

LFC Requester:	Emily Hilla
-----------------------	-------------

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/29/2025 *Check all that apply:*
Bill Number: HJR 6 Original Correction
 Amendment Substitute

<p>Sponsor: Stefani Lord John Block <u>Mark Duncan</u></p> <p>Short Title: <u>RECALL OF PUBLIC OFFICERS, CA</u></p>	<p>Agency Name and Code Number: State Ethics Commission 410</p> <p>Person Writing: <u>Amelia Bierle</u></p> <p>Phone: <u>505-554-7706</u> Email: <u>Amelia.bierle@sec.nm.gov</u></p>
---	--

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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:

House Joint Resolution 6 (HJR06) proposes an amendment to Article 20 of the New Mexico Constitution to allow registered qualified electors to petition for the recall of an incumbent elective officer elected to a constitutionally created office in the executive or legislative branch of state government. The petition for recall shall cite the grounds for recall based upon acts or failures to act or a violation of the oath of office occurring during the current term of the officer sought to be recalled. The bill outlines the process, criteria, and requirements for recall elections, including signature thresholds and election procedures, both as to the recall and to the election of a candidate to replace the recalled state officer.

The joint resolution provides that the amendment be put before the voters at the next general election or a special election prior to that date called for the purpose of considering the amendment. The amendment would only be effective if approved by voters.

FISCAL IMPLICATIONS

HJR6 does not appear to have any fiscal implications for the SEC.

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

- If passed, this amendment would introduce a new mechanism for voter oversight of elected officials.
- The resolution allows voters to be the exclusive judges of the sufficiency of recall grounds, meaning recall attempts cannot be reviewed judicially. However, procedural aspects—such as signature verification, compliance with deadlines, or election administration—could potentially be subject to legal challenge.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

- The bill imposes administrative responsibilities on the Secretary of State's Office, including signature verification, special election coordination, and candidate qualification for replacement elections.

- The Attorney General assumes responsibility if the Secretary of State is subject to recall.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

- The New Mexico Constitution allows for the removal of constitutionally elected officers before the expiration of their term. Elected constitutional executive (and judicial) officers are subject to impeachment under Article IV, Sections 35 and 36 for crimes, misdemeanors and malfeasance in office. Elected constitutional legislative officers are subject to expulsion by their respective legislative chamber under Article IV, Section 11. HJR 6 does not purport to alter these removal mechanisms and adds an additional removal procedure that begins and ends with the electorate.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

According to the National Conference of State Legislatures, nineteen states allow for recall elections of state officers. In these nineteen states, recall elections are relatively rare. There have been only five attempts to recall a governor that have garnered enough petition signatures sufficient for a recall election. Since 1913, there have been 40 recall elections targeting state legislators. See <https://www.ncsl.org/elections-and-campaigns/recall-of-state-officials>

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS