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FISCAL IMPACT REPORT

SPONSOR Fox-Young DATE TYPED 1/25/05 HB 22

SHORT TITLE Require Election Reporting in 48 Hours SB _____

ANALYST Medina

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | NFI | | | | |
| | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Relates to elections

SOURCES OF INFORMATION

LFC Files
Secretary of State

Responses Received From

Secretary of State

SUMMARY

Synopsis of Bill

House Bill 22 amends the Election Code with a section on the post-election reporting of ballots cast. The bill calls for the county clerks to determine the number of each type of ballot cast in each county and then transmit that information to the Secretary of State. The bill further requires the Secretary of State to report on the number and type of each ballot cast statewide within 48 hours of the election.

Significant Issues

The bill does not specify whether the 48 hours begins at 7:00 PM on Election Day, the closing of the polls statewide or how the information is to be reported by the Secretary of State, nor is a deadline for county clerks to report to the Secretary of State specified.

The Secretary of State's ability to report would depend on the number and type of ballots cast would depend on the timeliness of the county clerks in counting the ballots. Accurate tallies and paper reports should nonetheless be able to be produced in a timely manner.

PERFORMANCE IMPLICATIONS

This bill provides for an activity performed by the Secretary of State that could potentially be recorded for the purposes of performance-based budgeting. This performance would be heavily dependent on the timeliness of the county clerks in their reporting to the Secretary of State.

OTHER SUBSTANTIVE ISSUES

According to the Secretary of State:

“The capability of the Secretary of State to report the number of each type of ballot cast in an election within 48 hours depends on the transmittal of information from the county clerks in a timely manner.

For county clerks to “determine” the number of each type of ballot cast and transmit this information to the Secretary of State by the “closing of the polls” is logistically improbable:

- (1) Provisional ballots are not canvassed at the precincts, they are canvassed by the county canvassing board which convenes three-days after the election to begin the canvassing process;
- (2) Provisional ballots cannot be tallied until they are qualified;
- (3) Precincts are often miles away from county clerk's offices and transmittal of ballots cast by type does not occur at the ‘closing of the polls’.”

The bill does not require that the county clerks determine the validity of each ballot cast prior to reporting on the number and type of each ballot cast.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Status quo.

DXM/lg