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FISCAL IMPACT REPORT

SPONSOR García, M.P. DATE TYPED 1/31/05 HB 237

SHORT TITLE Conservancy District Mail-in Ballots 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 conservancy districts, especially Section 73-14-20 through 73-14-29 NMSA 1978

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the State Engineer
Secretary of State

SUMMARY

Synopsis of Bill

House Bill 237 requires conservancy district elections to be conducted by mail-in ballot by amending Section 73-14-20 NMSA 1978 through Section 73-14-30 NMSA. The bill also creates new sections 73-14-29.1 through 73-14-29.6, which establish processes and procedures for dissemination and processing of mail-in ballots. The Bill also would repeal the provisions for absentee voting in conservancy district elections sections found in Section 73-14-31 through 73-14-31.3 NMSA 1978. The boards of directors of conservancy districts would no longer be required to provide for a polling place or provide for absentee voting within the district. According to the Secretary of State, new material in the bill parallels Election Code procedure with respect to receipt and safe keeping of ballots, handling, recount, destruction of unused ballots and voting when no ballot was received.

Significant Issues

It is likely that participation in conservancy district elections would increase under the provisions of this bill.

TECHNICAL ISSUES

According to the Office of the State Engineer:

“Clarification regarding the procedures proposed in Section 13 of the bill for replacement ballots could avoid potential disputes over the processing of replacement ballots. Specifically, in subsection C of the proposed new Section 73-14-29.6, the bill could be amended to direct the election officer or election director to forward the inner envelope of a replacement ballot on to the election judges for tallying only if they determine that a mailed-in ballot was not also received from the same qualified elector.”

OTHER SUBSTANTIVE ISSUES

According to the Secretary of State, the use of mail-in ballots will make smaller elections, such as conservancy district elections, more manageable and will allow more voters to cast ballots.

ALTERNATIVES

The Office of the State Engineer proposes the following amendment:

“Page 15, line 8: strike “Upon making that determination,” and insert in lieu thereof: “If the officer or director determines that a mailed ballot was not received from that qualified elector.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Conservancy district elections will continue to be conducted as they currently are.

DXM/lg