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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/10

SPONSOR Sapient LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Same Day Registration At Early Voting Sites SB 161

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	No Appropriation		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB123

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Secretary of State (SOS)

NM County Clerks Association

Attorney General's Office (AGO)

Administrative Office of the District Attorneys (AODA)

### SUMMARY

#### Synopsis of Bill

Senate Bill 161 permits currently registered voters to update their registration information at early vote sites as well as new voters to register in person at an early vote site. This bill does not permit same day registration on Election Day.

### SIGNIFICANT ISSUES

Both the AGO and AODA point out that the bill still allow for a 28 day period of closed registration excepting the early voting site registration. It is unclear what purpose would be served by the closed period when voters can register during early voting itself. The provisions of this bill seem to make that requirement superfluous, although the twenty-eight day language is still left in the law.

The safeguards in this bill, as reported by the County Clerks Association, are significant: Regular in person registration (i.e.: more than 28 days before an election), no ID is presented.

Under this bill, same day registrants must present physical documentary ID. This ID may be a photo ID or may be a non-photo ID. This bill amends the voter ID section of the Election Code applicable to all voters to require the address on a non-photo ID to match the registration address. In addition, under this bill a same day registrant will receive a regular ballot only if the statewide real-time computer system is operation and the person's information can be entered into the system to verify the person has not and will not vote elsewhere in that election. If the computer system is not immediately operational, the voter is given a provisional ballot.

### **PERFORMANCE IMPLICATIONS**

According to the Secretary of State, new registrations and changes to voters' registrations at early voting sites must be entered into the statewide electronic voter file in order for affected electors to vote on precinct-specific ballots the same day. This will prevent voters from casting ballots at multiple same day voting locations.

### **ADMINISTRATIVE IMPLICATIONS**

There may be an impact on county budgets if the same day turnout is significant, requiring additional staffing at early vote sites. However, at this time the County Clerks believe they can manage the increased turnout at early vote sites that may result from passing this bill.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 123 permits currently registered voters to update their registration information at early vote sites as well as new voters to register in person at an early vote site. This bill does not permit same day registration on Election Day.

### **ALTERNATIVES**

The AODA proposes changing the overall deadline for registering from twenty-eight days prior to the election to a shorter time frame--maybe 7, 10 or 14 days, for all registration, whether done at an early voting site or not. This would give the clerks more time to process the registrations and reduce the chances of fraud prior to the actual Election Day, while still allowing some form of same day registration.

To prevent possible voter fraud, a post election check should be included to ensure no one has voted in more than one county. This is possible after the election and counties enter voter history. The provisional ballot envelopes should be modified to include a "same day" check off box. Then, post election, each voter's envelope should be verified to make sure they did not cast another ballot elsewhere. There might also be a provision that any instance of double voting discovered should be referred to the SOS, AG or DA.

EO/mew