



amendment. The amendment would only be effective if approved by voters.

The joint resolution provides the amendment be put before the voters at the next general election (November 2026) or a special election called for the purpose of considering the amendment.

## 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 \$35 thousand to \$50 thousand, depending on the size and number of ballots and if additional ballot stations are needed.

Should this proposed constitutional amendment be approved by voters, voters would be able to recall certain public officials. The amendment would require for the recall election to occur either through a special recall election with both absentee and in person voting or during a general election. In 2024, both the primary and general election were at least \$14 million. While these special recall elections for a statewide officer could cost this much, recall of a state legislative office would likely have a lower cost, depending on the counties included within that legislator’s district. For the primary election, counties were reimbursed between \$18 thousand and \$2.3 million, which could be used as an estimate for the cost of state legislative special recall elections.

## SIGNIFICANT ISSUES

According to the National Conference of State Legislatures (NCSL)<sup>1</sup>, 19 states allow for recall elections of state officers. In these states, recall elections are relatively rare. There have been only five attempts to recall a governor that garnered enough petition signatures sufficient for a recall election. Since 1913, there have been 40 recall elections targeting state legislators.

NCSL highlights the following as benefits and drawbacks to recalling elected officials:

<b>Benefits</b>	<b>Drawbacks</b>
Provides a way for residents to exercise control over elected officials who don't represent their constituents' best interests.	May lead to an excess of democracy such that the threat of a recall election: <ul style="list-style-type: none"><li>• Lessens the independence of election officials;</li><li>• Undermines the principle of electing good officials and giving them the chance to govern; and</li><li>• Can be abused by well-financed special interest groups, giving them undue influence over the process.</li></ul>

Source: NCSL

<sup>1</sup> <https://www.ncsl.org/elections-and-campaigns/recall-of-state-officials>

According to SEC:

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.

SOS adds:

If approved by voters, enabling legislation would be required to amend Chapter 1, Article 25, NMSA 1978, the Recall Act. All vacancies created pursuant to that act currently are required to be filled as provided by law for local jurisdictions as long as the individual removed from office cannot be appointed to a vacancy. Protecting the security and successful administration of all elections in the Election Code should be an important consideration of the legislature, and part of that protection is ensuring sufficient resources and administrative timelines for statewide elections.

This is why there are existing timing restrictions for special elections in the Election Code. It is strongly encouraged that vacancies be filled by appointment and election procedures outlined in existing law in all circumstances.

## ADMINISTRATIVE IMPLICATIONS

SOS may have minimal increases in administrative workload as recall elections are rare in states that allow their use. However, if a recall petition was submitted, SOS would have increased costs due to reviewing and potentially certifying the petition and helping administer the election.

## OTHER SUBSTANTIVE ISSUES

SEC highlights the constitution currently allows for removal of constitutionally elected officers prior to the end of their term:

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. HJR6 does not purport to alter these removal mechanisms and adds an additional removal procedure that begins and ends with the electorate.

## TECHNICAL ISSUES

SOS mentions:

HJR6 utilizes the term “Registered qualified elector,” which is a term that is not defined in the New Mexico Election Code, Chapter 1 NMSA 1978. The term “Voter” would be more appropriate as defined by 1-1-5 NMSA 1978.

SD/hj/hg