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## FISCAL IMPACT REPORT

**SPONSOR** Sanchez, M. **ORIGINAL DATE** 02/04/12  
**LAST UPDATED** 02/15/12 **HB** \_\_\_\_\_

**SHORT TITLE** Straight Party Election Ballots **SB** 218/aSJC

**ANALYST** Hanika-Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (AGO)

Office of the Secretary of State (SOS)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee Amendment will allow cross-over voting for state office contests that use ballots with a STV option.

#### Synopsis of Bill

Senate Bill 218 requires that ballots in general elections have a place to mark a vote for a straight party ticket.

### FISCAL IMPLICATIONS

There may be minimal costs to memorialize the concept in statute; however, barring any unforeseen circumstances, there should be no additional fiscal impact.

### SIGNIFICANT ISSUES

Straight ticket voting (STV) allows voters to choose a party's entire slate of candidates. Voters typically make one punch or mark on the ballot in order to vote for every candidate of that party for each office on the ballot. Currently, there is no provision in statute for a STV option.

The National Conference of State Legislatures notes that a total of 16 states presently offer STV, including New Mexico. With a few exceptions, the STV option is available in all elections, including primaries, and applies to all offices on the ticket, including federal, state and local races. In addition to New Mexico, states with STV include: Alabama, Oklahoma, Indiana, Pennsylvania, Iowa, Rhode Island (3), Kentucky, South Carolina, Michigan, Texas, New Jersey (1), Utah, West Virginia, North Carolina (2) and Wisconsin (4).

1. In New Jersey, STV is available only in primary elections.
2. In North Carolina STV is available for all races except for presidential electors.
3. In Rhode Island, STV is available only in general elections.
4. Eliminated by AB 7(2011), effective as of November 2012 election.

### **PERFORMANCE IMPLICATIONS**

The SOS reports that New Mexico currently has two parties that are qualified as major parties, Democratic and Republican. There are two additional parties that are qualified as minor parties, the Libertarian Party and the Independent Party of New Mexico. Additionally, the Americans Elect Party has submitted petitions to qualify as a minor party and is expected to be certified as a minor party prior to the General Election. Additional minor parties have until April 3, 2012 to submit petitions for qualification as a minor party.

Under this bill, all of those parties would be required to have a STV option on the ballot for the General Election. The SOS office believes this may create confusion, and result in over-votes (votes cast for more than one candidate in each race) or under-votes (no votes cast in certain races on the ballot). If voters have a STV option for minor parties, they may end up not casting votes in races in which those parties do not have candidates.

### **OTHER SUBSTANTIVE ISSUES**

STV has been declining in popularity over the past decade. At least three states did away with it, and a fourth nearly did, during the 1990s. Two more states abolished it in 2006 and 2007, followed by Wisconsin in 2011.

**Georgia** – abolished STV in 1994. Some Democrats in Georgia advocate reinstating it on the basis of several studies that have shown losses for Democrats, particularly among African American voters, since it was abolished.

**Illinois** – abolished STV in 1997. It was a highly partisan battle in Illinois, with the Republican legislature and governor abolishing STV on the last day before the new legislature took office in January 1997. The argument eventually wound up in the Illinois Supreme Court, which in 1998 refused to reverse the decision to abolish STV.

**Michigan** – attempted to abolish STV in 2001 with the passage of SB 173. However, voters repealed the law in the 2002 election after the issue was petitioned on to the statewide ballot.

**Missouri** - abolished STV in 2006 as part of legislation mandating photo identification to vote.

**New Hampshire** - abolished STV in 2007.

**South Dakota** – abolished STV in 1996. South Dakota’s action was bipartisan, with substantial majorities of both parties in the legislature approving the elimination of STV.

**Wisconsin** - abolished STV in 2011, effective for November 2012 elections. STV will remain available for uniformed and overseas citizens absentee voters.

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