

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

LAST UPDATED _____

SPONSOR Block/Dow **ORIGINAL DATE** 3/3/25

BILL

SHORT TITLE Election Boards of Registration **NUMBER** House Bill 510

ANALYST Hilla

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
County Cost Per Diem	No fiscal impact	\$0.5 to \$1.9	\$0.5 to \$1.9	\$1.0 to \$3.8	Recurring	Other state funds
SOS	No fiscal impact	\$120.0	No fiscal impact	\$120.0	Nonrecurring	General fund
Total	No fiscal impact	\$120.5	\$0.5 to \$1.9	\$121.0 to \$123.8		

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Secretary of State (SOS)

Agency Analysis was Solicited but Not Received From
New Mexico Municipal League (NMML)
New Mexico County Clerks Affiliate (NMCCA)

SUMMARY

Synopsis of House Bill 510

House Bill 510 (HB510) adds a new section to Chapter 1, Article 4 NMSA 1978, specifying that boards of registrations ensure county clerks comply with the Election Code, verify cancellation of deceased residents from voter lists, maintain voter lists, including address changes, but shall operate independent from county clerks. However, the bill requires that county shall annually develop programs that inform the board of registration about the board's responsibility to maintain accurate voter lists. The bill also requires that the Secretary of State (SOS) send certified lists of deceased residents to the boards of registration and that county clerks report cancellations of a deceased resident's certification of registration to the board.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

Pursuant to Sections 10-8-1 through 10-8-8 NMSA 1978, public members of boards of registration may receive per-diem and mileage reimbursements. Following Section 1-4-34 NMSA 1978, the number of members comprising the board of registration varies per county size: three members for counties with fewer than 5,000 residents, with all other counties to have five members. Mileage costs would vary widely and are difficult to estimate. The Per Diem and Mileage Act allows \$45 per member should meetings be less than four hours a day, and \$95 per member should meetings last longer than four hours. This creates a range of \$135-\$285 a quarter for board with three members and \$225-\$475 for board with five members. As HB510 requires the boards to meet quarterly, this creates an estimate fiscal impact of \$540-\$1,900, with the lower end being the cost for three-member boards to meet four times a year and the higher end being the cost for five-board members to meet at the same rate. By statute, this is a cost which counties will assume, now on a recurring basis.

Additionally, SOS states that it would need an estimated \$120 thousand in one-time funding to modify existing systems to accommodate HB510.

SIGNIFICANT ISSUES

SOS states that HB510 conflicts with the office's authority to uniformly apply the Election Code, which includes assisting training registration officers and preparing instructions for the conduct of election and registration matters. SOS states that the bill could result in various interpretations and different administration of board of registration.

SOS adds that pursuant state and federal laws, boards of registration have the authority to address a specific list of voters identified for cancellation, which SOS is required to administer, both by state and federal election. SOS notes that HB510 may conflict with federal law, adding that 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.

Pursuant to Section 1-1-16 NMSA 1978, "registration officer" is defined as the secretary of state, a county clerk, a clerk's authorize 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. SOS receives certified lists of deceased individuals from the New Mexico Department of Health every month, which includes year of birth and social security number. SOS raises privacy concerns related to HB510, as state statute prohibits the secretary of state, county clerks, or their registration agent to release a voter's social security number, or a voter's date of birth, and shall not share his information with someone than a registration officer. SOS adds that the data it receives from the Motor Vehicle Division is protected under the federal Driver's Privacy Protection Act.