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FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/11

SPONSOR Garcia, M.P. LAST UPDATED _____ HB 260

SHORT TITLE Conservancy District Mail-In Ballot Elections 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 260 provides the county clerks the powers and authority of the conservancy district's election director and places responsibility for conservancy district elections with the county clerk's office. The clerk would be responsible for conducting elections and selecting election judges. The bill requires conservancy districts elections to be conducted by mail-in ballot.

The bill calls for the compiler of the list of qualified voters to ensure owners of multiple properties within a conservancy district are not listed more than once on the qualified elector list.

The bill allows for the conservancy district's board of directors to promulgate rules for instructions to voters, methods for write-in voting and methods of determining voter eligibility. The bill lists necessary election material and provides that all election materials shall be prepared and printed at the expense of the conservancy district.

HB 260 sets forth a process for maintenance, distribution, receipt, and handling of all ballots and a method for voting when no mailed ballot is received.

The effective date of this legislation would be July 1, 2011.

FISCAL IMPLICATIONS

This bill creates obligations for county clerks to conduct conservancy district elections. Notwithstanding the requirement that the districts pay the expenses of preparation and printing, and actual expenses incurred by the county, the bill appears to create significant duties to county clerks in conducting such elections. It appears the counties would incur the expense and then be reimbursed by the conservancy district.

SIGNIFICANT ISSUES

The Secretary of State's office has received complaints regarding the integrity of the voting process in all mail-ballot elections.

ADMINISTRATIVE IMPLICATIONS

The Association of County Clerks is concerned that the four affected county clerks (Sandoval, Bernalillo, Sandoval, and Socorro) were not consulted regarding this bill.

TECHNICAL ISSUES

ACC states that the definition of a "qualified elector" in the bill is different from the definition of "qualified elector" in the Election Code

MCA/svb