

LFC Requester:

**AGENCY BILL ANALYSIS
2020 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date February 3, 2020
Bill No: HJR 8-264

Sponsor: Trujillo, Ivey-Soto
Short Title: Adjustment of terms of non-statewide elected officers

Agency Name and Code Number: Administrative Office of the District Attorneys
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY20	FY21	FY22		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

In 2019, the Legislature, through HB 407, and as part of an election code overhaul, changed the election cycles of certain county and district officials. The intent was to make the elections more uniform and to have the officials be on the same election cycle. For example, the district attorney elections fall in the same cycle as presidential elections. HB 407 would have changed the district attorney elections to the gubernatorial election cycle. In order to accomplish that, HB 407 extended the terms of elected district attorneys for 2 years until the 2022 gubernatorial election cycle.

Noting the conflict between constitutional language and HB 407, the district attorneys and other elected officials petitioned for a writ of mandamus asking the New Mexico Supreme Court to invalidate the provisions of HB 407 that would “stagger” the election cycles, and unconstitutionally extend the terms of said officials. The New Mexico Supreme Court agreed and invalidated those provisions of HB 407 (§1-10-8 et seq.) as it applied to the district attorneys and the other petitioning officers. *See State ex rel. Sugg (et al.) v. Toulouse Oliver*, No. S-1-SC-37723

HJR 8 proposes to accomplish by constitutional amendment (as was suggested by the Supreme Court Justices) what could not be done by legislative action and, thus, would eliminate any conflicts between the statute and the Constitution.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

HJR 8 will authorize the Legislature to align or stagger the election of officers for a particular state, county or district office throughout the state.

Any alignment or staggering shall require a legislative finding that the adjustment is to provide for consistency in the timing of elections for that office or to balance number of offices

appearing on the ballot.

HJR 8 allows the term of any officer affected by such adjustment to be shortened or extended by not more than 2 years, provided that the necessary legislative finding takes place.

HJR 8 could allow legislators to make a 4 year term of a County office or District Office a 2 year term. County offices are limited to serving 2 – consecutive terms. If the shortened term is not considered a “term” because it is not 4 years, then it creates the risk of inequity of the term based on the decision of the legislature.

The Bill purports to solve a problem of having too many District Judges on one ballot and election cycle. More specific language could be drafted to resolve this limited issue.

HJR 8 will not apply to any statewide elective office.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Without knowing any of the legislative history or court action regarding HB 407, it may be difficult for the voters to understand what the goal of HJR 8 is.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS