

LFC Requester:

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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/29/2025

Check all that apply:

Bill Number: HB 170

Original Correction

Amendment Substitute

John Block
Stefani Lord
Mark Duncan
Steve D. Lanier
Jay C. Block

**Agency Name
and Code
Number:**

Secretary of State - 370

Sponsor: _____

Person Writing Lindsey Bachman

Short

Email

Title: REQUIRE VOTER I.D.

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$81-\$161 \$120	\$161-\$323	\$362-\$604	Recurring Nonrecurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 170 requires that a photocopy of a voter identification document be provided by the state upon request at no charge when the voter presents the document during normal business hours at any city, county or state government office that is capable of making such copies.

Section 2 requires physical voter identification to be provided at the time a voter votes in-person or by mailed ballot. The provisions further remove existing accepted forms of identification required for voting except for an identification documentation issued by the state’s motor vehicle division.

Section 3 amends the state’s voter registration process by requiring voters to provide a copy of their current driver’s license or identification card issued by the motor vehicle division of the taxation and revenue department.

Section 4 adds requirements to the process of requesting a mailed ballot for elections by requiring that voters provide a current driver’s license or identification card issued by the motor vehicle division of the taxation and revenue department. The provisions would also give voters the option to provide a full social security number when applying online.

Sections 7 and 8 would change the information required on mailed ballot envelopes from the last four of the social security number to a full social security number.

Sections 9 - 12 allow for a voter’s required identification to be challenged for not conforming to requirements and, when challenged, provides that a voter to be offered a provisional ballot. The provisions remove the ability to vote on a provisional ballot should the voter not provide the physical form of identification when voting.

Finally, HB 170 repeals 1-12-4.1 NMSA 1978 which provides, “If on election day the amount of time voters must spend in line before being able to vote in the precinct exceeds forty-five minutes, the presiding judge of the precinct shall suspend all physical forms of voter identification requirements other than those mandated by federal law; provided, however, that at the request of two or more precinct board members of different political parties, a voter shall still present the required physical form of identification, and in the case of a voter who does not provide the required name, birth year and unique identifier, the voter shall still be required to present the required physical form of identification.”

FISCAL IMPLICATIONS

Section 1 requires the state provide at no charge a copy of the “voter’s required voter identification document when the voter presents the document during normal business hours at any city, county or state government office that is capable of making such copies.” The expenses associated with the implementation of this provision are likely very broad. The estimate provided takes into account the approximately 485,716 new and update registrations processed in the state in the period from the 2022 general election to the 2024 general. The range provided is meant to account for at least half of those voters requesting copies at \$1.00 per photocopy and accounts for potential increase in registration and voting activity around a general election. This amount is meant to encompass ink, paper, and administration costs associated with the state coordinating expenses with county clerks and state agencies.

The requirements altering the mailed ballot application process would also require some changes to existing systems in order to capture voters’ social security numbers. In addition, the requirement to provide a photo id when applying online for an absentee ballot, will necessitate modifications the systems used to capture, process, and store these applications. The modifications will affect at least three different vendors and are estimated at \$120,000.

SIGNIFICANT ISSUES

Except for current identification documentation issued by the state’s motor vehicle division, HB 170 removes all currently accepted forms of required identification necessary to vote, including IDs issued by an Indian Nation, tribe or pueblo. It also removes the ability for a voter to utilize an expired photo ID. These changes would suppress the participation of many eligible groups in our state’s electoral process, including senior citizen voters, who often do not have valid physical identification issued from the MVD. These groups rely on current provisions in 1-1-24 NMSA 1978 to vote, which allow for original physical identification and/or verbal or written statements related to identity.

The provisions in Sections 10-11 may be vulnerable to challenge under the National Voter Registration Act’s findings section which states that “discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.” 52 USC 20501(a)(3). The provisions also likely violate federal law, 52 USC 2108, which requires provisional voting be provided as option to voters for whom an “election official asserts that the individual is not eligible to vote.”

The passage of HB 170 would likely dramatically reduce turnout among qualified electors in New Mexico’s elections.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

If HB 170 passes, the SOS will have additional administration duties associated with education and compliance. The full funding of the SOS’s budget request is necessary to keep up with the volume of work associated with all of the statutory duties supported by the office.

In addition, an effective date of July 1, 2026 would provide a reasonable amount of time to ensure the secure and successful implementation of the proposed provisions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Sections 1 and 4 require voters to provide “required voter identification” when applying for and voting on a mailed ballot. As mailed ballots are returned by mail and mailed ballot applications are available online and by mail, it is recommended that the language clarify that a copy of the required voter identification would be required and that voters would not be required to submit the original identification documentation issued by the state’s motor vehicle division to the county clerk.

Section 6 makes an amendment to the absentee ballot register that still requires the register to reflect whether or not the voter is required to submit required voter information. Should this bill pass, every mailed ballot voter would be required to submit physical photo identification. Lines 11-13 of section 6 would be unnecessary.

In Section 9, it is not clear whether or not a challenge would need to be sustained by an election board, as outlined in 1-12-22 NMSA 1978, in order for the voter to be provided a provisional ballot.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS