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## FISCAL IMPACT REPORT

**SPONSOR** Rodefer                      **ORIGINAL DATE** 02/20/09  
**LAST UPDATED** 03/09/09      **HB** 757/aHCPAC  
**SHORT TITLE** Mail-in Conservancy District Election Ballots      **SB** \_\_\_\_\_  
**ANALYST** Hoffmann

### APPROPRIATION (dollars in thousands)

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to House Bill 416

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)  
Office of the State Engineer (OSE)

#### No Response

Secretary of State (SOS)  
New Mexico State University (Department of Agriculture)

### SUMMARY

#### Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment makes the following changes to House Bill 757.

It clarifies in Section 3 amending 73-14-24 Subsection B NMSA 1978, and in Section 6 amending Section 73-14-28.1 NMSA 1978 that the members of boards of directors of conservancy shall make an exception to the mail-in ballot voting requirements (Sections 73-14-18 through 73-14-30 NMSA 1978) by referring to a new Section 73-14-29.7 NMSA 1978 that applies to qualified electors on pueblos.

A new Section 14 is added to the bill which enacts a new Section 73-14-29.7 NMSA 1978. This describes the procedures for voting by qualified electors who reside in a pueblo. The ballots are to be mailed to the governing body of the pueblo rather than the qualified electors themselves.

The governing body of the pueblo is charged with conducting the election for qualified electors residing on the pueblo.

Synopsis of Original Bill

House Bill 757 requires mail ballot elections in certain conservancy districts throughout the state. The bill requires a notice to be published in a newspaper of general circulation within each county of the district 20, 10 and 5 days before the election. The notice will state the time and purpose of the election and that each qualified elector will receive a mail-in ballots prior to the election.

The bill requires the election officer or director responsible for administering the elections to prepare separate ballots for each county within a district or one ballot for the entire district.

The bill also provides for the procedures to follow in collecting, counting, challenging and checking ballots.

**FISCAL IMPLICATIONS**

House Bill 757 makes no appropriations.

The DFA Local Government Division offered the following comments.

Conservancy districts can expect a relatively insignificant reduction in costs because the bill replaces in-person voting (at polling places) with mail-in voting. Replacement ballots must be provided at district offices for those who do not receive mail-in ballots.

Specifically, savings could be expected as districts would no longer have to transport voting machines to and from polling places and pay judges to monitor both early and Election Day voting. Cost increases could be expected in the form of postage and envelope purchases and by increasing the number of judges from a minimum of two to a standard of three for ballot counting.

Under the terms of the bill it is unclear whether or not conservancy districts are required to pay for the return postage of the mail-in ballots.

**SIGNIFICANT ISSUES**

The DFA Local Government Division contributed the following comments.

House Bill 757 is presumably intended to increase voter participation in conservancy district elections and possibly to reduce the costs of those elections.

Although the bill requires notice that qualified electors will receive mail-in ballots to be published 20, 10 and 5 days before the election, it also requires election materials to be mailed no later than 30 days prior to the election. The published notice is required after ballots have already been mailed to electors.

The bill also allows a qualified elector who certifies that he/she hasn't received a mail-in ballot to be issued a replacement ballot at the district office any time prior to 5:00 pm on the evening before election day. In conjunction with the late notice requirement, a significant number of electors could receive two ballots – one "replacement" ballot and one ballot received in the mail.

The OSE suggests that by implementing a system of voting by mail-in ballots, the bill likely would enhance the participation of qualified electors in conservancy district elections.

### **PERFORMANCE IMPLICATIONS**

The DFA Local Government Division states that administering mail-in ballots should be a more streamlined and efficient process compared to providing early and Election Day in-person voting at polling places.

### **RELATIONSHIP**

House Bill 757 is related to House Bill 458, which authorizes land grants to conduct early or absentee voting for the board of trustees.

### **TECHNICAL ISSUES**

The DFA Local Government Division made the following recommendations.

1. Change the publishing requirement for notice of mail-in ballots to no later than 35 days before the district elections.
2. Restrict the period in which a qualified elector can receive a replacement ballot to no earlier than 15 days before Election Day.

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