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SENATE BILL 8

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

Peter Wirth and Javier Martínez and Katy M. Duhigg and  
Harold Pope and Carrie Hamblen

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR A NOMINATING PETITION  
ELECTRONIC SIGNATURE PILOT PROGRAM; ALLOWING QUALIFIED  
RESIDENTS WHO ARE SIXTEEN YEARS OLD TO VOTE IN LOCAL AND  
MUNICIPAL ELECTIONS; ALLOWING DESIGNATION OF A TRIBAL  
GOVERNMENT BUILDING AS A QUALIFIED ELECTOR'S MAILING ADDRESS;  
AMENDING VOTER REGISTRATION PROCEDURES AND REQUIREMENTS;  
REPEALING AND REPLACING THE REGISTRATION AT VOTING LOCATION  
PRIOR TO VOTING PROVISIONS; PROVIDING FOR AUTOMATIC VOTER  
REGISTRATION; EXPANDING ONLINE VOTER REGISTRATION  
OPPORTUNITIES; ALLOWING ACCESS TO LISTS OF ELIGIBLE BUT  
UNREGISTERED INDIVIDUALS; PROVIDING THAT INMATES ARE ELIGIBLE  
TO VOTE AND REGISTER TO VOTE UPON RELEASE; CREATING A PERMANENT  
ABSENTEE VOTER LIST; ENACTING THE NATIVE AMERICAN VOTING RIGHTS  
ACT TO PROTECT POLLING PLACE ACCESS AND ADDRESS OTHER ELECTION  
ISSUES INVOLVING VOTERS ON INDIAN NATION, TRIBAL AND PUEBLO

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1 LAND; CLARIFYING PROCEDURES FOR THE ACCEPTANCE OF VOTED MAILED  
2 BALLOTS; AMENDING PROVISIONS FOR MONITORED SECURED CONTAINERS;  
3 DECLARING THE DAY OF A STATEWIDE ELECTION A LEGAL PUBLIC  
4 HOLIDAY; DECLARING THE DAY OF A GENERAL ELECTION A SCHOOL  
5 HOLIDAY; PROVIDING FOR A TRANSFER FROM THE EXCESS EXTRACTION  
6 TAXES SUSPENSE FUND TO THE STATE ELECTION FUND; REQUIRING A  
7 PRESIDENTIAL ELECTOR TO RESIGN IF THE ELECTOR VOTES AGAINST THE  
8 ELECTOR'S PARTY; PROVIDING REQUIREMENTS FOR THE RESTORATION OF  
9 THE RIGHT TO HOLD AN OFFICE OF PUBLIC TRUST; MAKING CONFORMING  
10 AND TECHNICAL CHANGES; AMENDING, REPEALING AND ENACTING  
11 SECTIONS OF THE NMSA 1978.

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 SECTION 1. Section 1-1-7.2 NMSA 1978 (being Laws 1973,  
15 Chapter 228, Section 5, as amended) is amended to read:

16 "1-1-7.2. PETITIONS--NOMINATIONS--SIGNATURES TO BE  
17 COUNTED.--

18 A. A person who signs a nominating petition shall  
19 sign only one petition for the same office unless more than one  
20 candidate is to be elected to that office, and in that case, a  
21 person may sign not more than the number of nominating  
22 petitions equal to the number of candidates to be elected to  
23 the office.

24 B. A person who signs a nominating petition shall  
25 indicate the person's registration address. If the person does

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1 not have a standard street address, the person may provide the  
2 mailing address as shown on the person's certificate of  
3 registration.

4 C. A signature shall be counted on a nominating  
5 petition unless there is evidence presented that the petition  
6 does not provide the information required by the nominating  
7 petition for each person signing or the person signing:

8 (1) is not a voter of the state, district,  
9 county or area to be represented by the office for which the  
10 person seeking the nomination is a candidate;

11 (2) has signed more than one petition for the  
12 same office, except as provided in Subsection A of this  
13 section, and if the person has signed more than one petition  
14 for the same office and in the same election cycle, none of the  
15 challenged signatures from that person shall count toward the  
16 total number of signatures required for any candidate for that  
17 office;

18 (3) has signed one petition more than once, in  
19 which case only one signature from that person shall count  
20 toward the total number of signatures required for that  
21 candidate for office;

22 (4) in a primary election, is not of the same  
23 political party as the candidate named in the nominating  
24 petition as shown by the signer's certificate of registration;

25 or

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1 (5) is not the person whose name appears on  
2 the nominating petition.

3 D. The procedures set forth in this section shall  
4 be used to validate signatures on any petition required by the  
5 Election Code, except that Paragraph (4) of Subsection C of  
6 this section shall not apply to petitions filed by unaffiliated  
7 candidates or petitions filed by candidates of minor political  
8 parties.

9 E. No later than January 1, 2023, the secretary of  
10 state shall implement a pilot program of a secure internet  
11 application, in addition to the paper circulation process, to  
12 gather electronic signatures in accordance with rules developed  
13 by the secretary of state. The secure internet application  
14 shall provide for the ability to verify that a person signing  
15 the petition is a registered voter and is eligible to sign the  
16 petition for a particular candidate."

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

19 "1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--

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

25 (1) send a certified copy of the resolution or

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1 court order to the secretary of state and to the county chair  
2 of each of the major political parties; and

3 (2) publish once the resolution in a newspaper  
4 as provided in the Election Code.

5 B. A polling place located on Indian nation, tribal  
6 or pueblo lands shall not be eliminated or consolidated with  
7 other polling locations [~~without the written agreement of the~~  
8 ~~Indian nation, tribe or pueblo on which the polling place is~~  
9 ~~located~~] except as provided in the Native American Voting  
10 Rights Act."

11 SECTION 3. Section 1-4-2 NMSA 1978 (being Laws 1969,  
12 Chapter 240, Section 60, as amended) is amended to read:

13 "1-4-2. REGISTRATION OF QUALIFIED RESIDENTS--RIGHT TO  
14 VOTE IN PRIMARY, REGULAR LOCAL ELECTIONS, SPECIAL LOCAL  
15 ELECTIONS AND MUNICIPAL ELECTIONS.--

16 A. Any qualified resident of New Mexico shall be  
17 permitted within the provisions of the Election Code to submit  
18 a voter registration certificate in paper form, through the  
19 online voter registration portal provided by the secretary of  
20 state, electronically when conducting [~~an in-person~~] a  
21 transaction at the motor vehicle division of the taxation and  
22 revenue department or as otherwise prescribed by the secretary  
23 of state or in the Election Code. The certificate shall be  
24 processed by the county clerk in the same manner as for a  
25 qualified elector, but the qualified resident shall not become

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1 a voter nor be considered a voter except as provided by this  
2 section.

3 B. If a qualified resident submits a voter  
4 registration certificate in accordance with the provisions of  
5 Subsection A of this section and pursuant to the requirements  
6 of Section 1-4-8 NMSA 1978, the qualified resident shall:

7 (1) become a voter upon the qualified  
8 resident's eighteenth birthday;

9 (2) be considered a voter for the purpose of  
10 participation in a statewide or special election [~~where~~] if the  
11 qualified resident will turn eighteen on or before the day of  
12 the statewide or special election; [~~or~~]

13 (3) be considered a voter for the purpose of  
14 participation in a political party primary election [~~where~~] if  
15 the qualified resident will turn eighteen on or before the day  
16 of the general election immediately succeeding the primary  
17 election;

18 (4) become a voter for the purpose of  
19 participation in a regular local election, special local  
20 election or municipal election upon the qualified resident's  
21 sixteenth birthday; or

22 (5) be considered a voter for the purpose of  
23 participation in a regular local election, special local  
24 election or municipal election if the qualified resident will  
25 turn sixteen on or before the day of the regular local

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1 election, special local election or municipal election.

2 C. Any resident of New Mexico who may be a  
3 qualified elector upon the resident's eighteenth birthday, or  
4 who may be a qualified elector for the purposes of a local  
5 election, special local election or municipal election upon the  
6 resident's sixteenth birthday, who obtains a license, permit or  
7 identification card from the motor vehicle division of the  
8 taxation and revenue department and who has not submitted a  
9 voter registration certificate pursuant to Subsection A of this  
10 section shall be sent a notification by the secretary of state  
11 advising the resident of the requirements and opportunity to  
12 register to vote and a uniform resource locator for a web page  
13 where the resident may submit a voter registration certificate  
14 online. When applicable, a notification shall be sent to a  
15 resident described in this subsection within the sixty days  
16 following the resident's [~~seventeenth~~] fifteenth birthday, when  
17 the resident obtained a license, permit or identification card  
18 from the motor vehicle division prior to the resident's  
19 [~~seventeenth~~] sixteenth birthday and within thirty days prior  
20 to the resident's eighteenth birthday."

21 SECTION 4. Section 1-4-5.2 NMSA 1978 (being Laws 1995,  
22 Chapter 198, Section 3) is amended to read:

23 "1-4-5.2. AGENCY REGISTRATION--FORM.--

24 A. A qualified elector may register to vote at  
25 certain state government offices.

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1           B. Pursuant to Section 1-4-47 NMSA 1978, a  
2 qualified elector who applies for a driver's license, license  
3 renewal or motor vehicle identification card, who is not  
4 registered to vote in the state and who is not automatically  
5 registered to vote pursuant to the automatic voter registration  
6 provisions of Section 1-4-47 NMSA 1978 may simultaneously  
7 register to vote [~~or file a change of address for voter~~  
8 ~~registration purposes~~].

9           C. Pursuant to Section 1-4-48 NMSA 1978, a  
10 qualified elector may register to vote in any state agency that  
11 provides public assistance or services to persons with  
12 disabilities. The secretary of state may designate other state  
13 or local public offices with the agreement of those offices.

14           D. Pursuant to Sections 1-4-47 and 1-4-47.1 NMSA  
15 1978, a qualified elector may become registered to vote by  
16 automatic voter registration at the motor vehicle division of  
17 the taxation and revenue department or other state or local  
18 public offices designated by the secretary of state."

19           SECTION 5. Section 1-4-5.3 NMSA 1978 (being Laws 2005,  
20 Chapter 270, Section 18, as amended) is amended to read:

21           "1-4-5.3. REGISTRATION--LACK OF PHYSICAL ADDRESS.--

22           A. If a qualified elector resides in an area  
23 lacking a specific physical address, the qualified elector  
24 shall be allowed to substitute a mailing address along with a  
25 description, such as a map or the latitude and longitude,

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1        indicating where the qualified elector resides. A qualified  
2        elector residing on Indian nation, tribal or pueblo land may  
3        designate a tribal government building as the qualified  
4        elector's mailing address. The qualified elector shall be  
5        assigned to a precinct based on the geographic description of  
6        where the qualified elector resides.

7                    B. The secretary of state shall issue rules  
8        regarding acceptable forms of non-physical addresses."

9                    SECTION 6. Section 1-4-5.4 NMSA 1978 (being Laws 1969,  
10        Chapter 240, Section 125, as amended) is amended to read:

11                    "1-4-5.4. REGISTRATION--FORM.--

12                    A. The secretary of state shall prescribe the paper  
13        form and ensure that the certificate of registration to be used  
14        in any county is compatible with the data processing systems.  
15        The secretary of state shall also prescribe the form produced  
16        by an online or electronic voter registration transaction.

17                    B. The certificate of registration form shall  
18        require the following elements of information concerning the  
19        applicant for registration: name, gender, residence,  
20        municipality, post office, county of former registration, date  
21        of birth, political party affiliation, zip code, telephone  
22        number at the applicant's option and statement of qualification  
23        for voting. The paper form shall contain a space for the  
24        qualified elector to provide a driver's license or state  
25        identification number issued by the motor vehicle division of

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1 the taxation and revenue department or the last four digits of  
2 the qualified elector's social security number, while the form  
3 resulting from an online or electronic voter registration  
4 transaction shall contain the qualified elector's New Mexico  
5 driver's license number or state identification number or full  
6 social security number.

7 C. Provision shall be made for the usual signature  
8 or mark of the applicant, for the signature of the county clerk  
9 and for the dates of such signatures.

10 D. The certificate form may be multipurpose by  
11 providing for an indication of whether the certificate of  
12 registration is for a new registration, a change in the  
13 existing registration or a cancellation of an existing  
14 registration. Provision shall be made on any multipurpose form  
15 for entry of any existing registered information for which a  
16 change may be requested.

17 E. The certificate of registration forms shall be  
18 serially numbered and shall be furnished promptly and in  
19 adequate supply by the secretary of state upon application from  
20 the county clerk.

21 F. The secretary of state shall maintain on the  
22 secretary's website a Privacy Act notice in conformance with  
23 the federal Privacy Act of 1974."

24 **SECTION 7.** Section 1-4-5.5 NMSA 1978 (being Laws 1975,  
25 Chapter 255, Section 78, as amended) is amended to read:

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1 "1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR  
2 SPECIAL VOTER LISTS.--

3 A. The county clerk or secretary of state shall  
4 furnish voter data, mailing labels or special voter lists only  
5 upon written request to the county clerk or the secretary of  
6 state and after compliance with the requirements of this  
7 section; provided, however, all requesters shall be treated  
8 equally in regard to the charges and the furnishing of the  
9 materials.

10 B. The secretary of state shall furnish the list of  
11 eligible but unregistered individuals in the state, a county or  
12 public office district only upon written request to the  
13 secretary of state and after compliance with the requirements  
14 of this section and to the extent allowable by law and  
15 intergovernmental agreements; provided, however, all requesters  
16 shall be treated equally in regard to the charges and the  
17 furnishing of the materials.

18 [~~B.~~] C. In furnishing voter data, mailing labels or  
19 special voter lists, the county clerk or secretary of state  
20 shall not provide data or lists that include voters' social  
21 security numbers, codes used to identify agencies where voters  
22 have registered, a voter's day and month of birth or voters'  
23 telephone numbers if prohibited by voters.

24 [~~C.~~] D. Each requester of voter data, mailing  
25 labels or special voter lists shall sign an affidavit that the

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1 voter data, mailing labels and special voter lists shall be  
2 used for governmental or election and election campaign  
3 purposes only and shall not be made available or used for  
4 unlawful purposes.

5 ~~[D.]~~ E. The secretary of state shall prescribe the  
6 form of the affidavit.

7 ~~[E.]~~ F. As used in this section:

8 (1) "election campaign purposes" means  
9 relating in any way to a campaign in an election conducted by a  
10 federal, state or local government;

11 (2) "eligible but unregistered" means those  
12 persons who are believed to be qualified electors who have not  
13 become voters as identified by the secretary of state using a  
14 non-discriminatory comparison of databases in conjunction with  
15 other governments and government agencies;

16 ~~[+2]~~ (3) "governmental purposes" means  
17 noncommercial purposes relating in any way to the structure,  
18 operation or decision-making of a federal, state or local  
19 government;

20 ~~[+3]~~ (4) "mailing labels" means prepared  
21 mailing labels of selected voters arranged in the order in  
22 which requested and providing only the name and address of the  
23 voter;

24 ~~[+4]~~ (5) "special voter list" means a  
25 prepared list of selected voters arranged in the order in which

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1 requested; and

2 [~~(5)~~] (6) "voter data" means selected  
3 information derived from the voter file."

4 SECTION 8. Section 1-4-5.7 NMSA 1978 (being Laws 2019,  
5 Chapter 67, Section 1, as amended) is repealed and a new  
6 Section 1-4-5.7 NMSA 1978 is enacted to read:

7 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION  
8 PRIOR TO VOTING.--

9 A. In addition to the provisions in Section 1-4-8  
10 NMSA 1978 providing for the closing of registration prior to an  
11 election, a qualified elector seeking to register to vote or  
12 update an existing certificate of registration in the state  
13 shall be allowed to do so at a voting location immediately  
14 before voting in that election after signing an affidavit under  
15 oath that the elector has not voted in the election in this  
16 state or elsewhere and as further provided in this section.

17 B. During a statewide election, a qualified elector  
18 may register to vote or update an existing certificate of  
19 registration at the county clerk's office during the regular  
20 hours and days of business beginning on the twenty-eighth day  
21 preceding the election through the last Friday before the  
22 election and during early voting on the Saturday immediately  
23 prior to the date of the election; provided that if the county  
24 clerk establishes an additional alternate voting location near  
25 the clerk's office in lieu of voting at the office of the

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1 county clerk, a qualified elector may register to vote or  
2 update an existing certificate of registration at that location  
3 during the regular hours and days of business beginning on the  
4 twenty-eighth day preceding the election and during the hours  
5 for voting at alternate voting locations commencing on the  
6 third Saturday prior to the election through the Saturday  
7 immediately prior to the election and, if the additional  
8 alternative voting location is open on election day, during the  
9 regular hours of voting on election day.

10 C. During a statewide election, a qualified elector  
11 may register to vote or update an existing certificate of  
12 registration at any alternate voting location, mobile alternate  
13 voting location or election day voting location; provided that  
14 the secretary of state shall establish procedures to ensure  
15 that a registration officer has an opportunity to review the  
16 information of a qualified elector who registers to vote or  
17 updates an existing certificate of registration immediately  
18 before the qualified elector votes.

19 D. A voter whose political party affiliation on the  
20 voter's certificate of registration is with a major political  
21 party shall not be allowed to change party affiliation when  
22 updating an existing certificate of registration or registering  
23 to vote at a voting location immediately before voting in a  
24 primary election.

25 E. During a special election, a qualified elector

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1 may register to vote or update an existing certificate of  
2 registration at the county clerk's office during the regular  
3 hours and days of business beginning on the twenty-eighth day  
4 preceding the election until the last regular business day the  
5 week prior to the date of the election.

6 F. A qualified elector seeking to register to vote  
7 or update an existing certificate of registration pursuant to  
8 this section shall provide a physical form of identification  
9 that is issued by a government, including a federally  
10 recognized Indian nation, tribe or pueblo, or an educational  
11 institution and that:

12 (1) contains the name of the qualified  
13 elector, which shall reasonably match the name provided on the  
14 certificate of registration;

15 (2) contains a photograph of the qualified  
16 elector, which shall resemble the qualified elector;

17 (3) need not contain an expiration date, and  
18 if it does, the expiration date is not required to be a date on  
19 or after the date of the election; and

20 (4) shall either:

21 (a) contain an address that matches the  
22 address provided for the certificate of registration; or

23 (b) be accompanied by an original or  
24 copy of a utility bill, bank statement, government check,  
25 paycheck or other document issued by an educational institution

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1 or government, including a document issued by a federally  
2 recognized Indian nation, tribe or pueblo, dated within the  
3 ninety days prior to the qualified elector registering to vote  
4 or updating an existing certificate of registration and that  
5 contains an address that matches the address provided for the  
6 certificate of registration.

7 G. If a voting location does not have real-time  
8 synchronization with the voting data at the office of the  
9 county clerk, a voter desiring to update an existing  
10 certificate of registration or to register to vote shall be  
11 issued a provisional paper ballot. A provisional paper ballot  
12 issued pursuant to this section shall be qualified and  
13 tabulated once the county clerk determines that the voter did  
14 not vote any other ballot in the same election and if no  
15 challenge is successfully interposed."

16 SECTION 9. Section 1-4-8 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 66, as amended) is amended to read:

18 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF  
19 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except  
20 for qualified electors who register to vote or update a  
21 certificate of registration at a voting location prior to  
22 voting pursuant to Section 1-4-5.7 NMSA 1978, for qualified  
23 electors seeking to register to vote or update an existing  
24 voter registration in the state prior to an election, the  
25 following provisions shall apply:

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1           A. to participate in an election, the deadline to  
2 register to vote or update an existing voter registration is  
3 twenty-eight days prior to that election;

4           B. the county clerk shall receive certificates of  
5 registration at all times during normal working hours, except  
6 that the clerk shall not process any certificate of  
7 registration subscribed and sworn beginning the first business  
8 day after the deadline to register to vote or update an  
9 existing voter registration before an election if the  
10 residential address on the certificate of registration  
11 indicates that the registration is for a:

12                   (1) statewide election, within the county; or

13                   (2) special election, within any precinct in  
14 the county in which votes may be cast in the special election;

15           C. between the deadline to register to vote or  
16 update an existing voter registration through the day of the  
17 election, the county clerk shall process all:

18                   (1) new voter registrations that meet the  
19 requirements of this section;

20                   (2) updates to existing voter registrations in  
21 this state that meet the requirements of this section; provided  
22 that an update to an existing registration in this state shall  
23 not be processed if the voter has requested or been sent a  
24 ballot in the election, unless the voter executes an affidavit  
25 stating that the voter has not and will not vote the ballot

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1 that was issued and the ballot register does not show that a  
2 ballot from the voter has been cast in the election; and

3 (3) pending cancellations of existing voter  
4 registrations in this state through the day of the election;  
5 provided that a cancellation of an existing voter registration  
6 shall not be processed if the voter has requested or been sent  
7 a ballot in the election;

8 D. certificates of registration and cancellations  
9 of existing voter registrations not processed pursuant to  
10 Subsection B or C of this section [~~shall~~] may be processed  
11 beginning [~~thirty-five days after~~] the Monday following an  
12 election and shall be processed beginning no later than the  
13 first business day after the approval of the county canvass  
14 report, at which time a voter information document shall be  
15 mailed to the registrant at the address shown on the  
16 certificate of registration; provided that if there is a  
17 subsequent election scheduled at which a qualified elector or  
18 voter would be eligible to vote if the certificate of  
19 registration were processed on an earlier date, the certificate  
20 of registration for that qualified elector or voter shall be  
21 processed by the county clerk on a day and in a manner to  
22 ensure the ability of the qualified elector or voter to vote in  
23 the subsequent election;

24 E. when the deadline to register to vote or update  
25 an existing voter registration prior to an election referred to

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1 in this section is a Saturday, Sunday or state holiday,  
2 registration certificates shall be accepted through the next  
3 succeeding business day for the office of the county clerk; and

4 F. the county clerk shall accept for filing and  
5 process any certificate of registration that is subscribed and  
6 dated on or before the deadline to register to vote or update  
7 an existing voter registration prior to an election and:

8 (1) received by the county clerk by the end of  
9 the last regular business day of the week for the office of the  
10 county clerk immediately following the deadline to register to  
11 vote or update an existing voter registration prior to an  
12 election;

13 (2) mailed and postmarked on or before the day  
14 of the deadline to register to vote or update an existing voter  
15 registration prior to any election referred to in this section;  
16 or

17 (3) accepted at a state agency designated  
18 pursuant to Section 1-4-5.2 NMSA 1978."

19 **SECTION 10.** Section 1-4-18.1 NMSA 1978 (being Laws 2013,  
20 Chapter 91, Section 1, as amended) is amended to read:

21 "1-4-18.1. ONLINE VOTER REGISTRATION.--

22 A. A person may complete a certificate of  
23 registration in person or by mail. In addition, the secretary  
24 of state shall [~~not later than January 1, 2016~~] allow a voter  
25 to submit an update to an existing certificate of registration

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1 and ~~[not later than July 1, 2017]~~ allow a qualified elector to  
2 submit a new certificate of registration form electronically  
3 through a web site authorized by the secretary of state or  
4 through any computer system maintained by a state agency for  
5 electronic voter registration that is approved by the secretary  
6 of state; provided that the person is qualified to register to  
7 vote ~~[and has a current or expired New Mexico driver's license  
8 or state identification card issued by the motor vehicle  
9 division of the taxation and revenue department]~~.

10 B. An online certificate of registration form shall  
11 contain all of the information that is required for a paper  
12 form; provided that the person shall also be required to  
13 provide the person's ~~[full]~~ New Mexico driver's license number  
14 or state identification card number or full social security  
15 number. A person submitting an online certificate of  
16 registration who does not have a New Mexico driver's license or  
17 state identification card shall submit an electronic image or  
18 digital copy of the person's signature pursuant to rules  
19 adopted by the secretary of state.

20 C. When a person submits a new certificate of  
21 registration or an update to an existing certificate of  
22 registration, the person shall mark the box associated with the  
23 following statement included as part of the electronic  
24 certificate of registration form:

25 "By clicking the boxes below, I swear or affirm all of the

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1 following:

2  I am the person whose name and identifying  
3 information is provided on this form, and I desire to register  
4 to vote in the state of New Mexico; and

5  all of the information that I have provided on  
6 this form is true and correct as of the date I am submitting  
7 this form.".

8 D. ~~[Prior to January 1, 2016]~~ The secretary of  
9 state, in conjunction with the county clerks of the state,  
10 shall adopt rules establishing a uniform and nondiscriminatory  
11 process to match the information contained in the voter  
12 registration election management system with the database of  
13 the motor vehicle division of the taxation and revenue  
14 department or the federal social security administration for  
15 electronic certificates of registration updates completed  
16 pursuant to this section.

17 E. ~~[Prior to January 1, 2017]~~ The secretary of  
18 state, in conjunction with the county clerks of the state,  
19 shall adopt rules establishing a uniform and nondiscriminatory  
20 process to match the information contained in the voter  
21 registration election management system with the database of  
22 the motor vehicle division of the taxation and revenue  
23 department or the federal social security administration for  
24 all electronic certificates of registration completed pursuant  
25 to this section.

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1 F. Electronically submitted certificate of  
2 registration application forms shall retain the dates of  
3 submission by the qualified elector and of acceptance by the  
4 county clerk.

5 G. For purposes of deadlines contained in the  
6 Election Code, the time and date of the submission by the  
7 qualified elector shall be considered the time and date when  
8 the certificate of registration is received by the county  
9 clerk.

10 H. The secretary of state shall ensure that the web  
11 sites used for electronic voter registration are secure and  
12 that the confidentiality of all users and the integrity of data  
13 submitted are preserved.

14 I. No later than December 31, 2023, the secretary  
15 of state shall develop an application programming interface to  
16 allow approved third-party organizations to securely submit  
17 certificates of registration on behalf of qualified electors.  
18 The secretary of state shall adopt rules to implement this  
19 subsection."

20 SECTION 11. Section 1-4-24 NMSA 1978 (being Laws 1969,  
21 Chapter 240, Section 80, as amended) is amended to read:

22 "1-4-24. CANCELLATION OF REGISTRATION--COUNTY CLERK--  
23 GROUNDS.--The county clerk shall cancel certificates of  
24 registration for the following reasons:

25 A. death of the voter;

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1           ~~[B. a felony conviction of the voter;~~  
2           ~~G.] B.~~ at the request of the voter; or  
3           ~~[D.] C.~~ at the direction of the board of  
4 registration."

5           SECTION 12. Section 1-4-27.1 NMSA 1978 (being Laws 2001,  
6 Chapter 46, Section 1, as amended) is amended to read:

7           "1-4-27.1. ~~[CANCELLATION OF REGISTRATION FOLLOWING~~  
8 ~~CONVICTION]~~ INMATES INELIGIBLE TO VOTE OR REGISTER TO VOTE--  
9 ELIGIBILITY [FOR VOTING UPON SATISFACTION OF CONDITIONS] TO  
10 VOTE AND REGISTER TO VOTE UPON RELEASE.--

11           ~~[A. When a voter has been convicted of a felony in~~  
12 ~~any state or federal court, the voter's registration shall be~~  
13 ~~cancelled.~~

14           ~~B. A person convicted of a felony who is otherwise~~  
15 ~~a qualified elector is eligible to register to vote when that~~  
16 ~~person:~~

17                   ~~(1) has been unconditionally discharged from a~~  
18 ~~correctional facility or detention center;~~

19                   ~~(2) has completed all conditions of parole or~~  
20 ~~supervised probation; or~~

21                   ~~(3) has had the conviction overturned on~~  
22 ~~appeal.~~

23           ~~C. The secretary of state shall each month maintain~~  
24 ~~current in the statewide voter registration electronic~~  
25 ~~management system the eligibility status of persons convicted~~

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1 ~~of felonies to register to vote pursuant to this section.~~

2 ~~D. The corrections department, the New Mexico~~  
3 ~~sentencing commission and the administrative office of the~~  
4 ~~courts shall deliver to the secretary of state information and~~  
5 ~~data as needed to carry out the provisions of this section.~~

6 ~~E. The secretary of state shall request from the~~  
7 ~~United States attorney for the district of New Mexico, in~~  
8 ~~conformance with 42 U.S.C. Section 1973gg-6(g), information and~~  
9 ~~data as needed to carry out the provisions of this section.]~~

10 A. A voter is ineligible to vote while imprisoned  
11 in a correctional facility as part of a sentence for a felony  
12 conviction. Except as provided in this section, an otherwise  
13 qualified elector is ineligible to register to vote while  
14 imprisoned in a correctional facility as part of a sentence for  
15 a felony conviction.

16 B. At the time an inmate is preparing for release  
17 from a state correctional facility, if the inmate is a voter or  
18 otherwise a qualified elector, the inmate shall be given an  
19 opportunity to register to vote or update an existing  
20 registration by means of a transaction with the motor vehicle  
21 division of the taxation and revenue department prior to the  
22 inmate's release from custody. If the inmate does not conduct  
23 a transaction with the motor vehicle division of the taxation  
24 and revenue department prior to the inmate's release from  
25 custody, the corrections department shall provide the inmate an

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1 opportunity to register to vote or update an existing  
2 registration by means of an online portal provided by the  
3 secretary of state or, if such a portal is not available, by  
4 means of a paper registration form.

5 C. The corrections department shall deliver to the  
6 secretary of state information and data necessary to carry out  
7 the provisions of this section. The secretary of state shall  
8 maintain current information in the statewide voter  
9 registration electronic management system on the ineligibility  
10 status of an inmate to vote or register to vote pursuant to  
11 this section, as well as an inmate's eligibility status to vote  
12 upon release and to register to vote or update an existing  
13 voter registration while preparing for release.

14 D. Notwithstanding a person's status in the  
15 statewide voter registration electronic management system, a  
16 voter or a qualified elector who appears personally before a  
17 county clerk, the clerk's authorized representative or a  
18 precinct board member, at an office of the motor vehicle  
19 division of the taxation and revenue department or at a state  
20 agency that provides public assistance or services to persons  
21 with disabilities is presumed to meet the eligibility  
22 requirement of non-imprisonment for voting and registering to  
23 vote pursuant to the provisions of this section."

24 **SECTION 13.** Section 1-4-47 NMSA 1978 (being Laws 1991,  
25 Chapter 80, Section 4, as amended) is repealed and a new

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1 Section 1-4-47 NMSA 1978 is enacted to read:

2 "1-4-47. [NEW MATERIAL] DRIVER'S LICENSE VOTER  
3 REGISTRATION--AUTOMATIC VOTER REGISTRATION AND UPDATES.--

4 A. Unless a person is automatically registered to  
5 vote pursuant to the automatic voter registration provisions of  
6 Subsections B and C of this section, when a person who is a  
7 qualified elector or qualified resident but not registered to  
8 vote in the state conducts a transaction to apply for or renew  
9 a driver's license, state-issued identification card, learner's  
10 permit or provisional license, the person shall be offered the  
11 opportunity to simultaneously register to vote. A person  
12 registering to vote pursuant to this subsection shall not be  
13 required to provide a second time any information that  
14 duplicates information required in the driver's license, state-  
15 issued identification card, learner's permit or provisional  
16 license portion of the transaction.

17 B. A qualified elector or qualified resident who  
18 provides a document demonstrating United States citizenship in  
19 the course of conducting an in-person transaction to apply for  
20 or renew a driver's license, state-issued identification card,  
21 learner's permit or provisional license shall be confirmed in a  
22 database maintained by the motor vehicle division of the  
23 taxation and revenue department as satisfying the citizenship  
24 requirement for eligibility to vote. If the person is not  
25 already registered to vote based on an automated database

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1 check, the motor vehicle division of the taxation and revenue  
2 department shall electronically transmit to the secretary of  
3 state an electronic record containing the person's full name,  
4 full social security number, date of birth, driver's license or  
5 state-issued identification card number, residence address,  
6 mailing address if different from residence address, county of  
7 residence, citizenship status, an electronic image of the  
8 person's signature and any other available information  
9 requested by the secretary of state.

10 C. Upon receiving an electronic record pursuant to  
11 Subsection B of this section, the secretary of state shall  
12 forward the person's electronic record to the county clerk of  
13 the county in which the person resides. The county clerk shall  
14 accept and process the electronic record received as a  
15 certificate of registration pursuant to the provisions of  
16 Section 1-4-11 NMSA 1978.

17 D. If the person whose electronic record is  
18 received pursuant to Subsection C of this section was not  
19 previously registered to vote and the county clerk accepts and  
20 processes the registration, the county clerk shall send to the  
21 person's mailing address, by nonforwardable mail, a notice that  
22 the person has been registered to vote. The notice shall  
23 include a postage prepaid and pre-addressed return card by  
24 which the person may decline to be registered to vote. The  
25 notice shall be prescribed by the secretary of state with

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1 conforming language depending on whether the person is a  
2 qualified elector or a qualified resident, may be combined with  
3 a voter information document and shall include:

4 (1) an explanation of the voter eligibility  
5 requirements, a statement of the penalties for registering to  
6 vote when a person is not eligible and a statement that if the  
7 person is not eligible to vote that the person should decline  
8 to register by returning the card;

9 (2) a statement that:

10 (a) if the person declines to register  
11 to vote, the fact that the person has declined registration  
12 will remain confidential and will be used only to process the  
13 declination and for reporting election administration  
14 statistics; and

15 (b) if the person does not decline the  
16 registration, the office from which the person's electronic  
17 record was received will remain confidential and will be used  
18 only for reporting election administration statistics;

19 (3) information on how a person may become a  
20 participant in the confidential substitute address program;

21 (4) an opportunity for the person to designate  
22 affiliation with a qualified political party by returning the  
23 card; and

24 (5) an opportunity for the person to request a  
25 mailed ballot for the next statewide election, on a form

1 prescribed by the secretary of state, which shall serve as an  
2 application for a mailed ballot pursuant to Section 1-6-4 NMSA  
3 1978.

4 E. After a person returns the card described in  
5 Subsection D of this section:

6 (1) if the person declines to be registered to  
7 vote by returning the card, the person's registration shall be  
8 canceled and the person shall be deemed to have not registered  
9 to vote. Information relating to a person declining to be  
10 registered to vote pursuant to this section shall not be used  
11 for any purpose other than to process the declination and for  
12 reporting election administration statistics;

13 (2) if the person votes in an election after  
14 registration under this section and subsequently returns the  
15 card to decline the registration, the declination shall not be  
16 effective until after the election in which the person voted;  
17 and

18 (3) if the person returns the card to  
19 designate affiliation with a qualified political party, the  
20 person's political party affiliation shall be effective  
21 pursuant to Section 1-4-8 NMSA 1978.

22 F. If a person who is registered to vote in the  
23 state conducts a transaction to apply for or renew, update,  
24 correct or replace the person's driver's license, state-issued  
25 identification card, learner's permit or provisional license or

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1 files a notice of change of address and the information  
2 provided to the motor vehicle division of the taxation and  
3 revenue department indicates a different address or name from  
4 the person's existing certificate of registration, the motor  
5 vehicle division of the taxation and revenue department shall  
6 electronically transmit to the secretary of state an electronic  
7 record containing the person's full name, date of birth,  
8 driver's license or state-issued identification card number,  
9 residence address, mailing address if different from residence  
10 address, county of residence, an electronic image of the  
11 person's signature and any other available information  
12 requested by the secretary of state. The secretary of state  
13 shall issue standards for what is considered a different  
14 address. If the new address is in:

15 (1) the same county, the secretary of state  
16 shall send the information to the county clerk of the county  
17 where the person is registered and the county clerk shall  
18 process the change to the official list of eligible voters in  
19 accordance with the change of residence information provided;  
20 or

21 (2) a different county, the secretary of state  
22 shall send the information to the county clerk of the county  
23 where the person's new address is located and the county clerk  
24 shall process the change of residence as a transferred  
25 registration into the county.

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1           G. Immediately at the conclusion of each in-person  
2 transaction to apply for or renew a driver's license or state-  
3 issued identification card, a person shall receive written  
4 notification by the motor vehicle division of the taxation and  
5 revenue department informing the person if a voter registration  
6 transaction was processed and, if so, providing information  
7 regarding any voter registration transaction delivered to the  
8 county clerk by the motor vehicle division as a result of the  
9 application for or renewal of a driver's license or state-  
10 issued identification card.

11           H. Unless a person who is an unqualified elector or  
12 ineligible to register to vote knowingly and willfully takes  
13 voluntary action to register to vote knowing that the person is  
14 an unqualified elector or ineligible to register to vote, the  
15 transfer of an electronic record or the failure of a person to  
16 decline voter registration pursuant to this section shall not  
17 be considered a violation of Section 1-20-3 NMSA 1978.

18           I. A person who is an unqualified elector or who is  
19 ineligible to vote but who becomes registered to vote under  
20 this section and votes or attempts to vote in an election held  
21 after the effective date of the person's registration commits  
22 false voting under Section 1-20-8 NMSA 1978 only if the person  
23 knowingly and willfully took voluntary action to register to  
24 vote with knowledge that the person is an unqualified elector  
25 or ineligible to register or knowingly and willfully voted with

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1 knowledge that the person is an unqualified elector or  
2 ineligible to vote.

3 J. By January 1 following each general election,  
4 the secretary of state shall submit to the legislature and make  
5 publicly available a report on the implementation of this  
6 section. Excluding any personal identifying information, the  
7 report shall include:

8 (1) the number of electronic records  
9 transmitted to the secretary of state by the motor vehicle  
10 division of the taxation and revenue department pursuant to  
11 this section;

12 (2) the number of new voters statewide as a  
13 result of the automatic voter registration system;

14 (3) the number of voters whose information was  
15 updated because of the automatic voter registration system,  
16 reported by the type of information updated; and

17 (4) the number of people who declined to be  
18 registered to vote through the automatic voter registration  
19 system.

20 K. The secretary of state shall adopt rules and  
21 coordinate as necessary with the motor vehicle division of the  
22 taxation and revenue department and other state agencies and  
23 Indian nations, tribes and pueblos designated pursuant to  
24 Section 1-4-47.1 NMSA 1978 to implement the provisions of this  
25 section."

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1           SECTION 14. A new Section 1-4-47.1 NMSA 1978 is enacted  
2 to read:

3           "1-4-47.1. [NEW MATERIAL] STATE AGENCY--INDIAN NATION,  
4 TRIBE OR PUEBLO--AUTOMATIC VOTER REGISTRATION REQUIREMENTS.--

5           A. Upon a determination by the secretary of state  
6 that a state agency, including an agency that participates in  
7 the state-agency-based voter registration program pursuant to  
8 Section 1-4-48 NMSA 1978, collects sufficient information  
9 consistent with Section 1-4-47 NMSA 1978 to transmit electronic  
10 records for automatic voter registration in accordance with the  
11 provisions of that section, including verification of United  
12 States citizenship by document or database verification for any  
13 agency clients not already registered to vote, the secretary of  
14 state shall enter into a memorandum of understanding with the  
15 agency requiring the agency to comply with the provisions of  
16 Section 1-4-47 NMSA 1978. The secretary of state and county  
17 clerks shall process the electronic records according to the  
18 provisions of Section 1-4-47 NMSA 1978, subject to any  
19 modifications necessary to comply with federal law.

20           B. An Indian nation, tribe or pueblo that collects  
21 sufficient information consistent with Section 1-4-47 NMSA 1978  
22 to transmit electronic records for automatic voter registration  
23 in accordance with the provisions of that section, including  
24 verification of United States citizenship by document or  
25 database verification for any persons not already registered to

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1 vote, may in its discretion transmit the records to the  
2 secretary of state. The secretary of state shall enter into a  
3 memorandum of understanding with the Indian nation, tribe or  
4 pueblo detailing compliance with the provisions of Section  
5 1-4-47 NMSA 1978. The secretary of state and county clerks  
6 shall process the electronic records according to the  
7 provisions of Section 1-4-47 NMSA 1978, subject to any  
8 modifications necessary to comply with federal law.

9 C. If a state agency or an Indian nation, tribe or  
10 pueblo is able to transmit electronic records that are complete  
11 for automatic voter registration except for an electronic  
12 signature image, the records shall be processed as complete  
13 records for automatic voter registration. The secretary of  
14 state shall adopt rules to obtain a signature from the  
15 qualified elector or qualified resident, including through a  
16 mailing requesting a signature, uploading a signature through  
17 an electronic system, providing a signature on a mailed ballot  
18 envelope or providing a signature at an early voting location  
19 or polling place."

20 SECTION 15. Section 1-4-48 NMSA 1978 (being Laws 1995,  
21 Chapter 198, Section 13, as amended) is amended to read:

22 "1-4-48. ~~[AGENCY REGISTRATION]~~ STATE-AGENCY-BASED VOTER  
23 REGISTRATION PROGRAM--ESTABLISHED--HUMAN SERVICES DEPARTMENT.--

24 A. The secretary of state shall adopt and publish  
25 in accordance with the State Rules Act rules for the

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1 administration of a state-agency-based voter registration  
2 program. The rules shall provide for distribution of voter  
3 registration forms, provisions for the acceptance of voter  
4 registration forms and procedures for reporting voter  
5 registration activity in accordance with the federal National  
6 Voter Registration Act of 1993.

7 B. Voter registration shall be made available at  
8 all state agencies providing public assistance or services to  
9 people with disabilities. The secretary of state may [~~with the~~  
10 ~~agreement of those offices~~] designate other state and local  
11 public offices to provide voter registration services with the  
12 agreement of those offices.

13 C. Each state agency participating in the voter  
14 registration program shall maintain sufficient records for the  
15 secretary of state to comply with federal voter registration  
16 reporting requirements and the federal Help America Vote Act of  
17 2002. Any records maintained by a state agency regarding voter  
18 registration activities in that agency are confidential and  
19 shall not be released as public records.

20 D. Any voter registration made or accepted at a  
21 state agency pursuant to this section shall be transmitted to  
22 the appropriate registration officer within ten calendar days.

23 E. A state agency employee or agency contractor who  
24 participates in the voter registration process may not  
25 intentionally influence the prospective registrant in the

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1 selection of political party, or independent status, by word or  
2 act. A state agency employee or agency contractor who  
3 participates in the voter registration process may not reveal  
4 the existence of or the nature of the voter registration to  
5 anyone other than a registration officer.

6 F. The human services department shall develop  
7 procedures to be approved by the secretary of state to ensure  
8 that each benefit program administered by the department  
9 appropriately ensures that qualified electors receiving  
10 benefits are offered the opportunity to register to vote or  
11 update an existing certificate of registration without  
12 duplication of information contained by the department or by  
13 the secretary of state. No later than the last day of August  
14 of each calendar year, the human services department shall  
15 issue an annual report detailing implementation of the  
16 requirements of this subsection. The report shall be sent to  
17 the legislative council service, the secretary of state and  
18 each county clerk.

19 G. If a person who is not a qualified elector  
20 becomes registered to vote pursuant to this section, the  
21 person's registration shall be canceled and the person shall be  
22 deemed to have never registered."

23 SECTION 16. A new section of the Absent Voter Act is  
24 enacted to read:

25 "[NEW MATERIAL] PERMANENT ABSENTEE VOTER LIST--

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1 PROCEDURES.--

2 A. A voter, except a federal qualified elector who  
3 is subject to the provisions of the Uniform Military and  
4 Overseas Voters Act or the Intimate Partner Violence Survivor  
5 Suffrage Act, may apply to be added to the permanent absentee  
6 voter list for the county in which the voter is registered by  
7 completing a paper or online application that conforms to the  
8 mailed ballot application requirements of Section 1-6-4 NMSA  
9 1978, except that the permanent absentee voter application  
10 shall provide an additional checkbox for the voter to affirm  
11 that reads:

12 "[ ] I am requesting to be added to the permanent  
13 absentee voter list in my county. This means that the county  
14 clerk shall automatically send a mailed ballot to the mailing  
15 address listed on my certificate of voter registration each  
16 time there is a statewide election that includes my precinct."

17 B. Upon receipt of an application from a voter  
18 requesting to be added to the permanent absentee voter list,  
19 the county clerk shall process the application in the same  
20 manner as an application for a mailed ballot, except that the  
21 county clerk shall not accept an application to be added to the  
22 permanent absentee voter list if the voter's mailing address on  
23 the certificate of registration is outside of New Mexico.

24 C. Upon acceptance of the application to be added  
25 to the permanent absentee voter list, the county clerk shall

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1 add the voter's name to the permanent absentee voter list in  
2 the county. The permanent absentee voter list shall contain  
3 the voter's name, year of birth, address and precinct in the  
4 county.

5 D. A voter whose name appears on the permanent  
6 absentee voter list shall remain on the list, except as  
7 provided in Subsection F of this section, and shall be sent a  
8 mailed ballot by the county clerk for each statewide election  
9 conducted that includes the precinct in which the voter is  
10 eligible to vote. The mailed ballot shall be sent in the first  
11 batch of mailed ballots delivered to voters in that election.

12 E. At least forty-nine days before each statewide  
13 election, the county clerk shall send to each voter on the  
14 permanent absentee voter list a notice reminding the voter that  
15 the voter will be receiving a mailed ballot for that election.  
16 The notice shall also inform the voter of how to remove the  
17 voter's name from the permanent absentee voter list if the  
18 voter would like to do so. The notice shall be sent using non-  
19 forwardable mail with return postage prepaid.

20 F. A voter shall be removed from the permanent  
21 absentee voter list by the county clerk for the following  
22 reasons:

23 (1) the voter fails to return a mailed ballot  
24 in two consecutive elections, including at least one general  
25 election;

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1                   (2) the county clerk has sent a mailed ballot  
2 or other piece of election mail to the voter's mailing address  
3 that was subsequently returned as undeliverable;

4                   (3) the voter's certificate of registration is  
5 canceled pursuant to the provisions of Section 1-4-24 NMSA  
6 1978;

7                   (4) the voter updates the voter's certificate  
8 of registration indicating an address that is outside of the  
9 county for which the voter is listed on the permanent absentee  
10 voter list; or

11                   (5) the voter submits a written request to the  
12 county clerk requesting to be removed from the permanent  
13 absentee voter list.

14                   G. A county clerk shall take the necessary steps to  
15 attempt to contact and notify a voter who has been removed from  
16 the permanent absentee voter list. If a voter is removed from  
17 the permanent absentee voter list, the voter shall only be  
18 added again if the voter submits a new permanent absentee voter  
19 application.

20                   H. A county clerk shall maintain the permanent  
21 absentee voter list for the county and shall make the permanent  
22 absentee voter list available on request pursuant to the  
23 provisions in Section 1-4-5.5 NMSA 1978."

24                   **SECTION 17.** Section 1-6-9 NMSA 1978 (being Laws 1969,  
25 Chapter 240, Section 135, as amended) is amended to read:

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1           "1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY  
2 METHODS.--

3           A. When voting a mailed ballot, the voter shall  
4 secretly mark the mailed ballot in the manner provided in the  
5 Election Code for marking paper ballots, place it in the  
6 official inner envelope and securely seal the envelope. The  
7 voter shall then place the official inner envelope inside the  
8 official mailing envelope and securely seal the envelope. The  
9 voter shall then complete the form on the reverse of the  
10 official mailing envelope, which shall include a statement by  
11 the voter under penalty of perjury that the facts stated in the  
12 form are true and the voter's name, registration address and  
13 year of birth. The voter or another person authorized by law  
14 shall then return the official mailing envelope containing the  
15 voted ballot to the county clerk of the voter's county of  
16 residence. If returned by a person other than the voter, the  
17 official mailing envelope shall contain the signature, printed  
18 name and relationship to the voter of the person returning the  
19 ballot.

20           B. The official mailing envelope may be returned by  
21 mail using the United States postal service. The secretary of  
22 state shall implement a free-access tracking system for each  
23 voter to be able to see the status of the voter's mailed ballot  
24 while en route to the voter as well as when returned to the  
25 county clerk.

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1           C. The official mailing envelope may be returned  
2 using a commercial delivery service; provided that unless the  
3 secretary of state has approved the use of a specific  
4 commercial delivery service, the voter shall be responsible for  
5 the costs of delivery by means of such service.

6           D. The official mailing envelope may be returned in  
7 person to the office of the county clerk or to an alternate  
8 voting location, mobile alternate voting location or election  
9 day voting location.

10          E. The official mailing envelope may be returned by  
11 depositing the official mailing envelope in a secured container  
12 made available by the county clerk to receive voted mailed  
13 ballots for that election; provided that:

14                   (1) each county shall have at least one  
15 monitored secured container in the county. Those counties that  
16 have alternate voting locations during early voting shall have  
17 at least the same number of monitored secured containers as the  
18 minimum required number of alternate voting locations in the  
19 county. The secretary of state may approve a county for more  
20 monitored secured containers than the minimum required pursuant  
21 to this paragraph;

22                   ~~(1)~~ (2) the location of the containers and  
23 the days and times the containers will be available to receive  
24 ballots are posted by the county clerk at least ninety days  
25 before a statewide election or forty-two days before a special

1 election;

2           ~~[(2)]~~ (3) the location of a secured container  
3 is considered a polling place for purposes of electioneering  
4 too close to the polling place in violation of Section 1-20-16  
5 NMSA 1978;

6           ~~[(3)]~~ (4) all secured containers shall be  
7 monitored by video surveillance cameras and the video recorded  
8 by that system shall be retained by the county clerk as a  
9 record related to voting pursuant to the provisions of Section  
10 1-12-69 NMSA 1978;

11           ~~[(4)]~~ (5) signage at the location of a secured  
12 container shall inform voters and those dropping off ballots at  
13 the location:

14                   (a) that it is a violation of law for  
15 any person who is not an immediate family member to collect and  
16 deliver a ballot for another person;

17                   (b) that electioneering is prohibited  
18 within one hundred feet of the secured container; and

19                   (c) of the dates and approximate time  
20 the ballots will be collected; and

21           ~~[(5)]~~ (6) at least once a day, the county  
22 clerk or a full-time deputy county clerk shall collect the  
23 ballots from the secured containers, register the date and time  
24 stamp on each official mailing envelope and identify the  
25 location of the secured container in the ballot register."

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1           SECTION 18. Section 1-6-10 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 136, as amended) is amended to read:

3           "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

4           A. The county clerk shall mark on each completed  
5 official mailing envelope the date and time of receipt in the  
6 clerk's office, record this information in the absentee or  
7 mailed ballot register and safely keep the official mailing  
8 envelope unopened in a locked and number-sealed ballot box  
9 until it is delivered to the proper election board, counted in  
10 the county canvass or canceled and destroyed in accordance with  
11 law.

12           B. In a statewide election, if the unopened  
13 official mailing envelope is received by the county clerk from  
14 an election board before the absent voter election board has  
15 adjourned, the unopened official mailing envelope shall be  
16 logged and transmitted to the absent voter election board to be  
17 tallied immediately. If the unopened official mailing envelope  
18 is received by the county clerk from an election board after  
19 the absent voter election board has adjourned, the unopened  
20 official mailing envelope shall be logged and transmitted to be  
21 tallied and included in the canvass report of that county for  
22 the appropriate precinct.

23           C. Completed official mailing envelopes shall be  
24 accepted until 7:00 p.m. on election day. A completed official  
25 mailing envelope deposited in a secured container pursuant to

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1 Section 1-6-9 NMSA 1978 shall be accepted if deposited by 7:00  
2 p.m. on election day.

3 D. Any completed official mailing envelope received  
4 after that time shall not be qualified or opened but shall be  
5 preserved by the county clerk for the applicable retention  
6 period provided in Section 1-12-69 NMSA 1978. The county clerk  
7 shall report the number of late ballots from voters, uniformed-  
8 service voters and overseas voters and report the number from  
9 each category to date on the final absentee ballot report and  
10 as part of the county canvass report. If additional late  
11 ballots are received, the county clerk shall update the number  
12 of late ballots from each category to the secretary of state."

13 SECTION 19. Section 1-6-11 NMSA 1978 (being Laws 1969,  
14 Chapter 240, Section 137, as amended) is amended to read:

15 "1-6-11. DELIVERY OF ABSENTEE BALLOTS TO ABSENT VOTER  
16 [~~PRECINCTS~~] ELECTION BOARD.--

17 A. Beginning on the Thursday immediately preceding  
18 election day, the county clerk may deliver to the special  
19 deputy county clerk for delivery to the absent voter [~~precinct~~]  
20 election board the absentee ballots received prior to the  
21 delivery day. The special deputy county clerk shall issue a  
22 receipt for all ballots delivered for the county clerk and  
23 shall observe the listing of the names on the official mailing  
24 envelopes in the signature rosters. The special deputy county  
25 clerk shall then obtain a receipt executed by the presiding

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1 judge and each election judge and shall return the receipt to  
2 the county clerk for filing. The receipts shall specify the  
3 number of envelopes received by the special deputy county clerk  
4 from the county clerk for the absent voter precinct and the  
5 number of envelopes received by the absent voter [~~precinct~~]  
6 election board from the special deputy county clerk.

7 B. On election day, the county clerk shall deliver  
8 all absentee ballots not yet delivered to the absent voter  
9 [~~precinct~~] election board but received prior to 7:00 p.m. on  
10 election day pursuant to Subsection C of Section 1-6-10 NMSA  
11 1978 to the special deputy county [~~clerks~~] clerk for delivery  
12 to the absent voter [~~precinct boards~~] election board. The  
13 special deputy county clerk shall issue a receipt for all  
14 ballots delivered for the county clerk and shall observe the  
15 listing of the names on the official mailing envelope in the  
16 signature rosters. The special deputy county clerk shall then  
17 obtain a receipt executed by the presiding judge and each  
18 election judge and shall return the receipt to the county clerk  
19 for filing. The receipts shall specify the number of envelopes  
20 received by the special deputy county clerk from the county  
21 clerk for each absent voter precinct and the number of  
22 envelopes received by the absent voter [~~precinct~~] election  
23 board from the special deputy county clerk.

24 C. At 7:00 a.m. on the Thursday prior to election  
25 day or on the day the absent voter [~~precinct~~] election board

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1 begins early processing of absentee ballots, the county clerk  
2 shall deliver the electronic voting machines used for absentee  
3 voting by mail to the absent voter [~~precinct~~] election board.  
4 The machines shall not be used to vote on or count additional  
5 ballots for that election. A special deputy county clerk shall  
6 issue a receipt for each voting machine. Upon delivery of a  
7 voting machine, the special deputy shall:

8 (1) obtain a receipt executed by the presiding  
9 judge and each election judge specifying the serial number and  
10 the seal number of the machine;

11 (2) verify the public counter number on the  
12 machine; and

13 (3) return the receipt to the county clerk for  
14 filing."

15 **SECTION 20.** Section 1-11-19 NMSA 1978 (being Laws 2018,  
16 Chapter 79, Section 33, as amended) is amended to read:

17 "1-11-19. COSTS OF ELECTIONS--LOCAL ELECTION ASSESSMENT--  
18 STATE ELECTION FUND ESTABLISHED.--

19 A. There is created in the state treasury the  
20 "state election fund" solely for the purposes of:

21 (1) paying the costs of conducting and  
22 administering statewide elections required by the Election  
23 Code;

24 (2) reimbursing the counties for the costs of  
25 conducting and administering statewide elections required by

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1 the Election Code;

2 (3) paying the administrative costs of the  
3 office of the secretary of state for administering elections  
4 required by the Election Code and for administering the state  
5 election fund; and

6 (4) carrying out all other specified  
7 provisions of the Election Code not already covered by another  
8 fund administered by the secretary of state.

9 B. The state treasurer shall invest the state  
10 election fund as other state funds are invested, and all income  
11 derived from the fund shall be credited directly to the fund.  
12 Remaining balances at the end of a fiscal year shall remain in  
13 the fund and not revert to the general fund. Money in the fund  
14 is appropriated to the office of the secretary of state for the  
15 purposes authorized in Subsection A of this section. Money in  
16 the fund shall only be expended on warrants of the department  
17 of finance and administration pursuant to vouchers signed by  
18 the secretary of state or the secretary's designee.

19 C. Money received from the following sources shall  
20 be deposited directly into the state election fund:

21 (1) money appropriated to the fund by the  
22 legislature;

23 (2) reimbursements from the state or a local  
24 government for elections costs; and

25 (3) grants received by the secretary of state.

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1           D. In the event that current year balances in the  
2 state election fund do not cover the costs of elections, the  
3 secretary of state may apply to the state board of finance for  
4 an emergency grant to cover those costs pursuant to Section  
5 6-1-2 NMSA 1978."

6           SECTION 21. Section 1-15-9 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 359) is amended to read:

8           "1-15-9. PRESIDENTIAL ELECTORS--PENALTY.--

9           A. All presidential electors shall cast their  
10 ballots in the electoral college for the candidates of the  
11 political party [~~which~~] that nominated them as presidential  
12 electors.

13           B. Any presidential elector who casts [~~his~~] a  
14 ballot in violation of the provisions contained in Subsection A  
15 of this section is guilty of a fourth degree felony and shall  
16 be deemed to have vacated the position of presidential  
17 elector."

18           SECTION 22. A new Section 1-21A-1 NMSA 1978 is enacted to  
19 read:

20           "1-21A-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article  
21 21A NMSA 1978 may be cited as the "Native American Voting  
22 Rights Act"."

23           SECTION 23. A new Section 1-21A-2 NMSA 1978 is enacted to  
24 read:

25           "1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the  
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1 Native American Voting Rights Act:

2 A. "early voting location" means an alternate  
3 voting location and a mobile alternate voting location and  
4 includes early voting in the county clerk's office;

5 B. "Indian nation, tribe or pueblo" means any  
6 federally recognized Indian nation, tribe or pueblo located  
7 wholly or partially in New Mexico;

8 C. "polling place" means an early voting location  
9 and a voter convenience center;

10 D. "voter convenience center" means an election day  
11 voting location; and

12 E. "written request" means a request sent in  
13 writing by the president, governor or governing body of an  
14 Indian nation, tribe or pueblo, including a request sent by a  
15 person designated by the president, governor or governing body  
16 of an Indian nation, tribe or pueblo to submit written requests  
17 pursuant to the Native American Voting Rights Act; provided  
18 that the designation has been communicated in writing to the  
19 secretary of state and county clerk by the president, governor  
20 or governing body of the Indian nation, tribe or pueblo."

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

23 "1-21A-3. [NEW MATERIAL] PRECINCT BOUNDARIES.--

24 A. When adjusting precinct boundaries for any group  
25 of census blocks that are on Indian nation, tribal or pueblo

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1 lands, the board of county commissioners shall inquire of each  
2 Indian nation, tribe or pueblo in the county to provide  
3 internal and external political boundaries for the Indian  
4 nation, tribe or pueblo.

5 B. The board of county commissioners shall adjust  
6 precinct boundaries to correspond to the internal and external  
7 political boundaries of each Indian nation, tribe or pueblo in  
8 the county.

9 C. The secretary of state shall reject any precinct  
10 boundary maps that do not comply with the provisions of this  
11 section."

12 SECTION 25. A new Section 1-21A-4 NMSA 1978 is enacted to  
13 read:

14 "1-21A-4. [NEW MATERIAL] REQUESTS FOR POLLING PLACES AND  
15 MONITORED SECURED CONTAINERS.--

16 A. An Indian nation, tribe or pueblo may submit a  
17 written request to a county clerk for locating early voting  
18 locations, voter convenience centers or monitored secured  
19 containers on or near the Indian nation's, tribe's or pueblo's  
20 lands.

21 B. A written request for voter convenience centers  
22 for all statewide elections in the next election cycle shall be  
23 made between the second Tuesday in March and the second Tuesday  
24 in April of each even-numbered year.

25 C. A written request for early voting locations for

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1 all statewide elections in the current election cycle shall be  
2 made between the second Tuesday in March and the second Tuesday  
3 in April of each odd-numbered year.

4 D. An Indian nation, tribe or pueblo may amend a  
5 written request for an alternative voting location for the  
6 current election cycle by submitting a written request between  
7 the first business day in January and the day the secretary of  
8 state issues the proclamation for the general election.

9 E. A written request for monitored secured  
10 containers for future statewide elections may be made between  
11 the second Tuesday in March and the second Tuesday in April of  
12 any year.

13 F. A written request for polling places may also be  
14 made pursuant to the provisions of Section 1-21A-9 NMSA 1978 if  
15 the president, governor or governing body of an Indian nation,  
16 tribe or pueblo has declared a state of emergency or invoked  
17 emergency powers."

18 SECTION 26. A new Section 1-21A-5 NMSA 1978 is enacted to  
19 read:

20 "1-21A-5. [NEW MATERIAL] VOTER CONVENIENCE CENTERS--  
21 REQUIREMENTS.--

22 A. A county clerk who has received a written  
23 request from an Indian nation, tribe or pueblo for one or more  
24 voter convenience centers on or near Indian nation, tribal or  
25 pueblo land shall consider the request when submitting

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1 recommendations to the board of county commissioners for the  
2 biennial election day polling place resolution establishing  
3 voter convenience centers for the subsequent election cycle;  
4 provided that:

5 (1) any voter of the county shall have access  
6 to and be permitted to vote at the alternate voting or mobile  
7 alternate voting location;

8 (2) the location of the voter convenience  
9 center conforms to the requirements for voter convenience  
10 centers, except as specified in this section;

11 (3) the county clerk provides federally  
12 mandated language translators at the alternate voting or mobile  
13 alternate voting locations; and

14 (4) if the voter convenience center is located  
15 on Indian nation, tribal or pueblo land, the Indian nation,  
16 tribe or pueblo provides the facility and services for the  
17 alternate voting or mobile alternate voting location.

18 B. In considering the written request, the county  
19 clerk shall evaluate the distance voters have to travel to get  
20 to the nearest voter convenience center and the number of  
21 monitored secured containers and early voting locations on or  
22 near the Indian nation, tribal or pueblo lands.

23 C. At the time of submitting the election day  
24 polling place resolution to the board of county commissioners,  
25 the county clerk shall inform the board of county commissioners

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1 of any written requests received by an Indian nation, tribe or  
2 pueblo for a voter convenience center."

3 SECTION 27. A new Section 1-21A-6 NMSA 1978 is enacted to  
4 read:

5 "1-21A-6. [NEW MATERIAL] EARLY VOTING LOCATIONS--  
6 REQUIREMENTS.--

7 A. A county clerk who has received a written  
8 request from an Indian nation, tribe or pueblo for one or more  
9 early voting locations shall provide at least one alternate  
10 voting or mobile alternate voting location on or near Indian  
11 nation, tribal or pueblo land; provided that:

12 (1) any voter of the county shall have access  
13 to and be permitted to vote at the alternate voting or mobile  
14 alternate voting location;

15 (2) the location of the alternate voting or  
16 mobile alternate voting location on Indian nation, tribal or  
17 pueblo land conforms to the requirements for alternate voting  
18 locations, except as specified in this section;

19 (3) the county clerk provides federally  
20 mandated language translators at the alternate voting or mobile  
21 alternate voting locations;

22 (4) the Indian nation, tribe or pueblo  
23 provides the facility and services for the alternate voting or  
24 mobile alternate voting location; and

25 (5) the alternate voting or mobile alternate

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1 voting location may operate for less than the full early voting  
2 period, to be decided upon between the Indian nation, tribe or  
3 pueblo and the county clerk.

4 B. When responding to a written request, the county  
5 clerk shall evaluate the population on the Indian nation,  
6 tribal or pueblo land, the distance voters have to travel and  
7 the number of monitored secured containers and early voting  
8 locations on or near the Indian nation, tribal or pueblo land."

9 SECTION 28. A new Section 1-21A-7 NMSA 1978 is enacted to  
10 read:

11 "1-21A-7. [NEW MATERIAL] MONITORED SECURED CONTAINERS--  
12 REQUIREMENTS.--

13 A. A county clerk who has received a written  
14 request from an Indian nation, tribe or pueblo for one or more  
15 monitored secured containers on or near Indian nation, tribal  
16 or pueblo land shall evaluate the population on the Indian  
17 nation, tribal or pueblo land, the distance voters have to  
18 travel and the number of monitored secured containers and early  
19 voting locations on or near the Indian nation, tribal or pueblo  
20 land. The county clerk shall respond in writing to the Indian  
21 nation, tribe or pueblo regarding the provision of monitored  
22 secured containers on or near Indian nation, tribal or pueblo  
23 land within thirty days of receiving the written request.

24 B. An Indian nation, tribe or pueblo whose written  
25 request to a county clerk for monitored secured containers is

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1 denied may appeal that decision by submitting the written  
2 request along with the denial letter from the county clerk to  
3 the secretary of state, along with any response to the denial  
4 letter from the Indian nation, tribe or pueblo. The secretary  
5 of state may place a monitored secured container on or near  
6 Indian nation, tribal or pueblo land in response to an appeal  
7 submitted by an Indian nation, tribe or pueblo.

8 C. A monitored secured container located on or near  
9 Indian nation, tribal or pueblo land shall comply with all  
10 requirements for monitored secured containers provided in the  
11 Election Code."

12 SECTION 29. A new Section 1-21A-8 NMSA 1978 is enacted to  
13 read:

14 "1-21A-8. [NEW MATERIAL] DELIVERY OF MAILED BALLOTS.--

15 A. The secretary of state shall maintain a list of  
16 government and official buildings on Indian nation, tribal and  
17 pueblo land where members of the Indian nation, tribe or pueblo  
18 may request delivery of mailed ballots. The list shall include  
19 the common name for each building and the mailing address for  
20 the building. The list shall be provided by county to each  
21 county clerk with an Indian nation, tribe or pueblo in the  
22 county.

23 B. If a county clerk receives an application for a  
24 mailed ballot that lists a government or official building on  
25 Indian nation, tribal or pueblo land by name only, the county

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1 clerk shall not reject the application for lack of a mailing  
2 address and, if the application is otherwise in the proper  
3 form, shall mail the ballot and balloting materials to the  
4 voter using the address for the government or official  
5 building."

6 SECTION 30. A new Section 1-21A-9 NMSA 1978 is enacted to  
7 read:

8 "1-21A-9. [NEW MATERIAL] EMERGENCY SITUATIONS.--If the  
9 president, governor or governing body of an Indian nation,  
10 tribal or pueblo has declared a state of emergency or has  
11 invoked emergency powers pursuant to other laws:

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

17 B. no later than ninety-eight days before a  
18 statewide election by means of a written request or no later  
19 than forty-nine days before a statewide election with a court  
20 order, the county clerk shall provide to an Indian nation,  
21 tribe or pueblo that has not previously made a request for that  
22 election cycle at least one alternate voting or mobile  
23 alternate voting location for that election; provided that the  
24 alternate voting or mobile alternate voting location shall  
25 otherwise comply with the requirements of Section 1-21A-6 NMSA

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1 1978;

2 C. no later than eighty-four days before a  
3 statewide election by means of a written request or no later  
4 than thirty-five days before a statewide election with a court  
5 order, the county clerk shall provide an election day polling  
6 place to an Indian nation, tribe or pueblo that does not  
7 already have an election day polling place within its  
8 boundaries if voters registered within the Indian nation, tribe  
9 or pueblo are unable to leave the Indian nation, tribe or  
10 pueblo during the time when voting occurs for a statewide  
11 election; and

12 D. the requirement that a polling place be  
13 available to all voters in the county shall be waived if an  
14 Indian nation, tribe or pueblo is inaccessible or the borders  
15 are closed."

16 SECTION 31. A new Section 1-21A-10 NMSA 1978 is enacted  
17 to read:

18 "1-21A-10. [NEW MATERIAL] EXPENSES.--

19 A. All necessary and reasonable expenses incurred  
20 by a county clerk for compliance with the Native American  
21 Voting Rights Act, including the costs of voting equipment and  
22 personnel for polling places and monitored secured containers  
23 on Indian nation, tribal or pueblo land, shall be paid for by  
24 the secretary of state or shall be reimbursed to the county by  
25 the secretary of state.

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1           B. The secretary of state shall deposit from the  
2 state election fund sufficient funds to each county election  
3 fund for the costs related to compliance with the Native  
4 American Voting Rights Act, either as grants or reimbursement."

5           **SECTION 32.** Section 6-4-27 NMSA 1978 (being Laws 2020,  
6 Chapter 3, Section 4) is amended to read:

7           "6-4-27. EXCESS EXTRACTION TAXES SUSPENSE FUND--TRANSFER  
8 OF EXCESS OIL AND GAS EMERGENCY SCHOOL TAX REVENUE--TAX  
9 STABILIZATION RESERVE--STATE ELECTION FUND--EARLY CHILDHOOD  
10 EDUCATION AND CARE FUND.--

11           A. The "excess extraction taxes suspense fund" is  
12 created as a nonreverting fund in the state treasury. Money in  
13 the fund shall only be used to make transfers by the department  
14 of finance and administration as required by this section.

15           B. At the end of each fiscal year, the department  
16 of finance and administration shall transfer the balance of the  
17 fund attributable to that fiscal year as follows:

18                   (1) to the tax stabilization reserve, the  
19 amount necessary to bring the balance of state reserves to a  
20 level equal to twenty-five percent of the aggregate recurring  
21 appropriations for that fiscal year from the general fund, as  
22 determined by the department; provided that, if the balance in  
23 the excess extraction taxes suspense fund is not sufficient to  
24 meet that level, the entire balance shall be transferred to the  
25 tax stabilization reserve;

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1                   (2) to the election fund, the balance  
2 remaining in the excess extraction taxes suspense fund, if any,  
3 after the transfer is made pursuant to Paragraph (1) of this  
4 subsection, in an amount necessary to bring the election fund  
5 to a level equal to twenty million dollars (\$20,000,000),  
6 counting for these purposes only state funds deposited into the  
7 election fund for operating fund purposes; and

8                   ~~[(2)]~~ (3) to the early childhood education and  
9 care fund, the balance remaining in the excess extraction taxes  
10 suspense fund, if any, after the transfer is made pursuant to  
11 Paragraph ~~[(1)]~~ (2) of this subsection.

12                   C. As used in this section, "state reserves" means  
13 the general fund balances, as determined by the department of  
14 finance and administration, including all authorized revenues  
15 and transfers to the general fund and balances in the  
16 appropriation contingency fund, the general fund operating  
17 reserve, the state-support reserve fund, the tax stabilization  
18 reserve and the tobacco settlement permanent fund."

19                   SECTION 33. Section 12-5-2 NMSA 1978 (being Laws 1969,  
20 Chapter 114, Section 1, as amended) is amended to read:

21                   "12-5-2. LEGAL HOLIDAYS--DESIGNATION.--Legal public  
22 holidays in New Mexico are:

- 23                   A. New Year's day, January 1;  
24                   B. Martin Luther King, Jr.'s birthday, third Monday  
25 in January;

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1 C. Washington's and Lincoln's birthday, President's  
2 day, third Monday in February;

3 D. Memorial day, last Monday in May;

4 E. Independence day, July 4;

5 F. Labor day, first Monday in September;

6 G. Indigenous Peoples' day, second Monday in  
7 October;

8 H. Armistice day and Veterans' day, November 11;

9 I. Thanksgiving day, fourth Thursday in November;

10 [~~and~~]

11 J. Christmas day, December 25; and

12 K. the date of a statewide election, as defined in  
13 the Election Code."

14 SECTION 34. Section 22-2-8.1 NMSA 1978 (being Laws 1986,  
15 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,  
16 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended  
17 to read:

18 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM.--

19 A. Except as otherwise provided in this section,  
20 regular students shall be in school-directed programs,  
21 exclusive of lunch, for a minimum of the following:

22 (1) kindergarten, for half-day programs, two  
23 and one-half hours per day or four hundred fifty hours per year  
24 or, for full-day programs, five and one-half hours per day or  
25 nine hundred ninety hours per year;

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1 (2) grades one through six, five and one-half  
2 hours per day or nine hundred ninety hours per year; and

3 (3) grades seven through twelve, six hours per  
4 day or one thousand eighty hours per year.

5 B. Up to thirty-three hours of the full-day  
6 kindergarten program may be used for home visits by the teacher  
7 or for parent-teacher conferences. Up to twenty-two hours of  
8 grades one through six programs may be used for home visits by  
9 the teacher or for parent-teacher conferences. Up to twelve  
10 hours of grades seven through twelve programs may be used to  
11 consult with parents to develop next step plans for students  
12 and for parent-teacher conferences.

13 C. Nothing in this section precludes a local school  
14 board from setting a school year or the length of school days  
15 in excess of the minimum requirements established by Subsection  
16 A of this section.

17 D. The secretary may waive the minimum length of  
18 school days in those school districts where such minimums  
19 would create undue hardships as defined by the department as  
20 long as the school year is adjusted to ensure that students  
21 in those school districts receive the same total  
22 instructional time as other students in the state.

23 E. Notwithstanding any other provision of this  
24 section, provided that instruction occurs simultaneously,  
25 time when breakfast is served or consumed pursuant to a state

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1 or federal program shall be deemed to be time in a school-  
2 directed program and is part of the instructional day.

3 F. Every general election shall be a school  
4 holiday for students and staff at each public school in this  
5 state."

6 SECTION 35. Section 31-13-1 NMSA 1978 (being Laws 1963,  
7 Chapter 303, Section 29-14, as amended) is amended to read:

8 "31-13-1. FELONY CONVICTION--RESTORATION OF  
9 [CITIZENSHIP] RIGHT TO HOLD AN OFFICE OF PUBLIC TRUST.--

10 ~~[A. A person who has been convicted of a felony~~  
11 ~~shall not be permitted to vote in any statewide, county,~~  
12 ~~municipal or district election held pursuant to the~~  
13 ~~provisions of the Election Code, unless the person:~~

14 ~~(1) has completed the terms of a suspended~~  
15 ~~or deferred sentence imposed by a court;~~

16 ~~(2) was unconditionally discharged from a~~  
17 ~~correctional facility under the jurisdiction of the~~  
18 ~~corrections department or was conditionally discharged from a~~  
19 ~~correctional facility under the jurisdiction of the~~  
20 ~~corrections department and has completed all conditions of~~  
21 ~~probation or parole;~~

22 ~~(3) was unconditionally discharged from a~~  
23 ~~correctional facility under the jurisdiction of a federal~~  
24 ~~corrections agency or was conditionally discharged from a~~  
25 ~~correctional facility under the jurisdiction of a federal~~

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1 ~~corrections agency and has completed all conditions of~~  
2 ~~probation or parole; or~~

3 ~~(4) has presented the governor with a~~  
4 ~~certificate verifying the completion of the sentence and was~~  
5 ~~granted a pardon or a certificate by the governor restoring~~  
6 ~~the person's full rights of citizenship.~~

7 ~~B. When a person has completed the terms of a~~  
8 ~~suspended or deferred sentence imposed by a court for a~~  
9 ~~felony conviction, the clerk of the district court shall~~  
10 ~~notify the secretary of state. The secretary of state shall~~  
11 ~~notify all county clerks that the person is eligible for~~  
12 ~~registration.~~

13 ~~C. A person who has served the entirety of a~~  
14 ~~sentence imposed for a felony conviction, including a term of~~  
15 ~~probation or parole shall be issued a certificate of~~  
16 ~~completion by the corrections department. Upon issuance, the~~  
17 ~~corrections department shall inform the person that the~~  
18 ~~person is entitled to register to vote. The certificate of~~  
19 ~~completion shall state that the person's voting rights are~~  
20 ~~restored.~~

21 ~~D. When the corrections department issues a~~  
22 ~~person a certificate of completion, the corrections~~  
23 ~~department shall notify the secretary of state that the~~  
24 ~~person is entitled to register to vote. The secretary of~~  
25 ~~state shall notify all county clerks that the person is~~

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1 ~~eligible for registration. Additionally, a county clerk~~  
2 ~~shall accept the following documents as proof that a person~~  
3 ~~has served the entirety of the sentence for a felony~~  
4 ~~conviction and is eligible for registration:~~

5 ~~(1) a judgment and sentence from a court of~~  
6 ~~this state, another state or the federal government, which~~  
7 ~~shows on its face that the person has completed the entirety~~  
8 ~~of the sentence;~~

9 ~~(2) a certificate of completion from the~~  
10 ~~corrections department; or~~

11 ~~(3) a certificate of completion from another~~  
12 ~~state or the federal government.~~

13 ~~E. A person who has been convicted of a felony~~  
14 ~~shall not be permitted to hold an office of public trust for~~  
15 ~~the state, a county, a municipality or a district, unless the~~  
16 ~~person has presented the governor with a certificate~~  
17 ~~verifying the completion of the sentence and was granted a~~  
18 ~~pardon or a certificate by the governor restoring the~~  
19 ~~person's full rights of citizenship.]~~

20 A. A person who has been convicted of a felony  
21 shall not be permitted to hold an office of public trust for  
22 the state or any political subdivision of the state, unless  
23 the person's rights have been restored pursuant to this  
24 section.

25 B. The rights of a person who has been convicted

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1 of a felony in this state to hold an office of public trust  
2 are restored if the person receives a pardon or, for purposes  
3 of this state only, if the governor of New Mexico issues the  
4 person a certificate of restoration of rights.

5 C. The rights of a person who has been convicted  
6 of a felony in another state to hold an office of public  
7 trust are restored if the governor of that state issues the  
8 person a pardon or other restoration of rights or, for  
9 purposes of this state only, if the governor of New Mexico  
10 issues the person a certificate of restoration of rights.

11 D. The rights of a person who has been convicted  
12 of a felony in federal court to hold an office of public  
13 trust are restored if the president of the United States  
14 issues the person a pardon or other restoration of rights or,  
15 for purposes of this state only, if the governor of New  
16 Mexico issues the person a certificate of restoration of  
17 rights."

18 SECTION 36. REPEAL.--Sections 1-3-7.2, 1-4-5.8 and  
19 1-6-5.8 NMSA 1978 (being Laws 2021, Chapter 107, Section 1,  
20 Laws 2019, Chapter 67, Section 2 and Laws 2009, Chapter 251,  
21 Section 2, as amended) are repealed.

22 SECTION 37. EFFECTIVE DATE.--

23 A. The effective date of the provisions of  
24 Sections 11, 12 and 35 of this act is July 1, 2022.

25 B. The effective date of the provisions of

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1 Sections 1 through 10, 13 through 34 and 36 of this act is  
2 January 1, 2023.

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