

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 8

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

AN ACT

RELATING TO ELECTIONS; ALLOWING QUALIFIED RESIDENTS TO
PARTICIPATE IN CERTAIN STATEWIDE AND SPECIAL ELECTIONS;
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 AND CONFORMING THE RESTORATION OF CITIZENSHIP
PROVISION ACCORDINGLY; 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

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

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

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

15 "1-1-7.2. PETITIONS--NOMINATIONS--SIGNATURES TO BE
16 COUNTED.--

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

23 B. A person who signs a nominating petition shall
24 indicate the person's registration address. If the person does
25 not have a standard street address, the person may provide the

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1 mailing address as shown on the person's certificate of
2 registration.

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

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

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

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

21 (4) in a primary election, is not of the same
22 political party as the candidate named in the nominating
23 petition as shown by the signer's certificate of registration;
24 or

25 (5) is not the person whose name appears on

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1 the nominating petition.

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

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

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

18 "1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--[A-]
19 Upon the adoption of any resolution, or upon the final action
20 of any district court upon a petition creating, abolishing,
21 dividing or consolidating any precinct, or changing any
22 precinct boundary, or changing any designated polling place,
23 the board of county commissioners shall:

24 [(1)] A. send a certified copy of the resolution or
25 court order to the secretary of state and to the county chair

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1 of each of the major political parties; and

2 [~~2~~] B. publish once the resolution in a newspaper
3 as provided in the Election Code.

4 [~~B. A polling place located on Indian nation,
5 tribal or pueblo lands shall not be eliminated or consolidated
6 with other polling locations without the written agreement of
7 the Indian nation, tribe or pueblo on which the polling place
8 is located.]"~~

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

11 "1-4-2. REGISTRATION OF QUALIFIED RESIDENTS--~~[RIGHT TO~~
12 ~~VOICE IN PRIMARY]~~ PARTICIPATION AS A VOTER IN CERTAIN STATEWIDE
13 AND SPECIAL ELECTIONS.--

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

25 B. If a qualified resident submits a voter

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1 registration certificate in accordance with the provisions of
2 Subsection A of this section and pursuant to the requirements
3 of Section 1-4-8 NMSA 1978, the qualified resident shall:

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

6 (2) be considered a voter for the purpose of
7 participation in [a] any statewide or special election where
8 the qualified resident is seventeen and will turn eighteen on
9 or before the day of the [statewide or special] next general
10 election [or

11 ~~(3) be considered a voter for the purpose of~~
12 ~~participation in a political party primary election where the~~
13 ~~qualified resident will turn eighteen on or before the day of~~
14 ~~the general election immediately succeeding the primary~~
15 ~~election].~~

16 C. Any resident of New Mexico who may be a
17 qualified elector upon the resident's eighteenth birthday who
18 obtains a license, permit or identification card from the motor
19 vehicle division of the taxation and revenue department and who
20 has not submitted a voter registration certificate pursuant to
21 Subsection A of this section shall be sent a notification by
22 the secretary of state advising the resident of the
23 requirements and opportunity to register to vote and a uniform
24 resource locator for a web page where the resident may submit a
25 voter registration certificate online. When applicable, a

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1 notification shall be sent to a resident described in this
2 subsection within the sixty days [~~following~~] before the
3 resident's seventeenth birthday, when the resident obtained a
4 license, permit or identification card from the motor vehicle
5 division prior to the resident's seventeenth birthday and
6 [~~within thirty~~] at least forty-two days prior to each election
7 in which the resident may vote in advance of the resident's
8 eighteenth birthday."

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

11 "1-4-5.2. AGENCY REGISTRATION--FORM.--

12 A. A qualified elector may register to vote at
13 certain state government offices.

14 B. Pursuant to Section 1-4-47 NMSA 1978, a
15 qualified elector who applies for a driver's license, license
16 renewal or motor vehicle identification card, who is not
17 registered to vote in the state and who is not automatically
18 registered to vote pursuant to the automatic voter registration
19 provisions of Section 1-4-47 NMSA 1978 may simultaneously
20 register to vote [~~or file a change of address for voter~~
21 ~~registration purposes~~].

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

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1 or local public offices with the agreement of those offices.

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

7 SECTION 5. Section 1-4-5.5 NMSA 1978 (being Laws 1975,
8 Chapter 255, Section 78, as amended) is amended to read:

9 "1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR
10 SPECIAL VOTER LISTS.--

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

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

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

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

13 ~~[D.]~~ E. The secretary of state shall prescribe the
 14 form of the affidavit.

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

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

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

24 ~~[(2)]~~ (3) "governmental purposes" means
 25 noncommercial purposes relating in any way to the structure,

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1 operation or decision-making of a federal, state or local
2 government;

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

7 [~~(4)~~] (5) "special voter list" means a
8 prepared list of selected voters arranged in the order in which
9 requested; and

10 [~~(5)~~] (6) "voter data" means selected
11 information derived from the voter file."

12 SECTION 6. Section 1-4-5.7 NMSA 1978 (being Laws 2019,
13 Chapter 67, Section 1, as amended) is repealed and a new
14 Section 1-4-5.7 NMSA 1978 is enacted to read:

15 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION
16 PRIOR TO VOTING.--

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

25 B. During a statewide election, a qualified elector

1 may register to vote or update an existing certificate of
2 registration at the county clerk's office or any early or
3 election day voting location; provided that the secretary of
4 state shall establish procedures to ensure that a registration
5 officer has an opportunity to review the information of a
6 qualified elector who registers to vote or updates an existing
7 certificate of registration immediately before the qualified
8 elector votes.

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

15 D. During a special election, a qualified elector
16 may register to vote or update an existing certificate of
17 registration at the county clerk's office during the regular
18 hours and days of business beginning on the twenty-eighth day
19 preceding the election until 7:00 p.m. on election day;
20 provided that the county clerk shall provide the voter with a
21 ballot and balloting materials immediately after the qualified
22 elector registers to vote or updates the existing certificate
23 of registration.

24 E. A qualified elector seeking to register to vote
25 or update an existing certificate of registration pursuant to

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1 this section shall provide a physical form of identification
2 that is issued by the federal government, a state government, a
3 federally recognized Indian nation, tribe or pueblo or a New-
4 Mexico-accredited educational institution and that:

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

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

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

13 (4) shall either:

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

16 (b) be accompanied by an original or
17 copy of a utility bill, bank statement, government check,
18 paycheck or other document issued by an educational institution
19 or government, including a document issued by a federally
20 recognized Indian nation, tribe or pueblo, dated within the
21 ninety days prior to the qualified elector registering to vote
22 or updating an existing certificate of registration and that
23 contains the name of the qualified elector, which shall
24 reasonably match the name provided on the certificate of
25 registration, and an address that matches the address provided

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1 for the certificate of registration.

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

11 SECTION 7. Section 1-4-18.1 NMSA 1978 (being Laws 2013,
12 Chapter 91, Section 1, as amended) is amended to read:

13 "1-4-18.1. ONLINE VOTER REGISTRATION.--

14 A. A person may complete a certificate of
15 registration in person or by mail. In addition, the secretary
16 of state shall [~~not later than January 1, 2016~~] allow a voter
17 to submit an update to an existing certificate of registration
18 and [~~not later than July 1, 2017~~] allow a qualified elector to
19 submit a new certificate of registration form electronically
20 through a [~~web site~~] website authorized by the secretary of
21 state or through any computer system maintained by a state
22 agency for electronic voter registration that is approved by
23 the secretary of state; provided that the person is qualified
24 to register to vote and has a current or expired New Mexico
25 driver's license or state identification card issued by the

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1 motor vehicle division of the taxation and revenue department.

2 B. An online certificate of registration form shall
3 contain all of the information that is required for a paper
4 form. The person shall [~~also~~] be required to provide the
5 person's [~~full~~] social security number or New Mexico driver's
6 license number or state identification card number to access
7 the online certificate of registration form.

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

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

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

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

21 D. [~~Prior to January 1, 2016~~] The secretary of
22 state, in conjunction with the county clerks of the state,
23 shall adopt rules establishing a uniform and nondiscriminatory
24 process to match the information contained in the voter
25 registration election management system with the database of

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1 the motor vehicle division of the taxation and revenue
2 department or the federal social security administration for
3 electronic certificates of registration updates completed
4 pursuant to this section.

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

14 F. Electronically submitted certificate of
15 registration application forms shall retain the dates of
16 submission by the qualified elector and of acceptance by the
17 county clerk.

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

23 H. The secretary of state shall ensure that the
24 [~~web sites~~] websites used for electronic voter registration are
25 secure and that the confidentiality of all users and the

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1 integrity of data submitted are preserved.

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

8 SECTION 8. Section 1-4-27.1 NMSA 1978 (being Laws 2001,
9 Chapter 46, Section 1, as amended) is repealed and a new
10 Section 1-4-27.1 NMSA 1978 is enacted to read:

11 "1-4-27.1. [~~NEW MATERIAL~~] INMATES IMPRISONED FOR A FELONY
12 INELIGIBLE TO VOTE OR REGISTER TO VOTE--ELIGIBILITY TO REGISTER
13 TO VOTE UPON RELEASE.--

14 A. A voter is ineligible to vote while imprisoned
15 in a correctional facility as a result of a conviction for a
16 felony. Except as provided in this section, a qualified
17 elector is ineligible to register to vote while imprisoned in a
18 correctional facility as a result of a conviction for a felony.
19 If the corrections department and the secretary of state have
20 the technology to do so, at the time a person is admitted to a
21 correctional facility under the jurisdiction of the corrections
22 department as a result of a conviction for a felony, the
23 corrections department shall notify the secretary of state by
24 means of a secured electronic transmission of the inmate's
25 name, date of birth and social security number. If the inmate

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1 has a certificate of registration on file in any county in this
2 state, the secretary of state shall notify the appropriate
3 county clerk, who shall cancel the inmate's certificate of
4 registration.

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

18 C. The secretary of state shall maintain current in
19 the voter registration electronic management system available
20 information on the ineligibility status of an inmate to vote or
21 register to vote pursuant to this section, as well as an
22 inmate's eligibility status to vote upon release and to
23 register to vote while preparing for release. Notwithstanding
24 a person's status in the voter registration electronic
25 management system, a voter or a qualified elector is presumed

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1 eligible to vote or register to vote pursuant to the provisions
2 of this section if the voter or qualified elector appears
3 personally:

4 (1) before a county clerk, the clerk's
5 authorized representative or an election board member;

6 (2) at an office of the motor vehicle division
7 of the taxation and revenue department; or

8 (3) at a state agency that provides public
9 assistance or services to persons with disabilities.

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

16 SECTION 9. Section 1-4-47 NMSA 1978 (being Laws 1991,
17 Chapter 80, Section 4, as amended) is repealed and a new
18 Section 1-4-47 NMSA 1978 is enacted to read:

19 "1-4-47. [NEW MATERIAL] DRIVER'S LICENSE VOTER
20 REGISTRATION--AUTOMATIC VOTER REGISTRATION AND UPDATES.--

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

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

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

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1 requested by the secretary of state.

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

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

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

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1 (2) a statement that:

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

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

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

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

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

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

23 (1) if the person declines to be registered to
 24 vote by returning the card, the person's registration shall be
 25 canceled and the person shall be deemed to have not registered

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

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

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

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

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

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

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

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

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1 application for or renewal of a driver's license or state-
2 issued identification card.

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

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

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

- 25 (1) the number of electronic records

1 transmitted to the secretary of state by the motor vehicle
 2 division of the taxation and revenue department pursuant to
 3 this section;

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

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

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

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

17 SECTION 10. Section 1-4-48 NMSA 1978 (being Laws 1995,
 18 Chapter 198, Section 13, as amended) is amended to read:

19 "1-4-48. ~~[AGENCY REGISTRATION]~~ STATE-AGENCY-BASED VOTER
 20 REGISTRATION PROGRAM--ESTABLISHED--HUMAN SERVICES DEPARTMENT.--

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

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

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

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

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

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

1 the existence of or the nature of the voter registration to
2 anyone other than a registration officer.

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

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

20 SECTION 11. A new section of the Absent Voter Act is
21 enacted to read:

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

24 A. A voter, except a federal qualified elector who
25 is subject to the provisions of the Uniform Military and

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

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

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

23 C. Upon acceptance of the application to be added
24 to the voluntary permanent absentee voter list, the county
25 clerk shall add the voter's name to the voluntary permanent

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

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

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

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

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

25 (2) the county clerk has sent a mailed ballot

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1 or other piece of election mail to the voter's mailing address
2 that was subsequently returned as undeliverable;

3 (3) the voter's certificate of registration is
4 canceled pursuant to the provisions of Chapter 1, Article 4
5 NMSA 1978;

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

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

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

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

23 SECTION 12. Section 1-6-9 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 135, as amended) is amended to read:

25 "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY

1 METHODS.--

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

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

25 C. The official mailing envelope may be returned

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

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

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

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

25 ~~[1+]~~ (2) the location of the containers and

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

5 [~~2~~] (3) the location of a monitored secured
6 container is considered a polling place for purposes of
7 electioneering too close to the polling place in violation of
8 Section 1-20-16 NMSA 1978;

9 [~~3~~] (4) all secured containers shall be
10 monitored by video surveillance cameras and the video recorded
11 by that system shall be retained by the county clerk as a
12 record related to voting pursuant to the provisions of Section
13 1-12-69 NMSA 1978;

14 [~~4~~] (5) signage at the location of a
15 monitored secured container shall inform voters and those
16 dropping off ballots at the location:

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

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

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

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1 ~~[(5)]~~ (6) at least ~~[once a day]~~ every three
2 days and on election day after the polls close, the county
3 clerk, ~~[or a full-time]~~ deputy county clerk, election board
4 member or messenger shall collect the ballots from the
5 monitored secured containers and register the date ~~[and time~~
6 ~~stamp]~~ and container location on each official mailing envelope
7 ~~[and identify the location of the secured container in the~~
8 ~~ballot register]~~.

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

15 SECTION 13. Section 1-6-10 NMSA 1978 (being Laws 1969,
16 Chapter 240, Section 136, as amended) is amended to read:

17 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

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

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

15 B. On the day a returned mailed ballot is received
16 by the county clerk, the county clerk shall mark the date of
17 receipt on the outside of the official mailing envelope.
18 Within one business day of receiving a returned official
19 mailing envelope, the county clerk shall remove the privacy
20 flap to verify that the voter signed the official mailing
21 envelope and to confirm that the last four digits of the social
22 security number provided by the voter match the information
23 available to the county clerk; provided that no county clerk or
24 deputy county clerk shall perform the verification process
25 pursuant to this subsection unless the county clerk or deputy

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1 county clerk would also meet the requirements to be a
2 challenger, watcher or election observer pursuant to Paragraphs
3 (1) through (4) of Subsection C of Section 1-2-22 NMSA 1978.

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

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

25 E. If, pursuant to Subsection F of Section 1-6-4

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

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

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

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1 voter election board;

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

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

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

18 ~~[B-]~~ G. In a statewide election, if the unopened
19 official mailing envelope is received by the county clerk from
20 an election board before the absent voter election board has
21 adjourned, the unopened official mailing envelope shall be
22 ~~[logged and]~~ transmitted to the absent voter election board to
23 be tallied immediately. If the unopened official mailing
24 envelope is received by the county clerk from an election board
25 after the absent voter election board has adjourned, the

1 unopened official mailing envelope shall be ~~[logged and]~~
 2 transmitted to an election board convened to assist in
 3 preparation of the county canvass report to be tallied and
 4 included in the canvass report of that county for the
 5 appropriate precinct.

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

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

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

20 "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--
 21 NUMBER OF SIGNATURES REQUIRED.--

22 A. As used in this section, "total vote" means the
 23 sum of all votes cast for all of the party's candidates for
 24 governor at the last preceding primary election at which the
 25 party's candidate for governor was nominated.

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

10 G.] B. Nominating petitions for candidates for any
11 ~~[other]~~ office to be voted on at the primary election for which
12 nominating petitions are required shall be signed by a number
13 of voters equal to at least:

14 (1) one percent of the total vote of the
15 candidate's party in the district in the case of candidates for
16 the public education commission;

17 (2) two percent of the total vote of the
18 candidate's party in the district or division in the case of
19 judicial candidates;

20 (3) three percent of the total vote of the
21 candidate's party in the district; or [division, or]

22 (4) the following number of voters, whichever
23 is greater: for metropolitan court and magistrate courts, ten
24 voters; [for the public regulation commission, fifty voters]
25 for the public education commission, twenty-five voters; for

1 state representative, ten voters; for state senator, seventeen
 2 voters; and for district attorney and district judge, fifteen
 3 voters.

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

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

20 "1-21A-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article
 21 21A NMSA 1978 may be cited as the "Native American Voting
 22 Rights Act"."

23 SECTION 16. A new Section 1-21A-2 NMSA 1978 is enacted to
 24 read:

25 "1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the

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1 Native American Voting Rights Act:

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

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

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

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

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

21 SECTION 17. A new Section 1-21A-3 NMSA 1978 is enacted to
22 read:

23 "1-21A-3. [NEW MATERIAL] PRECINCT BOUNDARIES.--

24 A. When adjusting precinct boundaries for any group
25 of census blocks that are on Indian nation, tribal or pueblo

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1 lands, the board of county commissioners shall inquire of each
2 Indian nation, tribe or pueblo in the county to provide
3 internal and external political boundaries for the Indian
4 nation, tribe or pueblo.

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

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

12 SECTION 18. A new Section 1-21A-4 NMSA 1978 is enacted to
13 read:

14 "1-21A-4. [NEW MATERIAL] REQUESTS FOR POLLING PLACES AND
15 MONITORED SECURED CONTAINERS.--

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

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

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

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

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

13 SECTION 19. A new Section 1-21A-5 NMSA 1978 is enacted to
14 read:

15 "1-21A-5. [NEW MATERIAL] VOTER CONVENIENCE CENTERS--
16 REQUIREMENTS.--

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

25 (1) any voter of the county shall have access

1 to and be permitted to vote at the alternate voting or mobile
 2 alternate voting location;

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

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

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

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

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

23 D. Once the election day polling place resolution
 24 is adopted, a voter convenience center located on Indian
 25 nation, tribal or pueblo lands shall not be eliminated or

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 [bracketed material] = delete

1 consolidated with other voter convenience centers in that
2 election cycle without the written agreement of the Indian
3 nation, tribe or pueblo on whose lands the voter convenience
4 center is located."

5 SECTION 20. A new Section 1-21A-6 NMSA 1978 is enacted to
6 read:

7 "1-21A-6. [NEW MATERIAL] EARLY VOTING LOCATIONS--
8 REQUIREMENTS.--

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

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

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

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

24 (4) the Indian nation, tribe or pueblo
25 provides the facility and services for the alternate voting or

1 mobile alternate voting location; and

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

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

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

13 "1-21A-7. [NEW MATERIAL] MONITORED SECURED CONTAINERS--
14 REQUIREMENTS.--

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

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

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

17 SECTION 22. A new Section 1-21A-8 NMSA 1978 is enacted to
18 read:

19 "1-21A-8. [NEW MATERIAL] USE OF GOVERNMENTAL AND OFFICIAL
20 BUILDINGS AS MAILING ADDRESSES ON VOTER REGISTRATION
21 CERTIFICATES AND MAILED BALLOT APPLICATIONS.--

22 A. The secretary of state shall maintain a list of
23 government and official buildings on Indian nation, tribal and
24 pueblo land where members of the Indian nation, tribe or pueblo
25 may request delivery of mailed ballots. The list shall include

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1 the common name for each building and the mailing address for
 2 the building. The list shall be provided by county to each
 3 county clerk with an Indian nation, tribe or pueblo in the
 4 county.

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

14 SECTION 23. A new Section 1-21A-9 NMSA 1978 is enacted to
 15 read:

16 "1-21A-9. [NEW MATERIAL] EMERGENCY SITUATIONS.--If the
 17 president, governor or governing body of an Indian nation,
 18 tribal or pueblo has declared a state of emergency or has
 19 invoked emergency powers pursuant to other laws:

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

25 B. no later than ninety-eight days before a

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

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

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

24 SECTION 24. A new Section 1-21A-10 NMSA 1978 is enacted
25 to read:

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

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

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

13 SECTION 25. Section 6-4-27 NMSA 1978 (being Laws 2020,
 14 Chapter 3, Section 4) is amended to read:

15 "6-4-27. EXCESS EXTRACTION TAXES SUSPENSE FUND--TRANSFER
 16 OF EXCESS OIL AND GAS EMERGENCY SCHOOL TAX REVENUE--STATE
 17 ELECTION FUND--TAX STABILIZATION RESERVE--EARLY CHILDHOOD
 18 EDUCATION AND CARE FUND.--

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

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

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underscoring material = new
 [bracketed material] = delete

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

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

19 ~~[(2)]~~ (3) after the transfer is made pursuant
20 to Paragraph (2) of this subsection, to the early childhood
21 education and care fund, the balance remaining in the excess
22 extraction taxes suspense fund, if any [after the transfer is
23 made pursuant to Paragraph (1) of this subsection].

24 C. As used in this section, "state reserves" means
25 the general fund balances, as determined by the department of

1 finance and administration, including all authorized revenues
 2 and transfers to the general fund and balances in the
 3 appropriation contingency fund, the general fund operating
 4 reserve, the state-support reserve fund, the tax stabilization
 5 reserve and the tobacco settlement permanent fund."

6 SECTION 26. Section 12-5-2 NMSA 1978 (being Laws 1969,
 7 Chapter 114, Section 1, as amended) is amended to read:

8 "12-5-2. LEGAL HOLIDAYS--DESIGNATION.--Legal public
 9 holidays in New Mexico are:

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

11 B. Martin Luther King, Jr.'s birthday, third Monday
 12 in January;

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

15 D. Memorial day, last Monday in May;

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

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

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

20 [~~G-~~] H. Indigenous Peoples' day, second Monday in
 21 October;

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

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

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1 [~~H-~~] K. Armistice day and Veterans' day, November
2 11;

3 [~~F-~~] L. Thanksgiving day, fourth Thursday in
4 November; and

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

6 SECTION 27. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
7 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
8 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
9 to read:

10 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM.--

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

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

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

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

22 B. Up to thirty-three hours of the full-day
23 kindergarten program may be used for home visits by the teacher
24 or for parent-teacher conferences. Up to twenty-two hours of
25 grades one through six programs may be used for home visits by

1 the teacher or for parent-teacher conferences. Up to twelve
 2 hours of grades seven through twelve programs may be used to
 3 consult with parents to develop next step plans for students
 4 and for parent-teacher conferences.

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

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

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

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

23 SECTION 28. Section 31-13-1 NMSA 1978 (being Laws 1963,
 24 Chapter 303, Section 29-14, as amended) is amended to read:

25 "31-13-1. FELONY CONVICTION--RESTORATION OF

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1 [CITIZENSHIP] RIGHT TO HOLD OFFICE OF PUBLIC TRUST.--

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

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

8 ~~(2) was unconditionally discharged from a~~
9 ~~correctional facility under the jurisdiction of the~~
10 ~~corrections department or was conditionally discharged from a~~
11 ~~correctional facility under the jurisdiction of the~~
12 ~~corrections department and has completed all conditions of~~
13 ~~probation or parole;~~

14 ~~(3) was unconditionally discharged from a~~
15 ~~correctional facility under the jurisdiction of a federal~~
16 ~~corrections agency or was conditionally discharged from a~~
17 ~~correctional facility under the jurisdiction of a federal~~
18 ~~corrections agency and has completed all conditions of~~
19 ~~probation or parole; or~~

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

24 ~~B. When a person has completed the terms of a~~
25 ~~suspended or deferred sentence imposed by a court for a~~

1 ~~felony conviction, the clerk of the district court shall~~
2 ~~notify the secretary of state. The secretary of state shall~~
3 ~~notify all county clerks that the person is eligible for~~
4 ~~registration.~~

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

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

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

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

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

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

12 SECTION 29. REPEAL.--

13 A. Sections 1-3-7.2, 1-4-5.8 and 1-6-5.8 NMSA
14 1978 (being Laws 2021, Chapter 107, Section 1, Laws 2019,
15 Chapter 67, Section 2 and Laws 2009, Chapter 251, Section 2,
16 as amended) are repealed.

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

18 SECTION 30. EFFECTIVE DATE.--

19 A. The effective date of the provisions of
20 Sections 12, 13 and 15 through 24 of this act is July 1,
21 2022.

22 B. The effective date of the provisions of
23 Sections 1 through 11, 14 and 25 through 29 of this act is
24 January 1, 2023.