

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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underscored material = new  
[bracketed material] = delete

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) law enforcement officers when their presence is requested by the presiding judge, an election judge, a county clerk or the secretary of state to assist in maintaining order and orderly control of access or to respond to a disaster or emergency event; or

~~[(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~~

1 ~~official duties;~~

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

5 ~~(5)] (2)~~ a person in a private automobile or  
6 other private means of conveyance. [~~or~~

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

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

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

19 [~~E.] D.~~ For the purposes of this section, "firearm"  
20 means a weapon that will or is designed to or may readily be  
21 converted to expel a projectile by the action of an explosion,  
22 or the frame or receiver of any such weapon."