

1 SENATE BILL 235

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Harold Pope, Jr.

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO ELECTIONS; AMENDING THE ABSENT VOTER ACT; PROVIDING  
12 FOR A PERMANENT ABSENTEE VOTING LIST; PROVIDING FOR REMOVAL  
13 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 Article 6B of the Uniform  
22 Military and Overseas Voters Act, may apply to be added to the  
23 permanent absentee list for the county in which the voter is  
24 registered by completing a paper or online application that  
25 conforms to the requirements of Section 1-6-4 NMSA 1978, except

.218855.2

underscoring material = new  
[bracketed material] = delete

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

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

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

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

1           E. A voter shall be removed from the permanent  
2 absentee list by the county clerk for the following reasons:

3                   (1) the voter fails to return a mailed ballot  
4 in two consecutive elections, including at least one general  
5 election;

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

9                   (3) the voter's certificate of registration is  
10 canceled pursuant to the provisions of Section 1-4-24 NMSA  
11 1978;

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

16                   (5) the voter submits a written request to the  
17 county clerk requesting to be removed from the permanent  
18 absentee list.

19           F. The county clerk shall take the necessary steps  
20 to attempt to contact and notify a voter who has been removed  
21 from the permanent absentee list. If a voter is removed from  
22 the permanent absentee list, the voter shall only be added  
23 again if the voter submits a new permanent absentee  
24 application.

25           G. The county clerk shall maintain the permanent

.218855.2

underscored material = new  
[bracketed material] = delete

1 absentee list for the county and shall make the permanent  
2 absentee list available pursuant to the provisions in Section  
3 1-4-5.5 NMSA 1978."

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

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

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

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

22 SECTION 3. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is January 1, 2022.