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FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/11

SPONSOR Park LAST UPDATED _____ HB 248

SHORT TITLE Absentee Ballot Sent Automatically SB _____

ANALYST Aledo

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Association of County Clerks (ACC)
 Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 248 adds a new section to the Election Code that allows any New Mexico voter to submit a written request to be placed on a permanent absentee voter list. Any voter on the list would automatically receive an absentee ballot application for any election within 45 days of all elections (held pursuant to the Election Code). A voter wanting to be removed from the permanent absentee voter list must request removal in writing. Removal from the permanent absentee ballot voter list may also occur if the voter's status is placed on the inactive voter rolls; or the absentee ballot sent is returned as undeliverable. Failing to complete and return an absentee ballot does not constitute grounds to remove the voter from the permanent absentee voter list.

FISCAL IMPLICATIONS

According to the Association of County Clerks, the state voter registration software, PowerProfile, has the necessary capability to enact the requirements of this bill. The Secretary of State's office contends that maintaining a list and mailing the absentee ballot applications could create additional costs for counties that are not currently using such a list.

SIGNIFICANT ISSUES

The Secretary of State’s office points out that the bill does not include any penalties for wrongfully requesting that a voter’s name be placed on the list. The SOS is also unclear if the “residence address” referenced on page 2, line 13 means the voter’s address on their voter registration, or if it could be a different address. In other words, there is some confusion on whether a voter can opt to have the absentee ballot application automatically sent to a different mailing address.

ADMINISTRATIVE IMPLICATIONS

According to the Association of County Clerks, not all county clerks want to maintain an absentee ballot application list.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 340 would enact a similar process for certain groups.

TECHNICAL ISSUES

The bill title should include the word “application” after the word ballot.

MCA/svb