

LFC Requester:	Austin Davidson
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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 29 JAN 2024

Bill No: HB 19

Sponsor: Gail Chasey; Janelle Anyanonu;
Katy M. Duhigg
Short Title: Election Offense-False
Electors

Agency Name and Code 790-Department of Public Safety
Number: _____
Person Writing Matthew Broom
Phone: 505-819-9869 **Email** Matthew.Broom@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(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

This bill proposes to add two new offenses and corresponding penalties to the Election Code to address recent prosecutorial challenges to charging individuals under state law for disrupting election results by falsifying records and falsely representing as an elected presidential elector to an official or in an official document.

In order to ensure successful criminal actions, this bill makes clear the intent necessary for a violation and lists the types of official election documents subject to scrutiny for the new third degree felony of disrupting election results. Similarly, the bill provides clear intent language, “knowingly or recklessly,” required to prove the false representation of a presidential elector, making it a new crime subject to a third-degree felony penalty and disallowing a qualifying future event as a defense.

This bill grants dual prosecutorial jurisdiction to the attorney general or local district attorney and includes an emergency clause so if passed, it would go into effect immediately upon the signature of the executive.

FISCAL IMPLICATIONS

There are no fiscal implications to DPS.

SIGNIFICANT ISSUES

There are none to DPS.

PERFORMANCE IMPLICATIONS

There are none to DPS.

ADMINISTRATIVE IMPLICATIONS

There are none to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.