

1 SENATE JOINT RESOLUTION

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Bill Tallman

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10 A JOINT RESOLUTION

11 PROPOSING AMENDMENTS TO ARTICLE 5, SECTION 1, ARTICLE 10,
12 SECTION 2 AND ARTICLE 20, SECTION 1 OF THE CONSTITUTION OF NEW
13 MEXICO TO PROVIDE THAT THE SECRETARY OF STATE AND COUNTY CLERKS
14 ARE ELECTED IN A NONPARTISAN ELECTION IN ODD-NUMBERED YEARS AND
15 TO REQUIRE AN ADDITIONAL OATH OF OFFICE FOR THE SECRETARY OF
16 STATE AND COUNTY CLERKS TO CARRY OUT THEIR DUTIES IN A FAIR AND
17 NEUTRAL MANNER.

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

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

22 "The executive department shall consist of a governor,
23 lieutenant governor, secretary of state, state auditor, state
24 treasurer, attorney general and commissioner of public lands,
25 who shall, unless otherwise provided in the constitution of New

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1 Mexico, be elected for terms of four years beginning on the
2 first day of January next after their election. The governor
3 and lieutenant governor shall be elected jointly by the casting
4 by each voter of a single vote applicable to both offices.
5 Following adoption of this amendment proposed by the first
6 session of the fifty-fifth legislature, the secretary of state
7 shall next be elected in a nonpartisan election in 2023 and
8 every four years thereafter in a nonpartisan election, as
9 provided by law.

10 Such officers shall, after having served two terms in a
11 state office, be ineligible to hold that state office until one
12 full term has intervened.

13 The officers of the executive department, except the
14 lieutenant governor, shall during their terms of office, reside
15 and keep the public records, books, papers and seals of office
16 at the seat of government.

17 ~~[Upon the adoption of this amendment by the people, the~~
18 ~~terms provided for in this section shall apply to those~~
19 ~~officers elected at the general election in 1990 and all state~~
20 ~~executive officers elected thereafter.]"~~

21 SECTION 2. It is proposed to amend Article 10, Section 2
22 of the constitution of New Mexico to read:

23 "A. In every county all elected officials shall
24 serve four-year terms, subject to the provisions of Subsection
25 B of this section.

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1 B. ~~[In those counties that prior to 1992 have not~~
2 ~~had four-year terms for elected officials, the assessor,~~
3 ~~sheriff and probate judge shall be elected to four-year terms~~
4 ~~and the treasurer and clerk shall be elected to two-year terms~~
5 ~~in the first election following the adoption of this amendment.~~
6 ~~In subsequent elections, the treasurer and clerk shall be~~
7 ~~elected to four-year terms]~~ Following adoption of this
8 amendment proposed by the first session of the fifty-fifth
9 legislature, the clerk in every county shall next be elected in
10 a nonpartisan election in 2023 and every four years thereafter
11 in a nonpartisan election, as provided by law.

12 C. To provide for staggered county commission
13 terms, in counties with three county commissioners, the terms
14 of no more than two commissioners shall expire in the same
15 year; and in counties with five county commissioners, the terms
16 of no more than three commissioners shall expire in the same
17 year.

18 D. All county officers, after having served two
19 consecutive four-year terms, shall be ineligible to hold any
20 county office for two years thereafter."

21 SECTION 3. It is proposed to amend Article 20, Section 1
22 of the constitution of New Mexico to read:

23 "A. Every person elected or appointed to any office
24 shall, before entering upon ~~[his]~~ the duties of office, take
25 and subscribe to an oath or affirmation that ~~[he]~~ the person

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1 will support the constitution of the United States and the
2 constitution and laws of this state, and that ~~[he]~~ the person
3 will faithfully and impartially discharge the duties of ~~[his]~~
4 the office to the best of ~~[his]~~ the person's ability.

5 B. A person elected or appointed to the office of
6 secretary of state or county clerk shall additionally take and
7 subscribe to an oath or affirmation that the person will
8 execute the duties of the office in a fair and neutral manner,
9 provide equal and ample opportunity for all eligible citizens
10 to register to vote and to vote and ensure that the results of
11 elections accurately reflect all valid votes."

12 SECTION 4. The amendment proposed by this resolution
13 shall be submitted to the people for their approval or
14 rejection at the next general election or at any special
15 election prior to that date that may be called for that
16 purpose.