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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>HB99</u>	<b>Sponsor</b>	<u>Representative Martínez, J.</u>
<b>Tracking Number</b>	<u>.205301.1</u>	<b>Committee Referrals</b>	<u>HLELC/HJC</u>
<b>Short Title</b>	<u>16-Year-Olds Voting in School Elections</u>		
<b>Analyst</b>	<u>Force</u>	<b>Original Date</b>	<u>1/30/17</u>
		<b>Last Updated</b>	<u></u>

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## **BILL SUMMARY**

### Synopsis of Bill

House Bill 99 (HB99) proposes to add a new section to the Election Code to allow a person who will be at least 16 years old by the date of the next school election to register to vote on a special registration form indicating eligibility to vote in school elections only.

## **FISCAL IMPACT**

HB99 does not contain an appropriation.

The Secretary of State (SOS) indicates that HB99 would necessitate a special registration form be printed and shipped to all county clerks, resulting in a nonrecurring cost of approximately \$2,310 to the General Fund. Alternatively, SOS notes that PDF forms printed by individual county clerks might be used at little to no cost, and the SOS online voter registration system could be modified at no additional cost to accommodate the acceptance of electronic voter registration forms from underage potential voters who wish to register to participate in school elections.

## **SUBSTANTIVE ISSUES**

The rate of voter participation, particularly for younger people, has historically been an issue of some concern to government officials at all levels. Generally, voting in school elections is particularly low, with recent participation in Albuquerque Public Schools as low as 2.6 percent in 2015. Further, according to the US Census Bureau, the voting rate in presidential elections for people between the ages of 18 and 24 has fallen over time, from a high point of 50.9 percent in 1964 to a nadir of approximately 31 percent in 1996, to 38 percent in 2012. These figures are, at all points, below the voting rates for all other age groups by at least 10 percent.

The right to vote was changed to allow 18-year-olds to vote in 1971, with the ratification of the 26th Amendment to the Constitution of the United States. The impetus for this change was the

contention by civil rights activists at the time that it was unjust to force citizens to go to war without allowing them any real political voice.

The Attorney General’s Office notes that the bill may violate both the United States and New Mexico constitutions. While both have age requirements, it is unclear whether they are minimum requirements, or whether they act to prohibit states from discriminating on the basis of age for persons over 18.

The National Youth Rights Association (NYRA) contends that lowering the voting age to 16 would teach young people about the political process, and give them the opportunity to represent their opinions. Similar to the argument leading to the ratification of the 26th Amendment, NYRA suggests it is unjust to prevent employed, tax-paying citizens, who can drive and be tried as adults, from political participation.

However, there is evidence to suggest that younger people may lack the maturity to make responsible voting decisions because of the physiology of the adolescent brain. For example, the National Institute of Mental Health has indicated that the parts of the brain responsible for emotional responses are fully developed in adolescents, and even more active than those of adults, while that portion of the brain involved in regulating emotional reactions and impulse control is still developing, potentially resulting in less emotionally balanced decision-making.

## **ADMINISTRATIVE IMPLICATIONS**

As noted by SOS, it is unclear whether HB99 would require the Motor Vehicle Division and other registering agencies to register underage electors, and if that requirement would result in additional costs to those entities. SOS indicates it would need to accommodate the school-election-eligible voter in the statewide voter registration and election management system so that underage electors would appear on school election voter rosters but not on rosters for other elections. SOS is in the development phase of a project to replace the current voter registration and election management system, and an additional voter status code could be included in the new system to accommodate this change with no additional project costs.

## **TECHNICAL ISSUES**

It is unclear if registration on this special form would constitute a regular voter registration when the underage elector turns 18, or if re-registration on a regular form would be needed.

## **RELATED BILLS**

Relates to HB104, Local Election Act, which would repeal and replace the School Election Law to consolidate and provide uniform procedures for local elections, including school elections.

Relates to HB174, Local Election Act, which would also repeal the School Election Law and consolidate uniform procedures for many local elections, including school elections.

## **SOURCES OF INFORMATION**

- LESC Files
- Office of the Attorney General
- Secretary of State

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