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HOUSE JOINT RESOLUTION 21

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

William E. Boykin

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO ARTICLE 7 OF THE CONSTITUTION OF NEW MEXICO TO ESTABLISH PROVISIONS FOR RECALL OF PUBLIC OFFICERS FROM OFFICE AND PROPOSING REPEAL OF ARTICLE 10, SECTION 9 AND ARTICLE 12, SECTION 14.

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

Section 1. It is proposed to amend Article 7 of the constitution of New Mexico by adding a new section to read:

"Every public officer in New Mexico holding an elective office either by election or appointment is subject to recall from office by the qualified electors of the electoral district from which candidates are elected to office. The electoral district may include the whole state. A number of electors that equals twenty-five percent of the number of votes cast at the last preceding general election for all of

1 the candidates for the office held by the officer may by
2 recall petition demand his recall. "

3 Section 2. It is proposed to amend Article 7 of the
4 constitution of New Mexico by adding a new section to read:

5 "Every recall petition must contain a general statement,
6 in not more than two hundred words, of the grounds of the
7 demand and must be filed in the office in which petitions for
8 nomination to the office held by the incumbent are required to
9 be filed. The signatures to the recall petition need not all
10 be on the one sheet of paper, but each signer must add to his
11 signature the date of his signing the petition and his home
12 address as designated on his registration to vote. One of the
13 signers of each sheet of the petition, or the person
14 circulating the sheet, shall make and subscribe an oath on the
15 sheet that the signatures on it are genuine. "

16 Section 3. It is proposed to amend Article 7 of the
17 constitution of New Mexico by adding a new section to read:

18 "If the officer offers his resignation after the
19 initiation of the recall petition process, it shall be
20 accepted, and the vacancy shall be filled as may be provided
21 by law. If he does not resign within five days after a recall
22 petition is filed as provided by law, a special election shall
23 be ordered to be held, as provided by law, to determine
24 whether the officer shall be recalled. On the ballots at the
25 election shall be printed the reasons as set forth in the

underscored material = new
[bracketed material] = delete

1 petition for demanding his recall, and, in not more than two
2 hundred words, the officer's justification of his course in
3 office. He shall continue to perform the duties of his office
4 until the result of the election has been officially
5 declared. "

6 Section 4. It is proposed to amend Article 7 of the
7 constitution of New Mexico by adding a new section to read:

8 "Unless the incumbent otherwise requests, in writing, the
9 incumbent's name shall be placed as a candidate on the
10 official ballot without nomination. Other candidates for the
11 office may be nominated to be voted for at the election. The
12 candidate who receives the highest number of votes shall be
13 declared elected for the remainder of the term. Unless the
14 incumbent receives the highest number of votes, the incumbent
15 shall be deemed to be removed from office, upon qualification
16 of the successor. In the event that the successor does not
17 qualify within five days after the result of the election has
18 been declared, the office shall be vacant, and may be filled
19 as provided by law. "

20 Section 5. It is proposed to amend Article 7 of the
21 constitution of New Mexico by adding a new section to read:

22 "No recall petition shall be circulated against any
23 officer until he has held his office for a period of six
24 months, except that it may be filed against a member of the
25 legislature at any time after five days from the beginning of

1 the first session after his election. After one recall
2 petition and election, no further recall petition shall be
3 filed against the same officer during the term for which he
4 was elected, unless petitioners signing the petition have
5 first paid into the state treasury, which has paid the
6 election expenses, all expenses of the preceding election."

7 Section 6. It is proposed to amend Article 7 of the
8 constitution of New Mexico by adding a new section to read:

9 "The general election laws shall apply to recall
10 elections in so far as applicable. Laws necessary to
11 facilitate the operation of the provisions of this article
12 shall be enacted, including provision for payment by the state
13 treasury of the reasonable special election campaign expenses
14 of the officer."

15 Section 7. It is proposed to repeal Article 10,
16 Section 9 of the constitution of New Mexico.

17 Section 8. It is proposed to repeal Article 12,
18 Section 14 of the constitution of New Mexico.

19 Section 9. 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 that may be called for that
23 purpose.