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## FISCAL IMPACT REPORT

ORIGINAL DATE 2-26-09

SPONSOR Duran LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Require Voter Identification SB 690

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with HB52  
 Conflicts with HB395  
 Conflicts with HB591

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

County Clerks Affiliate (CCA)  
 Attorney General's Office (AGO)  
 Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

Senate Bill 690 requires a form of photo identification (acceptable types are enumerated) for in-person voting, either on Election Day or at early voting sites. The bill provides that county clerks shall issue free photo-ID cards to registrants who produce the types of non-photo ID evidence that currently suffice for in-person voting. The bill further provides that those who cannot produce acceptable photo- ID on Election Day may vote a provisional ballot which will be counted only if the individual produces acceptable photo-ID to the clerk within 3 days of the close of the polls; they were registered to vote in the election and they did not vote elsewhere. The bill also provides gender neutral language to replace sexist language in 1-12-10.

### SIGNIFICANT ISSUES

The bill will require voters to produce currently acceptable identification well enough in advance of the election to obtain voter identification. Both the Attorney General's Office and County

Clerks Affiliate agree that this creates an extra step and possible obstacle in the registration process. If the non-photo identification is acceptable for use in order to obtain photo identification, it begs the question of why create a new system of identification at the polls. The voter who has lost photo identification at the time of the election must make an extra trip to the clerk's office after the close of the polls with a photo-ID. This extra step may also create an obstacle to voting and it makes voting more difficult for those with transportation limitations.

The AGO and CCA also add that this proposed voter identification legislation does not address absentee voting. While there has been no factual evidence of in-person voter impersonation at the polling places, voter ID bills nevertheless, focus on the polls as a problem. Because so many voters vote by absentee in this state, any legislation that proposes polling place identification should also address identification by absentee voters. Why should the state set up two classes of voters with unequal requirements for voting? And, why should there be an assumption that voter impersonation can only take place in the very public arena of a polling place on Election Day?

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

Conflicts with House Bill 591, which restricts the identification required for voter registration and voting, eliminating the current allowance of bills, bank statements, government checks/identification and Indian Nation identification. The bill provides that Motor Vehicle Division (MVD) will create a photo identification free of charge for individuals without driver's license so long as the individual presents any of the following: social security card, state public assistance card or a utility bill with the individual's name and address. It also amends the required identification necessary for a person voting at an alternate voting site, the county clerk's office or at a polling place on election day or registering to vote with a registration agent, to provide one of the following current valid documents containing the person's photo: 1) NM driver's license; 2) NM photo ID issued by MVD, 3) US passport; 4) debit or credit card; 5) public assistance card; or 6) military ID.

Conflicts with House Bill 395, which changes the registration statute to allow for registration by qualified electors on Election Day. Qualified voters who register to vote on Election Day in the county, in which they reside, may have their registration accepted. The bill restricts proof of identification to documents with an address that is within the precinct where the elector is offering to vote. The bill also allows individuals who register on Election Day, who lack the requisite proof of residence or who are at a precinct where they do not reside, to cast a provisional ballot.

Conflicts with House Bill 52, which expands the Voter Registration Act to allow for same day voter registration and for early voting site registration. It restricts the acceptable proof of identification to documents with an address that matches the registration address and expands the definition of "registration officer" to include precinct board members on Election Day. The bill changes the procedure for qualified electors whose name is not on the list or roster on Election Day, allowing such elector to register on Election Day at the polling place for their residence. The bill also allows individuals who register on Election Day or at an early voting site, who lack the requisite proof of residence, to vote on a provisional ballot.