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FISCAL IMPACT REPORT

ORIGINAL DATE 01/25/13

SPONSOR Steinborn LAST UPDATED _____ HB 157

SHORT TITLE Persons Under 17 Voting in Primaries SB _____

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 157 proposes to allow persons who are seventeen years of age, and who will be eighteen by the day of the general election, to vote in the primary election and also to participate in a major party's alternate selection procedure national convention delegates.

FISCAL IMPLICATIONS

There is no fiscal impact of this bill.

SIGNIFICANT ISSUES

Page 2, lines 17-19: HB 157's proposed amendment to 1-15A-3, regarding political parties that choose not to participate in the presidential primary and their use of alternate selection procedures for delegates to a national convention, requires the party to allow "anyone who would otherwise be qualified to vote in that party's primary to participate in the party's selection procedure."

SOS notes: “It appears that provision is intended to include 17 year olds who will be eligible to vote in the general election. However, as written, it could potentially be read to include all "qualified electors" - persons who are not registered to vote, but who are eligible to register. That language may need amendment if it is intended to only apply to 17 year olds who are already registered members of that party.”

The AGO’s response, which is neither a formal Attorney General’s Opinion or an Attorney General’s Advisory Opinion, analyzes HB 157 with regard to the 2010 Amendment to the New Mexico Constitution and concludes “there does not appear to be an constitutional barrier to House Bill 157.”

Similarly, the AGO gave consideration to HB 157 and its relationship to the 26th Amendment to the United States Constitution. AGO concluded: “while the 26th Amendment prevents states from denying suffrage to persons 18 years of age, it does not prevent states from establishing primary and caucus voting for persons who are seventeen years of age.”

ADMINISTRATIVE IMPLICATIONS

County clerks, administrative agencies handling voter registrations and third party voter registration agents would need to be educated regarding eligibility of 17 year olds to vote in the primary.

TECHNICAL ISSUES

AGO points out a drafting error: The short title of this bill is “Persons Under 17 Voting in Primaries.” The context of the bill only applies to persons who are seventeen years old and who will be eighteen by the day of the general election. It does not apply to anyone under seventeen years of age, nor does it seek voting rights to anyone under seventeen.

OTHER SUBSTANTIVE ISSUES

Per SOS, the passage of this bill may necessitate an amendment to existing law. The current voter registration form, in accordance with Chapter 1, Article 4 NMSA 1978. Section 1-4-5.1, asks if the voter will be 18 years of age on or before *election day*. This section of the law may need to be amended to make that question "Will you be at least eighteen years of age on or before the day of the *next general election*?"

CC/svb