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HOUSE BILL 4

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Javier Martínez and Gail Chasey and Katy M. Duhigg  
and D. Wonda Johnson and Raymundo Lara

AN ACT

RELATING TO ELECTIONS; AMENDING AND ENACTING AUTOMATIC VOTER  
REGISTRATION AND UPDATES TO REGISTRATION PROVISIONS; REPEALING  
AND REPLACING THE DRIVER'S LICENSE VOTER REGISTRATION  
PROVISIONS; REPEALING AND REPLACING THE REGISTRATION AT VOTING  
LOCATION PRIOR TO VOTING PROVISIONS; DEFINING THE UNLAWFUL USE  
OR DISPOSITION OF VOTER DATA, MAILING LABELS OR SPECIAL VOTER  
LISTS; LIMITING THE USE AND DISPOSITION OF VOTER INFORMATION;  
PROVIDING THAT INMATES ARE ELIGIBLE TO VOTE AND REGISTER TO  
VOTE UPON RELEASE; ELIMINATING A REQUIREMENT THAT A VOTER'S  
REGISTRATION BE CANCELED UPON FELONY CONVICTION AND CONFORMING  
THE RESTORATION OF CITIZENSHIP PROVISION ACCORDINGLY; CREATING  
A VOLUNTARY PERMANENT ABSENTEE VOTER LIST; PROVIDING  
REQUIREMENTS FOR THE PROVISION OF MONITORED SECURED CONTAINERS;  
ENACTING THE NATIVE AMERICAN VOTING RIGHTS ACT TO PROTECT  
POLLING PLACE ACCESS AND ADDRESS OTHER ELECTION ISSUES

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1 INVOLVING VOTERS ON INDIAN NATION, TRIBAL AND PUEBLO LAND;  
2 DECLARING THE DAY OF A GENERAL ELECTION AND A REGULAR LOCAL  
3 ELECTION A SCHOOL HOLIDAY; MAKING CONFORMING AND TECHNICAL  
4 CHANGES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA  
5 1978.

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

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

10 "1-3-8. PRECINCT CHANGES--NOTICE AND PUBLICATION.--~~[A-]~~  
11 Upon the adoption of any resolution, or upon the final action  
12 of any district court upon a petition creating, abolishing,  
13 dividing or consolidating any precinct, or changing any  
14 precinct boundary, or changing any designated polling place,  
15 the board of county commissioners shall:

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

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

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

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1           SECTION 2. Section 1-4-5.2 NMSA 1978 (being Laws 1995,  
2 Chapter 198, Section 3) is amended to read:

3           "1-4-5.2. AGENCY REGISTRATION--FORM.--

4           A. A qualified elector may register to vote at  
5 certain state government offices.

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

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

19           D. Pursuant to Sections 1-4-47 and 1-4-47.1 NMSA  
20 1978, a qualified elector may become registered to vote by  
21 automatic voter registration at the motor vehicle division of  
22 the taxation and revenue department or other state or local  
23 public offices designated by the secretary of state."

24           SECTION 3. Section 1-4-5.5 NMSA 1978 (being Laws 1975,  
25 Chapter 255, Section 78, as amended) is amended to read:

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

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

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

16 C. Each requester of voter data, mailing labels or  
17 special voter lists shall sign an affidavit that the voter  
18 data, mailing labels and special voter lists shall be used for  
19 governmental or ~~[election and]~~ election campaign purposes only,  
20 shall not be transferred, copied, shared or conveyed to any  
21 person outside the requesting party's agency or organization,  
22 shall not be made accessible by the general public on the  
23 internet or through other means and shall not be made available  
24 or used for unlawful purposes.

25 D. The secretary of state shall prescribe the form

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1 of the affidavit.

2 E. As used in this section:

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

6 (2) "governmental purposes" means  
7 noncommercial purposes [~~relating in any way to~~] used by a  
8 government agency or organization to analyze 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 4. Section 1-4-5.6 NMSA 1978 (being Laws 1975,  
20 Chapter 255, Section 79, as amended) is amended to read:

21 "1-4-5.6. UNLAWFUL USE OR DISPOSITION OF VOTER DATA,  
22 MAILING LABELS OR SPECIAL VOTER LISTS--PENALTIES.--

23 A. Unlawful use of voter data, mailing labels or  
24 special voter lists consists of:

25 (1) the knowing and willful [~~use of such~~

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1 ~~information for purposes prohibited by the Voter Records System~~  
2 ~~Act]~~ selling, loaning, providing access to or otherwise  
3 surrendering of voter data, mailing labels or special voter  
4 lists by a person for purposes prohibited by the Election Code;  
5 or

6 (2) causing voter data, mailing labels or  
7 special voter lists or any part of the voter data, mailing  
8 label or special voter lists that identifies, or that could be  
9 used to identify, a specific voter or the voter's name, mailing  
10 or residence address to be made publicly available on the  
11 internet or through other means.

12 B. Any person, organization or corporation or  
13 agent, officer, representative or employee thereof who commits  
14 unlawful use of voter data, mailing labels or special voter  
15 lists is guilty of a fourth degree felony and upon conviction  
16 shall be fined one hundred dollars (\$100) for each [~~and every~~]  
17 line of voter information that was unlawfully used.

18 C. Each [~~and every~~] unlawful use of voter data,  
19 mailing labels or special voter lists constitutes a separate  
20 offense."

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

24 "1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION  
25 PRIOR TO VOTING.--

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

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

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

24           D. During a special election, a qualified elector  
25 may register to vote or update an existing certificate of

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1 registration at the county clerk's office during the regular  
2 hours and days of business beginning on the twenty-eighth day  
3 preceding the election until 7:00 p.m. on election day;  
4 provided that the county clerk shall provide the voter with a  
5 ballot and balloting materials immediately after the qualified  
6 elector registers to vote or updates the existing certificate  
7 of registration.

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

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

17 (2) contains a photograph of the qualified  
18 elector, which shall resemble the qualified elector;

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

22 (4) shall either:

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

25 (b) be accompanied by an original or

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1 copy of a utility bill, bank statement, government check,  
2 paycheck or other document issued by an educational institution  
3 or government, including a document issued by a federally  
4 recognized Indian nation, tribe or pueblo, dated within the  
5 ninety days prior to the qualified elector registering to vote  
6 or updating an existing certificate of registration and that  
7 contains the name of the qualified elector, which shall  
8 reasonably match the name provided on the certificate of  
9 registration, and an address that matches the address provided  
10 for the certificate of registration.

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

20 SECTION 6. Section 1-4-24 NMSA 1978 (being Laws 1969,  
21 Chapter 240, Section 80, as amended) is amended to read:

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

25 A. death of the voter;

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

5           SECTION 7. Section 1-4-27.1 NMSA 1978 (being Laws 2001,  
6 Chapter 46, Section 1, as amended) is amended to read:

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

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

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

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

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

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

22           ~~C. The secretary of state shall each month maintain~~  
23 ~~current in the statewide voter registration electronic~~  
24 ~~management system the eligibility status of persons convicted~~  
25 ~~of felonies to register to vote pursuant to this section.~~

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

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

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

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

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1 online portal provided by the secretary of state or, if such a  
2 portal is not available, by means of a paper registration form.

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

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

22 SECTION 8. Section 1-4-47 NMSA 1978 (being Laws 1991,  
23 Chapter 80, Section 4, as amended) is repealed and a new  
24 Section 1-4-47 NMSA 1978 is enacted to read:

25 "1-4-47. [NEW MATERIAL] DRIVER'S LICENSE VOTER

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1 REGISTRATION--AUTOMATIC VOTER REGISTRATION AND UPDATES.--

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

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

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1 the person will receive a notice from the county clerk  
2 providing additional information, including how to decline to  
3 be registered, and the person shall be offered the opportunity  
4 to designate affiliation with a qualified political party  
5 during the in-person transaction. Within seven days, the motor  
6 vehicle division of the taxation and revenue department shall  
7 electronically transmit to the secretary of state an electronic  
8 record containing the person's full name, full social security  
9 number, date of birth, driver's license or state-issued  
10 identification card number, residence address, mailing address  
11 if different from residence address, county of residence,  
12 citizenship status, an electronic image of the person's  
13 signature, any affiliation with a qualified political party and  
14 any other available information requested by the secretary of  
15 state.

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

23 D. Upon receiving an electronic record pursuant to  
24 Subsection C of this section, the county clerk shall send to  
25 the person's mailing address, by nonforwardable mail, a notice

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1 that the person has been registered to vote. The notice shall  
2 include a postage prepaid and pre-addressed return card by  
3 which the person may decline to be registered to vote. The  
4 notice shall be prescribed by the secretary of state with  
5 conforming language depending on whether the person is a  
6 qualified elector or a qualified resident, and may be combined  
7 with a voter information document and shall include:

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

13 (2) a statement that:

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

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

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

25 (4) an opportunity for the person to designate

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1 affiliation with a qualified political party by returning the  
2 card; and

3 (5) an opportunity for the person to request a  
4 mailed ballot for the next statewide election, on a form  
5 prescribed by the secretary of state, which shall serve as an  
6 application for a mailed ballot pursuant to Section 1-6-4 NMSA  
7 1978.

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

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

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

22 (3) if the person returns the card to  
23 designate affiliation with a qualified political party, the  
24 person's political party affiliation shall be effective  
25 pursuant to Section 1-4-8 NMSA 1978.

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

19 (1) the same county, or the person's name has  
20 changed, the secretary of state shall send the information to  
21 the county clerk of the county where the person is registered  
22 and the county clerk shall process the change to the official  
23 list of eligible voters in accordance with the change of  
24 residence information provided; or

25 (2) a different county, the secretary of state

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1 shall send the information to the county clerk of the county  
2 where the person's new address is located and the county clerk  
3 shall process the change of residence as a transferred  
4 registration into the county.

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

15 H. In carrying out the provisions of this section,  
16 a motor vehicle division employee or contractor shall not  
17 intentionally influence a registrant in the selection of  
18 political party, or independent status, by word or act. A  
19 motor vehicle division employee or contractor shall not reveal  
20 the existence of or the nature of a voter registration pursuant  
21 to this section to anyone other than a registration officer.

22 I. Unless a person who is not a qualified elector  
23 or is ineligible to register to vote knowingly and willfully  
24 takes voluntary action to register to vote knowing that the  
25 person is not a qualified elector or is ineligible to register

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1 to vote, the transfer of an electronic record or the failure of  
2 a person to decline voter registration pursuant to this section  
3 shall not be considered a violation of Section 1-20-3 NMSA  
4 1978.

5 J. A person who is not a qualified elector or who  
6 is ineligible to vote but who becomes registered to vote under  
7 this section and votes or attempts to vote in an election held  
8 after the effective date of the person's registration commits  
9 false voting under Section 1-20-8 NMSA 1978 only if the person  
10 knowingly and willfully took voluntary action to register to  
11 vote with knowledge that the person is not a qualified elector  
12 or is ineligible to register or knowingly and willfully voted  
13 with knowledge that the person is not a qualified elector or is  
14 ineligible to vote.

15 K. By January 1 following each general election,  
16 the secretary of state shall submit to the legislature and make  
17 publicly available a report on the implementation of this  
18 section. Excluding any personal identifying information, the  
19 report shall include:

20 (1) the number of electronic records  
21 transmitted to the secretary of state by the motor vehicle  
22 division of the taxation and revenue department pursuant to  
23 this section;

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

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

4 (4) the number of people who declined to be  
5 registered to vote through the automatic voter registration  
6 system.

7 L. The secretary of state shall adopt rules and  
8 coordinate as necessary with the motor vehicle division of the  
9 taxation and revenue department and other state agencies and  
10 Indian nations, tribes and pueblos designated pursuant to  
11 Section 1-4-47.1 NMSA 1978."

12 SECTION 9. A new Section 1-4-47.1 NMSA 1978 is enacted to  
13 read:

14 "1-4-47.1. [NEW MATERIAL] STATE AGENCY--INDIAN NATION,  
15 TRIBE OR PUEBLO--AUTOMATIC VOTER REGISTRATION REQUIREMENTS.--

16 A. Upon a determination by the secretary of state  
17 that a state agency, including an agency that participates in  
18 the state-agency-based voter registration program pursuant to  
19 Section 1-4-48 NMSA 1978, collects sufficient information  
20 consistent with Section 1-4-47 NMSA 1978 to transmit electronic  
21 records for automatic voter registration in accordance with the  
22 provisions of that section, including verification of United  
23 States citizenship by document or database verification for any  
24 agency clients not already registered to vote, the secretary of  
25 state shall enter into a memorandum of understanding with the

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1 agency requiring the agency to comply with the provisions of  
2 Section 1-4-47 NMSA 1978. The secretary of state and county  
3 clerks shall process the electronic records according to the  
4 provisions of Section 1-4-47 NMSA 1978, subject to any  
5 modifications necessary to comply with federal law.

6 B. An Indian nation, tribe or pueblo that collects  
7 sufficient information consistent with Section 1-4-47 NSMA 1978  
8 to transmit electronic records for automatic voter registration  
9 in accordance with the provisions of that section, including  
10 verification of United States citizenship by document or  
11 database verification for any persons not already registered to  
12 vote, may in its discretion transmit the records to the  
13 secretary of state. The secretary of state shall enter into a  
14 memorandum of understanding with the Indian nation, tribe or  
15 pueblo detailing compliance with the provisions of Section  
16 1-4-47 NMSA 1978. The secretary of state and county clerks  
17 shall process the electronic records according to the  
18 provisions of Section 1-4-47 NMSA 1978, subject to any  
19 modifications necessary to comply with federal law.

20 C. If a state agency or an Indian nation, tribe or  
21 pueblo is able to transmit electronic records that are complete  
22 for automatic voter registration except for an electronic  
23 signature image, the records shall be processed as complete  
24 records for automatic voter registration. The secretary of  
25 state shall adopt rules to obtain a signature from the

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1 qualified elector or qualified resident, including through a  
2 mailing requesting a signature, uploading a signature through  
3 an electronic system, providing a signature on a mailed ballot  
4 envelope or providing a signature at an early voting location  
5 or polling place."

6 SECTION 10. Section 1-4-48 NMSA 1978 (being Laws 1995,  
7 Chapter 198, Section 13, as amended) is amended to read:

8 "1-4-48. STATE-AGENCY-BASED VOTER REGISTRATION PROGRAM--  
9 ESTABLISHED--HUMAN SERVICES DEPARTMENT.--

10 A. The secretary of state shall adopt and publish  
11 in accordance with the State Rules Act rules for the  
12 administration of a state-agency-based voter registration  
13 program. The rules shall provide for distribution of voter  
14 registration forms, provisions for the acceptance of voter  
15 registration forms and procedures for reporting voter  
16 registration activity in accordance with the federal National  
17 Voter Registration Act of 1993.

18 B. Voter registration shall be made available at  
19 all state agencies providing public assistance or services to  
20 people with disabilities. The secretary of state may [~~with the~~  
21 ~~agreement of those offices~~] designate other state and local  
22 public offices to provide voter registration services with the  
23 agreement of those offices.

24 C. Each state agency participating in the voter  
25 registration program shall maintain sufficient records for the

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1 secretary of state to comply with federal voter registration  
2 reporting requirements and the federal Help America Vote Act of  
3 2002. Any records maintained by a state agency regarding voter  
4 registration activities in that agency are confidential and  
5 shall not be released as public records.

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

9 E. A state agency employee or agency contractor who  
10 participates in the voter registration process may not  
11 intentionally influence the prospective registrant in the  
12 selection of political party, or independent status, by word or  
13 act. A state agency employee or agency contractor who  
14 participates in the voter registration process may not reveal  
15 the existence of or the nature of the voter registration to  
16 anyone other than a registration officer.

17 F. 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 G. If a person who is not a qualified elector  
6 becomes registered to vote pursuant to this section, the  
7 person's registration shall be canceled and the person shall be  
8 deemed to have never registered."

9 SECTION 11. A new section of the Absent Voter Act is  
10 enacted to read:

11 "[~~NEW MATERIAL~~] VOLUNTARY PERMANENT ABSENTEE VOTER LIST--  
12 PROCEDURES.--

13 A. A voter, except a federal qualified elector who  
14 is subject to the provisions of the Uniform Military and  
15 Overseas Voters Act or the Intimate Partner Violence Survivor  
16 Suffrage Act, may apply to be added to the voluntary permanent  
17 absentee voter list for the county in which the voter is  
18 registered by completing a paper or online application that  
19 conforms to the mailed ballot application requirements of  
20 Section 1-6-4 NMSA 1978, except that the voluntary permanent  
21 absentee voter application shall provide an additional checkbox  
22 for the voter to affirm that reads:

23 "[ ] I am requesting to be added to the voluntary  
24 permanent absentee voter list in my county. This means that  
25 the county clerk shall automatically send a mailed ballot to

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1 the mailing address listed on my certificate of voter  
2 registration each time there is a statewide election that  
3 includes my precinct."

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

12 C. Upon acceptance of the application to be added  
13 to the voluntary permanent absentee voter list, the county  
14 clerk shall add the voter's name to the voluntary permanent  
15 absentee voter list in the county. The voluntary permanent  
16 absentee voter list shall contain the voter's name, year of  
17 birth, address and precinct in the county.

18 D. A voter whose name appears on the voluntary  
19 permanent absentee voter list shall remain on the list, except  
20 as provided in Subsection F of this section, and shall be sent  
21 a mailed ballot by the county clerk for each statewide election  
22 conducted that includes the precinct in which the voter is  
23 eligible to vote. The mailed ballot shall be sent in the first  
24 batch of mailed ballots delivered to voters in that election.

25 E. At least forty-nine days before each statewide

1 election, the county clerk shall send to each voter on the  
2 voluntary permanent absentee voter list a notice reminding the  
3 voter that the voter will be receiving a mailed ballot for that  
4 election. The notice shall also inform the voter of how to  
5 remove the voter's name from the voluntary permanent absentee  
6 voter list if the voter would like to do so. The notice shall  
7 be sent using non-forwardable mail with return postage prepaid.

8 F. A voter shall be removed from the voluntary  
9 permanent absentee voter list by the county clerk for the  
10 following reasons:

11 (1) the voter fails to return a mailed ballot  
12 in two consecutive elections, including at least one general  
13 election;

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

17 (3) the voter's certificate of registration is  
18 canceled pursuant to the provisions of Chapter 1, Article 4  
19 NMSA 1978;

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

24 (5) the voter submits a written request to the  
25 county clerk requesting to be removed from the voluntary

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1 permanent absentee voter list.

2 G. A county clerk shall take the necessary steps to  
3 attempt to contact and notify a voter who is removed from the  
4 voluntary permanent absentee voter list. If a voter is removed  
5 from the voluntary permanent absentee voter list, the voter  
6 shall only be added again if the voter submits a new voluntary  
7 permanent absentee voter application.

8 H. A county clerk shall maintain the voluntary  
9 permanent absentee voter list for the county and shall make the  
10 voluntary permanent absentee voter list available on request  
11 pursuant to the provisions of Section 1-4-5.5 NMSA 1978."

12 SECTION 12. A new Section 1-11-12.2 NMSA 1978 is enacted  
13 to read:

14 "1-11-12.2. [NEW MATERIAL] MONITORED SECURED CONTAINERS--  
15 DISTRIBUTION TO COUNTIES.--

16 A. Each county shall have at least two monitored  
17 secured containers. The secretary of state may approve a  
18 request by a county clerk for additional monitored secured  
19 containers in a county.

20 B. In addition to the monitored secured containers  
21 provided pursuant to Subsection A of this section, a political  
22 subdivision of the state, including a municipality, school  
23 district or community college, may make a written request to  
24 the county clerk for one or more monitored secured containers  
25 on or near the boundaries of the political subdivision. A

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1 county clerk who receives a written request for monitored  
2 secured containers from a political subdivision shall evaluate  
3 the population in and near the area of the request, the  
4 distance voters have to travel to get to the nearest monitored  
5 secured container and the number of monitored secured  
6 containers and early voting locations on or near the area of  
7 the request. The county clerk shall respond in writing to the  
8 requesting political subdivision within thirty days of  
9 receiving the written request. A written request for monitored  
10 secured containers for future statewide elections may be made  
11 between the second Tuesday in March and the second Tuesday in  
12 April of any year.

13 C. A political subdivision whose written request to  
14 a county clerk for monitored secured containers is denied may  
15 appeal that decision by submitting the written request along  
16 with the denial letter from the county clerk to the secretary  
17 of state, along with any response to the denial letter from the  
18 requesting political subdivision. The secretary of state may  
19 place a monitored secured container on or near an area that is  
20 the subject of the request in response to an appeal submitted  
21 pursuant to this subsection.

22 D. A monitored secured container located on or near  
23 the boundaries of a political subdivision shall comply with all  
24 requirements for monitored secured containers provided in the  
25 Election Code. If a monitored secured container is provided

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1 pursuant to this section, the requesting political subdivision  
2 shall provide the facility and services necessary for the  
3 monitored secured container."

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

6 "1-21A-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article  
7 21A NMSA 1978 may be cited as the "Native American Voting  
8 Rights Act".

9 SECTION 14. A new Section 1-21A-2 NMSA 1978 is enacted to  
10 read:

11 "1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the  
12 Native American Voting Rights Act:

13 A. "early voting location" means an alternate  
14 voting location and a mobile alternate voting location;

15 B. "Indian nation, tribe or pueblo" means a  
16 federally recognized Indian nation, tribe or pueblo located  
17 wholly or partially in New Mexico;

18 C. "polling place" means an early voting location  
19 and an election day polling place;

20 D. "tribal absentee ballot assistant" means a  
21 person designated as a tribal vote coordinator or community  
22 health representative by an Indian nation, tribe or pueblo or  
23 by the federal Indian health service; and

24 E. "written request" means a request sent in  
25 writing by the president, governor or governing body of an

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

8 SECTION 15. A new Section 1-21A-3 NMSA 1978 is enacted to  
9 read:

10 "1-21A-3. [NEW MATERIAL] PRECINCT BOUNDARIES.--

11 A. When adjusting precinct boundaries for any group  
12 of census blocks that are on Indian nation, tribal or pueblo  
13 lands, the board of county commissioners shall inquire of each  
14 Indian nation, tribe or pueblo in the county to provide  
15 internal and external political boundaries for the Indian  
16 nation, tribe or pueblo that the Indian nation, tribe or pueblo  
17 has provided to the United States census bureau.

18 B. The board of county commissioners shall adjust  
19 precinct boundaries to correspond to the internal and external  
20 political boundaries that each Indian nation, tribe or pueblo  
21 in the county has provided to the United States census bureau.

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

25 SECTION 16. A new Section 1-21A-4 NMSA 1978 is enacted to

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1 read:

2 "1-21A-4. [NEW MATERIAL] REQUESTS FOR POLLING PLACES AND  
3 MONITORED SECURED CONTAINERS.--

4 A. An Indian nation, tribe or pueblo may submit a  
5 written request to a county clerk for locating early voting  
6 locations, election day polling places or monitored secured  
7 containers on or near the Indian nation's, tribe's or pueblo's  
8 lands.

9 B. A written request for election day polling  
10 places for all statewide elections in the next election cycle  
11 shall be made between the second Tuesday in March and the  
12 second Tuesday in April of each even-numbered year.

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

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

22 E. A written request for monitored secured  
23 containers for future statewide elections may be made by July  
24 15, 2023 for the 2023 regular local election and between the  
25 second Tuesday in March and the second Tuesday in April of any

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1 year for all subsequent elections."

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

4 "1-21A-5. [NEW MATERIAL] ELECTION DAY POLLING PLACES--  
5 REQUIREMENTS.--

6 A. A county clerk who has received a written  
7 request from an Indian nation, tribe or pueblo for one or more  
8 election day polling places on or near Indian nation, tribal or  
9 pueblo land shall consider the request when submitting  
10 recommendations to the board of county commissioners for the  
11 biennial election day polling place resolution establishing  
12 voter convenience centers for the subsequent election cycle  
13 pursuant to Section 1-3-4 NMSA 1978; provided that:

14 (1) any voter of the county shall have access  
15 to and be permitted to vote at the election day polling place;

16 (2) the location of the election day polling  
17 place conforms to the requirements for election day polling  
18 places, except as specified in this section;

19 (3) the county clerk provides federally  
20 mandated language translators at the election day polling  
21 places; and

22 (4) if the election day polling place is  
23 located on Indian nation, tribal or pueblo land, the Indian  
24 nation, tribe or pueblo provides the facility and services for  
25 the election day polling place.

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1           B. In considering the written request, the county  
2 clerk shall evaluate the distance voters have to travel to get  
3 to the nearest election day polling place and the number of  
4 monitored secured containers and early voting locations on or  
5 near the Indian nation, tribal or pueblo lands.

6           C. At the time of submitting the election day  
7 polling place resolution to the board of county commissioners,  
8 the county clerk shall inform the board of county commissioners  
9 of any written requests received by an Indian nation, tribe or  
10 pueblo for an election day polling place.

11           D. Once the election day polling place resolution  
12 is adopted, an election day polling place located on Indian  
13 nation, tribal or pueblo lands shall not be eliminated or  
14 consolidated with other election day polling places in that  
15 election cycle without the written agreement of the Indian  
16 nation, tribe or pueblo on whose lands the election day polling  
17 place is located."

18           SECTION 18. A new Section 1-21A-6 NMSA 1978 is enacted to  
19 read:

20           "1-21A-6. [NEW MATERIAL] EARLY VOTING LOCATIONS--  
21 REQUIREMENTS.--

22           A. A county clerk who has received a written  
23 request from an Indian nation, tribe or pueblo for one or more  
24 early voting locations shall provide at least one alternate  
25 voting or mobile alternate voting location on or near the

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1 Indian nation, tribal or pueblo land; provided that:

2 (1) any voter of the county shall have access  
3 to and be permitted to vote at the early voting location;

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

8 (3) the county clerk provides federally  
9 mandated language translators at the early voting locations;

10 (4) the Indian nation, tribe or pueblo  
11 provides the facility and services for the early voting  
12 location; and

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

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

22 SECTION 19. A new Section 1-21A-7 NMSA 1978 is enacted to  
23 read:

24 "1-21A-7. [NEW MATERIAL] MONITORED SECURED CONTAINERS--  
25 REQUIREMENTS.--

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

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

21           C. A monitored secured container located on or near  
22 Indian nation, tribal or pueblo land shall comply with all  
23 requirements for monitored secured containers provided in the  
24 Election Code. If a monitored secured container is located on  
25 Indian nation, tribal or pueblo land, the Indian nation, tribe

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1 or pueblo shall provide the facility and services necessary for  
2 the monitored secured container."

3 SECTION 20. A new Section 1-21A-8 NMSA 1978 is enacted to  
4 read:

5 "1-21A-8. [NEW MATERIAL] USE OF GOVERNMENTAL AND OFFICIAL  
6 BUILDINGS AS MAILING ADDRESSES ON VOTER REGISTRATION  
7 CERTIFICATES AND MAILED BALLOT APPLICATIONS.--

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

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

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

2 "1-21A-9. [NEW MATERIAL] EMERGENCY SITUATIONS.--If the  
3 president, governor or governing body of an Indian nation,  
4 tribe or pueblo has declared a state of emergency or has  
5 invoked emergency powers pursuant to other laws:

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

11 B. no later than ninety-eight days before a  
12 statewide election by means of a written request or no later  
13 than forty-nine days before a statewide election with a court  
14 order, the county clerk shall provide to an Indian nation,  
15 tribe or pueblo that has not previously requested for that  
16 election cycle at least one alternate voting or mobile  
17 alternate voting location for that election; provided that the  
18 alternate voting or mobile alternate voting location shall  
19 otherwise comply with the requirements of Section 1-21A-6 NMSA  
20 1978;

21 C. no later than eighty-four days before a  
22 statewide election by means of a written request or no later  
23 than thirty-five days before a statewide election with a court  
24 order, the county clerk shall provide an election day polling  
25 place to an Indian nation, tribe or pueblo that does not

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1 already have an election day polling place within its  
2 boundaries if voters registered within the Indian nation, tribe  
3 or pueblo are unable to leave the Indian nation, tribe or  
4 pueblo during the time when voting occurs for a statewide  
5 election; and

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

10 SECTION 22. A new Section 1-21A-10 NMSA 1978 is enacted  
11 to read:

12 "1-21A-10. [NEW MATERIAL] TRIBAL ABSENTEE BALLOT  
13 ASSISTANTS.--

14 A. An Indian nation, tribe or pueblo may in a  
15 statewide or special election appoint up to five tribal  
16 absentee ballot assistants within the Indian nation's, tribe's  
17 or pueblo's boundaries if the Indian nation, tribe or pueblo  
18 provides a written notice to the secretary of state at least  
19 three days prior to the individual serving as a tribal absentee  
20 ballot assistant and specifies the names of the qualified  
21 appointees. The secretary of state shall notify the county  
22 clerk of the qualified appointees at the time of appointment.  
23 The secretary of state may approve a request by an Indian  
24 nation, tribe or pueblo for additional tribal absentee ballot  
25 assistants.

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1           B. Beginning ten days before election day, a tribal  
2 absentee ballot assistant may collect and transport voted  
3 ballots directly from qualified electors who are members of the  
4 Indian nation, tribe or pueblo that the tribal absentee ballot  
5 assistant has been appointed to; provided that the tribal  
6 members shall reside within the boundaries of the Indian  
7 nation, tribe or pueblo.

8           C. Each voted ballot shall be delivered to the  
9 county clerk in the county where the qualified elector resides  
10 within forty-eight hours of being collected, or by 7:00 p.m. on  
11 the day of the election, whichever time is shorter.

12           D. A tribal absentee ballot assistant engaged in  
13 the activity of collecting and transporting voted ballots  
14 shall:

15                   (1) wear a button or other identification  
16 easily visible to the voter that identifies the tribal absentee  
17 ballot assistant as a tribal absentee ballot assistant;

18                   (2) show government-issued identification upon  
19 request of the voter;

20                   (3) provide a receipt to each voter from whom  
21 a voted ballot was collected. The receipt shall, at minimum,  
22 include:

23                           (a) the name, address and phone number  
24 of the person collecting the ballot;

25                           (b) the date and time that the ballot

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1 was collected; and

2 (c) the tribal absentee ballot  
3 assistant's signature; and

4 (4) maintain a log of all voted ballots  
5 collected that includes:

6 (a) the name and address of the voter;

7 (b) the date and time that the ballot  
8 was collected; and

9 (c) the voter's signature authorizing  
10 the collection and transportation of the voted ballot.

11 E. The collection log required by Subsection D of  
12 this section shall be maintained during the voting period, made  
13 available to the county clerk when voted ballots are delivered  
14 to the clerk and submitted to the county clerk for storage no  
15 later than the day following each election. The collection log  
16 shall be retained by the county clerk as a record requisite to  
17 voting pursuant to the provisions of Section 1-12-69 NMSA  
18 1979."

19 SECTION 23. A new Section 1-21A-11 NMSA 1978 is enacted  
20 to read:

21 "1-21A-11. [NEW MATERIAL] EXPENSES.--

22 A. All necessary and reasonable expenses incurred  
23 by a county clerk for compliance with the Native American  
24 Voting Rights Act, including the costs of voting equipment and  
25 personnel for polling places and monitored secured containers

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1 on Indian nation, tribal or pueblo land, shall be paid for by  
2 the secretary of state or shall be reimbursed to the county by  
3 the secretary of state.

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

8 SECTION 24. Section 22-2-8.1 NMSA 1978 (being Laws 1986,  
9 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,  
10 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended  
11 to read:

12 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM.--

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

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

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

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

24 B. Up to thirty-three hours of the full-day  
25 kindergarten program may be used for home visits by the teacher

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1 or for parent-teacher conferences. Up to twenty-two hours of  
2 grades one through six programs may be used for home visits by  
3 the teacher or for parent-teacher conferences. Up to twelve  
4 hours of grades seven through twelve programs may be used to  
5 consult with parents to develop next step plans for students  
6 and for parent-teacher conferences.

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

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

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

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

25 SECTION 25. Section 31-13-1 NMSA 1978 (being Laws 1963,  
.223093.5

underscored material = new  
[bracketed material] = delete

1 Chapter 303, Section 29-14, as amended) is amended to read:

2 "31-13-1. FELONY CONVICTION--RESTORATION OF [CITIZENSHIP]  
3 RIGHT TO HOLD OFFICE OF PUBLIC TRUST.--

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

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

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

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

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

25 B. ~~When a person has completed the terms of a~~

.223093.5

underscoring material = new  
[bracketed material] = delete

1 ~~suspended or deferred sentence imposed by a court for a felony~~  
2 ~~conviction, the clerk of the district court shall notify the~~  
3 ~~secretary of state. The secretary of state shall notify all~~  
4 ~~county clerks that the person is eligible for 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 completion~~  
8 ~~by the corrections department. Upon issuance, the corrections~~  
9 ~~department shall inform the person that the person is entitled~~  
10 ~~to register to vote. The certificate of completion shall state~~  
11 ~~that the person's voting rights are restored.~~

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

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

25 ~~(2) a certificate of completion from the~~

underscored material = new  
[bracketed material] = delete

1 ~~corrections department; or~~

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

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

11 SECTION 26. REPEAL.--

12 A. Sections 1-3-7.2 and 1-6-5.8 NMSA 1978 (being  
13 Laws 2021, Chapter 107, Section 1 and Laws 2009, Chapter 251,  
14 Section 2, as amended) are repealed effective July 1, 2023.

15 B. Section 1-4-5.8 NMSA 1978 (being Laws 2019,  
16 Chapter 67, Section 2) is repealed effective July 1, 2025.

17 SECTION 27. EFFECTIVE DATE.--

18 A. The effective date of the provisions of Sections  
19 1, 3 through 7, 12 through 23 and 25 of this act is July 1,  
20 2023.

21 B. The effective date of the provisions of Sections  
22 11 and 24 of this act is January 1, 2024.

23 C. The effective date of the provisions of Sections  
24 2 and 8 through 10 of this act is July 1, 2025.