

## **Constitutional Amendment No. 4**

**“Proposing an amendment to Article 10, Section 1 of the constitution of New Mexico to provide that the salaries of county officers shall be established by the Board of County Commissioners, remove references to the First Legislative Session and clarify that any fees collected by a county official shall be paid into the treasury of the county.”**

For \_\_\_\_\_ Against \_\_\_\_\_

### **ARGUMENTS FOR THE AMENDMENT**

1. While it made sense for the legislature to set county officer salaries when the state was new, the counties are now longstanding, established entities that handle their own affairs without such close state guidance. This amendment is a measure to modernize the system to better reflect the realities of day-to-day governance. The current law only sets maximum salaries for county officers and already allows boards of county commissioners discretion in determining salary increases for their officers within the statutory limitations.

2. County officers manage complex bureaucracies and require executive experience and specialized skills to be effective on behalf of their constituents. To ensure that voters have the opportunity to elect qualified officers, counties need the flexibility to set salaries to attract experienced and skilled candidates. This amendment would allow counties to be more responsive to their own needs and provide for more professional management.

3. Constitutional and statutory safeguards exist to check the power of county commissioners in setting salaries. The constitution and laws of the state have measures that serve as a check on the powers of county commissioners in setting the salaries of county officers.

4. This amendment will give voters more say in how their counties are managed. County officers are locally elected and directly accountable to their constituents. This amendment would localize salary decisions and make county officers more accountable to their constituents.

### **ARGUMENTS AGAINST THE AMENDMENT**

1. Without legislative oversight, county official salaries will be wide-ranging and inconsistent across counties. Pursuant to its current obligation to fix the salaries for county officers, the legislature has established a comprehensive classification system based on a combination of a county's population and the total value of real estate within the county. This system helps to ensure that salaries are uniform and proportional across the state. This proposed amendment empowers boards of county commissioners to establish officer salaries without any standards.

2. Removing the legislature's authority could lead to negative consequences for counties. Allowing boards of county commissioners full discretion to determine salaries for their officers

takes authority and power away from the legislature. The people of the state have an interest in the legislature retaining the power to set county officer salaries because it serves as a mutual check, is a reasonable limit on counties' powers and requires accountability from the legislature.

3. County commissioners would set their own salaries. Currently, Article 10, Section 1 of the Constitution of New Mexico places the legislature in a neutral third-party role and provides assurances to the people of the state that county officer salaries are determined impartially. This proposed amendment may make these determinations more susceptible to short-term political or personal considerations.

Pro/and con arguments were provided by the State of New Mexico Legislative Council Service. They were edited and shortened by LWVCNM.