

LFC Requester:

HILLA

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.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 1/24/2024

Bill No: SB 157

Sponsor: Schmedes

Agency Name
and Code
Number:

Secretary of State, 370

SHARING OF CERTAIN
VOTER DATA

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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		\$8-\$10			Nonrecurring	68180

(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: In Senate Bill 157, Sections 1 and 4 amend the Election Code to prohibit the release of information regarding voters’ absentee ballot requests, absentee ballot statuses or casting of early votes while an election is underway to those seeking that information for campaign or government-related purposes.

Section 2 amends Article 5 of the Election Code and prohibits the release of information regarding voters’ absentee ballot requests, absentee ballot statuses or casting of early votes while an election is underway to political party chairs.

Section 3 amends Article 6 of the Election Code and makes the absentee ballot register only available for public inspection the day after an election. It also requires that the names and addresses of voters be removed from copies of the ballot register that are transmitted to county party chairs or candidates in a partisan election.

FISCAL IMPLICATIONS

There would be costs for system enhancements to accommodate the new data output based on these new restrictions. These costs would likely be modest, an estimated \$8,000 to \$10,000.

SIGNIFICANT ISSUES

These changes impact the transparency of the electoral process in New Mexico. Transparency can greatly impact the public’s confidence in elections.

One of the allowable uses of voter data is “election campaign related” purpose. *See* NMSA 1978, Section 1-4-5.5. Campaigns and political parties use this information to ensure ballots are delivered on time and returned by the voter. Restricting this access could be seen as voter suppression. State and County election administrators do not have the resources to contact absentee voters with the same frequency as campaigns. There are already protections in the Election Code for improper use of voter data, if this is what is motivating the restriction of this information. *See* Section 1-4-5.6.

The Legislature should balance the benefits of voter outreach against exactly what this bill is trying to protect against.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

The election code does not use or define “absentee ballot” instead we used “mailed ballot.” This change should be incorporated throughout the bill.

Section 1, pg. 2 line 9; the use of “underway” is extremely broad. The first mailed ballots are sent no later than 45 days before an election. *See* Section 1-6B-7(A). Is this the intended start date for the restriction on data proposed?

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS