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SENATE JOINT RESOLUTION 14
43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
1998

INTRODUCED BY
WILLIAM F. DAVIS

A JOINT RESOLUTION
PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO AUTHORIZE
AN INITIATIVE PROCESS FOR STATE LAWS OR CONSTITUTIONAL
AMENDMENTS.

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

Section 1. It is proposed to amend Article 4 of the constitution of New Mexico by adding a new Section 43 to read:

"A. The people reserve the power of initiative to amend the constitution and laws of New Mexico.

B. The initiative is the power of the people to propose amendments to the constitution and laws of New Mexico and to adopt or reject them. A constitutional amendment proposed by initiative shall require a petition signed by a number of qualified voters equaling not less than eight percent of the votes cast for all candidates for governor at the last gubernatorial election, and a statutory amendment proposed by initiative shall require a petition signed by a number of qualified voters equaling not less than five percent

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1 of the votes cast for all candidates for governor at the last
2 gubernatorial election.

3 C. A petition for a statutory amendment, filed
4 with the secretary of state not less than ninety days before a
5 regular, special or extraordinary session of the legislature,
6 shall be submitted by the secretary of state to the
7 legislature for its consideration at the session. If the
8 initiative is enacted into law by the legislature, then the
9 law is effective upon signature by the governor, unless the
10 initiative provides for a later effective date. If the
11 initiative, as proposed, is not enacted into law, then it
12 shall be placed on the ballot pursuant to Subsection D of this
13 section. If the proposed initiative is amended and enacted
14 into law, then neither the proposed initiative nor the enacted
15 law shall be effective and both shall be placed on the ballot
16 pursuant to Subsection D of this section.

17 D. The question of whether to approve or reject a
18 petition for a constitutional amendment shall be submitted to
19 the voters by the secretary of state at the next general or
20 special statewide election called for that purpose occurring
21 not less than four months after the initial petition is filed
22 with the secretary of state. The question of whether to
23 approve or reject a statutory initiative required to be placed
24 on the ballot pursuant to Subsection C of this section shall
25 be submitted to the voters by the secretary of state at the
next general or special statewide election called for that
purpose occurring after the end of the legislative session
during which the initiative was considered. An initiative
approved by a majority of voters voting on the question shall

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1 take effect the day after certification of the election
2 results by the state canvassing board, unless the amendment
3 provides for a later effective date; provided that if
4 provisions of two or more initiatives approved at the same
5 election conflict, those of the initiative receiving the
6 highest number of votes shall take effect.

7 E. No initiative shall direct appropriations,
8 create a public debt, provide for local or special laws or
9 embrace more than one subject.

10 F. A statutory initiative that has been approved
11 by the voters may only be amended or repealed by subsequent
12 action of the legislature with a two-thirds' vote of the
13 members elected to each house.

14 G. An initiative for a constitutional or statutory
15 amendment that has been rejected by the voters shall not be
16 placed on a ballot again pursuant to this section until a
17 minimum of two years has elapsed.

18 H. It is a felony for any person to sign any
19 petition with any name other than his own, or to sign his name
20 more than once for the same measure, or to sign a petition
21 when he is not a qualified elector.

22 I. The legislature shall enact laws necessary for
23 the effective exercise of the power hereby reserved."

24 Section 2. The amendment proposed by this resolution
25 shall be submitted to the people for their approval or
rejection at the next general election or at any special
election prior to that date which may be called for that
purpose.

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