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56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Peter Wirth and Reena Szczepanski and Brenda G. McKenna
and Joseph Cervantes

AN ACT

RELATING TO ELECTIONS; PROHIBITING THE POSSESSION OF A FIREARM
WITHIN CERTAIN DISTANCES OF A POLLING PLACE DURING AN ELECTION;
PROVIDING EXCEPTIONS; PROVIDING A PENALTY.

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

SECTION 1. A new section of Chapter 1, Article 20 NMSA
1978 is enacted to read:

"[NEW MATERIAL] UNLAWFUL POSSESSION OF A FIREARM AT A
POLLING PLACE.--

A. Unlawful possession of a firearm at a polling
place consists of possession of a loaded or unloaded firearm by
any person, other than a certified law enforcement officer in
performance of the officer's official duties or other security
personnel with written authorization of the appropriate
municipal or county election official, within:

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1 (1) one hundred feet of the door through which
2 voters may enter to vote at a school building in which a
3 polling place is located on election day;

4 (2) one hundred feet of the door through which
5 voters may enter to vote at the office of the county clerk, an
6 alternate voting location, a mobile voting site or any location
7 used as a polling place on election day that is not a school;
8 or

9 (3) fifty feet of a postal collection box or a
10 monitored secured container.

11 B. A person conducting lawful, non-election-related
12 business nearer than one hundred feet from the door through
13 which voters may enter to vote or nearer than fifty feet from a
14 postal collection box or monitored secured container is not
15 guilty of unlawful possession of a firearm at a polling place.

16 C. A person who commits unlawful possession of a
17 firearm at a polling place is guilty of a petty misdemeanor and
18 shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

19 D. For the purposes of this section, "firearm"
20 means a weapon that will or is designed to or may readily be
21 converted to expel a projectile by the action of an explosion;
22 the frame or receiver of any such weapon; or any firearm
23 muffler or firearm silencer."