

<b>LFC Requester:</b>	N/A
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/4/2025 *Check all that apply:*  
**Bill Number:** HB 101 Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b>	Andrea Reeb Nicole Chavez <u>Luis M. Terrazas</u>	<b>Agency Name and Code Number:</b>	Secretary of State - 370
<b>Short Title:</b>	<u>FIREARM AT POLLING PLACE FOR LAW ENFORCEMENT</u>	<b>Person Writing Analysis:</b>	<u>Lindsey Bachman</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

<b>Total</b>						
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(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

HB 101 adds two exceptions to existing restrictions on the carrying of firearms at polling locations during an election. It provides that the prohibitions do not apply to “a commissioned law enforcement officer with the power to arrest in performance of the officer's official duties” or “a commissioned law enforcement officer with the power to arrest acting in accordance with the policies of the officer's law enforcement agency.”

**FISCAL IMPLICATIONS**

**SIGNIFICANT ISSUES**

Carrying a firearm within 100 feet of polling location or within 50 feet of a monitored secured container is currently prohibited by state statute unless the person with the firearm is: “(1) a certified law enforcement officer in performance of the officer's official duties; (2) a law enforcement officer who is certified pursuant to the Law Enforcement Training Act acting in accordance with the policies of the officer's law enforcement agency; (3) a person in a private automobile or other private means of conveyance; or (4) a person carrying a concealed firearm who is in possession of a valid concealed handgun license for that firearm pursuant to the Concealed Handgun Carry Act.” 1-20-24 NMSA 1978 further provides that, “A person conducting lawful, non-election-related business nearer than one hundred feet from the door through which voters may enter to vote or nearer than fifty feet from a monitored secured container is not guilty of unlawful possession of a firearm at a polling place.”

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

Election board members, or poll workers, would be responsible for addressing concerns related to these provisions with assistance, training and guidance from County Clerks and the Secretary of State’s Office. It is unclear how administrators, frontline workers or members of the public would distinguish between a law enforcement officer who is certified pursuant to the Law Enforcement Training Act and one who is commissioned.

Should HB 101 pass, the SOS will have additional administration duties associated with education and compliance. The full funding of the SOS’s budget request is necessary to keep up with the volume of work associated with all of the statutory duties supported by the office.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**