

<b>LFC Requester:</b>	<b>Charlene Cerny</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

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*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**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**      X   **Amendment**            
**Correction**           **Substitute**          

**Date** January 23, 2015  
**Bill No:** SB195

**Sponsor:** Sen. Daniel A. Ivey-Soto and Rep. Bob Wooley  
**Short Title:** Uniform Military & Overseas Voters Act

**Agency Code:** Attorney General's Office  
**Person Writing** Caroline Manierre, AAG  
**Phone:** 505-827-6079 **Email** cmanierre@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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 Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

Senate Bill 195 is an act that brings New Mexico into compliance with amendments to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301-20311. Senate Bill includes definitions and creates the Uniform Military and Overseas Voters Act. The bill covers military service members, overseas voters, and emergency response providers. SB 195 explains the role of the Secretary of State with regarding to absentee ballots, as well as explains methods of registering to vote, applying for the military-overseas ballot, and discusses how Federal write-in absentee ballots are used. SB 195 lays out the procedure for what happens when a military-overseas ballot is received, how voter’s electronic-mail addresses are to be used, and explains a prohibition on non-substantive requirements (including minor misspellings when the voter’s intent is clear, failure to use a specific envelope, or notarization). The bill creates equitable relief for courts of competent jurisdiction to ensure compliance with the Uniform Military and Overseas Voters Act. SB 195 amends the existing duties of county and municipal clerks with regard to absentee ballots, including the right to vote, absentee ballot applications (with procedures for processing and issuing the ballot), and creating an absentee ballot register. Finally, SB195 amends language regarding the handling of absentee ballots by absent voter precinct boards.

**FISCAL IMPLICATIONS N/A**

**SIGNIFICANT ISSUES**

SB195 may conflict with Federal law. Although the provisions of SB 195 appear to reflect the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301-20311 (Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office), SB 195 does depart somewhat from the Federal act. For example, the language in the definitions between the two are not identical (for example, “overseas voter” conveys similar requirements under SB 195 as under 52 U.S.C. § 20310, but the language is different), though this does not appear to bring SB 195 out of compliance with the Federal act. Additionally, in Section 14, SB 195 expands absentee ballot protections to emergency response providers; although this does not conflict with the Federal act, it does expand the application of absentee provisions.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

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

Status quo

**AMENDMENTS**

N/A