

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Trujillo DATE TYPED 2/28/05 HB 701

SHORT TITLE Same Day Voter Registration 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
 Duplicates Senate Bill 621

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Secretary of State

SUMMARY

Synopsis of Bill

House Bill 701 amends the Election Code as it relates to the method of voter registration to allow for a qualified elector to apply for voter registration on Election Day at the polling place for the precinct in which the applicant for registration resides. It allows for certificate of registration forms to be requested by the Secretary of State or the county clerks from a precinct board member on Election Day by a qualified elector at the polling place and allows for completed certificates of voter registration to be presented in person by the registrant to a precinct board member at the polling place. The bill provides that a voter wishing to vote in the next election be allowed to present his/her signed certificate in person on Election Day the following year. The bill also requires that the certificate of registration for the voter registering to vote on Election Day be provided to the county clerk for filing at the same time as the ballots cast that day.

This bill amends the Election Code as it relates to the duties of the county clerk to require that certificates of registration of qualified electors registering at a polling place on Election Day be accepted and filed before provisional ballots are qualified for the election. The bill requires the

county clerk to accept for filing on Election Day certificates of registration of registrants registering at a polling place on Election Day.

With respect to voters' names not appearing on the voter list and signature roster, this bill allows such persons to register to vote, in addition to being allowed to vote in the precinct pursuant to the federal National Voter Registration Act of 1993.

The bill amends the Election Code as it relates to the conduct of elections and provisional voting to remove the requirement that a person is registered to vote before being allowed to vote on a provisional paper ballot. It requires that a voter vote on a provisional paper ballot if the voter registers to vote at the polling place on Election Day after complying with the requirements of Section 1-4-5.1 NMSA 1978, which outlines the methods and requirements of voter registration.

Significant Issues

According to the Secretary of State, there are approximately 1,500 polling places statewide. The Secretary of State also notes the following issues:

- Under current law someone that registers within the 28-day period registration is closed is not eligible to vote in that election; this bill should allow for the elimination of the 28-day cut-off to allow anyone falling within the closed period to vote.
- signature rosters must be printed within 3-days of the election;
- Sections 1-11-12 and 1-11-13 NMSA 1978; certifying county register and the voters alphabetical index are not addressed in this bill; and
- Sections 1-12-8 NMSA 1978; provisional voting and 1-12-20 NMSA 1978; interposing challengers are not addressed in this bill.

ADMINISTRATIVE IMPLICATIONS

The Secretary of State notes the following administrative implications:

- “County clerks will be required to train precinct judges, poll workers, absent voter precinct boards in the new registration procedures, and give them the ability to log in and out of the Voter Registration Election Management System (VREMS);
- county clerks will need to download the entire statewide voter file; and
- precincts with no phone lines and areas without wireless internet may not have the access to perform real-time verification on VREMS.”

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates Senate Bill 621

TECHNICAL ISSUES

According to the Secretary of State, contrary to the title of this bill, the manner in which the bill is written would permit same day registration and voting for any election, not only primary and general elections.

OTHER SUBSTANTIVE ISSUES

On February 1, 2005, H.R. 496 (the Same Day Voter Registration Act of 2005), “A bill to amend the National Voter Registration Act of 1993 to require states to permit individuals to register to vote in an election for federal office on the date of the election” was introduced in the U.S. House of Representatives.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Eligible electors wishing to register to vote will continue to be required to register during the open registration period currently prescribed by law.

DXM/lg