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FISCAL IMPACT REPORT

SPONSOR Payne DATE TYPED 2/02/05 HB 329

SHORT TITLE Election Reforms 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

Partially duplicates HB 362

Partially conflicts with HB 362

Partially duplicates HB 18, HB 63, HB 20, HB 41, HB 208, SB 40

SOURCES OF INFORMATION

LFC Files

Responses Received From

SUMMARY

Synopsis of Bill

House Bill 329 proposes a number of amendments to the Election Code. A number of clarifications of definitions are included in the bill. The following is a summary of key points in the bill, by section of the bill:

Section 1:

- Proposes new material to the Election Code to define “photo identification” to mean a state or federal government issued identification card or document containing the person’s name, address, and photograph.

Section 2:

- Proposes new material to the Election Code to define “registration agent” to mean a state or federal employee who provides voter registration at a state agency or any other individual who assists another person in completion of the voter registration application.

Section 3:

- Adds “a state employee performing registration duties in accordance with the Help America Vote Act of 2002 or Section 1-4-5.2 NMSA 1978” to the definition of registration officer.

Section 4:

- Provides for voters to be given numbered paper receipts corresponding to the voter’s numbered ballot.

Section 5:

- Provides a registrant with a carbon copy of the original registration certificate, which will contain a number traceable to the registration officer or agent.

Section 6:

- Requires photo identification for voter registration.
- Removes language allowing for a registrant to provide a utility bill, bank statement, government check, paycheck or other government document in lieu of photo identification.

Section 7:

- Proposes new material to the Election Code relating to third party registration agents. The proposal will require such third party organizations to register with the Secretary of State and provide:
 - (1) name and permanent address of the organization;
 - (2) names, permanent address, temporary addresses, dates of birth and social security numbers of each person registering persons to vote;
 - (3) a sworn statement from each registration agent employed by or volunteering for the organization stating that the agent will obey all state laws and rules regarding the registration of voters.
- Organizations employing registration agents shall deliver a certificate of registration within 24 hours of its completion, or the next business day if the appropriate office is closed.
- Registration agents may be paid an hourly rate or salary but shall not be paid based on the number of voters registered.
- The Secretary of State may issue rules to ensure the integrity of the registration process, including rules requiring that organizations account for all registration forms used by their registration agents.
- Violators are to face a fourth degree felony.

Section 8:

- Requires a voter to present photo identification to a precinct judge before voting. The amendment removes language allowing a utility bill, bank statement, government check, paycheck or other government document in lieu of photo identification.

Section 9:

- Amends Section 1-6-5 NMSA 1978 to require a copy of a current and valid photo identification for a voter to receive an absentee ballot.
- Removes language allowing a utility bill, bank statement, government check, paycheck or

other government document in lieu of the photo identification copy.

- Allows for the electronic transmittal of an absentee ballot not later than Friday immediately prior to the date of election.

Section 10:

- Require that a copy of the required identification (current and valid photo ID) to be placed inside the official mailing envelope of the absentee ballot.

Section 11:

- Clarifies that an absentee ballot not containing photo identification will be treated as a provisional paper ballot.

Section 12:

- Clarifies that if a voter does not present to the election judge a current and valid photo identification the voter will be given a provisional paper ballot.
- Removes language allowing a utility bill, bank statement, government check, paycheck or other government document in lieu of photo identification.

Section 13:

- Allows a candidate, or a candidate's representative, to observe the ballot counting process in a precinct, a county canvass and the state canvass of election returns.

Significant Issues

House Bill 329 amends portions of the Election Code to conform to a number of provisions of the federal Help America Vote Act of 2002.

ADMINISTRATIVE IMPLICATIONS

Under the provisions of the bill, the Secretary of State will be required to promulgate rules and procedures for the proposals relating to third party registration agents, which may have implications on performance.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 18, HB 63, HB 20, HB 41, HB 208, SB 40 relate to voter identification.

ALTERNATIVES

Election reform legislation can be analyzed during the interim allowing for more input from voters and others concerned with election reform.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The Election Code will continue without reforms.

DXM/sb