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FISCAL IMPACT REPORT

ORIGINAL DATE 01/28/10

SPONSOR Madalena LAST UPDATED _____ HB 158

SHORT TITLE Early Voting Precinct Staff SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	\$75.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Companion to HB157
 Duplicates Appropriation in the General Appropriation Act

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	\$0.	\$75.0	\$75.0	\$150.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 New Mexico County Clerks Association

No Responses Received From
 Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 158 appropriates \$75 thousand from the General Fund to Secretary of State for the purpose of funding early voting precinct staff, including native language interpreters at early voting sites.

FISCAL IMPLICATIONS

The appropriation of \$75 thousand contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of 2011 shall revert to the General Fund.

House Bill 158 adds a new cost to the General Fund. The General Fund has not had to cover the cost of early voting precinct staff because the counties have absorbed the costs.

The agency requested native language interpreters for the 2010 primary and general elections. Funds are included in Laws 2009 Chapter 124, Sections 4 and 5(21), which appropriates a total of \$1,825.5 million for costs associated with the 2010 primary election and HB2 includes an additional special of \$217 thousand. HB2 also includes appropriations totaling \$3,050.4 million for 2010 general election costs.

SIGNIFICANT ISSUES

This bill appears to duplicate appropriations for native language interpreters included Laws 2009 Chapter 124, Sections 4 and 5(21), as well as appropriations currently in HB2.

Because 1-6-5.8 begins with the conditional “provided that” failure to fund sub-paragraph G could lead a county clerk to refuse to provide early voting on Native American land, which would result in costly litigation against the state and county.

COMPANIONSHIP

Companion to HB157, which clarifies that the Secretary of State is required to reimburse counties for the costs of voting equipment and personnel for all alternate early voting or mobile alternate voting locations on Indian nation, tribal or pueblo land.

OTHER SUBSTANTIVE ISSUES

The New Mexico County Clerks Association explains that federal law mandates translators for tribes that falls under the provisions of the Voting Rights Act, which requires approximately 5 percent native speakers. New Mexico has several counties that are under consent decrees and must do so as per the U.S. Department of Justice.

EO/mew