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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/13
SPONSOR Ortiz y Pino **LAST UPDATED** 02/06/13 **HB** _____

SHORT TITLE Early Voting Site Voter Registration **SB** 272

ANALYST Cerny

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
	\$ 35.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$150.0 to \$200.0	\$0.0	\$0.0	\$150.0 to \$200.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 92, HB 103, HB 157, HB 225, SB 209, SB 356

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 272 enacts a new section of the Election Code (Chapter 1 NMSA 1978), and amends other sections, to provide for voter registration at early voting sites. It also amends NMSA 1978, Section 1-1-24 regarding the definition of "Required Voter Identification."

Section 1: [new material] EARLY VOTING—REGISTRATION PROCEDURES provide for a qualified elector who is not registered to vote or needs to update his or her registration to do so at an early voting site for a primary or general election in the county in which the qualified elector resides, provided that the qualified elector: presents a physical form of identification as defined

in subsection A of Section 1-1-24 NMSA 1978; or completed a certificate of registration form and the registration information is entered into the statewide electronic voter file’ and subscribes an application to vote.

Subsection B: If the early voting site does not have real-time access to the statewide electronic voter file, and the elector fulfills the conditions outlined in Section 1, Subsection A (above), the voter shall be issued a provisional ballot.

Subsection C: stipulates that a voter shall not be allowed to change party affiliation at an early voting site during a primary election.

Subsection D: defines “early voting site” for registration purposes as “an alternate voting site of the office of the County Clerk during the time when in-person absentee voting is being conducted.”

Section 2: amends Section 1-1-24 of the Election Code, titled REQUIRED VOTER IDENTIFICATION, changes “voter” to “qualified elector” and amends the language regarding acceptable forms of identification in subsection A (1) to read “an original or copy of a current and valid government-issued photo identification with or without an address, which address is not required to match the qualified elector’s registration address.”

Section 2 A (2) is amended to stipulate that alternate forms of identification such as a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, must be current.

Section 3: amends section 1-4-5.1 as follows:

Subsection B: adds new language to reflect that a person may request certificate of registration forms at a county clerk or the clerk’s authorized representative at an early voting site.

Subsection E: add new language to provide that completed certificates of registration may be (2) mailed or presented in person by the registrant or any other person to the county clerk of the county in which the registrant resides, or (3) completed at an early voting site and presented to the county clerk or the clerk’s authorized representative at the early voting site in the county in which the qualified elector resides.”

Subsection F: add the provision that if a registrant wishes to vote in an election the signed certificate of registration may either be delivered or mailed and postmarked at least twenty-eight days before the election to the county clerk or representative OR completed at an early voting site in the county in which the qualified elector resides.

Subsection I (4) is amended to read that if the certificate of registration form is being submitted by mail along with a current and valid photo identification, that it must be a government-issued photo identification.

Section 4: amends 1-4-8 DUTIES OF COUNTY CLERK adds EARLY VOTING SITE REGISTRATION to the title of the section.

Subsection A (2) is amended to contain new language that stipulates “during the period when early voting sites are open, the county clerk shall accept for filing a certificate of registration”

from any qualified elector who registers to vote at an early voting site in the county in which the qualified elector resides.”

Section 5: amends subsection B to provide for a person to vote on a provisional ballot if the person is not registered, or is not registered in the correct precinct; attempts to register to vote at an early voting site but the early voting site does not have real-time access to the statewide electronic voter file; and would otherwise be eligible to vote at the early voting site.

Section 6: amends 1-12-20 CONDUCT OF ELECTION –INTERPOSING CHALLENGES
Subsection A: adds new language so that it is clear that a challenge may be interposed if “A. the person offering to vote is not registered to vote and is not a qualified voter.”

Section 7: amends 1-12-25.4 PROVISIONAL PAPER BALLOTS--DISPOSITION
Subsection B: adds language such that a provisional paper ballot shall not be counted if the voter did not sign either the signature roster or in the case of a person who registered to vote at an early voting site, the application to vote or the ballot’s envelope.

Subsection C: clarifies the language regarding individuals for whom there is no record of registration in the county, changing “voter” to person, offering them the opportunity to register and states that their paper ballot shall not be counted, and adds new language that states: provided that this subsection does not apply to a provisional ballot of a qualified elector who registered to vote at an early voting site.

Subsection G: clarifies that if a county clerk finds that the voter who voted on a provisional paper ballot has also voted another ballot in the election (not just an absentee ballot), the provisional paper ballot will not be counted.

Section 8: stipulates that the effective date of the bill would be July 1, 2013.

FISCAL IMPLICATIONS

The software for the State voter registration system exists on the Secretary of State's servers.

SOS states: “In the 2010 election, those servers were insufficient to handle requests from clerks for signature rosters, and required updating. The current servers were purchased in 2011. Together with 200 Citrix licenses and the VREMS software, they comprise the voter registration system.”

SOS files indicate there were 106 early voting sites in the 2012 general election.

The SOS information technology director states that the State of New Mexico approaches the current maximum number of licenses for users on the system during peak times in a general election. This includes work being performed in the county clerk's offices during the time that registration is closed but registrations are still being input, updating of the daily absentee registers and distribution to parties and candidates. It also includes work being done in the Secretary of State's office to research questions from county clerks and fulfill requests for voter lists and absentee registers from the parties, candidates and others.

The SOS information technology director estimates the fiscal impact of upgrade to equipment and Citrix licenses would be approximately \$150,000-200,000 with an additional annual recurring cost of about \$35,000 for license fees and maintenance.

SIGNIFICANT ISSUES

SB 272 enables qualified electors to register to vote during early voting and to vote the same day.

According to the National Conference of State Legislatures (NCSL):

“Eight states plus the District of Columbia presently offer same-day registration (SDR), allowing any qualified resident of the state to go to the polls on Election Day, register that day, and then vote. Another two states--California and Connecticut--have enacted same-day registration but have not yet implemented it. Two others allow voters to register and cast a vote during the early voting period. In most other states, voters must register by a deadline prior to Election Day. The deadline varies by state, with 30 days before the election being a common date.

Since 2007, North Carolina has allowed voters to register and vote on the same day at early voting locations that are open from 19 days before the election. Other states, such as Ohio, offer similar opportunities to register during the early voting period and cast an absentee ballot. These states do not permit same-day registration on Election Day, however.”

AGO states: “The term “government-issued” may need to be defined to avoid confusion whether it is inclusive of documents issued by institutions of higher education.”

Also, referring to Section 4, Subsection A. (1), AGO states: “The bill appears to still allow for a 28 day period of closed registration excepting the early voting site registration. It is unclear what purpose would be served by the closed period when voters can register during early voting itself.”

OTHER SUBSTANTIVE ISSUES

The NCSL reports that there are advantages and disadvantages to Same Day Registration (SDR), as reported by the states that have enacted some version of SDR:

Advantages

- Same day registration leads to increased voter turnout. In the six SDR states that had SDR prior to 2006 and North Dakota (which has no voter registration), turnout is 10 percent to 17 percent higher than the national average. Minnesota estimates that Election Day registrations account for five percent to ten percent of voter turnout.
- Allowing people to register the same day they intend to vote is more convenient. It particularly benefits people who have difficulty getting to an office to register because of work or transportation conflicts and those who have recently moved.
- States have more control over their voter registration rolls because they are not subject to National Voter Registration Act (NVRA) purging restrictions.

Disadvantages

- SDR can be costly, because it requires: additional poll workers, additional ballots, additional voting equipment, and verification certificates and investigation costs.
- SDR must be adopted along with safeguards to prevent fraud.

Same-Day Registration and Fraud

State election officials from the same-day registration states and North Dakota contend that their registration procedures have not resulted in increased fraud. Safeguards against fraud in the SDR states:

- Require picture identification at polls.
- Require additional identification to verify address.
- Segregate SDR ballots, and refrain from counting them until verification certificates have been sent out and undeliverable ones are returned.
- Restrict sites at which one can register on Election Day.
- Implement minimum residency requirements.
- Prohibit changing party affiliation on primary day.
- State and enforce a deterrent penalty for fraud.

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