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SENATE BILL 485

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

INTRODUCED BY

Jay C. Block and Pat Boone

AN ACT

RELATING TO EARLY VOTING; REDUCING THE TIME TO VOTE EARLY;
AMENDING THE HOURS OF OPERATION FOR EARLY VOTING POLLING
LOCATIONS; REMOVING EXCEPTIONS TO THESE LOCATIONS AND HOURS.

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

SECTION 1. Section 1-6-5.7 NMSA 1978 (being Laws 2005,
Chapter 270, Section 40, as amended) is amended to read:

"1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING
PROCEDURES--COUNTY CLERK'S OFFICE--ALTERNATE VOTING
LOCATIONS.--

A. Commencing on the [~~twenty-eighth~~] fifteenth day
preceding the election during the regular hours and days of
business at the county clerk's office and on the third Saturday
[~~immediately~~] prior to the date of the election, early voting
shall be conducted in each office of the county clerk; provided

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1 that:

2 (1) when marking a ballot in person at the
3 county clerk's office, the voter shall provide the required
4 voter identification to the county clerk or the clerk's
5 authorized representative. If the voter does not provide the
6 required voter identification, the voter shall be allowed to
7 vote on a provisional ballot. If the voter provides the
8 required voter identification, the voter, after subscribing an
9 application for an absentee ballot, shall be allowed to vote by
10 inserting the ballot into an optical scan tabulator certified
11 for in-person absentee voting at the county clerk's office.
12 The county clerk or the clerk's authorized representative shall
13 make an appropriate designation indicating that the voter has
14 voted. In marking the ballot, the voter may be assisted
15 pursuant to the provisions of Section 1-12-15 NMSA 1978;

16 (2) the act of marking the ballot in the
17 office of the county clerk shall be a convenience to the voter
18 in the delivery of the ballot and does not make the office of
19 the county clerk a polling place subject to the requirements of
20 a polling place in the Election Code;

21 (3) in addition to the [~~regular business hours~~
22 ~~and~~] days of business of the county clerk's office and on the
23 [~~Saturday~~] three Saturdays immediately prior to the date of the
24 election, early voting [~~may~~] shall be conducted in each office
25 of the county clerk [~~no earlier than~~] beginning at 7:00 a.m.

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1 and shall close [~~no later than 9:00~~] at 7:00 p.m. and shall be
2 available for [~~at least eight~~] twelve consecutive hours each
3 day; and not later than ninety days before each statewide
4 election, the county clerk shall post the location and hours of
5 operation at the county clerk's office and shall not modify the
6 location or hours of operation of early voting at the county
7 clerk's office [~~except with the written approval of the~~
8 ~~secretary of state and upon posting the approved changes~~]; and

9 (4) if the county clerk establishes an
10 additional alternate voting location near the clerk's office,
11 ballots may be marked in person at that location during the
12 regular [~~hours and~~] days of business beginning on the [~~twenty-~~
13 ~~eight~~] fifteenth day preceding the election and during the
14 hours for voting at alternate voting locations commencing on
15 the third Saturday prior to the election through the Saturday
16 immediately prior to the election. The additional alternate
17 voting location may be operated by the county clerk and the
18 county clerk's staff.

19 B. Commencing on the third Saturday prior to a
20 statewide election and ending on the Saturday immediately prior
21 to the date of the election, an early voter may vote in person
22 on a voting system at alternate voting locations that may be
23 established by the county clerk; provided that:

24 (1) the county clerk shall establish:

25 (a) in counties with more than ten

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1 thousand voters, not fewer than one alternate voting location;

2 (b) in counties with more than fifty
3 thousand voters, not fewer than four alternate voting
4 locations; and

5 (c) in counties with more than one
6 hundred fifty thousand voters, not fewer than fifteen alternate
7 voting locations; and

8 (2) not later than ninety days before each
9 statewide election, the county clerk shall post the location
10 and hours of operation for early voting locations in the
11 county, which shall open no earlier than 7:00 a.m. and shall
12 close no later than ~~[9:00]~~ 7:00 p.m. ~~[Within ninety days of a~~
13 ~~statewide election, a county clerk shall not modify the~~
14 ~~location or hours of operation of early voting locations except~~
15 ~~with the written approval of the secretary of state and upon~~
16 ~~posting the approved changes]~~ Early voting locations shall be
17 open each day of early voting for ~~[at least eight]~~ twelve
18 consecutive hours. ~~[Alternate voting locations may be closed~~
19 ~~Sundays and Mondays during the early voting period]~~

20 C. Each early voting location shall comply with the
21 following provisions, unless the county clerk receives a
22 written waiver from the secretary of state specifying the
23 location and specific provision being waived:

24 (1) have ballots available for voters from
25 every precinct in the county;

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1 (2) have at least one optical scan tabulator
2 programmed to read every ballot style in the county;

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

5 (4) have a broadband internet connection;

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

9 (6) have a secure area for storage of pre-
10 printed ballots or for storage of a paper ballot stock and a
11 system designed to print ballots at a polling location; and

12 (7) be in a location that is accessible and
13 compliant with the requirements of the federal Americans with
14 Disabilities Act of 1990.

15 D. When voting at an early voting location, the
16 voter shall provide the required voter identification to the
17 election board, county clerk or the clerk's authorized
18 representative. If the voter does not provide the required
19 voter identification, the voter shall be allowed to vote on a
20 provisional ballot. If the voter provides the required voter
21 identification, the voter shall be allowed to vote after
22 subscribing an application to vote on a form approved by the
23 secretary of state or its electronic equivalent approved by the
24 voting system certification committee. The county clerk or the
25 clerk's authorized representative shall make an appropriate

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1 designation on the signature roster or register next to the
2 voter's name indicating that the voter has voted early."

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