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FISCAL IMPACT REPORT

BILL NUMBER: CS/CS/Senate Bill 261/SRCS/SJCS

Public Peace, Health, Safety & Welfare

SHORT TITLE: Possession of Firearm at Polling Place

SPONSOR: Senate Judiciary Committee

LAST ORIGINAL
UPDATE: 02/17/2026 **DATE:** 02/15/2026 **ANALYST:** Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Cost to Counties	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	Recurring	General Fund
DPS	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	Indeterminate but minimal	Recurring	General Fund
LOPD/DAs/Courts	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Law Offices of the Public Defender
 Office of the Attorney General
 Secretary of State
 Department of Public Safety
 Corrections Department

Agency or Agencies That Were Asked for Analysis but did not Respond

Administrative Office of the District Attorneys
 New Mexico Sentencing Commission

Because of the short timeframe between the bill's introduction and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated once it is received.

SUMMARY

Synopsis of SJC Substitute for SRC Substitute for Senate Bill 261

The Senate Judiciary Committee (SJC) substitute for Senate Rules Committee (SRC) substitute for Senate Bill 261 (SB261/SRCS/SJCS) amends Section 1-20-24 NMSA 1978 to eliminate most existing exemptions to the crime of unlawful possession of a firearm at a polling place.

Specifically, the bill removes statutory language allowing any certified and commissioned law enforcement officer acting in the performance of their official duties, as well as individuals carrying a concealed firearm with a valid concealed handgun license pursuant to the Concealed Handgun Carry Act, to possess firearms within the prohibited buffer zones around polling places and monitored secured containers.

SB261/SRCS/SJCS would amend this to allow only law enforcement officers, whose presence is specifically requested by an election official to maintain order or respond to an emergency, and persons who remain inside a private automobile or other private means of conveyance to be exempt from the prohibition. The bill also allows for the armed presence of officers whose office is located in the same facility as a polling place.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

By eliminating certain exemptions in Section 1-20-24, NMSA 1978, the bill could increase the number of individuals subject to arrest or citation for unlawful possession of a firearm at a polling place. The offense remains a petty misdemeanor punishable under Section 31-19-1, NMSA 1978.

Any additional enforcement would likely increase the workload for magistrate and metropolitan courts, as well as for district attorneys, and lead to higher jail costs for counties. Because the crime is punishable by up to six months in jail, incarceration costs would be borne by county detention facilities rather than by the Corrections Department (NMCD). The Department of Public Safety (DPS) notes officers may require additional coordination with election officials to ensure their presence at polling locations is formally requested, which could result in a modest administrative workload during election periods.

The overall fiscal impact is indeterminate but likely minimal at the state level and would depend on the number of additional arrests, prosecutions, and convictions during election periods.

SIGNIFICANT ISSUES

By narrowing the categories of individuals permitted to carry firearms within the statutory buffer zones surrounding polling places and monitored secured containers, SB261 increases uniformity in the application of the prohibition. This change may reduce ambiguity for election officials and law enforcement officers responsible for maintaining order at voting locations. The Secretary of State notes that the bill creates clearer, more consistent rules for election administrators responsible for maintaining secure polling environments.

SB261/SRCS/SJCS may also prompt questions about interactions with other statutes governing law enforcement authority and concealed handgun licensure, including whether removing categorical exemptions could create operational issues for off-duty officers or other individuals authorized to carry firearms under state law. DPS and the Office of the Attorney General raise concerns about how the revised exemption for law enforcement officers would apply in emergency situations, particularly when officers respond to a threat before a formal request from

an election official. Both agencies note that the bill does not specify the form a request for law enforcement presence must take or how it applies to rapidly evolving public safety situations, which could create uncertainty during implementation.

Additionally, implementation may require clear guidance and communication from the Secretary of State and county clerks to ensure voters, license holders, and law enforcement agencies understand the revised restrictions before early voting and election day. Agencies also note the addition of language providing that a violator is subject to the petty misdemeanor penalty “in addition to any other penalty provided by law” could create questions regarding the scope of permissible sentencing under Section 31-19-1, NMSA 1978.

TECHNICAL ISSUES

DPS noted the bill does not specify whether a request for law enforcement presence must be written or verbal, whether a general security plan qualifies as a request, or how the restriction applies in emergency response situations. DPS indicated clarification could reduce ambiguity and prevent unintended enforcement complications.

NMAG identified two drafting concerns. First, it noted that the phrase “of access” in the revised exemption language may be unclear without the addition of “to a polling place.” Second, it raised concerns that adding the phrase “in addition to any other penalty provided by law” could create confusion about sentencing limits under Section 31-19-1, NMSA 1978, which caps penalties for petty misdemeanors. NMAG suggested this language could create uncertainty about whether penalties beyond the statutory maximum are contemplated.

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