

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE JOINT RESOLUTION 14

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JOHN ARTHUR SMITH

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO TO REFORM THE JUDICIAL SELECTION PROCESS REGARDING CITIZEN ELECTIONS OF JUSTICES AND JUDGES; AMENDING AND REPEALING SECTIONS OF THE CONSTITUTION OF NEW MEXICO.

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

Section 1. It is proposed to amend Article 6, Section 4 of the constitution of New Mexico to read:

"The supreme court of the state shall consist of ~~[at least]~~ five justices ~~[who]~~ each of whom shall be ~~[chosen as provided in this constitution]~~ elected at the general election for a term of eight years, except as otherwise provided in this constitution.

One of the justices shall be selected as chief justice as provided by law. "

Section 2. It is proposed to amend Article 6, Section 12

Underscored material = new
[bracketed material] = delete

1 of the constitution of New Mexico to read:

2 "The state shall be divided into judicial districts as may
3 be provided by law. One or more judges shall be [~~chosen~~]
4 elected for each district [~~as provided in this constitution~~] by
5 the qualified electors thereof at a general election for a term
6 of six years, except as otherwise provided in this
7 constitution."

8 Section 3. It is proposed to amend Article 6, Section 26
9 of the constitution of New Mexico to read:

10 "The legislature shall establish a magistrate court to
11 exercise limited original jurisdiction as may be provided by
12 law. The magistrate court shall be composed of such districts
13 and elective magistrates as may be provided by law. Magistrates
14 shall be qualified electors of, and reside in, their respective
15 districts, and the legislature shall prescribe other
16 qualifications. Magistrates shall receive compensation as may
17 be provided by law, which compensation shall not be diminished
18 during their term of office. Metropolitan court judges shall be
19 [~~chosen as provided in this constitution~~] elected by the
20 qualified electors of the metropolitan court district, as
21 provided by law, at a general election for a term of four years,
22 except as otherwise provided in this constitution."

23 Section 4. It is proposed to amend Article 6, Section 28
24 of the constitution of New Mexico to read:

25 "The court of appeals shall consist of not less than seven

Underscored material = new
[bracketed material] = delete

1 judges ~~[who]~~ each of whom shall be ~~[chosen as provided in this~~
2 ~~constitution whose]~~ elected at the general election for a term
3 of eight years, except as otherwise provided in this
4 constitution. Their qualifications shall be the same as those
5 of justices of the supreme court and ~~[whose]~~ their compensation
6 shall be as provided by law. ~~[The increased qualifications~~
7 ~~provided by this 1988 amendment shall not apply to court of~~
8 ~~appeals judges serving at the time this amendment passes or~~
9 ~~elected at the general election in 1988.]~~

10 Three judges of the court of appeals shall constitute a
11 quorum for the transaction of business, and a majority of those
12 participating must concur in any judgment of the court.

13 When necessary, the chief justice of the supreme court may
14 designate any justice of the supreme court or any district judge
15 of the state to act as a judge of the court of appeals, and the
16 chief justice may designate any judge of the court of appeals to
17 hold court in any district, or to act as a justice of the
18 supreme court. "

19 Section 5. It is proposed to amend Article 6 of the
20 constitution of New Mexico by repealing Sections 33 and 34.

21 Section 6. The amendment proposed by this resolution shall
22 be submitted to the people for their approval or rejection at
23 the next general election or at any special election prior to
24 that date which may be called for that purpose.

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 6, 1997
6

7 Mr. President:
8

9 Your RULES COMMITTEE, to whom has been referred
10

11 SENATE JOINT RESOLUTION 14
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS.
15

16 Respectfully submitted,
17

18 _____
19
20
21 Gloria Howes, Chairman
22
23
24

25 Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Altamirano, Gorham

Abstained: Adair

SJR14RU1