

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE BILL 261

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
AMENDING THE CRIME OF UNLAWFUL POSSESSION OF A FIREARM AT A  
POLLING PLACE TO ELIMINATE CERTAIN EXEMPTIONS TO THE CRIME.

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

**SECTION 1.** Section 1-20-24 NMSA 1978 (being Laws 2024,  
Chapter 50, Section 1, as amended) is amended to read:

"1-20-24. UNLAWFUL POSSESSION OF A FIREARM AT A POLLING  
PLACE.--

A. Unlawful possession of a firearm at a polling  
place consists of possession of a loaded or unloaded firearm by  
any person within:

(1) one hundred feet of the door through which  
voters may enter to vote at a school building in which a  
polling place is located while early voting is in progress or

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on election day;

(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 while early voting is in progress or on election day that is not a school; or

(3) fifty feet of a monitored secured container as used in Subsection E of Section 1-6-9 NMSA 1978, beginning twenty-eight days before an election through election day.

B. The provisions of Subsection A of this section do not apply to:

~~[(1) a certified law enforcement officer in performance of the officer's official duties;~~

~~(2) a law enforcement officer who is certified pursuant to the Law Enforcement Training Act acting in accordance with the policies of the officer's law enforcement agency;~~

~~(3) a commissioned law enforcement officer with the power to arrest in performance of the officer's official duties;~~

~~(4) a commissioned law enforcement officer with the power to arrest acting in accordance with the policies of the officer's law enforcement agency;~~

~~(5)]~~ (1) a law enforcement officer when the

1 law enforcement officer's presence is requested by the  
2 presiding judge, an election judge, a county clerk or the  
3 secretary of state to assist in maintaining order and orderly  
4 control of access or to respond to a disaster or an emergency  
5 event;

6 (2) a person in a private automobile or other  
7 private means of conveyance; or

8 [~~(6) a person carrying a concealed firearm who~~  
9 ~~is in possession of a valid concealed handgun license for that~~  
10 ~~firearm pursuant to the Concealed Handgun Carry Act.~~]

11 ~~G. A person conducting lawful, non-election-related~~  
12 ~~business nearer than one hundred feet from the door through~~  
13 ~~which voters may enter to vote or nearer than fifty feet from a~~  
14 ~~monitored secured container is not guilty of unlawful~~  
15 ~~possession of a firearm at a polling place.]~~

16 (3) a commissioned law enforcement officer  
17 whose office is located in the same facility as the polling  
18 place.

19 [~~D.~~] C. A person who commits unlawful possession of  
20 a firearm at a polling place is guilty of a petty misdemeanor  
21 and shall be sentenced pursuant to Section 31-19-1 NMSA 1978,  
22 in addition to any other penalty provided by law.

23 [~~E.~~] D. For the purposes of this section, "firearm"  
24 means a weapon that will or is designed to or may readily be  
25 converted to expel a projectile by the action of an explosion,

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or the frame or receiver of any such weapon."

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