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

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

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

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

2 Upon the adoption of any resolution, or upon the final action  
3 of any district court upon a petition creating, abolishing,  
4 dividing or consolidating any precinct, or changing any  
5 precinct boundary, or changing any designated polling place,  
6 the board of county commissioners shall:

7 A. send a certified copy of the resolution or  
8 court order to the secretary of state and to the county chair  
9 of each of the major political parties; and

10 B. publish once the resolution in a newspaper as  
11 provided in the Election Code."

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

14 "1-4-5.2. AGENCY REGISTRATION--FORM.--

15 A. A qualified elector may register to vote at  
16 certain state government offices.

17 B. Pursuant to Section 1-4-47 NMSA 1978, a  
18 qualified elector who applies for a driver's license, license  
19 renewal or motor vehicle identification card who is not  
20 registered to vote in this state and who is not automatically  
21 registered to vote pursuant to the automatic voter  
22 registration provisions of Section 1-4-47 NMSA 1978 may  
23 simultaneously register to vote or file a change of address  
24 for voter registration purposes.

25 C. Pursuant to Section 1-4-48 NMSA 1978, a

1 qualified elector may register to vote in any state agency  
2 that provides public assistance or services to persons with  
3 disabilities. The secretary of state may designate other  
4 state or local public offices with the agreement of those  
5 offices.

6 D. Pursuant to Sections 1-4-47 and 1-4-47.1 NMSA  
7 1978, a qualified elector may become registered to vote by  
8 automatic voter registration at the motor vehicle division of  
9 the taxation and revenue department or other state or local  
10 public offices designated by the secretary of state."

11 SECTION 3. Section 1-4-5.6 NMSA 1978 (being Laws 1975,  
12 Chapter 255, Section 79, as amended) is amended to read:

13 "1-4-5.6. UNLAWFUL USE OR DISPOSITION OF VOTER DATA,  
14 MAILING LABELS OR SPECIAL VOTER LISTS--PENALTIES.--

15 A. Unlawful use of voter data, mailing labels or  
16 special voter lists consists of:

17 (1) the knowing and willful selling,  
18 loaning, providing access to or otherwise surrendering of  
19 voter data, mailing labels or special voter lists by a person  
20 for purposes prohibited by the Election Code; or

21 (2) causing voter data, mailing labels or  
22 special voter lists or any part of the voter data, mailing  
23 label or special voter lists that identifies, or that could  
24 be used to identify, a specific voter or the voter's name,  
25 mailing or residence address to be made publicly available on

1 the internet or through other means.

2 B. Any person, organization or corporation or  
3 agent, officer, representative or employee thereof who  
4 commits unlawful use of voter data, mailing labels or special  
5 voter lists is guilty of a fourth degree felony and upon  
6 conviction shall be fined one hundred dollars (\$100) for each  
7 line of voter information that was unlawfully used.

8 C. Each unlawful use of voter data, mailing labels  
9 or special voter lists constitutes a separate offense."

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

13 "1-4-5.7. REGISTRATION AT VOTING LOCATION PRIOR TO  
14 VOTING.--

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

24 B. During a statewide election, a qualified  
25 elector may register to vote or update an existing

1 certificate of registration at the county clerk's office or  
2 any early or election day voting location; provided that the  
3 secretary of state shall establish procedures to ensure that  
4 a registration officer has an opportunity to review the  
5 information of a qualified elector who registers to vote or  
6 updates an existing certificate of registration immediately  
7 before the qualified elector votes.

8 C. A voter whose political party affiliation on  
9 the voter's certificate of registration is with a major  
10 political party shall not be allowed to change party  
11 affiliation when updating an existing certificate of  
12 registration or registering to vote at a voting location  
13 immediately before voting in a primary election.

14 D. During a special election, a qualified elector  
15 may register to vote or update an existing certificate of  
16 registration at the county clerk's office during the regular  
17 hours and days of business beginning on the twenty-eighth day  
18 preceding the election until 7:00 p.m. on election day;  
19 provided that the county clerk shall provide the voter with a  
20 ballot and balloting materials immediately after the  
21 qualified elector registers to vote or updates the existing  
22 certificate of registration.

23 E. A qualified elector seeking to register to vote  
24 or update an existing certificate of registration pursuant to  
25 this section shall provide a physical form of identification

1 that is issued by the federal government, a state government,  
2 a federally recognized Indian nation, tribe or pueblo or an  
3 educational institution and that:

4 (1) contains the name of the qualified  
5 elector, which shall reasonably match the name provided on  
6 the certificate of registration;

7 (2) contains a photograph of the qualified  
8 elector, which shall resemble the qualified elector;

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

12 (4) shall either:

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

15 (b) be accompanied by an original or  
16 copy of a utility bill, bank statement, government check,  
17 paycheck or other document issued by an educational  
18 institution or government, including a document issued by a  
19 federally recognized Indian nation, tribe or pueblo, dated  
20 within the ninety days prior to the qualified elector  
21 registering to vote or updating an existing certificate of  
22 registration and that contains the name of the qualified  
23 elector, which shall reasonably match the name provided on  
24 the certificate of registration, and an address that matches  
25 the address provided for the certificate of registration.

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

10 SECTION 5. Section 1-4-24 NMSA 1978 (being Laws 1969,  
11 Chapter 240, Section 80, as amended) is amended to read:

12 "1-4-24. CANCELLATION OF REGISTRATION--COUNTY CLERK--  
13 GROUNDS.--The county clerk shall cancel certificates of  
14 registration for the following reasons:

- 15 A. death of the voter;  
16 B. at the request of the voter; or  
17 C. at the direction of the board of registration."

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

20 "1-4-27.1. ELIGIBILITY TO VOTE AND REGISTER TO VOTE  
21 UPON RELEASE.--

22 A. A voter is ineligible to vote while imprisoned  
23 in a correctional facility as part of a sentence for a felony  
24 conviction. Except as provided in this section, an otherwise  
25 qualified elector is ineligible to register to vote while

1 imprisoned in a correctional facility as part of a sentence  
2 for a felony conviction.

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

17 C. The corrections department shall deliver to the  
18 secretary of state information and data necessary to carry  
19 out the provisions of this section. The secretary of state  
20 shall maintain current information in the statewide voter  
21 registration electronic management system on the  
22 ineligibility status of an inmate to vote or register to vote  
23 pursuant to this section, as well as an inmate's eligibility  
24 status to vote upon release and to register to vote or update  
25 an existing voter registration while preparing for release.



1           D. Notwithstanding a person's status in the  
2 statewide voter registration electronic management system, a  
3 voter or a qualified elector who appears personally before a  
4 county clerk, the clerk's authorized representative or a  
5 precinct board member, at an office of the motor vehicle  
6 division of the taxation and revenue department or at a state  
7 agency that provides public assistance or services to persons  
8 with disabilities is presumed to meet the eligibility  
9 requirement of non-imprisonment for voting and registering to  
10 vote pursuant to the provisions of this section.

11           E. For the purposes of this section, "correctional  
12 facility" means a jail, prison or other detention facility  
13 that is used for the confinement of an adult, whether  
14 operated by the state or a political subdivision of the state  
15 or a private contractor on behalf of the state or a political  
16 subdivision of the state."

17           **SECTION 7.** Section 1-4-47 NMSA 1978 (being Laws 1991,  
18 Chapter 80, Section 4, as amended) is repealed and a new  
19 Section 1-4-47 NMSA 1978 is enacted to read:

20           "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION--AUTOMATIC  
21 VOTER REGISTRATION AND UPDATES.--

22           A. Unless a person is automatically registered to  
23 vote pursuant to the automatic voter registration provisions  
24 of Subsections B through D of this section, when a person who  
25 is a qualified elector or qualified resident but not

1 registered to vote in the state conducts a transaction to  
2 apply for or renew a driver's license, state-issued  
3 identification card, learner's permit or provisional license,  
4 the person shall be offered the opportunity to simultaneously  
5 register to vote. A person registering to vote pursuant to  
6 this subsection shall not be required to provide a second  
7 time any information that duplicates information required in  
8 the driver's license, state-issued identification card,  
9 learner's permit or provisional license portion of the  
10 transaction.

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

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

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

20 D. Upon receiving an electronic record pursuant to  
21 Subsection C of this section, the county clerk shall send to  
22 the person's mailing address, by nonforwardable mail, a  
23 notice that the person has been registered to vote. The  
24 notice shall include a postage prepaid and pre-addressed  
25 return card by which the person may decline to be registered

1 to vote. The notice shall be prescribed by the secretary of  
2 state with conforming language depending on whether the  
3 person is a qualified elector or a qualified resident, and  
4 may be combined with a voter information document and shall  
5 include:

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

11 (2) a statement that:

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

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

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

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

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

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

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

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

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

25                   F. If a person who is registered to vote in the

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

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

25 (2) a different county, the secretary of

1 state shall send the information to the county clerk of the  
2 county where the person's new address is located and the  
3 county clerk shall process the change of residence as a  
4 transferred 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  
7 state-issued identification card, a person shall receive  
8 written notification by the motor vehicle division of the  
9 taxation and revenue department informing the person if a  
10 voter registration transaction was processed and, if so,  
11 providing information regarding any voter registration  
12 transaction delivered to the secretary of state by the motor  
13 vehicle division as a result of the application for or  
14 renewal of a driver's license or state-issued identification  
15 card.

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

24 I. Unless a person who is not a qualified elector  
25 or is ineligible to register to vote knowingly and willfully

1 takes voluntary action to register to vote knowing that the  
2 person is not a qualified elector or is ineligible to  
3 register to vote, the transfer of an electronic record or the  
4 failure of a person to decline voter registration pursuant to  
5 this section shall not be considered a violation of Section  
6 1-20-3 NMSA 1978.

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

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

23 (1) the number of electronic records  
24 transmitted to the secretary of state by the motor vehicle  
25 division of the taxation and revenue department pursuant to



1 this section;

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

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

7 (4) the number of people who declined to be  
8 registered to vote through the automatic voter registration  
9 system.

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

15 **SECTION 8.** A new Section 1-4-47.1 NMSA 1978 is enacted  
16 to read:

17 "1-4-47.1. STATE AGENCY--INDIAN NATION, TRIBE OR  
18 PUEBLO--AUTOMATIC VOTER REGISTRATION REQUIREMENTS.--

19 A. Upon a determination by the secretary of state  
20 that a state agency, including an agency that participates in  
21 the state-agency-based voter registration program pursuant to  
22 Section 1-4-48 NMSA 1978, collects sufficient information  
23 consistent with Section 1-4-47 NMSA 1978 to transmit  
24 electronic records for automatic voter registration in  
25 accordance with the provisions of that section, including

1 verification of United States citizenship by document or  
2 database verification for any agency clients not already  
3 registered to vote, the secretary of state shall enter into a  
4 memorandum of understanding with the agency requiring the  
5 agency to comply with the provisions of Section 1-4-47 NMSA  
6 1978. The secretary of state and county clerks shall process  
7 the electronic records according to the provisions of Section  
8 1-4-47 NMSA 1978, subject to any modifications necessary to  
9 comply with federal law.

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

25 C. If a state agency or an Indian nation, tribe or pueblo  
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1 pueblo is able to transmit electronic records that are  
2 complete for automatic voter registration except for an  
3 electronic signature image, the records shall be processed as  
4 complete records for automatic voter registration. The  
5 secretary of state shall adopt rules to obtain a signature  
6 from the qualified elector or qualified resident, including  
7 through a mailing requesting a signature, uploading a  
8 signature through an electronic system, providing a signature  
9 on a mailed ballot envelope or providing a signature at an  
10 early voting location or polling place."

11 SECTION 9. Section 1-4-48 NMSA 1978 (being Laws 1995,  
12 Chapter 198, Section 13, as amended) is amended to read:

13 "1-4-48. STATE-AGENCY-BASED VOTER REGISTRATION  
14 PROGRAM--ESTABLISHED--HUMAN SERVICES DEPARTMENT.--

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

23 B. Voter registration shall be made available at  
24 all state agencies providing public assistance or services to  
25 people with disabilities. The secretary of state may

1 designate other state and local public offices to provide  
2 voter registration services with the agreement of those  
3 offices.

4 C. Each state agency participating in the voter  
5 registration program shall maintain sufficient records for  
6 the secretary of state to comply with federal voter  
7 registration reporting requirements and the federal Help  
8 America Vote Act of 2002. Any records maintained by a state  
9 agency regarding voter registration activities in that agency  
10 are confidential and shall not be released as public records.

11 D. Any voter registration made or accepted at a  
12 state agency pursuant to this section shall be transmitted to  
13 the appropriate registration officer within ten calendar  
14 days.

15 E. A state agency employee or agency contractor  
16 who participates in the voter registration process may not  
17 intentionally influence the prospective registrant in the  
18 selection of political party, or independent status, by word  
19 or act. A state agency employee or agency contractor who  
20 participates in the voter registration process may not reveal  
21 the existence of or the nature of the voter registration to  
22 anyone other than a registration officer.

23 F. The human services department shall develop  
24 procedures to be approved by the secretary of state to ensure  
25 that each benefit program administered by the department

1 appropriately ensures that qualified electors receiving  
2 benefits are offered the opportunity to register to vote or  
3 update an existing certificate of registration without  
4 duplication of information contained by the department or by  
5 the secretary of state. No later than the last day of August  
6 of each calendar year, the human services department shall  
7 issue an annual report detailing implementation of the  
8 requirements of this subsection. The report shall be sent to  
9 the legislative council service, the secretary of state and  
10 each county clerk.

11 G. If a person who is not a qualified elector  
12 becomes registered to vote pursuant to this section, the  
13 person's registration shall be canceled and the person shall  
14 be deemed to have never registered."

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

17 "VOLUNTARY PERMANENT ABSENTEE VOTER LIST--PROCEDURES.--

18 A. A voter, except a federal qualified elector who  
19 is subject to the provisions of the Uniform Military and  
20 Overseas Voters Act or the Intimate Partner Violence Survivor  
21 Suffrage Act, may apply to be added to the voluntary  
22 permanent absentee voter list for the county in which the  
23 voter is registered by completing a paper or online  
24 application that conforms to the mailed ballot application  
25 requirements of Section 1-6-4 NMSA 1978, except that the

1 voluntary permanent absentee voter application shall provide  
2 an additional checkbox for the voter to affirm that reads:

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

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

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

23 D. A voter whose name appears on the voluntary  
24 permanent absentee voter list shall remain on the list,  
25 except as provided in Subsection F of this section, and shall

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

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

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

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

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

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

1 4 NMSA 1978;

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

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

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

15 H. A county clerk shall maintain the voluntary  
16 permanent absentee voter list for the county and shall make  
17 the voluntary permanent absentee voter list available on  
18 request pursuant to the provisions of Section 1-4-5.5 NMSA  
19 1978."

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

22 "1-11-12.2. MONITORED SECURED CONTAINERS--DISTRIBUTION  
23 TO COUNTIES.--

24 A. Each county shall have at least two monitored  
25 secured containers; provided that, in consideration of



1 geographic or security constraints existent in a county, a  
2 county clerk may request from the secretary of state a waiver  
3 from this requirement. The secretary of state may approve a  
4 request by a county clerk for additional monitored secured  
5 containers in a county.

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

24 C. A political subdivision whose written request  
25 to a county clerk for monitored secured containers is denied

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

8 D. A monitored secured container located on or  
9 near the boundaries of a political subdivision shall comply  
10 with all requirements for monitored secured containers  
11 provided in the Election Code. If a monitored secured  
12 container is provided pursuant to this section, the  
13 requesting political subdivision shall provide the facility  
14 and services necessary for the monitored secured container."

15 SECTION 12. A new Section 1-21A-1 NMSA 1978 is enacted  
16 to read:

17 "1-21A-1. SHORT TITLE.--Chapter 1, Article 21A NMSA  
18 1978 may be cited as the "Native American Voting Rights  
19 Act"."

20 SECTION 13. A new Section 1-21A-2 NMSA 1978 is enacted  
21 to read:

22 "1-21A-2. DEFINITIONS.--As used in the Native American  
23 Voting Rights Act:

24 A. "early voting location" means an alternate  
25 voting location and a mobile alternate voting location;

1           B. "Indian nation, tribe or pueblo" means a  
2 federally recognized Indian nation, tribe or pueblo located  
3 wholly or partially in New Mexico;

4           C. "polling place" means an early voting location  
5 and an election day polling place; and

6           D. "written request" means a request sent in  
7 writing by the president, governor or governing body of an  
8 Indian nation, tribe or pueblo, including a request sent by a  
9 person designated by the president, governor or governing  
10 body of an Indian nation, tribe or pueblo to submit written  
11 requests pursuant to the Native American Voting Rights Act;  
12 provided that the designation has been communicated in  
13 writing to the secretary of state and county clerk by the  
14 president, governor or governing body of the Indian nation,  
15 tribe or pueblo."

16           SECTION 14. A new Section 1-21A-3 NMSA 1978 is enacted  
17 to read:

18           "1-21A-3. PRECINCT BOUNDARIES.--

19           A. When adjusting precinct boundaries for any  
20 group of census blocks that are on Indian nation, tribal or  
21 pueblo lands, the board of county commissioners shall inquire  
22 of each Indian nation, tribe or pueblo in the county to  
23 provide internal and external political boundaries for the  
24 Indian nation, tribe or pueblo that the Indian nation, tribe  
25 or pueblo has provided to the United States census bureau.

1           B. The board of county commissioners shall adjust  
2 precinct boundaries to correspond to the internal and  
3 external political boundaries that each Indian nation, tribe  
4 or pueblo in the county has provided to the United States  
5 census bureau.

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

9           SECTION 15. A new Section 1-21A-4 NMSA 1978 is enacted  
10 to read:

11           "1-21A-4. REQUESTS FOR POLLING PLACES AND MONITORED  
12 SECURED CONTAINERS.--

13           A. An Indian nation, tribe or pueblo may submit a  
14 written request to a county clerk for locating early voting  
15 locations, election day polling places or monitored secured  
16 containers on or near the Indian nation's, tribe's or  
17 pueblo's lands.

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

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

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

7           E. A written request for monitored secured  
8 containers for future statewide elections may be made by July  
9 15, 2023 for the 2023 regular local election and between the  
10 second Tuesday in March and the second Tuesday in April of  
11 any year for all subsequent elections."

12           SECTION 16. A new Section 1-21A-5 NMSA 1978 is enacted  
13 to read:

14           "1-21A-5. ELECTION DAY POLLING PLACES--REQUIREMENTS.--

15           A. A county clerk who has received a written  
16 request from an Indian nation, tribe or pueblo for one or  
17 more election day polling places on or near Indian nation,  
18 tribal or pueblo land shall consider the request when  
19 submitting recommendations to the board of county  
20 commissioners for the biennial election day polling place  
21 resolution establishing voter convenience centers for the  
22 subsequent election cycle pursuant to Section 1-3-4 NMSA  
23 1978; provided that:

24                   (1) any voter of the county shall have  
25 access to and be permitted to vote at the election day

1 polling place;

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

5 (3) the county clerk provides federally  
6 mandated language translators at the election day polling  
7 places; and

8 (4) if the election day polling place is  
9 located on Indian nation, tribal or pueblo land, the Indian  
10 nation, tribe or pueblo provides the facility and services  
11 for the election day polling place.

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

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

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

1 consolidated with other election day polling places in that  
2 election cycle without the written agreement of the Indian  
3 nation, tribe or pueblo on whose lands the election day  
4 polling place is located."

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

7 "1-21A-6. EARLY VOTING LOCATIONS--REQUIREMENTS.--

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

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

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

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

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

25 (5) the early voting location may operate

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

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

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

12 "1-21A-7. MONITORED SECURED CONTAINERS--REQUIREMENTS.--

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

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

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

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

18 "1-21A-8. USE OF GOVERNMENTAL AND OFFICIAL BUILDINGS AS  
19 MAILING ADDRESSES ON VOTER REGISTRATION CERTIFICATES AND  
20 MAILED BALLOT APPLICATIONS.--

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

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

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

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

15 "1-21A-9. EMERGENCY SITUATIONS.--If the president,  
16 governor or governing body of an Indian nation, tribe or  
17 pueblo has declared a state of emergency or has invoked  
18 emergency powers pursuant to other laws:

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

24 B. no later than ninety-eight days before a  
25 statewide election by means of a written request or no later

1 than forty-nine days before a statewide election with a court  
2 order, the county clerk shall provide to an Indian nation,  
3 tribe or pueblo that has not previously requested for that  
4 election cycle at least one alternate voting or mobile  
5 alternate voting location for that election; provided that  
6 the alternate voting or mobile alternate voting location  
7 shall otherwise comply with the requirements of Section  
8 1-21A-6 NMSA 1978;

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

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

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

25 "1-21A-11. EXPENSES.--

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

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

12           **SECTION 22.** Section 22-2-8.1 NMSA 1978 (being Laws  
13 1986, Chapter 33, Section 2, as amended by Laws 2011, Chapter  
14 35, Section 1 and by Laws 2011, Chapter 154, Section 1) is  
15 amended to read:

16           "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--  
17 MINIMUM.--

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

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

25                   (2) grades one through six, five and one-

1 half hours per day or nine hundred ninety hours per year; and

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

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

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

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

22 E. Notwithstanding any other provision of this  
23 section, provided that instruction occurs simultaneously,  
24 time when breakfast is served or consumed pursuant to a state  
25 or federal program shall be deemed to be time in a school-

1 directed program and is part of the instructional day.

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

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

7 "31-13-1. FELONY CONVICTION--RESTORATION OF RIGHT TO  
8 HOLD OFFICE OF PUBLIC TRUST.--A person who has been convicted  
9 of a felony shall not be permitted to hold an office of  
10 public trust for the state, a county, a municipality or a  
11 district, unless the person has presented the governor with a  
12 certificate verifying the completion of the sentence and was  
13 granted a pardon or a certificate by the governor restoring  
14 the person's full rights of citizenship."

15 SECTION 24. REPEAL.--

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

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

21 SECTION 25. EFFECTIVE DATE.--

22 A. The effective date of the provisions of  
23 Sections 1, 3 through 6, 11 through 21 and 23 of this act is  
24 July 1, 2023.

25 B. The effective date of the provisions of

1 Sections 10 and 22 of this act is January 1, 2024.

2 C. The effective date of the provisions of

3 Sections 2 and 7 through 9 of this act is July 1, 2025.                      HB 4/a  
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