

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Youngberg DATE TYPED 02/18/05 HB HJR 11

SHORT TITLE Require Voter Identification, CA SB \_\_\_\_\_

ANALYST Ford

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with  
HB 18, HB 41, HB 603, HB 208, SB 40

### SOURCES OF INFORMATION

LFC Files

### Responses Received From

Attorney General (AGO)  
Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution proposes to amend the New Mexico state constitution to require voters to present a current and valid identification before being allowed to vote in an election. Acceptable forms of identification include a government document that shows the name and address of the elector, or a current and valid photo identification, utility bill, bank statement, government check or paycheck.

The proposed amendment shall be submitted to the voters for approval or rejection.

#### Significant Issues

In 2002, the federal government passed the Help America Vote Act [P.L. 107-252] (HAVA). HAVA requires a voter who registers to vote by mail, and who has not previously voted, to pre-

## **House Joint Resolution 11 -- Page 2**

sent one of a number of specified documents to establish identity before receiving a ballot. A voter who registers by mail, and votes by mail, would be required to submit with his or her ballot a copy of one of the specified documents to establish identity. This requirement only applies the first time an individual votes after registering to vote.

House Joint Resolution 11 would expand voter identification requirements to every voter at every election.

As a proposed constitutional amendment, the resolution provides little detail as to the implementation of a voter identification requirement. For example, the resolution makes no provisions for fail-safe voting in the event that a voter comes to the polls without the requisite documents. HAVA requires that a first time voter who wishes to vote but lacks the necessary documentation be allowed to cast a provisional ballot. In addition, it is unclear if the term “government document” would include documents issued by an Indian nation, tribe or pueblo. The resolution does not provide for absentee voting provisions.

The identification requirements of the resolution may prove difficult for some voters. For example, newly established residents and college students tend to change residences often enough that they would not be able to provide the required form of identification in time to vote in an election. While the resolution allows for the use of other documents, such as a utility bill, a voter who is not a head of household may not have any of these documents under his/her name or showing his/her current address.

### **FISCAL IMPLICATIONS**

If enacted, the amendment proposed by the resolution would lead to increased costs to the Secretary of State and county clerks to establish implementation procedures, update voting processes, train election officials and provide educational outreach to voters.

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

Several bills have been introduced relating to voter identification requirements, including House Bills 18, 41, 63, and 208 and Senate Bill 40.

**EF/lg**