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## FISCAL IMPACT REPORT

**SPONSOR** Cervantes **ORIGINAL DATE** 02/01/11  
**LAST UPDATED** 03/08/11 **HJR** 15/aHJC

**SHORT TITLE** Vacant Judicial Offices Filled by Appt, CA **SB** \_\_\_\_\_

**ANALYST** Aledo

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Judicial Standards Commission (JSC)

Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee Amendment to House Joint Resolution 15 clarifies the title language to better reflect the intent of the bill.

#### Synopsis of Bill

House Joint Resolution 15 would amend Article 6, Section 35 of the Constitution of New Mexico to require appointed judges serve at least a year before a general election is held for that office.

### SIGNIFICANT ISSUES

If approved by the Legislature, this resolution will be submitted to voters for approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

**OTHER SUBSTANTIVE ISSUES**

According to the Attorney General’s Office (AGO), a number of “term” cases and amendments to constitutional provisions on “terms” must be carefully scrutinized. A change may stagger or disrupt the current cycle of when Judges stand for election. Also, it appears from the wording that an appointed Judge could serve the one year and miss the general election upon which the vacant office holder would be up for election or retention. For example, Judge X could be appointed early 2010 (to a vacancy whose normal term would require election or retention in that year), they would then serve for one year and not be subject to the general election until 2012, thus resetting the “term” of that vacancy.

MCA/svb:mew