

LFC Requester: _____

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment** _____
Correction _____ **Substitute** _____

Date 2/2/2024

Bill No: HB 19

Sponsor: Chasey, Anyanonou & Duhigg

**Agency Name
and Code**

370 – Secretary of State

Number:

Person Writing

Analysis:

Lindsey Bachman

**Short
Title:** ELECTION OFFENSE-
FALSE ELECTORS

505-479-

Lindsey.bachman@sos.n

Phone: 2626

Email: m.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 19 defines and prescribes penalties for the election offenses of disrupting election results and falsely acting as a presidential elector.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

In New Mexico, presidential electors are nominated by the three major parties and are elected based on the winning pair of candidates in a contest in a general election pursuant 1-15-4 NMSA 1978.

On December 14, 2020, New Mexico’s presidential electors complied with state and federal law by meeting at the State Capitol and casting “their ballots in the electoral college for the candidates of the political party which nominated them as presidential electors” pursuant to 1-15-9 NMSA 1978. The certified results were transmitted in compliance with state and federal requirements.

Also on December 14, 2020, the Republican Party’s presidential elector nominees met at the State Capitol in an effort to cast additional votes. At the direction of the Secretary of State (SOS) and pursuant to existing public health orders related the COVID-19 pandemic, they were stopped by security and were not permitted entry.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The SOS would refer any knowledge of fake elector activity to the New Mexico Attorney General.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The SOS would continue to follow the statutory process for presidential elector nomination, election, meeting and voting as outlined in Article 15 of the Election Code and the federal Electoral Reform Count Act. This includes the submission of official documentation to the President of the United States Senate, the Archivist of the United States, and a District Judge in Santa Fe as well as the archiving of documents at the SOS.

Non-official parties could observe but would not be permitted to officially participate in the meeting.

AMENDMENTS