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FISCAL IMPACT REPORT

ORIGINAL DATE 2/8/2018

SPONSOR Padilla/Ruiloba LAST UPDATED _____ HB _____

SHORT TITLE County Sheriff Qualifications, CA SJR 9

ANALYST Edwards

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Indeterminate	NFI	Indeterminate	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

SJR 9 would provide authority for the Legislature to establish qualifications for sheriff. SJR 9 states “[I]n order to be elected or appointed as a sheriff, a person shall meet the qualifications in law.” SJR 9 would constitutionally require qualifications set out in law (those in SB 102 or others potentially adopted) for all counties except for counties incorporated under Article 10, Section 5 of the New Mexico Constitution. SB 102 is the companion bill to SJR 9. It would add a new section to the County Sheriff Act, NMSA 1978, Sections 4-41-1 to 22, setting forth the minimum qualifications for persons seeking to be elected or appointed as county sheriff including:

- 5 years of professional law enforcement experience that may include military law enforcement experience;
- Be a resident of the state for one year and of the county for which the person is seeking to be elected or appointed;
- Hold a law enforcement training program certificate pursuant to NMSA 1978, Section 29-7-6.1;
- Not have been recalled from public office; and
- Sheriffs elected or appointed to office prior to July 1, 2018, who have not been awarded a certificate attesting to completion of a basic law enforcement training program, will

be required to complete a law enforcement training program within twelve (12) months of assuming office.

FISCAL IMPLICATIONS

Other than publication and printing costs, the Secretary of State's Office does not anticipate any other fiscal implications as a result of this legislation.

SOS submitted the following analysis:

SOS supports and understands the legislature's prerogative to place constitutional amendments before the voters of the state. For the purposes of determining the costs involved, the SOS wishes to inform legislators that, under Section 1-16-13 NMSA 1978, the SOS is required to print the full text of each proposed constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state. In order to comply with this requirement for the 2016 general election, the SOS printed approximately 129,000 copies of the "Voter Guide" at a total cost of \$19,041. This cost includes publishing one 1.5 page (332 words) constitutional amendment as well as the LCS summary of the general obligation bond. The cost of producing the voter guide will change depending upon the number and length of the constitutional amendments passed.

SOS is also constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in newspapers in every county in the state. In 2016, the SOS spent \$245,918 for the required newspaper publications, however, the cost is dependent upon the number and length of the constitutional amendments that are passed. For planning purposes, an estimate of \$47.60 per word may be used to represent the costs realized in the 2016 general election to estimate the cost of publishing each constitutional amendment for the 2018 election.

The number of constitutional amendments that pass may also impact the page size of the ballot, or if the ballot size is caused to become greater than one page, front and back, which may increase the cost of producing the ballots for the general election. In addition to the cost of the ballot, there may be time added to the voting process, which would require additional ballot printing systems in order to ensure a smooth and efficient voting process within the bounds of national best practices.

TECHNICAL ISSUES

SOS explains that currently, state law does not provide for any qualifications to hold the office of sheriff. If passed, enabling legislation would be required to stipulate the actual qualifications for sheriffs.

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