

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

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Sandoval DATE TYPED 01/27/05 HB 361

SHORT TITLE Third-Party Election Registration Agents SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Minimal		

(Parenthesis () Indicate Expenditure Decreases)

Responses Received From
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 361 creates a new section of the elections code to establish requirements for individuals who assist persons to register to vote on behalf of an organization that is not a state or federal agency. House Bill 361 requires registration of these individuals and provides penalties for violations of the section.

Significant Issues

Specifically, House Bill 361 defines “registration agent” as a state or federal employee who provides voter registration at a state agency or any other individual who assists another person in completion of a voter registration application.

The bill requires registration agents who register persons, or assist persons to register, to vote on behalf of an organization that is not a state or federal agency to register with the SOS. The organization shall provide the SOS with all of the following:

- Name and permanent address of the organization;
- The names, permanent addresses, temporary addresses, dates of birth, and social security numbers of each person registering persons to vote in the state on behalf of the organization;
- A sworn statement from each registration agent employed by, or volunteering for, the or-

ganization stating that the agent will obey all state laws and rules regarding the registration of voters on a form that gives notice of the criminal penalties for false registration.

The bill also requires organizations using paid or volunteer registration agents to deliver the certificate of registration of the person registering to vote to the SOS or the county clerk within 24 hours of its completion, or the next business day if the appropriate office is closed during that period.

The bill allows the SOS to issue rules to ensure the integrity of the registration process.

Finally, a person who violates the provisions of this newly created section is guilty of a fourth degree felony.

FISCAL IMPLICATIONS

There may be minor costs to the SOS to develop forms and administer the registration of these agents.

ADMINISTRATIVE IMPLICATIONS

The SOS indicates that new forms will be needed and staff will require training on the new procedures for third party registration.

TECHNICAL ISSUES

The bill specifies that voter registration agents employed by an organization that is not a state or federal organization are subject to registration with the SOS. Would this include county employees, such as those in the county clerk's office?

OTHER SUBSTANTIVE ISSUES

According to the SOS, the integrity of New Mexico's registration and elections processes has been compromised by third-party organizations who do not, for whatever reason, return the registration certifications of voters. Organizations pick up numerous registration packets from county clerks and the SOS but not return all of them. The SOS believes this bill will instill greater confidence in the election process and make New Mexico's election code less prone to abuse.

EF/rs