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FISCAL IMPACT REPORT

SPONSOR Cote **ORIGINAL DATE** 02/16/09
LAST UPDATED 03/04/09 **HB** 487/aHCPAC/aHVEC

SHORT TITLE Electronic Ballots for Overseas Voters **SB** _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB42

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Secretary of State (SOS)
 New Mexico County Clerks Affiliate (NMCCA)

SUMMARY

Synopsis of HVEC Amendment

The House Voters and Elections Committee amendment directs the SOS to establish a secure transmission system for transmitting absentee ballots.

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment to House Bill 487 deletes the word "affirmation" and replaces it with "statement".

Synopsis of Bill

House Bill 487 amends current law governing absentee ballots to allow overseas voters to return their ballot by electronic transmission if they sign a statement under penalty of perjury waiving their right to secrecy and transmit the statement with the absentee ballot which must be received by the county clerk no later than 7:00 P.M. on Election Day. The bill also provides that all absentee voters may either mail or deliver their ballots to the County clerk of their county of residence.

SIGNIFICANT ISSUES

The language added by HVEC was done at the request of the SOS. According to the CCA, a secure absentee ballot transmission system already exists, thus there is not fiscal impact. Also, as written, the amendment does not require county clerks to use the SOS system, just that it be available in case the counties want to use it.

The amendment seem to clean up language and the AGO supposes the amendment eliminates the legal argument that attestation means a notary must be present.

According to the New Mexico County Clerks Affiliate, this proposed legislation is a technical clean-up of a standard practice used by county clerks throughout the state to timely deliver ballots of military and overseas voters. In a recent study done by the Pew Center on the States, New Mexico was noted as one of the few states in which the laws facilitate the voting of military and overseas voters. This bill will ensure that process can continue.

PERFORMANCE IMPLICATIONS

The Secretary of State explains that in the November 4, 2008 General Election jointly with the Federal Voters Assistance Program offered New Mexico County Clerks the opportunity to participate in a secure line via the web to provide federal qualified electors and overseas voters the opportunity to:

- Maintain the security of their voter information;
- Receive the entire ballot for their respective county;
- Maintain the secrecy of their ballot.

RELATIONSHIP

This bill is related to HB 42, which provides for distribution of ballots to overseas voters.

EO/mt:svb