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## FISCAL IMPACT REPORT

SPONSOR Pirtle ORIGINAL DATE 01/31/22  
 LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
 SHORT TITLE Vote for Constitutional Amendments, CA SJR 13  
 ANALYST Hitzman

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

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$35.0 - \$37.0	NFI	NFI	See Fiscal Implications	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Legislative Council Service (LCS) Files

Twitchell, R. E. (2007). *The Leading Facts of New Mexico, Vol. 1.*

#### Responses Received From

New Mexico Attorney General (NMAG)

#### No Response Received

Secretary of State's Office (SOS)

### SUMMARY

#### Synopsis of Bill

Senate Joint Resolution 13 proposes to amend Article 19, Section 1 of the state constitution to require a two-thirds vote in favor of any future proposed amendments to the state constitution in each house of the Legislature voting separately, rather than a majority. A resolution that passes the Legislature must be put to voters at the next regular election or at a special election within six months of the Legislature's adjournment. There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

### FISCAL IMPLICATIONS

The bill does not make an appropriation and would have minimal fiscal impact on the state of New Mexico, limited to the costs of publishing the amendment and subsequent voter guides once approved.

## **Senate Joint Resolution 13 – Page 2**

For example, under Section 1-16-4 NMSA 1978, the SOS is required to print the full text of each proposed constitutional amendment, in both Spanish and English. The cost of producing the voter guide will change depending upon the number and length of the constitutional amendments passed and the number of registered voters but can be estimated at \$25 thousand.

The SOS is also 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. For planning purposes, an estimate of \$20.72 per word may be used to represent the costs realized in the 2020 general election to estimate the cost of publishing each constitutional amendment.

The number of constitutional amendments that pass may also impact the page size of the ballot, or if the ballot size is caused to become greater than one page, front and back, which may increase the cost of producing the ballots for the general election. In addition to the cost of the ballot, there may be time added to the voting process, which would require additional ballot printing systems in order to ensure a smooth and efficient voting process within the bounds of national best practices. The additional requirement that the SOS publish a certificate for every law that is repealed by the counties will be an added cost to the SOS, although it is difficult to estimate the cost at this time.

Using the \$25 thousand estimated cost of producing the voter guide following amendments to the constitution, and an additional \$20.72 per word for publishing amendments with a range of 500 to 600 words for the proposed amendment in SJR13, the total estimated cost of the change is between \$35 thousand and \$37 thousand in fiscal year 2022, assuming the effective date is 90 days following adjournment of the Legislature.

### **PERFORMANCE IMPLICATIONS**

SJR13 would change the way that the New Mexico constitution can be amended by tightening the level of support that would be required to approve an amendment, potentially making it more difficult to approve an amendment by the minority party. As adopted in 1910, Article 19 of the New Mexico state constitution required that a legislative proposal for a constitutional amendment have a two-thirds' vote of the elected members of each house voting separately. The provisions were later reduced in November 1911 to instead require a majority of each house of the Legislature under what is commonly referred to as the “blue ballot” amendment. The change to a majority was brought about because the United States Congress largely disapproved of the existing two-thirds provision and required the amendment to be submitted to the electors of New Mexico prior to admission of New Mexico as a state. The change was adopted by a vote of 34,897 to 22,831. (See [\*Piecemeal Amendment to the Constitution of the State of New Mexico\*](#), published by the Legislative Council Service). According to historical records, and as noted in Ralph Emerson Twitchell’s book *The Leading Facts of New Mexico*, only seven counties voted against the amendment to maintain the two-thirds provision, of which only Valencia county had a majority in opposition.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Without enactment of SJR13, constitutional amendments would still require a majority vote, rather than a two-thirds vote, and the blue ballot amendment of 1911 would remain in place.