

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

SPONSOR Madalena ORIGINAL DATE 1/18/08  
LAST UPDATED \_\_\_\_\_ HB 115  
SHORT TITLE Sandoval County Native American Voting Rights SB \_\_\_\_\_  
ANALYST Propst

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$50.0	Non-recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Indian Affairs

### SUMMARY

#### Synopsis of Bill

House Bill 115, makes an Appropriation to Implement the Native American Voting Rights Program in Sandoval County and appropriates \$50 thousand from the general fund to the Department of Finance and Administration for the purpose of implementing the Native American voting rights program in Sandoval County.

### FISCAL IMPLICATIONS

The appropriation of \$50 thousand contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY10 shall revert to the general fund.

### SIGNIFICANT ISSUES

House Bill 115 would provide funding to support the Sandoval County Bureau of Elections Native American Election Information Program. This program provides translation and audio interpretations of ballots in the four Native American languages spoken in Sandoval County,

which is the most of any county in New Mexico.<sup>1</sup> The funds would also be used to hire 10 translators/liaisons who will work with the Pueblos in Sandoval County prior to the elections and during the election to register voters, provide voter information and increase voter turnout among the Native American population.<sup>2</sup> The Rio Rancho Observer notes that past implementation of this program has been successful, as evidenced by San Felipe Pueblo increased voter turnout in the 2006 elections, going from 0% in past elections to 42% in 2006.<sup>3</sup>

According to the Department of Indian Affairs (DIA), Sandoval County is required to implement a Native American Election Information Program pursuant to the ruling of United States v. New Mexico and Sandoval County (1988).<sup>4</sup> That ruling was in response to complaints filed in 1988 alleging that the State of New Mexico and Sandoval County had failed to provide voting and election information in Keres and Navajo and thereby violated Sections 2 and 203 of the federal Voting Rights Act (42 U.S.C. § 1973–1973aa-6).<sup>5</sup> A program extension through January 31, 2009 was ordered on November 28, 2007.<sup>6</sup>

Sandoval County encompasses within its boundaries 10 (ten) Tribes or Tribal entities; Cochiti Pueblo, San Felipe Pueblo, Zia Pueblo, Jemez Pueblo, Santa Ana Pueblo, Santo Domingo Pueblo, Sandia Pueblo, Counselor Chapter-Navajo Nation, Torreon Chapter-Navajo Nation, and Ojo Encino Chapter-Navajo Nation. Importantly, four distinct Native languages are spoken within Sandoval County, including numerous dialects of the same languages: Keres, Towa, Tiwa, and Navajo. House Bill 115 would ensure that translation services and translated voting information are available to all Native Americans voting in Sandoval County during upcoming elections.

## **OTHER SUBSTANTIVE ISSUES**

DIA notes that, according to the Office of the Secretary of State, 57,228 Native Americans were registered to vote in New Mexico as of November 2, 2004.<sup>7</sup> Although the population of Native American eligible voters has increased over the years, many Native Americans still have not registered to vote or do not actively exercise the franchise. Language barriers and other related problems have deterred some eligible Native Americans from participating in the voting process.

WEP/nt

---

<sup>1</sup> Currier, Jimmy, “County Commissioners Make Wishlist.” The Rio Rancho Observer, Jan. 17, 2008. Retrieved 1/17/08, [www.observer-online.com/articles/2007/10/21/news/news1.txt](http://www.observer-online.com/articles/2007/10/21/news/news1.txt).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> US Department of Justice, Civil Rights Division. Voting Section Home Page. Retrieved 1/17/08, [www.usdoj.gov/crt/voting/litigation/recent\\_sec2.htm](http://www.usdoj.gov/crt/voting/litigation/recent_sec2.htm).

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> NM Secretary of State, Native American Election Improvement Program. “Native American Languages in (11) New Mexico Counties with Native American Reservations”. Retrieved 1/17/08, [www.sos.state.nm.us/main/Elections/Native%20American/Lang.html](http://www.sos.state.nm.us/main/Elections/Native%20American/Lang.html).