

FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021

HB 231/a

March 16, 2021

Mr. President:

Your **RULES COMMITTEE**, to whom has been referred

HOUSE BILL 231, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike House State Government, Elections and Indian Affairs Committee Amendment 1.
2. Strike Items 1 and 2 of House Floor Amendment number 1.
3. On page 1, line 12, strike "; REQUIRING", strike lines 13 and 14 in their entirety and insert in lieu thereof "IN THE EVENT OF A DECLARED EMERGENCY OR THE INVOCATION OF EMERGENCY POWERS; CHANGING NOTICE PROVISIONS FOR REQUESTS FOR ALTERNATE VOTING LOCATIONS; DECLARING AN EMERGENCY."
4. On page 1, line 17 through page 6, line 19, strike Sections 1 and 2 in their entirety and insert in lieu thereof the following new sections:

"SECTION 1. A new Section 1-3-7.2 NMSA 1978 is enacted to read:

"1-3-7.2. [NEW MATERIAL] POLLING PLACES ON NATIVE AMERICAN LANDS.--If, in an area that includes Indian nation, tribal or pueblo lands, the president, governor or governing body of the Indian nation, tribe or pueblo has declared an emergency or has invoked emergency powers pursuant to other laws:

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

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

SRC/HB 231

Page 2

B. no later than ninety-eight days before a statewide election without a court order and by means of a written request or no later than forty-nine days before a statewide election with a court order, the county clerk shall provide to an Indian nation, tribe or pueblo that has not previously requested for that election cycle at least one alternate voting or mobile alternate voting location for that election; provided the alternate voting or mobile alternate voting location otherwise complies with the requirements of Section 1-6-5.8 NMSA 1978;

C. no later than eighty-four days before a statewide election without a court order and by means of a written request or no later than thirty-five days before a statewide election with a court order, the county clerk shall provide an election day polling place to an Indian nation, tribe or pueblo that does not already have an election day polling place within its boundaries if voters registered within the Indian nation, tribe or pueblo are unable to leave the Indian nation, tribe or pueblo during the time when voting occurs for a statewide election;

D. the requirement that a polling place be available to all voters in the county is waived if an Indian nation, tribe or pueblo is inaccessible or the borders are closed; and

E. all necessary and reasonable expenses by the county clerk for compliance with this section shall be reimbursed by the secretary of state."

SECTION 2. Section 1-3-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 58, as amended) is amended to read:

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

A. Upon the adoption of any resolution, or upon the final action of any district court upon a petition creating, abolishing, dividing or consolidating any precinct, or changing any precinct boundary, or changing any designated polling place, the board of

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

SRC/HB 231

Page 3

county commissioners shall:

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

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

B. A polling place located on Indian nation, tribal or pueblo lands shall not be eliminated or consolidated with other polling locations without the written agreement of the Indian nation, tribe or pueblo on which the polling place is located."

SECTION 3. Section 1-6-5.8 NMSA 1978 (being Laws 2009, Chapter 251, Section 2, as amended) is amended to read:

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

A. the Indian nation, tribe or pueblo submits a written request to the county clerk [~~no later than the first Monday in November~~] between the second Tuesday in March and the second Tuesday in April of each odd-numbered year;

B. the alternate voting or mobile alternate voting location may operate for less than the full early voting period, to be decided upon between the Indian nation, tribe or pueblo and the county clerk;

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

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

SRC/HB 231

Page 4

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

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

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

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

5. Renumber the succeeding section accordingly.,

and thence referred to the **INDIAN, RURAL AND CULTURAL AFFAIRS COMMITTEE.**

FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021

SRC/HB 231

Page 5

Respectfully submitted,

DANIEL A. IVEY-SOTO, CHAIRMAN

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Baca, Ingle, Lopez, Moores, Pirtle

Absent: None

HB0231RU1.wpd

.220871.1