

NEW MEXICO LAW ENFORCEMENT QUICK REFERENCE GUIDE



This pocket reference guide contains key penal provisions found within the New Mexico Election Code in Chapter 1 of the New Mexico Statutes Annotated (NMSA), and other relevant sections.

- Intimidating or attempting to intimidate an election official to impede the free exercise of or administration of an election is a felony.
- Creating any disruption at the polling place or interfering with the conduct of the election is a petty misdemeanor.
- Electioneering within 100 feet of a polling place or obstructing a polling place is a petty misdemeanor.

VOTING HOURS

Election Day
7 a.m. to 7 p.m.

ELECTION DATES

2023 Regular Local Election – November 7
2024 General Election – November 5

For other election dates:

<https://www.sos.nm.gov/voting-and-elections/voter-information-portal-nmvote-org/>

REPORT SUSPICIOUS BEHAVIOR TO

Your local election official:

<https://www.sos.nm.gov/voting-and-elections/voter-information-portal-nmvote-org/county-clerk-information/>

Secretary of State: Elections@sos.nm.gov or
1-800-477-3632

For more information:

<https://www.sos.nm.gov/voting-and-elections/voter-information-portal-nmvote-org/guidance-on-voter-intimidation-and-discriminatory-conduct/>

Intimidation.

NMSA § 1-20-14

Intimidation consists of inducing or attempting to induce fear in the secretary of state, a county clerk, a municipal clerk or any employee or agent of the secretary of state, employee or agent of a county clerk, employee or agent of a municipal clerk, member of an election board, voter, challenger or watcher by use of or threatened use of force, violence, infliction of damage, harm or loss, or any form of economic retaliation upon the secretary of state, a county clerk, a municipal clerk or any employee or agent of the secretary of state, employee or agent of a county clerk, employee or agent of a municipal clerk, member of an election board, voter, challenger or watcher for the purpose of impeding or preventing the free exercise of the elective franchise or the impartial administration of the election or Election Code. Whoever commits intimidation is guilty of a fourth degree felony.

Disturbing the polling place.

NMSA § 1-20-20

Disturbing the polling place consists of creating any disorder or disruption at the polling place on election day, or consists of interfering with in any manner the conduct of the election or with a member of the precinct board, voter, challenger or watcher, in the performance of his duties.

Whoever disturbs the polling place is guilty of a petty misdemeanor.

Electioneering too close to the polling place.

NMSA § 1-20-16

A. Electioneering too close to the polling place consists of any form of campaigning within:

- (1) one hundred feet of the building in which the polling place is located on election day when voting at a school, church or private residence; and

(2) one hundred feet of the door through which voters may enter to vote at the office of the county clerk, an alternate voting location, a mobile voting site or any location used as a polling place on election day that is not a school, church or private residence.

B. Electioneering includes the display or distribution of signs or campaign literature, campaign buttons, t-shirts, hats, pins or other such items and includes the verbal or electronic solicitation of votes for a candidate or question.

C. Whoever commits electioneering too close to the polling place is guilty of a petty misdemeanor.

Obstructing the polling place.

NMSA § 1-20-17

A. Obstructing the polling place consists of a person other than an authorized individual approaching nearer than fifty feet from the door through which voters may enter to vote at a polling place or a person who willfully blocks access to a monitored secured container or the entrance to a polling place so as to prevent free ingress and egress.

B. A person conducting lawful, non-election-related business nearer than fifty feet from the door through which voters may enter to vote is not guilty of obstructing a polling place, provided the person does not willfully block access to a monitored secured container or the entrance to the polling place.

C. As used in this section, "authorized individual" means an individual who is not electioneering and who is:

- (1) a voter offering to vote;
- (2) a member of the election board;
- (3) a lawfully appointed watcher, challenger or election observer;
- (4) an individual giving assistance to a specific person offering to vote;
- (5) an election official or contractor having business in the polling place;

- (6) an attorney representing the county or state, a political party
- (7) or a candidate having business in the polling place; or
a language translator where required by federal law.

D. Whoever obstructs the polling place is guilty of a petty misdemeanor.

Conduct of election; state police; other peace officers.

NMSA § 1-12-5

A. Any member of the state police or other peace officer may enter a polling place upon request for the purpose of observing the conduct of the election.

B. No member of the state police or other peace officer shall interfere in any way with a member of the precinct board, a voter or the conduct of the election, except to assist in maintaining order and orderly control of access when requested by the presiding judge or an election judge.

C. Any member of the state police or other peace officer violating Subsection B of this section is guilty of a petty misdemeanor and in addition to any other penalty provided by law shall be subject to dismissal and is ineligible for reinstatement.

Unlawful opening of ballot box.

NMSA § 1-20-4

Unlawful opening of a ballot box consists of opening any ballot box or inspecting or removing the contents thereof without lawful authority, or conspiring with others to have the same done. Whoever commits unlawful opening of a ballot box is guilty of a fourth degree felony.

Unlawful opening of a voting machine.

NMSA § 1-20-5

Unlawful opening of a voting machine consists of, without lawful authority, opening, unlocking, inspecting, tampering, resetting or adjusting a voting machine owned by any county, or conspiring with others to have the same done. Whoever commits unlawful opening of a voting machine is guilty of a fourth degree felony.

Coercion of voters.

NMSA § 1-20-13.1

Coercion of voters consists of compelling any voter at any election to vote for or to refrain from voting for any candidate, party, proposition, question or constitutional amendment either against the voter's will or in the absence of the voter's ability to understand the purpose and effect of his vote. Whoever commits coercion of voters is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

Violation of code by officers.

NMSA § 1-20-23

Violation of the Election Code by officers consists of the willful violation of the Election Code by any state or county officer or by any deputy or assistant thereto, or the willful failure or refusal of any such person to perform any act or duty required of him by the Election Code.

Any officer, deputy or assistant who commits such willful violation of the Election Code is guilty of a fourth degree felony and, in addition, violation is sufficient cause for removal from office in a proceeding instituted for that purpose as provided by law.

Unlawful possession of keys.

NMSA § 1-20-6

Unlawful possession of keys consists of the possession at any time of any key to a voting machine, ballot box or monitored secured container, or possession of an imitation or duplicate thereof, or making or causing to be made any imitation or duplicate thereof, unless authorized by the Election Code [Chapter 1 NMSA 1978]. Whoever commits unlawful possession of keys is guilty of a fourth degree felony.

Falsifying election documents.

NMSA § 1-20-9

Falsifying election documents consists of performing any of the following acts willfully and with knowledge and intent to deceive or mislead any voter, precinct board [election board], canvassing board or other election official:

- A. printing, causing to be printed, distributing or displaying false or misleading instructions pertaining to voting or the conduct of the election;
- B. printing, causing to be printed, distributing or displaying any official ballot, sample ballot, facsimile diagram or pretended ballot that includes the name of any person not entitled by law to be on the ballot, or omits the name of any person entitled by law to be on the ballot, or otherwise contains false or misleading information or headings;
- C. defacing, altering, forging, making false entries in or changing in any way a certificate of nomination, registration record or election return required by or prepared and issued pursuant to the Election Code [Chapter 1 NMSA 1978];
- D. suppressing any certificate of nomination, registration record or election return required by or prepared and issued pursuant to the Election Code;

E. preparing or submitting any false certificate of nomination, registration record or election return; or

F. knowingly falsifying any information on a nominating petition.

Whoever falsifies election documents is guilty of a fourth degree felony.



Committee for

**SAFE AND SECURE
ELECTIONS**

