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FISCAL IMPACT REPORT

SPONSOR Sandoval DATE TYPED 2/4/03 HB 500

SHORT TITLE Update Outdated Election Code Language SB _____

ANALYST Collard

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State
Attorney General

SUMMARY

Synopsis of Bill

House Bill 500 proposes to amend several sections of the Election Code to comply with the Help America Vote Act. The amendments delete archaic language relating to the computerized voter file and create new definitions that correspond to standard technological terminology. Changes include

- Prohibiting the use of voter data for prosecution for anything other than violations of the Election Code,
- Changing the ordering of the definitions of voting file matters,
- Clarifying how the voter file will be maintained,
- Limiting the use of full social security numbers, and
- Deleting certain voter file duplication requirements.

Significant Issues

The Attorney General notes, as a general rule, the Election Code needs to be very clear or the county clerks and Secretary of State will face exposure in disputed litigation:

- (a) Section 1 prohibits the use of the voter data by the federal government and it is unclear whether a state law can do this.
- (b) Section 4 reinserts the old definitions for “special voter list”, “voter data”, “voter file” and “voter list.” In past litigation, there has been some confusion whether these terms overlap (or not) or are subsets of each other.

FISCAL IMPLICATIONS

There are no significant fiscal implications associated with this bill.

KBC/lg