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FISCAL IMPACT REPORT

SPONSOR: Sandoval DATE TYPED: 2/19/03 HB 383/aHVEC

SHORT TITLE: Conform to Federal Election Requirements SB _____

ANALYST: Collard

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$2,500.0	Recurring	General Fund
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	(\$2,500.0)		Recurring	General Fund
	\$2,500.0		Recurring	OSF
	\$5,000.0		Recurring	Federal

(Parenthesis () Indicate Revenue Decreases)

Relates to HB17 and HB216

SOURCES OF INFORMATION

Responses Received From
 Secretary of State
 Attorney General's Office

SUMMARY

Synopsis of HVEC Amendment

The House Voters and Elections Committee amends House Bill 383 to change the length of the election cycle from the end of one general election through the end the next general election to the beginning of one general election through the end of the next general election. It also reduces the felony charge on a person who unlawfully copies, conveys, or uses information from a

certificate of registration from a fourth degree felony to a third degree felony.

Synopsis of Original Bill

House Bill 383 amends several sections of the Election Code to bring New Mexico into compliance with the “Help America Vote Act” (HAVA) of 2002. It requires the Secretary of State to adopt rules regarding the implementation of HAVA, provides for an administrative procedure for hearing complaints on violations of HAVA, and amends a number of Election Code sections relating to voter registration, agency registration, conducting of elections, voting systems, absentee voting, and voting on state constitutional amendments.

Significant Issues

House Bill 383 enacts or amends the following areas of the Election Code:

- ? Defines “election cycle,” “provisional paper ballot,” and “a vote” on a voting system;
- ? Sets forth the specific procedures for the use of provisional paper ballots;
- ? Mandates that a person who is registering to vote in the state for the first time must submit some identification showing his/her name and address;
- ? Requires a person who registered without showing identification to produce some identification showing his/her name and address either at the polls or with his/her absentee ballot;
- ? Requires first-time voters who fail to submit identification to vote on a provisional paper ballot;
- ? Sets forth the specific procedures for determining whether to count provisional paper ballots;
- ? Requires the certificate of voter registration to include questions regarding the voter’s eligibility;
- ? Provides that all information on a certificate of voter registration, except for the voter’s social security number and date of birth, is public record;
- ? Allows an absent uniformed services voter or overseas voter to submit an absentee ballot application any time before the general election; and
- ? Increases the electronic voting system revolving fund’s carryover amount at the end of each fiscal year from \$4,000.0 to \$6,500.0. Any amount in excess of \$6,500.0 shall revert to the general fund.

FISCAL IMPLICATIONS

While House Bill 383 contains no appropriation, it increases the Electronic Voting System Revolving Fund capacity from \$4,000.0 to \$6,500.0. The balance in the revolving fund is currently \$1,643.5 and is funded from the general fund. The increase in the bill would require a recurring appropriation of approximately \$2,500.0 from the general fund to this fund. Of the increased funding, \$1,151.2 will be used for a state match required for the federal appropriation of \$5,000.0 to fund voting machines.

Also, an additional FTE would be needed to help manage HAVA implementation, at a cost of approximately \$60.0.

ADMINISTRATIVE IMPLICATIONS

The Secretary of State indicates this bill will severely impact the Bureau of Elections. The de-

partment's ability to serve the public, candidates, county clerks, and meet statutory deadlines will be severely compromised. The department notes that at least one additional FTE will be needed to manage the project.

RELATIONSHIP

House Bill 383 relates to House Bill 216 in the manner of voting for proposed constitutional amendments. House Bill 383 relates to House Bill 17 with regard to voter identification.

OTHER SUBSTANTIVE ISSUES

HAVA contains a "maintenance of effort clause" which requires states to fund elections at a funding level equal to that of the 2000 presidential election. While House Bill 383 does not contain a "maintenance of effort" clause, if the funding declines below the FY00 level, the federal appropriation will not continue. The Secretary of State's budget in FY00 was \$2,100.0.

KBC/sb:yr