate of completion from another
state or the federal government.

E. A person who has been convicted of a felony
shall not be permitted to hold an office of public trust for
the state, a county, a municipality or a district, unless the
person has presented the governor with a certificate
verifying the completion of the sentence and was granted a
pardon or a certificate by the governor restoring the
person's full rights of citizenship.

A. A person who has been convicted of a felony
shall not be permitted to hold an office of public trust for
the state or any political subdivision of the state, unless
the person's rights have been restored pursuant to this
section.

B. The rights of a person who has been convicted

.221697.3SA
of a felony in this state to hold an office of public trust are restored if the person receives a pardon or, for purposes of this state only, if the governor of New Mexico issues the person a certificate of restoration of rights.

C. The rights of a person who has been convicted of a felony in another state to hold an office of public trust are restored if the governor of that state issues the person a pardon or other restoration of rights or, for purposes of this state only, if the governor of New Mexico issues the person a certificate of restoration of rights.

D. The rights of a person who has been convicted of a felony in federal court to hold an office of public trust are restored if the president of the United States issues the person a pardon or other restoration of rights or, for purposes of this state only, if the governor of New Mexico issues the person a certificate of restoration of rights."

SECTION 36. REPEAL.--Sections 1-3-7.2, 1-4-5.8 and 1-6-5.8 NMSA 1978 (being Laws 2021, Chapter 107, Section 1, Laws 2019, Chapter 67, Section 2 and Laws 2009, Chapter 251, Section 2, as amended) are repealed.

SECTION 37. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 11, 12 and 35 of this act is July 1, 2022.

B. The effective date of the provisions of
Sections 1 through 10, 13 through 34 and 36 of this act is January 1, 2023.