

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2015 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 15, 2015
Bill No: HB 62 - 305

Sponsor: Representative James E. Smith
Short Voter Registration
Title: Information Verification

Agency Code: Attorney General's Office - 305
Person Writing Sally Malavé
Phone: (505)827-6031 **Email** smalave@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

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)

Duplicates/Conflicts with/Companion to/Relates to:
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 62 adds new provisions to the Election Code that authorize the Secretary of State (“SOS”) to exchange information deemed necessary “to maintain the statewide voter registration list” with the chief election officer of another state. It authorizes the SOS to enter into written agreements with an agency or political subdivision of New Mexico or with a department of the federal government pursuant to which the local or federal agencies would provide information in their possession that the SOS deems necessary to maintain the statewide voter registration list.

HB 62 authorizes the SOS to forward to the appropriate county clerk information received from the chief election officer of another state, from a consortium of chief election officers of other states, or from an agency or political subdivision of the state, or a federal agency that calls into question the information provided on a voter’s certificate of registration; raises questions regarding the status of a person registered to vote in this state; or suggests that a voter may have voted in two states during the same election. The county clerk then is authorized to investigate or reconcile the information received from the SOS. The SOS is required to develop and maintain a manual for county clerks that describes best practices for investigating and reconciling information that is derived from comparisons of different databases, including safeguards to ensure that eligible voters are not removed in error from the official list of voters.

FISCAL IMPLICATIONS There are no fiscal implications for this office.

SIGNIFICANT ISSUES HB 62 does not expressly state what actions the SOS or county clerks are to take after an investigation; whether as a result of an investigation, an otherwise eligible voter will or will not be allowed to vote, although it appears to suggest that an eligible voter may be removed from the official list of voters, which may result in a potential violation of the Help America Vote Act if the otherwise eligible voter is not permitted to cast a regular or provisional ballot. See 52 U.S.C.A. § 21082.

PERFORMANCE IMPLICATIONS There are no performance implications for this office.

ADMINISTRATIVE IMPLICATIONS There are no administrative implications for this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP None at this time.

TECHNICAL ISSUES None.

OTHER SUBSTANTIVE ISSUES None.

ALTERNATIVES None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo.

AMENDMENTS None.