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FISCAL IMPACT REPORT



SPONSOR: Boykin DATE TYPED: 02/04/02 HB HJR 21

SHORT TITLE: Recall of Public Officers, CA SB _____

ANALYST: Woodlee

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
			\$30.0	Non-Recurring	General Fund
		Indeterminate – See Narrative		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in The General Appropriation Act

Duplicates SJR 17

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Attorney General
 Secretary of State

SUMMARY

Synopsis of Bill

House Joint Resolution 21 proposes to amend the Constitution of New Mexico to provide for the recall of all public officers. The joint resolution indicates that every public officer holding office, either by election or appointment, may be subject to recall by a petition of 25% of the number of votes cast in the election of that officer. HJR-21 provides that every recall petition must contain a general statement of not more than two hundred words stating the grounds of the demand.

If the officer whose is being recalled offers their resignation, then it shall be accepted. If they do not resign, then a special election must be held to determine if the officer should be removed. The ballot will have both the reasons for the recall and the officer's justification of his or her course in office. The officer being recalled and other candidates will be placed on the ballot, and if the officer in question did not receive the highest number of votes, then he or she is deemed removed from

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office. No recall petition may be circulated until six months after the individual is in office, or five days from the beginning of the first session after a legislator's election. In addition, only one recall petition shall be filed against the same officer during the term for which he or she was elected, unless those petitioners have first paid all expenses of the preceding election. The state is responsible for paying the reasonable special election campaign expenses of the officer.

Significant Issues

Currently, only county officers and local school board members are subject to recall elections. These petitions are based on 33 1/3% of the number of votes cast in the last election for that office. The Secretary of State indicates that in the existing school board recall law the courts can review any allegation of wrong-doing prior to an election being held. HJR-21 does not provide for participation by the courts in this process.

FISCAL IMPLICATIONS

There is no appropriation associated with this bill. The Secretary of State indicates that there is a cost of \$30.0 associated with the printing and advertising of proposed constitutional amendments, which is absorbed by the Secretary of State operating budget.

ADMINISTRATIVE IMPLICATIONS

The Secretary of State indicates that there may be significant administrative implications due to the possible increase of the number of special elections. Because the petitions for recall may be initiated by individuals based on perception of wrong-doing, there may be filings that are not based on the precept of law. This may cause an increase of the number of elections which are paid by the State of New Mexico and the office of the Secretary of State.

DUPLICATION/RELATIONSHIP

House Joint Resolution 21 duplicates Senate Joint Resolution 17. The joint resolution relates to a special appropriation found in the proposed General Appropriations Act of 2002, where \$500.0 is designated for the costs associated with the constitutional amendment process.

MW/njw:ar