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FISCAL IMPACT REPORT

SPONSOR Steinborn/
Roybal Caballero ORIGINAL DATE 1/31/19 LAST UPDATED _____ HB _____

SHORT TITLE Register to Vote Three Days Prior to Election SB 52

ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			See Fiscal Implications

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 86, HB 93 and HB 292
Conflicts with HB 86 and HB 93

SOURCES OF INFORMATION

LFC Files

Responses Received From
Secretary of State's Office (SOS)

Responses Not Received From
New Mexico Counties, County Clerks Affiliate (CCA)

SUMMARY

Synopsis of Bill

Senate Bill 52 adds a section to the Election Code to permit qualified electors who have not registered to vote or who need to update their registration to register and cast a ballot at an early voting site. If the qualified elector otherwise meets the conditions for registration, but the early voting site does not have real-time access to the statewide electronic voter file, the bill provides that the voter shall be issued a provisional ballot. SB 52 does not allow voters to update their registrations to change their political party affiliation at an early voting location.

By permitting persons to register at early voting sites, SB 52 effectively allows those persons to register three days before an election in contrast to the cutoff date of 28 days before the election for other registrations. This would allow a qualified elector to register and vote during the period in which absentee and early voting is being conducted.

SB 52 makes conforming amendments to current provisions of the Election Code relating to

voter registration and provisional voting; amends Section 1-12-20 NMSA 1978 to allow a challenge to a person offering to vote for the reason that the person is not a qualified elector, and amends Section 1-4.5.1(D) to provide that individuals who have filed for an order of protection under the Family Violence Protection Act may register to vote without publicly disclosing their physical address under the Confidential Substitute Address Act.

The effective date of SB 52 is July 1, 2019.

FISCAL IMPLICATIONS

SB 52 would enable a person to register and vote at an early voting location. This is commonly known as Election Day or same day voter registration. According to the National Conference of State Legislatures (NCSL), potential costs associated with implementing same day registration are the purchase of additional equipment, updates of existing statewide voter registration systems to accommodate Election Day registration, and increased election staff or poll workers to process same day registrations. See Same Day Voter Registration, www.ncsl.org (last visited 1-21-19).

SOS states that it does not anticipate any fiscal impact to the state, and any costs associated with the bill are likely costs borne by the counties. Those costs would include an additional internet connected computer station and authorized representative staff with access to SERVIS at each early and Election Day voting site, as required by the bill.

SIGNIFICANT ISSUES

NCSL reports that, as of November 2018, 17 states and the District of Columbia offer same day registration. SOS states that studies indicate an increase of five percent (5%) on average in voter participation when individuals are allowed to register to vote and cast a ballot at the same time. While there are many factors that contribute to this increase, SOS explains that it is prudent to attribute a portion of the rise to the convenience of being able to handle all aspects of one's participation in democracy in one day, instead of a two-step process, with each step at least one month apart from the next.

NCSL notes that security concerns have been raised in connection with Election Day registration; however, SB 52 includes several of the processes employed in other states to ensure the security of Election Day and early voter registration. Those security measures include: proof of identity and residency; requiring the person desiring to register to make an oath; in-person registration; and casting of provisional ballots when the polling place or early voting site lacks real-time access to the statewide electronic voter file. In addition, New Mexico imposes criminal penalties for fraudulent voting. See, e.g., NMSA 1978, Sections 1-20-3 (registration offenses), 1-20-8 (false voting), 1-20-8.1 (fraudulent voting).

PERFORMANCE IMPLICATIONS

According to SOS, most early voting locations currently utilize ballot on demand (BOD) systems to check in and issue a ballot to a voter. While BOD systems are not currently connected in real time with the statewide voter registration system, there is a data exchange that occurs numerous times throughout the day.

SOS is working toward implementation of additional real-time information exchanges between

the systems and would require that a stable internet connection be available during voting at all polling locations, which is a challenge in many rural locations.

ADMINISTRATIVE IMPLICATIONS

SOS states that it would be required to work with the county clerks to develop procedures for uniform conduct and processing during the time in which registration and voting would be occurring simultaneously as proposed in this bill. Additionally, clerks' staff would need to be available at early voting and Election Day locations to perform the function of voter registration, or updating the record of currently registered voters.

SOS states that procedures will be required to ensure that a voter whose street address is not publicly disclosed in accordance with the Confidential Substitute Address Act is assigned to the appropriate precinct.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 52 relates to HB 86, Election Day & Early Voting Registration, HB 93, Primary Election Participation by DTS Voters, and HB 292, Early Voting Privacy

SB 52 conflicts with HB 86 because both bills amend Sections 1-4-5.1, 1-4-8, 1-12-8, & 1-12-25.4 NMSA 1978

SB 52 conflicts with HB 86 and HB 93, because the three bills amend Section 1-12-10 NMSA 1978

TECHNICAL ISSUES

Section 1(A)(3) of the bill permits a person to register to vote at an early voting site, provided the person "subscribes an application to vote." Presumably, this means the person is required to make an oath on or with the certificate of registration, but the language used in the provision is not clear.

OTHER SUBSTANTIVE ISSUES

SOS suggests that new voter identification requirements might be considered for purposes of registering and voting on the same day, in order to avoid creation of duplicate registration records.

BG/gb