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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/07
 SPONSOR J Campos LAST UPDATED 2/23/07 HB 698/aHEVC
 SHORT TITLE Automatic Recount Procedures, Creating a Fund and Making an Appropriation SB _____
 ANALYST Ortiz/McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$500.	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB449

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$500.		Recurring	Automatic Recount Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Administrative Office of the Courts (AOC)
 Secretary of State (SOS)

SUMMARY

Synopsis of HVEC Amendment

The House Voters and Elections Committee (HVEC) amendment to House Bill 698 would:

- (a) make the bill applicable to "state" candidates rather than "statewide"

- candidates;
- (b) substitute the state canvassing board for the county canvassing boards in the initial notification process;
- (c) delete the requirement that the Secretary of State create new rules;
- (d) make the automatic recount process follow existing statutes in the Election Code; and
- (e) update the ballot terminology in Section 1-14-16 to reflect the use of paper ballots rather than voting machines and to do away with the distinctions among ballots, emergency paper and absentee ballots for recount purposes.

Synopsis of Bill

House Bill 698 would provide a requirement for automatic recounts of any federal or statewide election where the margin of victory is less than one-half of one percent of the total votes cast. The bill lays out requirements for the Secretary of State to implement those recounts and a means of forcing compliance by authorizing the use of Mandamus. It also creates a means of funding through the establishment of an election recount fund and an initial appropriation for FY08 of \$500,000.00. Any unspent funds up to \$1,500,000.00 would remain in the Recount Fund and would not revert to the General Fund. However, any unspent excess over \$1,500,000.00 would revert to the General Fund.

FISCAL IMPLICATIONS

The appropriation of \$500 thousand contained in this bill is a RECURRING expense to the GENERAL FUND. Any unexpended or unencumbered balance remaining at the end of a FISCAL YEAR shall revert to the GENERAL FUND.

SIGNIFICANT ISSUES

According to the AGO, the bill would create an initial appropriation of \$500,000.00 for FY08. There is no known figure as to how much a recount would cost or how many would be required in any given period of time. There is no language to address what would happen if there were multiple recounts in an election cycle and the available funds were depleted. Also, the bill does not address whether or not the \$500,000.00 appropriation is to be made each and every year or only in years with an election cycle applicable to the specific requirements of this bill – namely when New Mexico has a federal or statewide election.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates SB449

POSSIBLE QUESTIONS

Why should the fund be limited to a maximum of \$1.5 million?
Is there data from other states with automatic recounts to support the funding provided in this bill?

EO/mt