

LFC Requester:	Charlene Cerny
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**AGENCY BILL ANALYSIS
2013 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 January 18, 2013
Bill No: HB 103--305

Sponsor: Representative Cathrynn Brown **Reviewing** Attorney General's Office
Short Voter ID Requirements **Person Writing** Tania Maestas
Title: _____ **Phone:** 505-827-6024 **Email** tmaestas@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHAGED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis: House Bill 103 amends voter identification requirements. The bill eliminates utility bills, bank statements, government checks, and student identification cards as acceptable forms of identification. Verbal and written statements would also no longer be acceptable as forms of identification.

House Bill 103 proposes that the only acceptable “required form of identification” or “physical form of identification” be either 1) a voter identification card, issued by the motor vehicle division of the taxation and revenue department, or 2) the voter’s driver’s license number when a person is not required to submit identification pursuant to the federal Help America Vote Act of 2002 (HAVA).

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

N/A

SIGNIFICANT LEGAL ISSUES

Section 303(b) of HAVA specifies the identification requirements for voters who register to vote by mail. Specifically, HAVA states that valid identification includes a "current and valid photo identification" or "a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter." As such, House Bill 103 would appear to conflict with HAVA in specifically disallowing these documents as a proposed deletion to Section 1-4-5.1(I)(4)(a).

The bill proposes that the name on the document must conform to the name in the person’s voter registration record. Use of the word “conform” may subject the bill to legal challenge on grounds that it is vague and subject to subjective interpretation.

Similarly, there is a concern with the proposed provision which allows members of precinct boards to determine if the information on an individual’s document “sufficiently matches” the information on the voter’s certificate of registration. This provision is subjective and may give rise to legal challenge.

Requiring a person who does not have a valid New Mexico driver’s license to obtain an identification document from the motor vehicle department may make this bill vulnerable

to legal challenge on grounds of disparate treatment of voters.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

N/A

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

N/A

TECHNICAL ISSUES OR DRAFTING ERROR

N/A

OTHER SUBSTANTIVE LEGAL ISSUES

N/A

ALTERNATIVES TO ENACTING THIS BILL

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS NEEDED TO IMPROVE THIS BILL

N/A