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FISCAL IMPACT REPORT

ORIGINAL DATE 03/16/09
 LAST UPDATED 03/17/09

SPONSOR SFI HB CS/CS/685,HB42,HB4
 SHORT TITLE Absentee Ballot Handling & Voting SB 87&HB91/HVECS

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1-100.0	\$1-50.0	\$1-100.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received from

Attorney Generals Office (AGO)

County Clerks Affiliate (CCA)

SUMMARY

Synopsis of Bill

The Senate Floor Substitute for Senate Bill 685, House Bills 42 and 487 and HVEC substitute for House Bill 91 creates new sections and amends the Election Code.

First, it creates a new section that allows the county clerk to request its board of county commissioners to designate a precinct as a mail ballot election if the clerk finds that the precinct has less than 50 voters and the nearest polling place is more than 30 miles for the precinct in question. If a precinct is designated a mail ballot election precinct, clerks must notify the votes of the designation and then 28 days before the election send the voters the ballot. It then amends language to reconcile with the new section.

Secondly, a new section is created requiring the county clerk to provide at least one alternate early voting location on Indian nation, tribal or pueblo land when requested by one of these entities. It also requires the Secretary of State to reimburse the county for the costs of voting equipment and personnel for the alternate early voting site on Indian nation, tribal or pueblo land.

It amends NMSA 1978, § 1-3-2 to require the county commissioners to designate any mail ballot election precincts no later than the first Monday in November of odd-numbered years.

It amends NMSA 1978, § 1-6-5 to allow voters to mark their ballots in person at an alternate voting location should the county clerk have established one.

It amends NMSA 1978, § 1-6-5.7 to: (1) end absentee balloting at alternate voting sites on the Saturday immediately preceding the election; (2) require county clerks to publicly announce the hours of operation of alternate voting sites at least 90 days before an election; and (3) require that certain accommodations be made for voters voting at alternate voting sites including ballots available for voters from every precinct in the county; an optical scan tabulator programmed to read every ballot style in the county; a voting system to assist disabled voters; broadband internet connection; space for five voters to mark their ballots; secure area for storing ballots; and comply with Americans with Disabilities Act.

Third, this substitute amends NMSA 1978, § 1-6-6 to require county clerks to: (1) mail out absentee ballots beginning 28 days before the election; (2) mail ballots within 22 days of the election if the absentee ballot application is received 23 or more days before the election; or (3) mail an absentee ballot (or notice of rejection) within 24 hours if the absentee ballot application is received within 22 days of the election.

Fourth, this substitute amends NMSA 1978, § 1-6-14 to allow precinct judges to open absentee ballot envelopes until 10:00 p.m. on the five days preceding the election (the law currently allows such activity only until 5:00 p.m.).

Fifth, it amends NMSA 1978, § 1-6-9 to clarify that a voter should either deliver or mail the official mailing envelope to the county clerk. Federal qualified electors or overseas voters may return an absentee ballot by electronic transmission if they waive their rights to secrecy and it is received no later than 7:00 p.m. on Election Day.

FISCAL IMPLICATIONS

There will be an additional general fund operating expense to the Secretary of State related to reimbursement to the counties for alternate early voting sites on Indian nation, tribal or pueblo land.

As a point of reference, the 2008 general election cost was \$5.2 million. 2.6 million ballots were ordered--of those 1.8 million were unused. Prior to enactment of all paper ballot elections, costs to conduct an electronic election was \$1.2 million.

SIGNIFICANT ISSUES

According to the New Mexico County Clerks Affiliate, this bill combines a series of necessary changes to Article 6 of the Election Code, Absentee Ballots (which includes absentee-by-mail and early-in-person voting). This bill has the support of the County Clerk's Affiliate and the Secretary of State. By combining all these bills together, care has been taken to ensure there are no conflicts within the bill and that these amendments will benefit elections, start to finish.

Below is an overview of the main points of the bill.

- Allows county clerks to designate an all-mail-out precinct when there are 50 or fewer voters in the precinct and the next closest polling location is more than 30 miles away.
- Sets the method by which Native American pueblos, tribes and nations may request early voting locations on their land (done in cooperation with the Native American community).
- Allows a county clerk to establish an alternate voting location near the office of the county clerk, which then permits that location to be open during the regular early voting hours, including Saturdays.
- Allows all overseas voters, regardless of military, federally qualified, or overseas voter status to receive the full ballot, and not just the federal candidates.
- Permits mobile voting locations to service rural areas of the county.
- Directs each county clerk to post the hours of operation for early voting in the county at least 90 days before each primary and general election.
- Set minimum standards for operation of early voting sites.
- Clarifies the 24 hour rule when absentee ballots must be sent to voters.
- Codifies existing practice for electronic delivery of absentee ballots to overseas voters.
- Sets the hours of operation for county clerks who begin tabulating absentee ballots during the five days before the election.
- Expands the group of people who may not disclose the name for whom a voter has voted to include election workers, challengers and watchers, in addition to precinct board members.

EO/svb