

1 HOUSE JOINT RESOLUTION 16

2 43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

3 INTRODUCED BY

4 STEVEN E. PEARCE

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9  
10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO  
12 TO ABOLISH STATEWIDE ELECTIONS TO RETAIN OR REJECT NEW MEXICO  
13 SUPREME COURT JUSTICES AND JUDGES OF THE COURT OF APPEALS AND  
14 TO PROVIDE FOR ELECTION OF THE JUSTICES AND JUDGES FROM FIVE  
15 APPELLATE DISTRICTS.

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

18 Section 1. It is proposed to amend Article 6, Section 12  
19 of the constitution of New Mexico to read:

20 "A. The state shall be divided into judicial  
21 districts as may be provided by law. One or more district  
22 judges shall be chosen for each district as provided in this  
23 constitution.

24 B. The state shall be divided into at least five  
25 appellate judicial districts as may be provided by law. One

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1 or more justices of the supreme court and two or more judges  
2 of the court of appeals shall be chosen from each district as  
3 provided by this constitution. A justice or judge shall  
4 reside in the appellate judicial district from which he is  
5 elected. "

6 Section 2. It is proposed to amend Article 6, Section 33  
7 of the constitution of New Mexico to read:

8 "A. Each justice of the supreme court, judge of  
9 the court of appeals, district judge or metropolitan court  
10 judge shall have been elected to that position in a partisan  
11 election prior to being eligible for a nonpartisan retention  
12 election. Thereafter, each [~~such~~] elected justice or judge  
13 shall be subject to retention or rejection on a nonpartisan  
14 ballot. Retention of the judicial office shall require at  
15 least fifty-seven percent of the vote cast on the question of  
16 retention or rejection. Each justice or judge shall be  
17 elected and retained by voters of his respective judicial or  
18 appellate judicial district.

19 B. Each justice of the supreme court or judge of  
20 the court of appeals shall be subject to retention or  
21 rejection in like manner at the general election every eighth  
22 year.

23 C. Each district judge shall be subject to  
24 retention or rejection in like manner at the general election  
25 every sixth year.

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1           D. Each metropolitan court judge shall be subject  
2 to retention or rejection in like manner at the general  
3 election every fourth year.

4           E. Every justice of the supreme court, judge of  
5 the court of appeals, district judge or metropolitan court  
6 judge holding office on January 1 next following the date of  
7 the election at which this amendment is adopted shall be  
8 deemed to have fulfilled the requirements of Subsection A of  
9 this section and the justice or judge shall be eligible for  
10 retention or rejection by the electorate at the general  
11 election next preceding the end of the term of which the  
12 justice or judge was last elected prior to the adoption of  
13 this amendment.

14           F. The legislature shall randomly assign each  
15 justice of the supreme court and judge of the court of appeals  
16 seated prior to this amendment to an appellate judicial  
17 district as created by law in accordance with this  
18 constitution. At the end of a justice's or judge's term, the  
19 voters of the district to which he was assigned shall vote to  
20 retain or reject the justice or judge assigned to the  
21 district. "

22           Section 3. The amendment proposed by this resolution  
23 shall be submitted to the people for their approval or  
24 rejection at the next general election or at any special  
25 election prior to that date which may be called for that

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purpose.

1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
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6 February 7, 1998  
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8 Mr. Speaker:  
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10 Your VOTERS AND ELECTIONS COMMITTEE, to whom has  
11 been referred  
12

13 HOUSE JOINT RESOLUTION 16  
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15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,  
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23 Edward C. Sandoval, Chairman  
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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

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4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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6 (Chief Clerk)

(Chief Clerk)

7  
8 Date \_\_\_\_\_

9  
10 The roll call vote was 7 For 2 Against

11 Yes: 7

12 No: Coll, Lujan

13 Excused: Lutz, Sanchez, Sandoval

14 Absent: None

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