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## FISCAL IMPACT REPORT

SPONSOR Fox-Young DATE TYPED 1/27/05 HB 27

SHORT TITLE \_\_\_\_\_ SB \_\_\_\_\_

ANALYST Medina

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to the Election Code and HB26

### SOURCES OF INFORMATION

LFC Files  
Secretary of State

#### Responses Received From

Secretary of State

### SUMMARY

#### Synopsis of Bill

House Bill 27 amends the Election Code with a provision for any person to contest an election or request that the Secretary of State conduct a recheck or recount of a race if the winning margin of a candidate for governor or president is less than ten thousand votes or if there is an “undervote” of two percent or more in an election. An undervote is defined as the percentage of voters that voted in an election that did not cast a vote for any candidate for governor or president on the ballot. The requestor of the recount would also be allowed to have an independent expert examine or test the voting systems used in the election. The requestor of the recount would not be required to post a bond or otherwise incur expenses for the recount other than the deposit required by the Election Code.

Significant Issues

According to the Secretary of State:

“Section 1-14-1 NMSA 1978 already provides for persons to contest elections under any circumstances including those articulated in this bill: “Any unsuccessful candidate for nomination or election to any public office may contest the election of the candidate to whom a certificate of nomination or a certificate of election has been issued.”

Furthermore, Section 1-14-15 NMSA 1978 establishes the rules and procedures for the cost of a recount.”

Section 1-14-1 NMSA 1978 reads:

“Contest of elections; who may contest. Any unsuccessful candidate for nomination or election to any public office may contest the election of the candidate to whom a certificate of nomination or a certificate of election has been issued.”

House Bill 27 allows for any person to contest an election or request a recheck or recount, not limited to any unsuccessful candidate.

**TECHNICAL ISSUES**

House Bill 27 does not address the qualifications or certification of the independent expert who would be able to examine or test the voting machines used in the election.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

The use of currently allowed practices will continue.

**DXM/lg**