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SENATE BILL 603

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR ABSENTEE VOTING IN LIEU OF  
ESTABLISHING A POLLING PLACE IN SMALL, ISOLATED PRECINCTS.

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

Section 1. A new section of the Election Code is enacted  
to read:

"~~[NEW MATERIAL]~~ MAIL BALLOT ELECTION PRECINCT--ABSENTEE  
VOTING IN LIEU OF POLLING PLACE.--

A. Notwithstanding the provisions of Section 1-1-11  
NMSA 1978, a board of county commissioners may designate a  
precinct as a mail ballot election precinct if, upon a written  
request of the county clerk, it finds that the precinct has  
less than fifty voters and the nearest polling place for an  
adjoining precinct is more than thirty miles driving distance  
from the polling place designated for the precinct in question.

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1           B. If a precinct is designated a mail ballot  
2 election precinct, in addition to the notice required pursuant  
3 to Section 1-3-8 NMSA 1978, the county clerk shall notify by  
4 registered mail all voters in that precinct at least forty days  
5 before an election that each voter will be sent an absentee  
6 ballot twenty-eight days before the election and that there  
7 will be no polling place for the precinct on election day.

8           C. The county clerk shall mail each voter in the  
9 mail ballot election precinct an absentee ballot on the twenty-  
10 eighth day before an election, along with a notice that there  
11 will be no polling place for that precinct on election day."

12           Section 2. Section 1-3-2 NMSA 1978 (being Laws 1969,  
13 Chapter 240, Section 51, as amended) is amended to read:

14           "1-3-2. PRECINCTS--DUTIES OF COUNTY COMMISSIONERS.--

15           A. Not later than the first Monday in November of  
16 each odd-numbered year, the board of county commissioners shall  
17 by resolution:

18                   (1) designate the polling place of each  
19 precinct that shall provide individuals with physical mobility  
20 limitations an unobstructed access to at least one voting  
21 machine;

22                   (2) create additional precincts to meet the  
23 requirements of Section 1-3-1 NMSA 1978 or upon petition  
24 pursuant to Section 4-38-21 NMSA 1978;

25                   (3) create additional polling places in

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1 existing precincts as necessary pursuant to Section 1-3-7.1  
2 NMSA 1978; ~~and~~

3 (4) divide any precincts as necessary to meet  
4 legal and constitutional requirements for redistricting; and

5 (5) designate any mail ballot election  
6 precincts.

7 B. The county clerk shall notify the secretary of  
8 state in writing of any proposed changes in precincts or the  
9 designation of polling places made by the board of county  
10 commissioners and shall furnish a copy of the map showing the  
11 current geographical boundaries, designation and word  
12 description of each new polling place and each new or changed  
13 precinct.

14 C. The secretary of state shall review all new or  
15 changed precinct maps submitted pursuant to this section for  
16 compliance under the Precinct Boundary Adjustment Act. Any  
17 necessary precinct boundary adjustments shall be made and  
18 submitted to the secretary of state no later than the first  
19 Monday in December of ~~that~~ each odd-numbered year. Upon  
20 approval of the new or changed precincts by the secretary of  
21 state, the precincts and polling places as changed by the  
22 resolution of the boards of county commissioners and approved  
23 by the secretary of state shall be the official precincts and  
24 polling places for the next succeeding primary and general  
25 elections."

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1 Section 3. Section 1-3-7 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 57, as amended) is amended to read:

3 "1-3-7. POLLING PLACES.--

4 A. No less than one polling place shall be provided  
5 for each precinct other than a mail ballot election precinct.

6 B. The board of county commissioners shall  
7 designate as the polling place, or places as the case may be,  
8 in each precinct, other than a mail ballot election precinct,  
9 the most convenient and suitable public building or public  
10 school building in the precinct that can be obtained.

11 C. If no public building or public school building  
12 is available, the board of county commissioners shall provide  
13 some other suitable place, which shall be the most convenient  
14 and appropriate place obtainable in the precinct, considering  
15 the purpose for which it is to be used pursuant to the Election  
16 Code.

17 D. If no public building or public school building  
18 is available in the precinct, the precinct is not a mail ballot  
19 election precinct and [if] there is no other suitable place  
20 obtainable in the precinct, the board of county commissioners  
21 may designate as a polling place for the precinct the most  
22 convenient and suitable building or public school building  
23 nearest to that precinct that can be obtained. Provided, no  
24 polling place shall be designated outside the boundary of the  
25 precinct as provided in this subsection until such designated

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1 polling place is approved by written order of the district  
2 court of the county in which the precinct is located.

3 E. Upon application of the board of county  
4 commissioners, the governing board of any school district shall  
5 permit the use of any school building or a part thereof for  
6 registration purposes and the conduct of any election, provided  
7 [however] that the building or the part used for the election  
8 complies with the standards set out in the federal Voting  
9 Accessibility for the Elderly and Handicapped Act [~~(Public Law~~  
10 ~~98-435)~~].

11 F. Public schools may be closed for elections at  
12 the discretion of local school boards."

13 Section 4. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2007.