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FISCAL IMPACT REPORT

SPONSOR Moores **ORIGINAL DATE** 3/3/19 **LAST UPDATED** _____ **HB** _____
SHORT TITLE Appointment to Legislative Districts, CA **SJR** 13
ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			\$8.3	\$8.3	Nonrecurring	Election Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)
New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Senate Joint Resolution 13

Senate Joint Resolution 13 proposes to amend the state constitution to specify how a vacancy in a multi-county state legislative district is to be filled, and to require that the person appointed be of the same political party as the person vacating that position. SJR 13 also strikes language in Art. IV, sec. 4 regarding staggered terms for certain senators that has been declared unconstitutional. The resolution is to be submitted for approval by the people of the state in the next general election (November 2020) or any special election called for that purpose.

FISCAL IMPLICATIONS

The SOS is constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in one newspaper in every county in the state. In 2018, the SOS spent \$16,200 for the required newspaper publications; however, the cost is dependent upon the number and length of the constitutional amendments proposed. For planning purposes, SOS advises \$21.13 per word be used to represent the costs realized in the 2018 general election to estimate the cost of publishing each constitutional amendment.

SIGNIFICANT ISSUES

Under SJR6, if a vacancy occurs in the office of a senator or representative and the district consists of more than one county, the board of county commissioners of each county shall nominate one person who is a resident of that county to fill the vacancy, and the governor shall appoint one of those nominees. As noted by the NMAG, this procedure is provided by existing law. See Sections 2-7C-5 (house district appointments) and 2-8D-4 (senate district appointments), NMSA 1978.

However, SJR6 also requires that the person appointed to fill a vacancy shall be of the same political party status as the senator or representative whose seat is being filled. See Subsection(C). There is no such requirement in existing law.

OTHER SUBSTANTIVE ISSUES

According to the National Conference of State Legislatures, 25 states fill legislative vacancies by special elections. Of the remaining 25, five states direct a political party appoint; seven, like New Mexico, direct appointment by the county commission; and in nine, the governor appoints. Of these states that appoint, nine require the appointee be of the same political party as the last incumbent. In Ohio, members of the same house and party as the prior incumbent make the appointment.

MD/al