

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HB62

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

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

BILL SUMMARY

Synopsis: House Bill 61 amends various sections of the state Election Code to more fully define the term and requirements for satisfying “required voter identification” for in-person and absentee voting. For in-person voting, those would include a physical form of identification issued by a government or educational institution that contains certain information and photograph of the voter, a photograph of the voter in the voter registration database available to the election clerk along with a written or verbal statement of the voter of the voter’s name, registration address and year of birth, or a form filled out by the voter containing certain information, including the voter’s full social security number. For persons offering to vote by mail, required voter identification would include New Mexico-issued driver’s license number or the voter’s date of birth and full social security number. What currently is accepted as “required voter identification,” that is an original or copy of a valid or current photo identification or an original or copy of a utility bill, bank statement, government check, paycheck student ID card or other government document – would fall under the newly defined term “federally required identification”, which would mean “a form of identification required by Section 303(B) (1) of the Federal Help America Vote Act.” A voter’s failure to provide “required voter identification” on Election Day will require the voter to cast a provisional ballot and submit the “required voter identification” to the county clerk’s office before the close of business on the day following the election. Voters using provisional ballots will be required to provide the voter’s date of birth and full social security number.

House Bill 61 would require the Secretary of State (“SOS”) to provide to each county clerk, through an agreement with the Motor Vehicle Division of the Taxation and Revenue Department, access to the Division’s driver’s license database for the purpose of verifying voter registrations, processing absentee ballots and qualifying provisional ballots. It also authorizes the SOS to adopt such rules as would be necessary for regulating the use of the driver’s license database by county clerks and deletes the SOS’s authority to adopt rules to exempt voters from submitting identification only as required by federal law.

HB 61 adds failure to provide “required voter identification” as grounds for challenging absentee ballots or in-person voting. A voter requesting an alternate ballot due to an unforeseen illness or disability that prevents the voter from casting a ballot at the voter’s regular polling place will be required to submit the “required voter identification” with the voter’s alternate ballot.

HB 61 adds new material to the Election Code preempting municipalities, counties, school districts, community colleges, branch community colleges, urban counties, home rule municipalities and any other political subdivisions of the state from adopting or continuing in effect any ordinance, rule, regulation or resolution regarding voter identification. It also prohibits the same from enforcing any ordinance, rule, regulation, resolution or statute regarding voter identification except as provided by the Election Code and the Municipal Election Code. House Bill 61 also amends the Municipal Election Code to make it consistent with the Election Code as amended by HB 61.

House Bill 61 at the end includes an amendment to Section 66-8-111.1 of the state Motor Vehicle Code, relating to a law enforcement officer's duty to issue a written notice of revocation and of right to hearing to persons suspected of driving while intoxicated and refusing to subject to a chemical test or submits to a chemical test the result of which indicate legal intoxication. The written notice of revocation and of hearing served on the driver shall be a temporary license only for a driver otherwise licensed to drive.

FISCAL IMPLICATIONS No/A

SIGNIFICANT ISSUES Inclusion of proposed amendment to Section 66-8-111.1 of the state Motor Vehicle Code may implicate constitutional provision against hodge-podge or log-rolling legislation. See N.M. Const. Art. 4, § 16.

PERFORMANCE IMPLICATIONS N/A

ADMINISTRATIVE IMPLICATIONS N/A

RELATIONSHIP Related to House Bill 62, which authorizes the SOS to exchange information with the chief election officers of other states for the purpose of verifying information the SOS deems necessary to maintain the statewide voter registration list

TECHNICAL ISSUES N/A

OTHER SUBSTANTIVE ISSUES None.

ALTERNATIVES None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo. An original or copy of a valid or current photo identification or an original or copy of a utility bill, bank statement, government check, paycheck student ID card or other government document would be sufficient to allow a person to register to vote and to vote.

AMENDMENTS None.