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FISCAL IMPACT REPORT

ORIGINAL DATE 2-1-09

SPONSOR Madalena LAST UPDATED _____ HB 390

SHORT TITLE Deceased Native Americans off Voter Rolls SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Indian Affairs Department (IAD)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 390 amends Section 1-4-25 NMSA 1978 to allow tribal governments, or tribal enrollment clerks on behalf of the tribal government, to remove deceased members of their tribe from the county voting rolls by submitting a notarized document to a county clerk attesting that a tribal member is deceased.

FISCAL IMPLICATIONS

Improving the accuracy of voter rolls will help reduce the number of ballots purchased unnecessarily.

SIGNIFICANT ISSUES

HB 390 proposes an alternative process for tribes to notify the county clerk's office to remove the name of a deceased tribal member from their voting rolls. Currently, all deceased residents of New Mexico are removed from a county's voting rolls through a process that relies on a certified list of deceased residents from the State Registrar of Vital Statistics. However, the Indian Affairs

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Department expresses some concern by Native American communities that voting rolls are not updated quickly enough under the current system. The IAD has learned that Native American voters have identified deceased relatives on the voting rolls as they go to vote, which can be a disturbing experience for them.

The Secretary of State says “Currently there is no mechanism to remove deceased voters from the voter rolls if they resided in an Indian nation, tribe or pueblo. This bill will allow the president or governor of an Indian nation, tribe or pueblo, or a tribal enrollment officer to send a notarized document indicating that a tribal member is deceased.”

It is important to note that inaccurate voting rolls can provide opportunity for voting fraud.¹ Rolls that contain duplications, deceased or fictional voters undermine voter confidence in the outcome of an election and provide opportunity for names to be used fraudulently during an election.² HB390 would provide another process to ensure voting rolls accurately reflect the voting public.

EO/mt

¹ Hearne, Mark F. “Testimony before the US Commission on Civil Rights” (October 13, 2006), 44. Text from: *Voter Fraud and Voter Intimidation* United State Commission on Civil Rights. Retrieved January 29, 2009, <http://www.usccr.gov/pubs/voterfraud102408.pdf>.

² Ibid.