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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/17
 SPONSOR SRC _____ LAST UPDATED 2/23/17 HB _____

SHORT TITLE Register Voters 3 Days Before Elections SB 224/SRCS

ANALYST Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Significant	Significant	Significant	Recurring	General Fund, Local Government Funds

(Parenthesis () Indicate Expenditure Decreases)

SB224/SRCS relates to HB28, Driver’s License Automatic Voter Registration, and HJR4, Register All Qualified Electors to Vote, CA, which propose forms of automatic voter registration.

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Office of the Attorney General (OAG)
- Secretary of State’s Office (SOS)
- New Mexico County Clerks’ Affiliate (NMCCA)

SUMMARY

Synopsis of SRC Substitute

The Senate Rules Committee substitute for Senate Bill 224 (SB224/SRCS) proposes to allow a voter to register to vote or update the voter’s registration address at early voting sites during the primary and general elections. The bill also provides the voter would be allowed to vote on a regular ballot if the site has real time access to the statewide voter registration system at the polling site. If the site does not have real time access, then the voter would complete their registration and be issued a provisional ballot.

The Senate Rules Committee substitute for SB224 eliminates the three day voter registration provisions of the original bill and adds a new section to the election code that provides procedures for same day registration and voting at early voting sites. Persons with a physical form of identification defined in Subsection A of Section 1-1-24 NMSA 1978, who complete the

registration form and the registration information is entered into the statewide electronic voter file, and who subscribe an application to vote are permitted to vote the same day during early voting. If the early voting location does not have access to the statewide electronic voter file, then the qualified elector would be provided with a provisional ballot. A voter shall not be allowed to change party affiliation when registering to vote early during a primary election. Because early voting occurs up to the Saturday before the election, SB224/SRCS continues to allow for early registration and voting at early voting sites up to three days before election day.

FISCAL IMPLICATIONS

The Secretary of State's Office (SOS) indicates the ballot on demand systems used to check in voters and produce a ballot is currently not connected in real time with the statewide voter registration system. For those counties that use ballot on demand systems for early and absentee voting, the systems are populated with a point in time snapshot of the county's registered voters. Therefore, when a county clerk processes a voter registration application, the registration information is not immediately accessible to the poll workers at the polling location. The SOS is currently working on implementing an updated voter registration and election management system; however, direct interface between the new voter registration systems and the ballot on demand systems is tentatively planned for a future phase depending on funding availability. The interface between systems is also dependent on a reliable internet connection at all polling locations which is a challenge in many rural locations. A cost estimate for updating the registration and ballot systems is not currently available as the project has not been fully scoped, and the system updates and interfaces would require annual maintenance for the SOS and county clerks.

Until the planned interface is available, workers at early voting sites would need access to two systems 1) the voter registration system for registering and updating the registration record, and 2) the ballot on demand system for issuing a ballot. This would likely require additional poll workers to continue to process voters efficiently and not increase wait times. The addition of poll workers would increase costs to the counties. For example, the cost of one extra poll worker at \$200 per day, for approximately 135 early voting sites across the state, for 14 days of early voting would increase poll worker costs by \$378,000 in each statewide election.

The New Mexico County Clerks' Affiliate (NMCCA) indicates at each early voting polling location county clerks would have to purchase a new laptop and add a staff member that is trained and authorized to use the statewide registration database. The cost per county depends on what the hourly pay is for early voting workers, how many additional poll workers will be needed, the cost of laptops, and how many would be needed.

SIGNIFICANT ISSUES

The Secretary of State's Office (SOS) notes currently, there is one day in which registration and voting can happen on the same day. On this day, 28 days prior to election day, if a voter appears to register and to vote simultaneously processes exist to handle both transactions. In some larger jurisdictions, not all registrations have been processed by the time voting begins, and the county clerk's office and poll workers must coordinate registration and ballot issuance activities if a person appears to vote before their registration has been processed.

The SOS indicates if funding is not available to implement a real-time ballot on demand system,

procedures currently in place for the 28th day before an election would need to be established for the duration of the absentee, in-person and early voting period. Such procedures would require poll workers at an early site to contact the county clerk's office to perform a voter registration search before entering the voter into the system and issuing a ballot. This will require additional staff at polling locations to handle these voters and will require the voter to wait for their record to be updated in both the statewide voter registration system and the ballot on demand system before they can receive a ballot.

PERFORMANCE IMPLICATIONS

The New Mexico County Clerks' Affiliate (NMCCA) notes the bill's requirement of having to enter new registrants' information or update registrants' information into the statewide database will increase wait time at the polls.

The Secretary of State's Office (SOS) notes the legislation could result in an increase in the issuance of provisional ballots since many early voting sites may not have real time access to the voter registration system needed to simultaneously register a voter and allow them to cast a regular ballot.

ADMINISTRATIVE IMPLICATIONS

Under the provisions of the bill, the Secretary of State (SOS) would be required to work with the county clerks to develop procedures for simultaneous registration and voting.

RAE/jle/sb