

LFC Requester:

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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: 2/21/2025

Check all that apply:

Bill Number: SB 452

Original Correction

Amendment Substitute

James G. Townsend
Steve D. Lanier
Anthony L. Thornton

**Agency Name
and Code
Number:**

Secretary of State - 370

Sponsor: David M. Gallegos

Person Writing

Lindsey Bachman

Short REGISTRATION OF NON-

CITIZENS TO VOTE

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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						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 452 creates two new sections of the New Mexico Election Code that provide that it is unlawful for a person to knowingly solicit another person who is not a United States citizen to register to or vote in this state. Persons violating the new provisions would be guilty of a fourth degree felony and required to pay a fine of up to \$5,000. The bill further provides that solicitations containing disclaimers are a not exempt from violations and establishes enforcement authority with district attorneys and the Attorney General.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

A person who is not a U.S. Citizen is not qualified to register to vote in New Mexico. All voters in New Mexico are required to attest that they are a citizen of the United States of America when registering or updating their registration status pursuant to 1-4-5.1 NMSA 1978 and the federal Help America Vote Act. A county clerk shall reject any certificate of registration in which the question regarding citizenship is not answered or is answered in the negative pursuant to 1-4-11 NMSA 1978.

Knowingly and willfully violating voter registration laws is already a fourth degree felony under existing state statutes. Registration offenses are contemplated in 1-20-3 NMSA 1978 and include “performing any of the following acts willfully and with knowledge and intent to deceive any registration officer or to subvert the registration requirements of the law or rights of any qualified elector” including “A. signing or offering to sign a certificate of registration when not a qualified elector; [and] B. falsifying any information on the certificate of registration.”

Further provisions in 1-20-8 NMSA 1978 already make “inducing, abetting or procuring or attempting to induce, abet or procure a person known to not be a qualified elector to vote” a fourth-degree felony. False voting is also defined as “voting or offering to vote with the knowledge or not being a qualified elector.” Violations of these provisions is also a fourth degree felony.

Additionally, if the Election Code “does not impose a specific penalty for a violation, whoever knowingly commits such a violation is guilty of a petty misdemeanor” (1-20-22 NMSA 1978).

It should be noted that existing data and research overwhelming do not support theories that large numbers of noncitizens register to vote and vote in U.S. elections. The Brennan Center for Justice conducted a nationwide study in 2017 and found “Across 42 jurisdictions, election officials who oversaw the tabulation of 23.5 million votes in the 2016 general election referred only an estimated 30 incidents of suspected noncitizen voting for further investigation or prosecution. In other words, improper noncitizen votes accounted for 0.0001 percent of the 2016 votes in those jurisdictions.” An audit in Georgia in 2023 found 20 registered noncitizens on its voter rolls out the 8.2 million persons registered to vote in that state. Research and data from the Heritage Foundation and the

American Immigration Council also support the reality that noncitizen voting in elections is rare. See: Joffe-Block, Jude. NPR. “6 facts about false noncitizen voting claims and the election,” November 5, 2024.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS