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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/08

SPONSOR Fox-Young LAST UPDATED _____ HB 251

SHORT TITLE Require Voter Identification SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Association of County Clerks (ACC)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 251 adds a new section to the Election Code requiring the county clerk to issue, free of charge, a voter photo identification card if the voter provides appropriate documentation, and if unable to present required documents, the clerk and county clerk affirm in an affidavit that the person is registered to vote. If a provisional ballot is cast because a voter did not provide required voter identification because the voter has a religious objection to being photographed, the voter shall not be required to submit photo identification and the voter's ballot shall be counted.

Next, House Bill 251 amends the meaning of "required voter identification" to an original or copy of a current and valid photo identification that contains the voter's name and photo and it may be a card issued by a government agency, student identification card, commercial transaction card, such as credit or debit card, an insurance card, union card, professional association card or a voter photo identification card issued by the county clerk or Secretary of State.

It also amends Section 1-6-5.7, to state that provisional ballots shall be counted only if (1) the voter presents to the county clerk no later than three days following election day the required

voter identification; (2) the voter did not vote elsewhere; and (3) the voter was registered to vote in the election.

Lastly, it amends the handling of absentee ballot to state that if the required voter identification is not appropriately included, the ballot shall be placed unopened in an envelope for ballots and a list of these voters will be posted at the county clerk's office the first day after election day. The ballots will not be counted unless the voter provides the county clerk with the required voter identification within three days after posting of the list and the county clerk determines that the voter did not vote elsewhere in that election.

FISCAL IMPLICATIONS

The Association of County Clerks points out that this is an unfunded mandate. Costs associated with implementing provisions of this bill are indeterminate.

SIGNIFICANT ISSUES

The Association of County Clerks points out that this is an unfunded mandate; it seems to disenfranchises voters with limited mobility or homebound; and it would require significant rework of all Absentee materials needed to comply, with additional postage necessary.

The Secretary of State notes that the question of mandatory photo identification is currently under consideration by the United States Supreme Court. It would be unwise of New Mexico to adopt mandatory photo identification before the United States Supreme Court renders its decision, as this practice or this implementation of this practice may be deemed unconstitutional.

ADMINISTRATIVE IMPLICATIONS

County Clerk's Offices do not currently have this type of equipment or training.

OTHER SUBSTANTIVE ISSUES

Discrimination exists for persons with limited mobility, homebound and Military or Overseas Voters. This also assumes that copies of identification can be readily available for all voters as such copies are required of Absentee Voting.

EO/bb