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## FISCAL IMPACT REPORT

ORIGINAL DATE 2-19-09

SPONSOR Maestas LAST UPDATED \_\_\_\_\_ HB 769

SHORT TITLE Voter Registration Organization Requirements SB \_\_\_\_\_

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
 Administrative Office of the Courts (AOC)  
 Secretary of State (SOS)  
 New Mexico County Clerks Affiliate (NMCCA)

### SUMMARY

#### Synopsis of Bill

House Bill 769 changes the requirements for individuals and organizations collecting voter registration forms from voters. It also significantly lengthens the deadlines for returning the forms to the secretary of state or county clerk. Finally, it substantially lowers the penalties for non-compliance with this law.

### SIGNIFICANT ISSUES

Pursuant to the National Voter Registration Act, 42 U.S.C. 1973gg, *et seq.*, states must accept federal voter registration forms. Those forms may be downloaded on the internet. *See, e.g.*, [http://www.eac.gov/files/voter/nvra\\_update.pdf](http://www.eac.gov/files/voter/nvra_update.pdf). The New Mexico County Clerks Affiliate expresses concern that the proposed legislation will have limited value in controlling any fraud or misrepresentation by organizations conducting registration drives.

The AGO echo's the same point and adds that as HB769 currently reads, Section 1-4-49 applies to both state and federal voter registration forms. In the event that such a form is used

fraudulently, Section 1-4-49 provides a tracking mechanism – the voter registration agent is required to include his or her voter registration agent number on every voter registration card he or she submits to an election officer. This bill would prevent the Secretary of State from enacting rules that would require voter registration agents to include that registration number on any federal form the agent submits, instead limiting the Secretary of State’s authority to tracking only “state-issued certificate of registration forms.”

## **PERFORMANCE IMPLICATIONS**

According to the Secretary of State not requiring all voter registration agents to participate in a state or county training session would be counter productive. These sessions allow state or county officials to go over all aspects of the voter registration process. Also, many organizations and agents requested numerous forms and did not complete or return them to the Secretary of State or a county clerk. Changing the timeframe of delivery of completed voter registration forms would create an undue burden on the county clerks and their staff. Having completed registration forms with sensitive information such as date of birth and social security numbers in someone’s possession for a longer period of time is very concerning due to identity theft.

## **TECHNICAL ISSUES**

The AGO highlights the following issues:

1. Page 3, line 21 what happens to those forms filled out 200 days in advance?
2. Page 4, line 15 what does “clearly engaged” mean?
3. Page 4, line 20 – 23. The language may exempt individuals from attending training sessions.

## **POSSIBLE QUESTIONS**

The amendment also provides for a civil penalty in an action brought by the AGO or a district attorney for such violation of \$50 for each violation caused by gross negligence or intentional conduct. The AOC raises the question, “Is a violation caused by gross negligence an intentional violation?”

EO/mt