

1 HOUSE BILL 231

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Georgene Louis and D. Wonda Johnson and Derrick J. Lente
5 and Anthony Allison and Benny Shendo, Jr.
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10 AN ACT

11 RELATING TO ELECTIONS; PROVIDING PROTECTIONS FOR POLLING
12 LOCATIONS ON INDIAN NATION, TRIBAL OR PUEBLO LAND; REQUIRING
13 THE AGREEMENT OF AN INDIAN NATION, TRIBE OR PUEBLO TO CLOSE OR
14 CONSOLIDATE POLLING LOCATIONS; MAKING TECHNICAL CHANGES.
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 1-3-4 NMSA 1978 (being Laws 1975,
18 Chapter 255, Section 30, as amended) is amended to read:

19 "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE
20 CENTERS.--

21 A. The board of county commissioners may permit
22 voters in the county to cast ballots in statewide elections at
23 voter convenience centers through the use of consolidated
24 precincts pursuant to this section.

25 B. When precincts are consolidated and voter

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1 convenience centers are established for statewide elections:

2 (1) the resolution required by Section 1-3-2
3 NMSA 1978, in addition to the other matters required by law,
4 shall state therein which precincts have been consolidated and
5 the location of the voter convenience center within that
6 consolidated precinct;

7 (2) any voter of the county shall be allowed
8 to vote on a regular ballot at any voter convenience center in
9 the county;

10 (3) each voter convenience center shall be a
11 consolidated precinct composed of no more than ten precincts;

12 (4) each voter convenience center shall comply
13 with the provisions of Section 1-3-7 NMSA 1978;

14 (5) each voter convenience center shall have a
15 broadband internet connection and real-time access to the voter
16 registration electronic management system;

17 (6) the county clerk may maintain any
18 alternate voting locations or mobile alternate voting locations
19 previously used in the same election open for voting on
20 election day as a voter convenience center, in addition to the
21 voter convenience center established within each consolidated
22 precinct; provided that the locations otherwise meet the
23 requirements of a voter convenience center; and

24 (7) the board of county commissioners may
25 permit certain precincts to be exempted from operating as a

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1 voter convenience center or being a part of a consolidated
2 precinct; provided that if the precinct is not designated as a
3 mail ballot election precinct pursuant to Section 1-6-22.1 NMSA
4 1978 and the polling place for that precinct does not have
5 real-time access to the voter registration electronic
6 management system, voters registered in a precinct as described
7 in this paragraph are permitted to vote at any voter
8 convenience center on election day only by use of a provisional
9 paper ballot, which shall be counted after the county clerk
10 confirms that the voter did not also vote in the same election
11 on any other ballot.

12 C. Unless the county clerk receives a written
13 waiver from the secretary of state specifying the location and
14 specific provision being waived, each voter convenience center
15 shall:

16 (1) have ballots available for voters from
17 every precinct authorized to vote at that voter convenience
18 center;

19 (2) have at least one optical scan tabulator
20 programmed to read every ballot style able to be cast at that
21 voter convenience center;

22 (3) have at least one voting system available
23 to assist disabled voters to cast and record their votes;

24 (4) have sufficient spaces for at least five
25 voters to simultaneously and privately mark their ballots, with

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1 at least one of those spaces wheelchair-accessible;

2 (5) have sufficient check-in stations to
3 accommodate voters throughout the day as provided in Section
4 1-9-5 NMSA 1978;

5 (6) have a secure area for storage of
6 preprinted ballots or for storage of paper ballot stock and a
7 system designed to print ballots at a polling location;

8 (7) issue a ballot to voters who have provided
9 the required voter identification after the voter has signed a
10 signature roster or an electronic equivalent approved by the
11 voting system certification committee or after the voter has
12 subscribed an application to vote on a form approved by the
13 secretary of state; and

14 (8) be in a location that is accessible and
15 compliant with the requirements of the federal Americans with
16 Disabilities Act of 1990.

17 D. A polling place located on Indian nation, tribal
18 or pueblo land shall not be closed or consolidated with other
19 polling locations without the written agreement of the Indian
20 nation, tribe or pueblo where the polling location is located.
21 If, as a result of public health concerns, voters registered
22 within the Indian nation, tribe or pueblo are unable to leave
23 the Indian nation, tribe or pueblo during the time when voting
24 occurs, regardless of whether voters residing outside the
25 boundaries of the Indian nation, tribe or pueblo are able to

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1 access such polling locations, there shall be at least one
2 polling location within the boundaries of the Indian nation,
3 tribe or pueblo.

4 [D-] E. As a prerequisite to consolidation, the
5 authorizing resolution must find that consolidation will make
6 voting more convenient and accessible to voters of the
7 consolidated precinct and will not result in delays for voters
8 in the voting process and that the voter convenience center
9 will be centrally located within the consolidated precinct.
10 The board of county commissioners shall give due consideration
11 to input received from any local public body in the county
12 regarding the location of voter convenience centers."

13 SECTION 2. Section 1-6-5.8 NMSA 1978 (being Laws 2009,
14 Chapter 251, Section 2, as amended) is amended to read:

15 "1-6-5.8. EARLY VOTING--NATIVE AMERICAN EARLY VOTING
16 LOCATIONS.--A county clerk shall provide at least one alternate
17 voting or mobile alternate voting location on Indian nation,
18 tribal or pueblo land when requested by the Indian nation,
19 tribe or pueblo in the county; provided that:

20 A. the Indian nation, tribe or pueblo submits a
21 written request to the county clerk no later than [~~the first~~
22 ~~Monday in November of each odd-numbered year~~] one hundred days
23 before each statewide election;

24 B. the alternate voting or mobile alternate voting
25 location may operate for less than the full early voting

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1 period, to be decided upon between the Indian nation, tribe or
2 pueblo and the county clerk;

3 C. any voter of the county shall have access to and
4 be permitted to vote at the alternate voting or mobile
5 alternate voting location;

6 D. the location of the alternate voting or mobile
7 alternate voting location on Indian nation, tribal or pueblo
8 land conforms to the requirements for alternate voting
9 locations, except as specified in this section;

10 E. the county clerk provides federally mandated
11 language translators at the alternate voting or mobile
12 alternate voting locations;

13 F. the Indian nation, tribe or pueblo provides the
14 facility and services for the alternate voting or mobile
15 alternate voting location; and

16 G. the costs of voting equipment and personnel for
17 the alternate voting or mobile alternate voting locations on
18 Indian nation, tribal or pueblo land pursuant to this section
19 are reimbursed to the county by the secretary of state."

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