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FISCAL IMPACT REPORT

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|---|---------------------------------------|
| SPONSOR <u>Martinez, A./Reeb/De La Cruz</u> | LAST UPDATED _____ |
| | ORIGINAL DATE <u>2/17/2025</u> |
| | BILL <u>House Joint</u> |
| SHORT TITLE <u>No County Sheriff Term Limits, CA</u> | NUMBER <u>Resolution 7</u> |
| | ANALYST <u>Gygi</u> |

APPROPRIATION* (dollars in thousands)

| FY25-FY27 | FY28 | Recurring or Nonrecurring | Fund Affected |
|-----------|-------------------------|---------------------------|--------------------------------|
| | See Fiscal Implications | Recurring | Law Enforcement Retention Fund |

Parentheses () indicate a negative impact on the fund.
 *Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

| Agency/Program | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|-----------------------|------|------|---------------------------|---------------------------|---------------------------|---------------|
| Election Costs | | | \$35.0 - \$50.0 | \$35.0 - \$50.0 | Nonrecurring | General Fund |
| DPS | | | Indeterminate but minimal | Indeterminate but minimal | Recurring | General Fund |

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

Sources of Information

LFC Files

Agency Analysis Received From
 Attorney General (NMAG)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of House Joint Resolution 7

House Joint Resolution 7 proposes to amend Article X, Section 2 of the New Mexico Constitution to allow county sheriffs to serve an unlimited number of consecutive four-year terms. Currently, county officers, including sheriffs, are limited to two consecutive four-year terms before becoming ineligible for county office for two years.

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

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, there could be increased draws from the Law Enforcement Retention Fund (LERF). The fund pays a retention differential disbursement for law enforcement officers based on length of service. Currently, the differential is 5 percent of a law enforcement officer's salary upon reaching four, nine, 14, 19, or 20 plus years of service from the anniversary of the date of hire with a specific law enforcement agency.

The Department of Public Safety (DPS), which administers the fund, reports that the number of sheriff office applications has increased over the three years that LERF has been active, from 13 in FY23 to 24 in FY25. It is difficult to know how many affected sheriffs would run for a third term if voters approve the proposed amendment, so the retention payment cost increase is indeterminate at this time.

SIGNIFICANT ISSUES

According to the National Association of Counties, a number of states have sought to rescind county term limits over the past 10 years, particularly for rural counties.¹ In Colorado, for example, 23 out of 63 counties have voted to remove term limits for at least some elected officials. These 23 more rural counties had difficulties finding enough qualified candidates either running or willing to run for office. Colorado statute, unlike New Mexico's, allows voters in local governments to lengthen, shorten, or eliminate term limits in their jurisdiction.

New Mexico is one of a few states that set statewide term limits for counties. The state has had some form of term limits legislation in place for county officials since 1914. Eliminating term limits for sheriffs might allow counties to retain experienced sheriffs for extended periods, potentially impacting law enforcement leadership stability and continuity. There have been several attempts to eliminate term limits for sheriffs, including referenda in 1957 and 1982, which voters did not approve. In 2000, the people of New Mexico voted by wide a majority (74 percent) to keep term limits for all county officials.

The National Association of Counties wrote in 2015:

[The association] opposes all term limits for elected officials. Term limits restrict the time available to plan for and enact policies and programs that require an extended length of time for implementation. Term limits arbitrarily restrict the power of citizens to return to office those county officials who have done a credible job for their constituents. They are particularly burdensome in counties with small populations where it is often difficult to find qualified and interested candidates for office.

¹ <https://www.naco.org/sites/default/files/documents/County%20Term%20Limits.pdf>

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Joint Resolution 7 relates to Senate Joint Resolution 10 from the 2015 legislative session, which would have eliminated term limits for county sheriffs and Senate Joint Resolution 5 from the 2010 legislative session, which would have extended all county official term limits to three consecutive terms instead of two.

House Joint Resolution 7 also relates to the 2000 New Mexico Amendment 2, which would have amended Article 10, Section 2 of the New Mexico Constitution, eliminating term limits for county officials completely. It was defeated with only 27 percent of voters in favor.

TECHNICAL ISSUES

The New Mexico Attorney General comments:

The bill is potentially confusing in that it does not address whether, if someone served in a non-sheriff capacity (e.g., as county commissioner) for two consecutive four-year terms and then wants to run for sheriff, they are precluded from doing so for two years after the expiration of their second term in the non-sheriff capacity. The most likely interpretation under the bill as written is that they would remain ineligible for two years.

KG/rl/SL2