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SENATE BILL 340

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Gerald Ortiz y Pino and James E. Smith

AN ACT

RELATING TO ELECTIONS; PROVIDING PROCEDURES FOR COUNTY CLERKS
TO MAINTAIN ABSENTEE BALLOT APPLICATION LISTS FOR ELIGIBLE
VOTERS.

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

SECTION 1. A new section of Chapter 1, Article 6 NMSA
1978 is enacted to read:

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

A. A county clerk may maintain a permanent absentee
ballot application list for eligible voters. A voter is
eligible only if the voter:

(1) is at least sixty-five years of age or
older;

(2) is blind;

underscoring material = new
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- 1 (3) is physically disabled;
2 (4) is unable to read or write; or
3 (5) is a member of a language minority who is
4 unable to read well enough to exercise the elective franchise.

5 B. An eligible voter may request to be included on
6 the permanent absentee ballot application list by submitting a
7 written request on a form approved by the secretary of state.
8 The form shall include a list of the conditions making a voter
9 eligible to be included on the permanent absentee ballot list
10 and a place for the voter to indicate the voter's eligibility
11 to be placed on the permanent absentee ballot list.

12 C. Between forty-nine and forty-two days before an
13 election, the county clerk shall send by nonforwardable mail to
14 the registration address of each voter on the permanent
15 absentee ballot application list an absentee ballot
16 application. The county clerk shall not fill in the voter's
17 information on the absentee ballot application in advance.

18 D. A voter shall be removed from the permanent
19 absentee ballot application list when:

- 20 (1) the voter requests in writing to be
21 removed from the permanent absentee ballot application list;
22 (2) the voter's registration or eligibility
23 for registration is moved to inactive status or canceled as
24 otherwise provided by law; or
25 (3) the absentee ballot application sent by

underscoring material = new
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1 the county clerk is returned undeliverable.

2 E. A person who falsely certifies eligibility for
3 the permanent absentee ballot application list is guilty of a
4 petty misdemeanor and shall be sentenced in accordance with the
5 provisions of Section 31-19-1 NMSA 1978."

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2011.

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