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## FISCAL IMPACT REPORT

SPONSOR Brown ORIGINAL DATE 02/07/12  
LAST UPDATED \_\_\_\_\_ HB 113  
SHORT TITLE Voter Identification Requirements SB \_\_\_\_\_  
ANALYST Hanika-Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	176.9	412.8	59.0	648.7	59.0 recurring	MVD operating/GF

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Secretary of State (SOS)  
Office of the Attorney General (AGO)  
Taxation and Revenue Department (TRD)  
Department of Finance and Administration (DFA)

### SUMMARY

#### Synopsis of Bill

House Bill 235 proposes changes to NMSA 1978 related to voter identification (ID) requirements. The bill proposes to:

- enact a new section of the Election Code to provide at no charge a copy of the voter's required voter ID at any state office capable of making copies;
- amend 1-1-24 to clarify that the required voter ID is a document that 1) includes a name which conforms to the person's voter registration record and two members of the precinct board believe sufficiently matches the voter's certificate of registration, 2) shows a photo, 3) includes an expiration date, and if expired, has not been expired for more than eight years and, 4) was issued by the U.S. or N.M., including any public post-secondary educational institution *or* a document that 1) includes a name which conforms to the persons' certification of registration and two members of the precinct board believe matches the voter's certification of registration, 2) includes the person's tribal enrollment number and, 3) was issued by an Indian nation, tribe or pueblo;
- amend 1-4-5.1 to clarify that voter information state that a first time applicant must

submit the voter registration form with the required ID;

- amend 1-6-4 relating to absentee ballot applications to include the proposed changes in ID requirements;
- amend Section 1-6-5 to clarify that an absentee ballot that is returned without a copy of the required voter ID will be considered to be and handled as a provisional ballot;
- add a new section to the Election Code if a challenge is interposed because of nonconforming voter ID, that the voter be allowed to vote on a provisional ballot;
- amend 1-12-20 to include the failure to provide the required voter ID to the reasons for which a vote may be challenged by a precinct board or party challenger;
- amend 66-5-208 relating to Motor Vehicles to provide free ID cards for adult applicants who sign a statement requesting an ID card at no cost for voter ID purposes; and
- repeal 1-12-4.1 relating to the suspension of certain voter ID requirements in the event voter waiting times exceed 45 minutes.

## FISCAL IMPLICATIONS

It is assumed the county clerks will shoulder any additional administrative expenses alongside the SOS to help implement the amendments in the bill.

At the present time, an original birth certificate or notarized copy, military ID or passport, Social Security card, and proof of residence must be provided in person to the Motor Vehicle Department (MVD) to obtain a New Mexico ID card. Issuance fees are \$10 for four years but will be free to voters upon written request under the bill. The MVD currently waives fees for applicants 75 or older.

The TRD estimates the budget impact to the MVD under the following assumptions:

- 10% of registered voters have no state-issued driver's license or ID,
- 50% will apply for the free ID,
- 30% of those applications will be in FY12 and the remaining 70% in FY13, with a 10% annual recurring impact thereafter, and
- the cost to MVD of issuing IDs is \$10 per card (a wash for ID cards that are paid for and a \$10 expense to the Department for ID cards that are not).

NM registered voters	1,179,343	
Percent w/o NM DL ID	10%	
Percent applying for free ID	50%	
Number applying for free ID	58,967	
Cost per ID	\$10	
Total Cost	\$589,672	
Budget impact FY12	30%	\$176,901
Budget impact FY13	70%	\$412,770

Budget impact FY14 and after		\$58,967
Total budget impact FY12-14		\$648,638

**SIGNIFICANT ISSUES**

The bill excludes previously acceptable forms of identification and provides for a free ID card issued by the MVD.

The bill eliminates verbal and written statements, utility bills, bank statements, government checks, and student identification cards as acceptable forms of voter ID. The bill also amends provisions pertaining to absentee registration and voting, noting that when an absentee ballot is received without the new identification requirements, it will be handled as a provisional ballot.

Failure to provide a required voter ID constitutes a reason for interposing a challenge by a member of the precinct board or a party challenger.

**PERFORMANCE IMPLICATIONS**

According to the AGO, the term “conform” is vague and subject to subjective interpretation by election workers. The AGO also notes that the bill is vulnerable to legal challenge on grounds of disparate treatment of voters when requiring only non-Indian people to show picture ID.

**OTHER SUBSTANTIVE ISSUES**

The SOS office believes that voter ID will increase the confidence in the fairness and integrity of elections.

The National Council of State Legislatures reports that the United States Department of Justice (DOJ) has denied South Carolina's request for pre-clearance of its voter ID law. The D.O.J. found the law discriminatory because the state's minority voters are 20 percent more likely than white voters to lack a photo I.D. that meets the standard for voting.

Thirty-one states require voters to show ID before voting at the polls. In 15 of these, the ID must include a photo of the voter; in the remaining 16, non-photo forms of ID are acceptable.

AHO/amm