

LFC Requester:

HILLA

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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 1/30/2024

Bill No: SB 229

Sponsor: Nibert

Agency Name
and Code
Number:

Secretary of State, 370

Person Writing Analysis: Lindsey Bachman

BALLOT COLLECTION
Short Title: BOX PROCEDURES

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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		\$50			Nonrecurring	Election Fund

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: In House Bill 243, amends the Election Code and revises the manner of picking up ballots from ballot collection boxes. The bill removes county clerk, deputy county clerk, messenger from the list of people who may retrieve ballots from a monitored secured container, limiting the retrievals to election board members only. Further, the bill requires that the election board members collect ballots from these containers in teams of two members of the election board who are not of the same party.

At 7:00 pm on Election Day, the bill requires the presence of teams of two members of an election board who are not of the same party at each monitored secured container. These teams are also required to lock and close the monitored secured containers.

The bill makes as an appropriation of \$50,000 in fiscal year 2025.

The bill includes an effective date of July 1, 2024.

FISCAL IMPLICATIONS

Rough estimates that include ballot retrievals from 115 monitored secured containers statewide, with two election board members making \$15 an hour for two hours, collecting ballots each day for the twenty-eight days prior to an election is approximately \$200,000. It should be noted that this estimate is very conservative. Compensation for election board members ranges during the voting period in compliance with state statute and administrative rule. It should also be noted that high use monitored secured containers may require additional retrievals in one day throughout an election’s voting period.

The appropriation included in the bill is insufficient for the election occurring in fiscal year 25. Additionally, the associated costs with the bill’s provisions would be recurring.

SIGNIFICANT ISSUES

The current statute provides that County Clerks monitor and allocate staffing and financial resources to ensure ballots are timely retrieved from each monitored secured container in their counties. Additionally, the statute does not prohibit the County Clerk from retrieving ballots more frequently. A 2023 change to 1-6-9 NMSA 1978 by the legislature that extended the collection frequency to at least every three days was rooted in the real-life experiences of local election administrators in this state.

The bill's provision requiring additional election board members would present real challenges to these administrators and the Secretary of State's Office. Aside from additional costs, there is an increasing struggle nationwide to recruit enough poll workers to run polling locations for elections.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicate – HB 243

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS