

FIFTY-FIFTH LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 10, 2022

Madam Chair:

I propose to the HOUSE JUDICIARY COMMITTEE the following amendments to

SENATE BILL 144, as amended

1. On page 1, line 13, before the period, insert "; REPEALING AND REPLACING THE REGISTRATION AT VOTING LOCATION PRIOR TO VOTING PROVISIONS; PROVIDING THAT INMATES ARE ELIGIBLE TO VOTE AND REGISTER TO VOTE UPON RELEASE AND CONFORMING A PROVISION RELATING TO RESTORATION OF RIGHTS; REVISING PROVISIONS RELATING TO MONITORED SECURED CONTAINERS; CLARIFYING PROCEDURES FOR THE ACCEPTANCE OF VOTED MAILED BALLOTS; ENACTING THE NATIVE AMERICAN VOTING RIGHTS ACT TO PROTECT POLLING PLACE ACCESS AND ADDRESS OTHER ELECTION ISSUES INVOLVING VOTERS ON INDIAN NATION, TRIBAL AND PUEBLO LAND; MAKING TECHNICAL AND CONFORMING CHANGES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978".

2. On page 1, between lines 15 and 16, insert the following new sections:

"SECTION 1. Section 1-4-5.7 NMSA 1978 (being Laws 2019, Chapter 67, Section 1, as amended) is repealed and a new Section 1-4-5.7 NMSA 1978 is enacted to read:

"1-4-5.7. [NEW MATERIAL] REGISTRATION AT VOTING LOCATION PRIOR TO VOTING.--

A. In addition to the provisions in Section 1-4-8 NMSA 1978 providing for the closing of registration prior to an election,

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a qualified elector seeking to register to vote or update an existing certificate of registration in the state shall be allowed to do so at a voting location immediately before voting in that election after signing an affidavit under oath that the elector has not voted in the election in this state or elsewhere and as further provided in this section.

B. During a statewide election, a qualified elector may register to vote or update an existing certificate of registration at the county clerk's office or any early or election day voting location; provided that the secretary of state shall establish procedures to ensure that a registration officer has an opportunity to review the information of a qualified elector who registers to vote or updates an existing certificate of registration immediately before the qualified elector votes.

C. A voter whose political party affiliation on the voter's certificate of registration is with a major political party shall not be allowed to change party affiliation when updating an existing certificate of registration or registering to vote at a voting location immediately before voting in a primary election.

D. During a special election, a qualified elector may register to vote or update an existing certificate of registration at the county clerk's office during the regular hours and days of business beginning on the twenty-eighth day preceding the election until 7:00 p.m. on election day; provided that the county clerk shall provide the voter with a ballot and balloting materials immediately after the qualified elector registers to vote or updates the existing certificate of registration.

E. A qualified elector seeking to register to vote or update an existing certificate of registration pursuant to this section shall provide a physical form of identification that is issued by the federal government, a state government, a federally recognized Indian nation, tribe or pueblo or a New-Mexico-accredited educational institution and that:

(1) contains the name of the qualified elector, which shall reasonably match the name provided on the certificate of registration;

(2) contains a photograph of the qualified elector, which shall resemble the qualified elector;

(3) need not contain an expiration date, and if it does, the expiration date is not required to be a date on or after the date of the election; and

(4) shall either:

(a) contain an address that matches the address provided for the certificate of registration; or

(b) be accompanied by an original or copy of a utility bill, bank statement, government check, paycheck or other document issued by an educational institution or government, including a document issued by a federally recognized Indian nation, tribe or pueblo, dated within the ninety days prior to the qualified elector registering to vote or updating an existing certificate of registration and that contains the name of the qualified elector, which shall reasonably match the name provided on the certificate of registration, and an address that matches the address provided for the certificate of registration.

F. If a voting location does not have real-time synchronization with the voting data at the office of the county clerk, a voter desiring to update an existing certificate of registration or to register to vote shall be issued a provisional paper ballot. A provisional paper ballot issued pursuant to this section shall be qualified and tabulated once the county clerk determines that the voter did not vote any other ballot in the same election and if no challenge is successfully interposed."

SECTION 2. Section 1-4-24 NMSA 1978 (being Laws 1969, Chapter 240, Section 80, as amended) is amended to read:

"1-4-24. CANCELLATION OF REGISTRATION--COUNTY CLERK--
GROUNDS.--The county clerk shall cancel certificates of registration for the following reasons:

A. death of the voter;

~~[B. a felony conviction of the voter;~~

~~G.]~~ B. at the request of the voter; or

~~[D.]~~ C. at the direction of the board of registration."

SECTION 3. Section 1-4-27.1 NMSA 1978 (being Laws 2001, Chapter 46, Section 1, as amended) is amended to read:

"1-4-27.1. [~~CANCELLATION OF REGISTRATION FOLLOWING CONVICTION~~] INMATES INELIGIBLE TO VOTE OR REGISTER TO VOTE--ELIGIBILITY [FOR VOTING UPON SATISFACTION OF CONDITIONS] TO VOTE AND REGISTER TO VOTE UPON RELEASE.--

~~[A. When a voter has been convicted of a felony in any state or federal court, the voter's registration shall be canceled.~~

~~B. A person convicted of a felony who is otherwise a qualified elector is eligible to register to vote when that person:~~

~~(1) has been unconditionally discharged from a correctional facility or detention center;~~

~~(2) has completed all conditions of parole or supervised probation; or~~

~~(3) has had the conviction overturned on appeal.~~

~~C. The secretary of state shall each month maintain current in the statewide voter registration electronic management system the eligibility status of persons convicted of felonies to register to vote pursuant to this section.~~

~~D. The corrections department, the New Mexico sentencing commission and the administrative office of the courts shall deliver to the secretary of state information and data as needed to carry out the provisions of this section.~~

~~E. The secretary of state shall request from the United States attorney for the district of New Mexico, in conformance with 42 U.S.C. Section 1973gg-6(g), information and data as needed to carry out the provisions of this section.]~~

A. A voter is ineligible to vote while imprisoned in a

correctional facility as part of a sentence for a felony conviction. Except as provided in this section, an otherwise qualified elector is ineligible to register to vote while imprisoned in a correctional facility as part of a sentence for a felony conviction.

B. At the time an inmate is preparing for release from a state correctional facility, if the inmate is a voter or otherwise a qualified elector, the inmate shall be given an opportunity to register to vote or update an existing registration by means of a transaction with the motor vehicle division of the taxation and revenue department prior to the inmate's release from custody. If the inmate does not conduct a transaction with the motor vehicle division of the taxation and revenue department prior to the inmate's release from custody, the corrections department shall provide the inmate an opportunity to register to vote or update an existing registration by means of an online portal provided by the secretary of state or, if such a portal is not available, by means of a paper registration form.

C. The corrections department shall deliver to the secretary of state information and data necessary to carry out the provisions of this section. The secretary of state shall maintain current information in the statewide voter registration electronic management system on the ineligibility status of an inmate to vote or register to vote pursuant to this section, as well as an inmate's eligibility status to vote upon release and to register to vote or update an existing voter registration while preparing for release.

D. Notwithstanding a person's status in the statewide voter registration electronic management system, a voter or a qualified elector who appears personally before a county clerk, the clerk's authorized representative or a precinct board member, at an office of the motor vehicle division of the taxation and revenue department or at a state agency that provides public assistance or services to persons with disabilities is presumed to meet the eligibility requirement of non-imprisonment for voting and registering to vote pursuant to the provisions of this section."

SECTION 4. Section 1-6-9 NMSA 1978 (being Laws 1969, Chapter 240, Section 135, as amended) is amended to read:

"1-6-9. MAILED BALLOTS--MANNER OF VOTING--DELIVERY METHODS.--

A. When voting a mailed ballot, the voter shall secretly mark the mailed ballot in the manner provided in the Election Code for marking paper ballots, place it in the official inner envelope and securely seal the envelope. The voter shall then place the official inner envelope inside the official mailing envelope and securely seal the envelope. The voter shall then complete the form on the reverse of the official mailing envelope [~~which shall include a statement by the voter under penalty of perjury that the facts stated in the form are true and the voter's name, registration address and year of birth~~] under the privacy flap. The voter or another person authorized by law shall then return the official mailing envelope containing the voted ballot to the county clerk of the voter's county of residence. If returned by a person other than the voter, the official mailing envelope shall contain the signature, printed name and relationship to the voter of the person returning the ballot.

B. The official mailing envelope may be returned by mail using the United States postal service. The secretary of state shall implement a free-access tracking system for each voter to be able to see the status of the voter's mailed ballot while en route to the voter as well as when returned to the county clerk.

C. The official mailing envelope may be returned using a commercial delivery service; provided that unless the secretary of state has approved the use of a specific commercial delivery service, the voter shall be responsible for the costs of delivery by means of such service.

D. The official mailing envelope may be returned in person to the office of the county clerk or, in a statewide election, to an alternate voting location, mobile alternate voting location, [or] election day voting location or other location where the receipt and storage of the official mailing envelope containing a voted ballot is under the supervision of an election official or county employee.

E. The official mailing envelope may be returned by depositing the official mailing envelope in a monitored secured container made available by the county clerk to receive an official mailing envelope containing a voted [~~mailed ballots~~] ballot for that election; provided that:

(1) each county shall have at least one monitored secured container in the county. Those counties that have alternate voting locations during early voting shall have at least the same number of monitored secured containers as the minimum required number of alternate voting locations in the county. The secretary of state may approve a county for more monitored secured containers than the minimum required pursuant to this paragraph;

~~[(1)]~~ (2) the location of the containers and the days and times the containers will be available to receive ballots are posted by the county clerk at least ~~[ninety days before a statewide election or]~~ forty-two days before ~~[a special]~~ an election;

~~[(2)]~~ (3) the location of a monitored secured container is considered a polling place for purposes of electioneering too close to the polling place in violation of Section 1-20-16 NMSA 1978;

~~[(3)]~~ (4) all secured containers shall be monitored by video surveillance cameras and the video recorded by that system shall be retained by the county clerk as a record related to voting pursuant to the provisions of Section 1-12-69 NMSA 1978;

~~[(4)]~~ (5) signage at the location of a monitored secured container shall inform voters and those dropping off ballots at the location:

(a) that it is a violation of law for any person ~~[who is not an immediate family member]~~ to collect and deliver a ballot for another person except as authorized by the Election Code;

(b) that electioneering is prohibited within one hundred feet of the monitored secured container; and

(c) of the range of dates and approximate time the ballots will be collected for that election; and

~~[(5)]~~ (6) at least ~~[once a day]~~ every three days and on election day after the polls close, the county clerk, ~~[or a full-time]~~ deputy county clerk, election board member or messenger shall collect the ballots from the monitored secured containers and register the date ~~[and time stamp]~~ and container location on each

official mailing envelope [~~and identify the location of the secured container in the ballot register~~].

F. It is a violation of Section 1-20-6 NMSA 1978 for any person to possess a key to a monitored secured container without authorization from the county clerk. It is a violation of Section 1-20-7 NMSA 1978 for any person other than the county clerk to provide and operate a monitored secured container or other receptacle to receive voted ballots."

SECTION 5. Section 1-6-10 NMSA 1978 (being Laws 1969, Chapter 240, Section 136, as amended) is amended to read:

"1-6-10. RECEIPT OF MAILED BALLOTS BY CLERK.--

~~[A. The county clerk shall mark on each completed official mailing envelope the date and time of receipt in the clerk's office, record this information in the absentee or mailed ballot register and safely keep the official mailing envelope unopened in a locked and number-sealed ballot box until it is delivered to the proper election board, counted in the county canvass or canceled and destroyed in accordance with law.]~~

A. Completed official mailing envelopes that are received at the county clerk's office or a polling place or that are retrieved from the post office or a monitored secured container shall be accepted until 7:00 p.m. on election day. A completed official mailing envelope received after that time shall not be qualified or opened but shall be preserved by the county clerk for the applicable retention period provided in Section 1-12-69 NMSA 1978. The county clerk shall report the number of late ballots from voters, uniformed-service voters and overseas voters and report the number from each category to date on the final mailed ballot report and as part of the county canvass report. If additional late ballots are received, the county clerk shall update the number of late ballots from each category to the secretary of state.

B. On the day a returned mailed ballot is received by the county clerk, the county clerk shall mark the date of receipt on the outside of the official mailing envelope. Within one business day of receiving a returned official mailing envelope, the county clerk shall remove the privacy flap to verify that the voter signed the

official mailing envelope and to confirm that the last four digits of the social security number provided by the voter match the information available to the county clerk; provided that no county clerk or deputy county clerk shall perform the verification process pursuant to this subsection unless the county clerk or deputy county clerk would also meet the requirements to be a challenger, watcher or election observer pursuant to Paragraphs (1) through (4) of Subsection C of Section 1-2-22 NMSA 1978.

C. If the voter's signature is present and the last four digits of the voter's social security number match, the county clerk shall note in the absentee ballot register that the information required to be provided by the voter under the privacy flap has been verified and shall safely keep the official mailing envelope unopened in a locked and number-sealed ballot box until it is delivered to the absent voter election board.

D. If either the voter's signature is missing or the last four digits of the voter's social security number are not provided or do not match, the county clerk shall make the appropriate notation in the absentee ballot register and shall safely keep the official mailing envelope unopened in a secured ballot box designated for those official mailing envelopes received that are missing the voter's signature or the last four digits of the voter's social security number or where the last four digits of the social security number do not match the information available to the county clerk. The county clerk shall immediately send the voter a notice to cure containing information regarding how the voter may provide documentation to cure the missing or incorrect information.

E. If, pursuant to Subsection F of Section 1-6-4 NMSA 1978, the voter was notified of the need to comply with federal identification requirements when returning the requested ballot and failed to comply, the county clerk shall preserve the inner envelope with the official mailing envelope and write "Rejected" on the front of the official mailing envelope, and the county clerk shall update the ballot register accordingly and immediately send the voter a notice to cure containing information regarding how the voter may provide the missing or incorrect information. The county clerk shall place the official mailing envelope with the attached inner envelope in a container provided for rejected ballots; provided that if the county clerk was required to open the inner envelope to

determine that the required documentary identification was not included, the untallied ballot shall be returned to the inner envelope and preserved along with the official mailing envelope in a container for this purpose.

F. The voter may provide the missing or corrected information at any time up to the conclusion of the appeal process for rejected ballots. If a voter provides the missing or corrected information:

(1) before the absent voter election board has been convened, the county clerk shall attach the documentation to the unopened official mailing envelope, update the ballot register accordingly and transfer the ballot to the locked and number-sealed ballot box until it is delivered to the absent voter election board;

(2) after the absent voter election board has been convened, the county clerk shall attach the documentation to the unopened official mailing envelope, update the ballot register accordingly and transfer the ballot to the absent voter election board;

(3) after the adjournment of the absent voter election board but before the conclusion of the county canvass process, the county clerk shall attach the documentation to the unopened official mailing envelope, update the ballot register accordingly and transfer the ballot to an election board convened to assist in preparation of the county canvass report; and

(4) after approval of the county canvass report, the voter may appeal in accordance with appeal procedures for provisional ballots established by rule of the secretary of state pursuant to Section 1-12-25.2 NMSA 1978.

[B.] G. In a statewide election, if the unopened official mailing envelope is received by the county clerk from an election board before the absent voter election board has adjourned, the unopened official mailing envelope shall be ~~logged and~~ transmitted to the absent voter election board to be tallied immediately. If the unopened official mailing envelope is received by the county clerk from an election board after the absent voter election board has adjourned, the unopened official mailing envelope shall be

~~[logged and]~~ transmitted to an election board convened to assist in preparation of the county canvass report to be tallied and included in the canvass report of that county for the appropriate precinct.

~~[G. Completed official mailing envelopes shall be accepted until 7:00 p.m. on election day.~~

~~D. Any completed official mailing envelope received after that time shall not be qualified or opened but shall be preserved by the county clerk for the applicable retention period provided in Section 1-12-69 NMSA 1978. The county clerk shall report the number of late ballots from voters, uniformed service voters and overseas voters and report the number from each category to date on the final absentee ballot report and as part of the county canvass report. If additional late ballots are received, the county clerk shall update the number of late ballots from each category to the secretary of state.]"~~

3. Renumber the succeeding section accordingly.

4. On page 2, between lines 7 and 8, insert the following new sections:

"SECTION 7. A new Section 1-21A-1 NMSA 1978 is enacted to read:

"1-21A-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article 21A NMSA 1978 may be cited as the "Native American Voting Rights Act"."

SECTION 8. A new Section 1-21A-2 NMSA 1978 is enacted to read:

"1-21A-2. [NEW MATERIAL] DEFINITIONS.--As used in the Native American Voting Rights Act:

A. "early voting location" means an alternate voting location and a mobile alternate voting location and includes early voting in the county clerk's office;

B. "Indian nation, tribe or pueblo" means any federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico;

C. "polling place" means an early voting location and a voter convenience center;

D. "voter convenience center" means an election day voting location; and

E. "written request" means a request sent in writing by the president, governor or governing body of an Indian nation, tribe or pueblo, including a request sent by a person designated by the president, governor or governing body of an Indian nation, tribe or pueblo to submit written requests pursuant to the Native American Voting Rights Act; provided that the designation has been communicated in writing to the secretary of state and county clerk by the president, governor or governing body of the Indian nation, tribe or pueblo."

SECTION 9. A new Section 1-21A-3 NMSA 1978 is enacted to read:

"1-21A-3. [NEW MATERIAL] PRECINCT BOUNDARIES.--

A. When adjusting precinct boundaries for any group of census blocks that are on Indian nation, tribal or pueblo lands, the board of county commissioners shall inquire of each Indian nation, tribe or pueblo in the county to provide internal and external political boundaries for the Indian nation, tribe or pueblo.

B. The board of county commissioners shall adjust precinct boundaries to correspond to the internal and external political boundaries of each Indian nation, tribe or pueblo in the county.

C. The secretary of state shall reject any precinct boundary maps that do not comply with the provisions of this section."

SECTION 10. A new Section 1-21A-4 NMSA 1978 is enacted to read:

"1-21A-4. [NEW MATERIAL] REQUESTS FOR POLLING PLACES AND MONITORED SECURED CONTAINERS.--

A. An Indian nation, tribe or pueblo may submit a written request to a county clerk for locating early voting locations, voter

convenience centers or monitored secured containers on or near the Indian nation's, tribe's or pueblo's lands.

B. A written request for voter convenience centers for all statewide elections in the next election cycle shall be made between the second Tuesday in March and the second Tuesday in April of each even-numbered year.

C. A written request for early voting locations for all statewide elections in the current election cycle shall be made between the second Tuesday in March and the second Tuesday in April of each odd-numbered year.

D. A written request for early voting locations for the general election in that year by an Indian nation, tribe or pueblo that has not already done so shall be made between the first business day in January and the day the secretary of state issues the proclamation for the general election.

E. A written request for monitored secured containers for future statewide elections may be made between the second Tuesday in March and the second Tuesday in April of any year."

SECTION 11. A new Section 1-21A-5 NMSA 1978 is enacted to read:

"1-21A-5. [NEW MATERIAL] VOTER CONVENIENCE CENTERS-- REQUIREMENTS.--

A. A county clerk who has received a written request from an Indian nation, tribe or pueblo for one or more voter convenience centers on or near Indian nation, tribal or pueblo land shall consider the request when submitting recommendations to the board of county commissioners for the biennial election day polling place resolution establishing voter convenience centers for the subsequent election cycle; provided that:

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

(2) the location of the voter convenience center

conforms to the requirements for voter convenience centers, except as specified in this section;

(3) the county clerk provides federally mandated language translators at the alternate voting or mobile alternate voting locations; and

(4) if the voter convenience center is located on Indian nation, tribal or pueblo land, the Indian nation, tribe or pueblo provides the facility and services for the alternate voting or mobile alternate voting location.

B. In considering the written request, the county clerk shall evaluate the distance voters have to travel to get to the nearest voter convenience center and the number of monitored secured containers and early voting locations on or near the Indian nation, tribal or pueblo lands.

C. At the time of submitting the election day polling place resolution to the board of county commissioners, the county clerk shall inform the board of county commissioners of any written requests received by an Indian nation, tribe or pueblo for a voter convenience center.

D. Once the election day polling place resolution is adopted, a voter convenience center located on Indian nation, tribal or pueblo lands shall not be eliminated or consolidated with other voter convenience centers in that election cycle without the written agreement of the Indian nation, tribe or pueblo on whose lands the voter convenience center is located."

SECTION 12. A new Section 1-21A-6 NMSA 1978 is enacted to read:

"1-21A-6. [NEW MATERIAL] EARLY VOTING LOCATIONS-- REQUIREMENTS.--

A. A county clerk who has received a written request from an Indian nation, tribe or pueblo for one or more early voting locations shall provide at least one alternate voting or mobile alternate voting location on or near Indian nation, tribal or pueblo land; provided that:

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

(2) 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;

(3) the county clerk provides federally mandated language translators at the alternate voting or mobile alternate voting locations;

(4) the Indian nation, tribe or pueblo provides the facility and services for the alternate voting or mobile alternate voting location; and

(5) 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.

B. When responding to a written request, the county clerk shall evaluate the population on the Indian nation, tribal or pueblo land, the distance voters have to travel and the number of monitored secured containers and early voting locations on or near the Indian nation, tribal or pueblo land."

SECTION 13. A new Section 1-21A-7 NMSA 1978 is enacted to read:

"1-21A-7. [NEW MATERIAL] MONITORED SECURED CONTAINERS-- REQUIREMENTS.--

A. A county clerk who has received a written request from an Indian nation, tribe or pueblo for one or more monitored secured containers on or near Indian nation, tribal or pueblo land shall evaluate the population on the Indian nation, tribal or pueblo land, the distance voters have to travel and the number of monitored secured containers and early voting locations on or near the Indian nation, tribal or pueblo land. The county clerk shall respond in writing to the Indian nation, tribe or pueblo regarding the

provision of monitored secured containers on or near Indian nation, tribal or pueblo land within thirty days of receiving the written request.

B. An Indian nation, tribe or pueblo whose written request to a county clerk for monitored secured containers is denied may appeal that decision by submitting the written request along with the denial letter from the county clerk to the secretary of state, along with any response to the denial letter from the Indian nation, tribe or pueblo. The secretary of state may place a monitored secured container on or near Indian nation, tribal or pueblo land in response to an appeal submitted by an Indian nation, tribe or pueblo.

C. A monitored secured container located on or near Indian nation, tribal or pueblo land shall comply with all requirements for monitored secured containers provided in the Election Code. If a monitored secured container is located on Indian nation, tribal or pueblo land, the Indian nation, tribe or pueblo shall provide the facility and services necessary for the monitored secured container."

SECTION 14. A new Section 1-21A-8 NMSA 1978 is enacted to read:

"1-21A-8. [NEW MATERIAL] USE OF GOVERNMENTAL AND OFFICIAL BUILDINGS AS MAILING ADDRESSES ON VOTER REGISTRATION CERTIFICATES AND MAILED BALLOT APPLICATIONS.--

A. The secretary of state shall maintain a list of government and official buildings on Indian nation, tribal and pueblo land where members of the Indian nation, tribe or pueblo may request delivery of mailed ballots. The list shall include the common name for each building and the mailing address for the building. The list shall be provided by county to each county clerk with an Indian nation, tribe or pueblo in the county.

B. If a county clerk receives a voter registration certificate or an application for a mailed ballot that lists a government or official building on Indian nation, tribal or pueblo land by name only, the county clerk shall not reject the certificate or application for lack of a mailing address and, if the certificate

or application is otherwise in the proper form, shall mail the ballot and balloting materials to the voter using the address for the government or official building."

SECTION 15. A new Section 1-21A-9 NMSA 1978 is enacted to read:

"1-21A-9. [NEW MATERIAL] EMERGENCY SITUATIONS.--If the president, governor or governing body of an Indian nation, tribal or pueblo has declared a state of 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;

B. no later than ninety-eight days before a statewide election 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 made a written request for that election cycle at least one alternate voting or mobile alternate voting location for that election; provided that the alternate voting or mobile alternate voting location shall otherwise comply with the requirements of Section 1-21A-6 NMSA 1978;

C. no later than eighty-four days before a statewide election 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; and

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

SECTION 16. A new Section 1-21A-10 NMSA 1978 is enacted to

read:

"1-21A-10. [NEW MATERIAL] EXPENSES.--

A. All necessary and reasonable expenses incurred by a county clerk for compliance with the Native American Voting Rights Act, including the costs of voting equipment and personnel for polling places and monitored secured containers on Indian nation, tribal or pueblo land, shall be paid for by the secretary of state or shall be reimbursed to the county by the secretary of state.

B. The secretary of state shall deposit from the state election fund sufficient funds to each county election fund for the costs related to compliance with the Native American Voting Rights Act, either as grants or reimbursement."

SECTION 17. Section 31-13-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-14, as amended) is amended to read:

"31-13-1. FELONY CONVICTION--RESTORATION OF [CITIZENSHIP] RIGHT TO HOLD OFFICE OF PUBLIC TRUST.--

~~[A. A person who has been convicted of a felony shall not be permitted to vote in any statewide, county, municipal or district election held pursuant to the provisions of the Election Code, unless the person:~~

~~(1) has completed the terms of a suspended or deferred sentence imposed by a court;~~

~~(2) was unconditionally discharged from a correctional facility under the jurisdiction of the corrections department or was conditionally discharged from a correctional facility under the jurisdiction of the corrections department and has completed all conditions of probation or parole;~~

~~(3) was unconditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency or was conditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency and has completed all conditions of probation or parole; or~~

~~(4) has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship.~~

~~B. When a person has completed the terms of a suspended or deferred sentence imposed by a court for a felony conviction, the clerk of the district court shall notify the secretary of state. The secretary of state shall notify all county clerks that the person is eligible for registration.~~

~~C. A person who has served the entirety of a sentence imposed for a felony conviction, including a term of probation or parole shall be issued a certificate of completion by the corrections department. Upon issuance, the corrections department shall inform the person that the person is entitled to register to vote. The certificate of completion shall state that the person's voting rights are restored.~~

~~D. When the corrections department issues a person a certificate of completion, the corrections department shall notify the secretary of state that the person is entitled to register to vote. The secretary of state shall notify all county clerks that the person is eligible for registration. Additionally, a county clerk shall accept the following documents as proof that a person has served the entirety of the sentence for a felony conviction and is eligible for registration:~~

~~(1) a judgment and sentence from a court of this state, another state or the federal government, which shows on its face that the person has completed the entirety of the sentence;~~

~~(2) a certificate of completion from the corrections department; or~~

~~(3) a certificate of completion from another state or the federal government.~~

~~E.] A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality or a district, unless the person has presented the governor with a certificate verifying the completion~~

of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship."

SECTION 18. REPEAL.--Sections 1-3-7.2 and 1-6-5.8 NMSA 1978 (being Laws 2021, Chapter 107, Section 1 and Laws 2009, Chapter 251, Section 2, as amended) are repealed.

SECTION 19. EFFECTIVE DATE.--The effective date of the provisions of Sections 1 through 5 and 7 through 18 of this act is July 1, 2022."

Respectfully submitted,
