

HOUSE BILL 231

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Georgene Louis and D. Wonda Johnson

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ELECTIONS; PROVIDING PROTECTIONS FOR POLLING  
LOCATIONS ON INDIAN NATION, TRIBAL OR PUEBLO LAND SRC→;  
~~REQUIRING THE AGREEMENT OF AN INDIAN NATION, TRIBE OR PUEBLO TO~~  
~~SRC→Hf11→CLOSE←Hf11 Hf11→ELIMINATE←Hf11←SRC SRC→CLOSE←SRC~~  
~~OR CONSOLIDATE POLLING LOCATIONS; MAKING TECHNICAL CHANGES←SRC~~  
SRC→Hf11→; ~~DECLARING AN EMERGENCY←Hf11←SRC~~ SRC→IN THE EVENT  
OF A DECLARED EMERGENCY OR THE INVOCATION OF EMERGENCY POWERS;  
CHANGING NOTICE PROVISIONS FOR REQUESTS FOR ALTERNATE VOTING

.219316.1AIC March 18, 2021 (1:31pm)

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LOCATIONS; DECLARING AN EMERGENCY. ←SRC .

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

SIRC → SRC → 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--VOTER CONVENIENCE CENTERS.--~~

~~A. The board of county commissioners may permit voters in the county to cast ballots in statewide elections at voter convenience centers through the use of consolidated precincts authorized pursuant to this section.~~

~~B. When precincts are consolidated and voter convenience centers are established for statewide elections:~~

~~(1) the resolution required by Section 1-3-2 NMSA 1978, in addition to the other matters required by law, shall state therein which precincts have been consolidated and the location of the voter convenience center within that consolidated precinct;~~

~~(2) any voter of the county shall be allowed to vote on a regular ballot at any voter convenience center in the county;~~

~~(3) each voter convenience center shall be a consolidated precinct composed of no more than ten precincts;~~

~~(4) each voter convenience center shall comply with the provisions of Section 1-3-7 NMSA 1978;~~

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~~(5) each voter convenience center shall have a broadband internet connection and real-time access to the voter registration electronic management system;~~

~~(6) the county clerk may maintain any alternate voting locations or mobile alternate voting locations previously used in the same election open for voting on election day as a voter convenience center, in addition to the voter convenience center established within each consolidated precinct; provided that the locations otherwise meet the requirements of a voter convenience center; and~~

~~(7) the board of county commissioners may permit certain precincts to be exempted from operating as a voter convenience center or being a part of a consolidated precinct; provided that if the precinct is not designated as a mail ballot election precinct pursuant to Section 1-6-22.1 NMSA 1978 and the polling place for that precinct does not have real-time access to the voter registration electronic management system, voters registered in a precinct as described in this paragraph are permitted to vote at any voter convenience center on election day only by use of a provisional paper ballot, which shall be counted after the county clerk confirms that the voter did not also vote in the same election on any other ballot.~~

~~G. Unless the county clerk receives a written~~

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~~waiver from the secretary of state specifying the location and specific provision being waived, each voter convenience center shall:~~

~~(1) have ballots available for voters from every precinct authorized to vote at that voter convenience center;~~

~~(2) have at least one optical scan tabulator programmed to read every ballot style able to be cast at that voter convenience center;~~

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

~~(4) have sufficient spaces for at least five voters to simultaneously and privately mark their ballots, with at least one of those spaces wheelchair-accessible;~~

~~(5) have sufficient check-in stations to accommodate voters throughout the day as provided in Section 1-9-5 NMSA 1978;~~

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

~~(7) issue a ballot to voters who have provided the required voter identification after the voter has signed a signature roster or an electronic equivalent approved by the voting system certification committee or after the voter has~~

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~~subscribed an application to vote on a form approved by the secretary of state; and~~

~~(8) be in a location that is accessible and compliant with the requirements of the federal Americans with Disabilities Act of 1990.~~

~~D. A polling place located on Indian nation, tribal or pueblo land shall not be SRC→HSEIC→closed←HSEIC HSEIC→eliminated←HSEIC←SRC SRC→closed←SRC or consolidated with other polling locations without the written agreement of the Indian nation, tribe or pueblo where the polling location is located. If, as a result of public health concerns, voters registered within the Indian nation, tribe or pueblo are unable to leave the Indian nation, tribe or pueblo during the time when voting occurs, regardless of whether voters residing outside the boundaries of the Indian nation, tribe or pueblo are able to access such polling locations, there shall be at least one polling location within the boundaries of the Indian nation, tribe or pueblo.~~

~~{D.} E. As a prerequisite to consolidation, the authorizing resolution must find that consolidation will make voting more convenient and accessible to voters of the consolidated precinct and will not result in delays for voters in the voting process and that the voter convenience center will be centrally located within the consolidated precinct.~~

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~~The board of county commissioners shall give due consideration to input received from any local public body in the county regarding the location of voter convenience centers."~~

~~SECTION 2. Section 1-6-5.8 NMSA 1978 (being Laws 2009, Chapter 251, Section 2, as amended) is amended to read:~~

~~"1-6-5.8. EARLY VOTING--NATIVE AMERICAN EARLY VOTING LOCATIONS.--A county clerk shall provide at least one alternate voting or mobile alternate voting location on Indian nation, tribal or pueblo land when requested by the Indian nation, tribe or pueblo in the county; provided that:~~

~~A. the Indian nation, tribe or pueblo submits a written request to the county clerk no later than [the first Monday in November of each odd-numbered year] one hundred days before each statewide election;~~

~~B. the alternate voting or mobile alternate voting location may operate for less than the full early voting period, to be decided upon between the Indian nation, tribe or pueblo and the county clerk;~~

~~C. any voter of the county shall have access to and be permitted to vote at the alternate voting or mobile alternate voting location;~~

~~D. the location of the alternate voting or mobile alternate voting location on Indian nation, tribal or pueblo land conforms to the requirements for alternate voting~~

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~~locations, except as specified in this section;~~

~~E. the county clerk provides federally mandated language translators at the alternate voting or mobile alternate voting locations;~~

~~F. the Indian nation, tribe or pueblo provides the facility and services for the alternate voting or mobile alternate voting location; and~~

~~G. the costs of voting equipment and personnel for the alternate voting or mobile alternate voting locations on Indian nation, tribal or pueblo land pursuant to this section are reimbursed to the county by the secretary of state."~~ ←SRC

SRC →SECTION 1. A new Section 1-3-7.2 NMSA 1978 is enacted to read:

"1-3-7.2. [NEW MATERIAL] POLLING PLACES ON NATIVE AMERICAN LANDS.--If, in an area that includes Indian nation, tribal or pueblo lands, the president, governor or governing body of the Indian nation, tribe or pueblo has declared an emergency or has invoked emergency powers pursuant to other laws:

A. a polling place located on Indian nation, tribal or pueblo land shall not be eliminated or consolidated with other polling places, nor shall the days and times of voting be modified, without the written agreement of the Indian nation, tribe or pueblo where the polling place is located;

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~~B. no later than ninety-eight days before a statewide election without a court order and by means of a written request or no later than forty-nine days before a statewide election with a court order, the county clerk shall provide to an Indian nation, tribe or pueblo that has not previously requested for that election cycle at least one alternate voting or mobile alternate voting location for that election; provided the alternate voting or mobile alternate voting location otherwise complies with the requirements of Section 1-6-5.8 NMSA 1978;~~

~~C. no later than eighty-four days before a statewide election without a court order and by means of a written request or no later than thirty-five days before a statewide election with a court order, the county clerk shall provide an election day polling place to an Indian nation, tribe or pueblo that does not already have an election day polling place within its boundaries if voters registered within the Indian nation, tribe or pueblo are unable to leave the Indian nation, tribe or pueblo during the time when voting occurs for a statewide election;~~

~~D. the requirement that a polling place be available to all voters in the county is waived if an Indian nation, tribe or pueblo is inaccessible or the borders are closed; and~~

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~~E. all necessary and reasonable expenses by the county clerk for compliance with this section shall be reimbursed by the secretary of state."~~

~~SECTION 2. Section 1-3-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 58, as amended) is amended to read:~~

~~"1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--~~

~~A. Upon the adoption of any resolution, or upon the final action of any district court upon a petition creating, abolishing, dividing or consolidating any precinct, or changing any precinct boundary, or changing any designated polling place, the board of county commissioners shall:~~

~~{A.} (1) send a certified copy of the resolution or court order to the secretary of state and to the county [chairman] chair of each of the major political parties; and~~

~~{B.} (2) publish once the resolution in a newspaper as provided in the Election Code.~~

~~B. A polling place located on Indian nation, tribal or pueblo lands shall not be eliminated or consolidated with other polling locations without the written agreement of the Indian nation, tribe or pueblo on which the polling place is located."~~

~~SECTION 3. Section 1-6-5.8 NMSA 1978 (being Laws 2009, Chapter 251, Section 2, as amended) is amended to read:~~

~~"1-6-5.8. EARLY VOTING--NATIVE AMERICAN EARLY VOTING~~

~~LOCATIONS.--A county clerk shall provide at least one alternate voting or mobile alternate voting location on Indian nation, tribal or pueblo land when requested by the Indian nation, tribe or pueblo in the county; provided that:~~

~~A. the Indian nation, tribe or pueblo submits a written request to the county clerk [no later than the first Monday in November] between the second Tuesday in March and the second Tuesday in April of each odd-numbered year;~~

~~B. the alternate voting or mobile alternate voting location may operate for less than the full early voting period, to be decided upon between the Indian nation, tribe or pueblo and the county clerk;~~

~~C. any voter of the county shall have access to and be permitted to vote at the alternate voting or mobile alternate voting location;~~

~~D. the location of the alternate voting or mobile alternate voting location on Indian nation, tribal or pueblo land conforms to the requirements for alternate voting locations, except as specified in this section;~~

~~E. the county clerk provides federally mandated language translators at the alternate voting or mobile alternate voting locations;~~

~~F. the Indian nation, tribe or pueblo provides the~~

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~~facility and services for the alternate voting or mobile  
alternate voting location; and~~

~~G. the costs of voting equipment and personnel for  
the alternate voting or mobile alternate voting locations on  
Indian nation, tribal or pueblo land pursuant to this section  
are reimbursed to the county by the secretary of  
state."←SRC←SIRC~~

SIRC→SECTION 1. A new Section 1-3-7.2 NMSA 1978 is  
enacted to  
read:

"1-3-7.2. [NEW MATERIAL] POLLING PLACES ON NATIVE  
AMERICAN LANDS.--If, in an area that includes Indian nation,  
tribal or pueblo lands, the president, governor or governing  
body of the Indian nation, tribe or pueblo has declared an  
emergency or has invoked emergency powers pursuant to other  
laws:

A. a polling place located on Indian nation, tribal  
or pueblo land shall not be eliminated or consolidated with  
other polling places, nor shall the days and times of voting be  
modified, without the written agreement of the Indian nation,  
tribe or pueblo where the polling place is located;

B. no later than ninety-eight days before a  
statewide election without a court order and by means of a  
written request or no later than forty-nine days before a

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statewide election with a court order, the county clerk shall provide to an Indian nation, tribe or pueblo that has not previously requested for that election cycle at least one alternate voting or mobile alternate voting location for that election; provided the alternate voting or mobile alternate voting location otherwise complies with the requirements of Section 1-6-5.8 NMSA 1978;

C. no later than eighty-four days before a statewide election without a court order and by means of a written request or no later than thirty-five days before a statewide election with a court order, the county clerk shall provide an election day polling place to an Indian nation, tribe or pueblo that does not already have an election day polling place within its boundaries if voters registered within the Indian nation, tribe or pueblo are unable to leave the Indian nation, tribe or pueblo during the time when voting occurs for a statewide election;

D. the requirement that a polling place be available to all voters in the county is waived if an Indian nation, tribe or pueblo is inaccessible or the borders are closed; and

E. all necessary and reasonable expenses by the county clerk for compliance with this section shall be

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reimbursed by the secretary of state."

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[A.] (1) send a certified copy of the resolution or court order to the secretary of state and to the county [chairman] chair of each of the major political parties; and

[B.] (2) publish once the resolution in a newspaper as provided in the Election Code.

B. A polling place located on Indian nation, tribal or pueblo lands shall not be eliminated or consolidated with other polling locations without the written agreement of the Indian nation, tribe or pueblo on which the polling place is located."←SIRC

Hf11→SECTION SRC→~~3.~~←SRC SRC→4.←SRC EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.←Hf11