

1 SENATE JOINT RESOLUTION 6

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,**
3 **2000**

4 INTRODUCED BY

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11 A JOINT RESOLUTION

12 PROPOSING AN AMENDMENT TO ARTICLES 6 AND 20 OF THE
13 CONSTITUTION OF NEW MEXICO TO ELIMINATE THE SELECTION AND
14 RETENTION OF JUSTICES AND JUDGES AND PROVIDE FOR THEIR
15 ELECTION.
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18 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

21 "The supreme court of the state shall consist of at
22 least five justices who shall be [~~chosen as provided in this~~
23 ~~constitution~~] elected at the general election for
24 representatives in congress for a term of eight years. One
25 of the justices shall be selected as chief justice as
provided by law."

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

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underscoring material = new
[bracketed material] = delete

1 "The state shall be divided into judicial districts as
2 may be provided by law. One or more judges shall be chosen
3 for each district [~~as provided in this constitution~~] by the
4 qualified electors of the district at the election for
5 representatives in congress. The terms of office of the
6 district judges shall be six years."

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

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

24 Section 4. It is proposed to amend Article 6, Section
25 28 of the constitution of New Mexico to read:

 "The court of appeals shall consist of not less than
[~~seven~~] ten judges [~~who shall be chosen as provided in this~~

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1 ~~constitution~~], whose qualifications shall be the same as
2 those of justices of the supreme court and whose compensation
3 and election for terms of eight years shall be as provided by
4 law. The increased qualifications provided by ~~[this]~~ the 1988
5 amendment shall not apply to court of appeals judges serving
6 at the time ~~[this]~~ that amendment ~~[passes]~~ passed or elected
7 at the general election in 1988.

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

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

17 Section 5. It is proposed to Article 6 of the
18 constitution of New Mexico by repealing Sections 33 through
19 37.

20 Section 6. It is proposed to amend Article 20, Section
21 4 of the constitution of New Mexico to read:

22 "If a vacancy occurs in the office of justice of the
23 supreme court, judge of the court of appeals, judge of the
24 district court, magistrate, metropolitan court judge,
25 district attorney or county commissioner, the governor shall
fill such vacancy by appointment, and such appointee shall
hold such office until the next general election. His

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

1 successor shall be chosen at such election and shall hold his
2 office until the expiration of the original term."

3 Section 7. The amendment proposed by this resolution
4 shall be submitted to the people for their approval or
5 rejection at the next general election or at any special
6 election prior to that date which may be called for that
7 purpose.