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FISCAL IMPACT REPORT

SPONSOR Roybal Caballero **LAST UPDATED** _____
ORIGINAL DATE 2/10/2025
BILL House Joint
SHORT TITLE Allow Voting with Felony Conviction, CA **NUMBER** Resolution 10
ANALYST Hilla

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Election Costs	No fiscal impact	No fiscal impact	\$30.0 to \$50.0	\$30.0 to \$50.0	Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Secretary of State (SOS)

New Mexico Attorney General (AG)

New Mexico Corrections Department (NMCD)

Agency Analysis was Solicited but Not Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of House Joint Resolution 10

House Joint Resolution 10 (HJR10) amends Article VII, Section 1 of the New Mexico Constitution to allow individuals with felony convictions to be able to vote.

The joint resolution provides the amendment be put before the voters at the next general election (November 2026) or a special election called for the purpose of considering the amendment. The amendment would only be effective if approved by voters.

FISCAL IMPLICATIONS

Under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the Secretary of State (SOS) is required to print samples of the text of each constitutional amendment in both Spanish and English in an amount equal to 10 percent of the registered voters in the state. SOS is required to publish the samples once a week for four weeks preceding the election in newspapers in every county in the state. Further, the number of constitutional amendments on the ballot may impact the ballot page size or cause the ballot to be more than one page, also increasing costs. The

estimated cost per constitutional amendment is \$35 thousand to \$50 thousand, depending on the size and number of ballots and if additional ballot stations are needed.

SIGNIFICANT ISSUES

The New Mexico Attorney General (NMAG) states that HJR10 might conflict with Section 1-4-27.1(A) NMSA 1978, which states that a voter is “ineligible to vote while imprisoned in a correctional facility as part of a sentence for a felony conviction.” NMAG states the conflict could arise for a person serving time in prison who is already a convicted felon. NMAG states that if HJR10 passes and is approved by voters, it would give convicted felons a constitutional right to vote, but “Section 1-4-27.1(A) would abridge that constitutional right in its current form. By comparison, those convicted for a misdemeanor, and serving time in prison, are able to vote. *See* NMSA 1978, Section 1-20-18 (2001).”

The New Mexico Corrections Department (NMCD) states that, like NMAG, the constitutional amendment could allow felons currently incarcerated to vote. NMCD states that the constitutional amendment alone wouldn’t affect the department, but “a statutory change could, depending on whether the drafters of the statute attempt to impose duties on NMCD to facilitate inmate voting or set up polling places in facilities.”

SOS recommends the short title of the bill be amended to clarify the amendment’s impact as the current short title of the bill would be presented to voters as part of a ballot question. SOS states the following:

While the joint resolution eliminates the language “as restricted by statute either by reason of criminal conviction,” Article VII, Section 1 of the New Mexico Constitution will still provide for voter registration “subject to residency and registration requirements provided by law.” Pursuant to state statute, persons convicted of a felony but who are not incarcerated are already eligible to register and vote in New Mexico.