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FISCAL IMPACT REPORT

SPONSOR Durán DATE TYPED 3/10/05 HB _____

SHORT TITLE Require Printed Paper Record of Votes SB 997

ANALYST Medina

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|---------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | NFI | | Unknown | Non-Recurring | General Fund |
| | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Relates to the Election Code
Partially duplicates HB 1026 and SB 962

SOURCES OF INFORMATION

LFC Files
Attorney General
Secretary of State

SUMMARY

Synopsis of Bill

Senate Bill 997 amends the Election Code to require all voting systems to provide printed paper records of votes cast on the voting system and displayed to the voter before the ballot is cast. The bill proposes a number of requirements for voting machines that record votes electronically. Among the proposed requirements are that the voting machine be equipped with a storage device capable of producing, printing and storing paper ballot records created on the machine's recording device. The bill also requires that electronic-recording voting machines be capable of storing voted ballots with the recording devices and a removable recording device simultaneously. The bill also requires that the required paper record produced be printed and made available for manual audit and serve as an official record of recount.

Significant Issues

The requirement that stored printed voting records be able to be removed from the recording device for transportation to a central counting place provides an additional safeguarded avenue for audits and recounts of elections.

The Secretary of State contends that this bill, which limits the type of voting machine used in the state, potentially conflicts with the requirements of the federal Help America Vote Act (HAVA). HAVA mandates require voting machines be accessible for disabled persons and language minority populations.

FISCAL IMPLICATIONS

According to the Secretary of State, the fiscal impact of this bill is unknown by may be substantial depending on the type of voting machine system purchased.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 1026 and Senate Bill 926 also require that all voting systems used in elections produce a voter-verifiable paper ballot as the form on which a voter records a vote by marking on the ballot. The bill provides that this paper ballot be the official ballot of record for recounts and audits. It also sets a deadline for implementation of July 1, 2008, or until adequate funding for machine replacement is secured, for counties that do not own or use machines that produce a voter-verifiable paper ballots.

TECHNICAL ISSUES

The Secretary of State stresses the importance of considering Section 1-9-2 NMSA 1978 as it relates to the language in this bill. This section of statute reads:

“1-9-2. Secretary of state; manner of approval.

A. All voting systems approved for use in New Mexico shall meet federal election standards, conform to state information technology rules, standards and practices and be tested by an independent authority.

B. A person desiring to have a type of voting system approved for use in New Mexico may apply to the secretary of state to have the system examined and approved. At the time application is made, the applicant shall direct the independent testing authority to submit its report on the system to the secretary of state.

C. Upon receipt of the report from the independent testing authority, the secretary of state shall examine and study the system. As part of the examination, the secretary of state shall require the system to be independently inspected by two voting system experts and shall require from each of them a written report on the results of their inspection.

D. Upon completion of his examination, the secretary of state shall make a written report on the result of his examination and findings and shall file such report, together with the inspection reports of the two voting system experts, in the office of the secretary of state. Such reports and findings are public records.

E. The secretary of state shall inform the applicant in writing of the findings. If the findings show that the voting system type is adequate for the election needs of New Mexico, it shall be deemed approved for use at elections in the state.”

ALTERNATIVES

Election reform legislation may be analyzed during the interim allowing for more input from voters and others concerned with election reform.