

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 and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Trujillo, CH ORIGINAL DATE 02/07/18  
LAST UPDATED 2/12/18 HJR 11

SHORT TITLE Constitutional Convention for Elections SB

ANALYST Amacher

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (NMAG)

Secretary of State's Office (SOS)

### SUMMARY

#### Synopsis of the House Joint Resolution

House Joint Resolution 11 requests the U.S. Congress call a constitutional convention on the application of two-thirds of the states to propose an amendment to the U.S. Constitution that would restore free and fair elections. As drafted, the petition shall expire and be withdrawn fifteen years following its passage. In addition, the petition is specific to free and fair elections and shall not be combined with a petition from any other state calling for an Article 5 convention for any other purpose nor shall it be combined with a petition from any other state calling for an Article 5 conventions for all purposes.

### FISCAL IMPLICATIONS

No Fiscal impact is anticipated.

### SIGNIFICANT ISSUES

House Joint Resolution 11 requests the U.S. Congress call a constitutional convention on the application of two-thirds of the states to propose an amendment to the U.S. Constitution that would restore free and fair elections. This petition shall expire and be withdrawn fifteen years following its passage; and is specific to free and fair elections and shall not be combined with a

## **House Joint Resolution 11 – Page 2**

petition from any other state calling for an Article 5 convention for any other purpose nor shall it be combined with a petition from any other state calling for an Article 5 conventions for all purposes.

HJR 11 would be a continuing application considered together with applications from Vermont, California, Illinois, New Jersey, and Rhode Island until such time as two-thirds of the states have applied for a convention for a similar purpose and the convention is convened by Congress.

### **OTHER SUBSTANTIVE ISSUES**

The NMAG notes that Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal constitution on the application of two-thirds of the legislatures of the several states. Because no Article V convention has ever been convened, there are various questions about how such a convention would function. One major question is the scope of the Convention's subject matter. If such a Convention is called there is likely to be a constitutional construction argument regarding limitations of the subject matter considered. This is due to the fact that there is not a single subject provision, in Article V.

Furthermore, the NMAG indicates that even though HJR 11 calls for a limited Constitutional Convention to amend the constitution only to ensure fair elections, it is not certain that once a Constitutional Convention is called there is any way to limit the constitutional amendments that the Convention can consider and on which it can act. This could potentially open up the Constitutional Convention to a bevy of new amendments or calls for changes of current amendments, putting at risk the constitution rights already guaranteed. HJR 11 tries to insulate itself from such a problem arising by stating that HJR 11 shall not be combined with a petition from any other state calling for an Article V convention for another purpose.

JMA/sb/jle/al