

FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021

HB 231/a

March 18, 2021

Mr. President:

Your **INDIAN, RURAL AND CULTURAL AFFAIRS COMMITTEE**,
to whom has been referred

HOUSE BILL 231, as amended

has had it under consideration and reports same with recommendation
that it **DO PASS**, amended as follows:

1. Strike Senate Rules Committee Amendments 4 and 5.

2. On pages 1 through 6, strike Sections 1 and 2 in their
entirety and insert in lieu thereof the following new sections:

"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 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;

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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 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.

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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."

Respectfully submitted,

SHANNON D. PINTO, CHAIR

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: None

Absent: None

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