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FISCAL IMPACT REPORT

SPONSOR Sandoval DATE TYPED 03/10/05 HB 1065/aHVEC
 SHORT TITLE Early Processing of Absentee Ballots SB _____
 ANALYST Wilson

APPROPRIATION

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

Relates to HB 266, HB 361, HB 362, HB 1063, HB 1064, HB 1065, SB 678, SB 680 and SB 735

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Attorney General's Office (AGO)
 Secretary of State (SOS)

SUMMARY

Synopsis of HVEC Amendment

The House Voters and Elections Committee amendment clarifies the section relating to delivery of absentee ballots to absent voter precincts and states the following:

- Beginning at 7:00 a.m. on the Thursday immediately preceding election day, the county clerk in a class A county shall deliver to the special deputy county clerk for delivery to the absent voter precinct board the absentee ballots received prior to that day.
- In non class A counties, the county clerk may deliver to the special deputy county clerk for delivery to the absent voter precinct board the absentee ballots received prior to that day.
- If the clerk chooses to deliver to the special deputy county clerk for delivery to the absent voter precinct board the absentee ballots received prior to the delivery day, the county clerk shall deliver the electronic voting machines that are used for counting absentee ballots voted by mail to the absent voter precinct board at that same time.

Synopsis of Original Bill

House Bill 1065 amends the election code as follows:

The bill adds a new definition for “registering of absentee ballots” to mean “inserting the paper absentee ballot into an electronic voting system for retention until votes may be counted and canvassed.”

The bill allows county clerks on the Thursday immediately preceding election day, to have special deputy county clerks deliver absentee ballots received prior to that day to the absent voter precinct board. Deputy clerks shall issue a receipt for all ballots delivered and shall observe the listing of the names on the official mailing envelopes in the signature rosters. Deputy clerks shall then obtain a receipt executed by the presiding judge and each election judge and shall return the receipt to the county clerk for filing. Receipts shall specify the number of envelopes received by the deputy clerk from county clerk for the absent voter precinct and the number of envelopes received by the absent voter precinct board from the deputy clerk. The bill removes language requiring deputy clerks to remain in the polling place of the absent voter precinct until observing the opening of the official mailing envelope and the deposit of the ballot in the locked ballot box.

Under the personal supervision of the presiding election judge, the election judges shall open the official mailing envelope and the official inner envelope of the absentee ballot and insert it into an electronic voting system to be registered and retained until all votes are counted and canvassed following the close of the polls on election night. The bill eliminates the requirement that inner envelopes be deposited in locked ballot boxes until election day for tallying and furthermore removes the requirement that prior to the closing of the polls on election day, election judges and presiding election judges remove the absentee ballots from the official inner envelopes and count and tally the results of absentee balloting manually or count and tally the results electronically. The bill also removes the requirement that county clerks convene the absentee voter precinct board within three days before the election to alphabetize, enter on the roster and sort absentee ballots.

The bill clarifies that a board of county commissioners must designate a polling place in each absent voter precinct at the time the precinct is created and removes language allowing such a precinct to be consolidated.

The bill allows county clerks five days preceding election day for absent voter precinct polling places to be open for delivery and registration of ballots.

Significant Issues

This bill reforms sections of New Mexico’s Election Code by addressing several key issues affecting the early processing of absentee ballots.

This bill adds a new definition “registering of absentee ballots” to mean inserting the paper absentee ballot into an electronic voting system for retention until votes may be counted and canvassed. For the larger New Mexico counties, this proposal will mean greater efficiency and lead to a more timely count of absentee ballots on election day.

The bill further refines the process of delivering absentee ballots to the precincts and verification

of receipt of the ballots by the presiding election judge.

Absentee voter precinct boards will be allowed, on Thursday prior to election day, to open the official mailing envelope and official inner envelope and register absentee ballots into an electronic voting system to be registered and retained until votes are counted and canvassed.

The SOS believes that passage of this bill will serve to instill a greater level of public confidence in the election process in New Mexico.

ADMINISTRATIVE IMPLICATIONS

This bill will facilitate the election process for the SOS and the county clerks.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB 266, HB 361, HB 362, HB 1063, HB 1064, HB 1065, SB 678, SB 680 and SB 735
SB 735 and HB 1063 duplicate the early opening of absentee envelopes.

DW/yr:lg