

Secretary of State's Office

2019 Legislative Priorities for Election Administration and Campaign Finance Regulation

Presented to the Interim Committee on Courts, Corrections and Justice

October 18, 2018

Election Administration Priorities:

**1. Sufficient Funding for the SOS and Election-related Expenses**

- Full Funding for FY 2020 Budget
- Supplemental Funding for FY 2019 to pay for 2018 General-related expenses
- \$440k to be returned to the Public Election Fund
- Local Election Act Fund Gap
- Election Fund Proposal – County Clerk Initiative

**2. Election Code Update to include fixes to Local Election Act (LEA)**

- The LEA will be implemented for the first time in 2019
- Several fixes have been identified by entities involved (i.e. SOS, original Bill sponsors, County Clerks, School Boards and Administrators, and other stakeholders) that need to be addressed before the first implementation

**3. Codifying/Expanding Automatic Voter Registration**

- Current system – administratively developed by SOS, and by and through MVD, is “front-end opt-out,” whereby the voter can choose not to register or update at the beginning of the transaction. However, all customers of MVD who are identified as citizens of the US are asked if they would like to register or update.
- SOS would like to codify this and expand to other state agencies (i.e HSD)

**4. Same Day Voter Registration**

- New Mexico has one of the earliest VR deadlines in the country
- Voters are turned away or issued provisional ballots
- Voters cannot vote across counties
- Voters cannot participate in Primaries if they are not registered with a major political party
- Will assist in keeping voter registration database up-to-date

**5. Open Primaries**

- Every Primary Election, thousands of voters are denied the ability to vote in the Primary, often because they are mistaken about how they are registered
- Primaries are paid for by all taxpayers, even if they are not eligible to vote in them
- Non-major party voters are often denied the ability to make the ultimate choice in their elections because their districts are heavily skewed toward one party or the other, and their only real choice is in the Primary

- Primary participation leads to General participation → improving overall participation

#### **6. Electronic Signature verification**

- Every Primary Election, costly and time-consuming legislation is undertaken in order to remove candidates from the ballot
- Requirements for completing nominating petition “headers” may lead to candidate disqualification due to technical errors
- Implementing Electronic Signature verification, whereby candidates can collect signatures using a signature pad and have those signatures instantaneously validated against the statewide voter registration system (SERVIS), will:
  - Enable candidates to collect and turn in valid petition signatures on the front-end
  - Ensure signatures are validated by entering Personal Private Identifier Information (PII) so that SERVIS can immediately notify the collector whether the person is qualified to sign the petition and whether that signature counts
  - Help avoid costly and time-consuming post-filing day litigation
  - Ensure voter confidence in the accuracy of petition signatures
  - Ensure that candidates are not disqualified due to technical errors

#### **7. Penalties and Legal Remedies to address Candidates/Elected Officials who Reside Outside their Districts**

- Currently, state law requires candidates to be residents of their districts to qualify to run for office (except for US House of Representatives)
- Current law only provides for a challenge of candidacy of candidate’s residency during 10-day period following candidate deadline to file for office
- No other penalties or remedies for candidates who are discovered to live outside district after 10-day period, or who may move out of district after they are elected

#### **8. Narrowly-Defined Transparency Exemptions for Sensitive Election Security-Related Documents; Voter Data-related investigations**

- SOS will seek a narrowly-defined exemption to IPRA for documents with Federal FOIA restrictions, and documents that include specifics with regard to Election Security and Cyber Security planning and implementation (to include testing, identification of vulnerabilities, implemented fixes, etc.)
- SOS will also seek a narrowly-defined exemption to IPRA in order to conduct investigations related to voter data that includes PII and/or MVD data information, which is already protected by Federal Law

#### **9. Fix to Confidential Address Program (CAP) to allow for Confidential Voting**

- Current CAP statutes do not prescribe a method for CAP participants – who are survivors of Domestic Violence and Stalking, to register and vote confidentially

## **Campaign Finance**

### **1. Campaign Reporting Act (CRA) Fixes**

- The SOS Campaign Finance Administrative Rule should be codified to ensure compliance with requirements
- The SOS Campaign Finance Rule did not address several components of previous CRA fixes that can only be determined by the legislature

### **2. Voter Action Act Fixes**

- Lower the distribution from the Public Election Fund for unopposed candidates
- Need a mechanism to allow for candidates who run for vacancies that arise after the VAA filing deadline
- Need a mechanism to create a level playing field for VAA candidates when a privately-funded candidate outraises them, since previous mechanism (matching funds) was found unconstitutional

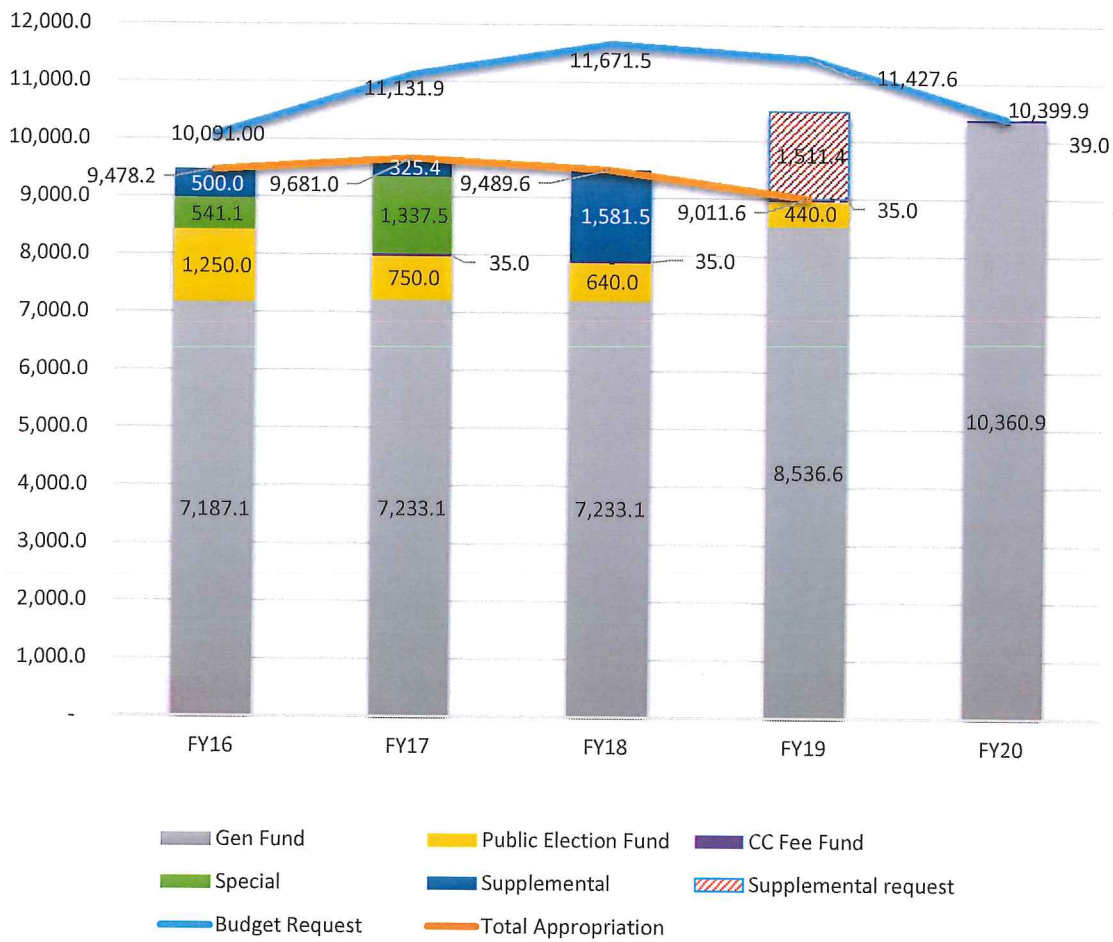
### **3. Create Enforcement Mechanisms for PRC-related and other Entity-specific Campaign Reporting Requirements**

- Currently, the PRC has special limitations that apply to its candidates that are not included in the Campaign Reporting Act
- No clear enforcement mechanism or entity for those seeking election to the PRC who violate the PRC-specific requirements
- SOS will seek to move those provisions into the CRA (Article 1, Chapter 19, NMSA) to allow for ease of enforcement

## **Other Possible Election-Related Legislation:**

1. Permanent Absentee Ballot Listing
2. Expansion of Tribal Polling Locations/Mobile Early Voting
3. Election Security Requirements

## SOS Budget Request/Appropriations



	FY16	FY17	FY18	FY19	FY20
Budget Request	10,091.00	11,131.9	11,671.5	11,427.6	10,399.9
Total Appropriation	9,478.2	9,681.0	9,489.6	9,011.6	-
Gen Fund	7,187.1	7,233.1	7,233.1	8,536.6	10,360.9
Public Election Fund	1,250.0	750.0	640.0	440.0	-
CC Fee Fund	-	35.0	35.0	35.0	39.0
Special	541.1	1,337.5	-	-	-
Supplemental	500.0	325.4	1,581.5	-	-
Supplemental request	-	-	-	1,511.4	-