

LFC Requester: _____

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment _____
Correction _____ Substitute _____

Date 2/9/2024

Bill No: SJR 10

Sponsor: Maestas

Agency Name
and Code
Number:

Secretary of State, 370

LEGISLATIVE
VACANCIES, CA

Person Writing Analysis: Lindsey Bachman

Short Title:

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$116.5- 126.5	N/A	\$116.5- 126.5	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Joint Resolution 10 proposes a constitutional amendment question be included in the next general election or any special election prior to that date that will be called for that purpose. The question asks voters to approve or reject an amendment Article 4, Section 4 of the Constitution of New Mexico to provide that legislative vacancies are filled, as provided by law, by appointment for the remainder of the unexpired term if the vacancy occurs when less than six months remains until the expiration of the original term of the senator or member of the house of representatives; temporarily by appointment when a vacancy occurs during or less than sixty days before the start of a regular session of the legislature, after which session the vacancy shall be filled by election for the remainder of the unexpired term; and in all other instances, by election for the remainder of the unexpired term.

FISCAL IMPLICATIONS

If the bill passes, the constitutional amendment might be decided by the voters in the next general election which is in FY25. It might also be decided by a special election prior to that time. In either case, for the purposes of determining the costs involved, the Secretary of State (SOS) wishes to inform legislators that, pursuant to NMSA 1978, Section 1-16-4, and Article 19 Section 1 of the New Mexico Constitution, the SOS is required to publish the ballot question for each proposed constitutional amendment, in both Spanish and English.

The SOS is constitutionally required to publish the ballot question of each proposed constitutional amendment once a week for four consecutive weeks preceding the election in one newspaper in every county in the state. The cost will vary based on the length of the ballot question. Historically, the estimated publication cost per amendment was approximately \$142,000; however, due to recent legislative changes, the publication costs have significantly decreased to approximately \$75,000 - \$85,000 per amendment.

The SOS also produces a general election voter guide that includes information about proposed constitutional amendments as well general information about voting. The office provides it to voters at polling locations throughout the state. The cost of producing the voter guide will change depending upon the number and length of the constitutional amendments passed and the number of registered voters. However, as a reference, the 2022 Voter Guide cost approximately \$41,500

from GSD State Printing.

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 will 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 to ensure a smooth and efficient voting process within the bounds of national best practices.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Should voters approve SJR 10's proposed amendment, enabling legislation would be needed to address several conflicts in the Election Code including:

- 1-1-5.11 NMSA 1978 defines special elections as those in which "only ballot questions are considered and that is held at a time other than a statewide election." The statute would need to be amended to permit the placement of candidates on a special election ballot.
- 1-24-1 NMSA 1978 limits when a special election may take place by prohibiting special elections "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."
- 1-24-2 NMSA 1978 contains requirements for informing the public timely of a special election. It requires that proclamations be filed with the SOS 70 days prior to the date of the special election.

OTHER SUBSTANTIVE ISSUE

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS