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## FISCAL IMPACT REPORT

SPONSOR Woods ORIGINAL DATE 2/2/17  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Electors Voting for Popular Vote Winner SB 127  
ANALYST Esquibel

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

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		N/A				

(Parenthesis ( ) Indicate Expenditure Decreases)

Senate Bill 127 relates to Senate Bill 42, Agreement to Elect President by Popular Vote; Senate Bill 54, Agreement to Elect President by Popular Vote; Senate Bill 102, Elect President by National Popular Vote; SJR7, Elect President by National Popular Vote, CA; and House Bill 120, Disqualification of Presidential Electors

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (NMAG)  
Secretary of State's Office (SOS)

### SUMMARY

#### Synopsis of Bill

Senate Bill 127 (SB127) would amend Article 15 of the election code such that one elector from each congressional district would cast their electoral college vote for President and Vice President based on the popular vote in that district. The remaining two electors not tied to a congressional district would be 'at large' and would cast their votes for the candidates for President and Vice President who received the highest number of votes in the state.

### FISCAL IMPLICATIONS

The bill does not include an appropriation.

The Secretary of State's Office indicates it expects no fiscal impact related to this legislation.

## TECHNICAL ISSUES

The Secretary of State's Office (SOS) notes currently each political party who expects to have a presidential candidate on the ballot is responsible for submitting their nominated electors to the Secretary of State. The electors of the party whose candidate wins the state's popular vote are issued a certificate of election by the state canvassing board (Section 1-15-4). Pursuant to Section 1-15-9, the presidential electors are required to cast their ballot for the candidate of the political party that nominated them as electors. The penalty for violating this provision is a fourth degree felony. These sections of law would need to be addressed in the proposed bill to conform to the proposed changes in SB127.

Additionally, Section 1-15-3 would need to be further amended to require that when the parties nominate their electors they specifically designate which nominees are at large and which are from each congressional district.

## OTHER SUBSTANTIVE ISSUES

The Attorney General's Office (NMAG) notes the U.S. Constitution expressly delegates to state legislatures the authority to define and implement the process for the appointment and selection of "electors" who vote in the electoral college. "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress." [See U.S.C.A. Const. Art. II § 1, cl. 2.] The New Mexico Constitution does not address the issue of "electors" or the electoral college.

RAE/jle