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HOUSE BILL 97

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Dianne Miller Hamilton

AN ACT

RELATING TO ELECTIONS; REQUIRING IN-PERSON VOTERS TO PRESENT PHOTO IDENTIFICATION BEFORE VOTING; PROVIDING FOR FREE IDENTIFICATION CARDS TO BE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT; MAKING AN APPROPRIATION; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-1-24 NMSA 1978 (being Laws 2005, Chapter 270, Section 6, as amended) is amended to read:

"1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the Election Code, "required voter identification" or "physical form of identification" means ~~[any of the following forms of identification as chosen by the voter:~~

~~A. a physical form of identification, which may be:~~

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1                   ~~(1) an original or copy of a current and valid~~  
2 ~~photo identification with or without an address, which address~~  
3 ~~is not required to match the voter's certificate of~~  
4 ~~registration; or~~

5                   ~~(2) an original or copy of a utility bill,~~  
6 ~~bank statement, government check, paycheck, student~~  
7 ~~identification card or other government document, including~~  
8 ~~identification issued by an Indian nation, tribe or pueblo,~~  
9 ~~that shows the name and address of the person, the address of~~  
10 ~~which is not required to match the voter's certificate of~~  
11 ~~registration; or~~

12                   ~~B. a verbal or written statement by the voter of~~  
13 ~~the voter's name, registration address and year of birth;~~  
14 ~~provided, however, that the statement of the voter's name need~~  
15 ~~not contain the voter's middle initial or suffix] a document that:~~

16                   A. shows the name of the individual to whom the  
17 document was issued, and the name conforms to the name in the  
18 individual's voter registration record;

19                   B. shows a photograph of the individual to whom the  
20 document was issued;

21                   C. includes an expiration date, and the document is  
22 not expired; and

23                   D. was issued by the United States or the state of  
24 New Mexico."

25                   Section 2. Section 66-5-408 NMSA 1978 (being Laws 1978,  
.180463.2

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1 Chapter 35, Section 335, as amended) is amended to read:

2 "66-5-408. FEES--EXCEPTIONS.--

3 A. Except as provided in Subsection B of this  
4 section:

5 (1) upon application for an identification  
6 card with a four-year term, there shall be paid to the  
7 department a fee of five dollars (\$5.00). Upon application for  
8 an identification card with an eight-year term, there shall be  
9 paid to the department a fee of ten dollars (\$10.00). A fee  
10 shall not be charged to an applicant for an identification card  
11 if the applicant is at least seventy-five years of age; and

12 [~~B.~~] (2) the department with the approval of  
13 the governor may increase the amount of the identification card  
14 fee by an amount not to exceed three dollars (\$3.00) for the  
15 purpose of implementing an enhanced licensing system; provided  
16 that for an identification card issued for an eight-year  
17 period, the amount of the fee shall be twice the amount charged  
18 for other identification cards. The additional amounts  
19 collected pursuant to this subsection are appropriated to the  
20 department to defray the expense of the new system of licensing  
21 and for use as set forth in the provisions of Subsection F of  
22 Section 66-6-13 NMSA 1978. Unexpended and unencumbered  
23 balances from fees collected pursuant to the provisions of this  
24 subsection at the end of any fiscal year shall not revert to  
25 the general fund but shall be expended by the department in

.180463.2

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1 fiscal year 2010 and subsequent fiscal years.

2 B. An identification card shall be issued without  
3 the payment of a fee or charge to a person who is otherwise  
4 qualified to receive an identification card if the person will  
5 be at least eighteen years of age on the date of the next  
6 general election."

7 Section 3. APPROPRIATION.--Thirty thousand dollars  
8 (\$30,000) is appropriated from the general fund to the taxation  
9 and revenue department for expenditure in fiscal year 2011 to  
10 provide for identification cards in accordance with the  
11 provisions of Section 66-5-408 NMSA 1978. Any unexpended or  
12 unencumbered balance remaining at the end of fiscal year 2011  
13 shall revert to the general fund.

14 Section 4. REPEAL.--Section 1-12-4.1 NMSA 1978 (being  
15 Laws 2005, Chapter 270, Section 59) is repealed.

16 Section 5. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is January 1, 2011.