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## FISCAL IMPACT REPORT

**LAST UPDATED** \_\_\_\_\_

**SPONSOR** Rehm **ORIGINAL DATE** 2/2/23

**BILL**

**SHORT TITLE** Voter Education and Election Task Force **NUMBER** House Bill 86/ec

**ANALYST** Daly

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	\$8.2-\$9.0	\$25.8-\$29.0	No Fiscal Impact	\$34.0-\$38.0	Nonrecurring	General Fund
<b>Total</b>						

Parentheses ( ) indicate expenditure decreases.  
\*Amounts reflect most recent version of this legislation.

### Sources of Information

LFC Files

Responses Received From  
Administrative Office of the Courts (AOC)  
Secretary of State (SOS)

## SUMMARY

### Synopsis of House Bill 86

House Bill 86 creates a “voter education and elections task force” to study and provide recommendations on best practices to educate voters on electoral procedures, voter registration, and election safeguards. Task force membership is composed of:

- Six legislators, with equal representation from the two major political parties in the state (hereinafter “party-balanced”), three of whom are members of the House of Representatives appointed by the Speaker of the House, and three members of the Senate appointed by the Senate Committees’ Committee or the President Pro Tem, subject to stated conditions;
- The Secretary of State or a designee;
- The Secretary of the Taxation and Revenue Department (TRD) or a designee with oversight or knowledge of TRD’s data collection and systems operation;
- Four party-balanced public members, two appointed by the Speaker or the House and two appointed by the president pro tem of the Senate, with specified expertise; and
- Four party-balanced county clerks, appointed by the county clerk’s affiliate of the New Mexico Association of Counties.

In addition, a representative from the state registrar, a county assessor appointed by the director of TRD's Property Tax Division, and a representative from AOC will serve in an advisory role. The task force shall invite a representative of the U.S. Postal Service in New Mexico to participate in an advisory role.

SOS and the Legislative Council Service provide administrative support for the task force. The taskforce is required to submit a report to the governor and the Legislature by December 31, 2023.

This bill contains an emergency clause and would become effective immediately on signature by the governor.

## **FISCAL IMPLICATIONS**

SOS questions which agency will bear the costs associated with the task force or how much administrative support the SOS would have to provide, noting there could be additional costs for staff, or costs related to meetings and publishing of task force materials that the agencies would have to absorb. SOS recommends hiring a part-time coordinator at an estimated cost of \$30 thousand until the report from the taskforce is delivered. The four public members of the task force would receive mileage and per diem reimbursement. Assuming one or two meetings per month for eight months, and assumes \$125 per member per meeting for mileage and per diem, SOS estimates these costs to be \$4,000 to \$8,000. These two estimated costs are reflected in the Operating Budget Impact table.

## **SIGNIFICANT ISSUES**

SOS summarizes the duties of the taskforce under HB86: to develop policy recommendations to educate voters and to consider improvements to the Election Code to make electoral processes more efficient and accessible to all voters. The bill specifically requires the taskforce consider how to educate voters on keeping registration information up to date; review the accessibility of existing public facing voting systems such as the online registration system, tabulators, and websites; study voting best practices and modernizations such as automatic voter registration, same day registration, geo-enabling voter rolls, residency requirements, and election security; and study best practices for maintaining accurate voter rolls. In light of these responsibilities, SOS recommends the dates the task force's draft and final report change from December 2023 to December 2024 to allow SOS and the taskforce more time to meet, evaluate, and prepare a report of recommendations.

## **OTHER SUBSTANTIVE ISSUES**

According to SOS, New Mexico is one of 33 states that uses the Electronic Registration Information Center or "ERIC" (<https://ericstates.org/>), which has resulted in significant voter roll clean-up by providing a secure mechanism to compare voter rolls with Motor Vehicle Division data from all participating states, as well as with death records from the Social Security Administration. SOS also receives regular electronic data from AOC and the Department of Health for voter roll maintenance efforts.

SOS advises that existing law in New Mexico conforms with federal law concerning list

maintenance efforts associated with changes of address. In particular, the law allows for a county-appointed board of registration to recommend removal of voters who have been flagged by the county due to the return of certain mail, failure to participate in two consecutive general elections, and not otherwise updating or confirming their address.

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