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FISCAL IMPACT REPORT

SPONSOR Payne ORIGINAL DATE 02/12/13
LAST UPDATED _____ HB _____
SHORT TITLE Sec. of State to Check Voter Citizenship SB 209
ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 209 proposes a new section to the Voter Records System Act Article 5, section 1-5-1 through 1-5-29 NMSA 1978. It states that the Secretary of State shall periodically check the state voter file against an appropriate federal database to determine whether a voter is a non-citizen. Any voter who is determined by the SOS not to be a qualified elector may have their registration cancelled but this requires a petition to the district court not less than ninety days prior to a primary or general election.

FISCAL IMPLICATIONS

SB 209 carries no fiscal impact. SOS states that while implementation would involve staff time, maintaining an accurate voter file is part of their duties already.

SIGNIFICANT ISSUES

Section 1-4-22 of the Election Code already provides that prior to cancellation of registration, the SOS shall file a petition with the district court and a hearing shall be held with regard to the allegation of non-citizenship and registration eligibility. Thus, the primary purpose of SB 209 is to assure that the SOS is periodically checking for disqualifications based on non-citizenship.

Citizenship is required to vote in the State of New Mexico and every voter who registers to vote must answer the question “Are you a citizen of the United States of America?” (Section 1-4-5.1 of the Election Code).

AGO analysis states that citizenship verification does provide “cause for concern due to the likely effect of disparate treatment and therefore making participation in our democracy more difficult. There is also a concern that those citizens whose eligibility to vote is challenged may feel intimidated.”

SOS analysis states that thirteen states have petitioned the Department of Homeland Security for access to federal databases for this purpose. SOS states that the federal database would identify only legal residents who are non-citizens, who have been issued an alien number. It would not identify residents who are in the country illegally.

SOS analysis does report that in two instances a non-citizen has come forward to request that their names be removed from the voter file. SOS states that “The request was triggered when the non-citizen applied for citizenship. The person applying for citizenship stated that being registered to vote and/or voting was an impediment to being granted citizenship.”

CAC/blm