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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/22/11

SPONSOR Griego, E. LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Allow Fusion Voting SB 93

ANALYST Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$20.0-\$30.0	\$20.0-\$30.0	\$40.0-\$60.0		General Fund
		\$5.0-10.0/per county*	\$5.0-10.0/per county*	\$10.0-20.0/per county*		Local Government Funds

(Parenthesis ( ) Indicate Expenditure Decreases) \*There are 33 counties.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Association of Counties  
 Attorney General (AGO)  
 Judicial Standards Commission (JSC)  
 Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

Senate Bill 93 allows a political party to nominate any qualified candidate to run under its party name in an election. A candidate's name may appear more than once on a ballot.

The bill amends Section 1-4-16 NMSA 1978 by deleting the provision that every person appearing on the primary or general election ballot shall be a candidate only under the name and party affiliation shown on his certificate of registration on the date of the governor's primary election proclamation, along with a corresponding deletion of the language in 1-8-21.1 regarding certification by a major party that its nominee met the requirements of the deleted provision, and a corresponding change to the language of the nominating petition. This bill also removes the language in 1-8-2 that requires a candidate to be a registered voter from the party which he or she intends to run for prior to the issuance of the governor's proclamation. It deletes the provision in 1-8-8 requiring that, in the event of a vacancy on the general election ballot, the nominee be of the same party affiliation as the original nominee.

This measure amends 1-8-27 NMSA 1978 to allow an individual to submit multiple declarations of candidacy to the filing officer. Further, it amends 1-8-31 to allow major party, minor party and unaffiliated candidates to obtain nominating petition signatures from voters not affiliated his or her own political party. The bill does retain the provisions in 1-8-33 regarding the number of signatures needed to qualify for nomination by a party. Currently, an individual's name may only appear once on the ballot. Passage will amend 1-10-7 to allow a candidate's name to appear more than once on a ballot provided he or she is nominated by more than one political party.

This bills repeals 1-8-19 NMSA 1978 NMSA 1978 which prohibits a candidate from running unsuccessfully in a primary election under one political party and subsequently competing in the general election under an alternate party nomination.

### **FISCAL IMPLICATIONS**

Allowing candidates' names to appear more than once on the ballot could increase the length of the ballot significantly, which may require modifications to the voting machines, and costs related thereto, as well as result in increased costs for ballot printing.

### **SIGNIFICANT ISSUES**

The Association of Counties provided the following:

Candidates appearing twice on the ballot could create real difficulties in allowing New Mexico to continue its use of a one-page ballot.

For example, in 2010 Bernalillo County had 115 voting response areas on its ballot and Santa Fe County had 70. New Mexico already has what is known as a "long ballot" and if candidate names appear on the ballot more than once, we could easily find ourselves out of space. That will mean going to a two-page ballot, which could double the cost we pay for ballots now, lead to voter confusion and increase postage costs for the counties.

The requirement that minor party candidates be a member of that party has been deleted, presumably to permit fusion candidates of another party, however, the result is that now minor party candidates do not have to be a member of the any party.

The bill also eliminates the requirement that whenever a vacancy occurs after a primary election, the person nominated to fill the vacancy should be the same party as the person elected in the primary election. To void the choice made by a majority of the voters in an election may be viewed negatively by those voters.

The bill also eliminates the language requiring only one declaration of candidacy from a candidate, presumably in an attempt to permit cross-party endorsement. However, elimination of this language also will permit a candidate to run for more than one office, which may pose constitutional problems.

Fusion voting allows the same individual to be listed as a candidate for more than one political party. The votes for the individual will be combined into a single total. The overall goal of fusion voting is generally considered to allow minor political parties to have a larger effect on the outcome of elections and allow voters to show support for the ideals of a specific party while contributing to the vote share of a viable candidate.

### **ADMINISTRATIVE IMPLICATIONS**

This bill will require additional work from the SOS and county clerks following the date for filing the declaration of candidacy due to the possible increase of minor party candidates. In addition, this measure may increase the number of parties attempting to qualify in accordance with Section 1-7-2 NMSA 1978. This could increase the workload of the Secretary of State greatly.

### **OTHER SUBSTANTIVE ISSUES**

Currently, fusion voting is allowed in eight states including Connecticut, Delaware, Idaho, Mississippi, New York, Oregon, South Carolina, and Vermont.

### **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

### **POSSIBLE QUESTIONS**

DW/bym