

LFC Requester:	Randall Soderquist
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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 X **Amendment**
Correction **Substitute**

Date January 23, 2013
Bill No: House Bill 157--305

Sponsor: Representative Nate Gentry
Short Persons Under 17 Voting in
Title: Primaries

Reviewing Attorney General's Office
fsdfs **Analysis:** Tania Maestas
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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 157 proposed to allow persons who are seventeen (17) years of age and who will be eighteen (18) by the day of the general election to vote in the primary election and also to participate in a major party’s alternate selection procedure.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

N/A

SIGNIFICANT LEGAL ISSUES

The 2010 Amendment to the New Mexico Constitution, which was proposed by Section 1 of S.J.R. No. 6 (Laws 2010) and adopted at the general election held on November 2, 2010, rewrote the first sentence in the first paragraph of Article VII, § 1, which formerly read: “[e]very citizen of the United States, who is over the age of twenty-one years...” to now read, “[e]very person who is a qualified elector pursuant to the constitution and laws of the United States and a citizen thereof shall be qualified to vote in all elections in New Mexico, subject to residency and registration requirements provided by law, except as restricted by statute either by reason of criminal conviction for a felony or by reason of mental incapacity, being limited only to those persons who are unable to mark their ballot and who are concurrently also unable to communicate their voting preference.” As such, there does not appear to be any state constitutional barrier to House Bill 157.

The 26th Amendment to the U.S. Constitution provides that the right of United States citizens who are 18 years of age or older shall not be denied or their right to vote be abridged. Thus, while the 26th Amendment prevents states from denying suffrage to persons 18 years of age, it does not prevent states from establishing primary and caucus voting for persons who are seventeen years of age.

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

The short title of this bill is “Persons Under 17 Voting in Primaries”. The context of the bill only applies to persons who are seventeen years old and who will be eighteen by the day of the general election. It does not apply to anyone under seventeen years of age, nor does not seek voting rights to anyone under seventeen.

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