

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 Steinborn, Campos **ORIGINAL DATE** 02/03/10
LAST UPDATED _____ **HB** 127
SHORT TITLE Qualified Minors on Precinct Boards **SB** _____
ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

NM County Clerks Association

SUMMARY

Synopsis of Bill

House Bill 127 would amend NMSA Section 1-2-7 of the Election Code to allow the county clerk to appoint not more than two minors, aged sixteen or seventeen, to serve on precinct boards under the direct supervision of the presiding judge. In order to qualify to serve the minor need not be eligible to vote, but must be a citizen at the time of the election; have the approval of their parent or guardian unless emancipated; must attend a school or instruction for precinct board members; and must be appointed to the board of the precinct in which their parent or legal guardian resides, unless the clerk determines there is a shortage of precinct board members in other precincts.

The bill would also amend NMSA Section 1-2-10 of the Election Code to require a county clerk to appoint the precinct board members from a list provided by the major political parties, then from a list of qualified minors, and then those on “standby” or other lists, in that order.

SIGNIFICANT ISSUES

Current law allows “voters” who are “qualified electors” to serve on precinct boards. NMSA Sections 1-1-5; 1-2-7A (1). In order to be a qualified elector, a person must be qualified to vote. Although Article VII Section 1 of the New Mexico Constitution requires that a person be over

the age of twenty-one years in order to qualify to vote, this section has been superseded by Twenty Sixth Amendment to the United States Constitution, which prohibits a state from denying the right to vote to any person aged eighteen or older. This bill would allow minors aged sixteen and seventeen to serve as precinct board members even though they do not have the right to vote under other state law. They would be appointed after those persons whose names are submitted to the county clerk on a list from the major political parties, but before those on a “standby list” applying to be appointed to serve as “standby” precinct board members. See NMSA Section 1-2-9.

Furthermore, because this bill authorizes the appointment of minors to precinct boards *after* those on lists submitted by the major political parties are appointed, it is conceivable that some precincts may never have minors appointed to their precinct boards. See NMSA Section 1-2-12 for the number of precinct board members depending upon the number of voting machines etc.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 280 introduced in the 2009 legislative session, was similar to this bill.

OTHER SUBSTANTIVE ISSUES

Other states allow minors to serve on in various capacities as election officials. For example, Kentucky allows minors who are seventeen, but will be eighteen on or before the date of the election (K.R.S. Section 117.045) to serve as election officers. Chicago’s upcoming Feb 2nd election will be using 2,000 student poll workers. California allows an election official to appoint minors who are at least sixteen to serve under the direct supervision of precinct board members “*In order to provide for a greater awareness of the elections process, the rights and responsibilities of voters, and the importance of participating in the electoral process, as well as to provide additional members of precinct boards...*” California Election Code, Section 12302(b).

See <http://www.eac.gov/files/BPPollWorker/Compendium.pdf> for a compendium of state laws relating to minor students participating in elections.

EO/mew