AN ACT

RELATING TO ELECTIONS; AMENDING AND ENACTING AUTOMATIC VOTER REGISTRATION AND UPDATES TO REGISTRATION PROVISIONS;
REPEALING AND REPLACING THE DRIVER'S LICENSE VOTER REGISTRATION PROVISIONS; REPEALING AND REPLACING THE REGISTRATION AT VOTING LOCATION PRIOR TO VOTING PROVISIONS;
DEFINING THE UNLAWFUL USE OR DISPOSITION OF VOTER DATA,
MAILING LABELS OR SPECIAL VOTER LISTS; PROVIDING THAT INMATES ARE ELIGIBLE TO VOTE AND REGISTER TO VOTE UPON RELEASE; ELIMINATING A REQUIREMENT THAT A VOTER'S REGISTRATION BE CANCELED UPON FELONY CONVICTION AND CONFORMING THE RESTORATION OF CITIZENSHIP PROVISION ACCORDINGLY; CREATING A VOLUNTARY PERMANENT ABSENTEE VOTER LIST; PROVIDING REQUIREMENTS FOR THE PROVISION OF 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; DECLARING THE DAY OF A GENERAL ELECTION AND A REGULAR LOCAL ELECTION A SCHOOL HOLIDAY; MAKING CONFORMING AND TECHNICAL CHANGES; 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.--

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:

A. 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

B. publish once the resolution in a newspaper as
provided in the Election Code."

SECTION 2. 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 this state and who is not automatically
registered to vote pursuant to the automatic voter
registration provisions of Section 1-4-47 NMSA 1978 may
simultaneously register to vote or file a change of address
for voter registration purposes.

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

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

SECTION 3. Section 1-4-5.6 NMSA 1978 (being Laws 1975, Chapter 255, Section 79, as amended) is amended to read:

"1-4-5.6. UNLAWFUL USE OR DISPOSITION OF VOTER DATA, MAILING LABELS OR SPECIAL VOTER LISTS--PENALTIES.--

A. Unlawful use of voter data, mailing labels or special voter lists consists of:

(1) the knowing and willful selling, loaning, providing access to or otherwise surrendering of voter data, mailing labels or special voter lists by a person for purposes prohibited by the Election Code; or

(2) causing voter data, mailing labels or special voter lists or any part of the voter data, mailing label or special voter lists that identifies, or that could be used to identify, a specific voter or the voter's name, mailing or residence address to be made publicly available on
the internet or through other means.

   B. Any person, organization or corporation or agent, officer, representative or employee thereof who commits unlawful use of voter data, mailing labels or special voter lists is guilty of a fourth degree felony and upon conviction shall be fined one hundred dollars ($100) for each line of voter information that was unlawfully used.

   C. Each unlawful use of voter data, mailing labels or special voter lists constitutes a separate offense."

SECTION 4. 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. REGISTRATION AT VOTING LOCATION PRIOR TO VOTING.--

   A. Notwithstanding the provisions of 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 federated recognized Indian nation, tribe or pueblo or an educational institution and that:

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

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

(3) need not contain an expiration date, and 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 federated 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.
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 5. Section 1-4-24 NMSA 1978 (being Laws 1969,
Chapter 240, Section 80, as amended) is amended to read:
"1-4-24. CANCELLATION OF REGISTRATION--COUNTY CLERK--
GROUNDS.--The county clerk shall cancel certificates of
registration for the following reasons:
A. death of the voter;
B. at the request of the voter; or
C. at the direction of the board of registration."

SECTION 6. Section 1-4-27.1 NMSA 1978 (being Laws 2001,
Chapter 46, Section 1, as amended) is amended to read:
"1-4-27.1. ELIGIBILITY TO VOTE AND REGISTER TO VOTE
UPON RELEASE.--
A. A voter is ineligible to vote while imprisoned
in a correctional facility as part of a sentence for a felony
conviction. Except as provided in this section, an otherwise
qualified elector is ineligible to register to vote while
imprisoned in a correctional facility as part of a sentence
for a felony conviction.

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

C. The corrections department shall deliver to the
secretary of state information and data necessary to carry
out the provisions of this section. The secretary of state
shall maintain current information in the statewide voter
registration electronic management system on the
ineligibility status of an inmate to vote or register to vote
pursuant to this section, as well as an inmate's eligibility
status to vote upon release and to register to vote or update
an existing voter registration while preparing for release.
D. Notwithstanding a person's status in the statewide voter registration electronic management system, a voter or a qualified elector who appears personally before a county clerk, the clerk's authorized representative or a precinct board member, at an office of the motor vehicle division of the taxation and revenue department or at a state agency that provides public assistance or services to persons with disabilities is presumed to meet the eligibility requirement of non-imprisonment for voting and registering to vote pursuant to the provisions of this section.

E. For the purposes of this section, "correctional facility" means a jail, prison or other detention facility that is used for the confinement of an adult, whether operated by the state or a political subdivision of the state or a private contractor on behalf of the state or a political subdivision of the state."

SECTION 7. 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. 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 through D 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 person shall be registered to
vote and shall be informed that the person is being
registered to vote and that the person will receive a notice
from the county clerk providing additional information,
including how to decline to be registered, and the person
shall be offered the opportunity to designate affiliation
with a qualified political party during the in-person transaction. Within seven days, the motor vehicle division of the taxation and revenue department shall electronically transmit to the secretary of state an electronic record containing the person's full name, full social security number, date of birth, driver's license or state-issued identification card number, residence address, mailing address if different from residence address, county of residence, citizenship status, an electronic image of the person's signature, any affiliation with a qualified political party 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. Upon receiving an electronic record pursuant to Subsection C of this section, 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, and may be combined with a voter information document and shall include:

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

(2) a statement that:

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

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

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

(4) an opportunity for the person to designate affiliation with a qualified political party by returning the card; and
(5) an opportunity for the person to request a mailed ballot for the next statewide election, on a form prescribed by the secretary of state, which shall serve as an application for a mailed ballot pursuant to Section 1-6-4 NMSA 1978.

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

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

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

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

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

(1) the same county, or the person's name
has changed, 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 secretary of state 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. In carrying out the provisions of this section, a motor vehicle division employee or contractor shall not intentionally influence a registrant in the selection of political party, or independent status, by word or act. A motor vehicle division employee or contractor shall not reveal the existence of or the nature of a voter registration pursuant to this section to anyone other than a registration officer.

I. Unless a person who is not a qualified elector or is ineligible to register to vote knowingly and willfully
takes voluntary action to register to vote knowing that the person is not a qualified elector or is 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.

J. A person who is not a qualified 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 not a qualified elector or is ineligible to register or knowingly and willfully voted with knowledge that the person is not a qualified elector or is ineligible to vote.

K. 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.

L. The secretary of state shall adopt rules and coordinate as necessary with the motor vehicle division of the taxation and revenue department and other state agencies and Indian nations, tribes and pueblos designated pursuant to Section 1-4-47.1 NMSA 1978."

SECTION 8. A new Section 1-4-47.1 NMSA 1978 is enacted to read:

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

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

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

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

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

"1-4-48. 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
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:

"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 Chapter 1, Article
4 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 is 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 of Section 1-4-5.5 NMSA 1978."

SECTION 11. A new Section 1-11-12.2 NMSA 1978 is enacted to read:

"1-11-12.2. MONITORED SECURED CONTAINERS--DISTRIBUTION TO COUNTIES.--

A. Each county shall have at least two monitored secured containers; provided that, in consideration of
geographic or security constraints existent in a county, a county clerk may request from the secretary of state a waiver from this requirement. The secretary of state may approve a request by a county clerk for additional monitored secured containers in a county.

B. In addition to the monitored secured containers provided pursuant to Subsection A of this section, a political subdivision of the state, including a municipality, school district or community college, may make a written request to the county clerk for one or more monitored secured containers on or near the boundaries of the political subdivision. A county clerk who receives a written request for monitored secured containers from a political subdivision shall evaluate the population in and near the area of the request, the distance voters have to travel to get to the nearest monitored secured container and the number of monitored secured containers and early voting locations on or near the area of the request. The county clerk shall respond in writing to the requesting political subdivision within thirty days of receiving the written request. 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.

C. A political subdivision 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 requesting political subdivision. The
secretary of state may place a monitored secured container on
or near an area that is the subject of the request in
response to an appeal submitted pursuant to this subsection.

D. A monitored secured container located on or
near the boundaries of a political subdivision shall comply
with all requirements for monitored secured containers
provided in the Election Code. If a monitored secured
container is provided pursuant to this section, the
requesting political subdivision shall provide the facility
and services necessary for the monitored secured container."

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

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

SECTION 13. A new Section 1-21A-2 NMSA 1978 is enacted
to read:

"1-21A-2. 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;
B. "Indian nation, tribe or pueblo" means a federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico;

C. "polling place" means an early voting location and an election day polling place; and

D. "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 14. A new Section 1-21A-3 NMSA 1978 is enacted to read:

"1-21A-3. 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 that the Indian nation, tribe or pueblo has provided to the United States census bureau."
B. The board of county commissioners shall adjust precinct boundaries to correspond to the internal and external political boundaries that each Indian nation, tribe or pueblo in the county has provided to the United States census bureau.

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

SECTION 15. A new Section 1-21A-4 NMSA 1978 is enacted to read:

"1-21A-4. 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, election day polling places or monitored secured containers on or near the Indian nation's, tribe's or pueblo's lands.

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

C. A written request for early voting locations for all statewide elections in the current election cycle shall be made between the second Tuesday in March and the second Tuesday in April of each odd-numbered year.
D. 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 by July 15, 2023 for the 2023 regular local election and between the second Tuesday in March and the second Tuesday in April of any year for all subsequent elections."

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

"1-21A-5. ELECTION DAY POLLING PLACES--REQUIREMENTS.--

A. A county clerk who has received a written request from an Indian nation, tribe or pueblo for one or more election day polling places 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 pursuant to Section 1-3-4 NMSA 1978; provided that:

(1) any voter of the county shall have access to and be permitted to vote at the election day
polling place;

(2) the location of the election day polling place conforms to the requirements for election day polling places, except as specified in this section;

(3) the county clerk provides federally mandated language translators at the election day polling places; and

(4) if the election day polling place is located on Indian nation, tribal or pueblo land, the Indian nation, tribe or pueblo provides the facility and services for the election day polling place.

B. In considering the written request, the county clerk shall evaluate the distance voters have to travel to get to the nearest election day polling place 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 an election day polling place.

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

SECTION 17. A new Section 1-21A-6 NMSA 1978 is enacted
to read:

"1-21A-6. EARLY VOTING LOCATIONS--REQUIREMENTS.--

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

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

(2) the location of the early 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 early voting locations;

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

(5) the early 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
teach and the number of monitored secured containers and
early voting locations on or near the Indian nation, tribal
or pueblo land."

SECTION 18. A new Section 1-21A-7 NMSA 1978 is enacted
to read:

"1-21A-7. MONITORED SECURED CONTAINERS--REQUIREMENTS.--

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

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

C. A monitored secured container located on or near Indian nation, tribal or pueblo land shall comply with all requirements for monitored secured containers provided in the Election Code. 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 19. A new Section 1-21A-8 NMSA 1978 is enacted to read:

"1-21A-8. 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 20. A new Section 1-21A-9 NMSA 1978 is enacted
to read:

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

A. a polling place located on the 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
dorder, the county clerk shall provide to an Indian nation,
tribe or pueblo that has not previously requested for that
election cycle at least one alternate voting or mobile
alternate voting location for that election; provided that
the alternate voting or mobile alternate voting location
shall otherwise comply with the requirements of Section
1-21A-6 NMSA 1978;

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

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

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

"1-21A-11. 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 distribute from the election fund sufficient funds to each county for the costs related to compliance with the Native American Voting Rights Act, either as grants or reimbursement."

SECTION 22. 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 23. Section 31-13-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-14, as amended) is amended to read:

"31-13-1. FELONY CONVICTION--RESTORATION OF RIGHT TO HOLD OFFICE OF PUBLIC TRUST.--A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality or a district, unless the person has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship."

SECTION 24. REPEAL.--

A. Sections 1-3-7.2 and 1-6-5.8 NMSA 1978 (being Laws 2021, Chapter 107, Section 1 and Laws 2009, Chapter 251, Section 2, as amended) are repealed effective July 1, 2023.

B. Section 1-4-5.8 NMSA 1978 (being Laws 2019, Chapter 67, Section 2) is repealed effective July 1, 2025.

SECTION 25. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1, 3 through 6, 11 through 21 and 23 of this act is July 1, 2023.

B. The effective date of the provisions of
Sections 10 and 22 of this act is January 1, 2024.

C. The effective date of the provisions of Sections 2 and 7 through 9 of this act is July 1, 2025.