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Current and previously issued FIRs are available on the NM Legislative Website (<u>www.nmlegis.gov</u>) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR	Casey, Stewart, Ely, Cisneros, Roybal Caballero	ORIGINAL DATE LAST UPDATED	1/21/19 HB	55
SHORT TITL	Agreement to Ele	ect President by Popular V	Vote SB	
			ANALYST	Chabot

APPROPRIATION (dollars in thousands)

Appropr	iation	Recurring	Fund
FY20	FY21	or Nonrecurring	Affected
NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
New Mexico Attorney General (NMAG)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 55 allows New Mexico to enter into a multistate compact to award states presidential electors to the winner of the national vote. The Secretary of State shall determine which presidential and vice presidential candidates received the most nationwide votes and certify the appointment of electors for those candidates. The compact would take effect when states possessing a majority of the electoral votes (270) have joined the compact.

FISCAL IMPLICATIONS

The bill has no fiscal impact.

SIGNIFICANT ISSUES

According to OAG, 12 states have joined the compact (CA, CT, DC, HI, IL, MA, MD, NJ, NY, RI, VT and WA) and together have 172 electoral votes.

House Bill 55 – Page 2

Per the United States Constitution, each state shall appoint electors equal to the number of U.S. Representatives and Senators to elect the President and Vice-President of the United States. There is no requirement to vote for the candidates receiving the most popular vote, nor is there a requirement for the electors to vote for the candidates receiving the most vote within the state.

The NMAG opines that is a national popular compact were enacted and employed in a presidential election, it would likely be subject to legal challenges by the losing candidate if it affected the outcome of the election. Suggested areas for challenge is that the compact would violate the Compact Clause of the U.S. Constitution, exceed states powers to select electors and violate voting rights laws if the compact diluted the voting rights of minority groups. In addition, the compact may need to be ratified by the Congress.

PERFORMANCE IMPLICATIONS

If enacted, the Attorney General may have to represent the state in any litigation challenging the constitutionality of the national popular vote compact.

GAC/al