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FISCAL IMPACT REPORT

SPONSOR Martinez, J ORIGINAL DATE 1/30/17
LAST UPDATED 1/30/17 HB 99

SHORT TITLE 16-Year-Olds Voting in School Elections SB _____

ANALYST Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$2.3	\$2.3	\$6.9	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

House Bill 99 relates to House Bill 104, Local Election Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State's Office (SOS)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 99 (HB99) proposes to permit 16-year-olds to vote in school elections and provides that 16-year-olds would have a special registration and be considered qualified electors for school elections.

FISCAL IMPLICATIONS

The bill does not include an appropriation.

The Secretary of State's Office (SOS) indicates the bill would require provision of a special registration form for the purposes of registering qualified electors who will be at least 16 years of age but under 18 years of age on or before the next school election. Costs of printing the new forms on card stock with pre-printed return addresses to the county clerk offices, similar to the current voter registration forms, is expected to be about \$2,310 (200 forms * 33 counties * \$.35 per form w/shipping). As an alternative, PDF forms printed by the county clerks could be used for little to no cost, if needed.

The SOS online voter registration system could be modified with minimal effort and no additional cost to accommodate the acceptance of electronic voter registration from underage voters who wish to register to participate in school elections.

SIGNIFICANT ISSUES

The Secretary of State's Office (SOS) reports the bill is unclear whether MVD and other registration entities would be required to register the otherwise underage electors and if this would cause additional costs to be incurred.

The bill is also unclear whether the registration on the special form would constitute a regular voter registration when the qualified elector turns 18 or if the registrant would be required to re-register on a regular registration form.

ADMINISTRATIVE IMPLICATIONS

The SOS would need to accommodate the school election eligible voter in the statewide voter registration and election management system so they would appear on school election voter rosters but not on rosters for other elections. The SOS is currently 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.

RELATIONSHIP

The Attorney General's Office (AGO) indicates HB104 proposes to create the Local Election Act and proposes consolidating elections and voting districts and providing for a uniform process for local government elections. Under HB104, school elections would be held concurrently with other elections and bond or tax issues. Should HB104 and HB99 be enacted, it would be an administrative hurdle to allow 16-year-olds to vote for a school election only and not vote on other ballot items. Separate ballots would likely need to be printed.

OTHER SUBSTANTIVE ISSUES

The Attorney General's Office (AGO) reports individual states retain broad power to establish electoral qualifications, subject to certain constitutional and other federal law constraints [see [Lassiter v. Northampton Cnty. Bd. of Elections, 360 U.S. 45, 50-51 \(1959\)](#)]. The Twenty-Sixth Amendment, for example, prohibits states from setting the age of electoral majority above eighteen [U.S. CONST. amend. XXVI, § 1]. No constitutional or other federal law provision, however, prohibits states from lowering the age of electoral majority; each state retains that power. Both the U.S. and New Mexico constitutions have age qualifications, but it is unclear if these serve as minimum requirements or function to prohibit states from discriminating on the basis of age for those over 18.

The Public Education Department indicates expanding the voter pool for school elections might address extremely low turnout for school elections; however, younger voters have some of the lowest voter turnout rates in the nation, so it is unclear how much impact it will have.

House Bill 99 – Page 3

Regarding registrations of underage citizens, according to the National Conference of State Legislators (NCSL), 14 states permit voter registration before the age of 18, but not prior to the age of 16. This form of preregistration allows underage citizens to complete a registration form and be automatically added to the voter rolls when they reach voting age. Allowing children age 16 and older to pre-register appears to allowable.

RAE/al/jle