

1 SENATE BILL 101

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Harold Pope

5
6
7
8
9
10 AN ACT

11 RELATING TO ELECTIONS; AMENDING THE ABSENT VOTER ACT; PROVIDING
12 FOR A PERMANENT ABSENTEE VOTER LIST AND PERMANENT ABSENTEE
13 BALLOT ISSUANCE; PROVIDING FOR REMOVAL FROM THE LIST.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. A new section of the Absent Voter Act is
17 enacted to read:

18 "[NEW MATERIAL] PERMANENT ABSENTEE VOTER LIST AND
19 PROCEDURES.--

20 A. Any voter, except federal qualified electors who
21 are subject to the provisions of Subsection B of Section 1-6B-6
22 NMSA 1978, may apply to be added to the permanent absentee
23 voter list for the county in which the voter is registered by
24 completing a paper or online application that conforms to the
25 requirements of Section 1-6-4 NMSA 1978, except that the

.223558.1

underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 permanent absentee voter application shall provide an
2 additional checkbox for the voter to affirm that reads:

3 [] I am requesting to be added to the permanent
4 absentee voter list in my county. This means that
5 the county clerk shall automatically send a mailed
6 ballot to the mailing address listed on my
7 certificate of voter registration each time there is
8 a statewide election within my precinct.

9 B. Upon receipt of an application requesting to be
10 added to the permanent absentee voter list, the county clerk
11 shall process the application in the same manner as an
12 application for a mailed ballot, except that the county clerk
13 shall not accept an application to be added to the permanent
14 absentee voter list if the voter's mailing address on the
15 certificate of registration is outside of this state.

16 C. Upon acceptance of the application to be added
17 to the permanent absentee voter list, the county clerk shall
18 add the voter's name to the permanent absentee voter list in
19 the county. The permanent absentee voter list shall contain
20 the voter's name, year of birth, address and precinct in the
21 county.

22 D. A voter whose name appears on the permanent
23 absentee voter list shall remain on the list, except as
24 provided in Subsection E of this section, and shall be sent a
25 mailed ballot by the county clerk for each statewide election

.223558.1

underscoring material = new
~~[bracketed material] = delete~~

1 conducted within the precinct in which the voter is eligible to
2 vote.

3 E. A voter shall be removed from the permanent
4 absentee voter list by the county clerk for the following
5 reasons:

6 (1) the voter fails to return a mailed ballot
7 in two consecutive elections, including at least one general
8 election;

9 (2) the county clerk has sent a mailed ballot
10 or other piece of election mail to the voter's mailing address
11 that was subsequently returned as undeliverable;

12 (3) the voter's certificate of registration is
13 canceled pursuant to the provisions of Section 1-4-24 NMSA
14 1978;

15 (4) the voter updates the certificate of
16 registration indicating an address that is outside of the
17 county for which the voter is listed on the permanent absentee
18 voter list; or

19 (5) the voter submits a written request to the
20 county clerk requesting to be removed from the permanent
21 absentee voter list.

22 F. The county clerk shall take the necessary steps
23 to attempt to contact and notify a voter who has been removed
24 from the permanent absentee voter list. If a voter is removed
25 from the permanent absentee voter list, the voter shall only be

.223558.1

underscored material = new
~~[bracketed material] = delete~~

1 added again if the voter submits a new permanent absentee voter
2 application.

3 G. The county clerk shall maintain the permanent
4 absentee voter list for the county and shall make the permanent
5 absentee voter list available pursuant to the provisions of
6 Section 1-4-5.5 NMSA 1978."

7 SECTION 2. A new section of the Absent Voter Act is
8 enacted to read:

9 "[NEW MATERIAL] PERMANENT ABSENTEE BALLOT ISSUANCE.--

10 A. The county clerk shall send a mailed ballot to
11 all voters eligible to vote in a statewide election whose names
12 appear on the permanent absentee voter list. Mailed ballots
13 sent to and received from voters on the permanent absentee
14 voter list are subject to the same deadlines and shall be
15 processed and counted in the same manner as all other mailed
16 ballots. Voters on the permanent absentee voter list may apply
17 for and be issued a replacement ballot pursuant to Section
18 1-6-16 NMSA 1978.

19 B. Voters on the permanent absentee voter list who
20 are not registered with a major party twenty-eight days prior
21 to the election will not be automatically mailed a ballot for
22 the primary election. However, the voter is eligible to update
23 an existing certificate of registration at a voting location
24 pursuant to the provisions of Section 1-4-5.7 NMSA 1978 in
25 order to participate in the primary election."

.223558.1

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2024.