

SENATE BILL 235

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

INTRODUCED BY

Harold Pope, Jr.

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ELECTIONS; AMENDING THE ABSENT VOTER ACT; PROVIDING FOR A PERMANENT ABSENTEE VOTING LIST; PROVIDING FOR REMOVAL FROM THE LIST.

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

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

"[NEW MATERIAL] PERMANENT ABSENTEE VOTER LIST AND

.218855.2AIC March 10, 2021 (10:54am)

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PROCEDURES.--

A. Any voter, except federal qualified electors who are subject to the provisions of SRC→~~Article 6B of~~←SRC the Uniform Military and Overseas Voters Act SRC→**or the Intimate Partner Violence Survivor Suffrage Act**←SRC , may apply to be added to the permanent absentee list for the county in which the voter is registered by completing a paper or online application that conforms to the requirements of Section 1-6-4 NMSA 1978, except that the permanent absentee application shall provide an additional checkbox for the voter to affirm that reads:

[] I am requesting to be added to the permanent absentee list in my county. This means that the county clerk shall automatically send a mailed ballot to the mailing address listed on my certificate of voter registration each time there is a statewide election SRC→~~within~~←SRC SRC→~~that~~
includes←SRC my precinct.

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

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

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

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

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

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

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

(4) the voter updates the certificate of registration indicating an address that is outside of the county for which the voter is listed on the permanent absentee

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list; or

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

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

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

SRC→~~SECTION 2. A new section of the Absent Voter Act is enacted to read:~~

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

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

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

SECTION SRC→3.←SRC SRC→2.←SRC EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2022.