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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>SJC</u>	<b>LAST UPDATED</b> <u>1/31/24</u>	<b>ORIGINAL DATE</b> <u>1/23/24</u>
<b>SHORT TITLE</b> <u>Appellate Judges Nomination Commission, CA</u>	<b>BILL NUMBER</b> <u>CS/Senate Joint Resolution 1/SRCS/aSJC</u>	<b>ANALYST</b> <u>Davidson</u>

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

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Secretary of State	No fiscal impact	\$75 to \$85	No fiscal impact	\$75 to \$85	Nonrecurring	Other state funds

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis was Solicited but Not Received From  
 Administrative Office of the Courts (AOC)  
 Supreme Court of New Mexico

## SUMMARY

### Synopsis of SJC amendment to SRC Substitute for Senate Joint Resolution 1

The Senate Judiciary Committee amendment to Senate Joint Resolution 1 makes one language change, replacing “Appellate Judges” with “Judicial” in the joint resolution’s beginning explanation section. Beyond the language change, the amendment is identical to the previous committee substitution.

### Synopsis of SRC Substitute for Senate Joint Resolution 1

The Senate Rules Committee substitute for Senate Joint Resolution 1 (SJR1) proposes changes to the Article VI, Section 35, of the state constitution to allow the dean of the University of New Mexico School of Law to appoint a designee to chair the appellate judges nominating commission. The bill also provides a list of who the dean can specifically designate:

- An associate dean,
- A faculty member,
- A retired faculty member, or
- A former dean of the UNM School of Law.

## **FISCAL IMPLICATIONS**

Under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the Secretary of State (SOS) is required to print samples of the text of each constitutional amendment in both Spanish and English in an amount equal to 10 percent of the registered voters in the state. SOS is required to publish the samples once a week for four weeks preceding the election in newspapers in every county in the state. Further, the number of constitutional amendments on the ballot may impact the ballot page size or cause the ballot to be more than one page, also increasing costs. The estimated cost per constitutional amendment is \$75 thousand to \$85 thousand, depending on the size and number of ballots and if additional ballot stations are needed.

## **SIGNIFICANT ISSUES**

As originally written, the bill would have replaced the dean of the School of Law with the chief justice of the Supreme Court and would have added another member of the Supreme Court to the Judicial Nominating Commission. The Senate Rules Committee substitute does neither but does provide flexibility for the dean to designate someone from within the UNM School of Law system or a retired member of it with, it is assumed, prior knowledge of the judicial nominating process.

The Judicial Nominating Commission meets within 30 days of a judicial vacancy with the intention of getting recommended names to the governor as soon as possible. As outlined by the University of New Mexico law school, the process of judicial nomination has 11 steps, with seven of them beginning right after a judicial vacancy. Each of these steps takes varying levels of time. Current statute puts the management of this process with the dean of the law school. If the bill were passed, the dean could designate someone else to be responsible.

AD/al/hg/ss/ne