

LFC Requester:

Sanchez, Scott

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 2/13/2026

Check all that apply:

Bill Number: SB 261Original Correction Amendment Substitute Sponsor: Joseph Cervantes

Agency Name

and Code

Secretary of State - 370

Number: _____

Short
Title:PUBLIC PEACE, HEALTH,
SAFETY & WELFARE
POSSESSION OF FIREARM
AT POLLING PLACE

Person Writing

Analysis:

Lindsey BachmanPhone: 505-479-2626Email: lindsey.bachman@sos.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total						
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(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 261 amends the crime of unlawful possession of a firearm at a polling place to eliminate certain exemptions. If passed, firearms would only be permitted if carried by a person who is in a private automobile or other means of conveyance or by law enforcement officers when their presence is requested by the presiding judge, an election judge, a county clerk or the secretary of state to assist in maintaining order and orderly control of access or to respond to a disaster or emergency event.

These restrictions occur 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 or; one hundred feet one hundred feet of the door through which voters may enter to vote at the office of the county clerk, an alternate voting location, a mobile voting site or any location used as a polling place while early voting is in progress or on election day that is not a school; or fifty feet of a monitored secured container as used in Subsection E of Section 1-6-9 NMSA 1978, beginning twenty-eight days before an election through election day.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

In recent years, a number of states have proposed and passed legislation prohibiting or restricting the carrying of firearms at polling locations (CO, MD, MI, etc.). These states join approximately 20 states like California, Arizona, Texas and Florida that have prohibited or restricted the carrying of firearms at polling locations for some time. (Source link: [Chart: State Prohibitions on Guns at Election Locations | Brennan Center for Justice](#))

In 2022, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, the United State Supreme Court identified “polling places” as “sensitive places” and affirmed that it “can assume it settled that these locations were... where arms carrying could be prohibited consistent with the Second Amendment.” *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022).

In 2020, police arrested two men armed with “two loaded semiautomatic Beretta pistols, one semiautomatic AR-15- style rifle, and ammunition” after receiving an FBI tip that the men were making threats against the Pennsylvania Convention Center where election workers were counting mailed-in ballots. (Source link: <https://www.nbcphiladelphia.com/news/local/two-arrestedafter-police-get-tip-of-convention-center-threat/2587411>)

Firearms are already prohibited in many public places in New Mexico that are used as polling

locations: schools (Section 30-7-2.1 and Section 29-19-8), tribal land (Section 29-19-10), court facilities (Section 29-19-11).

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The provisions create bright lines for election administrators to ensure uniform compliance with physical security requirements and provide for secure participation in the democratic process, both from a staffing and voter perspective.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Secretary of State and county clerks will continue to administer elections in accordance with existing law.

AMENDMENTS