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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Cates/Harper</u> <b>SHORT TITLE</b> <u>Nominating Petition Signature Requirements</u>	<b>LAST UPDATED</b> _____ <b>ORIGINAL DATE</b> <u>02/15/23</u> <b>BILL NUMBER</b> <u>House Bill 347</u> <b>ANALYST</b> <u>Hitzman</u>
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### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No Fiscal Impact	No Fiscal Impact	Indeterminate but substantial		Recurring	State Election Fund/General Fund
<b>Total</b>						

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

Conflicts with Senate Joint Resolution 7, House Joint Resolution 12, House Bills 12 and 4, and Senate Bills 73, 175, and 180

### Sources of Information

LFC Files

#### Responses Received From

Secretary of State (SOS)  
 State Land Office (SLO)  
 Office of the Attorney General (NMAG)

## SUMMARY

### Synopsis of House Bill 347

House Bill 347 (HB347) amends statutory provisions concerning nominating petitions to adjust the number of required signatures for nominating petitions. The bill requires

- (1) For members of Congress, 500 signatures;
- (2) For statewide offices, 1,000 signatures;
- (3) For the state Senate, 100 signatures;
- (4) For the state House of Representatives, 50 signatures;
- (5) For any other state office that is elected from a district or division, 50 signatures;
- (6) For countywide offices, 50 signatures; and
- (7) For county offices that are elected from a district or division, 50 signatures.

HB347 eliminates the requirement for nominating petition signatures for candidates receiving

preprimary designation by a major political party. Candidates who do not receive the designation must collect 500 signatures for congressional races or 1,000 for statewide candidacy.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

## FISCAL IMPLICATIONS

HB347 does not contain an appropriation and simply changes the number of signatures required for nominating petitions. However, SOS notes reducing or eliminating requirements related to candidates designated by preprimary convention would likely result in more candidates qualifying to run in elections, which SOS notes would increase the length of ballots in general election years and could “result in substantially higher election administration costs related to ballot materials, preparation and issuance.” Therefore, the fiscal impact is scored as indeterminate but minimal in those general election years. (The state election fund is funded with general fund revenues for election operations and administration costs.)

## SIGNIFICANT ISSUES

SOS notes:

Current law requires minor parties to file an amount of signatures that is not less than 1 percent of the total number of votes cast for governor at the last preceding general election, and major party candidates with pre-primary designation are required to submit an amount of signatures equal to at least 2 percent of the total vote of the candidate's party in the state or congressional district, or the following number of voters, whichever is greater: for statewide offices, 230 voters; and for congressional candidates, 77 voters.

While the State Land Office (SLO) notes the bill will have no fiscal or administrative impact on the agency, SLO provides the following:

The existing, unamended renumbered Section 1-8-33(B) reads “Nominating petitions for candidates for any other office to be voted on...” (emphasis supplied). It appears that the “any other office” language is intended to distinguish from the statewide offices and congressional candidates previously referenced in language deleted from renumbered Section 1-8-33(A). Section 1-8-33(B) should logically be revised to apply to candidates who do not seek preprimary convention designation.

Section 1-8-2(D)(2), “No person who is a candidate for a party in a primary election may be certified as a candidate for a different party in the general election in the same election cycle,” remains unclear as to whether it prohibits unsuccessful primary candidates from running as independent candidates in the general election.

Further, the Attorney General’s office (NMAG) notes:

HB347 is free from any potential legal issues. Legislators should be aware, however, that legislative districts are drawn to make the districts equal by general population, not by the number of voters. Therefore, under the HB347 framework of determining the number of petition signatures based on the office sought—rather than by a percent of the voters, as under the current framework—the burden of signature collection will vary from district to district based on varying numbers of voters across districts.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SOS notes “amendments to SB180 require for the Secretary of State to implement a secure internet application, in addition to the paper circulation process, to gather electronic signatures in accordance with rules developed by the Secretary of State. The secure internet application shall provide for the ability to verify that a person signing the petition is a registered voter and is eligible to sign the petition for a particular candidate, and it is expected to assist candidates in gathering signatures to meet the statutory thresholds.” Therefore, the bills are somewhat related in intent.

NMAG provides an assessment of the following bill relationships:

Conflicts with SJR 7, which proposes to amend the New Mexico Constitution to create nonpartisan primaries in which all candidates appear on the same ballot, regardless of party and the top five candidates in the primary proceed to the general election. It conflicts in that the current ballot access framework (and that conceived of in HB347) distinguishes between major party, minor party, and independent candidates.

Relates to HJR 12, which would create a provision of the New Mexico Constitution providing for open primaries.

Relates to HB 54. HB 54 proposes semi-open primaries in which only independent/DTS voters could cast a political party’s ballot.

Relates to SB 73. SB 73 proposes semi-open primaries in which only independent/DTS voters could cast a political party’s ballot.

Relates to SB175. SB175 amends statutory provisions of the Election Code to create open primaries.

Relates to SB180. SB180 proposes myriad changes to laws concerning election administration within the Election Code.

Relates to HB4. HB4 proposes myriad changes to laws concerning voting rights and ballot access within the election code.

JH/al/hg