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FISCAL IMPACT REPORT

SPONSOR Madalena **ORIGINAL DATE** 1-28-09
LAST UPDATED _____ **HB** 207
SHORT TITLE Sandoval County Native American Voting Rights **SB** _____
ANALYST Aubel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$25.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 91
Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)
Department of Finance and Administration (DFA)

No Response From

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 207 appropriates \$25 thousand from the general fund to the Local Government Division of the Department of Finance and Administration for the purpose of extending the Native American Voting Rights Program in Sandoval County through FY11.

FISCAL IMPLICATIONS

The appropriation of \$25 thousand contained in this bill is a recurring expense to the general fund, although the bill classifies the appropriation as nonrecurring. Presumably, as more Native Americans are registered due to the success of the program, the need for translation and other voting services will continue. Any unexpended or unencumbered balance remaining at the end of FY11 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

SIGNIFICANT ISSUES

IAD provides the following background information:

“Sandoval County is required to implement a Native American Election Information Program pursuant to the ruling of United States v. New Mexico and Sandoval County (1988). That ruling was in response to complaints filed in 1988 alleging that the State of New Mexico and Sandoval County had failed to provide voting and election information in Keres and Navajo languages, thereby violating Sections 2 and 203 of the federal Voting Rights Act ([42 U.S.C. § 1973–1973aa-6](#)). Following the ruling, the state established the Native American Election Information Program within the Bureau of Elections, Office of the Secretary of State, to assist in developing voter education projects for eleven counties in New Mexico with substantial Native American populations. A program extension through January 31, 2009 was ordered on November 28, 2007.”

The appropriation in this bill would continue the Sandoval County Bureau of Elections Native American Election Information Program through FY11. This program provides translation and audio interpretations of ballots in four Native American languages spoken in Sandoval County. IAD reports that the program funded ten translators in 2007 to work with the pueblos, registering voters and providing voter information up to and including the election. DFA reports that the program funded 15 translators for the November 2008 election. Both agencies note an increase in Native American voter turnout since the program began. IAD points to a *Rio Rancho Observer* article that voter turnout in the 2006 elections rose from 0 percent in past elections to 42 percent.

ADMINISTRATIVE IMPLICATIONS

IAD suggests that HB 207 would foster intergovernmental relations and cooperation between the Tribes and Sandoval County.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB 91 (Early Voting on Tribal Lands), which would provide for alternative early voting locations to serve the Native American population.

Relates to an appropriation in the 2008 GAA for FY09, and the LFC recommended appropriation in the FY10 operating budget, for the Office of the Secretary of State that includes 1 FTE at about \$35.5 thousand plus benefits who acts as the Native American Elections Coordinator.

OTHER SUBSTANTIVE ISSUES

According to IAD, the Office of the Secretary of State reported 57,228 Native Americans were registered to vote in New Mexico as of November 2, 2004. IAD maintains that although the population of Native American eligible voters has increased over the years, many Native Americans still have not registered to vote or do not actively exercise the right. The agency

suggests language barriers and other related problems have deterred some eligible Native Americans from participating in the voting process and proposes that HB 207 would provide services to increase the opportunity for Native Americans in Sandoval County to fully participate in the voting process and exercise their right to vote.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB 207 is not enacted, Native American voter participation rates in Sandoval County may be negatively impacted.

MA/mc