

FIFTY-FIFTH LEGISLATURE  
SECOND SESSION

February 16, 2022

HOUSE FLOOR AMENDMENT number   1   to SENATE BILL 144, as amended

Amendment sponsored by Representative Daymon Ely

1. Strike House Judiciary Committee Amendment 4.

2. On page 1, line 11, after the semicolon, insert "AMENDING THE PERMITTED AND PROHIBITED ACTIVITIES OF CHALLENGERS, WATCHERS AND COUNTY CANVASS OBSERVERS;".

3. On page 2, between lines 7 and 8, insert the following new sections:

"SECTION 98. Section 1-20-17 NMSA 1978 (being Laws 1969, Chapter 240, Section 441, as amended) is amended to read:

"1-20-17. OBSTRUCTING THE POLLING PLACE.--

A. Obstructing the polling place consists of

~~[(1) any person other than a voter offering to vote, a member of the precinct board, a lawfully appointed challenger or watcher, an election observer, an election official having business in the polling place or a person authorized by the Election Code to give assistance to a voter who, during the conduct of the election, approaches nearer than fifty feet from the door through which voters may enter to vote at the office of the county clerk, an alternate voting location, a mobile voting site or any location used as a polling place; or~~

~~(2) any]~~ a person other than an authorized individual approaching nearer than fifty feet from the door through which voters may enter to vote at a polling place or a person who willfully blocks access to a monitored secured container or the entrance to a polling place so as to prevent free ingress and

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egress.

B. A person conducting lawful, non-election-related business nearer than fifty feet from the door through which voters may enter to vote is not guilty of obstructing a polling place, provided the person does not willfully block access to a monitored secured container or the entrance to the polling place.

C. As used in this section, "authorized individual" means an individual who is not electioneering and who is:

(1) a voter offering to vote;

(2) a member of the election board;

(3) a lawfully appointed watcher, challenger or election observer;

(4) an individual giving assistance to a specific person offering to vote;

(5) an election official or contractor having business in the polling place;

(6) an attorney representing the county or state, a political party or a candidate having business in the polling place; or

(7) a language translator where required by federal law.

[G.] D. Whoever obstructs the polling place is guilty of a petty misdemeanor."

SECTION 99. Section 1-20-21 NMSA 1978 (being Laws 1969, Chapter 240, Section 445) is amended to read:

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"1-20-21. UNLAWFUL POSSESSION OF ALCOHOLIC LIQUORS.--Unlawful possession of alcoholic liquors consists of the use or possession of any alcoholic liquor by any member of the [~~precinct~~] election board while performing [~~his~~] official duties on election day. [~~Unlawful possession also consists of the use, possession or carrying of alcoholic liquor within two hundred feet of the polling place during any election.~~]

Whoever commits unlawful possession of alcoholic liquors is guilty of a petty misdemeanor."

**SECTION 100.** A new Section 1-21A-1 NMSA 1978 is enacted to read:

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

**SECTION 101.** A new Section 1-21A-2 NMSA 1978 is enacted to read:

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

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

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

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

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

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

**SECTION 102.** A new Section 1-21A-3 NMSA 1978 is enacted to read:

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

A. When adjusting precinct boundaries for any group of census blocks that are on Indian nation, tribal or pueblo lands, the board of county commissioners shall inquire of each Indian nation, tribe or pueblo in the county to provide internal and external political boundaries for the Indian nation, tribe or pueblo.

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

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

**SECTION 103.** A new Section 1-21A-4 NMSA 1978 is enacted to read:

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

A. An Indian nation, tribe or pueblo may submit a written

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request to a county clerk for locating early voting locations, voter convenience centers or monitored secured containers on or near the Indian nation's, tribe's or pueblo's lands.

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

C. A written request for early voting locations for all statewide elections in the current election cycle shall be made between the second Tuesday in March and the second Tuesday in April of each odd-numbered year.

D. A written request for early voting locations for the general election in that year by an Indian nation, tribe or pueblo that has not already done so shall be made between the first business day in January and the day the secretary of state issues the proclamation for the general election.

E. A written request for monitored secured containers for future statewide elections may be made by July 15, 2022 for the 2022 general election and between the second Tuesday in March and the second Tuesday in April of any year for all subsequent elections."

**SECTION 104.** A new Section 1-21A-5 NMSA 1978 is enacted to read:

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

A. A county clerk who has received a written request from an Indian nation, tribe or pueblo for one or more voter convenience centers on or near Indian nation, tribal or pueblo land shall consider the request when submitting recommendations to the board of county commissioners for the biennial election day polling place

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resolution establishing voter convenience centers for the subsequent election cycle; provided that:

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

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

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

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

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

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

D. Once the election day polling place resolution is adopted, a voter convenience center located on Indian nation, tribal or pueblo lands shall not be eliminated or consolidated with other voter convenience centers in that election cycle without the written

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agreement of the Indian nation, tribe or pueblo on whose lands the voter convenience center is located."

**SECTION 105.** A new Section 1-21A-6 NMSA 1978 is enacted to read:

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

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

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

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

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

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

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

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

**SECTION 106.** A new Section 1-21A-7 NMSA 1978 is enacted to read:

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

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

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

C. A monitored secured container located on or near Indian nation, tribal or pueblo land shall comply with all requirements for

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monitored secured containers provided in the Election Code. If a monitored secured container is located on Indian nation, tribal or pueblo land, the Indian nation, tribe or pueblo shall provide the facility and services necessary for the monitored secured container."

**SECTION 107.** A new Section 1-21A-8 NMSA 1978 is enacted to read:

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

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

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

**SECTION 108.** A new Section 1-21A-9 NMSA 1978 is enacted to read:

"1-21A-9. [NEW MATERIAL] EMERGENCY SITUATIONS.--If the president, governor or governing body of an Indian nation, tribal or pueblo has declared a state of emergency or has invoked emergency

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powers pursuant to other laws:

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

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

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

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

**SECTION 109.** A new Section 1-21A-10 NMSA 1978 is enacted to read:

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

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

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

**SECTION 110.** Section 1-22-4 NMSA 1978 (being Laws 2018, Chapter 79, Section 19, as amended) is amended to read:

"1-22-4. REGULAR LOCAL ELECTION--PROCLAMATION--PUBLICATION.--

~~[A. Between one hundred twenty and one hundred fifty days before the next regular local election, each local government shall notify the county clerk of the county in which the primary administrative office of the local government is situate of all local government positions that are to be filled at the next regular local election. Each county clerk shall inform the secretary of state of all positions to be filled no later than one hundred twelve days before the regular local election.~~

~~B.]~~ A. The secretary of state shall by resolution issue a public proclamation in Spanish and English calling a regular local election. The proclamation shall be issued and filed by the secretary of state in the office of the secretary of state [~~ninety~~] twenty-one days preceding the filing date [~~of~~] for the regular local election, and upon filing the proclamation, the secretary of state shall post the proclamation and certify it to each county clerk. The proclamation may be amended no later than eleven days before the filing date for the regular local election.

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~~[E.]~~ B. The proclamation shall specify:

- (1) the date when the election will be held;
- (2) each elective office, local governing body and judicial position to be filled;
- (3) the date on which declarations of candidacy are to be filed;
- (4) the date on which declarations of intent to be a write-in candidate are to be filed; and
- (5) the municipalities subject to a ranked-choice voting runoff election and those subject to a top-two runoff election and the date of the top-two runoff election should one be necessary.

~~[D.]~~ C. After receipt of the proclamation from the secretary of state, the county clerk shall post the entire proclamation on the county clerk's website and, not less than seventy-five days before the date of the election, shall publish portions of the proclamation relevant to the county at least once in a newspaper of general circulation within the county. The publication of the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended, and shall specify:

- (1) the date when the election will be held;
- (2) for each local government situated in whole or in part in the county, each elective executive, local governing body and judicial position to be filled by voters of any precinct in the county;
- (3) the date on which declarations of candidacy are

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to be filed and the date on which declarations of intent to be a write-in candidate are to be filed;

(4) the location, days and hours for voting at the office of the county clerk;

(5) the location, days and hours for early voting at each alternate voting location and mobile alternate voting location;

(6) the location, date and hours for voting at each election day polling place; and

(7) the date certificates of registration shall be subscribed and sworn as required by law.

~~[E. Whenever two or more members of a local governing body are to be elected at large for terms of the same length of time, the secretary of state shall numerically designate the positions on the ballot as "position one", "position two" and such additional consecutively numbered positions as are necessary, but only one member shall be elected for each position. Whenever two or more members of a local governing body are to be elected to represent the same area with terms of different lengths of time, the secretary of state shall list the office with the shorter length of time first and shall designate each position with "for a term expiring \_\_\_\_".]~~

D. To assist the secretary of state with preparation of the proclamation, during the month of June preceding a regular local election, each county clerk shall communicate with each local government whose primary administrative office is located in the county. The county clerk shall inquire as to which local government positions are to be filled at the next regular local election and whether the position is to be filled for a full term or a partial term, as well as the expiration date of each term. Each county clerk shall inform the secretary of state of all known positions to be filled no later than the last business day in June preceding a

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regular local election."

SECTION 111. Section 1-22-7 NMSA 1978 (being Laws 2018, Chapter 79, Section 20, as amended) is amended to read:

"1-22-7. DECLARATION OF CANDIDACY--FILING DATE--PENALTY.--

A. A candidate for a position that will be filled at a regular local election shall file a declaration of candidacy with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the seventieth day before the date of the regular local election.

B. A candidate shall file for only one position in the same local government but may file for a position in more than one local government on the same filing day.

C. A declaration of candidacy shall not be amended after it has been filed with the proper filing officer.

D. Each declaration of candidacy shall be accompanied by a nominating petition containing at least the number of signatures as required by law for the specific office. If not otherwise required by law for the specific office, the declaration of candidacy shall be accompanied by a nominating petition containing no fewer than ten signatures or a fifty-dollar (\$50.00) filing fee.

~~[D.]~~ E. Each declaration of candidacy shall be delivered for filing in person by the eligible candidate or by a person acting by virtue of written authorization. The proper filing officer shall not accept for filing from any one individual more than one declaration of candidacy.

~~[E.]~~ F. Whoever knowingly makes a false statement in a declaration of candidacy is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

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**SECTION 112.** Section 1-22-8.1 NMSA 1978 (being Laws 2018, Chapter 79, Section 22, as amended) is amended to read:

"1-22-8.1. WRITE-IN CANDIDATES.--

A. Write-in candidates shall be permitted in regular local elections.

B. A person may be a write-in candidate only if the person has the qualifications to be a candidate for the position for which the person is running.

C. A person desiring to be a write-in candidate for an office shall file with the proper filing officer a declaration of ~~[candidacy]~~ intent to be a write-in candidate. The declaration shall be filed between 9:00 a.m. and 5:00 p.m. on the sixty-third day preceding the date of the election. ~~[The county clerk shall ensure that a declaration of candidacy filed pursuant to this section specifies that it is for a write-in candidate.]~~

D. ~~[At the time of filing the declaration of candidacy]~~ The declaration of intent to be a write-in candidate shall be accompanied by a nominating petition containing the same number of signatures or the filing fee required of other candidates for the same office.

E. A write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the Local Election Act, except that the write-in candidate's name shall not be printed on the ballot nor posted in any polling place."

**SECTION 113.** Section 1-22-10 NMSA 1978 (being Laws 2018, Chapter 79, Section 24, as amended) is amended to read:

"1-22-10. CANDIDATE QUALIFICATION--CHALLENGES--BALLOTS.--

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A. The proper filing officer shall determine whether a candidate filing a declaration of candidacy is registered to vote within the area to be elected to represent and, if required for the office being sought, whether the candidate's nominating petition for that office has been filed with a number of signatures that is equal to or greater than the number required for that office. If the candidate is so qualified and no withdrawal of candidacy has been filed as provided in the Local Election Act, the proper filing officer shall place the candidate's name on the ballot for the position specified in the declaration of candidacy and notify each candidate in writing no later than ~~[5:00 p.m. on the sixtieth]~~ the sixty-seventh day before the local election.

B. Any voter may challenge the candidacy of any person seeking election at the regular local election for the reason that the person does not meet the requirements for the office sought by filing a petition in the district court within seven days after the day for filing a declaration of candidacy. The district court shall hear and render a decision on the matter within ten days after the filing of the petition. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision on the appeal forthwith.

C. Ballots for the regular local election shall be prepared by the proper filing officer and printed in accordance with the provisions of Section 1-10-5 NMSA 1978.

D. The printed ballot shall contain the name of each person who is a candidate and the position for which the person is a candidate.

E. The ballot shall also contain all ballot questions that are to be submitted to the voters as certified by a local governing body to the county clerk in each county in which the local government is situate and shall conform to the requirements for

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ballot questions on the regular local election ballot as provided in Chapter 1, Article 16 NMSA 1978."

**SECTION 114.** Section 1-22-18 NMSA 1978 (being Laws 2018, Chapter 79, Section 31) is amended to read:

"1-22-18. LOCAL ELECTION--DATE TERM OF OFFICE BEGINS.--

A. A candidate to whom a certificate of election has been issued shall take the oath of office before entering upon the duties of the office to which the person was elected.

B. The term of office of a candidate elected in a regular local election [~~or ensuing top-two runoff election~~] shall begin on January 1 following the candidate's election [~~and the candidate to whom a certificate of election has been issued shall take the oath of office before entering upon the duties of office~~].

C. A candidate elected in a regular local election to serve the remainder of an unexpired term shall enter upon the duties of that office on or after January 1 following the candidate's election."

**SECTION 115.** Section 1-24-3 NMSA 1978 (being Laws 2019, Chapter 212, Section 156) is amended to read:

"1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--

A. All special elections in this state shall be conducted absentee. Mailed ballots shall be used exclusively for voting in special elections. Except as otherwise provided in the Special Election Act, all special elections in this state shall be conducted and canvassed as provided in the Election Code.

B. Without requiring a voter to file an application to receive a ballot, the county clerk shall send a mailed ballot to

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every voter of the county or local public body, except a voter:

(1) who was sent a notice pursuant to Subsection C of Section 1-4-28 NMSA 1978 and who has not returned the prepaid and pre-addressed return card sent pursuant to that section and has not filed a new certificate of registration with a new address; ~~[or]~~

(2) whose voter notification pursuant to Section 1-11-4.1 NMSA 1978 was returned to the county clerk as undeliverable and the voter has not communicated with the county that the voter notification was returned as undeliverable in error or filed a certificate of registration with a new address;

~~[(2)]~~ (3) whose official election-related mail sent through a uniform, nondiscriminatory process was returned to the county clerk or the secretary of state as undeliverable and the voter has not communicated with the county clerk that the official election-related mail was returned as undeliverable in error or filed a certificate of registration with a new address; or

(4) whose ballot is delivered pursuant to the provisions of the Intimate Partner Violence Survivor Suffrage Act.

C. Forty-two days before the election or in the case of a voter notification returned to the county clerk, as soon thereafter as practicable, the county clerk shall send to each voter of the county or local public body described in Paragraphs (1) ~~[and (2)]~~ through (3) of Subsection B of this section notice, sent by forwardable mail, that the voter will not be sent a ballot for the special election unless the voter updates the voter's address as provided by the Election Code or informs the county clerk that the address on the certificate of registration is valid. The notice shall include contact information for the office of the county clerk and an internet address where the voter may update the voter's address or communicate with the county clerk. The mailed ballot register shall note which voters were sent a notice pursuant to this

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subsection.

D. Between the twenty-seventh and twenty-fifth day before the election, pursuant to Subsection B of this section, the county clerk shall send to each voter a ballot for the special election, along with a postage-paid return envelope, a notice that there will be no traditional polling places for the election, the recommended deadline to deposit the voted mailed ballot with the United States postal service for return by mail, the deadline for the ballot to be received by the county clerk and a list of the times and locations of monitored secured containers available in [addition to the United States postal service for a voter to return the ballot] the county.

E. Beginning twenty-two days before the election, the county clerk shall issue replacement and provisional ballots as provided in the Absent Voter Act for the mailed ballot process. In addition, the county clerk shall send a ballot to any voter described in Paragraphs (1) [~~and (2)~~] through (3) of Subsection B of this section who has not previously been sent a ballot if the voter submits an application pursuant to Section 1-6-4 NMSA 1978.

F. When required by federal law, if the voter has on file with the county a valid certificate of registration that indicates that the voter is a new registrant in the state and who registered by mail without submitting the required [~~voter~~] documentary identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot the required documentary identification from the list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk shall note on the mailed ballot register and signature roster that the applicant's mailed ballot must be returned with the required [~~voter~~] documentary identification."

**SECTION 116.** Section 2-11-8.1 NMSA 1978 (being Laws 1993, Chapter 46, Section 23, as amended) is amended to read:

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"2-11-8.1. RESTRICTIONS ON CAMPAIGN ACTIVITIES AND  
CONTRIBUTIONS.--

A. [~~No~~] A lobbyist [~~may~~] shall not serve as a campaign chair, treasurer or fundraising chair for a candidate for the legislature or other state office.

B. It is unlawful during the prohibited period, as that term is defined in Section 1-19-34.1 NMSA 1978, for any lobbyist or lobbyist's employer to contribute to or act as an agent or intermediary for political contributions to or arrange for the making of political contributions to the campaign funds of any statewide elected official or legislator or any candidate for those offices.

~~[C. For purposes of this section, "prohibited period" is that period beginning January 1 prior to any regular session of the legislature or, in the case of a special session, after the proclamation has been issued, and ending on:~~

~~(1) the day the session ends for:~~

~~(a) any statewide elected official or candidate for statewide office except the governor; and~~

~~(b) a legislator or any candidate for the legislature; and~~

~~(2) the twentieth day following the adjournment of the regular or special session for the governor or candidate for governor.]"~~

SECTION 117. Section 3-11-5 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-10-5, as amended) is amended to read:

"3-11-5. MAYOR--APPOINTMENT OF OFFICERS AFTER [~~ELECTION~~] NEW

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TERMS BEGIN.--

A. At the organizational meeting of the governing body, the mayor shall submit, for confirmation by the governing body, the names of persons who shall fill the appointive offices of the municipality [~~and the names of persons who shall be employed by the municipality~~]. If the governing body fails to confirm any person as an appointive official [~~or employee~~] of the municipality, the mayor at the next regular meeting of the governing body shall submit the name of another person to fill the appointed office [~~or to be employed by the municipality~~].

B. The organizational meeting shall be held within the first thirty days following the commencement of new terms of office after each regular municipal election. The organizational meeting may be a special meeting or a regular meeting of the governing body.

[~~B.~~] C. Any person holding an appointed office at the time of the municipal election shall continue in that office until the person's successor has been appointed and is qualified."

**SECTION 118.** Section 3-12-2 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-11-2, as amended) is amended to read:

"3-12-2. GOVERNING BODY--CORPORATE AUTHORITY--LEGISLATIVE BODY--MEMBERS OF COUNCIL AND BOARDS OF TRUSTEES--QUORUM.--

A. The corporate authority of a municipality is vested in the governing body that shall constitute the legislative branch of the municipality and shall not perform any executive functions except those functions assigned to it by law.

B. A majority of the members of the governing body is a quorum for the purpose of transacting business.

C. Unless otherwise provided by law, a question before the

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governing body shall be decided by a majority vote of the members present.

D. The governing body of a municipality having a mayor-council form of government is the council or board of trustees whose members are the mayor and not less than four or more than ten [~~councilmen~~] council members or trustees. Any governing body of more than six [~~councilmen~~] council members or trustees may provide by ordinance for the election of two [~~councilmen~~] council members or trustees for each ward or district or create or abolish wards or districts or alter the boundary of existing wards or districts; provided that only one [~~councilman~~] council member or trustee shall be elected from a ward or district at any one election.

E. In those municipalities with a mayor-council form of government, when there is a requirement that a certain fraction or percentage of the members of the entire governing body or of all the members of the governing body or of the entire membership of the governing body or other similar language other than the requirement of a simple majority vote for the measure, the mayor shall not be counted in determining the actual number of votes needed but [~~he~~] shall vote to break a tie vote as provided in Section 3-11-3 NMSA 1978 unless [~~he~~] the mayor has declared a conflict of interest.

~~[F. The governing body of a municipality may redistrict the municipality whenever redistricting is warranted. Upon petition signed by qualified electors equal in number to the votes cast for the councilman or trustee receiving the greatest number of votes at the last regular municipal election, the governing body of the municipality shall redistrict the municipality.]"~~

SECTION 119. Section 3-14-10 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-13-10) is amended to read:

"3-14-10. COMMISSION-MANAGER--SELECTION OF MAYOR--DUTIES.--

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A. At the [~~first~~] organizational meeting of the new commission [~~after each election or as soon thereafter as practical~~] held within the first thirty days following the commencement of new terms of office after each regular municipal election, the commissioners shall select one of their number as mayor to act for two years or until a successor is selected and qualified unless sooner removed by death, resignation or removal from office.

B. The mayor shall preside at all meetings of the commission and perform other duties consistent with [~~his~~] the office as imposed by the commission. The mayor has all powers and duties of a commissioner, including the right to vote upon all questions considered by the commission. [~~He~~] The mayor is the official head of the municipality for all ceremonial purposes, for the purpose of civil process and for military purposes. During [~~his~~] the mayor's absence or disability, [~~his~~] the mayor's duties shall be performed by another member of the commission appointed by a majority of the commission and designated as mayor pro tem.

C. The commission shall meet at least twice each month."

SECTION 120. A new Section 4-38-17.2 NMSA 1978 is enacted to read:

"4-38-17.2. [NEW MATERIAL] APPROPRIATIONS FOR ELECTIONS.--The board of county commissioners shall appropriate from the county general fund all funds necessary for the administration of elections. Such funds shall be deposited into the county election fund for election-related expenses as provided by law."

SECTION 121. A new Section 4-40-11 NMSA 1978 is enacted to read:

"4-40-11. [NEW MATERIAL] QUALIFICATIONS FOR CLERK'S CERTIFICATES.--The secretary of state, in cooperation and in keeping with the standards of accredited educational programs, shall

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establish by rule the qualifications that are prerequisite to the issuance of each grade of clerk's certificate."

**SECTION 122.** A new Section 4-40-12 NMSA 1978 is enacted to read:

"4-40-12. [NEW MATERIAL] ADDITIONAL COMPENSATION TO CLERKS.-- In addition to the salaries provided for county clerks in Chapter 4, Article 44 NMSA 1978, county clerks may receive:

A. an additional five hundred dollars (\$500) a year for holding a "clerk 1" certificate;

B. an additional one thousand dollars (\$1,000) a year for holding a "clerk 2" certificate;

C. an additional one thousand dollars (\$1,000) a year for holding a "clerk 3" certificate; and

D. an additional one thousand dollars (\$1,000) a year for holding a "clerk 4" certificate."

**SECTION 123.** A new Section 4-40-13 NMSA 1978 is enacted to read:

"4-40-13. [NEW MATERIAL] ADDITIONAL COMPENSATION TO DEPUTY CLERKS.--A board of county commissioners may provide additional cumulative increments to the salary of any chief deputy or deputy clerk employed in the office of the clerk as an incentive for obtaining greater qualification levels up to the following amounts:

A. an additional five hundred dollars (\$500) a year for holding a "clerk 1" certificate;

B. an additional one thousand five hundred dollars (\$1,500) a year for holding a "clerk 2" certificate;

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C. an additional two thousand five hundred dollars (\$2,500) a year for holding a "clerk 3" certificate; and

D. an additional three thousand dollars (\$3,000) a year for holding a "clerk 4" certificate."

**SECTION 124.** Section 7-1-8.8 NMSA 1978 (being Laws 2019, Chapter 87, Section 2, as amended) is amended to read:

"7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE AGENCIES.--An employee of the department may reveal to:

A. a committee of the legislature for a valid legislative purpose, return information concerning any tax or fee imposed pursuant to the Cigarette Tax Act;

B. the attorney general, return information acquired pursuant to the Cigarette Tax Act for purposes of Section 6-4-13 NMSA 1978 and the master settlement agreement defined in Section 6-4-12 NMSA 1978;

C. the commissioner of public lands, return information for use in auditing that pertains to rentals, royalties, fees and other payments due the state under land sale, land lease or other land use contracts;

D. the secretary of human services or the secretary's delegate under a written agreement with the department, the last known address with date of all names certified to the department as being absent parents of children receiving public financial assistance, but only for the purpose of enforcing the support liability of the absent parents by the child support enforcement division or any successor organizational unit;

E. the department of information technology, by electronic media, a database updated quarterly that contains the names,

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addresses, county of address and taxpayer identification numbers of New Mexico personal income tax filers, but only for the purpose of producing the random jury list for the selection of petit or grand jurors for the state courts pursuant to Section 38-5-3 NMSA 1978;

F. the state courts, the random jury lists produced by the department of information technology under Subsection E of this section;

G. the director of the New Mexico department of agriculture or the director's authorized representative, upon request of the director or representative, the names and addresses of all gasoline or special fuel distributors, wholesalers and retailers;

H. the public regulation commission, return information with respect to the Corporate Income and Franchise Tax Act required to enable the commission to carry out its duties;

I. the state racing commission, return information with respect to the state, municipal and county gross receipts taxes paid by racetracks;

J. the gaming control board, tax returns of license applicants and their affiliates as provided in Subsection E of Section 60-2E-14 NMSA 1978;

K. the director of the workers' compensation administration or to the director's representatives authorized for this purpose, return information to facilitate the identification of taxpayers that are delinquent or noncompliant in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA 1978;

L. the secretary of workforce solutions or the secretary's delegate, return information for use in enforcement of unemployment insurance collections pursuant to the terms of a written reciprocal

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agreement entered into by the department with the secretary of workforce solutions for exchange of information;

M. the New Mexico finance authority, information with respect to the amount of municipal and county gross receipts taxes collected by municipalities and counties pursuant to any local option municipal or county gross receipts taxes imposed, and information with respect to the amount of governmental gross receipts taxes paid by every agency, institution, instrumentality or political subdivision of the state pursuant to Section 7-9-4.3 NMSA 1978;

N. the secretary of human services or the secretary's delegate; provided that a person who receives the confidential return information on behalf of the human services department shall not reveal the information and shall be subject to the penalties in Section 7-1-76 NMSA 1978 if the person fails to maintain the confidentiality required:

(1) that return information needed for reports required to be made to the federal government concerning the use of federal funds for low-income working families;

(2) the names and addresses of low-income taxpayers for the limited purpose of outreach to those taxpayers; provided that the human services department shall pay the department for expenses incurred by the department to derive the information requested by the human services department if the information requested is not readily available in reports for which the department's information systems are programmed; and

(3) return information required to administer the Health Care Quality Surcharge Act;

O. the superintendent of insurance, return information with respect to the premium tax and the health insurance premium

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surtax;

P. the secretary of finance and administration or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

Q. the secretary of economic development or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

R. the secretary of public safety or the secretary's designee, return information concerning the Weight Distance Tax Act;

S. the secretary of transportation or the secretary's designee, return information concerning the Weight Distance Tax Act;

T. the secretary of energy, minerals and natural resources or the secretary's designee, return information concerning tax credits or deductions for which eligibility is certified or otherwise determined by the secretary or the secretary's designee; [and]

U. the secretary of environment or the secretary's designee, return information concerning tax credits for which eligibility is certified or otherwise determined by the secretary or the secretary's designee; and

V. the secretary of state or the secretary's designee, taxpayer information required to maintain voter registration records and as otherwise provided in the Election Code."

**SECTION 125.** Section 8-4-4 NMSA 1978 (being Laws 1969, Chapter 272, Section 1, as amended) is amended to read:

"8-4-4. FEES OF SECRETARY OF STATE.--

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A. The secretary of state shall collect the following fees to be deposited with the state treasurer for credit to the general fund:

~~[A.]~~ (1) photocopies of records, per page -----  
----- twenty-five cents (\$.25);

~~[B.]~~ (2) each certification -----  
-----three dollars (\$3.00);

~~[C.] filing each official oath -----  
----- three dollars (\$3.00);]~~

~~[D.]~~ (3) search of records where another fee is not prescribed, per hour of search -----  
----- ten dollars (\$10.00);

~~[E.]~~ (4) duplicate commission of office or certificate----- three dollars (\$3.00);

~~[F.]~~ (5) service of process where another fee is not prescribed -----  
--- twenty-five dollars (\$25.00);

~~[G.]~~ (6) computer printout of Uniform Commercial Code records, per page -----  
one dollar (\$1.00); and

~~[H.]~~ (7) computer generated records other than voter registration records, per record -----  
----- ten cents (\$.10).

B. The secretary of state shall not collect a fee for the following documents when filed in the office of the secretary of state:

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(1) oath of office; and

(2) notice of appointment to a vacancy in office."

SECTION 126. Section 14-8-12.2 NMSA 1978 (being Laws 1985, Chapter 122, Section 2, as amended) is amended to read:

"14-8-12.2. COUNTY CLERK RECORDING AND FILING FUND--USES.--

A. A "county clerk recording and filing fund" is established in each county.

B. Expenditures from the county clerk recording and filing fund shall be determined [~~annually~~] by the county clerk [~~and approved by the board of county commissioners~~].

C. Expenditures from the county clerk recording and filing fund may be expended only:

(1) to rent, purchase, lease or lease-purchase recording, redaction and archiving equipment and services and for supplies, training and maintenance for such equipment; provided that equipment acquired pursuant to this paragraph may be used for other regular duties in the county clerk's office as long as the primary purpose of the equipment is recordation, redaction and archiving;

(2) to rent, purchase, lease or lease-purchase vehicles associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such vehicles; provided that the county clerk shall report annually to the board of county commissioners the usage, mileage and necessity of any vehicle acquired pursuant to this paragraph;

(3) for technical assistance or for training associated with all regular duties of the county clerk's office; or

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(4) for staff travel associated with all regular duties of the county clerk's office pursuant to the Per Diem and Mileage Act.

D. The county clerk recording and filing fund is subject to being audited in the same manner as other funds in the county. The county clerk shall prepare a report detailing the source of funds deposited into the county clerk recording and filing fund, the use of funds and remaining balances within the county clerk recording and filing fund during the annual county budgeting process."

**SECTION 127.** Section 22-2-8.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 2, as amended by Laws 2011, Chapter 35, Section 1 and by Laws 2011, Chapter 154, Section 1) is amended to read:

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

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

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

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

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

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

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six programs may be used for home visits by the teacher or for parent-teacher conferences. Up to twelve hours of grades seven through twelve programs may be used to consult with parents to develop next step plans for students and for parent-teacher conferences.

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

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

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

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

**SECTION 128.** Section 31-13-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-14, as amended) is amended to read:

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

[A. A person who has been convicted of a felony shall not be permitted to vote in any statewide, county, municipal or district

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~~election held pursuant to the provisions of the Election Code, unless the person:~~

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

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

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

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

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

~~C. A person who has served the entirety of a sentence imposed for a felony conviction, including a term of probation or parole shall be issued a certificate of completion by the corrections department. Upon issuance, the corrections department shall inform the person that the person is entitled to register to vote. The certificate of completion shall state that the person's~~

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~~voting rights are restored.~~

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

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

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

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

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

**SECTION 129.** Section 40-13B-1 NMSA 1978 (being Laws 2018, Chapter 40, Section 1) is amended to read:

"40-13B-1. SHORT TITLE.--~~[This act]~~ Chapter 40, Article 13B NMSA 1978 may be cited as the "Confidential Substitute Address Act"."

**SECTION 130.** Section 40-13B-3 NMSA 1978 (being Laws 2018,

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Chapter 40, Section 3) is amended to read:

"40-13B-3. CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM--  
APPLICATION.--

A. The "confidential substitute address program" is created in the office of the secretary of state to provide a process by which a victim of domestic violence may protect the confidentiality of the victim's residential and delivery addresses in public records.

B. An applicant, with the assistance of an application assistant, shall submit an application to the secretary of state on a form prescribed by the secretary of state. The application assistant's signature shall serve as recommendation that the applicant participate in the confidential substitute address program.

C. An application shall be signed and dated by the applicant and the application assistant and shall include:

(1) the applicant's name;

(2) the applicant's statement that the applicant fears for the safety of the applicant, the applicant's child or another person in the applicant's household because of a threat of immediate or future harm;

(3) the applicant's statement that the disclosure of the applicant's residential or delivery address would endanger the applicant, the applicant's child or another person in the applicant's household;

(4) the applicant's statement that the applicant has confidentially relocated in the past ninety days or will relocate within the state in the next ninety days;

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(5) a designation of the secretary of state as the applicant's agent for the purpose of receiving mail, deliveries and service of process, notice or demand;

(6) the names and ages of those persons in the applicant's household who will also be participants in the program if the applicant is admitted into the program. Each person in an applicant's household listed in the application shall be considered a separate participant in the program;

~~[(6)]~~ (7) the applicant's residential and delivery addresses, if different, the confidentiality of which the applicant seeks to protect;

~~[(7)]~~ (8) the applicant's telephone number and email address; and

~~[(8)]~~ (9) the applicant's statement under penalty of perjury that the information contained in the application is true."

**SECTION 131.** Section 40-13B-6 NMSA 1978 (being Laws 2018, Chapter 40, Section 6) is amended to read:

"40-13B-6. CHANGE OF PARTICIPANT NAME, ADDRESS OR TELEPHONE NUMBER--REQUIREMENTS.--

A. A participant shall notify the secretary of state within ten days of legally changing the participant's name and shall provide the secretary of state with a certified copy of documentation of the legal name change.

B. A participant shall notify the secretary of state within ten days of a change to the participant's residential address, delivery address, telephone number or email address.

C. A participant shall notify the secretary of state

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within ten days if a new person in the participant's household needs to become a participant in the program."

SECTION 132. Section 40-13B-7 NMSA 1978 (being Laws 2018, Chapter 40, Section 7) is amended to read:

"40-13B-7. PARTICIPANT DECERTIFICATION.--

A. A participant shall be decertified from the confidential substitute address program if:

(1) the participant submits a request to withdraw from the confidential substitute address program to the secretary of state;

(2) the participant fails to notify the secretary of state of a legal name change or a change to the participant's residential address, delivery address, telephone number or email address; [~~or~~]

(3) mail that is forwarded by the secretary of state to the participant's delivery address is returned as undeliverable; or

(4) the participant does not comply with the provisions of the Intimate Partner Violence Survivor Suffrage Act.

B. If the secretary of state determines that one or more of the causes for decertification provided in Subsection A of this section exist, the secretary of state shall send notice of the participant's decertification to the participant's delivery and residential addresses and shall attempt to notify the participant by telephone and email. The participant shall be given ten days from the date of decertification to appeal the decertification.

C. A person who is decertified from the confidential

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substitute address program shall not continue to use the person's confidential substitute address.

D. For six months after a participant has been decertified, the secretary of state shall forward mail and deliveries to an address provided by the former participant. Upon receipt of mail and deliveries pursuant to this subsection, a former participant shall provide an updated address to the sender."

**SECTION 133.** Section 40-13B-8 NMSA 1978 (being Laws 2018, Chapter 40, Section 8, as amended) is amended to read:

"40-13B-8. PARTICIPANT RECORDS--CONFIDENTIALITY--DISCLOSURE PROHIBITED.--

A. The secretary of state and an agency shall not disclose the residential address, delivery address, telephone number or email address of a participant unless the information is required to be disclosed pursuant to a court order. A person or agency that receives a participant's residential address, delivery address, telephone number or email address pursuant to a court order shall not in turn disclose that information unless pursuant to a court order or unless the person who was a participant has been decertified.

B. The secretary of state shall maintain the confidentiality of all records relating to an applicant for or participant in the confidential substitute address program while the person is a participant and shall:

(1) store all tangible copies of program records in locked equipment;

(2) store all electronic copies of program records in a password-protected system;

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(3) restrict access to all program records to secretary of state staff members who are approved to access the records as provided in this section; and

(4) release program records only on a court's order.

C. The secretary of state shall establish a system for restricting access to program records to approved staff members. Before being approved and granted access to program records, the staff member shall:

(1) submit to a criminal background check performed by the department of public safety;

(2) not have a record of a sex offense, felony or a misdemeanor violation related to domestic violence or sexual assault on the results of the person's criminal background check; and

(3) complete forty hours of training, including a domestic violence training course provided by the children, youth and families department and sexual assault training provided by the department of health or the crime victims reparation commission or its successor.

D. The secretary of state shall appoint a person to be the administrator of the election component of the confidential substitute address program in accordance with the Intimate Partner Violence Survivor Suffrage Act. The administrator shall meet the requirements of Subsection C of this section, and administration of the Intimate Partner Violence Survivor Suffrage Act shall conform to the requirements of Subsections A and B of this section and Subsection E of Section 40-13B-5 NMSA 1978."

**SECTION 134.** Section 1-2-25 NMSA 1978 (being Laws 1969, Chapter 240, Section 44, as amended) is amended to read:

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"1-2-25. CHALLENGERS, WATCHERS, COUNTY CANVASS OBSERVERS--  
PERMITTED AND PROHIBITED ACTIVITIES.--

A. Challengers, watchers and county canvass observers shall:

(1) not be permitted to perform any duty of an election board member;

(2) not handle the ballots, signature rosters, checklist of voters or voting machines or take any part in the counting or tallying of the ballots or the county canvass;

(3) not be allowed to view a voter's full date of birth or any portion of the voter's social security number;

(4) not interfere with the orderly conduct of the election, the counting or tallying of the ballots or the county canvass;

(5) not be allowed to photograph ballots or protected information of any voter and shall not be allowed to make any audio or video recording in a polling place;

(6) be allowed to be within sufficient sight and sound of an election board for a reasonable person to see and hear the election board in the conduct of the board's duties;

(7) be permitted to speak with the presiding judge or an election judge designated by the presiding judge to ask a question or to advise of a potential breach of the Election Code; provided that doing so does not interfere with the orderly conduct of the election; and in the case of a challenger, to interpose a challenge;

[~~(5)~~] (8) be allowed in the room in which the voting

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is being conducted at a polling location; provided that at any given time, each political party, candidate or election-related organization may have no more than one person present; and

~~[(6)]~~ (9) be allowed in the room in which the absent voter election board, the recount election board or the election board for a special election conducts its business or, in the case of county canvass observers, in which the county canvass is conducted; provided that each political party, candidate or election-related organization shall have no more than:

(a) two persons present at any given time in counties with more than ten thousand registered voters;

(b) four persons present at any given time in counties with more than fifty thousand registered voters; or

(c) fifteen persons present at any given time in counties with more than one hundred fifty thousand registered voters.

B. Subject to permission granted by the county clerk, additional challengers may be present in the room in which the absent voter election board, the recount election board or the election board for a special election conducts its business in a partisan election; provided that the number of additional challengers allowed pursuant to this subsection is identical for each political party participating in the election."

**SECTION 135. TEMPORARY PROVISION--2021 POLLING PLACE RESOLUTION--VOTER CONVENIENCE CENTER FOR ALL STATEWIDE ELECTIONS IN CALENDAR YEARS 2022 AND 2023.--**Each election day polling place established in the 2021 polling place resolution for each county or any election day polling place established by any subsequent amendment to such a resolution shall operate as a voter convenience center for all statewide elections in calendar years 2022 and 2023.

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**SECTION 136. TEMPORARY PROVISION--RECOMPILATION.--**Section 2-21-1 NMSA 1978 (being Laws 2019, Chapter 262, Section 15) is recompiled as a section of the Campaign Reporting Act.

**SECTION 137. TEMPORARY PROVISION--COMPILER'S INSTRUCTION.--**

A. The compiler shall rename in tables of contents and headings Chapter 2, Article 21 NMSA 1978 as "Recompiled".

B. The compiler shall change the title of Chapter 12, Article 4 NMSA 1978 to "Repealed".

**SECTION 138. REPEAL.--**

A. Sections 1-6-9.2, 1-8-41, 1-10-8.1, 1-15A-8, 1-15A-10, 1-15A-11, 3-12-1.1, 3-14-11, 4-38-3 and 22-5-1.1 NMSA 1978 (being Laws 1999, Chapter 267, Section 1; Laws 1973, Chapter 228, Section 11; Laws 1981, Chapter 166, Section 1; Laws 1977, Chapter 230, Section 7; Laws 1977, Chapter 230, Section 9; Laws 1977, Chapter 230, Section 11; Laws 1985, Chapter 203, Section 1; Laws 1965, Chapter 300, Section 14-13-11; Laws 1876, Chapter 1, Section 10; and Laws 1985, Chapter 202, Section 1, as amended) are repealed.

B. Laws 2020, Chapter 9, Sections 1 through 9 and Laws 2018, Chapter 79, Sections 139, 140, 142, 144, 145, 147, 149, 154, 155, 156 and 158 are repealed.

**SECTION 139. DELAYED REPEAL.--**Sections 1-3-7.2, 1-6-5.8, 1-8-21.1 and 1-8-39.1 NMSA 1978 (being Laws 2021, Chapter 107, Section 1; Laws 2009, Chapter 251, Section 2; and Laws 1993, Chapter 55, Sections 11 and 10, as amended) are repealed effective July 1, 2022.

**SECTION 140. APPLICABILITY.--**

A. The provisions of this act relating to the procedures

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for conducting elections shall not apply to the 2022 municipal officer election.

B. The provisions of this act that remove references to a pre-primary convention shall not apply to the 2022 primary election.

**SECTION 141. EFFECTIVE DATE.--**

A. The effective date of the provisions of Sections 4, 17 through 21, 24, 25, 75, 93, 100 through 109, 116, 128 and 139 of this act is July 1, 2022.

B. The effective date of the provisions of Sections 29 and 127 of this act is January 1, 2023.

C. The effective date of the provisions of Sections 27 and 62 of this act is July 1, 2023."

\_\_\_\_\_  
Daymon Ely

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_