

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 8

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

AN ACT

RELATING TO ELECTIONS; ALLOWING QUALIFIED RESIDENTS TO PARTICIPATE IN CERTAIN STATEWIDE AND SPECIAL ELECTIONS; AMENDING VOTER REGISTRATION AND UPDATES TO REGISTRATION PROVISIONS; REPEALING AND REPLACING THE REGISTRATION AT VOTING LOCATION PRIOR TO VOTING PROVISIONS; EXPANDING ONLINE VOTER REGISTRATION OPPORTUNITIES; ALLOWING ELECTRONIC NOMINATING PETITION SIGNATURES; PROVIDING THAT INMATES ARE ELIGIBLE TO VOTE AND REGISTER TO VOTE UPON RELEASE AND CONFORMING THE RESTORATION OF CITIZENSHIP PROVISION ACCORDINGLY; CREATING A VOLUNTARY PERMANENT ABSENTEE VOTER LIST; REVISING PROVISIONS RELATING TO MONITORED SECURED CONTAINERS; 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 LAND; CLARIFYING PROCEDURES FOR THE ACCEPTANCE OF VOTED MAILED BALLOTS; DECLARING THE DAY OF A

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1 GENERAL ELECTION AND A REGULAR LOCAL ELECTION A SCHOOL HOLIDAY;
2 PROVIDING FOR A TRANSFER FROM THE EXCESS EXTRACTION TAXES
3 SUSPENSE FUND TO THE STATE ELECTION FUND; MAKING CONFORMING AND
4 TECHNICAL CHANGES; AMENDING, REPEALING AND ENACTING SECTIONS OF
5 THE NMSA 1978.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

10 "1-1-7.2. PETITIONS--NOMINATIONS--SIGNATURES TO BE
11 COUNTED.--

12 A. A person who signs a nominating petition shall
13 sign only one petition for the same office unless more than one
14 candidate is to be elected to that office, and in that case, a
15 person may sign not more than the number of nominating
16 petitions equal to the number of candidates to be elected to
17 the office.

18 B. A person who signs a nominating petition shall
19 indicate the person's registration address. If the person does
20 not have a standard street address, the person may provide the
21 mailing address as shown on the person's certificate of
22 registration.

23 C. A signature shall be counted on a nominating
24 petition unless there is evidence presented that the petition
25 does not provide the information required by the nominating

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1 petition for each person signing or the person signing:

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

5 (2) has signed more than one petition for the
6 same office, except as provided in Subsection A of this
7 section, and if the person has signed more than one petition
8 for the same office and in the same election cycle, none of the
9 challenged signatures from that person shall count toward the
10 total number of signatures required for any candidate for that
11 office;

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

16 (4) in a primary election, is not of the same
17 political party as the candidate named in the nominating
18 petition as shown by the signer's certificate of registration;
19 or

20 (5) is not the person whose name appears on
21 the nominating petition.

22 D. The procedures set forth in this section shall
23 be used to validate signatures on any petition required by the
24 Election Code, except that Paragraph (4) of Subsection C of
25 this section shall not apply to petitions filed by unaffiliated

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1 candidates or petitions filed by candidates of minor political
2 parties.

3 E. No later than January 1, 2023, the secretary of
4 state shall implement a secure internet application, in
5 addition to the paper circulation process, to gather electronic
6 signatures in accordance with rules developed by the secretary
7 of state. The secure internet application shall provide for
8 the ability to verify that a person signing the petition is a
9 registered voter and is eligible to sign the petition for a
10 particular candidate."

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

13 "1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--~~[A.]~~
14 Upon the adoption of any resolution, or upon the final action
15 of any district court upon a petition creating, abolishing,
16 dividing or consolidating any precinct, or changing any
17 precinct boundary, or changing any designated polling place,
18 the board of county commissioners shall:

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

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

24 [~~B. A polling place located on Indian nation,~~
25 ~~tribal or pueblo lands shall not be eliminated or consolidated~~

1 ~~with other polling locations without the written agreement of~~
2 ~~the Indian nation, tribe or pueblo on which the polling place~~
3 ~~is located.]"~~

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

6 "1-4-2. REGISTRATION OF QUALIFIED RESIDENTS--~~[RIGHT TO~~
7 ~~VOPE IN PRIMARY]~~ PARTICIPATION AS A VOTER IN CERTAIN STATEWIDE
8 AND SPECIAL ELECTIONS.--

9 A. Any qualified resident of New Mexico shall be
10 permitted within the provisions of the Election Code to submit
11 a voter registration certificate in paper form, through the
12 online voter registration portal provided by the secretary of
13 state, electronically when conducting an in-person transaction
14 at the motor vehicle division of the taxation and revenue
15 department or as otherwise prescribed by the secretary of
16 state. The certificate shall be processed by the county clerk
17 in the same manner as for a qualified elector, but the
18 qualified resident shall not become a voter nor be considered a
19 voter except as provided by this section.

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

24 (1) become a voter upon the qualified
25 resident's eighteenth birthday; or

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1 (2) be considered a voter for the purpose of
2 participation in ~~[a]~~ any statewide or special election where
3 the qualified resident is seventeen and will turn eighteen on
4 or before the day of the ~~[statewide or special]~~ next general
5 election ~~[or~~

6 ~~(3) be considered a voter for the purpose of~~
7 ~~participation in a political party primary election where the~~
8 ~~qualified resident will turn eighteen on or before the day of~~
9 ~~the general election immediately succeeding the primary~~
10 ~~election].~~

11 C. Any resident of New Mexico who may be a
12 qualified elector upon the resident's eighteenth birthday who
13 obtains a license, permit or identification card from the motor
14 vehicle division of the taxation and revenue department and who
15 has not submitted a voter registration certificate pursuant to
16 Subsection A of this section shall be sent a notification by
17 the secretary of state advising the resident of the
18 requirements and opportunity to register to vote and a uniform
19 resource locator for a web page where the resident may submit a
20 voter registration certificate online. When applicable, a
21 notification shall be sent to a resident described in this
22 subsection within the sixty days ~~[following]~~ before the
23 resident's seventeenth birthday, when the resident obtained a
24 license, permit or identification card from the motor vehicle
25 division prior to the resident's seventeenth birthday and

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1 ~~[within thirty]~~ at least forty-two days prior to each election
 2 in which the resident may vote in advance of the resident's
 3 eighteenth birthday."

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

6 "1-4-5.5. REQUESTS FOR VOTER DATA, MAILING LABELS OR
 7 SPECIAL VOTER LISTS.--

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

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

21 C. Each requester of voter data, mailing labels or
 22 special voter lists shall sign an affidavit that the voter
 23 data, mailing labels and special voter lists shall be used for
 24 governmental or ~~[election and]~~ election campaign purposes only
 25 and shall not be made available or used for unlawful purposes.

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1 D. The secretary of state shall prescribe the form
2 of the affidavit.

3 E. As used in this section:

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

7 (2) "governmental purposes" means
8 noncommercial purposes relating in any way to the structure,
9 operation or decision-making of a federal, state or local
10 government;

11 (3) "mailing labels" means prepared mailing
12 labels of selected voters arranged in the order in which
13 requested and providing only the name and address of the voter;

14 (4) "special voter list" means a prepared list
15 of selected voters arranged in the order in which requested;
16 and

17 (5) "voter data" means selected information
18 derived from the voter file."

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

22 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION
23 PRIOR TO VOTING.--

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

7 B. During a statewide election, a qualified elector
8 may register to vote or update an existing certificate of
9 registration at the county clerk's office or any early or
10 election day voting location; provided that the secretary of
11 state shall establish procedures to ensure that a registration
12 officer has an opportunity to review the information of a
13 qualified elector who registers to vote or updates an existing
14 certificate of registration immediately before the qualified
15 elector votes.

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

22 D. During a special election, a qualified elector
23 may register to vote or update an existing certificate of
24 registration at the county clerk's office during the regular
25 hours and days of business beginning on the twenty-eighth day

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1 preceding the election until 7:00 p.m. on election day;
2 provided that the county clerk shall provide the voter with a
3 ballot and balloting materials immediately after the qualified
4 elector registers to vote or updates the existing certificate
5 of registration.

6 E. 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 the federal government, a state government, a
10 federally recognized Indian nation, tribe or pueblo or a New-
11 Mexico-accredited educational 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 the name of the qualified elector, which shall
 6 reasonably match the name provided on the certificate of
 7 registration, and an address that matches the address provided
 8 for the certificate of registration.

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

18 SECTION 6. Section 1-4-5.8 NMSA 1978 (being Laws 2019,
 19 Chapter 67, Section 2) is repealed and a new Section 1-4-5.8
 20 NMSA 1978 is enacted to read:

21 "1-4-5.8. [NEW MATERIAL] AUTOMATIC VOTER REGISTRATION--
 22 AUTOMATIC VOTER REGISTRATION UPDATES.--

23 A. In addition to the requirements of Section
 24 1-4-47 NMSA 1978:

25 (1) a qualified elector registering to vote or
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1 updating an existing certificate of registration when
2 conducting a transaction to apply for or renew a driver's
3 license or state-issued identification card:

4 (a) shall not be required to provide a
5 second time any information that duplicates information
6 required in the driver's license portion of the transaction;
7 and

8 (b) immediately at the conclusion of
9 each in-person transaction to apply for or renew a driver's
10 license or state-issued identification card, shall receive
11 written notification by the motor vehicle division of the
12 taxation and revenue department informing the person if a voter
13 registration transaction was processed and, if so, providing
14 information regarding any voter registration transaction
15 transmitted by the motor vehicle division of the taxation and
16 revenue department as a result of that application for or
17 renewal of a driver's license or state-issued identification
18 card; and

19 (2) if a voter provides an address different
20 from the existing address of registration when conducting a
21 transaction to apply for or renew a driver's license or
22 state-issued identification card, the secretary of state shall
23 send the voter a notice to the existing address of registration
24 informing the voter that a new address was provided for the
25 voter to the motor vehicle division of the taxation and revenue

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1 department and that unless the voter returns the enclosed card
2 within thirty days, the voter's certificate of registration
3 will be updated with the new address. If, forty-five days
4 after the notice was sent, no card is returned and the new
5 address is:

6 (a) in the same county, the secretary of
7 state shall send the information to the county clerk of the
8 county where the voter is registered, who shall process a
9 change to the official list of eligible voters in accordance
10 with the change of residence information on the notice; or

11 (b) in another county, the secretary of
12 state shall send the information to the county clerk of the
13 county where the new address is located and the county clerk to
14 whom the notice was forwarded shall process the change of
15 residence as a transferred registration into the county.

16 B. In addition to the requirements of Section
17 1-4-48 NMSA 1978, the human services department shall develop
18 procedures to be approved by the secretary of state to ensure
19 that each benefit program administered by the department
20 appropriately ensures that qualified electors receiving
21 benefits are offered the opportunity to register to vote or
22 update an existing certificate of registration without
23 duplication of information contained by the department or by
24 the secretary of state. No later than the last day of August
25 of each calendar year, the human services department shall

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1 issue an annual report detailing implementation of the
2 requirements of this subsection. The report shall be sent to
3 the legislative council service, the secretary of state and
4 each county clerk.

5 C. If a person who is not a qualified elector
6 becomes registered to vote pursuant to this section, that
7 registration shall not be valid and the county clerk shall
8 remove the certificate of registration from the register of
9 voters."

10 SECTION 7. Section 1-4-18.1 NMSA 1978 (being Laws 2013,
11 Chapter 91, Section 1, as amended) is amended to read:

12 "1-4-18.1. ONLINE VOTER REGISTRATION.--

13 A. A person may complete a certificate of
14 registration in person or by mail. In addition, the secretary
15 of state shall [~~not later than January 1, 2016~~] allow a voter
16 to submit an update to an existing certificate of registration
17 and [~~not later than July 1, 2017~~] allow a qualified elector to
18 submit a new certificate of registration form electronically
19 through a [~~web site~~] website authorized by the secretary of
20 state or through any computer system maintained by a state
21 agency for electronic voter registration that is approved by
22 the secretary of state; provided that the person is qualified
23 to register to vote and has a current or expired New Mexico
24 driver's license or state identification card issued by the
25 motor vehicle division of the taxation and revenue department.

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1 B. An online certificate of registration form shall
 2 contain all of the information that is required for a paper
 3 form. The person shall ~~[also]~~ be required to provide the
 4 person's ~~[full]~~ social security number or New Mexico driver's
 5 license number or state identification card number to access
 6 the online certificate of registration form.

7 C. When a person submits a new certificate of
 8 registration or an update to an existing certificate of
 9 registration, the person shall mark the box associated with the
 10 following statement included as part of the electronic
 11 certificate of registration form:

12 "By clicking the boxes below, I swear or affirm all of the
 13 following:

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

17 all of the information that I have provided on
 18 this form is true and correct as of the date I am submitting
 19 this form."

20 D. ~~[Prior to January 1, 2016]~~ The secretary of
 21 state, in conjunction with the county clerks of the state,
 22 shall adopt rules establishing a uniform and nondiscriminatory
 23 process to match the information contained in the voter
 24 registration election management system with the database of
 25 the motor vehicle division of the taxation and revenue

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1 department or the federal social security administration for
2 electronic certificates of registration updates completed
3 pursuant to this section.

4 E. [~~Prior to January 1, 2017~~] The secretary of
5 state, in conjunction with the county clerks of the state,
6 shall adopt rules establishing a uniform and nondiscriminatory
7 process to match the information contained in the voter
8 registration election management system with the database of
9 the motor vehicle division of the taxation and revenue
10 department or the federal social security administration for
11 all electronic certificates of registration completed pursuant
12 to this section.

13 F. Electronically submitted certificate of
14 registration application forms shall retain the dates of
15 submission by the qualified elector and of acceptance by the
16 county clerk.

17 G. For purposes of deadlines contained in the
18 Election Code, the time and date of the submission by the
19 qualified elector shall be considered the time and date when
20 the certificate of registration is received by the county
21 clerk.

22 H. The secretary of state shall ensure that the
23 [~~web sites~~] websites used for electronic voter registration are
24 secure and that the confidentiality of all users and the
25 integrity of data submitted are preserved.

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1 I. No later than December 31, 2023, the secretary
 2 of state shall develop an application programming interface to
 3 allow approved third-party organizations to securely submit
 4 certificates of registration on behalf of qualified electors.
 5 The secretary of state shall adopt rules to implement this
 6 subsection."

7 **SECTION 8.** Section 1-4-27.1 NMSA 1978 (being Laws 2001,
 8 Chapter 46, Section 1, as amended) is repealed and a new
 9 Section 1-4-27.1 NMSA 1978 is enacted to read:

10 "1-4-27.1. [~~NEW MATERIAL~~] INMATES IMPRISONED FOR A FELONY
 11 INELIGIBLE TO VOTE OR REGISTER TO VOTE--ELIGIBILITY TO REGISTER
 12 TO VOTE UPON RELEASE.--

13 A. A voter is ineligible to vote while imprisoned
 14 in a correctional facility as a result of a conviction for a
 15 felony. Except as provided in this section, a qualified
 16 elector is ineligible to register to vote while imprisoned in a
 17 correctional facility as a result of a conviction for a felony.
 18 If the corrections department and the secretary of state have
 19 the technology to do so, at the time a person is admitted to a
 20 correctional facility under the jurisdiction of the corrections
 21 department as a result of a conviction for a felony, the
 22 corrections department shall notify the secretary of state by
 23 means of a secured electronic transmission of the inmate's
 24 name, date of birth and social security number. If the inmate
 25 has a certificate of registration on file in any county in this

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1 state, the secretary of state shall notify the appropriate
2 county clerk, who shall cancel the inmate's certificate of
3 registration.

4 B. At the time an inmate is preparing for release
5 from a state correctional facility, if the inmate is a voter or
6 qualified elector, the inmate shall be given an opportunity to
7 register to vote or update an existing registration by means of
8 a transaction with the motor vehicle division of the taxation
9 and revenue department prior to the inmate's release from
10 custody. If the inmate does not conduct a transaction with the
11 motor vehicle division prior to the inmate's release from
12 custody, the corrections department shall provide the inmate an
13 opportunity to register to vote or update an existing
14 registration by means of an online portal provided by the
15 secretary of state or, if such a portal is not available, by
16 providing a paper registration form.

17 C. The secretary of state shall maintain current in
18 the voter registration electronic management system available
19 information on the ineligibility status of an inmate to vote or
20 register to vote pursuant to this section, as well as an
21 inmate's eligibility status to vote upon release and to
22 register to vote while preparing for release. Notwithstanding
23 a person's status in the voter registration electronic
24 management system, a voter or a qualified elector is presumed
25 eligible to vote or register to vote pursuant to the provisions

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1 of this section if the voter or qualified elector appears
2 personally:

3 (1) before a county clerk, the clerk's
4 authorized representative or an election board member;

5 (2) at an office of the motor vehicle division
6 of the taxation and revenue department; or

7 (3) at a state agency that provides public
8 assistance or services to persons with disabilities.

9 D. The corrections department shall deliver to the
10 secretary of state information and data necessary to carry out
11 the provisions of this section. The secretary of state shall
12 request from the United States attorney for the district of New
13 Mexico, in conformance with 52 U.S.C. 20507(g), information and
14 data as needed to carry out the provisions of this section."

15 SECTION 9. A new section of the Absent Voter Act is
16 enacted to read:

17 "[NEW MATERIAL] VOLUNTARY PERMANENT ABSENTEE VOTER LIST--
18 PROCEDURES.--

19 A. A voter, except a federal qualified elector who
20 is subject to the provisions of the Uniform Military and
21 Overseas Voters Act or the Intimate Partner Violence Survivor
22 Suffrage Act, may apply to be added to the voluntary permanent
23 absentee voter list for the county in which the voter is
24 registered by completing a paper or online application that
25 conforms to the mailed ballot application requirements of

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1 Section 1-6-4 NMSA 1978, except that the voluntary permanent
2 absentee voter application shall provide an additional checkbox
3 for the voter to affirm that reads:

4 "[] I am requesting to be added to the voluntary
5 permanent absentee voter list in my county. This means that
6 the county clerk shall automatically send a mailed ballot to
7 the mailing address listed on my certificate of voter
8 registration each time there is a statewide election that
9 includes my precinct."

10 B. Upon receipt of an application from a voter
11 requesting to be added to the voluntary permanent absentee
12 voter list, the county clerk shall process the application in
13 the same manner as an application for a mailed ballot, except
14 that the county clerk shall not accept an application to be
15 added to the voluntary permanent absentee voter list if the
16 voter's mailing address on the certificate of registration is
17 outside of New Mexico.

18 C. Upon acceptance of the application to be added
19 to the voluntary permanent absentee voter list, the county
20 clerk shall add the voter's name to the voluntary permanent
21 absentee voter list in the county. The voluntary permanent
22 absentee voter list shall contain the voter's name, year of
23 birth, address and precinct in the county.

24 D. A voter whose name appears on the voluntary
25 permanent absentee voter list shall remain on the list, except

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1 as provided in Subsection F of this section, and shall be sent
 2 a mailed ballot by the county clerk for each statewide election
 3 conducted that includes the precinct in which the voter is
 4 eligible to vote. The mailed ballot shall be sent in the first
 5 batch of mailed ballots delivered to voters in that election.

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

14 F. A voter shall be removed from the voluntary
 15 permanent absentee voter list by the county clerk for the
 16 following reasons:

17 (1) the voter fails to return a mailed ballot
 18 in two consecutive elections, including at least one general
 19 election;

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

23 (3) the voter's certificate of registration is
 24 canceled pursuant to the provisions of Chapter 1, Article 4
 25 NMSA 1978;

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1 (4) the voter updates the voter's certificate
2 of registration indicating an address that is outside of the
3 county for which the voter is listed on the voluntary permanent
4 absentee voter list; or

5 (5) the voter submits a written request to the
6 county clerk requesting to be removed from the voluntary
7 permanent absentee voter list.

8 G. A county clerk shall take the necessary steps to
9 attempt to contact and notify a voter who has been removed from
10 the voluntary permanent absentee voter list. If a voter is
11 removed from the voluntary permanent absentee voter list, the
12 voter shall only be added again if the voter submits a new
13 voluntary permanent absentee voter application.

14 H. A county clerk shall maintain the voluntary
15 permanent absentee voter list for the county and shall make the
16 voluntary permanent absentee voter list available on request
17 pursuant to the provisions in Section 1-4-5.5 NMSA 1978."

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

20 "1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

21 ~~[A. The county clerk shall mark on each completed~~
22 ~~official mailing envelope the date and time of receipt in the~~
23 ~~clerk's office, record this information in the absentee or~~
24 ~~mailed ballot register and safely keep the official mailing~~
25 ~~envelope unopened in a locked and number-sealed ballot box~~

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1 ~~until it is delivered to the proper election board, counted in~~
2 ~~the county canvass or canceled and destroyed in accordance with~~
3 ~~law.]~~

4 A. Completed official mailing envelopes that are
5 received at the county clerk's office or a polling place or
6 that are retrieved from the post office or a monitored secured
7 container shall be accepted until 7:00 p.m. on election day. A
8 completed official mailing envelope received after that time
9 shall not be qualified or opened but shall be preserved by the
10 county clerk for the applicable retention period provided in
11 Section 1-12-69 NMSA 1978. The county clerk shall report the
12 number of late ballots from voters, uniformed-service voters
13 and overseas voters and report the number from each category to
14 date on the final mailed ballot report and as part of the
15 county canvass report. If additional late ballots are
16 received, the county clerk shall update the number of late
17 ballots from each category to the secretary of state.

18 B. On the day a returned mailed ballot is received
19 by the county clerk, the county clerk shall mark the date of
20 receipt on the outside of the official mailing envelope.
21 Within one business day of receiving a returned official
22 mailing envelope, the county clerk shall remove the privacy
23 flap to verify that the voter signed the official mailing
24 envelope and to confirm that the last four digits of the social
25 security number provided by the voter match the information

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1 available to the county clerk; provided that no county clerk or
2 deputy county clerk shall perform the verification process
3 pursuant to this subsection unless the county clerk or deputy
4 county clerk would also meet the requirements to be a
5 challenger, watcher or election observer pursuant to Paragraphs
6 (1) through (4) of Subsection C of Section 1-2-22 NMSA 1978.

7 C. If the voter's signature is present and the last
8 four digits of the voter's social security number match, the
9 county clerk shall note in the absentee ballot register that
10 the information required to be provided by the voter under the
11 privacy flap has been verified and shall safely keep the
12 official mailing envelope unopened in a locked and number-
13 sealed ballot box until it is delivered to the absent voter
14 election board.

15 D. If either the voter's signature is missing or
16 the last four digits of the voter's social security number are
17 not provided or do not match, the county clerk shall make the
18 appropriate notation in the absentee ballot register and shall
19 safely keep the official mailing envelope unopened in a secured
20 ballot box designated for those official mailing envelopes
21 received that are missing the voter's signature or the last
22 four digits of the voter's social security number or where the
23 last four digits of the social security number do not match the
24 information available to the county clerk. The county clerk
25 shall immediately send the voter a notice to cure containing

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1 information regarding how the voter may provide documentation
2 to cure the missing or incorrect information.

3 E. If, pursuant to Subsection F of Section 1-6-4
4 NMSA 1978, the voter was notified of the need to comply with
5 federal identification requirements when returning the
6 requested ballot and failed to comply, the county clerk shall
7 preserve the inner envelope with the official mailing envelope
8 and write "Rejected" on the front of the official mailing
9 envelope, and the county clerk shall update the ballot register
10 accordingly and immediately send the voter a notice to cure
11 containing information regarding how the voter may provide the
12 missing or incorrect information. The county clerk shall place
13 the official mailing envelope with the attached inner envelope
14 in a container provided for rejected ballots; provided that if
15 the county clerk was required to open the inner envelope to
16 determine that the required documentary identification was not
17 included, the untallied ballot shall be returned to the inner
18 envelope and preserved along with the official mailing envelope
19 in a container for this purpose.

20 F. The voter may provide the missing or corrected
21 information at any time up to the conclusion of the appeal
22 process for rejected ballots. If a voter provides the missing
23 or corrected information:

24 (1) before the absent voter election board has
25 been convened, the county clerk shall attach the documentation

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1 to the unopened official mailing envelope, update the ballot
2 register accordingly and transfer the ballot to the locked and
3 number-sealed ballot box until it is delivered to the absent
4 voter election board;

5 (2) after the absent voter election board has
6 been convened, the county clerk shall attach the documentation
7 to the unopened official mailing envelope, update the ballot
8 register accordingly and transfer the ballot to the absent
9 voter election board;

10 (3) after the adjournment of the absent voter
11 election board but before the conclusion of the county canvass
12 process, the county clerk shall attach the documentation to the
13 unopened official mailing envelope, update the ballot register
14 accordingly and transfer the ballot to an election board
15 convened to assist in preparation of the county canvass report;
16 and

17 (4) after approval of the county canvass
18 report, the voter may appeal in accordance with appeal
19 procedures for provisional ballots established by rule of the
20 secretary of state pursuant to Section 1-12-25.2 NMSA 1978.

21 ~~[B-]~~ G. In a statewide election, if the unopened
22 official mailing envelope is received by the county clerk from
23 an election board before the absent voter election board has
24 adjourned, the unopened official mailing envelope shall be
25 ~~[logged and]~~ transmitted to the absent voter election board to

1 be tallied immediately. If the unopened official mailing
 2 envelope is received by the county clerk from an election board
 3 after the absent voter election board has adjourned, the
 4 unopened official mailing envelope shall be ~~[logged and]~~
 5 transmitted to an election board convened to assist in
 6 preparation of the county canvass report to be tallied and
 7 included in the canvass report of that county for the
 8 appropriate precinct.

9 ~~[G. Completed official mailing envelopes shall be~~
 10 ~~accepted until 7:00 p.m. on election day.~~

11 ~~D. Any completed official mailing envelope received~~
 12 ~~after that time shall not be qualified or opened but shall be~~
 13 ~~preserved by the county clerk for the applicable retention~~
 14 ~~period provided in Section 1-12-69 NMSA 1978. The county clerk~~
 15 ~~shall report the number of late ballots from voters, uniformed-~~
 16 ~~service voters and overseas voters and report the number from~~
 17 ~~each category to date on the final absentee ballot report and~~
 18 ~~as part of the county canvass report. If additional late~~
 19 ~~ballots are received, the county clerk shall update the number~~
 20 ~~of late ballots from each category to the secretary of state.]"~~

21 SECTION 11. A new Section 1-11-12.2 NMSA 1978 is enacted
 22 to read:

23 "1-11-12.2. [NEW MATERIAL] MONITORED SECURED CONTAINERS--
 24 DISTRIBUTION TO COUNTIES.--

25 A. Each county shall have at least two monitored

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1 secured containers. The secretary of state may approve a
2 request by a county clerk for additional monitored secured
3 containers in a county.

4 B. In addition to the monitored secured containers
5 provided pursuant to Subsection A of this section, a
6 municipality, school district, community college or other
7 political subdivision of the state may make a written request
8 to the county clerk for one or more monitored secured
9 containers on or near the boundaries of the municipality,
10 school district, community college or other political
11 subdivision of the state. A county clerk that receives a
12 written request for monitored secured containers from a
13 municipality, school district, community college or other
14 political subdivision of the state shall evaluate the
15 population in and near the area of the request, the distance
16 voters have to travel to get to the nearest monitored secured
17 container and the number of monitored secured containers and
18 early voting locations on or near the area of the request. The
19 county clerk shall respond in writing to the municipality,
20 school district, community college or other political
21 subdivision within thirty days of receiving the written
22 request. A written request for monitored secured containers
23 for future statewide elections may be made between the second
24 Tuesday in March and the second Tuesday in April of any year.

25 C. A municipality, school district, community

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1 college or other political subdivision of the state whose
 2 written request to a county clerk for monitored secured
 3 containers is denied may appeal that decision by submitting the
 4 written request along with the denial letter from the county
 5 clerk to the secretary of state, along with any response to the
 6 denial letter from the requesting political subdivision. The
 7 secretary of state may place a monitored secured container on
 8 or near an area that is the subject of the request in response
 9 to an appeal submitted pursuant to this subsection.

10 D. A monitored secured container located on or near
 11 the boundaries of a municipality, school district, community
 12 college or other political subdivision of the state shall
 13 comply with all requirements for monitored secured containers
 14 provided in the Election Code. If a monitored secured
 15 container is provided pursuant to this section, the requesting
 16 political subdivision shall provide the facility and services
 17 necessary for the monitored secured container."

18 SECTION 12. 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 13. 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 14. 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 15. 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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underscored material = new
 [bracketed material] = delete

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. A written request for early voting locations for
5 the general election in that year by an Indian nation, tribe or
6 pueblo that has not already done so shall be made between the
7 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 SECTION 16. A new Section 1-21A-5 NMSA 1978 is enacted to
14 read:

15 "1-21A-5. [NEW MATERIAL] VOTER CONVENIENCE CENTERS--
16 REQUIREMENTS.--

17 A. A county clerk who has received a written
18 request from an Indian nation, tribe or pueblo for one or more
19 voter convenience centers on or near Indian nation, tribal or
20 pueblo land shall consider the request when submitting
21 recommendations to the board of county commissioners for the
22 biennial election day polling place resolution establishing
23 voter convenience centers for the subsequent election cycle;
24 provided that:

25 (1) any voter of the county shall have access

1 to and be permitted to vote at the alternate voting or mobile
2 alternate voting location;

3 (2) the location of the voter convenience
4 center conforms to the requirements for voter convenience
5 centers, except as specified in this section;

6 (3) the county clerk provides federally
7 mandated language translators at the alternate voting or mobile
8 alternate voting locations; and

9 (4) if the voter convenience center is located
10 on Indian nation, tribal or pueblo land, the Indian nation,
11 tribe or pueblo provides the facility and services for the
12 alternate voting or mobile alternate voting location.

13 B. In considering the written request, the county
14 clerk shall evaluate the distance voters have to travel to get
15 to the nearest voter convenience center and the number of
16 monitored secured containers and early voting locations on or
17 near the Indian nation, tribal or pueblo lands.

18 C. At the time of submitting the election day
19 polling place resolution to the board of county commissioners,
20 the county clerk shall inform the board of county commissioners
21 of any written requests received by an Indian nation, tribe or
22 pueblo for a voter convenience center.

23 D. Once the election day polling place resolution
24 is adopted, a voter convenience center located on Indian
25 nation, tribal or pueblo lands shall not be eliminated or

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1 consolidated with other voter convenience centers in that
2 election cycle without the written agreement of the Indian
3 nation, tribe or pueblo on whose lands the voter convenience
4 center is located."

5 SECTION 17. A new Section 1-21A-6 NMSA 1978 is enacted to
6 read:

7 "1-21A-6. [NEW MATERIAL] EARLY VOTING LOCATIONS--
8 REQUIREMENTS.--

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

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

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

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

24 (4) the Indian nation, tribe or pueblo
25 provides the facility and services for the alternate voting or

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1 mobile alternate voting location; and

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

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

11 SECTION 18. A new Section 1-21A-7 NMSA 1978 is enacted to
12 read:

13 "1-21A-7. [NEW MATERIAL] MONITORED SECURED CONTAINERS--
14 REQUIREMENTS.--

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

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

10 C. A monitored secured container located on or near
11 Indian nation, tribal or pueblo land shall comply with all
12 requirements for monitored secured containers provided in the
13 Election Code. If a monitored secured container is located on
14 Indian nation, tribal or pueblo land, the Indian nation, tribe
15 or pueblo shall provide the facility and services necessary for
16 the monitored secured container."

17 SECTION 19. A new Section 1-21A-8 NMSA 1978 is enacted to
18 read:

19 "1-21A-8. [NEW MATERIAL] USE OF GOVERNMENTAL AND OFFICIAL
20 BUILDINGS AS MAILING ADDRESSES ON VOTER REGISTRATION
21 CERTIFICATES AND MAILED BALLOT APPLICATIONS.--

22 A. The secretary of state shall maintain a list of
23 government and official buildings on Indian nation, tribal and
24 pueblo land where members of the Indian nation, tribe or pueblo
25 may request delivery of mailed ballots. The list shall include

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1 the common name for each building and the mailing address for
 2 the building. The list shall be provided by county to each
 3 county clerk with an Indian nation, tribe or pueblo in the
 4 county.

5 B. If a county clerk receives a voter registration
 6 certificate or an application for a mailed ballot that lists a
 7 government or official building on Indian nation, tribal or
 8 pueblo land by name only, the county clerk shall not reject the
 9 certificate or application for lack of a mailing address and,
 10 if the certificate or application is otherwise in the proper
 11 form, shall mail the ballot and balloting materials to the
 12 voter using the address for the government or official
 13 building."

14 SECTION 20. A new Section 1-21A-9 NMSA 1978 is enacted to
 15 read:

16 "1-21A-9. [NEW MATERIAL] EMERGENCY SITUATIONS.--If the
 17 president, governor or governing body of an Indian nation,
 18 tribal or pueblo has declared a state of emergency or has
 19 invoked emergency powers pursuant to other laws:

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

25 B. no later than ninety-eight days before a

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1 statewide election by means of a written request or no later
2 than forty-nine days before a statewide election with a court
3 order, the county clerk shall provide to an Indian nation,
4 tribe or pueblo that has not previously made a written request
5 for that election cycle at least one alternate voting or mobile
6 alternate voting location for that election; provided that the
7 alternate voting or mobile alternate voting location shall
8 otherwise comply with the requirements of Section 1-21A-6 NMSA
9 1978;

10 C. no later than eighty-four days before a
11 statewide election by means of a written request or no later
12 than thirty-five days before a statewide election with a court
13 order, the county clerk shall provide an election day polling
14 place to an Indian nation, tribe or pueblo that does not
15 already have an election day polling place within its
16 boundaries if voters registered within the Indian nation, tribe
17 or pueblo are unable to leave the Indian nation, tribe or
18 pueblo during the time when voting occurs for a statewide
19 election; and

20 D. the requirement that a polling place be
21 available to all voters in the county shall be waived if an
22 Indian nation, tribe or pueblo is inaccessible or the borders
23 are closed."

24 SECTION 21. A new Section 1-21A-10 NMSA 1978 is enacted
25 to read:

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

2 A. All necessary and reasonable expenses incurred
3 by a county clerk for compliance with the Native American
4 Voting Rights Act, including the costs of voting equipment and
5 personnel for polling places and monitored secured containers
6 on Indian nation, tribal or pueblo land, shall be paid for by
7 the secretary of state or shall be reimbursed to the county by
8 the secretary of state.

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

13 SECTION 22. Section 6-4-27 NMSA 1978 (being Laws 2020,
14 Chapter 3, Section 4) is amended to read:

15 "6-4-27. EXCESS EXTRACTION TAXES SUSPENSE FUND--TRANSFER
16 OF EXCESS OIL AND GAS EMERGENCY SCHOOL TAX REVENUE--STATE
17 ELECTION FUND--TAX STABILIZATION RESERVE--EARLY CHILDHOOD
18 EDUCATION AND CARE FUND.--

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

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

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underscoring material = new
[bracketed material] = delete

1 (1) to the state election fund, the amount
2 necessary to bring the state election fund to a level equal to
3 twenty million dollars (\$20,000,000), counting for these
4 purposes only state funds previously deposited into the state
5 election fund for operating fund purposes; provided that, if
6 the balance in the excess extraction taxes suspense fund is not
7 sufficient to meet that level, the entire balance shall be
8 transferred to the state election fund;

9 (2) after the transfer is made pursuant to
10 Paragraph (1) of this subsection, to the tax stabilization
11 reserve, the amount necessary to bring the balance of state
12 reserves to a level equal to twenty-five percent of the
13 aggregate recurring appropriations for that fiscal year from
14 the general fund, as determined by the department; provided
15 that, if the remaining balance in the excess extraction taxes
16 suspense fund is not sufficient to meet that level, the entire
17 remaining balance shall be transferred to the tax stabilization
18 reserve; and

19 [~~(2)~~] (3) after the transfer is made pursuant
20 to Paragraph (2) of this subsection, to the early childhood
21 education and care fund, the balance remaining in the excess
22 extraction taxes suspense fund, if any [~~after the transfer is~~
23 ~~made pursuant to Paragraph (1) of this subsection~~].

24 C. As used in this section, "state reserves" means
25 the general fund balances, as determined by the department of

1 finance and administration, including all authorized revenues
 2 and transfers to the general fund and balances in the
 3 appropriation contingency fund, the general fund operating
 4 reserve, the state-support reserve fund, the tax stabilization
 5 reserve and the tobacco settlement permanent fund."

6 SECTION 23. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
 7 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
 8 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
 9 to read:

10 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM.--

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

14 (1) kindergarten, for half-day programs, two
 15 and one-half hours per day or four hundred fifty hours per year
 16 or, for full-day programs, five and one-half hours per day or
 17 nine hundred ninety hours per year;

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

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

22 B. Up to thirty-three hours of the full-day
 23 kindergarten program may be used for home visits by the teacher
 24 or for parent-teacher conferences. Up to twenty-two hours of
 25 grades one through six programs may be used for home visits by

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1 the teacher or for parent-teacher conferences. Up to twelve
2 hours of grades seven through twelve programs may be used to
3 consult with parents to develop next step plans for students
4 and for parent-teacher conferences.

5 C. Nothing in this section precludes a local school
6 board from setting a school year or the length of school days
7 in excess of the minimum requirements established by Subsection
8 A of this section.

9 D. The secretary may waive the minimum length of
10 school days in those school districts where such minimums
11 would create undue hardships as defined by the department as
12 long as the school year is adjusted to ensure that students
13 in those school districts receive the same total
14 instructional time as other students in the state.

15 E. Notwithstanding any other provision of this
16 section, provided that instruction occurs simultaneously,
17 time when breakfast is served or consumed pursuant to a state
18 or federal program shall be deemed to be time in a school-
19 directed program and is part of the instructional day.

20 F. Every general election and regular local
21 election shall be a school holiday for students and staff at
22 each public school in this state."

23 SECTION 24. Section 31-13-1 NMSA 1978 (being Laws 1963,
24 Chapter 303, Section 29-14, as amended) is amended to read:

25 "31-13-1. FELONY CONVICTION--RESTORATION OF

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1 ~~[CITIZENSHIP] RIGHT TO HOLD OFFICE OF PUBLIC TRUST.~~--

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

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

8 ~~(2) was unconditionally discharged from a~~
9 ~~correctional facility under the jurisdiction of the~~
10 ~~corrections department or was conditionally discharged from a~~
11 ~~correctional facility under the jurisdiction of the~~
12 ~~corrections department and has completed all conditions of~~
13 ~~probation or parole;~~

14 ~~(3) was unconditionally discharged from a~~
15 ~~correctional facility under the jurisdiction of a federal~~
16 ~~corrections agency or was conditionally discharged from a~~
17 ~~correctional facility under the jurisdiction of a federal~~
18 ~~corrections agency and has completed all conditions of~~
19 ~~probation or parole; or~~

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

24 ~~B. When a person has completed the terms of a~~
25 ~~suspended or deferred sentence imposed by a court for a~~

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1 ~~felony conviction, the clerk of the district court shall~~
2 ~~notify the secretary of state. The secretary of state shall~~
3 ~~notify all county clerks that the person is eligible for~~
4 ~~registration.~~

5 ~~G. A person who has served the entirety of a~~
6 ~~sentence imposed for a felony conviction, including a term of~~
7 ~~probation or parole shall be issued a certificate of~~
8 ~~completion by the corrections department. Upon issuance, the~~
9 ~~corrections department shall inform the person that the~~
10 ~~person is entitled to register to vote. The certificate of~~
11 ~~completion shall state that the person's voting rights are~~
12 ~~restored.~~

13 ~~D. When the corrections department issues a~~
14 ~~person a certificate of completion, the corrections~~
15 ~~department shall notify the secretary of state that the~~
16 ~~person is entitled to register to vote. The secretary of~~
17 ~~state shall notify all county clerks that the person is~~
18 ~~eligible for registration. Additionally, a county clerk~~
19 ~~shall accept the following documents as proof that a person~~
20 ~~has served the entirety of the sentence for a felony~~
21 ~~conviction and is eligible for registration:~~

22 ~~(1) a judgment and sentence from a court of~~
23 ~~this state, another state or the federal government, which~~
24 ~~shows on its face that the person has completed the entirety~~
25 ~~of the sentence;~~

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

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

5 E.] A person who has been convicted of a felony
6 shall not be permitted to hold an office of public trust for
7 the state, a county, a municipality or a district, unless the
8 person has presented the governor with a certificate
9 verifying the completion of the sentence and was granted a
10 pardon or a certificate by the governor restoring the
11 person's full rights of citizenship."

12 SECTION 25. REPEAL.--Sections 1-3-7.2 and 1-6-5.8 NMSA
13 1978 (being Laws 2021, Chapter 107, Section 1 and Laws 2009,
14 Chapter 251, Section 2, as amended) are repealed.

15 SECTION 26. EFFECTIVE DATE.--

16 A. The effective date of the provisions of
17 Sections 1, 2, 4, 5, 8, 10 through 22, 24 and 25 of this act
18 is July 1, 2022.

19 B. The effective date of the provisions of
20 Sections 3, 6, 7, 9 and 23 of this act is January 1, 2023.

underscored material = new
[bracketed material] = delete