

HOUSE FLOOR SUBSTITUTE FOR  
HOUSE BILL 419

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR PROVISIONS TO ALLOW A  
VOTER TO REQUEST THAT AN ABSENTEE BALLOT APPLICATION BE SENT TO  
THE VOTER AUTOMATICALLY FOR ALL ELECTIONS HELD PURSUANT TO THE  
ELECTION CODE.

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

Section 1. A new section of the Election Code is enacted  
to read:

"[NEW MATERIAL] ABSENTEE BALLOT APPLICATION--PERMANENT  
ABSENTEE BALLOT APPLICATION LIST.--

A. A voter may request to be included on a  
permanent list of voters to receive an absentee ballot  
application for all elections held pursuant to the Election  
Code. The county clerk of each county shall maintain a  
permanent absentee ballot application list.

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1           B. In order to be included on the permanent  
2 absentee ballot application list, the voter shall make a  
3 written request specifically requesting that the voter's name  
4 be added to the permanent absentee ballot application list for  
5 all elections conducted pursuant to the Election Code in which  
6 the applicant is eligible to vote. The application shall allow  
7 for the voter to provide the voter's name, residence address,  
8 mailing address, date of birth and signature.

9           C. At least forty-five days before an election, the  
10 county clerk shall send each voter on the permanent absentee  
11 ballot application list an absentee ballot application.

12           D. After a voter has requested to be included on  
13 the permanent absentee ballot application list, the voter shall  
14 be sent an absentee ballot application by mail automatically  
15 for any election at which a voter at that residence address is  
16 eligible to vote until any of the following occurs:

17                   (1) the voter requests in writing to be  
18 removed from the permanent absentee ballot application list;

19                   (2) the voter's registration or eligibility  
20 for registration is moved to inactive status or canceled as  
21 otherwise provided by law; or

22                   (3) the absentee ballot application sent by  
23 the county clerk is returned undeliverable.

24           E. A voter's failure to vote an absentee ballot  
25 application once received does not constitute grounds to remove

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1 the voter from the permanent absentee ballot application list."

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