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
LAND; CLARIFYING PROCEDURES FOR THE ACCEPTANCE OF VOTED MAILED BALLOTS; 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; MAKING CONFORMING AND TECHNICAL CHANGES; REPEALING A SESSION LAW TO REMOVE A REFERENCE TO THE PUBLIC REGULATION COMMISSION AS AN ELECTED OFFICE; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. 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 2. 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 AND ELECTIONS HELD PURSUANT TO THE LOCAL ELECTION ACT.--

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 [where] 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 [where] if the qualified resident will turn eighteen on or before the day of the general election immediately succeeding the primary election;

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

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

C. Any resident of New Mexico who may be a qualified elector upon the resident's eighteenth birthday, or who may be considered a voter for the purposes of an election held pursuant to the Local Election Act 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 3. 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 Section 1-4-47 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 4. Section 1-4-5.5 NMSA 1978 (being Laws 1975,
Chapter 255, Section 78, as amended) is amended to read:

"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.

[B] 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] 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.

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

[F] 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 requested; and

(6) "voter data" means selected information derived from the voter file."

SECTION 5. 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 or any early 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.

C. 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.

D. 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 7:00 p.m. on election day;
provided that the county clerk shall provide the voter with a ballot and balloting materials immediately after the qualified elector registers to vote or updates the existing certificate of registration.

E. 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 the federal government, a state government, a federally recognized Indian nation, tribe or pueblo or a New-Mexico-accredited 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 if it does, the expiration date is not required to be a date on or after the date of the election; 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 the name of the qualified elector, which shall reasonably match the name provided on the certificate of registration, and an address that matches the address provided for the certificate of registration.

F. 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 6. 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.

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through a [web site] website 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. The person shall [also] be required to provide the
person's [full] social security number or New Mexico driver's
license number or state identification card number to access
the online certificate of registration form.

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 all electronic certificates of registration 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] websites 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 7. Section 1-4-27.1 NMSA 1978 (being Laws 2001,
Chapter 46, Section 1, as amended) is repealed and a new
Section 1-4-27.1 NMSA 1978 is enacted to read:

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

A. A voter is ineligible to vote while imprisoned
in a correctional facility as a result of a conviction for a
felony. Except as provided in this section, a qualified
elector is ineligible to register to vote while imprisoned in a
correctional facility as a result of a conviction for a felony.
If the corrections department and the secretary of state have
the technology to do so, at the time a felon is admitted to a correctional facility under the jurisdiction of the corrections department as a result of a conviction for a felony, the corrections department shall notify the secretary of state by means of a secured electronic transmission of the imprisoned felon's name, date of birth and social security number. If the imprisoned felon has a certificate of registration on file in any county in this state, the secretary of state shall notify the appropriate county clerk, who shall cancel the imprisoned felon's certificate of registration.

B. At the time an inmate is preparing for release from a state correctional facility, if the inmate is a voter or 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 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 providing a paper registration form.

C. The secretary of state shall maintain current in the voter registration electronic management system available
information 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 while preparing for release. Notwithstanding
a person's status in the voter registration electronic
management system, a voter or a qualified elector who appears
personally before a county clerk, the clerk's authorized
representative or an election board member is presumed eligible
to vote or register to vote pursuant to the provisions of this
section.

D. 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
request from the United States attorney for the district of New
Mexico, in conformance with 52 U.S.C. 20507(g), information and
data as needed to carry out the provisions of this section."

SECTION 8. 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

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- 17 -
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 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
deciliation 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.

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 by the secretary of state to implement the provisions of this section."

SECTION 9. 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 10. A new section of the Absent Voter Act is
enacted to read:

"[NEW MATERIAL] VOLUNTARY 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 voluntary 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 voluntary permanent absentee voter application shall provide an additional checkbox for the voter to affirm that reads:

"[ ] I am requesting to be added to the voluntary 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 voluntary 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 voluntary 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 voluntary permanent absentee voter list, the county
clerk shall add the voter's name to the voluntary permanent absentee voter list in the county. The voluntary 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 voluntary 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 voluntary 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 voluntary 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 voluntary 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 voluntary permanent
absentee voter list; or
(5) the voter submits a written request to the
county clerk requesting to be removed from the voluntary
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 voluntary permanent absentee voter list. If a voter is
removed from the voluntary permanent absentee voter list, the
voter shall only be added again if the voter submits a new
voluntary permanent absentee voter application.

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

SECTION 11. 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] under the privacy flap. 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, in a statewide election, to an alternate voting location, mobile alternate voting location, [or election day voting location or other location where the receipt and storage of the official mailing envelope containing a voted ballot is under the supervision of an election official or county employee.

E. The official mailing envelope may be returned by depositing the official mailing envelope in a monitored secured container made available by the county clerk to receive an official mailing envelope containing a voted ballot 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] an election;

(3) the location of a monitored 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;

(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;

(5) signage at the location of a monitored 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 except as authorized by the Election Code;

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

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

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

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

SECTION 12. 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
A. Completed official mailing envelopes that are received at the county clerk's office or a polling place or that are retrieved from the post office or a monitored secured container shall be accepted until 7:00 p.m. on election day. A 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 mailed 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.

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

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

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

E. If, pursuant to Subsection F of Section 1-6-4
NMSA 1978, the voter was notified of the need to comply with
federal identification requirements when returning the
requested ballot and failed to comply, the county clerk shall
preserve the inner envelope with the official mailing envelope
and write "Rejected" on the front of the official mailing envelope, and the county clerk shall update the ballot register accordingly and immediately send the voter a notice to cure containing information regarding how the voter may provide the missing or incorrect information. The county clerk shall place the official mailing envelope with the attached inner envelope in a container provided for rejected ballots; provided that if the county clerk was required to open the inner envelope to determine that the required documentary identification was not included, the untallied ballot shall be returned to the inner envelope and preserved along with the official mailing envelope in a container for this purpose.

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

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

(2) after the absent voter election board has been convened, the county clerk shall attach the documentation to the unopened official mailing envelope, update the ballot
register accordingly and transfer the ballot to the absent voter election board;

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

and

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

[B.] G. 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 an election board convened to assist in preparation of the county canvass report to be tallied and included in the canvass report of that county for the .222139.3
appropriate precinct.

[6. Completed official mailing envelopes shall be accepted until 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 13. Section 1-8-33 NMSA 1978 (being Laws 1973, Chapter 228, Section 7, as amended) is amended to read:

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

A. As used in this section:

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

(2) "total primary election vote" means the sum of all votes cast for all of the party's candidates for governor at the last preceding primary election at which the party's candidate for governor was nominated.
[B.] Candidates who seek preprimary convention designation shall file nominating petitions at the time of filing declarations of candidacy. Nominating petitions for these candidates shall be signed by a number of voters equal to at least two percent of the total vote of the candidate's party in the state or congressional district, or the following number of voters, whichever is greater: for statewide offices, two hundred thirty voters; and for congressional candidates, seventy-seven voters.

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

1. one percent of the total primary election vote of the candidate's party in the district in the case of candidates for the public education commission;

2. two percent of the total primary election vote of the candidate's party in the district or division in the case of judicial candidates;

3. three percent of the total primary election vote of the candidate's party in the district; or

4. the following number of voters, whichever

.222139.3

- 38 -
is greater: for metropolitan court and magistrate courts, ten voters; [for the public regulation commission, fifty voters] for the public education commission, twenty-five voters; for state representative, ten voters; for state senator, seventeen voters; and for district attorney and district judge, fifteen voters.

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

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

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

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

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

SECTION 14. 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 15. A new Section 1-21A-2 NMSA 1978 is enacted to read:

"1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the 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 16. 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 17. 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.

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D. A written request for early voting locations for the general election in that year by an Indian nation, tribe or pueblo that has not already done so shall be made 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 18. 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.

D. Once the election day polling place resolution
is adopted, a voter convenience center located on Indian
nation, tribal or pueblo lands shall not be eliminated or
consolidated with other voter convenience centers in that
election cycle without the written agreement of the Indian
nation, tribe or pueblo on whose lands the voter convenience
center is located."

SECTION 19. 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
eyearly voting locations shall provide at least one alternate
voting or mobile alternate voting location on or near Indian
country, 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;
SRC/SB 8

(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 20. 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

.222139.3

- 46 -
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. If a monitored secured container is located on Indian nation, tribal or pueblo land, the Indian nation, tribe or pueblo shall provide the facility and services necessary for the monitored secured container."

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

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

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 a voter registration certificate or 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 certificate or application for lack of a mailing address and, if the certificate or 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 22. 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 written 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."

.222139.3

- 49 -
SECTION 23. 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.

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 24. 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--STATE ELECTION FUND--TAX STABILIZATION RESERVE--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 state election fund, the amount
necessary to bring the state election fund to a level equal to
twenty million dollars ($20,000,000), counting for these
purposes only state funds previously deposited into the state
election fund for operating fund purposes; 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 state election fund;

[(1)] (2) after the transfer is made pursuant
to Paragraph (1) of this subsection, 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 remaining balance in the excess extraction taxes
suspense fund is not sufficient to meet that level, the entire
remaining balance shall be transferred to the tax stabilization
reserve; and

[(2)] (3) after the transfer is made pursuant
to Paragraph (2) of this subsection, 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) of this subsection].

.222139.3
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 25. 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. Primary Election day, first Tuesday after the first Monday in June of each even-numbered year;

[F.] F. Independence day, July 4;

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

[H.] H. Indigenous Peoples' day, second Monday in October;

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

K. Armistice day and Veterans' day, November 11;

L. Thanksgiving day, fourth Thursday in November; and

M. Christmas day, December 25."

SECTION 26. 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 and regular local
election shall be a school holiday for students and staff at
each public school in this state."

SECTION 27. REPEAL.--
A. 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.

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

SECTION 28. EFFECTIVE DATE.--

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

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