

LFC Requester:	Analyst Scott Sanchez
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AGENCY BILL ANALYSIS – 2026 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: 12FEB26 *Check all that apply:*
Bill Number: SB261 Original Correction
 Amendment Substitute

Sponsor: Senator Joseph Cervantes **Agency Name and Code:** 790 – Department of Public Safety
Person Writing: Matthew Broom, Deputy Chief
Short Title: Public Peace, Health, safety & Welfare Possession **Phone:** 5757601485 **Email:** Matthew.broom@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	N/A	N/A	N/A

(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

Senate Bill 261 (SB-261) amends Section 1-20-24 NMSA 1978 to eliminate certain exemptions from the crime of unlawful possession of a firearm at a polling place.

Key Change

The bill removes exemptions that previously allowed:

- Certified law enforcement officers acting in official duties
- Commissioned law enforcement officers with arrest powers
- Officers acting under agency policy
- Concealed handgun license holders

Remaining exemptions are limited to:

- Law enforcement officers only when their presence is requested by election officials (presiding judge, election judge, county clerk, or Secretary of State)
- Persons in a private automobile
- Persons conducting lawful, non-election-related business within restricted distance

Violation remains a **petty misdemeanor**.

FISCAL IMPLICATIONS

No Fiscal Impact to DPS.

SIGNIFICANT ISSUES

SB-261 would remove an exemption for concealed handgun license holders. The Department of Public Safety (DPS) officers may be required to enforce the prohibition against individuals who were previously permitted to carry firearms in these areas. This may increase public interaction and the potential for confrontational situations at polling places, affecting workload and public perception.

The restriction on police responding promptly to crimes or emergencies at polling locations may undermine election integrity and public safety, imposing a burden on voters' rights. The main legal concern is that officers will be required to balance public safety with avoiding policy violations. This may ultimately affect law enforcement's response to active threats or emergency response obligations, especially when election officials are unaware of a threat or dangerous situation. Litigation risks may increase if the statute appears to prevent a reasonable police response.

PERFORMANCE IMPLICATIONS

Absent clear procedures prior to elections, law enforcement officers may hesitate to respond to calls for service at polling locations due to uncertainty regarding firearm restrictions. Planning, including formal deployment requests and documented authority, will be necessary to ensure uninterrupted public safety services and compliance with the statute.

ADMINISTRATIVE IMPLICATIONS

DPS will need to coordinate closely with county clerks, the Secretary of State, local law enforcement agencies, and election judges to ensure that officers assigned to polling locations are legally authorized to carry firearms. Clear procedures will need to be established regarding how requests for law enforcement presence are made and documented. Without formal coordination protocols, officers could inadvertently violate the statute.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

SB-261 does not specify whether a request for law enforcement presence must be written or verbal, whether a general security plan constitutes a request, or how the restriction applies in emergency response situations. Clarification of these issues could reduce ambiguity and prevent unintended enforcement complications.

OTHER SUBSTANTIVE ISSUES

SB-261 significantly narrows firearm exemptions at polling locations. For DPS, the primary concerns involve ensuring that officers do not inadvertently violate the statute, minimizing operational confusion during elections, and managing potential legal challenges.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.