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## FISCAL IMPACT REPORT

**SPONSOR** Lopez **ORIGINAL DATE** 02/18/11  
**LAST UPDATED** 03/22/11 **HB** \_\_\_\_\_

**SHORT TITLE** Election Code Language Standardization **SB** 403

**ANALYST** Aledo

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

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		(420.0)		(420.0)	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 93, SB 182, SB 337, and HB 155 all of which propose to amend provisions of the Election Code.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Secretary of State (SOS)

Attorney General's Office (AGO)

Association of County Clerks (ACC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 403 amends numerous provisions of the Election Code. The bill updates the Election Code by clarifying definitions, fixing conflicts, updating procedures and conforms the Code to actual practice. SB 403 bill does not put forth any major new policies.

An attachment is included which details the changes by section.

### FISCAL IMPLICATIONS

This bill repeals Section 1-11-12.1, which requires a voter information document to be sent to every active voter before each General Election. The original intent was to use this mailing as part of the federal voter purge process. In 2010, the cost of this mailing was \$420,166.60. That money will be saved from the General Fund every other year.

**PERFORMANCE IMPLICATIONS**

The bill cleans up duplicative and inconsistent language, as well as outdated terms, in the Election Code and will provide for more efficient administration of elections by the Secretary of State's office. SB 403 also clarifies the relationship between the Secretary of State and the County Clerks.

**OTHER SUBSTANTIVE ISSUES**

The Association of County Clerks states that this bill will make elections more transparent by clarifying the roles of Challengers, Watchers, and County Canvass Observers. This bill has the endorsement of the ACC.

**AMENDMENTS**

The SOS recommends changing the word "subscribed" on page 44, line 20 to "signed".

MCA/mew

## Senate Bill 403 Attachment – Changes by Section

1	Article 1	[New Material]	Defines “Election Observer”: Person registered with U.S. state dept. as an International Observer or person registered with SOS as Academic observer.
2	Article 1	[New Material]	Defines “Election-Related Organization”: organizations involved in election monitoring or voter turnout activities.
3	Article 1	[New Material]	Defines “Ballot Box Key”: Either a physical key or a number on a numbered seal.
4	1-1-3.1	Definition of “Election Cycle”, which overlaps two General Elections	Defines “Election Cycle”, “general Election Cycle” and “Primary Election Cycle” clearly, similar to Voter Action Act and Campaign Reporting Act 1-19-34.7
5	1-1-4	Definition of “Qualified Elector”	Clarifies must be resident of the state.
6	1-1-5	Definition of “Voter”	Adds Federal Qualified Electors and Overseas Voters (these are voters, but not qualified electors)
7	1-1-12	Definition of “Consolidated Precinct:	Fixes references, clarifies that references to precincts in the voting process apply to consolidated precincts- “voting process” excluded reporting of precinct totals under 1-12-70; so vote totals must still be reported by individual, unconsolidated precincts.
8	1-1-13	Definition of “Precinct Board”	Incorporates “poll workers” into definition of precinct board; extends them to absent voter precincts and alternate voting locations.
9	1-1-14	Definition of “Publication”	In addition to newspapers (which is still required), add posting and web page.
10	1-1-15	Definition of “Posting”	Allows web page and office posting to satisfy posting requirement.
<b>Chapter 1: Elections, Article 2: Election Officers and Boards</b>			

11	Article 2	[New Material]	Creates “State Canvass Observers”, similar to existing County Canvass Observers.
12	1-2-1	Secretary of State: Rulemaking Ability	Provides no new rules can be adopted or amended by SOS within 56 days before primary or general elections; prevents changing rules within ballot printing and early voting period.
13	1-2-2	Secretary of State: General Duties	Clarifies general supervision by administering Election Code in its statewide application, takes out qualifier “especially”; removes the requirement for the SOS to assist in the recruitment and training of poll workers, election workers and certification of presiding judges (these functions will be performed by county clerks).
14	1-2-7	Precinct Board: Qualifications	Must be voter of the county (instead both county and representative district);  Disallows “In-Laws” of candidates from serving on Precinct Boards
15	1-2-11	Precinct Board: Assignment	Change to allow for assignments to absent precinct boards, alternate voting locations, and consolidated precincts.*
16	1-2-12	Precinct Board: Numbers	Changes political party appointments requirements to permit minor party and decline to state;  Allows teams of judges for absent voter precinct boards and alternate voting locations;  Removes duplicative language regarding appointment of extra election clerks.
17	1-2-14	Precinct Boards: Notice of Appointment	Allows for appointment to absentee, alternate, and consolidated precincts;  Creates flexibility to notify county chairmen of the names of appointees by mail, email or telephone. (rather than just by mail)

18	1-2-16	Precinct Boards: Compensation	<p>Brings in language previously in Article 6 regarding Absent Ballot Precincts Boards being paid hourly – also extends it to alternate locations;</p> <p>Increases maximum compensation to \$200 per day instead of \$150.</p>
19	1-2-17	Precinct Boards: Schools of Instruction	Clarifies training of precinct boards is responsibility of County Clerk, not Secretary of State and County Clerk.
20	1-2-21	Challengers: Appointment	<p>Allows for appointment of challengers to polling locations, not just precincts;</p> <p>Allows for multiple challengers to be appointed in rank order to any location;</p> <p>Eliminated confusing term “Alternate Challenger”.</p>
21	1-2-22	Challengers: Restrictions	<p>Expands this section to apply to Watchers and Election Observers, as well;</p> <p>Disallows Siblings and In Laws of candidates from serving as challengers, watchers or election observers.</p>
22	1-2-23	Challengers: Permitted Activities	<p>Allows challengers to be present “at any time” while precinct board is working (i.e.: breaks and re-entry allowed);</p> <p>Removes references to “registration book”, which is no longer used;</p> <p>Clarifies challengers may “view” (previous language was “inspect” which some challengers thought including touching the books and voting machines);</p> <p>Allows challengers to view the Application to Vote form used in alternate locations (and vote centers, if approved).</p>

23	1-2-25	Challengers: Prohibited Activities	<p>Expands section to apply to Watchers and County Canvass Observers;</p> <p>Clarifies they may not position themselves to see the SSN or full DOB of voters (applicable to polling locations using computers);</p> <p>Each party, candidate or organization may have one person in a room where voting is taking place;</p> <p>For Absent Voter Precincts and County Canvasses, may have additional people in the room, depending on the size of the county.</p> <p>Subject to permission of the county clerk, may allow additional challengers as long as the number is identical for each political party participating in the election</p>
24	1-2-26	Challengers: Penalty	<p>Clean-Up (removing “alternate challenger”, changing “inspect” to “view”, prohibits preventing challenger from witnessing the “precinct board in conduct of its duties” instead of just “counting and tallying of ballots”.</p>
25	1-2-27	Watchers: Appointment	<p>“Watchers” no longer represent political parties (those are Challengers”); watchers represent election-related organizations</p> <p>Watchers may be appointed to serve anywhere in the county, not a specific precinct;</p> <p>Candidate appointments are made by any three candidates, regardless of primary or general election or county or state candidate (the numbers fluctuated previously based on those factors.)</p>

26	1-2-29	Watchers: Permissible Activities	<p>Section expanded to include “Election Observers”;</p> <p>Added ability to be present “at any time” (i.e.: breaks and re-entry permitted);</p> <p>Changed “inspect” to “view” (no touching allowed!).</p>
27	1-2-30	Watchers: Penalty	<p>Section expanded to include “Election Observers”;</p> <p>Cleaned up language.</p>
28	1-2-31	County Canvass Observers	<p>Permit Candidates and family members to be County Canvass Observers;</p> <p>Added “Election Observers” to part on permitted activities;</p> <p>Cleaned up language.</p>
<b>Chapter 1: Elections, Article 3: Precincts and Polling Places</b>			
29	1-3-3	Precincts Combined	<p>Votes counted for combining (i.e. permanently joining) precincts are total votes cast from both precincts, not just in person votes;</p> <p>Raises total permitted votes in newly-combined precinct to 800 from 600.</p>
<b>Chapter 1: Elections, Article 4: Registration of Electors</b>			
30	1-4-2	Qualification for Registration	Removes language requiring the voter to cancel a previous registration (election officials do that).
31	1-4-5	Method of Registration: Unlawful Use of Information	Clarifies the “month and day” of a person’s birth is protected information (year of birth is sent to candidates and political parties).

32	1-4-15	Registration: Change of Party Affiliation	<p>Clarifies that voters change party affiliation by executing a new certificate of registration;</p> <p>Allows county clerks to complete the registration of a voter who does not elect any political party and who does not decline party affiliation (Box 8 is often blank from voters registering through MVD) – voter is designated as DTS and (under different section) sent a Voter Information so they know and can rectify if they want to.</p>
33	1-4-18	Change of Registration to Another County	Removes language requiring cancellation of previous registration (election officials do that).
34	1-4-22	Cancellation of Registration: Petition to District Court	<p>Only Secretary of State may initiate an action to cancel this action (removes County Party Chairs and any 20 Voters – eliminates conflict with National Voter Registration Act);</p> <p>Change timeframes away from elections; changes 42 days to 90 days so as not to run into ballot printing timeframe.</p> <p>Clarifies notice is sent to address of registration;</p> <p>Allows challenged voters to contact the county clerk instead of showing up to court.</p>
35	1-4-27.1	Cancellation of Registration: Criminal Conviction	Cleaned Up Language – did not change parameters in existing law (i.e. may register when no longer in prison, on parole, or on supervised probation).
36	1-4-28	Cancellation of Registration: Change of Residence (i.e.: Purge Process)	Spells out purge process in detail in statute in conformance with the federal National Voter Registration Act; sets the process out in statute rather than rule.
37	1-4-30	Cancellation of Registration: Voter's Request	Allows a voter to cancel their registration by written request, in conformance with the federal National Voter Registration Act.



38	1-4-50	Prohibition on Release of Registration Information	<p>Clarifies that the month and day of birth are protected information;</p> <p>Expands protection to misuse by any person who learns of SSN or Month and Day of DOB from a certificate of registration.</p>
<b>Chapter 1: Elections, Article 6: Absentee Voting</b>			
39	1-6-4	Absent Ballot Application	<p>Clarifies that the application for an absentee ballot is signed by the voter (applicant); replaces the term “subscribed”.</p> <p>Provides that a person who falsely signs an absent voter application willfully and with intent to deceive is guilty of a 4<sup>th</sup> degree felony.</p>
40	1-6-5	Processing and Issuing an Absentee Ballot	<p>Conforms statutory language to existing practice for in-person voting at the county clerk’s office (current statute says it goes into an envelope for later tabulation, existing practice is for the voter to put it into the optical scan tabulator);</p> <p>Clarifies that an additional alternate voting location near the office of the county clerk (in lieu of voting in the actual office of the county clerk) is staffed by the county clerk’s office.</p> <p>Adds a provision that it is unlawful to electioneer in the county clerk’s office or in any alternate voting location.</p>
41	1-6-5.6	Early Voting: Procedures for Locations	Creates a mandate for the County Clerk to perform instead of an obligation for the Secretary of State to issue a rule.

42	1-6-5.7	Early Voting: Locations	<p>Cleans up the language regarding the number of alternate voting locations needed in each county;</p> <p>Raises the minimum number in Bernalillo county from 12 to 15;</p> <p>Raises the threshold for the highest level from 200K voters to 250K voters;</p> <p>Cleaned up language.</p>
43	1-6-9.2	Preparation of Electronic Voting Machines	<p>Fixed statutory references;</p> <p>Created flexibility in timing to certify machines.</p>
44	1-6-10	Receipt of Absentee Ballots by County Clerk	<p>Tightened up language and removed language that was duplicated in other sections;</p> <p>Permits a County Clerk to destroy unused ballots before election day (current language) or to send unused ballots to precincts for use on election day (new language).</p>
45	1-6-14	Handling Absentee Ballots by Absent Voter Precinct Boards	<p>Cleaned up language;</p> <p>Recognized certain interchangeable responsibilities between election judges and election clerks;</p> <p>Permits challenge for lack of signature (existing practice);</p> <p>Creates parallel procedure when challenging absentee ballots as when challenging in person;</p> <p>Allows a voter to correct the problem disqualifying their ballot (such as no signature).</p>

46	1-6-16	Casting Ballot in Person Prohibited	<p>Clarifies that upon the issuance of an absentee ballot, a voter may only vote on that ballot or an a replacement absentee ballot;</p> <p>When executing a replacement absentee ballot, the ballot is always delivered to the absent ballot precinct board (not fed in to the in-person optical scan tabulator).</p>
47	1-6-22.1	Mail Ballot Precincts	<p>Cleaned up language;</p> <p>Changed the distance requirement from 30 miles from the polling place to 20 miles from the boundary (easier to calculate);</p> <p>Changed the voting requirement from fewer than 50 voters to fewer than 100 voters (using same standards as 1-3-3 for combining precincts).</p>

**Chapter 1: Elections, Article 7: Political Parties**

48	1-1-9	Major Political Party Defined; Minor Political Party Defined	<p>This section recompiled from Article 1 to Article 7;</p> <p>Defines a Minor Party as a qualified party that is not a Major Party (currently there is conflicting language of what is a qualified party vs. a minor party vs. a major party; we leave Major Party definition the same and remove the conflicting language).</p>
49	1-7-2	Qualification of Political Parties; Removal; Requalification	<p>Cleaned up language;</p> <p>Establish timeline for Secretary of State to disqualify a political party (March 15 of odd-numbered years) based on performance in elections;</p> <p>Secretary of State (not County Clerk) to notify all DQ'd party members of demise of party.</p>

**Chapter 1: Elections, Article 8: Nominations and Primary Elections**

50	1-8-4	Certification of Minor Party Nominees	Establishes timeline for Secretary of State to certify minor party nominees (35 days);  Cleaned up language.
51	1-8-8	Vacancy on General Election Ballot	Provides for filling a vacancy caused by creation of new public office (existing practice when new judgeships are created);  Removed language requiring the County Clerk to paste the name of a new nominee on each ballot if vacancy is created by death of a candidate up to 5 days before election (result is no changes after 63 days before election – if there is a death, we elect the deceased person and the position is filled by appointment);  Cleaned up language.
52	1-8-9	Withdrawal of candidates	Clarifies that candidates withdraw by giving notice to the “proper filing office”, not necessarily Secretary of State.
53	1-8-11	Time of Holding Primary	Modifies Primary Election day to the first Tuesday “after the first Monday” in June (this avoids having an election the day after a holiday and is also necessary to ensure compliance with the federal MOVE Act, for which New Mexico was under a consent decree last year for non-compliance in the General).
54	1-8-16	Primary Election: Amendments to Governor’s Proclamation	Sets the first Tuesday in March as the deadline for amending the Primary Election Proclamation (currently Governor can amend and give candidates mere hours to gather signatures if there is vacancy);  Allows amendment in the case of newly created public office (existing practice in the case of new judgeships).
55	1-8-25	Proper Filing Officer	Clarifies the definition of Proper Filing Officer as being applied to Articles 8 & 12 of the Election Code.

56	1-8-26	Primary Election: Time of Filing	<p>Moves Judicial Retention Candidates from filing in March to filing 21 days after primary (being established as the uniform General Election candidate filing deadline);</p> <p>Provides for expedited appeal to the Supreme Court parallel to other language in the Election Code.</p>
57	1-8-30	Primary Election: Nominating Petitions	<p>Allows Nominating Petitions to be used across county lines (feasible since we now have a statewide voters database); this fits with judicial decisions rendered in 2010 on this matter.</p> <p>Substitutes zip code for rural route number;</p> <p>Requires the Secretary of State to post blank petitions online.</p>
58	1-8-31	Primary Election: Nominating Petition Signatures to be Counted	<p>Signatures on petitions must use residential or mailing address on voter registration certificate;</p> <p>The information at the top of the petition must be pre-filled before signatures and may not be changed, or the petition is not valid.</p>
59	1-8-36.1	Primary Election: Write-In Candidates	<p>Sets the date for filing declaration of candidacy as a write-in to be the same day nominating petitions are due (current law requires write-ins to declare one week before petitions are due).</p>
60	1-8-41	Primary Election: Filing Fee	<p>Clarifies that the \$50 fee only applies to county candidates in a partisan primary.</p>
61	1-8-44	Primary Election: Withdrawal of Candidates	<p>Clarifies that candidates withdraw by giving notice to the “proper filing office”, not necessarily Secretary of State.</p>

62	1-8-45	Independent Candidates: Definition	<p>Clarifies Independent Candidate requirements based on federal and state law;</p> <p>Defines an Independent Candidate as a person not registered in any qualified political party (currently a person affiliated with a non-qualified party has no ballot access);</p> <p>Provides process for challenging candidacy of Independent candidates parallel with challenging other candidates.</p>
63	1-8-48	Independent Candidates: Declaration of Candidacy	Conforms the Independent Candidate Declaration of Candidacy form and process to state and federal requirements.
64	1-8-50	Independent Candidates: Nominating Petitions	<p>Conforms the Independent Candidate Nominating Petition form to state and federal requirements;</p> <p>Substitutes zip code for rural route number;</p> <p>Provides for the Secretary of State to make the form available online.</p>
65	1-8-52	Independent Candidates: Date of Filing	Independent Candidates file on the 21 <sup>st</sup> day after the primary (currently they file on the day after the primary, which is being challenged in court; the 21 <sup>st</sup> day after the primary is being made into the uniform filing day for general election candidates.
<b>Chapter 1: Elections, Article 9: Voting Machines</b>			
66	Article 9	[New Material]	Ballot Preparation Specifications for Ballot on Demand (these specifications were adopted by the Voting System Certification Committee).
67	Article 9	[New Material]	Security Requirement Specifications for Ballot on Demand (these specifications were adopted by the Voting System Certification Committee).

68	Article 9	[New Material]	Hardware, Software and Usability Requirement Specifications for Ballot on Demand (these specifications were adopted by the Voting System Certification Committee).
69	1-9-1	Voting System Defined:	Fixes grammar issue to clarify that ballot on demand systems are considered voting systems, not components of voting systems.
70	1-9-7.5	Voting System Certification Committee	Clarifies their term of office;  Clarifies their per diem to be paid by the Secretary of State.
<b>Chapter 1: Elections, Article 10: Ballots and Ballot Labels</b>			
71	1-10-4	Preparation of Ballots	Moves up the timeframe for preparation of ballots to conform with the requirements of the federal MOVE Act;  Clarifies that each proper filing office is responsible for the accuracy of their candidates.
72	1-10-5	Printing of Ballots	Inserts a new timeframe for compliance with the federal MOVE Act;  Provides that programming of ballot on demand must be done in the same timeframe as pre-printing of ballots.
<b>Chapter 1: Elections, Article 11: Notices, Preparation for Elections and Election Supplies</b>			
73	1-11-2	Contents of Proclamation	Clarifies the contents in the proclamation to include the party affiliation for certified candidates and not to include party affiliation for write-in candidates (because they do not run under a party banner);  Added providing early voting location information.
74	1-11-5	Voting Machines: Preparation	Moved the timelines up to account for early voting.
75	1-11-6	Voting Machines: Preparation	General clean-up to conform to other areas of law.

76	1-11-6.1	Voting Machines: Testing	Removed language that conflicts with other areas of law or that is outdated;  Clarified that County Clerk is the responsible official to test the voting machines before an election.
77	1-11-7	Voting Machines: Certificate	Updated language to conform to the machines used today (no lever machines)
78	1-11-8	Voting Machines: Notice of Sealing	Cleaned up language;  Added Election observers to those who could be present and ensured county Clerk sent notice to parties at least 3 days before sealing machines.
79	1-11-13	Index of Voters	Updates this section to account for having an integrated statewide database available by internet;  Provides responsibility to Secretary of State to provide electronic or physical lists of voters and their early voting status to parties, candidates, election-related organizations, and election observers (Note: County Clerk may still provide lists upon request based on other law).
80	1-11-14	Tally Sheets	Provides for review of electronic tally sheets by the Voting System Certification Committee.
<b>Chapter 1: Elections, Article 12: Conduct of Elections</b>			
81	1-12-2.1	Precinct Board: Work Shift Option	Clarifies existing authority to allow for Precinct Board member to work in shifts, provided that the Presiding Judge is the same all day.
82	1-12-3	Precinct Board: Duties	Secretary of State, in defining Precinct Board duties, shall define which duties are interchangeable between Judge and Clerk.



83	1-12-7.1	Voter Lists	<p>Provides for specific duties that may interchange between Judge and Clerk;</p> <p>Required Voter ID to satisfy Provisional Ballot must be shown no later than 5:00p two days after election (previously said before county canvass begins, which is the 3<sup>rd</sup> day, but different time in different counties; this way it is uniform;</p> <p>Removes outdated drawing of lines through signature rosters (number of paper ballots confirms total number of voters).</p>
84	1-12-7.2	Voter whose name is not on the roster	<p>Provides for specific duties that may interchange between Judge and Clerk;</p> <p>Removes language stating that County Clerk may not give verbal authorization to cast vote (created issues with challengers and provisional ballots) .</p>
85	1-12-8	Provisional Voting	Provides for specific duties that may interchange between Judge and Clerk.
86	1-12-8.1	Using Voter's Receipt as Proof of Registration	Provides for specific duties that may interchange between Judge and Clerk.
87	1-12-8.	Election Day Delivery of Absentee Ballot by Voter	<p>Allows voter to take sealed absentee ballot to any polling place in the county on election day;</p> <p>These absentee ballots are counted by the Absent Ballot Precinct Board if delivered to the County Clerk while they are still working; otherwise they are counted by the Canvass Board (this gives flexibility and will speed up election-night reporting in some counties by 3 or 4 hours).</p>
88	1-12-10	Voter Announcement of Name when Offering to Vote	Provides for specific duties that may interchange between Judge and Clerk.

89	1-12-19.1	Write-In Candidates	<p>Sets the filing date from the first day after primary to the 21<sup>st</sup> day after primary, which this bill establishes as the uniform filing day for general election candidates;</p> <p>Provides timeline for Secretary of State to inform County Clerks of Write-in candidates;</p> <p>Clarifies statutorily the constitutional requirement that governor and lieutenant governor run on a ticket together;</p> <p>Removes problematic language setting minimum number of votes required by an unopposed write-in and instead sets it at a uniform amount (2% of vote for Gov in area to be elected – in primary it is the number of signatures needed to qualify for the ballot).</p>
90	1-12-20	Challenges: Interposing	<p>Updates language to account for early voting and removes absentee (which provided elsewhere in statute).</p>
91	1-12-21	Challenges: Entries Made	<p>Provides for specific duties that may interchange between Judge and Clerk;</p> <p>Adds a provision that the reason for challenge, time of challenge, and person making challenge shall be recorded.</p>
92	1-12-22	Challenges: Disposition	<p>Updates language to account for handling of challenges and provisional ballots</p>
93	1-12-23	Voting Machines: Instructions	<p>Removes outdated language (no more curtains); general clean-up.</p>
94	1-12-25.2	Provisional Ballot: Information to Voter	<p>Provides for specific duties that may interchange between Judge and Clerk;</p> <p>Requires county Clerk to provide free access system, not establish one (still complies with HAVA – Secretary of State hosts statewide system).</p>

95	1-12-30	Disposition of Signature Rosters	Removes old language regarding direct recording electronic cartridge; conforms retention requirements to other areas of the law.
96	1-12-31	Disposition of Ballot Boxes	Updated language (no registration binders); general clean-up.
97	1-12-37	Verification of Returns	Removed language applicable to voting machines no longer used.
98	1-12-43	Emergency Situations	Removed language that County Commission appropriate money to service and repair machines – this is a state responsibility.
99	1-12-51	Unauthorized Receipt of Paper Ballots	Removed language that conflicted with federal HAVA law for provisional paper ballots.
100	1-12-66	Disposition of ballots, rosters, & tally sheets	Updated language to conform to federal law as implemented in 1-12-69.
<b>Chapter 1: Elections, Article 13: Post-Election Duties</b>			
101	1-13-8	Search for Missing Returns	Allows the County Clerk, in the presence of the District Judge, on election night to open ballot boxes if a precinct board has locked them away by accident (county canvass board won't convene for three days).
102	1-13-21	Clearing Voting Systems	Updates language to recognize use of memory cards while still protecting data for 30 days or if a contest is filed.
<b>Chapter 1: Elections, Article 20: Offenses and Penalties</b>			
103	1-20-8	False Voting	Removes language creating a felony when casting a provisional ballot consistent with federal HAVA law;  Adds language inculcating one who affixes a signs another's name on an absentee ballot official mailing envelope.
104	1-20-16	Electioneering to Close to Polling Place	Updates language to account for use of business locations for voting, as well as early voting. Clarifies the distance for electioneering is from the entrance, rather than any portion of a building.

105	1-20-17	Obstructing the Polling Place	Updates language to account for use of business locations for voting, as well as early voting. Clarifies required distance from the entrance to the polling place
<b>Chapter 1: Elections, Article 23: Mail Ballot Elections</b>			
106	1-23-4	Law Governing Mail Ballot Elections	Provides a default law from Election Code is local government does not have mail ballot ordinance.
<b>Chapter 1: Elections, Article 24: Special Election Procedures</b>			
107	1-24-2	Special Elections: Proclamation	Provides procedures for proclamations for statewide and special federal elections, which is not currently contained in statute.
<b>Chapter 4: Counties, Article 38: Board of County Commissioners</b>			
108	4-38-24	County Powers Over Highways	Removes election-related language in this section which is otherwise contained in the Election Code.
<b>Sections of Law to be Recompiled</b>			
109	1-4-10	Restriction on Local Government Elections	Belongs in Article 12: Conduct of Elections, not Article 4: Registration of Electors.
	1-5-7	Signature rosters and checklists of voters; contents	Belongs in Article 12: Conduct of Elections, not Article 5: Automated Voter Records System.
	1-5-8	Signature roster; checklist of voters; voter list; number; distribution	Belongs in Article 12: Conduct of Elections, not Article 5: Automated Voter Records System.
	1-5-19	Registration; form	Belongs in Article 4: Registration of Electors, not Article 5: Automated Voter Records System.
	1-5-24	Requests for voter data, mailing labels or special voter lists	Belongs in Article 4: Registration of Electors, not Article 5: Automated Voter Records System.
	1-5-25	1-5-25. Unlawful use of voter data, mailing labels or special voter lists; penalties	Belongs in Article 4: Registration of Electors, not Article 5: Automated Voter Records System.
	1-8-53	Presidential Primary Act	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.

	1-8-54	Presidential primary; date of election	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-54.1	Selection of national convention delegates by major political parties; certification	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-55	Presidential primary: Conduct of election	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-56	Presidential primary: Nomination by committee	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-57	Presidential primary: Nomination by petition	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-58	Presidential primary: Notification to candidates	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-59	Voting in presidential primary; ballot position	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-60	National convention	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-61	Delegate pledge	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-8-63	Delegate Pledge: penalty	Belongs in Article 15: Presidential Electors, not Article 8: Nominations and Primary Elections.
	1-12-9	Fraudulent and double voting	Belongs in Article 20: Offenses & Penalties, not Article 12: Conduct of Elections.
	1-12-9.1	Coercion of voters	Belongs in Article 20: Offenses & Penalties, not Article 12: Conduct of Elections.
	1-12-58	Paper ballots; delivery of two or more ballots	Belongs in Article 20: Offenses & Penalties, not Article 12: Conduct of Elections.

**Sections of Law to be Repealed**

110	1-2-13	Primary election; appointment of temporary additional clerks	Duplicative language – not needed; parties may appoint challengers; candidates may appoint watchers.
	1-2-28	Watchers; qualifications; restrictions	Incorporated this into Challengers.
	1-4-14	Certificate of registration; voter identification card; replacement of lost copy	We don't use Voter identification Cards
	1-4-23	Review of registration; board of registration; inactive voter list creation	This provision violates federal National Voter Registration Act – Board of Registration does not decide who is “inactive”
	1-4-31	Cancellation of registration; county clerk	Duplicates and conflicts with 1-4-24: Cancellation of registration; county clerk; grounds
	1-6-5.3	Secretary of state; emergency authority	Not needed; ineffective with language in the statute; no political officer should have such discretionary authority in an election; judicial decree can accomplish more.
	1-6-5.5	Early voting; alternative voting locations; poll workers	This language was rolled into Article 2 in this bill.
	1-6-9.1	Voting by electronic ballot	
	1-6-24	Absent voter precinct board appointment	This language was rolled into Article 2 in this bill.
	1-6-25	Watchers and challengers for absent voter precinct; appointment	This language was rolled into Article 2 in this bill.
	1-8-52.1	Independent candidates for general elections; who may become a candidate for nomination	Duplicates and conflicts with 1-8-45.
	1-8-64	Authority of secretary of state and county clerks with regard to acceptance or rejection of petitions	Secretary of State and county Clerks accept petitions unless a judge says otherwise.
	1-10-2.1	Ballots; equipment	This is old DRE language

	1-10-7.1	Ballots; removal of name of deceased candidate	Conflicts with other areas of law: A deceased candidate's name is only removed when the party nominates another candidate or a judge orders the name removed.
	1-11-9	Voting machines; sealing of keys	The optical scan tabulators do not have individualized keys; this was used with the AVCs.
	1-11-12	Certifying county register	Conflicts with other areas of law, violates federal timelines in the NVRA, no longer needed now that we have a statewide system.
	1-11-12.1	Voter information; distribution	This is a waste of more than \$300,000 each biennium; intended to be used as part of purge, but timelines conflict with federal NVRA.
	1-12-11	Conduct of election; entries by precinct board	We don't track paper ballot numbers by voter (nor should we).
	1-12-25	Conduct of election; voting machines; entry into machine	Entering into an optical scan tabulator is dangerous to the voter and will invalidate the warranty.
	1-12-35	Conduct of election; voting machines; closing polls; locking machine.	The procedures here are already elsewhere in statute for the optical scan tabulators; these were for the Direct Recording Electronic devices (DREs).
	1-12-37.1	1-12-37.1. Ballots; remedy for use of incorrect ballots	This was written for DREs and AVC machines. These procedures do not apply to optical scan tabulators (the Secretary of State is working on a rule related to this issue).
	1-12-40	Conduct of election; voting machine; duration of locking and sealing	In the case of a contest, the memory card must be preserved; this language was relevant with the machine itself was programmed for each election (no longer so).
<b>Effective Date</b>			
111		Effective Date	July 1, 2011