

LFC Requester:

Hilla, Emily

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) 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: 2/21/2025

Check all that apply:

Bill Number: SJR 13Original  Correction Amendment  Substitute Sponsor: Shannon D. PintoShort OPEN PRIMARYTitle: ELECTIONS, CA

Agency Name

and Code

Secretary of State - 370

Number:

Person Writing Lindsey BachmanPhone: 505-479-2626 Email [lindsey.bachman@sos.nm.gov](mailto: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>		\$4,600 – \$6,200 \$125	N/A	\$4,725 – \$6,325	Nonrecurring	Election Fund General

						Fund
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(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:

SJR 13 proposes a constitutional amendment question be included in the next general election or any special election prior to that date that will be called for such purpose. The question asks voters to approve or reject an amendment to Article 7 of the New Mexico Constitution to allow registered qualified electors to vote in any state-funded primary election process regardless of the elector's party preference or affiliation, or lack thereof.

**FISCAL IMPLICATIONS**

If the bill passes, the constitutional amendment might be decided by the voters in the next general election which is in FY27. It might also be decided by a special election prior to that time or other statewide election. In either case, for the purposes of determining the costs involved, the Secretary of State's Office (SOS) wishes to inform legislators that, pursuant to NMSA 1978, Section 1-16-4, and Article 19 Section 1 of the New Mexico Constitution, the SOS is required to publish the ballot question for each proposed constitutional amendment, in both Spanish and English.

The SOS is constitutionally required to publish the ballot question of each proposed constitutional amendment once a week for four consecutive weeks preceding the election in one newspaper in every county in the state. The cost will vary on the length of the ballot question. In 2024, the SOS published four ballot questions for proposed constitutional amendments at a cost of approximately \$140,950.

The SOS also produces a general election voter guide that includes information about proposed constitutional amendments and provides it to voters at polling locations. The cost of producing the voter guide will change depending upon the number and length of the constitutional amendments passed and the number of registered voters. However, as a reference, the 2024 voter guide cost approximately \$52,000 from GSD State Printing.

The number of constitutional amendments that pass may also impact the page size of the ballot, or if the ballot size is caused to become greater than one page, front and back, which will increase the cost of producing the ballots for the general election. In addition to the cost of the ballot, there may be time added to the voting process, which would require additional ballot printing systems to ensure a smooth and efficient voting process within the bounds of national best practices.

With the likely increase in voter turnout during the primary election due to all voters being eligible to participate, additional ballot on demand (BOD) printing systems may be needed in some counties to maintain voter wait times during early and election day voting in the primary election. The figures in the Estimated Additional Operating Budget Impact table are a cost range for leasing

additional BOD systems for the primary election. The maximum of the provided range represents the real difference of BOD costs from the 2024 primary since this bill would effectively make all voters in the state eligible to participate in primary elections. These costs would impact the Election Fund.

Additionally, there would be required enabling legislation that should include changes to existing systems and processes. For example, there is a likelihood that the mailed ballot application would need to be updated to capture a major political party ballot choice from some voters. The implementation of modifications to mailed ballot applications and related processing will require systemic enhancements that will cost approximately \$120,000. Outreach to impacted voters on the state's permanent absentee list will cost approximately \$5,000. These potential costs would impact the General Fund.

## **SIGNIFICANT ISSUES**

By allowing voters without a party designation or those who are affiliated with an unqualified political party to participate in the primary election, SJR 13, if approved by voters and enacted, would likely increase voter participation in primary elections. As of December 2024, more than 340,000 voters, 24.4 percent of registered voters in New Mexico, were not affiliated with one of the three major parties – Democratic, Republican, and Libertarian.

In *Crum v. Duran*, 2017-NMSC-013, the NM Supreme Court observed that although state legislatures cannot unduly infringe on a voter's right to vote, legislatures may reasonably regulate elections and impose voter qualifications. Based on this view of the legislature's general authority to enact election-related laws, the Court in *Crum* upheld the legislature's authority to enact the statute at issue, which requires voters to designate their affiliation with a major political party at least 28 days before the primary election. The Court specifically found that such requirement was a proper exercise of the legislature's authority to regulate the "manner, time, and place" of voting. The *Crum* decision does not foreclose a subsequent legislature from eliminating, altering or otherwise revising the requirement of major party affiliation designation in order to vote in a primary election, as long as such subsequent legislation is defensible as a reasonable exercise of "manner, place, and time" authority.

## **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

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

Conflicts with SB 16.

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

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

Status quo.

## **AMENDMENTS**