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HOUSE JOINT RESOLUTION 11
44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY
Mimi Stewart

A JOINT RESOLUTION
PROPOSING TO AMEND ARTICLES 5 AND 7 OF THE CONSTITUTION OF NEW
MEXICO TO REQUIRE RUN-OFF ELECTION PROCEDURES IF A CANDIDATE
FOR ELECTIVE OFFICE DOES NOT RECEIVE A MAJORITY OF VOTES CAST
AND TO AUTHORIZE THE USE OF RUN-OFF ELECTIONS OR PLURALITY
ELECTIONS IN MUNICIPALITIES.

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

Section 1. It is proposed to amend Article 5, Section 2
of the constitution of New Mexico to read:

"The returns of every election for state officers shall
be sealed up and transmitted to the secretary of state, who,
with the governor and chief justice, shall constitute the
state canvassing board which shall canvass and declare the
result of the election. The joint candidates [~~having the~~
~~highest number~~] receiving a majority of votes cast for

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1 governor and lieutenant governor and the person [~~having the~~
2 ~~highest number~~] receiving a majority of votes cast for any
3 other office, as shown by [~~said~~] the returns, shall be
4 declared duly elected. [~~If two or more have an equal, and the~~
5 ~~highest, number of votes for the same office or offices, one~~
6 ~~of them, or any two for whom joint votes were cast for~~
7 ~~governor and lieutenant governor respectively, shall be chosen~~
8 ~~therefor by the legislature on joint ballot.~~] If no candidate
9 or joint candidates receive a majority of votes cast, the
10 winner shall be determined by a run-off election procedure
11 established by law. If there are only two candidates running
12 for an office, or two sets of joint candidates running for the
13 offices of governor and lieutenant governor, and both
14 candidates or sets of joint candidates receive an equal number
15 of votes cast for the office, the winner shall be chosen as
16 determined by law. "

17 Section 2. It is proposed to amend Article 7, Section 5,
18 of the Constitution of New Mexico to read:

19 "A. All elections shall be by ballot, and the
20 person who receives the [~~highest number~~] majority of votes
21 cast for any office, except as provided in Subsection B of
22 this section, and except in the cases of the offices of
23 governor and lieutenant governor, shall be declared elected
24 [~~thereto~~] to that office. The joint candidates receiving the
25 [~~highest number~~] majority of votes cast for the offices of

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1 governor and lieutenant governor shall be declared elected to
2 those offices. If no candidate or joint candidates receive a
3 majority of votes cast, the winner shall be determined by a
4 run-off election procedure established by law. If there are
5 only two candidates running for an office, or two sets of
6 joint candidates running for the offices of governor and
7 lieutenant governor, and both candidates or sets of joint
8 candidates receive an equal number of votes cast for the
9 office, the winner shall be chosen as determined by law.

10 B. A municipality may provide by ordinance or by
11 charter for run-off elections or plurality elections. School
12 district elections and special district elections shall be
13 conducted as determined by law. "

14 Section 3. The amendment proposed by this resolution
15 shall be submitted to the people for their approval or
16 rejection at the next general election or at any special
17 election prior to that date which may be called for that
18 purpose.