

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/12/12

SPONSOR Adair LAST UPDATED _____ HB _____

SHORT TITLE Uphold New Mexico & U.S. Law, CA SB SJR 14

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$104.0*	NFI	\$104.0*	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications for financial data provided by the SOS.

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Joint Resolution 14, if approved by the voters, would amend the New Mexico Constitution by adding a new section to Article VI which: 1) requires the New Mexico courts to uphold and adhere to the United States and New Mexico Constitutions, statutes, rules and common law and, if necessary, the laws of other states; 2) prohibits New Mexico courts from considering legal precepts of other nations or cultures, international law, laws promulgated by foreign governments or national laws of foreign countries if those legal precepts or laws would violate New Mexico public policy or the rights of New Mexico residents; and 3) prohibits New Mexico courts from considering or applying Sharia law.

FISCAL IMPLICATIONS

The SOS reports that in accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the Secretary of State, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed Constitutional amendment or other question in accordance with the constitution of New Mexico.

Although the county clerk includes the proposed amendments in the clerk's proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-13 NMSA 1978, including printing samples of the text of each constitutional amendment in both Spanish and English in an amount equal to ten percent of the registered voters of the state.

Senate Joint Resolution 14 – Page 2

There are currently 1.7 million registered voters in the state. Voters whose election mail is returned as undeliverable will be sent the proper notice under federal law in 2012, and if they do not vote in the next two federal elections, may be purged in 2015. Under these timelines, the voter roll is expected to increase until the purge in 2015.

The SOS reports that in 2010, the publication cost was \$520,000 for 5 constitutional amendments, or approximately \$104,000 per amendment. Although the SOS is continually seeking ways to reduce publication costs, it believes the 2010 figure is a reasonable projection for 2012 costs, given the increasing number of voter registrations. That number is set forth in the table above as a nonrecurring expenditure.

SIGNIFICANT ISSUES

The provisions of the new section would apply to all cases before the respective courts, including but not limited to cases of first impression.

OTHER SUBSTANTIVE ISSUES

Sharia law is the moral code and religion of Islam.

MD/lj