

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 FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 03/12/09

SPONSOR HJC LAST UPDATED _____ HB 833/HJCS

SHORT TITLE Paper Ballot Election Code Updates 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

Attorney General's Office (AGO)

County Clerks Affiliate (CCA)

No Responses Received From

Secretary of State (SOS)

SUMMARY

Synopsis of HJC Substitute Bill

The House Judiciary Committee substitute to House Bill 833 amends multiple sections of the Election Code to provide for the use and disposition of paper ballots. It is a comprehensive attempt to update the Election Code after the State's decision to use paper ballots in all elections. It removes additional archaic language in the election code related to lever voting machines and ballot labels. It also continues to clarify the election code in removing the distinction between "ballots", "paper ballots", and "absentee ballots", which are now all the same.

Aside from the updates, it also revises the requirement related to elections other than the primary, general and special federal elections that instead of two judges and clerks from different political parties serving on the election board only one judge and one clerk be on the election board.

SIGNIFICANT ISSUES

The County Clerks Affiliate points out that since the state went to an all paper ballot system of voting in 2006, there has been a necessity to revise the Election Code to reflect that fact. This bill merely updates the code to reflect the reality of our paper ballot system. Without enacting this important update, the conduct of elections can be at risk of litigation, due to an absence of correct procedures for the use of paper ballots. This proposed bill will correct a glaring deficiency in the Election Code.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

According to the AGO, some of the language of the provisions amended by this bill would, without amendment, potentially conflict with the paper ballot system that the State has adopted.

The County Clerks Affiliate further adds that this bill is a major clean up of the Election Code. It goes a long way toward finishing the job of transitioning to all paper ballots. The consequences of not enacting this bill are that the Election Code will remain confusion and more of a “guide” instead of actual direction on how to administer elections.

EO/svb