

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 03/02/11

SPONSOR Morales LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Provisional Ballot & Certificate Voting SB 514

ANALYST Aledo

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

County Clerk Affiliate (CCA)

New Mexico Municipal League (NMML)

### SUMMARY

Synopsis of Bill

Senate Bill 514 adds provisional ballots to the municipal election code using the same procedures as are set forth in the Election Code for the handling of provisional ballots. The bill eliminates certificate voting in municipal elections.

### SIGNIFICANT ISSUES

According to the County Clerks Affiliate, provisional ballots serve as a safeguard against voters being improperly turned away from voting. Pursuant to the federal Help America Vote Act, the ultimate determination on the legitimacy of a ballot should not be made by a poll worker, but instead by the county clerk (municipal clerk in municipal elections). Municipal elections are the only public elections in which provisional ballots are not currently used. This legislation would bring the state election code and the municipal election code into agreement regarding provisional voting.

The CCA cautions that the bill in its current form may result in at least partial

**Senate Bill 51 – Page 2**

disenfranchisement of the voter in municipalities that are districted when a voter presents at a polling place outside the district in which the voter is eligible to vote.

**AMENDMENTS**

The CCA suggests the legislation may be enhanced by encouraging the use of ballot on demand technology so that the voter can be provided with a ballot that is valid for the district in which the voter resides.

MCA/mew