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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number SB410 **Sponsor** Soules
Tracking Number .212134.1 **Committee Referrals** SRC/SEC
Short Title School Counsellor Vote Registration Agents
Analyst Force **Original Date** 2/23/19
Last Updated _____

BILL SUMMARY

Synopsis of Bill

Senate Bill 410 (SB410) proposes to amend Section 1-4-49 NMSA 1978 of the Election Code, on third-party voter registration agents, to require high school guidance counsellors to be voter registration agents and help register students to vote who will be qualified to vote at the next election. Councilors would be required to mail or deliver completed voter registration forms to the Secretary of State (SOS) or the appropriate county clerk within one week of completion by a qualified high school student. A violation of Section 1-4-49 NMSA 1978 may result in an action for relief, including permanent or temporary injunctions, restraining orders, and civil penalties of \$250 per each violation, up to \$5,000.

If enacted, the bill will become effective on June 14, 2019.

FISCAL IMPACT

HB410 does not contain an appropriation.

SUBSTANTIVE ISSUES

The rate of voter participation, particularly for younger people, historically has been an issue of some concern to government officials at all levels. According to the US Census Bureau, the voting rate in presidential elections for people between the ages of 18 and 29 has fallen over time, from a high point of 50.9 percent in 1964 to a nadir of approximately 31 percent in 1996, to 43 percent in 2016. These figures are, at all points, below the voting rates for all other age groups by more than 10 percentage points. Easing the voter registration process for young people, by allowing registration through their high schools just before they become a qualified elector, may increase the voting rate and participation in the political process for young people.

The New Mexico Attorney General (AG) suggests that the confidentiality of voter data, like that of all personally identifiable information in recent years, has become a significant public policy

and political issue. The New Mexico voter registration form includes the full social security number and birth date of the registrant; exposure of such data may compromise the registrant's identity, financial, health, and other personal information.

Paragraph 7 of Subsection B of Section 9 of 1.10.25 NMAC requires third-party voter registration forms be mailed or delivered to the SOS or the appropriate county clerk within 48 hours of completion, excluding weekends and holidays. The provisions of SB410 would expand that time period to one week for school counsellor registration agents. The sponsor may wish to consider amending the bill to reflect requirements of these rules promulgated by SOS as the agent in charge of elections in the state. A longer waiting period between completion and submission may increase the risk of exposing new registrants' personal information. Alternatively, SOS would need to amend Part 25 of 1.10 NMAC to reflect the requirements of SB410, if it is enacted, by permitting high school registration agents a longer period to submit completed registration forms.

ADMINISTRATIVE IMPLICATIONS

Subsection G of Section 8 of 1.10.25 NMAC requires all third party voter registration agents to complete training regarding the use of voter registration forms, the requirements that Section 1-4-49 NMSA 1978 places on third party voter registration agents, and the penalties for failing to comply with Section 1-4-49 NMSA 1978. The training is offered in person, both from the SOS and from each county clerk, but must also be made available to all third party voter registration agents who cannot attend in person, including making training available through the internet on the SOS website. School counsellors would be required under both the provisions of the bill and the New Mexico Administrative Code to complete the require training.

The Public Education Department notes enactment of the bill would necessitate amendment of Part 6 of 6.63 NMAC, Licensure Requirements for Ancillary and Support Personnel, to reflect the proposed new duties of school counsellors. Further, all high schools with guidance counsellors would need to utilize existing FTE to register the schools with SOS as registration organizations and provide SOS with information, such as the names of school officers, the names, addresses, and birth dates of all potential registration agents, and a sworn statement from each agent employed by the school.

RELATED BILLS

HB84, Auto Voter Registration at MVD and Elsewhere, which proposes to change current registration law and process for MVD locations from an "opt-in" to an "opt-out" process, meaning license applicants must affirmatively decline voter registration, rather than affirmatively request it.

HB86, Election Day and Early Voter Registration, which proposes a new section of the Election Code to allow qualified electors to register to vote on Election Day at a polling location or early voting site.

HB292, Early Voting Privacy, which would strike requirements that SOS and county clerks provide absentee voter information to political parties and others under certain circumstances.

SB320, Voting Assistant Registration, which would amend the definition of "registration agent" to require the agents be either a state or federal employee who provides voter registration at a state

agency or tribal registration office or an individual who is a qualified elector (i.e., a New Mexico resident qualified to vote) and registered to vote in the state of New Mexico.

SOURCES OF INFORMATION

- LESC files
- Public Education Department (PED)
- Secretary of State (SOS)
- Office of the Attorney General (OAG)

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