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FISCAL IMPACT REPORT

SPONSOR: Cordova DATE TYPED: 03/05/01 HB 931/aHVEC

SHORT TITLE: Update Voting Systems Statutes SB _____

ANALYST: Woodlee

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	(Up to \$2,000.0)	(Up to \$2,000.0)	Recurring	General Fund
	Up to \$2,000	Up to \$2,000	Recurring	Electronic Voting Machine Revolv- ing Fund
		See Fiscal Implication Narrative		

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Secretary of State
LFC Files

SUMMARY

Synopsis of HVEC Amendment

The House Voters and Elections Committee amendment to House Bill 931 adds a definition of “voting system” to the bill. In addition, the amendment adds the provision that all voting systems for use in New Mexico must meet Federal Election Commission standards and must conform to state information technology rules, standards and practices and be tested by an independent authority. Also, the amendment removes the cap on the amount a contractor may be compensated to service a voting system. Finally, the amendment changes the membership of the testing committee to remove the director of the Information Systems Division of the General Services Department and the State Chief Information Officer.

Synopsis of Original Bill

House Bill 931 amends the election code by updating terminology to be consistent with today's technology. The bill also sets new standards for the certification of "touch screen" voting systems. In addition, the bill increases the amount of funds that do not revert from the Electronic Voting Machine Revolving Fund.

Significant Issues

The bill updates the terminology for voting machines. Any reference to "voting machine" is now referred to as "voting system." The bill also amends the amount of funds that must be reverted to the general fund from the Electronic Voting Machine Revolving Fund from any amount over two million dollars to any amount over four million dollars, therefore allowing more money to be available to the counties for voting system expenditures. One reason for this would be the introduction of systems that contained sophisticated technologies. Also, systems may be required to be accessible to voters with disabilities, thus adding costs. One such system that falls under both the technology and accessibility issues is a touch-screen system. The bill adds new material to provide standards for the certification of touch-screen direct recording electronic voting systems. The bill stipulates that the system shall:

1. Meet performance and test standards of the federal election commission;
2. Be an electronic computer-controlled system that has direct recording and tabulating capabilities;
3. Have internal operating system software and firmware that:
 - a. Is specifically designed for the election application;
 - b. Is contained within each touch-screen voting system;
 - c. Is stored in a nonvolatile memory within each terminal;
 - d. Includes internal quality checks; and
 - e. Includes comprehensive diagnostic to ensure failures do not go undetected;
4. Have a battery back-up system with power reserves for two hours;
5. Have an internal audit trail system
6. Have a unique embedded internal serial number for audit purposes;
7. Be a stand-alone, non-networked election system;
8. Employ a unique, electronically implanted election-specific internal security code;
9. Be designed to accept challenged or fail-safe ballots and allow voters to choose their ballot language directly on the system;
10. Be designed to accommodate the maximum number of ballot styles or ballot variations;
11. Employ scalable technology that allows easy enhancements that meet federal election commission standards and can take advantage of new election technology;

12. Have electrical components mounted on printed circuit boards;
13. Have a realtime clock capable of recording and documenting the total time poles are open;
14. Prevent any voter from selecting more than the allowable number of candidates for any office ;
15. Present the entire ballot to the voter in a series of sequential pages that include methods to ensure the voter sees all ballot options on all pages before completing their vote;
16. Have a privacy curtain within which the voter can cast its vote;
17. Have a color touch-screen that is at least fifteen inches in diagonal measure; and
18. Be able to accommodate wheelchair voter without the intervention of a poll worker, other than minor adjustment.

FISCAL IMPLICATIONS

There is no appropriation contained in the bill.

The bill amends statute to allow for additional funds to remain in the Electronic Voting Machine Revolving Fund. Currently, any amount at the end of the fiscal year over two million dollars will revert to the general fund. The bill amends this threshold to be four million dollars in order to have sufficient funding available to counties who purchase new voting systems that have sophisticated touch-screen technology and/or allow for use by persons with disabilities.

MW/njw