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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/06  
 LAST UPDATED 2/14/06      HB 453 & 527/HVECS

SPONSOR HVEC

SHORT TITLE Election Reforms      SB \_\_\_\_\_

ANALYST Medina/Lewis

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI*		
	(*See Fiscal Implications)		

(Parenthesis ( ) Indicate Expenditure Decreases)

### FISCAL IMPLICATIONS

The Conference Committee Report on the HAFC substitute for House Bills 2, 3, 4, 5, 6 and 78 as amended includes:

- \$1,200,000 for costs associated with election reform and the 2006 general election; and
- \$1,431,400 for costs associated with state election reform and the 2006 primary election.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General (AG)  
 Secretary of State (SOS)

### SUMMARY

#### FOR THE ELECTION REFORM TASK FORCE

#### Synopsis of Bill

The House Voters and Elections Committee substitute for House Bills 453 and 527 combines most of the provisions of HB 453 and HB 527. It does not include the provisions in HB 527 regarding a verifiable and auditable paper trail

HB 453 & 527/HVECS, with emergency clause, amends and repeals sections of the Election Code (Chapter 1, NMSA 1978). The proposed changes to the Election Code revisit a number of changes made during the last legislative session and enacted as Laws 2005, Chapter 270.

The substitute:

- allows the Secretary of State to have separate detachable sections in its training manual for different voting systems;
- removes the requirement that a third party registration agent receive a copy of the registration form, eliminating the need for printing registration forms in triplicate;
- removes “voter identification card” from the list of items that a new registrant can show as identification when registering to vote;
- allows a qualified elector to use a geographical information system (GIS) description (latitude and longitude description) to list his or her physical address and requires that the county clerk use a mail service, if available, that has the GIS capability to deliver material to the qualified elector;
- proposes to relax the requirements (by inserting the words “if possible”) that county clerks notify a rejected registrant of the reason as to why the voter’s registration was rejected;
- proposes to add the name and address of the officers of an organization to the third party registration requirements;
- proposes to allow third party registration agents to deliver or mail a certificate of registration within 48 hours, but just deliver on the next business day after 48 hours (if the office was closed);
- proposes to make officers and decision-makers in third party registration organizations subject to civil penalties if there is a violation by an employee, and these civil penalties may include \$250 fine for each violation, not to exceed \$5,000;
- clarifies that a candidate may distribute NMVR-1 voter registration forms to qualified electors; provided that the forms clearly state that the form shall not be given back to the candidate for delivery to the county clerk;
- makes the state Election Code compliant with federal election law as it relates to uniformed services voters, overseas voters and voters with disabilities in that they only have to show name, year of birth, and unique identifier as part of voter identification procedures;
- removes the requirement that absentee ballots, if requested, be transmitted electronically;
- removes the provision that the absentee precinct board shall accept completed official mailing envelopes from precincts of voters who turned in their absentee ballots at their precinct by the close of polls on election day;
- requires that the absent voter precinct polling place open at 7:00 a.m. on election day;
- changes the filing date for minor political parties from the second Tuesday in July to the day following the primary election;
- requires the Secretary of State (instead of the county clerk) to issue voter identification cards 60-75 days prior to each general election, instead of 40-60 days before each primary election;
- allows a voter’s receipt of registration to be used as an investigative and prosecutorial tool by the district attorney and the Secretary of State;
- requires the county clerk, for the purposes of investigation or prosecution, to provide the district attorney and the secretary of state with the name and address and the corresponding certificate of registration receipt number for each person whose certificate of registration is not located;
- requires that the precinct board shall handle and process an absentee ballot delivered in person by the voter on election day as a provisional ballot, and the county clerk shall count the ballot if it would otherwise have qualified to be counted by the absent voter precinct board;
- transfers from the county clerks to the Secretary of State the responsibility for establishing a free access system that a voter who casts a provisional paper ballot may access to ascertain whether the voter’s ballot was counted and , if the vote is not counted, provides that the voter be informed on how to appeal that decision to the Secretary of State;

- provides that an applicant for a recount shall deposit sufficient cash (instead of \$50) or a sufficient surety bond to cover the cost of a recount, and sufficient cash (instead of \$10) or a sufficient surety bond to cover the cost of a recheck;
- provides that at least 30 days before each primary and general election the State Canvassing Board shall determine the reasonable cost of a recount per precinct and a recheck per voting machine, and the Secretary of State shall post the recount and recheck cost determinations on the Secretary of State’s web site;
- removes the requirement that the Secretary of State issue rules governing and allowing procedures for reviewing the qualification of provisional ballot envelopes, absentee and other paper ballots in the case of a recheck (as opposed to a contest or recount) of election results.
- repeals Sections 1-6-4.3 and 1-6-10.2 NMSA 1978 (Laws 2005, Chapter 270) which relate to third party agents collecting absentee ballot applications and to the reporting of absentee ballot returns.

### **SIGNIFICANT ISSUES**

According to the Secretary of State (SOS), if this legislation is not enacted, each county clerk will be responsible for mailing voter identification cards and a many of them would use different processes to carry out this mandate. The Secretary of State also notes that this bill will hopefully allow the county clerks to report absentee results along with the rest of their unofficial results on election night.

The Attorney General’s Office supports tighter controls on the absentee ballot process in order to avoid absentee ballot fraud and the deletion of Section 1-6-4.3 appears to create looser controls.

DXM/ML:nt