

1 SENATE JOINT RESOLUTION 2

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF  
12 NEW MEXICO TO ALLOW A DESIGNEE TO SERVE ON THE APPELLATE JUDGES  
13 NOMINATING COMMISSION IN THE PLACE OF THE DEAN OF THE  
14 UNIVERSITY OF NEW MEXICO SCHOOL OF LAW.

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16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. It is proposed to amend Article 6, Section 35  
18 of the constitution of New Mexico to read:

19 "There is created the "appellate judges nominating  
20 commission", consisting of: the chief justice of the supreme  
21 court or the chief justice's designee from the supreme court;  
22 two judges of the court of appeals appointed by the chief judge  
23 of the court of appeals; the governor, the speaker of the house  
24 of representatives and the president pro tempore of the senate  
25 shall each appoint two persons, one of whom shall be an

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1 attorney licensed to practice law in this state and the other  
2 who shall be a citizen who is not licensed to practice law in  
3 any state; the dean of the university of New Mexico school of  
4 law or the dean's designee, who shall serve as [~~chairman~~] chair  
5 of the commission and shall vote only in the event of a tie  
6 vote; and four members of the state bar of New Mexico,  
7 representing civil and criminal prosecution and defense,  
8 appointed by the president of the state bar and the judges on  
9 this [~~committee~~] commission. The appointments shall be made in  
10 such manner that each of the two largest major political  
11 parties, as defined by the Election Code, shall be equally  
12 represented on the commission. If necessary, the president of  
13 the state bar and the judges on this [~~committee~~] commission  
14 shall make the minimum number of additional appointments of  
15 members of the state bar as is necessary to make each of the  
16 two largest major political parties be equally represented on  
17 the commission. These additional members of the state bar  
18 shall be appointed such that the diverse interests of the state  
19 bar are represented. The dean of the university of New Mexico  
20 school of law or the dean's designee shall be the final arbiter  
21 of whether such diverse interests are represented. Members of  
22 the commission shall be appointed for terms as may be provided  
23 by law. If a position on the commission becomes vacant for any  
24 reason, the successor shall be selected by the original  
25 appointing authority in the same manner as the original

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1 appointment was made and shall serve for the remainder of the  
2 term vacated.

3 The commission shall actively solicit, accept and evaluate  
4 applications from qualified lawyers for the position of justice  
5 of the supreme court or judge of the court of appeals and may  
6 require an applicant to submit any information it deems  
7 relevant to the consideration of [~~his~~] the application.

8 Upon the occurrence of an actual vacancy in the office of  
9 justice of the supreme court or judge of the court of appeals,  
10 the commission shall meet within thirty days and within that  
11 period submit to the governor the names of persons qualified  
12 for the judicial office and recommended for appointment to that  
13 office by a majority of the commission.

14 Immediately after receiving the commission nominations,  
15 the governor may make one request of the commission for  
16 submission of additional names, and the commission shall  
17 promptly submit such additional names if a majority of the  
18 commission finds that additional persons would be qualified and  
19 recommends those persons for appointment to the judicial  
20 office. The governor shall fill a vacancy or appoint a  
21 successor to fill an impending vacancy in the office of justice  
22 of the supreme court or judge of the court of appeals within  
23 thirty days after receiving final nominations from the  
24 commission by appointing one of the persons nominated by the  
25 commission for appointment to that office. If the governor

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1 fails to make the appointment within that period or from those  
2 nominations, the appointment shall be made from those  
3 nominations by the chief justice or the acting chief justice of  
4 the supreme court. Any person appointed shall serve until the  
5 next general election. That person's successor shall be chosen  
6 at such election and shall hold the office until the expiration  
7 of the original term."

8 SECTION 2. The amendment proposed by this resolution  
9 shall be submitted to the people for their approval or  
10 rejection at the next general election or at any special  
11 election prior to that date that may be called for that  
12 purpose.

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