

LFC Requester:

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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto: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: 2/24/2025

Check all that apply:

Bill Number: HB 510Original  Correction Amendment  Substitute 

Sponsor: John Block  
Rebecca Dow

Short Title: ELECTION BOARDS OF  
REGISTRATION

Agency Name

and Code

Secretary of State - 370

Number:

Person Writing Lindsey BachmanPhone: 505-479-2626 Email lindsey.bachman@sos.nm.gov**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
<b>Total</b>		\$120			Nonrecurring	

(Parenthesis ( ) Indicate Expenditure Decreases)

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### Synopsis:

HB 510 adds a new section to New Mexico's Election Code that requires boards of registration to meet one month after nomination, ensure that the county clerk is compliant with registration laws, verify voter registration cancellations, maintain voter registration lists, certify address changes, and operate independently.

Section 2 requires county clerks to develop and administer training programs annually for boards of registration.

Sections 3 and 4 require the Secretary of State's Office (SOS) to forward lists of deceased individuals to boards of registration and require county clerks to report or certify the cancellations of registrations based on those lists to the board of registration.

Section 5 requires the board of registration to meet quarterly.

### **FISCAL IMPLICATIONS**

Pursuant to 1-4-28 NMSA 1978, boards of registration are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act, to be paid out of the election funds appropriated to the county clerk from the county general fund. Under existing law, the three- to five-member boards of registration meet twice in each odd-numbered year. Should HB 510 pass, per diem and mileage costs would increase significantly as the board would be required to meet four times every year.

In addition, the bills requirements will necessitate modifications to statewide systems to generate new reports. The modifications will affect at least three different vendors and are estimated at \$120,000.

### **SIGNIFICANT ISSUES**

The SOS is statutorily charged with the uniform application of the Election Code including assisting "the county clerks in the education and training of registration officers" and preparing "instructions for the conduct of election and registration matters in accordance with the laws of the state" pursuant to 1-2-2 NMSA 1978. HB 510 includes provisions that conflict with this authority and could result in various interpretations and administration of boards of registration, charged with cancellation of voter records, from county to county.

Pursuant to 1-1-16 NMSA 1978, "as used in the Election Code, "registration officer" means the secretary of state, a county clerk, a clerk's authorized deputy, a clerk-authorized member of an election board or a state employee performing registration duties in accordance with the federal National Voter Registration Act of 1993 or Section 1-4-5.2 NMSA 1978." The maintenance of voter lists requires hundreds, sometimes thousands, of changes by county clerk's offices to the statewide voter database daily. Approximately 485,716 new and updated voter registrations were processed in the state in the period between the 2022 general election and the 2024 general

election.

The boards of registration currently have a specific duty to address a specific list of voters identified for cancellation pursuant to state laws and the National Voter Registration Act. Boards of registration are not “registration officers.” The SOS is required by state and federal law to administer such a program. The bill may be in conflict with federal law, and it is unclear what authority or how a board of registration that meets quarterly could “maintain voter lists and certify that actions taken by a county clerk are accurate” as outlined in Section 1 of HB 510.

In addition, there are real privacy concerns relevant to the provision of data to boards of registration as provided for in the bill that would need to be addressed in the development of official reports and processes. The monthly certified list of deceased individuals received from the New Mexico Health Department includes legally protected information for each person listed, including year of birth and social security number. Pursuant to 1-4-50 NMSA 1978, “[t]he secretary of state, county clerk or any other registration agent shall not release to the public a voter's social security number or a voter's month and day of birth, and no person shall release to the public or share that information with someone other than a registration officer if the person learned of that information from the voter's certificate of registration.”

Under the federal Help America Vote Act, the SOS receives data from the motor vehicle division to the extent required to verify the accuracy of information provided by voters on registration forms. The utilization of such data requires “safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records.” Motor vehicle data is also protected under the federal Driver’s Privacy Protection Act.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

HB 510 does not include an effective date. If enacted, its provisions would be effective June 20, 2025. An effective date of May 1, 2027 would better allow for the successful implementation of its provisions.

The SOS will have additional administration duties associated with education, compliance, and enforcement. The full funding of 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.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**