

NM Voting Rights Act/ Native American Voting Rights Act

(Effective July 1, 2023)



HB-4 Voting Rights Protections *(A. Curtas, Communications Director, NMSOS)*

Highlights:

- Native American Voting Rights Act (effective July 1, 2023)
- Automatic Voter Registration (effective July 1, 2025)
- Permanent Absentee List (effective January 1, 2024)
- Changes to Restitution of Voting Access for Formerly Incarcerated People (effective July 1, 2023)
- Election Day as School Holiday (effective January 1, 2024)
- Voter Data Protections (effective July 1, 2023)



NMAC 1.10.22 Provisional Voting

1.10.22.6 – Objective: The Help America Vote Act, **PL 106-25** (10/29/2002) requires the casting of a provisional ballot in the following circumstances:

- A voter whose name does not appear on the roster at the polling place, on the county voter file, or
- A new voter who has not provided the required identification to vote.

1.10.22.7 – Definitions (page 1)

- B. **“Alternate Voting Location”** means a location outside the office of the county clerk, established by the county clerk, where a voter may **cast an early in person ballot** on a voting tabulator. This includes mobile alternate voting locations.



NMAC 1.10.24 Referendum Petition Procedures

1.10.24.6 – Objective: To establish administrative procedures for the review of submitted draft referendum petitions prior to circulation and to establish administrative procedures for the review of signatures on completed referendum petitions.

1.10.22.7 – Definitions (page 1)

- H. **“Signer”** means a qualified elector or registered voter who signs his name to a referendum
- I. **“Solicitor”** means a person who circulates a referendum petition and requests the signatures of qualified electors or registered voters.
- J. **“Sponsor”** means the individual, group of persons or organization circulating a referendum petition pursuant to Article IV, Section 1 of the New Mexico Constitution and the provisions of Article 17 of the Election Code.

1.10.22.8 – Completed Petition Filing (page 1)

- D. If a signer of a referendum petition is a **qualified elector**, but not a registered voter, the qualified elector shall write “qualified elector” in lieu of a voting precinct on the petition page, the designated agent shall submit documentation the signer is 18 years of age and a resident of the county. Acceptable documentation: government issued verification with age of signer and other documents that indicate county of residence.



Expenses (*A. Curtas, Communications Director, NIMSOS*)

“All necessary and reasonable expenses incurred by a county clerk for compliance with the Native American Voting Rights Act, including the costs of voting equipment and personnel for polling places and monitored secured containers on Indian nation, tribal or pueblo land, shall be paid for by the secretary of state or shall be reimbursed to the county by the secretary of state. B. The secretary of state shall distribute from the election fund sufficient funds to each county for the costs related to compliance with the Native American Voting Rights Act, either as grants or reimbursement.”

Effective July 1, 2023



Emergency Situations (*A. Curtas, Communications Director, NIMSOS*)

If a president, governor or governing body of an Indian nation, tribe or pueblo has declared a state of emergency or has invoked emergency powers pursuant to other laws:

1. Requires written agreement with president, governor or governing body to eliminate or change the hours of a polling location.
2. Provides timelines for the provision of additional polling locations, upon written request.
3. Establishes the ability to waive the requirement that a polling place be available to all voters in the county if an Indian nation, tribe or pueblo is inaccessible or the borders are closed.

Effective July 1, 2023



Contacts:

Ahtza D. Chavez, Executive Director
Ahtza@naeva.org
(505) 489-8658

Charlotte Little
Charlotte@naeva.org
(505) 238-0595

**New Mexico Secretary of State
Bureau of Elections**
(505) 827-3600 (Option 2)
Elections@sos.nm.gov
<https://www.sos.nm.gov/voting-and-elections/>

Alma Rosa Silva-Banuelos, Chief of Staff
AlmaRosa@naeva.org
(505) 933-6600

Joseph Little, Esq.
jdlittle01@msn.com
(505) 908-8623

