

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**ORIGINAL DATE** 02/06/13  
**LAST UPDATED** 03/05/13     **HB** CS/225/aHJC/aHF1#1

**SPONSOR** HVEC

**SHORT TITLE** Electronic Voter Registration Updates     **SB** \_\_\_\_\_

**ANALYST** Cerny

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

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$45.0	\$0.0	\$45.0	Nonrecurring	TRD-ITD Operating Budget

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 272

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
 Taxation and Revenue Department (TRD)  
 Secretary of State (SOS)

### SUMMARY

#### Synopsis of HF1 #1 Amendment

The House Floor #1 amendment to the House Voters and Elections Committee substitute for House Bill 225 strikes the House Judiciary Committee amendment, which had a technical problem, by substituting essentially the same language, but correcting said problem. There is no change in meaning to the bill as a result of this amendment.

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment to the House Voters and Elections Committee substitute for House Bill 225 clarifies that voter registration in the Motor Vehicle Division (MVD) offices or field offices will be conducted so that the applicant completes the full certificate of registration electronically and that the digital signature to affixed to the certificate of registration will be in conformance with the Electronic Authentication of Documents Act (EADA) and the Uniform Electronic Transactions Act (UETA).

Lastly, it requires that voter registrations made or accepted at the MVD offices or field offices will be transmitted to the Secretary of State as well as the appropriate registration officer.

### Synopsis of Original Bill

The House Voters and Elections Committee substitute to House Bill 225 amends section 1-4-47 of the Election Code to provide that voter registration at the MVD offices shall be conducted so that the applicant is able to fill out the voter registration form electronically. It also provides that the applicant's digital signature will be affixed to the form. The bill provides that any voter registration accepted at the MVD will be submitted to the respective county clerk within seven calendar days.

The bill requires the Secretary of State (SOS) to ensure compliance with National Voter Registration Act (NVRA), ensure consistent implementation in the counties, based on county classification and developing technology; and to ensure that the electronic voter registration form is printed and placed in the county's register of voters.

This bill would go into effect on July 1, 2014.

### **FISCAL IMPLICATIONS**

In previous analysis, The Taxation and Revenue Department (TRD) said that implementation of this bill is likely to have a moderate impact for their Information Technology Division. Listed are the affected programs and time estimates:

- MVD 2.0 (600 hrs)
  - Modify current application to allow applicant to fill out the full form
  - Modify current data base structure to allow for new data elements
- New Batch application to send required data to the SOS electronically (200 hours)
- User Acceptance Testing (100 hrs)
- Total Hours: 900 at \$50/hour = \$45,000

However, according to the TRD, their estimate of fiscal impact could change dramatically depending on how the bill is interpreted and implemented.

The TRD states that the Information Technology Division impact total of 900 hours is an estimate based on what may be considered the “minimum” estimate for changes required.

The total number of hours may increase based on what is meant by “conducted in a manner such that the applicant is able to fill the full certificate of registration electronically.”

The TRD asks, for example: Does this mean that the clerk can ask the questions and enter the data required? If not, how does the applicant access the application from a clerk station?

No fiscal impact on the SOS.

### **SIGNIFICANT ISSUES**

This bill places a process into statute which the MVD has advised the SOS it is prepared to implement. The SOS and the MVD are currently parties to a settlement agreement in a federal

lawsuit which requires quarterly reporting from the MVD and the SOS regarding the numbers of voter registrations issued at the MVD and the number of those accepted at county clerks offices. Currently, the numbers issued by the MVD rarely match the numbers accepted at county clerks offices. This bill will enable the SOS to keep better track of the MVD voter registration numbers and ensure that all voter registrations completed at the MVD offices, including the MVD Express offices, are properly delivered to the county clerks.

The TRD states: “Electronic online completion and transmittal of voter registrations by the MVD should simplify and streamline the voter registration process and facilitate more dependable and accurate transmittal of registration information to the Secretary of State.”

## **RELATIONSHIP**

Relates to SB 272 that provides for voter registration at early voting sites.

## **TECHNICAL ISSUES**

The text of the HJC amendment is lacking a closing parentheses mark after (EADA) in paragraph 2.

## **AMENDMENTS**

The Attorney General’s Office (AGO) stated in previous analysis that: “Creating a new electronic method of registration, as contemplated by the amendments to Section 1-4-47, would require further amendments to the Chapter 1, Article 4 of the Election Code. Section 1-4-5 does not provide electronic registration as an acceptable method of registration and thus, would need to be amended. The forms created by the Secretary of State’s Office in compliance with Section 1-4-5.1 also do not contemplate registration by an electronic means and thus, this section would also need amendment.”

## **OTHER SUBSTANTIVE ISSUES**

The National Conference of State Legislatures reports that twelve states currently offer online paperless voter registration. Two additional states have passed legislation facilitating online voter registration, but they have not yet begun registering voters electronically. Arizona led the way with this innovation in 2002. Washington followed with authorizing legislation in 2007 and implementation in 2008. In most cases, the states rely on digitized signatures already on file with divisions of motor vehicles.

On January 23, 2013 a bill titled the “Voter Empowerment Act” (H.R. 12) was introduced into Congress by U.S. Representative John Lewis. This bill, if enacted would require the availability of online application, assistance, completion, submission and receipt of voter registration applications.

CAC/blm:svb