

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 and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Martinez, J. / Padilla ORIGINAL DATE 1/28/2016
LAST UPDATED _____ HJR 2
SHORT TITLE All Qualified Electors Registered to Vote, CA SB _____
ANALYST Mulligan

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$104.0	\$0.0	\$104.0		Election Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Joint Resolution 2 proposes to amend the New Mexico Constitution to add a new section of Article 7 to require the state be responsible for assuring that all qualified electors are registered to vote for each election. The entire text of the proposed amendment is:

“If the legislature requires the registration of qualified electors as a requisite for voting, the state shall ensure that all qualified electors are registered to vote for each election, except for those who affirmatively choose not to be registered, and that the vote of a qualified elector shall not be excluded from being counted for failure of the state to provide for the qualified elector’s voter registration on or before election day.”

FISCAL IMPLICATIONS

SOS estimates the cost of placing a constitutional amendment on the ballot to be \$104 thousand based on 2010 actual expenditures. This includes all necessary printing and publication.

SIGNIFICANT ISSUES

The proposed constitutional amendment appears to authorize same day voting without being registered to vote and to require the state to count votes by persons who are not registered to vote if the state has failed to somehow provide for the voters registration, unless individuals actively choose to decline to register to vote. In addition, the proposed legislation appears to invalidate a substantial portion of current election law in New Mexico statutes, according to SOS and AGO.

For these reasons, the proposal raises significant questions regarding the potential impact to the integrity, and a potential for abuse, of the voting system.

Additionally, SOS also notes that

The language in HJR 2 stating “...registration on or before election day.” indicates that New Mexico would now have same day voter registration. This provision would require significant technology improvements to ensure all polling locations across the state are interconnected with the statewide voter registration system in a real time basis to ensure registration updates across counties are captured and voters are not allowed the ability to vote more than once when changing their registrations from one county to another.

Additionally, election costs would increase as many projections for publication costs and ballot printing costs are calculated based upon the number of registered voters and it is quite likely that many ‘automatically’ registered voters will not vote.

The identification process required to identify qualified voters will likely require some appropriations and depending on the process required, may require ongoing appropriations to support that mandate, as the amendment would require the state to locate qualified voters in ways other than through our current relationship with state assistance agencies and the MVD.

ADMINISTRATIVE IMPLICATIONS

According to SOS, passage of HJR 2 would require SOS to create and implement administrative procedures with county clerks and with likely multiple other agencies who will be required to assist SOS and county clerks in identifying qualified electors. It would also require revision to Title 1, Chapter 10, Part 35 NMAC (Voter Records System) to incorporate those administrative procedures into the voter registration system.

MM/jle/jo