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FISCAL IMPACT REPORT

SPONSOR Fox-Young DATE TYPED 1/31/05 HB 24

SHORT TITLE Counting of Voting-Machine-Rejected Ballots 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 the Election Code

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State

SUMMARY

Synopsis of Bill

House Bill 24 amends the Election Code with a requirement that an absent voter precinct board member, in the presence of two challengers from different political parties, create a duplicate of a rejected absentee ballot. Rejected absentee ballots are defined as ballots damaged, defective or marked in a manner that results in its rejection by a voting machine. The bill requires that the duplicate ballot be labeled with a serial number and then counted and tallied by a voting machine. The duplicate ballot would then accompany the original ballot and be handled in the same manner as an emergency ballot. If there is a recount, a candidate may request that rejected ballots and their duplicates be rechecked for accuracy and then recounted.

Significant Issues

The bill calls for the judgment of an absent voter precinct board member to be the correct interpretation of the voter's intent. Also, if the markings on a ballot are truly duplicated, the ballot would again be rejected.

TECHNICAL ISSUES

According to the Secretary of State:

“Section 1-6-10, Subsection C NMSA 1978: “At 5:00 p.m. on the Monday immediately preceding the date of election, the county clerk shall record the numbers of the unused absentee ballots and shall publicly destroy in the county clerk’s office all such unused ballots. The county clerk shall execute a certificate of destruction, which shall include the numbers on the absentee ballots destroyed. A copy of the certificate of destruction shall be sent to the secretary of state. All voting machines in New Mexico are programmed to reject spoiled ballots for hand tallying. If a determination is made that the ballot cannot be hand tallied then it is rejected.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Rejected absentee ballots would continue to be handled and destroyed as prescribed by current statute.

DXM/lg