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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/23/13

SPONSOR Cote LAST UPDATED \_\_\_\_\_ HB 92

SHORT TITLE Early Voting in Adjoining Counties SB \_\_\_\_\_

ANALYST Cerny

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Significant*	Significant*	Unknown	Recurring	Elections

(Parenthesis ( ) Indicate Expenditure Decreases)

\*See Fiscal Implications

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Secretary of State (SOS)

Attorney General (AGO)

### SUMMARY

#### Synopsis of Bill

HB 92 House Bill 92 amends Article 6 of the Election Code, authorizing county clerks of adjoining counties to enter into a joint powers agreement to allow early voters to vote at locations across county lines.

### FISCAL IMPLICATIONS

SOS states: “Page 2, lines 15-19 provide “In addition to the requirements for alternate voting locations in Section 1-6-5.7 NMSA 1978, an alternate voting location operating under a joint powers agreement pursuant to this section shall have voting systems and ballot boxes for each county.” Such voting systems and ballots boxes would include the systems that print ballots at voting locations, as well as the M-100 tabulators that scan the ballots after they are cast. Therefore, if counties enter into agreements under this bill, it could have a significant impact on the budget for statewide elections. Increases in the number of voting systems used in early voting locations will directly impact the state’s budget for statewide elections.

Potentially, a county could enter into joint powers agreement with every adjoining county. For instance, Lincoln County has boundaries that touch Chaves, Otero, Sierra, Socorro, Torrance, DeBaca and Guadalupe counties. If a county entered into multiple joint powers agreements, the state could be required to furnish voting systems for all of the adjoining counties at one location.

The estimated cost is \$3,000 to \$4,000 per voting system to print ballots.

### **SIGNIFICANT ISSUES**

The bill allows counties to enter into the agreements up to 90 days before an election. The SOS advises that would not allow adequate time for the SOS to ensure an adequate supply of voting systems for early voting, which begins the third Saturday before the election. It would not allow the SOS adequate notice of the need for an increased number of systems until well after the SOS is required to submit budget projections to the legislature.

Per the AGO, NMSA 1978, § 1-3-3 prohibits the consolidation of precincts where there are a large number of voters or if legislative district boundary lines are crossed. As such, these restrictions may impair the proposed legislation.

NMSA 1978, § 1-2-7 restricts members of the precinct board to voters of the county in which the person is appointed to serve. As such, this statute may also need amendment.

Also, House Bill 92 proposes that a copy of the joint powers agreement shall be filed with the office of the secretary of state; presumably upon completion. As the chief election officer of the state, it would be appropriate for the secretary of state to be consulted prior to entry of the agreement or to otherwise have final approval on its validity or practicality. *See* NMSA 1978, § 1-2-1.

### **AMENDMENTS**

The AGO suggest that this legislation should more closely reflect NMSA 1978, § 1-3-4 which sets forth the requirements for the consolidation of precincts within a county, especially Subsection G, as follows:

NMSA 1978, § 1-3-4 sets forth the requirements for the consolidation of precincts within a county. This statute should be more closely reflected in House Bill 92. Subsection G specifically states that consolidated precinct polling locations shall:

- (1) have ballots available for voters from every precinct that is able to vote in the consolidated precinct;
- (2) have at least one optical scan tabulator programmed to read every ballot style able to be cast in the consolidated precinct;
- (3) have at least one voting system available to assist disabled voters to cast and record their votes;
- (4) have sufficient spaces for at least five voters to simultaneously and privately mark their ballots, with at least one of those spaces wheelchair-accessible;
- (5) have a secure area for storage of preprinted ballots or for storage of paper ballot stock and a system designed to print ballots at a polling location;

- (6) issue a ballot to voters who have provided the required voter identification after the voter has signed a signature roster or an electronic equivalent approved by the voting system certification committee or after the voter has subscribed an application to vote on a form approved by the secretary of state; and
- (7) be in a location that is accessible and compliant with the requirements of the federal Americans with Disabilities Act of 1990.

*See also* NMSA 1978, § 1-6-5.7(D).

Additionally, Subsection H states that no consolidation shall “result in delays for voters in the voting process.”

CC/bm