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FISCAL IMPACT REPORT

SPONSOR Pirtle ORIGINAL DATE 1/29/2019
LAST UPDATED _____ HB _____
SHORT TITLE Voting Assistant Registration SB 320
ANALYST Rabin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	No Fiscal Impact					

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB84, HB86, SB50, SB52

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

Senate Bill 320 would amend the definition of “registration agent” as used in the Election Code to require the registration agent be either a state or federal employee who provides voter registration at a state agency or tribal registration office or an individual who is a qualified elector (i.e., a New Mexico resident qualified to vote) and registered to vote in the state of New Mexico. Under current law, any individual who assists someone in completing a voter registration application is considered a registration agent.

FISCAL IMPLICATIONS

SB320 has no significant fiscal implications.

RELATIONSHIP

This bill relates to House Bill 84 and Senate Bill 50, which provide for automatic voter registration and registration updating for qualified electors at the Motor Vehicle Division; House Bill 86, which allows qualified electors to register to vote at polling places on Election Day and

at early voting sites; and Senate Bill 52, which allows qualified electors to register to vote at early voting sites up to three days before an election.

TECHNICAL ISSUES

The broad definition of “registration agent” under current law may cause the requirements on agents contained in this bill to conflict with other provisions of the Election Code. Section 1-4-5.1(C) NMSA 1978 currently provides that a qualified elector “may seek the assistance of any person in completing the certificate of registration.” Under current law, the definition of registration agent includes “any other individual who assists another person in completion of a voter registration application,” making those persons from whom qualified electors seek and receive assistance registration agents. Restricting the definition of registration agent could therefore be interpreted as conflicting with the elector’s ability to seek assistance from anyone.

However, as used throughout Election Code, the use of the term “registration agent” does not appear consistent with a definition so broad as to encompass anyone who might provide any type of assistance to others when registering. In Section 1-4-5 NMSA 1978, qualified electors are permitted to apply for registration to “a registration officer or agent,” and will be given a receipt that contains “a number traceable to the registration agent or officer,” which in practice is a voter registration agent identification number provided by the Secretary of State’s office to registration agents who are registered with that office. Currently, only registration agents “who either register or assist persons to register to vote **on behalf of an organization that is not a state or federal agency**” are required to register with the Secretary of State. In practice, it seems these are the registration agents that Election Code addresses, and others who may assist individuals in their applications are not treated as such.

To ensure SB320 does not conflict with Section 1-4-5.1(C) NMSA 1978, and to provide additional clarity in Election Code, it may be advisable to further amend the definition of registration agent included in Section 1-1-16.1 NMSA 1978 to read “a state or federal employee who provides voter registration at a state agency, or tribal registration agent office, or any individual who is a qualified elector registered to vote in the state and who either registers or assists another person in completion of a voter registration application on behalf of an organization that is not a state or federal agency.”

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