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## FISCAL IMPACT REPORT

SPONSOR Morales ORIGINAL DATE 02/11/10  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Study All Mail Ballots or Voting Centers SJM 42  
ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Aging and Long-Term Services Department (ALTSD)  
NM County Clerks Association

### SUMMARY

#### Synopsis of Bill

Senate Joint Memorial 42 requests a task force chaired by a representative of the New Mexico County Clerks Association and representatives from the Secretary of State, the New Mexico Association of Counties and the New Mexico Municipal League study the feasibility and advisability of using either all-mail ballots or voting centers on election day to contain rising costs, ensure full participation by the voters, provide professional and efficient administration of elections and maintain full compliance and access for persons with disabilities.

### SIGNIFICANT ISSUES

The County Clerks Association sees the memorial as a first step toward cost saving measures.

First, all-mail ballots would eliminate early voting. Early voting, which drives up election costs, requires ballots from every precinct in the county be available and this has resulted in excessive number of ballots being destroyed because of over ordering.

Second, vote centers consolidate polling places in urban areas affording voters the convenience of voting at any vote center and casting a ballot that contains every race and issue that s/he is

entitled to vote.

Aging and Long-Term Services Department adds that having alternatives that address access for people with disabilities and residents of long term care facilities will be beneficial. ALTSD also points out that there is significant literature that addresses the issues of residents in LTCs and their voting records. The problematic issues include such things as the LTCs staff attitudes about a residents' mental capacity, and the unreliable nature of getting mail delivery of absentee ballots to LTCs. The potential for voter fraud has been noted with absentee ballots and residents of LTCs (Kohn, Nina A., Preserving Voting Rights in Long-Term Care Institutions: Facilitating Resident Voting While Maintaining Election Integrity (2007). McGeorge Law Review, Vol. 38, No. 4, 2007. Available at SSRN: <http://ssrn.com/abstract=1216252>.)

The task force requested by SJM 42 to study these voting issues includes agencies and organizations whose task it is to conduct elections; but does not include agencies with expertise in the areas of access to voting for people with disabilities and others, such as seniors and adults with disabilities in LTCs. The New Mexico Governor's Commission on Disability could provide valuable assistance in conducting the study as it is required by statute to work on voting access for people with disabilities. Similarly, ALTSD and its State Long Term Care Ombudsman Program could assist as it works in LTCs to assure residents' rights.

## **ALTERNATIVES**

Suggest that representatives from the Governor's Commission on Disability, ALTSD and the State Long Term Care Ombudsman be included in the task force.

EO/svb:mew