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FISCAL IMPACT REPORT

SPONSOR Espinoza/Brown ORIGINAL DATE 2/12/16
 LAST UPDATED _____ HB 312

SHORT TITLE Change Certain Voter ID Requirements SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Unknown*				

(Parenthesis () Indicate Expenditure Decreases)

*See fiscal implications below.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General’s Office (AGO)

Secretary of State (SOS)

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

House Bill 312 changes the requirements for voter identification for those voting in person or by mail. to require photo identification (ID) for in person voting. Acceptable issuing entities of the ID include government, federally recognized Indian nation, tribe, or pueblo, or an educational institution. A picture available from the voter registration database along with a written or verbal statement of voter’s name, address, and year of birth is also allowable.

When voting using an absentee ballot or by mail, a form filled out and signed by the voter containing the voter’s name, registration address, driver’s license or ID card number, or full date of birth and full social security must be submitted.

All references in state law to the federal ID requirements have been deleted since the proposed ID requirement is a higher standard of proof of identity.

The SOS and county clerks are required to display voter ID requirements and provisional paper ballot rights in polling locations, county clerk offices, and on SOS and county clerk websites.

The SOS is also required to conduct a statewide effort to educate voters on voting requirements.

HB 312 allows voters who fail to produce the required ID to be offered a provisional ballot. Additionally, the bill provides that an affidavit can be filled in lieu of the required voter identification as a result of a natural disaster declared by the president or governor within 45 days prior to the date the ballot was cast that caused the destruction or inability of the voter to access the voter's required ID. A voter may appeal the rejection of their provisional ballot in district court at no charge.

HB 312 prohibits the motor vehicle division of TRD from charging fees to individuals seeking an identification credential for the purpose of voting if that individual does not possess any other form of ID required by the Election Code. The bill also allows for the motor vehicle department (MVD) to be reimbursed from the public election fund for issuing identification credentials to voters without charge.

Lastly, the bill stipulates that required voter identification in the Election Code shall apply to the municipal code as well.

FISCAL IMPLICATIONS

TRD currently produces identification credentials at a cost of approximately \$3 per credential. The requirement to reimburse TRD for the cost of issuance of ID cards from the public election fund may negatively-impact fund solvency, but the amount is unknown.

HB 312's requirements for voter identification include "a picture of the voter contained in the voter registration database available to the election clerk at the time the voter offers to vote..." SOS worked with MVD to establish an interface to receive MVD driver's license information, but in order to fully populate the SOS voter registration system with photographs from MVD, a back fill effort would be required to match MVD and SOS records. SOS states this can be done with the existing data interface in-house staff with no additional fiscal impact.

The data export in the current voter registration system used to populate the systems leased by the SOS to print ballots at polling locations would have to be modified to accommodate the inclusion and viewing of photos at polling locations. This can be included in the scope of work of the election system modernization project currently underway without increasing project cost.

SIGNIFICANT ISSUES

According to the National Conference of State Legislatures (NCSL), A total of 36 states have passed laws requiring voters to show some form of identification at the polls. The remaining 17 states use other methods to verify the identity of voters. Most frequently, other identifying information provided at the polling place, such as a signature, is checked against information on file.

For more information see:

<http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx#Laws in Effect>

TECHNICAL ISSUES

TRD states “this bill has low impact on financial distribution business processes. Programming changes will be required to the tapestry system to account for the free voter identification card issued by MVD. TRD’s Financial Distributions Bureau (FDB) staff will need to verify tapestry system changes by performing selected tests of data, functionality and reporting, prior to authorizing tapestry to move changes into production. Total FDB time impact is 8 hours or less.”

OTHER SUBSTANTIVE ISSUES

The AGO writes:

The 10th Circuit Court of Appeals upheld Albuquerque’s approved amendment requiring voters in municipal elections to present photo identification at polling locations. *See, The Am. Civil Liberties Union of New Mexico v. Santillanes*, 546 F.3d 1313 (10th Cir. 2008) (Voting restrictions that are generally applicable, even-handed, politically neutral, and which protect the reliability and integrity of the election process are generally not considered severe restrictions and are upheld).

The Court of Appeals upheld the City of Albuquerque’s voter ID law as constitutional, holding that: 1) the differentiation between absentee and non-absentee voters did not violate the constitutional right to equal protection of the law; 2) the law did not impose a substantial burden on a person's right to vote; 3) the prevention of voter fraud and voting impersonation were sufficient justifications for the law; and 4) the law was not unconstitutionally vague.

CJ/jo