

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 2/21/07

SPONSOR Lopez LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Election Code Procedure Revisions SB 956

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	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 956 provides both substantive changes and election process updates to several sections of the Election Code.

Section 1. New Material. This section allows county clerks to report data by precinct without compromising the secrecy of a voter's ballot.

Section 2. This section amends 1-2-4 so counties, dependent on its voting systems, can use system specific training manuals.

Section 3. This section amends 1-4-5 to state a voter will receive a receipt of their voter registration with listed follow-up contact information. It deletes the prohibition against a third party registration agent from getting a copy of the registration with the voter's social security number.

Section 4. This section amends 1-4-5.1 to state that a mail-in voter registration form shall list the voter ID requirements.

Section 5. This section amends 1-4-5.3 to state that an address with a map of latitude and longitude is permissible and the Secretary of State shall write rules regarding acceptable forms of non-physical addresses.

Section 6. This section amends 1-4-11 to state that the county clerk will try to timely notify a person who has attempted to register to vote on why he was rejected.

Section 7. This section amends 1-4-49 to state that a third party registration agent must provide the organization's officer's name and address. If a violator is in the chain of command, then the organization will be subject to fines. The Secretary of State can refer allegations to prosecutorial authorities.

Section 8. This section amends 1-6-4 to state the Secretary of State shall issue rules to exempt certain voters from submitting identification as required by federal law.

Section 9. This section amends 1-6-5 to state absentee ballots can be mailed to out-of-state applicants.

Section 10. This section amends 1-6-10 to state the county clerk or absent voter precinct board can accept absentee ballots from precincts on Election Day.

Section 11. This section amends 1-6-14 to state that the absentee voter precinct hours shall be consistent with Section 1-6-23.

Section 12. This section amends 1-6-23 to state the absentee voter precinct hours.

Section 13. This section amends 1-8-2 to state that minor political parties shall file candidacy papers 21 days after the primary election.

Section 14. This section amends 1-11-12.1 to state the Secretary of State shall send active registered voters an ID card or other document seventy-five days before the general election.

Section 15. This section amends 1-12-8.1 to allow a voter to provide his receipt from his voter registration form to election workers. The county clerk shall provide a copy to prosecutorial authorities to determine why the voter's registration form was never filed with the county clerk.

Section 16. This section amends 1-12-8.2 to allow the election judge to provide a completed absentee ballot to either the absent voter precinct board or the county clerk.

Section 17. This section amends 1-12-25.2 to allow a voter whose provisional ballot was not counted to appeal to the Secretary of State.

Section 18. This section amends 1-14-15 to delete the fixed dollar amounts on a recount request. A candidate must now provide sufficient cash. The State Canvassing Board shall determine the reasonable cost of the recount per precinct and recheck at least thirty days before the election.

Section 19. This section amends 1-14-22 to use current election terminology.

Section 20. This section repeals 1-6-10.2 regarding reporting by legislative district.

**SIGNIFICANT ISSUES**

It is unclear whether Section 1 and Section 20 accomplish the same purpose.

Section 3 deletes the prohibition against a third party registration agent from getting a copy of the registration with the voter's social security number.

It is unclear whether Section 18, absent instruction to the Secretary of State to promulgate additional rules, will withstand constitutional challenge in light of Cobb v. State Canvassing Board, (No. 29,095) (2006).

**OTHER SUBSTANTIVE ISSUES**

According to the Secretary of State, the bill makes the election process clear, precise and may contribute to reducing costs of elections for local counties and Secretary of State's office.

**POSSIBLE QUESTIONS**

How will these changes impact county clerks?

EO/csd