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# FISCAL IMPACT REPORT

	LAST UPDATED	
SPONSOR HGEIC	<b>ORIGINAL DATE</b>	3/9/2023
	BILL	CS/House Bill
SHORT TITLE Legislative Vacancies	NUMBER	538/HGEICS
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ANALYST Leger

## ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Nonrecurring	County Funds
Total						

Parentheses () indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Conflicts with Senate Bill 416

#### Sources of Information

LFC Files

#### **SUMMARY**

#### Synopsis of HGEIC Substitute for House Bill 538

The House Government, Elections and Indian Affairs Committee substitute for House Bill 538 (HB538/HGEICS) amends Section 2-7F-4 and 2-8F-4 of state law to establish procedures to fill a vacancy in the House of Representatives and Senate. The bill strikes language indicating an appointment to fill a vacancy before the general election of 2022 shall be made from the district as described in Section 2-7E-1 NMSA 1978.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

## **FISCAL IMPLICATIONS**

There may be a fiscal impact to the county in which a board of county commissioners holds a special meeting to make an appointment to fill the vacancy.

#### SIGNIFICANT ISSUES

HB538/HGEICS adds duplicate language for the appointment in the House of Representatives

#### CS/House Bill 538/HGEICS – Page 2

and Senate that requires a board of county commissioners to

- Solicit and accept applications immediate following the vacancy;
- Hold a special meeting within three weeks of the vacancy, at which the board shall make the appointment; and
- Announce the date of the special meeting within two business days of the vacancy.

If a vacancy occurs during a legislative sessions, the board shall solicit and accept applications immediately following the vacancy and appoint a successor within five days of the vacancy.

## CONFLICT

Senate Bill 416 includes language requiring the board of county commissions to make an appointment using rank-choice voting administered by the county clerk. The county clerk is to make the ballots publicly available.

SB416 remains in the Senate Rules Committee, its first committee referral.

JL/al/hg