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HOUSE BILL 219

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Nathan "Nate" Cote

AN ACT

RELATING TO ELECTIONS; REQUIRING ADEQUATE STAFFING AND
EQUIPMENT IN POLLING LOCATIONS FOR CONSOLIDATED PRECINCTS TO
AVOID DELAY IN VOTING ON ELECTION DAY.

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

SECTION 1. Section 1-3-4 NMSA 1978 (being Laws 1975,
Chapter 255, Section 30, as amended) is amended to read:

"1-3-4. CONSOLIDATION OF PRECINCTS.--

A. Precincts may be consolidated by the board of
county commissioners for the following elections:

- (1) primary and general elections;
- (2) statewide special elections;
- (3) countywide special elections; and
- (4) elections to fill vacancies in the office

of the United States house of representatives.

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1 B. Precincts may be consolidated by the governing
2 body of a municipality for municipal candidate and bond
3 elections, unless otherwise prohibited.

4 C. Precincts may be consolidated by the local
5 school board for school district candidate and bond elections,
6 unless otherwise prohibited.

7 D. When precincts are consolidated for a primary
8 and general election, the resolution required by Section 1-3-2
9 NMSA 1978, in addition to the other matters required by law,
10 shall state therein which precincts have been consolidated and
11 the designation of the polling place. In addition, when
12 consolidating precincts for primary and general elections:

13 (1) any voter of the county shall be allowed
14 to vote in any consolidated precinct polling location in the
15 county;

16 (2) each consolidated precinct shall be
17 comprised of no more than ten precincts;

18 (3) each consolidated precinct shall comply
19 with the provisions of Section 1-3-7 NMSA 1978;

20 (4) each consolidated precinct polling
21 location shall have a broadband internet connection and real-
22 time access to the statewide voter registration electronic
23 management system;

24 (5) the county clerk may maintain any
25 alternative voting locations previously used in the same

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1 election open for voting on election day for any voter in the
2 county, in addition to the polling location established in each
3 consolidated precinct; and

4 (6) the board of county commissioners may
5 permit rural precincts to be exempted from operating as or
6 being a part of a consolidated precinct; provided that if the
7 precinct is not designated as a mail ballot election precinct
8 pursuant to Section 1-6-22.1 NMSA 1978 and the polling place
9 for the rural precinct does not have real-time access to the
10 statewide voter registration electronic management system,
11 voters registered in a rural precinct as described in this
12 paragraph are permitted to vote in any consolidated precinct
13 polling location on election day only by use of a provisional
14 paper ballot, which shall be counted after the county clerk
15 confirms that the voter did not also vote in the rural
16 precinct.

17 E. When precincts are consolidated for a municipal
18 election, school election or special county election, the
19 proclamation, in addition to the other matters required by law,
20 shall state which precincts have been consolidated and the
21 designation of the polling place. Precincts consolidated for a
22 municipal election, school election or special county election
23 may allow any voter to vote in any consolidated precinct in the
24 county, which shall be stated in the proclamation.

25 F. When precincts are consolidated for a statewide

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1 special election or for a special election to fill a vacancy in
2 the office of the United States house of representatives,
3 within twenty-one days after the proclamation of election is
4 issued by the governor, the board of county commissioners shall
5 pass a resolution that, in addition to other matters required
6 by law, shall state which precincts have been consolidated and
7 the designation of the polling place. Precincts consolidated
8 for a statewide special election or for a special election to
9 fill a vacancy in the office of the United States house of
10 representatives may allow any voter to vote in any consolidated
11 precinct in the county, which shall be stated in the
12 resolution.

13 G. Unless the county clerk receives a written
14 waiver from the secretary of state specifying the location and
15 specific provision being waived, each consolidated precinct
16 polling location shall:

17 (1) have ballots available for voters from
18 every precinct that ~~[is]~~ are able to vote in the consolidated
19 precinct;

20 (2) have at least one optical scan tabulator
21 programmed to read every ballot style able to be cast in the
22 consolidated precinct;

23 (3) have at least one voting system available
24 to assist disabled voters to cast and record their votes;

25 (4) have sufficient spaces for at least five

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1 voters to simultaneously and privately mark their ballots, with
2 at least one of those spaces wheelchair-accessible;

3 (5) have a sufficient number of poll workers,
4 voting systems, ballot printers and voting booths available to
5 process without delay the maximum number of voters eligible to
6 vote on election day from the precincts consolidated into that
7 polling location;

8 [~~5~~] (6) have a secure area for storage of
9 preprinted ballots or for storage of paper ballot stock and a
10 system designed to print ballots at a polling location;

11 [~~6~~] (7) issue a ballot to voters who have
12 provided the required voter identification after the voter has
13 signed a signature roster or an electronic equivalent approved
14 by the voting system certification committee or after the voter
15 has subscribed an application to vote on a form approved by the
16 secretary of state; and

17 [~~7~~] (8) be in a location that is accessible
18 and compliant with the requirements of the federal Americans
19 with Disabilities Act of 1990.

20 H. As a prerequisite to consolidation, the
21 authorizing resolution must find that consolidation will make
22 voting more convenient and accessible to voters of the
23 consolidated precinct and does not result in delays for voters
24 in the voting process and the consolidated precinct voting
25 location will be centrally located within the consolidated

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precinct."