

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/08/2006

SPONSOR Campos LAST UPDATED _____ HB 730

SHORT TITLE Curry County Magistrate Districts and Elections SB _____

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	Minimal (less than \$10.0)	Non-recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (OAG)

SUMMARY

Synopsis of Bill

House Bill 730, "Curry County Magistrate Districts and Elections," proposes that the election of magistrate judges in two divisions in Curry County magistrate court be made by voters within the division for which the magistrate will sit rather than be elected at-large,

The bill also specifies how precincts numbered 1 through 37 would be divided between the two electoral divisions. This bill includes an emergency clause, which states the Act would take effect immediately in the interest of public peace, health and safety.

FISCAL IMPLICATIONS

There are no known direct fiscal implications which would result from enactment of this bill. However, the Office of the Attorney General reports that, currently, there is pending litigation in federal court challenging the constitutionality of Curry County's at-large voting system. OAG further reports that the passage of this bill would likely moot the litigation titled Johnny Chavez and Terry Martin v. Rebecca Vigil-Giron, CIV05-579 RHS/RLP. Cost savings could be recognized by the state if this case were not continued.

SIGNIFICANT ISSUES

While this bill will allow magistrate judges to reside anywhere within the magistrate district, this bill does not specifically require that a candidate for magistrate judge or a magistrate judge appointed to fill a vacancy pursuant to state law must also reside in the division from which he or she seeks to be elected.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The litigation titled Johnny Chavez and Terry Martin v. Rebecca Vigil-Giron, CIV05-579 RHS/RLP would likely continue its course in court and the Curry magistrates would continue to be elected at-large.

POSSIBLE QUESTIONS

1. Has any other litigation been pursued regarding at-large elections of magistrates? If so, what was the outcome of this litigation?
2. What problems or challenges have resulted because the magistrates in Curry County are currently elected at large?

EM/nt