

<b>LFC Requester:</b>	<b>Randall Soderquist</b>
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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 24, 2013  
**Bill No:** House Bill 225--305

**Sponsors:** Representatives James E. Smith and Timothy M. Keller  
**Short Title:** Electronic Voter Registration Updates

**Reviewing Agency:** Attorney General's Office  
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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)**

	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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 225 amends the Election Code to allow for updating a certificate of registration by an electronic means through the Secretary of State’s website. The bill also provides for the motor vehicle division of the Taxation and Revenue Department to electronically register a first-time voter with a digital signature.

**FISCAL IMPLICATIONS WITH ENACTING THIS BILL**

N/A

**SIGNIFICANT LEGAL ISSUES**

In Chapter 1, Article 4, House Bill 225 proposes new material only pertaining to the electronic “updating” of an existing certificate of registration. As such, there are no legal concerns with this portion of the bill as presented.

However, creating a new electronic method of registration, as contemplated by the amendments to Section 1-4-47, would require further amendments to the Chapter 1, Article 4 of the Election Code. Section 1-4-5 does not provide electronic registration as an acceptable method of registration and thus, would need to be amended. The forms created by the Secretary of State’s Office in compliance with Section 1-4-5.1 also do not contemplate registration by an electronic means and thus, this section would also need amendment.

**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**

The language proposed for updating existing certificates of registration should also be included in the proposed amendments to Section 1-4-47. Specifically, the language on Page 2, lines 7-14, stating that a certificate of registration “shall be electronically authenticated by the registrant using an electronic signature in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act” should also be in the aforementioned amendment.