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## FISCAL IMPACT REPORT

SPONSOR SRC ORIGINAL DATE 3/11/19  
LAST UPDATED 3/15/19 HB \_\_\_\_\_  
SHORT TITLE Early & Auto Voter Registration SB 672/SRCS/aHf1#1 - #6  
ANALYST Glenn

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

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$48.7	\$15.1	\$15.1	\$78.9	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB93, HB292, HB407, SB52, SB18

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Secretary of State's Office (SOS)  
Taxation & Revenue Department (TRD)  
Office of the Attorney General (NMAG)  
Human Services Department (HSD)

### SUMMARY

#### Synopsis of HF1 #1 - #6 Amendments

The House Floor #1 - #6 amendments:

- require a qualified elector to sign an affidavit under oath that the elector has not voted in the election before registering to vote or updating a registration at an early voting site;
- prohibit a voter from changing party affiliation when registering or updating a registration at an early voting site during a primary election;
- beginning January 1, 2021, permit a qualified elector to register to vote or update a registration at a voting location on election day;
- specify the acceptable documentation a qualified elector must provide to establish the elector's identity and residence prior to registering to vote or updating a registration immediately before

voting;

- provide that a provisional ballot shall be provided to a person desiring to register or update a registration if the early voting site or polling place does not have real-time access to the statewide electronic voter file; and
- provide that a voter registration by a person who is not a qualified elector is not valid.

### Synopsis of Original Bill

The Senate Rules Committee Substitute for Senate Bill 672 adds new sections to the Election Code governing voter registration during early voting and requirements for registering to vote in connection with driver's licenses and public benefit programs.

The bill sets forth procedures for allowing qualified electors to register to vote or update a registration during early voting periods at the county clerk's office and alternative voting sites immediately before voting in the election. The Secretary of State's Office (SOS) and Taxation and Revenue Department (TRD) are required to develop a procedure for importing the list of eligible, but unregistered persons, with a driver's license or state-issued ID card into the voter registration electronic management system prior to an election to facilitate the new voter registration process provided by the bill.

The bill provides that a person registering to vote or updating a registration is not required to provide again information that is required in the driver's license portion of the transaction; the address of a person who provides a different address when applying for or renewing a driver's license or ID shall be updated on the person's voter registration; and immediately after a person applies for or renews a driver's license or ID, the Motor Vehicle Division (MVD) of TRD must inform the person if a voter registration was processed.

The bill requires the Human Services Department (HSD) to develop procedures to ensure that qualified electors who receive benefits are offered the opportunity to register to vote. The bill requires SOS and TRD to develop a procedure for using the address provided as a taxpayer to update the person's voter registration address provided in connection with the receipt of public assistance.

### **FISCAL IMPLICATIONS**

HSD states that implementation of SB 672 will require an enhancement to the HSD's eligibility system to send updated voter registration data to the SOS in real time. The cost of the enhancement is unknown at this time.

TRD states that the bill will have no revenue impact for MVD, and that implementation of the bill's notification requirements will have a moderate impact on TRD's Information Technology Division. According to TRD, total time to complete, test and implement changes is 12 weeks, with an estimated cost of \$33,600.

SOS notes that it is estimated that the bill could increase registration applications by as much as 385,000, based on the number of MVD customers that chose not to register in 2018. This would represent an approximate 30% registered voter increase.

SOS states that Section 1-4-28 NMSA 1978 requires SOS to send periodic notices to voters to verify continuous residence at their address of registration. These notices are sent via mail, return postage prepaid. In 2018, this cost was \$.457 per card. Fifty-four thousand fifty-two cards cost SOS \$24.7 thousand. It is expected this cost will increase proportionately to the number of additional registrants (30%), which would be a total of \$32.1 thousand.

Each year, SOS sends Eligible but Unregistered (EBU) mailers to voters who through data gathered through MVD records appear to be eligible voters but are not registered, offering registration options to them. The bill would make this unnecessary and result in cost savings. The cost of printing and postage for this mailer in 2018 was \$17.0 thousand.

Based on SOS's calculations, the net increase in costs related to the bill is estimated to be \$15.1 thousand, which SOS expects can be managed without an additional appropriation.

SOS also states that costs associated with ensuring a reliable internet connection for voter registration transactions and appointed county clerk staff at alternate (early voting) polling locations are anticipated, but are currently undetermined. However, SOS anticipates being able to absorb the costs utilizing current their budget.

## **SIGNIFICANT ISSUES**

Section 1-4-47 NMSA 1978 currently requires that qualified electors who apply for or renew a driver's license or ID card be simultaneously registered to vote, if they consent.

Section 1-4-48 NMSA 1978 currently requires that voter registration be made available at all state agencies providing public assistance or services to people with disabilities.

HSD notes that the bill proposes that HSD develop procedures to be approved by SOS to ensure that each benefit program administered by the department appropriately ensures that qualified electors receiving benefits are offered the opportunity to register to vote or update an existing certificate of registration without duplication of information contained by HSD or by SOS. Currently, HSD offers the opportunity to register to vote to those qualified electors receiving or applying for benefits. HSD does not have a process to identify if the qualified elector has completed another voter registration at another State of New Mexico Agency.

Implementation of SB 672 will require an enhancement to the department's eligibility system to send updated voter registration data to the SOS in real time. The cost of the enhancement is unknown at this time.

The first sentence of Section 2(B)(2) of the bill refers to "a voter who has been identified as having moved from the voter's precinct of residence pursuant to Section 1-4-48 NMSA 1978." Section 1-4-48 does not appear to address the identification of voters who have moved from their precinct of residence. It also is not clear what is intended by the term "precinct of residence."

The requirement in Section 2(B)(2) that the address a taxpayer provides to TRD be used to update voter registration information may be inconsistent with existing laws keeping taxpayer information confidential.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to:

HB93 Primary Election Participation by DTS Voters

HB292 Early Voting Voter Privacy

HB407 Election Law 50-Year Tune Up

SB52 Register to Vote Three Days Prior to Election

SB418 Non-Affiliated Voters in Primary Elections

**TECHNICAL ISSUES**

Section 2(B)(1), page 5, line 9. The word “contained” does not make sense as used in the sentence and should probably be changed to “maintained.”

BG/sb