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| LFC Requester: | Ruby Ann Esquibel |
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**AGENCY BILL ANALYSIS
2017 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 1/30/17
Bill No: HB99

Sponsor: Rep.Javier Martínez **Agency Code:** 924
Short Title: 16-YEAR-OLDS VOTING IN SCHOOL ELECTIONS **Person Writing** Matt Pahl
Title: _____ **Phone:** 470-9909 **Email** Matt.pahl@state.nm.u

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------------|---------------------------|---------------|
| FY17 | FY18 | | |
| | None Noted | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB99 introduces new material to the Election Code to allow qualified electors who are sixteen years of age or older to register to vote in school elections.

FISCAL IMPLICATIONS

There is no fiscal impact on the Department.

SIGNIFICANT ISSUES

HB99 appears to violate the federal and state constitution. The bill implicates constitutional provisions under both the federal constitution and under provisions of the state constitution (Article VII, Section 1). Allowing children under the age of 18 (the federally guaranteed voting age) to register to vote may be permissible, but allowing those children to vote in any election would violate the constitution.

Regarding the ability of pre-registered citizens of the age 16 to vote, Article VII, Section 3 of the New Mexico constitution states:

The right of any citizen of the state to vote, hold office or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or color, or inability to speak read or write the English or Spanish languages except as may be otherwise provided in this constitution; and the provisions of the section and of Section One of this article shall never be amended except upon a vote of the people of this state in an election at which at least three-fourths of the electors voting in the whole state, and at least two-thirds of those voting in each county of the state shall vote for such amendment.

This provision appears to indicate that no change to the legal status of voters or potential voters under the state constitution can be made without a supermajority result in a general referendum.

HB99 would create a special registration status for qualified eligible applicants who are or will be at least 16 years old as of the day of the next school elections. Expanding the voter pool for school elections might address extremely low turnout for school elections; however, younger voters have some of the lowest voter turnout rates in the nation, so it is unclear how much impact it will have.

Regarding registrations of underage citizens, according to the national Conference of State Legislators (NCSL), 14 states permit voter registration before the age of 18, but not prior to the age of 16. This form of preregistration allows underage citizens to complete a registration form and be automatically added to the voter rolls when they reach voting age. Allowing children age 16 and older to pre-register appears to allowable.