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FISCAL IMPACT REPORT

ORIGINAL DATE 02/11/09

SPONSOR Picraux LAST UPDATED _____ HB 663

SHORT TITLE No Social Security Number for Voter ID SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB591

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Unknown			Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 663 enacts a new section that prohibits a state agency, instrumentality of the state or local government from requiring an individual to provide a social security number unless such request is in conformance with state and federal law. If requesting a social security number, a state agency, instrumentality of the state or local government must inform the individual whether provision of the social security number is mandatory or voluntary, must identify the statutory or legal basis for the request and must describe what use will be made of the social security number.

The bill also amends Section 1-5-19 to delete from the required informational elements of a certificate of registration for voting purposes the provision of a social security number.

FISCAL IMPLICATIONS

There will likely be costs associated with software revision for the voter registration system, which is currently based on the social security number.

SIGNIFICANT ISSUES

The entire code of the statewide voter file is based on the social security number. A voter cannot be entered without it and most functions relating to the integrity of the data are based on the social security number as an identifier. The statewide voter file was developed at a cost of nearly \$13 million. Before this bill is considered, there needs to be an estimate of what the cost would be for ES&S to rewrite code or enhancements. In the past, even minor enhancements requested by the state or counties, have run into tens of thousands of dollars of cost. The company has a tight monopoly on the state, controlling the statewide voter file, voting machines and campaign reporting system. This monopoly has already resulted in voting machine maintenance cost increases of nearly 300 percent, technician training cost increases from only a few thousand dollars to over \$300 thousand per year.

The Attorney General's Office notes that, in some instances, the last four digits of a social security number may be required under 42 USC section 15483 of the "Help America to Vote Act." Paragraph (a)(5)(i) of that section provides:

Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes--

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) Special rule for applicants without driver's license or social security number. If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes....

See also paragraph (b)(3)(B)(i). Paragraph (c) of that section provides that the last 4 digits of a social security number "shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974."

PERFORMANCE IMPLICATIONS

The Secretary of State explains that in its effort to decrease the perception of voter fraud it is working with the Social Security Administration to utilize their database to compare that a voter is not registered in more than one state.

ADMINISTRATIVE IMPLICATIONS

The PED and other agencies, instrumentalities and local governments will have to consider alternative ways to ensure identification of people. They would also have to prepare for the prospect of individuals misidentifying themselves to obtain a government benefit such as professional licensure.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 591 restricts the identification required for voter registration and voting and requires Motor Vehicle Division to issue photo ID to those without driver's licenses.

OTHER SUBSTANTIVE ISSUES

According to the Attorney General's Office, the new section relates to more than voting and affects all state agencies and instrumentalities and local government entities that may request social security numbers. For example, we understand that child support enforcement of Human Services Department uses social security numbers for purposes of enforcement of the Parental Responsibility Act. Also, we understand that the National Practitioners Databank may require social security numbers.

ALTERNATIVES

Public Education Department suggests exempting agencies, instrumentalities and local governments other than the Secretary of State, that have been requesting Social Security numbers for non-voting related identification purposes for at least 10 years.

Consider a memorial for one year to determine how Social Security numbers are currently being used in the state and the effect of prohibiting their collection with the adoption of prohibitory legislation; also, recommend which agencies, instrumentalities or local governments need a "legislative fix" to allow them to continue collecting Social Security numbers. Then, pass a more comprehensive bill that addresses the collection of Social Security numbers.

EO/mt