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FISCAL IMPACT REPORT

ORIGINAL DATE 02/11 /13

SPONSOR Sanchez, M. LAST UPDATED _____ HB _____

SHORT TITLE Straight Party Voting on Ballots SB 276

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY13 | FY14 | FY15 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| Total | NFI | NFI | NFI | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 276 (SB 276) provides for a new law which requires ballots in a general election to have a place on the ballot for a straight party option for each qualified political party with candidates in two or more statewide contests for state office. When a voter selects the straight party option, a vote will be automatically cast for the candidate of the party chosen in each partisan contest in which the party has a candidate and in which the voter does not cast a vote for a different candidate in that contest.

FISCAL IMPLICATIONS

SB 276 carries no fiscal impact.

SIGNIFICANT ISSUES

Straight party voting (also called straight-ticket voting) allows voters to choose a party's entire slate of candidates with just a single ballot marking. Voters make one mark on the ballot in order to vote for every candidate of that party for each office on the ballot.

New Mexico currently has two major parties. Historically, up to an additional four to five parties qualify as minor parties in presidential election years, with fewer in non-presidential years.

New Mexico statutes previously provided for a straight party option on general election ballots (Laws 1969 and Laws 1977). The legislature repealed those provisions in 1999 (HB 931).

When the straight party option was in statute (Laws 1969 and 1977) a party qualifying to have its presidential candidate or gubernatorial candidate on the ballot would have also qualified to have a straight party option for all its candidates. Under this bill, parties seeking to gain the straight party option for its ticket would have to have a minimum of two candidates qualify for a ballot position.

The Attorney General's Office (AGO) states that there is a pending court case, NM Democratic Party v. NM Secretary of State (NM Supreme Court, filed Oct. 2012), where the Plaintiff asserts that NMSA 1978, Section 1-10-7 should be construed to already require the straight party option and Defendant asserts that there is no current state law that expressly requires the straight party option.

TECHNICAL ISSUES

SB 276 would reinstate prior aspects of straight party voting by permitting voters to choose candidates from parties other than those in the straight party option they have chosen. This portion of the bill may need to be reworded for greater clarity.

A possible rewording might be: "If voters select specific candidates on the ballot in parties other than the straight party option they have selected, their choices for specific candidates in individual races supersede the straight party selection."

OTHER SUBSTANTIVE ISSUES

According to the National Conference of State Legislatures (NCSL) report in October, a total of 15 states (including New Mexico) offered straight-ticket voting. NCSL states that "With a few exceptions, the straight-ticket option is available in all elections, including primaries, and applies to all offices on the ticket, including federal, state and local races. "

The report also stated in a footnote that, "The New Mexico secretary of state has decided not to offer a straight-ticket option in the November 2012 election. While it has historically been offered by tradition, it is not required by the state statutes or constitution."

However, in the same report, NCSL also notes that straight-ticket voting "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." (Reference <http://www.ncsl.org/legislatures-elections/elections/straight-ticket-voting.aspx>)