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FISCAL IMPACT REPORT

SPONSOR Kintigh ORIGINAL DATE 01/20/12
LAST UPDATED _____ HJR 4
SHORT TITLE Legislator Term Limits, CA SB _____
ANALYST Chabot

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$104.0		\$104.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General Office (AGO)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Joint Resolution 4 is a proposed constitutional amendment to Article 4, Section 4 of the New Mexico Constitution to limit legislator terms to not more than three consecutive terms in the Senate and six consecutive terms in the House of Representatives. The bill requires the amendment to be placed on the ballot during the next general election or any special election called prior to that election.

FISCAL IMPLICATIONS

The SOS reports that in accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the Secretary of State, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed constitutional amendment or other question in accordance with the constitution of New Mexico.

Although the county clerk includes the proposed amendments in the clerk's proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-13 NMSA 1978, including printing samples of the text of each constitutional amendment in both Spanish and English in an amount equal to ten percent of the registered voters of the state. There are currently 1.7 million registered voters in the state. Voters whose election mail is

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returned as undeliverable will be sent the proper notice under federal law in 2012, and if they do not vote in the next two federal elections, may be purged in 2015. Under these timelines, the voter roll is expected to increase until the purge in 2015.

The SOS reports that in 2010, the publication cost was \$520,000 for 5 constitutional amendments, or approximately \$104,000 per amendment. Although the SOS is continually seeking ways to reduce publication costs, it believes the 2010 figure is a reasonable projection for 2012 costs, given the increasing number of voter registrations.

SIGNIFICANT ISSUES

According to the National Conference of State Legislators (NCSL), 15 states currently have term limits for legislators. This list includes Arizona, Arkansas, California, Colorado, Florida, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma, and South Dakota. Among these state, the most popular limitation is 8 years in the senate, and 8 years in the house. The limit proposed in this bill (12 consecutive years in the senate and 12 consecutive years in the house) has only been adopted by Louisiana.

Six additional states had term limits: Idaho, Massachusetts, Oregon, Utah, Washington, and Wyoming. Of these four had the limits overturned by the state supreme courts and two were repealed by acts of the legislature.

The AGO states there are no significant legal issues associated with this joint resolution.

GAC/svb