

LFC Requester:

Simon, Joseph

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/3/2025 *Check all that apply:*
Bill Number: SB 200 Original Correction
Amendment Substitute

Sponsor: Jay Block **Agency Name and Code** Secretary of State - 370
Number: _____
Person Writing Analysis: Lindsey Bachman
STATE HOLIDAY TO VOTE **Phone:** 505-479-2626 : **Email** lindsey.bachman@sos.nm.gov

Short Title:

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total						
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(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 200 creates a new state holiday, “State Holiday to Vote,” on the first Tuesday of November in honor of Election Day.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

Election Day is currently not a federal holiday in the United States. However, 14 states have designated Election Day as a state holiday, and five of those states require employers to pay their employees paid time off on that day¹. New Mexico, like 17 other states, requires employers to offer paid time off for the purposes of voting but does not designate Election Day as a holiday. Employees may utilize up to two hours for this purpose pursuant to 1-12-42 NMSA 1978, as long as their scheduled shift begins more than two hours after polls open and ends more than three hours before the polls close.

Pursuant to 2023 provisions passed by the New Mexico Legislature, every general election and regular local election are now also school holidays for students and staff at each public school in the state.

In a recent national survey², the PEW Research Center found that more than 70 percent of participants indicated support of federal holiday designation. Some argue elsewhere that making Election Day a federal or state holiday will increase voter turnout and highlight the importance of voting, and it is likely true that the designation would be impactful for many voters. Still, private employers are not required to observe or provide paid time off for federal or state holidays, and there is concern that certain voters would not see the benefits of such designations.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

1. Edwards, Joe. “Map Shows States Where Election Day is a Public Holiday.” *Newsweek*. Sept. 13, 2024.

<https://www.newsweek.com/map-shows-states-election-day-public-holiday-1950809>

2. Pew Research Center. “Bipartisan Support for Early In-Person Voting, Voter ID, Election Day National Holiday.” Feb, 7, 2024. <https://www.pewresearch.org/politics/2024/02/07/bipartisan-support-for-early-in-person-voting-voter-id-election-day-national-holiday/>

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

On page 2, lines 5 and 6, it is recommended that “H. State Holiday to Vote, on election day, first Tuesday in November;” be amended to “H. State Holiday to Vote, on election day, first Tuesday after the first Monday in November.”

2 U.S. Code § 7 and Article 20, Section 6, of the New Mexico Constitution establishes Election Day for general elections as Tuesday after the first Monday in November in each even-numbered year. In New Mexico, Regular Local Elections also occur on the “first Tuesday after the first Monday in November of each odd-numbered year” pursuant to 1-22-3 NMSA 1978. While it is true that some elections will be held on the first Tuesday in November, it is not true that all first Tuesdays will comply with the “first Tuesday following the first Monday” requirement of federal law and the New Mexico constitution because some Novembers will begin on a Tuesday.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL AMENDMENTS

Status quo.