

<b>LFC Requester:</b>	<b>Connor Jorgensen</b>
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**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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: Date January 23, 2016  
**Original**     **Amendment**        **Bill No:** HB 138  
**Correction**     **Substitute**   

**Sponsor:** Rep. Jeff Steinborn                      **Agency Code:** 305

**Short Title:** VOTING FOR SOME 17 YEAR-OLDS                      **Person Writing Analysis:** Mona Valicenti, AAG  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

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.

**Synopsis:**

House Bill 138 in Section 1 amends Section 1-4-2 of the Election Code, by adding a new subsection (B) that allows a 17 year-old person, who will be a qualified elector on the day of the general election, and who registers to vote in accordance with the requirement of subsection (A), to vote in the primary election immediately preceding that general election.

House Bill 138 in Section 2 amends Section 1-15A-3 to “allow anyone who would otherwise be qualified to vote in [a] party’s primary to participate in the party’s selection procedure.”

Section 3 contains an emergency provision making this act effective immediately.

**FISCAL IMPLICATIONS**

n/a

**SIGNIFICANT ISSUES**

“Every citizen of the United States, who is over the age of twenty-one years, ... shall be qualified to vote at all elections for public officers. The Legislature may enact laws providing for absentee voting by qualified electors.” N.M. Const. art. VII, section 1. The NM constitution only provides the Legislature with the authority to enact laws about absentee voting by qualified electors. A qualified elector means “any resident of this state who is qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States.” NMSA 1978, Section 1-1-4. The age requirements under the two constitutions are 21 and 18, respectively.

Maryland grappled with the issued when the Court of Appeals denied 17 years olds the right to vote, which decision was overturned based on the First Amendment right of free association raised by the political parties.

[http://www.elections.state.md.us/voter\\_registration/17\\_year\\_olds.html](http://www.elections.state.md.us/voter_registration/17_year_olds.html)

**PERFORMANCE IMPLICATIONS n/a**

**ADMINISTRATIVE IMPLICATIONS n/a**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP n/a**

**TECHNICAL ISSUES n/a**

**OTHER SUBSTANTIVE ISSUES**

Although some states have allowed 17 year-olds to vote in primary elections based on their First Amendment right to free association with the political parties, how will this be implemented in New Mexico if only 21 year-olds are qualified voters under the NM Constitution?

HB 138 should be submitted to the New Mexico voters to approve a constitutional amendment to lower the age requirement for qualified electors, rather than by amending a statute.

**ALTERNATIVES n/a**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL** status quo

**AMENDMENTS n/a**