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FISCAL IMPACT REPORT

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| SPONSOR <u>Figueroa</u> | LAST UPDATED <u>2/05/2024</u> |
| SHORT TITLE <u>Legislative Session Changes, CA</u> | ORIGINAL DATE <u>1/25/2024</u> |
| | BILL NUMBER <u>House Joint Resolution 5/aHJC</u> |
| | ANALYST <u>Hanika-Ortiz</u> |

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

| Agency/Program | FY24 | FY25 | FY26 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|----------------|------------------|-----------------|------------------|-------------------|---------------------------|---------------|
| SOS/Elections | No fiscal impact | \$75.0 - \$85.0 | No fiscal impact | \$75.0 - \$85.0 | Nonrecurring | General Fund |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Note: The table above does not show the budget impact of HJR5 if voters ratify the amendment, only the cost of putting the proposed amendment to a vote at the next general election.

Relates to House Joint Resolutions 1 and 7; and Senate Joint Resolutions 3 and 4

Sources of Information

LFC Files

Agency Analysis Received From
New Mexico Attorney General (NMAG)
Secretary of State (SOS)

SUMMARY

Synopsis of HJC Amendment to House Joint Resolution 5

The House Judiciary Committee amendment to House Joint Resolution 5 changes the length of legislative sessions in even-numbered years to 45 days and further clarifies the intent of the joint resolution with regards to when the Legislature may consider bills for veto override.

The increased cost for a 45-day as opposed to a 30-day session is approximately \$1.5 million.

Synopsis of Original House Joint Resolution 5

House Joint Resolution 5 (HJR5) proposes a constitutional question that asks voters to amend Article 4 Section 5 of the Constitution of New Mexico to eliminate alternating 30-day and 60-day legislative sessions, and instead establish annual 60-day legislative sessions, with special sessions not to exceed 30 days. The amendments would also eliminate restrictions that are currently applicable to a 30-day session but allow consideration of veto override bills from a

previous regular session, special session, or extraordinary session within the same legislative biennium.

The joint resolution provides that the amendment be put before the voters at the next general election (November 2024) or a special election prior to that date called for the purpose of considering the amendment. The amendment would only be effective if approved by voters.

FISCAL IMPLICATIONS

SOS explains that under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the office is required to print samples of the text of each constitutional amendment in both Spanish and English in an amount equal to 10 percent of the registered voters in the state. SOS is required to publish the samples once a week for four weeks preceding the election in newspapers in every county. Further, the number of constitutional amendments on the ballot may impact the ballot page size or cause the ballot to be more than one page, increasing costs. The estimated cost per constitutional amendment is \$75 thousand to \$85 thousand, depending on the size and number of ballots and if additional ballot printing stations are needed. The office noted it also produces a general election voter guide. However, that cost is recurring and built into the operating budget.

The estimated cost increase from a 30-day session to a 60-day session is \$3 million to \$3.5 million. There will also be a budget impact for the full-time legislative agencies: Legislative Council Service, Legislative Finance Committee, and Legislative Education Study Committee. Each of these agencies hires temporary and contract staff to work during legislative sessions.

SIGNIFICANT ISSUES

According to NMAG:

The proposed amendments to Subsection B could cause some confusion. As proposed, subsection B would state that “Every regular session of the legislature convening during an even-numbered year may consider for veto override bills of a previous regular, special or extraordinary session within the same legislative biennium.” It is unclear whether the intent of the amendment is to limit veto override bills only to sessions during even-numbered years. If the intent is to permit any session to consider a veto override regardless of whether the legislation was vetoed in an even or odd-numbered year, then Subsection B should be amended to delete the phrase “convening during an even-numbered year”.

SOS notes the legislative session fundraising prohibition period provided for in Section 1-19-34.1 NMSA 1978 would need to be extended to the end of the proposed 60-day session.

PERFORMANCE IMPLICATIONS

An amendment that is ratified by a majority of electors voting on the amendment becomes part of the Constitution of New Mexico.

ADMINISTRATIVE IMPLICATIONS

SOS commented that the Legislature should be aware that the following statutorily required election activity falls within the proposed extended period:

Municipal Officer Election (first Tuesday in March, even numbered years) - 1-22-3.1 NMSA 1978; This election occurs in municipalities that have not opted-in to the regular location election in odd-numbered years. While municipal clerks perform many administrative duties related to this election, SOS still plays a large technical and administratively supportive role.

Special Elections (mid-Feb. through mid-March) - 1-24-1(C) NMSA 1978; No special election shall be held beginning the seventieth day prior to any statewide election and until: (1) the one hundredth day following a general or regular local election; or (2) the seventieth day following a major political party primary or an election to fill a vacancy in the Office of United States Representative.

Candidate Filing Day (second Tuesday in March, even numbered years) - 1-8-26 NMSA 1978; Declarations of candidacy for non-federal and non-statewide candidates to be nominated in the primary election shall be filed with the county clerk in the county in which the candidate resides between the hours of 9:00 a.m. and 5:00 p.m.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Joint Resolution 5 relates to HJR1, HJR7, SJR3 and SJR4, all of which propose legislative session changes.

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