

1 SENATE BILL 487

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO ELECTIONS; AMENDING AND ENACTING SECTIONS OF THE
12 ELECTION CODE TO PROVIDE EMERGENCY VOTING PROCEDURES; PROVIDING
13 ABSENTEE VOTER ASSISTANCE UNITS.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "1-3-2. PRECINCTS--DUTIES OF COUNTY COMMISSIONERS--COUNTY
19 CLERKS.--

20 A. For the conduct of any statewide election during
21 the period beginning January 1 of the next succeeding
22 even-numbered year until December 31 of the odd-numbered year
23 thereafter, in June or July of each odd-numbered year, the
24 board of county commissioners shall by resolution:

25 [~~A.~~] (1) designate the polling place of each

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1 precinct that shall provide individuals with physical mobility
2 limitations an unobstructed access to at least one voting
3 machine;

4 ~~[B.]~~ (2) consolidate any precincts pursuant to
5 Section 1-3-4 NMSA 1978;

6 ~~[C.]~~ (3) designate any mail ballot election
7 precincts pursuant to Section 1-6-22.1 NMSA 1978; and

8 ~~[D.]~~ (4) create additional polling places in
9 existing precincts pursuant to Section 1-3-7.1 NMSA 1978.

10 B. The county clerk may designate secure congregate
11 facilities and collaborate with facility administrators to
12 determine expected voting needs."

13 SECTION 2. Section 1-3-4 NMSA 1978 (being Laws 1975,
14 Chapter 255, Section 30, as amended) is amended to read:

15 "1-3-4. CONSOLIDATION OF PRECINCTS--VOTER CONVENIENCE
16 CENTERS.--

17 A. The board of county commissioners shall
18 establish voter convenience centers through the use of
19 consolidated precincts for voting in a statewide election.
20 Absentee voter assistance units for secure congregate
21 facilities established pursuant to Section 6 of this 2025 act
22 shall not be considered voter convenience centers and shall not
23 be subject to precinct consolidation requirements.

24 B. When precincts are consolidated and voter
25 convenience centers are established for statewide elections:

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

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

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

11 (3) each voter convenience center shall serve
12 no fewer than ten consolidated precincts on election day for
13 general elections and fifteen consolidated precincts on
14 election day for local and primary elections;

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

17 (5) each voter convenience center shall have a
18 broadband internet connection and real-time synchronization to
19 access the voter registration electronic management system;

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

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1 requirements of a voter convenience center; ~~and~~

2 (7) the board of county commissioners may
3 permit certain precincts to be exempted from operating as a
4 voter convenience center or being a part of a consolidated
5 precinct if the precinct is designated as a mail ballot
6 election precinct pursuant to Section 1-6-22.1 NMSA 1978;

7 (8) if twenty-five percent or more of voters
8 in a precinct are on the permanent absentee list, that precinct
9 shall count as one-half of a precinct when determining the
10 number of precincts served by a voter convenience center; and

11 (9) if fifty-five percent or more of voters in
12 a precinct are on the permanent absentee list, the precinct may
13 be designated as a mail-only precinct, in accordance with
14 Section 1-6-5 NMSA 1978; provided that a precinct designated as
15 mail-only shall not count toward the number of consolidated
16 precincts served by a voter convenience center.

17 C. Unless the county clerk receives a written
18 waiver from the secretary of state specifying the location and
19 specific provision being waived, each voter convenience center
20 shall:

21 (1) have ballots available for voters from
22 every precinct authorized to vote at that voter convenience
23 center;

24 (2) have at least one optical scan tabulator
25 programmed to read every ballot style able to be cast at that

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1 voter convenience center;

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

4 (4) have sufficient spaces for at least five
5 voters to simultaneously and privately mark their ballots, with
6 at least one of those spaces wheelchair-accessible;

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

10 (6) have a secure area for storage of
11 preprinted ballots or for storage of paper ballot stock and a
12 system designed to print ballots;

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

19 (8) be in a location that is accessible and
20 compliant with the requirements of the federal Americans with
21 Disabilities Act of 1990.

22 D. The board of county commissioners may designate
23 additional voter convenience centers pursuant to the federal
24 Voting Rights Act of 1965 with considerations for:

25 (1) tribal voting access;

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- 1 (2) population density;
- 2 (3) historical and projected turnout; and
- 3 (4) community needs."

4 **SECTION 3.** Section 1-3-5 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 55, as amended) is amended to read:

6 "1-3-5. PRECINCTS--POWERS OF COUNTY COMMISSIONERS.--

7 A. The board of county commissioners shall by
8 resolution:

9 (1) create additional precincts to meet the
10 requirements of Section 1-3-1 NMSA 1978; and

11 (2) divide, abolish, combine or adjust the
12 boundaries of any precincts as necessary to meet legal and
13 constitutional requirements for redistricting.

14 B. Any necessary precinct boundary adjustments
15 shall be submitted to the secretary of state no later than the
16 first Monday in December of each odd-numbered year to become
17 effective January 1 next succeeding the approval of the
18 boundary adjustment. No precinct shall be created, divided,
19 abolished or combined or the boundaries adjusted less than four
20 months prior to a statewide election, except by order of the
21 district court.

22 C. The county clerk shall notify the secretary of
23 state in writing of any proposed changes in precincts or the
24 designation of polling places made by the board of county
25 commissioners and shall furnish the current geographical

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1 boundaries, designation and word description of each new
2 polling place and each new or changed precinct.

3 D. The secretary of state shall review all new or
4 changed precinct maps submitted pursuant to this section for
5 compliance under the Precinct Boundary Adjustment Act and
6 Section 1-3-1 NMSA 1978.

7 ~~[E. Precincts shall be designated solely by whole~~
8 ~~numbers.]"~~

9 SECTION 4. Section 1-3-7 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 57, as amended) is amended to read:

11 "1-3-7. POLLING PLACES.--

12 A. No less than one polling place shall be provided
13 for each precinct that is not a mail ballot election precinct;
14 provided that in a local election, a precinct that lies partly
15 within and partly without a district may be located in a single
16 polling place and use a single election board.

17 B. The board of county commissioners shall
18 designate as the polling place or places, as the case may be,
19 in each precinct, other than a mail ballot election precinct,
20 the most convenient and suitable public building or public
21 school building in the precinct that can be obtained.

22 C. If no public building or public school building
23 is available, the board of county commissioners shall provide
24 some other suitable place, which shall be the most convenient
25 and appropriate place obtainable in the precinct, considering

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1 the purpose for which it is to be used pursuant to the Election
2 Code.

3 D. If, in a precinct that is not a mail ballot
4 election precinct or a consolidated precinct, there is no
5 public building or public school building available in the
6 precinct, and there is no other suitable place obtainable in
7 the precinct, the board of county commissioners may designate
8 as a polling place for the precinct the most convenient and
9 suitable building or public school building nearest to that
10 precinct that can be obtained. No polling place shall be
11 designated outside the boundary of the precinct as provided in
12 this subsection until such designated polling place is approved
13 by written order of the district court of the county in which
14 the precinct is located.

15 E. Upon application of the board of county
16 commissioners, the governing board of any school district shall
17 permit the use of any school building or a part thereof for
18 registration purposes and the conduct of any election; provided
19 that the building or the part used for the election complies
20 with the standards set out in the federal Voting Accessibility
21 for the Elderly and Handicapped Act. Application for use of a
22 school building or any part thereof for the conduct of a
23 statewide election shall be made by delivering to the
24 superintendent of the school district the resolution adopted
25 pursuant to Section 1-3-2 NMSA 1978.

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1 F. On the day of any statewide election for which
2 application was made pursuant to Subsection E of this section,
3 the board of education of a school district shall provide
4 exclusive use of any school building or the part thereof to be
5 used in the conduct of the election and shall provide
6 sufficient parking for election officials and to permit voters
7 to exercise the elective franchise.

8 G. If a polling place becomes destroyed,
9 inaccessible or unsafe within fifteen days of an election, and
10 with the secretary of state's approval of the county clerk's
11 contingency plan, the county clerk may adjust the polling place
12 location without requiring a change to the election resolution
13 or court order if:

14 (1) a replacement location is within five
15 hundred feet of the original polling place; or

16 (2) a mobile voting unit with accessible
17 parking and broadband access is placed within five hundred feet
18 of the original polling place.

19 H. If a county clerk adjusts a polling place
20 pursuant to Subsection G of this section, the county clerk
21 shall:

22 (1) notify the secretary of state of any
23 polling place changes;

24 (2) provide public notice and updates through
25 official channels; and

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1 (3) ensure adequate signage at the original
2 polling place to inform voters of the new location or absentee
3 voter assistance unit placement."

4 SECTION 5. Section 1-4-8 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 66, as amended) is amended to read:

6 "1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF
7 REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--Except
8 for qualified electors who register to vote or update a
9 certificate of registration at a voting location prior to
10 voting pursuant to Section 1-4-5.7 NMSA 1978, for qualified
11 electors seeking to register to vote or update an existing
12 voter registration in the state, the following provisions shall
13 apply:

14 A. ~~[to participate in an election, the deadline to~~
15 ~~register to vote or update an existing voter registration is~~
16 ~~twenty-eight days prior to that election]~~ the books shall close
17 for paper voter registration on the twenty-eighth day before an
18 election, and online and electronic voter registrations may be
19 processed until the Friday immediately preceding an election;

20 B. the county clerk shall receive certificates of
21 registration at all times during normal working hours, except
22 that the clerk shall not process any certificate of
23 registration subscribed and sworn beginning the first business
24 day after the deadline to register to vote or update an
25 existing voter registration before an election if the

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1 residential address on the certificate of registration

2 indicates that the registration is for a:

3 (1) statewide election, within the county; or

4 (2) special election, within any precinct in
5 the county in which votes may be cast in the special election;

6 C. between the deadline to register to vote or
7 update an existing voter registration through the day of the
8 election, the county clerk shall process all:

9 (1) new voter registrations that meet the
10 requirements of this section;

11 (2) updates to existing voter registrations in
12 this state that meet the requirements of this section; provided
13 that an update to an existing registration in this state shall
14 not be processed if the voter has requested or been sent a
15 ballot in the election, unless the voter executes an affidavit
16 stating that the voter has not and will not vote the ballot
17 that was issued and the ballot register does not show that a
18 ballot from the voter has been cast in the election; and

19 (3) pending cancellations of existing voter
20 registrations in this state through the day of the election;
21 provided that a cancellation of an existing voter registration
22 shall not be processed if the voter has requested or been sent
23 a ballot in the election;

24 D. certificates of registration and cancellations
25 of existing voter registrations not processed pursuant to

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1 Subsection B or C of this section may be processed beginning
2 the Monday following an election and shall be processed
3 beginning no later than the first business day after the
4 approval of the county canvass report for that election, at
5 which time a voter information document shall be mailed to the
6 registrant at the address shown on the certificate of
7 registration; provided that if there is a subsequent election
8 scheduled at which a qualified elector or voter would be
9 eligible to vote if the certificate of registration were
10 processed on an earlier date, the certificate of registration
11 for that qualified elector or voter shall be processed by the
12 county clerk on a day and in a manner to ensure the ability of
13 the qualified elector or voter to vote in the subsequent
14 election;

15 E. when the deadline to register to vote or update
16 an existing voter registration prior to an election referred to
17 in this section is a Saturday, Sunday or state holiday,
18 registration certificates shall be accepted through the next
19 succeeding business day for the office of the county clerk; and

20 F. the county clerk shall accept for filing and
21 process any certificate of registration that is subscribed and
22 dated on or before the deadline to register to vote or update
23 an existing voter registration prior to an election and:

24 (1) received by the county clerk by the end of
25 the last regular business day of the week for the office of the

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1 county clerk immediately following the deadline to register to
2 vote or update an existing voter registration prior to an
3 election;

4 (2) mailed and postmarked on or before the day
5 of the deadline to register to vote or update an existing voter
6 registration prior to any election referred to in this section;
7 or

8 (3) accepted at a state agency designated
9 pursuant to Section 1-4-5.2 NMSA 1978."

10 SECTION 6. A new section of the Absent Voter Act is
11 enacted to read:

12 "[NEW MATERIAL] ABSENTEE VOTER ASSISTANCE UNIT.--

13 A. A county clerk shall establish and operate
14 absentee voter assistance units as designated election day
15 voting alternatives, each of which shall be assigned an
16 election board and necessary materials to:

17 (1) issue absentee ballots, facilitate
18 provisional same-day registration and voting and observe voters
19 filling out and sealing their absentee ballots; and

20 (2) securely transport ballots to the absentee
21 ballot election board for processing, ensuring proper chain of
22 custody procedures; provided that the presiding judge or a
23 designated messenger shall transport ballots, ensure proper
24 staffing of election boards as required and sign off on the
25 chain of custody.

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1 B. An absentee voter assistance unit shall operate
2 inside secure congregate facilities, including jails, nursing
3 homes and hospitals, and shall travel to secure areas within
4 these facilities to serve eligible voters and prospective
5 same-day registrants. The unit shall operate for a minimum of
6 two hours and shall remain open until 7:00 p.m. if necessary to
7 allow all eligible voters who wish to vote to cast a ballot.
8 The unit shall begin operations no later than 9:00 a.m.

9 C. An absentee voter assistance unit shall not be
10 considered a substitute for a consolidated precinct or voter
11 convenience center unless a declared emergency renders a
12 designated polling place destroyed, inaccessible or unsafe, as
13 determined by the secretary of state.

14 D. An individual who appears at an absentee voter
15 assistance unit and is not registered to vote but is otherwise
16 eligible to vote may complete same-day voter registration and
17 cast a provisional ballot. Provisional ballots cast pursuant
18 to this section shall be processed in accordance with the
19 procedures established in Section 1-6-16.2 NMSA 1978. A voter
20 who casts a provisional ballot due to same-day registration may
21 cure the voter's ballot by providing identification or
22 completing an affidavit of identity before the statewide
23 election certification deadline.

24 E. A county clerk shall ensure that residents of a
25 secure congregate facility staying longer than thirty days have

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1 the opportunity to apply for absentee ballots in advance of
2 election day and that same-day registration for residents
3 follows the requirements set forth in Section 1-4-5.7 NMSA
4 1978.

5 F. During an emergency and as part of a county
6 clerk's emergency contingency plan, a county clerk may, with
7 the approval of the secretary of state, expand absentee voter
8 assistance unit operations to serve additional temporary
9 congregate facilities. A county clerk may use the absentee
10 voter assistance unit to ensure continued voter access in
11 emergency situations, including at:

12 (1) shelters;
13 (2) evacuation centers; and
14 (3) other facilities established for displaced
15 persons.

16 G. As used in this section, "secure congregate
17 facility" means a location with restricted access where
18 residents receive long-term or temporary housing or medical
19 care or supervision, including correctional institutions,
20 long-term care facilities, emergency shelters and tribal
21 locations that have been closed to the public."

22 SECTION 7. Section 1-6-22.1 NMSA 1978 (being Laws 2009,
23 Chapter 251, Section 1 and Laws 2009, Chapter 274, Section 1,
24 as amended) is amended to read:

25 "1-6-22.1. MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING
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1 IN LIEU OF POLLING PLACE.--

2 A. Notwithstanding the provisions of Sections
3 1-1-11 and 1-1-12 NMSA 1978, not later than the first Monday in
4 November of each odd-numbered year, a board of county
5 commissioners may designate a precinct as a mail ballot
6 election precinct if, upon a written request of the county
7 clerk, it finds that the precinct has fewer than one hundred
8 voters and the nearest polling place for an adjoining precinct
9 is more than twenty miles driving distance from the boundary
10 for the precinct in question.

11 B. If a precinct is designated a mail ballot
12 election precinct, in addition to the notice required pursuant
13 to Section 1-3-8 NMSA 1978, the county clerk shall notify by
14 mail with delivery confirmation all voters in that precinct at
15 least forty-two days before an election that each voter will be
16 sent an absentee ballot twenty-eight days before the election
17 and that there will be no polling place for the precinct on
18 election day. The county clerk shall include in the notice a
19 card informing the voter that if the voter does not want to
20 receive an absentee ballot for that election, the voter should
21 return the card before the date the county clerk is scheduled
22 to mail out absentee ballots. The notice shall also inform the
23 voter that a voting system equipped for persons with
24 disabilities will be available at all early voting locations
25 before election day and in the office of the county clerk on

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1 election day in case the voter prefers to vote in person and
2 not by mail. In addition, the notice shall inform the voter of
3 the ability of the voter to cast a ballot at any voter
4 convenience center on election day if the voter chooses not to
5 receive an absentee ballot, or to cast a replacement ballot at
6 any early voting location or voter convenience center if the
7 voter does not receive an absentee ballot, which will be
8 counted upon confirmation that the voter has not returned the
9 absentee ballot. The notice shall also contain the information
10 required in the voter notification sent by the secretary of
11 state on behalf of each county clerk in advance of a statewide
12 election pursuant to Section 1-11-4.1 NMSA 1978.

13 C. The county clerk shall mail each voter in the
14 mail ballot election precinct an absentee ballot on the twenty-
15 eighth day before an election, unless the voter has requested
16 otherwise, along with a notice that there will be no polling
17 place in that precinct on election day.

18 D. The county clerk and the board of county
19 commissioners may designate a precinct as a mail ballot
20 election precinct if more than fifty-five percent of active
21 registered voters in the precinct are on the permanent absentee
22 list."

23 SECTION 8. Section 1-11-18 NMSA 1978 (being Laws 1977,
24 Chapter 222, Section 34) is amended to read:

25 "1-11-18. ELECTION SUPPLIES.--The secretary of state
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1 shall prescribe the types and number of election supplies to be
2 used in the precincts. At least ninety days before an
3 election, the county clerk shall determine the supply needs at
4 secure congregate facilities, based upon the rolling daily
5 average of eligible voters at each facility."