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FISCAL IMPACT REPORT

ORIGINAL DATE 2-3-09

SPONSOR Cervantes LAST UPDATED _____ HB 395

SHORT TITLE Same Day Voter Registration SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|------|-------------------------|------------------|
| FY09 | FY10 | | |
| NFI | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB52

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY09 | FY10 | FY11 | 3 Year Total Cost | Recurring or Non-Rec | Fund Affected |
|--------------|------|------------------|------------------|----------------------|-------------------------|------------------|
| Total | | \$0.1 Unknown | \$0.1 Unknown | \$0.1 Unknown | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

House Bill 395 changes the registration statute to allow for registration by qualified electors on Election Day. Qualified voters who register to vote on Election Day in the county, in which they reside, may have their registration accepted. The bill restricts proof of identification to documents with an address that is within the precinct where the elector is offering to vote. The bill also allows individuals who register on Election Day, who lack the requisite proof of residence or who are at a precinct where they do not reside, to cast a provisional ballot.

FISCAL IMPLICATIONS

County clerks would need to be prepared with extra ballots at all polling locations. Ballots are paid for from the state's general fund. The 2008 general election cost \$5.2 million.

SIGNIFICANT ISSUES

The Attorney General's Office states that the legislature has previously created a uniform voter identification requirement and this bill will return to a patchwork system where different voters have to have different requirements.

According to a study presented by the proponents of same day voter registration, turnout could increase by 5.6 percent overall. As a result, that many more ballots would have to be purchased.

Additionally, in a primary election, the bill, in effect, is creating an open primary for anyone who is registering for the first time, or people who are changing their address. They get to select their political party on Election Day.

PERFORMANCE IMPLICATIONS

The bill will require the agencies responsible for receiving voter registration to implement additional measures to assure that early voter registration and same day voter registration can be accomplished and records created and maintained in an orderly manner.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill is related to HB52, which provides for early and Election Day Voter registration. HB52 expressly amends the definition for voter identification requirements in Section 1-1-24.

TECHNICAL ISSUES

Section 1-4-8(A)(6) may create confusion. This section limits the filing of certificates of registration and the Secretary of State's office should be asked to consult with the Department of Justice to ensure this section will be in compliance with all relevant federal requirements.

ALTERNATIVES

A return to electronic voting would take the guess work out of how many paper ballots need to be ordered.

EO/mc