

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (www.nmlegis.gov). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/12/13

SPONSOR Sanchez, C. LAST UPDATED _____ HB _____

SHORT TITLE Candidate Photos on Ballots SB 457

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$0.0	\$6,000.0 - \$8,000.0	\$6,000.0 - \$8,000.0	Recurring	Election

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 457 (SB 457) amends section 1-10-6 of the Election Code to require that a photo of the candidate be printed on the ballot next to the candidate's name. The photo must have been taken within one year of the filing of the declaration of candidacy.

FISCAL IMPLICATIONS

This bill would require the state to use a multi-page ballot, rather than a single page with front and back.

The state's current vendor for ballot design, Automated Election Services, of Rio Rancho, has advised that placing the photograph on the ballot would require that each candidate position occupy the same amount of space as three candidate positions on the current ballot.

Using a multipage page ballot would have a very significant fiscal impact on the cost of elections. The Secretary of State (SOS) estimates approximately \$6.0 to \$8.0 million in added costs for ballot printing systems, ballot tabulators and pre-printed ballots.

SIGNIFICANT ISSUES

There is a significant legal issue with SF 457 according to the analysis of the Attorney General's Office (AGO), which could lead to potential legal challenges for this bill. The AGO analysis states:

“The First Amendment of the U.S. Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” The Establishment Clause and the Free Exercise Clause guarantee the right to practice religious beliefs without government interference.

Members of some ethnicities and religious groups may object to having their photograph taken, leading to potential legal challenges to determine whether the individuals' First Amendment right must be accommodated.”

The technology behind elections and the substantial cost of printing ballots is something that few voters might consider when casting their votes. Yet multiples races require customized ballots and even the newest technology may result in Election Day delays.

There are approximately 250 printing companies in the U.S. that supply ballots, but the cost of ballot printing is documented at between 10 and 29 cents per ballot, depending on vendor and especially quantity (reference: <http://www.votersunite.org/info/PaperBallotPrintingCosts.pdf>). The SOS analysis suggests that one impact of SB 457 would be the necessity of a multipage ballot.

In addition to increased cost, The SOS states “The use of a multipage ballot would delay the printing of ballots at voting convenience centers and for early voting.” Additional ballot printing systems and ballot tabulators would be required.

OTHER SUBSTANTIVE ISSUES

New Mexico currently makes use of optical scan technology for its elections which is considered an up-to-date and cost effective method. An excellent summary of voting technology and choices, and future funding challenges, can be found at the National Conference of Legislators website here: <http://www.ncsl.org/legislatures-elections/elections/the-canvass-june-2012.aspx> .

CAC/svb:blm