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FISCAL IMPACT REPORT

SPONSOR Pope ORIGINAL DATE 03/04/21
LAST UPDATED 03/12/21 HB _____
SHORT TITLE Absent Voter Act SB 235/aSRC
ANALYST Nichols

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

National Conference of State Legislatures (NCSL)

Responses Received From

Secretary of State (SOS)

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment to Senate Bill 235 exempts voters who are subject to the Intimate Partner Violence Survivor Suffrage Act from the provisions of the bill. Such voters are already automatically sent an absentee ballot and are not required to submit an application.

The amendment also makes a correction to the proposed language in the application for permanent absentee list and elsewhere to refer to elections that “include” a voter’s precinct, not merely “within” a voter’s precinct.

The amendment also strikes Section 2 of the bill, which directs the county clerk to send mailed ballots to voters on the permanent absentee list and provides that voter on the list who are not registered with a major political party are eligible to update their registration at a voting location. SOS notes this removes duplicative language already addressed by the Election Code.

Synopsis of Original Bill

Senate Bill 235 enacts new sections of the Absent Voter Act that would allow any voter, except federal qualified electors subject to the provisions of the Uniform Military and Overseas Voters

Act, to apply to be added to the permanent absentee list in the voter's county by completing an online or paper application. SB235 directs county clerks to process applications in the same manner as applications for mailed ballots; however, the county clerk shall not accept applications where the voter's mailing address on the certificate of registration is outside of New Mexico.

If an application is accepted, the county clerk will add the voter's name to a permanent absentee list. The list must contain the voter's name, year of birth, address, and precinct in the county. A voter will remain on the permanent absentee list and be sent a mailed ballot for each statewide election in which the voter is eligible to vote. Mailed ballots sent to and received from voters on the list are subject to the same deadlines and would be processed and counted in the same manner as other mailed ballots.

If a voter on the permanent absentee list is not registered with a major party 28 days prior to the election, the voter will not be automatically mailed a ballot for the primary election, but could update an existing certificate of registration at a voting location in order to participate in the primary election.

A voter would be removed from the permanent absentee list for the following reasons: if the voter fails to return a mailed ballot in two consecutive elections, including at least one general election; if the county clerk sends a mailed ballot or other piece of election mail to the voter's mailing address that is returned as undeliverable; if the voter's certificate of registration is canceled pursuant to other provisions of the Election Code; if the voter updates a certificate of registration with an address outside of the county; or if the voter submits a written request to the county clerk requesting to be removed from the permanent absentee list. The county clerk must take necessary steps to attempt to notify a voter who has been removed from the list. Once removed, a voter must submit a new application to be re-added to the list.

The effective date of this bill is January 1, 2022.

FISCAL IMPLICATIONS

The Secretary of State (SOS) does not anticipate any costs related to updating applications and application processes. SOS indicates it could experience a modest cost saving if the overall volume of absentee ballot applications is reduced due to voters choosing to sign up for the permanent absentee list.

SIGNIFICANT ISSUES

Currently, voters must submit an application for a mailed ballot prior to each election. County clerks can choose to deliver mailed ballot applications to all eligible voters, but cannot automatically send mailed ballots to voters. If SB235 is enacted, voters would have the option to apply for a list to be automatically mailed ballots, or could still apply for an absentee ballot for a single election.

Federal qualified electors are exempt from the bill's provisions, as they are provided mailed ballots based upon existing provisions in the Election Code.

SOS notes that SB235 may reduce the overall volume of absentee ballot applications processed by county clerks prior to each election and could improve voter turnout by automatically sending a ballot to qualified voters who have opted to participate in the list. The bill could also help SOS

and county clerks to better project the overall number of absentee ballots for each election, and provide some cost savings. According to the National Conference of State Legislatures (NCSL), some states allow voters to sign up for a permanent absentee voting list, sometimes known as a “single sign-on” list. As of 2020, five states (Arizona, California, Minnesota, Montana, and New Jersey) and Washington D.C. allowed any voter to join a permanent absentee ballot list. Another ten states allowed some voters to join a permanent list, based on age and/or disability status. Four states automatically send absentee voter applications to voters on a list, but not the actual ballots.

PERFORMANCE IMPLICATIONS

Allowing voters to sign up for a permanent absentee voter list could increase voter turnout.

ADMINISTRATIVE IMPLICATIONS

To comply with SB235, SOS would have to provide a new paper application and update the online absentee application system to allow voters to apply for the permanent absentee list. Both the paper form and online application are maintained by staff, with no additional costs expected.

SOS would also need to update its Statewide Voter Registration System (SERVIS) in order to maintain the permanent absentee list in each county. Costs would be covered under the current maintenance agreement with the system vendor.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 48 makes a number of changes to the Election Code, including changes to processes for mailing and receiving absentee ballots.

OTHER SUBSTANTIVE ISSUES

During the 2020 primary election, New Mexicans cast over 417 thousand ballots, representing a turnout of 42 percent. Absentee ballots accounted for nearly two-thirds of all ballots. SOS sent postage-paid absentee ballot applications to all registered major party voters for the primary election. The November general election saw a turnout of nearly 69 percent, with just over one-third of votes cast by mail.

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