

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 3/3/15

SPONSOR O'Neil/Garcia Richard LAST UPDATED _____ HB _____

SHORT TITLE Allow Open Primary Elections SB 650

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Unknown	Unknown	Unknown	Recurring	SOS Operating Budget

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 650 amends the New Mexico Election Code in the following ways:

- Modernizes the language by making it gender-neutral.
- Allows voters who are not registered as members of a political party to vote in a party's primary election if that political party's rules allow for non-members' participation.
- Allows a person to vote for a candidate of a party different from the party designation shown on the voter's certificate of registration if that voter "is the type of non-member who is allowed to participate in the party's primary election process."
- Allows for a person to vote for a candidate of a party other than the one listed on their voter registration in a presidential primary election if the rules of a party participating in the primary election allow nonmember participation.

FISCAL IMPLICATIONS

The SOS states that there may be additional programming requirements necessary to provide independent and minor party members with the correct major party ballot if that independent or minor party member is allowed to vote in a major party primary. The SOS did not provide an estimate of the cost to update the voter registration system to comply with SB 650.

SIGNIFICANT ISSUES

The SOS writes:

The primary election voter roster is a single roster of all qualified electors for that particular election, currently containing only registered democrats and republicans. If the major parties issued different rules allowing independent or minor party voters to vote the party's particular ballot style, those voters would have to be added to the signature rosters. If both major parties allow for independent or minor party voter participation in the primary, the poll workers would have to make a determination as to which ballot to issue to the voter which could increase the opportunity for errors. Processes would need to be developed to minimize the issuance of incorrect ballots to these voters, as those types of errors can call into question the validity of an election.

CJ/bb