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## FISCAL IMPACT REPORT

SPONSOR Schmedes LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 01/25/23  
SHORT TITLE Prohibit Sharing Early & Absentee Voter BILL  
Info NUMBER Senate Bill 32  
ANALYST Hitzman

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	No fiscal impact	\$8.0 - \$10.0	No fiscal impact	\$8.0 - \$10.0	Nonrecurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent version of this legislation.

### Sources of Information

LFC Files

Responses Received From  
Secretary of State (SOS)

## SUMMARY

### Synopsis of Senate Bill 32

Senate Bill 32 amends the Election Code, adding provisions that prohibit the sharing of data that contains information on a voter's request for, the return of, or the status of an absentee or early vote while an election is underway. The provision also applies for maintenance of reports and updated voter files. The bill specifies each ballot register is public record beginning the day after an election. Transmissions of information to a candidate or county chair must exclude voter names and addresses, with a final copy to be transmitted by the Saturday immediately following an election. The bill removes the provision allowing a candidate or chair of a political party to electronically transmit absentee ballot information. The index of voters shall also exclude early or absentee voting status in any election currently underway.

This bill does not contain an effective date, and as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed.

## FISCAL IMPLICATIONS

The bill does not provide an appropriation and will likely have a minimal fiscal impact. The bill primarily amends sections of the election code related to absentee ballot information and status; implementing the provisions of this bill would not likely cause additional revenue or operating

budget impacts other than the costs for system enhancements to accommodate the new data output based on the new restrictions. The Secretary of State’s Office estimates costs of \$8,000 to \$10 thousand in FY24 as a nonrecurring cost for the updates needed to the file maintenance system.

## SIGNIFICANT ISSUES

The changes in SB32 may impact transparency of the electoral processes, which can impact public confidence in elections. The Secretary of State’s Office provides the following:

One of the allowable uses of voter data is “election campaign related” purposes (*See* NMSA 1978, Section 1-4-5.5). Campaigns use this information to ensure ballots are delivered on time and returned by the voter. Restricting this access could be seen as voter suppression. State and County election administrators do not have the resources to contact absentee voters with the same frequency as campaigns. There are already protections in the Election Code for improper use of voter data, if this is what is motivating the restriction of this information (*See* Section 1-4-5.6). The Legislature should balance the benefits of voter outreach against exactly what this bill is trying to protect against.

## TECHNICAL ISSUES

SB32 refers to “absentee ballots”; however, the Secretary of State instead uses the term “mailed ballot.” The bill should correct this reference throughout the bill.

Further, the Secretary of State provides the following technical corrections:

Section 3, pg. 6 line 15 should read “county” chair. There is a state chair and county chairs.

Section 3, pg. 6 line 16 should read “qualified” political party.

Section 1, pg. 2 line 9; the use of “underway” is extremely broad. The first mailed ballots are sent no later than 45 days before an election. *See* Section 1-6B-7(A).

## OTHER SUBSTANTIVE ISSUES

References to elections being “underway” are broad and it is unclear if the intended start date for the restriction on data is the time the first mailed ballots are sent, which is no later than 45 days before an election, or election day.

JH/al/hg/mg