

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 5

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

AN ACT

RELATING TO ELECTIONS; PROHIBITING THE POSSESSION OF A FIREARM  
WITHIN CERTAIN DISTANCES OF A POLLING PLACE DURING AN ELECTION;  
PROVIDING EXCEPTIONS; PROVIDING A PENALTY.

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

SECTION 1. A new section of Chapter 1, Article 20 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] UNLAWFUL POSSESSION OF A FIREARM AT A  
POLLING PLACE.--

A. Unlawful possession of a firearm at a polling  
place consists of possession of a loaded or unloaded firearm by  
any person within:

(1) one hundred feet of the door through which  
voters may enter to vote at a school building in which a  
polling place is located while early voting is in progress and

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underscored material = new  
[bracketed material] = delete

1 on election day;

2 (2) one hundred feet of the door through which  
3 voters may enter to vote at the office of the county clerk, an  
4 alternate voting location, a mobile voting site or any location  
5 used as a polling place while early voting is in progress and  
6 on election day that is not a school; or

7 (3) fifty feet of a monitored secured  
8 container as used in Subsection E of Section 1-6-9 NMSA 1978,  
9 beginning twenty-eight days before an election through election  
10 day.

11 B. The provisions of Subsection A of this section  
12 do not apply to:

13 (1) a certified law enforcement officer in  
14 performance of the officer's official duties;

15 (2) a law enforcement officer who is certified  
16 pursuant to the Law Enforcement Training Act acting in  
17 accordance with the policies of the officer's law enforcement  
18 agency; or

19 (3) a person in a private automobile or other  
20 private means of conveyance.

21 C. A person conducting lawful, non-election-related  
22 business nearer than one hundred feet from the door through  
23 which voters may enter to vote or nearer than fifty feet from a  
24 monitored secured container is not guilty of unlawful  
25 possession of a firearm at a polling place.

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