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FISCAL IMPACT REPORT

LAST UPDATED _____

SPONSOR Townsend/Lanier/Thorton/Gallegos ORIGINAL DATE 2/28/25

BILL

SHORT TITLE Notice of Voting Eligibility to Non-Citizens NUMBER Senate Bill 453

ANALYST Hilla

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

| Agency/Program | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|------------------|------------------|---------------------------|---------------------------|---------------------------|---------------------------|-------------------|
| Cost to Counties | No fiscal impact | Indeterminate but minimal | Indeterminate but minimal | Indeterminate but minimal | Recurring | Other state funds |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bill 452 and House Bill 572, duplicates House Bill 573

Sources of Information

LFC Files

Agency Analysis Received From

Secretary of State (SOS)

New Mexico Attorney General (NMAG)

Agency Analysis was Solicited but Not Received From

New Mexico County Clerks Affiliate

SUMMARY

Synopsis of Senate Bill 453

Senate Bill 453 (SB453) prohibits the Secretary of State (SOS) or a county clerk from sending notifications of eligibility or potential eligibility to register to vote in the state to persons who are not citizens of the United States.

The effective date of this bill is July 1, 2025.

FISCAL IMPLICATIONS

This bill does not create a new crime for violations of it, however, any violations in the Election Code that do not impose a specific penalty result in a petty misdemeanor. While a petty misdemeanor generally does not result in significant incarceration, individuals convicted under this statute could face short-term detention, increasing county jail costs. The cost of housing an individual in a county detention facility varies by jurisdiction but is estimated at approximately \$100 per day. Given that petty misdemeanor sentences rarely exceed six months and are often resolved through fines or probation, the overall incarceration impact is expected to be limited but nonzero.

The precise fiscal impact is difficult to quantify, as incarceration for petty misdemeanors is discretionary and often depends on local enforcement and judicial practices. If enforcement varies by county, some jurisdictions may see higher jail admissions than others, leading to disparate fiscal impacts across the state. Additionally, any increase in criminal charges could contribute to higher caseloads for courts, district attorneys, and public defenders, though these costs are not included in this estimate due to the difficulty in determining their fiscal impact with certainty.

Beyond direct incarceration costs, counties may experience increased administrative and personnel costs related to compliance, enforcement, and case adjudication resulting from this measure. However, without clear data on enforcement levels, the extent of these costs remains indeterminate but minimal.

SIGNIFICANT ISSUES

The Secretary of State (SOS) notes that non-U.S. citizens are not allowed to register to vote in the state of New Mexico. SOS states that all voters seeking to register or update registration must attest they are a citizen of the U.S. pursuant to both state and federal regulations. Pursuant to 1-4-11, NMSA 1978, county clerks shall reject any certificate of registration in which citizenship questions are not answered or are answered in the negative. Additionally, violating voter registration laws (including false voting) is already a fourth-degree felony. SOS indicates that if a section of the Election Code does not impose a specific penalty for violation, the violation results in a petty misdemeanor. SOS adds that if SB453 passes, outreach to all potential voters with registration information from official sources would be dramatically hindered.

The New Mexico Attorney General (NMAG) notes the bill does not have any enforcement mechanisms, and it may be difficult for election officers to comply with the bill without a centralized database with citizenship status.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 573 duplicates this bill. SB453 relates to Senate Bill 452 and House Bill 170.

EH/rl/SR