

SENATE FLOOR SUBSTITUTE FOR
HOUSE BILL 4

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO ELECTIONS; ENACTING THE NATIVE AMERICAN VOTING RIGHTS ACT; PROVIDING POLLING PLACES ON INDIAN NATION, TRIBE AND PUEBLO LANDS; ADDRESSING PRECINCT BOUNDARIES; EXPANDING EARLY VOTING SITES AND ALTERNATE MOBILE LOCATIONS; PROVIDING NATIVE AMERICAN LANGUAGE BROADCAST SERVICES; PROVIDING ELECTION INFORMATION; ESTABLISHING PRECINCTS ON INDIAN LANDS; ESTABLISHING THE NATIVE AMERICAN VOTING AND EDUCATION TASK FORCE; ADDRESSING COMPLIANCE WITH THE FEDERAL VOTING RIGHTS ACT OF 1965 AND STATE NATIVE AMERICAN ELECTION STATUTORY LAWS; PROVIDING FOR VOTER REGISTRATION; PROVIDING FOR VOTER REMOVAL PROCEDURES; PROVIDING FOR EMERGENCY VOTING SERVICES; PROVIDING FOR COMPLIANCE; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

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underscored material = new
~~[bracketed material]~~ = delete

1 SECTION 1. A new Section 1-21A-1 NMSA 1978 is enacted to
2 read:

3 "1-21A-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article
4 21A NMSA 1978 may be cited as the "Native American Voting
5 Rights Act"."

6 SECTION 2. A new Section 1-21A-2 NMSA 1978 is enacted to
7 read:

8 "1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the
9 Native American Voting Rights Act:

10 A. "broadcast services" means to air Native
11 American language interpretations on a radio station covering
12 Native American communities whose residents speak and
13 understand the language group broadcast;

14 B. "consultation" means to meet with an Indian
15 nation, tribe or pueblo;

16 C. "early voting location" means an expanded fixed
17 alternate voting location and a mobile alternate voting
18 location and includes early voting in the county clerk's
19 office;

20 D. "election information" means presentations,
21 printed materials, social media, efforts for election
22 transparency or election education promotions for Native
23 American communities and county precincts having Native
24 American registered voters;

25 E. "emergency ballots" means emergency ballots of

1 voters homebound or voters in homecare centers;

2 F. "Indian nation, tribe or pueblo" means any
3 federally recognized Indian nation, tribe or pueblo located
4 wholly or partially in New Mexico;

5 G. "memorandum of agreement" means a written
6 consensus between the Indian nation, tribe or pueblo to provide
7 a voting location or access to voting on Indian nation, tribe
8 and pueblo lands;

9 H. "polling place" means an expanded early voting
10 fixed location, early voting in the county clerk's office and a
11 voter convenience center;

12 I. "voter convenience center" means an election day
13 voting location; and

14 J. "written request" means a request sent in
15 writing by the president, governor or governing body or a
16 tribal official in an official capacity of an Indian nation,
17 tribe or pueblo to submit written requests pursuant to the
18 Native American Voting Rights Act; provided that the
19 designation and its requests thereof have been communicated in
20 writing to the county clerk and a copy sent to the secretary of
21 state by the president, governor or any tribal official in an
22 official capacity of the Indian nation, tribe or pueblo."

23 SECTION 3. A new Section 1-21A-3 NMSA 1978 is enacted to
24 read:

25 "1-21A-3. [NEW MATERIAL] PROVIDING POLLING PLACES ON

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1 INDIAN LANDS.--

2 A. No later than the third Tuesday in February
3 preceding a primary, general or regular local election or a
4 special election, the county clerk shall send a letter to
5 consult with an Indian nation, tribe or pueblo to establish a
6 fixed voting convenience center on Indian lands; provided that
7 the county clerk consults with the Indian nation, tribe or
8 pueblo for an election day voting convenience center site on
9 Indian nation, tribe or pueblo lands. Such consultation shall
10 include permission through a memorandum of agreement to
11 establish and set up voting tabulators, precinct board, county
12 personnel, county voting equipment and internet connectivity
13 and to enter upon the Indian nation, tribe or pueblo. Upon
14 such consultation and memorandum of agreement, the county clerk
15 shall include an election day voting convenience center on the
16 resolution adopted by the board of county commissioners for
17 that election.

18 B. No later than the third Tuesday in February
19 preceding a primary, general or regular local election or a
20 special election, the county clerk shall send a letter to
21 consult with an Indian nation, tribe or pueblo to establish an
22 expanded fixed early voting site on Indian nation, tribe or
23 pueblo lands; provided that the county clerk consults with the
24 Indian nation, tribe or pueblo for an expanded fixed early
25 voting site on Indian lands. Upon such consultation through a

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