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FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/12

SPONSOR Chavez, E., and Keller LAST UPDATED _____ HB 92

SHORT TITLE Electronic Voter Registration at MVD SB _____

ANALYST Boerner

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)

Secretary of State (SOS)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Section 1-4-47 NMSA 1978 is amended to require that each applicant for licensure or renewal or for an ID card be advised that a new or updated voter registration may be made simultaneously with the motor vehicle application.

Additionally, new language requires that an applicant is able to fill out the full certificate of voter registration electronically, and that the applicant's digital signature is to be affixed to the certificate of registration.

Finally, new language requires the SOS to work with the MVD to ensure compliance of this bill with the federal National Voter Registration Act of 1993 as well as consistent implementation with the various counties, based on county classification and developing technology.

FISCAL IMPLICATIONS

The TRD reports no fiscal impacts.

SIGNIFICANT ISSUES

The AGO points out that this bill potentially conflicts with NMSA 1978, §§ 1-4-5(B) and (C)(1), which respectively require a voter to fill out the entire voter registration form by typing or in ink and require the voter's signature. In other words, Section 1-4-5 requires an ink signature from a voter before the application for registration is complete.

ADMINISTRATIVE IMPLICATIONS

The TRD expects that implementing the requirements of this bill should have little impact on the MVD and customer wait times assuming that, 1) registration information can be pre-filled with MVD data so the applicant need only populate a few fields and confirm their electronic signature, and 2) a current New Mexico license or ID will be acceptable as proof of residency.

The TRD states also that the bill will have a moderate impact for the department's Information Technology (IT) Division for implementation in fiscal year 2012. Listed are the affected programs and time estimates:

- MVD 2.0 (600 hrs)
- Modify current application to allow applicant to fill out the full form
- Modify current data base structure to allow for new data elements
- New Batch application to send required data to SOS electronically (200 hours)
- User Acceptance Testing (100 hrs)
- Total Hours: 900*
- 900 x \$50/hour = \$45,000

Estimated Additional Operating Budget Impact*				R or NR**	Fund(s) or Agency Affected
FY2012	FY2013	FY2014	FY 12-14		
	45		45	NR	TRD-ITD Operating Funds

* In thousands of dollars. Parentheses () indicate a cost saving. ** Recurring (R) or Non-Recurring (NR).

The TRD raises additional questions which it states could impact the minimum IT estimates for implementation. For example, the bill does not specify what is meant by, "...the applicant is able to fill out the full certificate of registration electronically;" it is not clear if the MVD clerk can ask the questions and then enter the required data. Additionally, there is a question of how to incorporate (into the electronic form submitted to the SOS) the space on a paper voter registration form where an applicant can draw a map of their physical address if necessary.

Nevertheless, it appears that the bill grants the SOS and MVD the authority to develop solutions to these issues given the new language directing the SOS to work with the MVD to ensure compliance in the application of the provisions of the bill with the federal National Voter Registration Act of 1993 as well as consistent implementation with the various counties based on county classification and developing technology.

TECHNICAL ISSUES

The TRD notes that the bill allows for electronic certificates of registration if the form meets the registration requirements of the Election Code. One of the requirements in § 1-4-5.1(I)(4)(a) is that the person submit a valid photo ID and proof of New Mexico residency. The bill does not

address how the requirements of NM residency will be satisfied when submitting an electronic registration. The MVD does not require proof of NM residency when a person is renewing a license or ID card. Presumably, the applicant's current valid New Mexico driver's license or ID could be accepted as proof of New Mexico residency for this purpose.

RECOMMENDED AMENDMENTS

As discussed above, the AGO notes this bill may need to amend NMSA 1978, §§ 1-4-5(B) and (C)(1), to permit electronic signatures on voter registration forms.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

CEB/svb