

1 SENATE JOINT RESOLUTION 10

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Antonio Maestas

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 4, SECTION 4 OF THE CONSTITUTION OF
12 NEW MEXICO TO PROVIDE THAT LEGISLATIVE VACANCIES ARE FILLED, AS
13 PROVIDED BY LAW, BY APPOINTMENT FOR THE REMAINDER OF THE
14 UNEXPIRED TERM IF THE VACANCY OCCURS WHEN LESS THAN SIX MONTHS
15 REMAINS UNTIL THE EXPIRATION OF THE ORIGINAL TERM OF THE
16 SENATOR OR MEMBER OF THE HOUSE OF REPRESENTATIVES; TEMPORARILY
17 BY APPOINTMENT WHEN A VACANCY OCCURS DURING OR LESS THAN SIXTY
18 DAYS BEFORE THE START OF A REGULAR SESSION OF THE LEGISLATURE,
19 AFTER WHICH SESSION THE VACANCY SHALL BE FILLED BY ELECTION FOR
20 THE REMAINDER OF THE UNEXPIRED TERM; AND IN ALL OTHER
21 INSTANCES, BY ELECTION FOR THE REMAINDER OF THE UNEXPIRED TERM.

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

24 SECTION 1. It is proposed to amend Article 4, Section 4
25 of the constitution of New Mexico to read:

.226530.2

underscored material = new
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1 "A. Members of the [~~legislature~~] senate shall be
2 elected [~~as follows: those senators from Bernalillo, Chaves,~~
3 ~~Curry, DeBaca, Grant, Lea, Lincoln, Luna, Sandoval, San Juan,~~
4 ~~San Miguel, Socorro, Taos, Torrance, Union and Valencia~~
5 ~~counties for a term of six years starting January 1, 1961, and~~
6 ~~after serving such terms shall be elected]~~ for a term of four
7 years, [~~thereafter; those senators from all other counties for~~
8 ~~the terms of four years]~~ and members of the house of
9 representatives shall be elected for a term of two years. They
10 shall be elected on the day provided by law for holding [~~the~~]
11 general elections [~~election of state officers or~~
12 ~~representatives in congress~~].

13 B. If a vacancy occurs in the office of senator or
14 member of the house of representatives, for any reason, [~~the~~
15 ~~county commissioners of the county wherein the vacancy occurs~~
16 ~~shall fill such vacancy by appointment.~~

17 ~~Such legislative appointments as provided in this section~~
18 ~~shall be for a term ending on December 31, subsequent to the~~
19 ~~next succeeding general election]~~ the vacancy shall be filled,
20 as provided by law, as follows:

21 (1) if less than six months remains until the
22 expiration of the term in effect at the time of vacancy, the
23 vacancy shall be filled by appointment for the remainder of the
24 unexpired term;

25 (2) if the vacancy occurs during or less than

underscoring material = new
~~[bracketed material] = delete~~

1 sixty days before the start of a regular session and when six
2 months or more remain until the expiration of the term in
3 effect at the time of vacancy, the vacancy shall be temporarily
4 filled by appointment until the vacancy is filled for the
5 remainder of the unexpired term at an election that shall be
6 conducted no later than sixty days after that session ends; or
7 (3) in all other instances, the vacancy shall
8 be filled at an election conducted no later than sixty days
9 after the vacancy occurs and for the remainder of the unexpired
10 term.

11 C. Nothing prohibits a future appointment from
12 being made in anticipation of an impending vacancy. For the
13 purposes of determining the start date to fill a vacancy
14 pursuant to this section, an impending vacancy shall be treated
15 as a vacancy."

16 SECTION 2. The amendment proposed by this resolution
17 shall be submitted to the people for their approval or
18 rejection at the next general election or at any special
19 election prior to that date that may be called for that
20 purpose.