

LFC Requester:

Emily Hilla

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: January 29, 2025

Check all that apply:

Bill Number: HJR 6

Original Correction
Amendment Substitute

Sponsor: Rep. Stefani Lord,
Rep. John Block,
Rep. Mark Duncan

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Short Title: Recall of Public Officers, CA

Analysis: ASG Kellie Garcia

Phone: 505-479-2708

Email: KGarcia@nmdoj.gov

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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: House Joint Resolution 6 (“HJR6”) would amend Article 20 of the state constitution to add a new section establishing a process to recall elected state officials in constitutionally created executive or legislative offices. The proposed recall process is summarized as follows:

Section 1: HJR6 proposed that any registered, qualified elector may initiate and circulate a recall petition by filing the petition with the secretary of state. The recall petition shall state the grounds for recall based upon acts, failures to act, or violations of oath of office. The registered qualified electors shall be the sole and exclusive judges of the legality, reasonableness and sufficiency of the grounds for recall, and the grounds shall not be open to review.

The petition shall be circulated for 180 days if the officer holds a statewide office or 90 days if the officer holds a nonstatewide office. The recall petition must meet the signatory requirements of at least 25% of the voters who cast votes in the last election for the office in question.

Once the petition has been circulated and meets the signatory requirements, the petition must be filed with the secretary of state for verification of signatures. Once verified, the secretary of state shall certify the recall petition to the governor and the question of recall shall be placed on the ballot for special election, including in-person and absentee voting, held within 90 days or next general election.

Should the officer resign within 5 days of the certification of petition, such vacancy shall be filled as provided by law. The recall question shall include the grounds for recall, and the possibility of the officer’s justification for their actions. The question shall include a yes or no question of recall and the names of people who have been certified as candidates to succeed the officer subject to recall, so that voters can simultaneously vote for a replacement officer. The officer is removed from office if a majority votes yes for recall and the candidate with the highest number of votes for the office vacated is declared elected.

Candidates for the office may be nominated by petition that shall be filed no later than 50 to 60 days before the recall election. The person subject to recall is not eligible to be a candidate.

A recall election shall not be conducted after May 1 in a calendar year in which an election is to be held for such office, and a petition may not be filed for recall until after the newly elected officer has held office for 6 months, except a recall petition may be filed against a member of the state legislature at any time after five days from the convening and organizing of the legislature after the member's election.

Unless the signatures for recall are equal to at least 50 percent of the votes cast at the last general election, no recall petition and election shall be held against the same officer during their term if a recall election fails.

Should the secretary of state be petitioned for recall, the Attorney General shall perform the duties listed in Section 1 of HJR6. Should the Governor be sought to recall, the secretary of state shall certify the recall petition to the lieutenant governor.

Section 2: HJR6 proposed constitutional amendment requires that the resolution be submitted to the people for their approval or rejection at the next general election or special election.

FISCAL IMPLICATIONS

The New Mexico Department of Justice (the “NMDOJ”) may have fiscal implications as a result of HJR6 should the Secretary of State be subject to a recall position and the Attorney General is required to take over such duties.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

The New Mexico Department of Justice (the “NMDOJ”) may have fiscal implications as a result of HJR6 should the Secretary of State be subject to a recall position and the Attorney General is required to take over such duties.

ADMINISTRATIVE IMPLICATIONS

HJR6 proposed constitutional amendment would require the Attorney General to perform the duties of Secretary of State if the Secretary of State is considered for recall.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

HJR6 proposed constitutional amendment requires that the resolution be submitted to the people for their approval or rejection at the next general election or special election.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A