

LFC Requester:

Emily Hilla

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

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

Date Prepared: February 21, 2025

Check all that apply:

Bill Number: SB 483

Original  Correction   
Amendment  Substitute

Sponsor: Sen. Jay C. Block, Sen. Steve D. Lanier, Sen. Gabriel Ramos

Agency Name and Code Number: 305 – New Mexico Department of Justice

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Short Title: Election Day as Holiday

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#### 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)

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

SB 483 is an Act declaring the first Tuesday in November as “Election Day” and would make “Election Day” a paid holiday for certain state and other public employees.

Section 1 of SB 483 would amend a provision of the Election Code (NMSA 1978, § 1-12-42 (2001) “Conduct of election; employees; time to vote”). Specifically, the header of Section 1-12-42 would be amended to read “Conduct of election; employees; day to vote.” Section 1-12-42 contains four subsections (subsections (A)-(D)).

Section 1(A) of SB 483 would amend Section 1-12-42(A). The language “a voter may absent himself from employment” would be changed to “a voter may be absent[.]” The statutory provision that allows a voter to be absent from work for two hours for the purpose of voting would be deleted. (Thus, the language of the statute would read “On election day, a voter may be absent from employment between the time of opening and the time of closing the polls.” The phrase “however, the employer may specify the hours during this period in which the voter may be absent” would be deleted. The following language would be added to the end of Section 1-12-42(A): “and the state and other public employers shall provide the full day’s compensation to the voter.”

Section 1(B) would amend Section 1-12-42(B) to provide that “[t]he provisions of Subsection A of this section do not apply to employees necessary to supervise and administer elections on election day, including employees of the secretary of state, local governments, Indian nations, tribes or pueblos or law enforcement.

Section 2 of SB 483 would amend NMSA 1978, § 12-5-2 (2019). SB 483 would designate subsection (H) of Section 12-5-2 as “Election day, first Tuesday in November[.]” Section 2 of SB 483 would redesignate the current subsections (H), (I) (J) to subsections (I), (J), (K), respectively, to account for the additional holiday that would be added to the statute by SB 483.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

N/A

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

N/A

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

- Section 2 of SB 483 may conflict with Section 1 of SB 409. Section 2 of SB 483 would maintain NMSA 1978, § 12-5-2(C) (2019) as “Washington’s and Lincoln’s birthday, President’s day, third Monday in February[.]” Section 1 of SB 409 would amend Section 12-5-2(C) to be “Football Monday, second Monday in February[.]”
- Section 2 of SB 483 may conflict with Section 1 of SB 200. SB 200 would amend NMSA 1978 Section 12-5-2(H) to be “State Holiday to Vote, on election day, first Tuesday in November[.]” Section 2 of SB 483 would amend NMSA 1978 Section 12-5-2(H) to be “Election day, first Tuesday in November[.]”
- In sum, SB 483, SB 200 and SB 409 may conflict in how they propose to amend NMSA 1978, Section 12-5-2.
- SB 483 relates to SB 200. SB 483 proposes to designate the first Tuesday of November as “Election Day”, which would be a “paid holiday for state and other public employees,” whereas SB 200 would create a public holiday and designate the first Tuesday in November as “State Holiday to Vote.” As previously noted, SB 483 and SB 200 conflict regarding how the day is to be officially designated.

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

N/A

## **ALTERNATIVES**

N/A

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

## **AMENDMENTS**

N/A