



January 12, 2026

OPINION
OF
RAÚL TORREZ
Attorney General

Opinion No. 2026-03

To: NM Representative Mark Duncan
Alyssa Kuhn, San Juan County Clerk

Re: Attorney General Opinion – Precinct Boundary Adjustment Following Statutory Change

Question

Does NMSA 1978, Section 1-21A-3 (2023) create a requirement that precinct boundaries must be adjusted immediately upon implementation of this new statutory section, or may a board of county commissioners (Board) conduct the next adjustment in the year 2029, before the decennial redistricting for federal census purposes, or as otherwise required by NMSA 1978, Sections 1-3-1, -5 (2019)?

Answer

The Native American Voting Rights Act, NMSA 1978, §§ 1-21A-1 to -10 (2023) (Act), and specifically Section 1-21A-3, do not contain language requiring a Board to adjust precinct boundaries immediately upon implementation of the Act. Instead, a plain language reading of the statute in the context of the broader Election Code suggests that the statute is triggered when precinct boundaries subject to the Act are otherwise required to be adjusted pursuant to the Election Code, NMSA 1978, §§ 1-1-1 to -25-6 (1953, as amended through 2025).

Background

In 2023, the New Mexico Legislature enacted a new Act within the Election Code, which added statutory requirements when any Board adjusts precinct boundaries in a manner affecting an Indian nation, tribe, or pueblo. A Board seeking the adjustment must notify the affected Indian nation, tribe, or pueblo and obtain from the United States Census Bureau the appropriate information, as submitted by the Indian nation, tribe, or pueblo, to affect the boundary adjustment. In sum, as of July 1, 2023, when the Act took effect, any Board is required to work collaboratively with an affected Indian nation, tribe, or pueblo in adjusting precinct boundaries.

Analysis

The statute in question here, Section 1-21A-3, provides:

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 that the Indian nation, tribe or pueblo has provided to the United States census bureau.

B. The board of county commissioners shall adjust precinct boundaries to correspond to the internal and external political boundaries that each Indian nation, tribe or pueblo in the county has provided to the United States census bureau.

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

Id. (emphasis added). As emphasized above, it is necessary to determine the meaning of “when” within the Act, as it appears to be the operative word with respect to the timing of any precinct boundary adjustments.

In New Mexico, statutes are interpreted according to the basic canons of statutory interpretation. The ultimate goal is to “ascertain and give effect to the intent of the legislature.” *State v. Smith*, 2004-NMSC-032, ¶ 8, 136 N.M. 372. Our analysis begins with a review of the plain “language of the statute itself.” *Id.* ¶ 9. Statutes must also be interpreted in a manner that allows for harmony within the statutory code. *See N.M. Indus. Energy Consumers v. PRC*, 2007-NMSC-053, ¶ 20, 142 N.M. 533 (stating that “in addition, we strive to read related statutes in harmony so as to give effect to all provisions [P]rovisions of a statute must be read together with other statutes in pari materia under the presumption that the legislature acted with full knowledge of relevant statutory and common law. [. . .] Thus, two statutes covering the same subject matter should be harmonized and construed together when possible, in a way that facilitates their operation and the achievement of their goals” (internal citation and emphasis omitted)).

The word “when” is not defined in the Election Code. “When” is defined in the dictionary as “at or during which time.” *When*, MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/when> (last accessed Aug. 29, 2025). There is no other temporal language, with respect to the adjustment of precinct boundaries, in the Act. Thus, the Legislature’s use of the word “when” in Section 1-21A-3 without further discussion or definition suggests that the Legislature intended that statute to work in harmony with other statutory sections of the Election Code with respect to the timing of a precinct boundary adjustment.

The other pertinent statutory sections are NMSA 1978, Sections 1-3-1, -5, and -12. Section 1-3-1 states that all precinct boundaries “shall comply with the provisions of the Precinct Boundary Adjustment Act[.]” NMSA 1978, §§ 1-3-10 to -14 (1983, as amended through 2021). Section 1-3-1 otherwise establishes the legislative requirements for what constitutes a precinct. *Id.*

For its part, Section 1-3-5 sets forth the powers of a Board, which, in part, include a mandatory requirement that it “create additional precincts to meet the requirements of Section 1-3-1 . . . and divide, abolish, combine, or adjust the boundaries of any precincts as necessary to meet legal and constitutional requirements for redistricting.” *Id.* Section 1-3-5 further requires that “any necessary precinct boundary adjustments” be “submitted to the secretary of state no later than the first Monday in December of each odd-numbered year to become effective January 1 of the next succeeding the approval of the boundary adjustment[.]” in order to be compliant with the Boundary Adjustment Act. *Id.*

Finally, Section 1-3-12 of the Boundary Adjustment Act establishes that “[b]efore each federal decennial census, every precinct shall comply with the requirements of Section 1-3-1, and if necessary its boundary shall be adjusted to coincide with a feature or boundary” as further defined by the section. *Id.* The section also states that for the “2022 and subsequent statewide elections, changes in precincts shall be made in accordance with the provisions of [Sections 1-3-1 to -9].” *Id.*

Taken together, precinct adjustments are to be made at the time of the federal decennial census. *See* §§ 1-3-1, -5, and -12. It is only “when,” defined as “at or during which time[.]” a Board is going to adjust precinct boundaries pursuant to its statutory duties under the Election Code—i.e., under Sections 1-3-1, 5, and 12—that a Board is to ensure that it notifies and works collaboratively with the affected Indian nation, tribe, or pueblo. *See* § 1-21A-3.

Conclusion

Section 1-21A-3 does not require a Board to immediately adjust precinct boundaries upon implementation of this new statute. Instead, precinct adjustments shall be made before each federal decennial census. Provided the boundaries are adjusted in compliance with the other statutory requirements of the Election Code, a Board will be in compliance with the requirements of the Act.

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/s/ Serena R. Wheaton
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