

LFC Requester:

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AGENCY BILL ANALYSIS
2024 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment _____
Correction _____ Substitute _____

Date Prepared: 29 January 2024

Bill No: SB229

Sponsor: Sen. Greg Nibert

Short Title: Ballot Collection Box
Procedures

Agency Name and Code Number: 305 – New Mexico
Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Senate Bill (“SB”) 229 proposes to amend NMSA 1978, § 1-6-9, which provides for the manner of voting and delivery methods of mailed ballots. Currently, Section 1-6-9(E) permits mailed ballots to be returned by “depositing the official mailing envelope in a monitored secured container made available by the county clerk to receive an official mailing envelope containing a voted ballot for that election[...].” The statute currently requires that for each monitored secured container, the county clerk, deputy clerk, county election board member, or messenger collect the ballots every three days and register the date and container location on each official mailing envelope. See § 1-6-9(E)(5). The Bill proposes to instead require that two members of the election board—each from a different political party—go to each monitored secured container every twenty-four hours to collect the ballots.

Additionally, the Bill proposes a new subsection to the statute specific to election day. Under the Bill’s new language, on election day, teams of two members of the election board—each from a different political party—shall go to each monitored secured container at 7:00 p.m. The Teams must allow any voters in line by 7:00 p.m. to deposit their ballots. The teams must then collect all ballots and lock the monitored secured container so no additional ballots can be deposited.

The Bill additionally contains an appropriation for \$50,000 for fiscal year 2025 to help pay for the cost of members of the election board collecting ballots.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

One potential issue is the effect of the requirement for live collection by members of the Election Board. The requirement that, on election day, each monitored secured container have two members of the election board present necessarily implies that the election board be composed of twice as many election board members as there exist monitored secured containers. For many

election boards, this may prove impracticable.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 229 is the senate version of HB 243. Both bills contain the exact same language.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

Allow an election board that does not have sufficient membership to perform all newly added responsibilities to appoint designees to meet the ballot box monitoring obligations based on a majority vote of the board.