A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO
TO ABOLISH STATEWIDE ELECTIONS TO RETAIN OR REJECT NEW MEXICO
SUPREME COURT JUSTICES AND JUDGES OF THE COURT OF APPEALS, TO
PROVIDE FOR ELECTION OF THE JUSTICES AND JUDGES FROM FIVE
SUPREME COURT DISTRICTS AND TEN APPELLATE JUDICIAL DISTRICTS,
TO CHANGE THE TERM OF SUPREME COURT JUSTICES AND JUDGES OF THE
COURT OF APPEALS AND TO ABOLISH THE APPELLATE JUDGES
NOMINATING COMMISSION.

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

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

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

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1   constitution.

2   <u>B.   The state shall be divided into five supreme</u>

3 <u>court districts as may be provided by law.   One justice of the</u>

4 <u>supreme court shall be chosen from each district as provided</u>

5 <u>by this constitution.   A justice shall reside in the district</u>

6 <u>from which he is elected.</u>

7   <u>C.   The state shall be divided into ten judicial</u>

8 <u>appellate districts as may be provided by law.   One judge of</u>

9 <u>the court of appeals shall be chosen from each district as</u>

10 <u>provided by this constitution.   A judge shall reside in the</u>

11 <u>district from which he is elected.</u>"

12   Section 2.   It is proposed to amend Article 6, Section 33

13 of the constitution of New Mexico to read:

14   "A.   Each justice of the supreme court, judge of

15 the court of appeals, district judge or metropolitan court

16 judge shall have been elected to that position in a partisan

17 election prior to being eligible for a nonpartisan retention

18 election.   Thereafter, each [such] <u>elected</u> justice or judge

19 shall be subject to retention or rejection on a nonpartisan

20 ballot.   Retention of the judicial office shall require at

21 least fifty-seven percent of the vote cast on the question of

22 retention or rejection.   <u>Each justice or judge shall be</u>

23 <u>elected and retained by voters of his respective judicial or</u>

24 <u>appellate judicial district.</u>

25   B.   Each justice of the supreme court or judge of

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1   the court of appeals shall be subject to retention or

2   rejection in like manner at the general election every

3   [eighth] fourth year.

4   C.   Each district judge shall be subject to

5   retention or rejection in like manner at the general election

6   every sixth year.

7   D.   Each metropolitan court judge shall be subject

8   to retention or rejection in like manner at the general

9   election every fourth year.

10   E.   Every justice of the supreme court, judge of

11   the court of appeals, district judge or metropolitan court

12   judge holding office on January 1 next following the date of

13   the election at which this amendment is adopted shall be

14   deemed to have fulfilled the requirements of Subsection A of

15   this section and the justice or judge shall be eligible for

16   retention or rejection by the electorate at the general

17   election next preceding the end of the term of which the

18   justice or judge was last elected prior to the adoption of

19   this amendment.

20   F.   The legislature shall randomly assign each

21   justice of the supreme court and judge of the court of appeals

22   seated prior to this amendment to a supreme court district or

23   an appellate judicial district, respectively, as created by

24   law in accordance with this constitution. At the end of a

25   justice's or judge's term, the voters of the district to which

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1   he was assigned shall vote to retain or reject the justice or

2   judge assigned to the district."

3   Section 3.   It is proposed to amend Article 6, Section 35

4   of the constitution of New Mexico to read:

5   "[There is created the "appellate judges nominating

6   commission", consisting of: the chief justice of the supreme

7   court or the chief justice's designee from the supreme court;

8   two judges of the court of appeals appointed by the chief

9   judge of the court of appeals; the governor, the speaker of

10   the house of representatives and the president pro tempore of

11   the senate shall each appoint two persons, one of whom shall

12   be an attorney licensed to practice law in this state and the

13   other who shall be a citizen who is not licensed to practice

14   law in any state; the dean of the university of New Mexico

15   school of law, who shall serve as chairman of the commission

16   and shall vote only in the event of a tie vote; four members

17   of the state bar of New Mexico, representing civil and

18   criminal prosecution and defense, appointed by the president

19   of the state bar and the judges on this committee. The

20   appointments shall be made in such manner that each of the two

21   largest major political parties, as defined by the Election

22   Code, shall be equally represented on the commission. If

23   necessary, the president of the state bar and the judges on

24   this committee shall make the minimum number of additional

25   appointments of members of the state bar as is necessary to

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1   make each of the two largest major political parties be

2   equally represented on the commission. These additional

3   members of the state bar shall be appointed such that the

4   diverse interests of the state bar are represented. The dean

5   of the university of New Mexico school of law shall be the

6   final arbiter of whether such diverse interests are

7   represented. Members of the commission shall be appointed for

8   terms as may be provided by law. If a position on the

9   commission becomes vacant for any reason, the successor shall

10 be selected by the original appointing authority in the same

11 manner as the original appointment was made and shall serve

12 for the remainder of the term vacated.

13   The commission shall actively solicit, accept and

14 evaluate applications from qualified lawyers for the position

15 of justice of the supreme court or judge of the court of

16 appeals and may require an applicant to submit any information

17 it deems relevant to the consideration of his application.

18   Upon the occurrence of an actual vacancy in the office of

19 justice of the supreme court or judge of the court of appeals,

20 the commission shall meet within thirty days and within that

21 period submit to the governor the names of persons qualified

22 for the judicial office and recommended for appointment to

23 that office by a majority of the commission.

24   Immediately after receiving the commission nominations,

25 the governor may make one request of the commission for

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1 submission of additional names, and the commission shall

2 promptly submit such additional names if a majority of the

3 commission finds that additional persons would be qualified

4 and recommends those persons for appointment to the judicial

5 office.] The governor shall fill a vacancy or appoint a

6 successor to fill an impending vacancy in the office of

7 justice of the supreme court or judge of the court of appeals

8 within thirty days after [receiving final nominations from the

9 commission by appointing one of the persons nominated by the

10 commission for appointment to that office. If the governor

11 fails to make the appointment within that period or from those

12 nominations, the appointment shall be made from those

13 nominations by the chief justice or the acting chief justice

14 of the supreme court. Any] the vacancy occurs. A person

15 appointed shall serve until the next general election. That

16 person's successor shall be chosen at [such] the election and

17 shall hold the office until the expiration of the original

18 term."

19   Section 4.   The amendment proposed by this resolution

20 shall be submitted to the people for their approval or

21 rejection at the next general election or at any special

22 election prior to that date which may be called for that

23 purpose.

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FORTY-THIRD LEGISLATURE

SECOND SESSION, 1998

February 4, 1998

Mr. President:

Your **RULES COMMITTEE**, to whom has been referred

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has had it under consideration and reports same with

recommendation that it **DO PASS**, and thence referred to the

JUDICIARY COMMITTEE.

Respectfully submitted,

_____

Gloria Howes, Chairman

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Adopted_____ Not

Adopted_____

1   (Chief Clerk)   (Chief Clerk)

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4   Date _____

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7   The roll call vote was 5 For 0 Against

8   Yes: 5

9   No: 0

10   Excused: Aragon, Gorham, Rodarte

11   Absent: None

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14   SJR09RU1

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Underscored material = new
[bracketed material] = delete

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