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SENATE JOINT RESOLUTION 8

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

TOM R. BENAVIDES

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLES 6 AND 20 OF THE CONSTITUTION
OF NEW MEXICO; REFORMING THE JUDICIAL ELECTIVE PROCESS;
PROVIDING FOR THE CITIZEN VOICE IN ELECTING ITS JUDICIAL OFFICE
HOLDERS.

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

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

"The supreme court of the state shall consist of ~~[at least]~~
five justices ~~[who shall be chosen as provided in this~~
~~constitution. One of the justices shall be selected as chief~~
~~justice as provided by law] who shall be elected at the general~~
~~election for terms of eight years.~~

Until otherwise provided by law, the justice who has the
shortest term to serve shall be the chief justice and shall

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1 preside at all sessions of the court. In his absence the
2 justice who has the next shortest term to serve shall preside.
3 However, no justice appointed to fill a vacancy who has not had
4 the opportunity to stand for election shall be chief justice."

5 Section 2. It is proposed to amend Article 6, Section 8 of
6 the constitution of New Mexico to read:

7 "No person shall be qualified to hold the office of justice
8 of the supreme court unless that person is at least thirty-five
9 years old, ~~and~~ is learned in the law, has been in the actual
10 practice of law for at least ten years preceding that person's
11 assumption of office and has resided in this state for at least
12 three years immediately preceding that person's assumption of
13 office. The actual practice of law shall include a lawyer's
14 service upon the bench of any court or administrative tribunal
15 of this state. The increased qualifications provided by this
16 1988 amendment shall not apply to justices and judges serving at
17 the time this amendment passes or elected at the general
18 election in 1988."

19 Section 3. It is proposed to amend Article 6, Section 12
20 of the constitution of New Mexico to read:

21 "The state shall be divided into judicial districts as may
22 be provided by law. One or more judges shall be ~~chosen~~
23 elected for each district ~~[as provided in this constitution]~~ at
24 the general election. The terms of office of the district
25 judges shall be six years."

Underscored material = new
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1 Section 4. It is proposed to amend Article 6, Section 14
2 of the constitution of New Mexico to read:

3 "The qualifications of the district judges shall be the
4 same as those of justices of the supreme court except that
5 district judges shall have been in the actual practice of law
6 for at least six years preceding assumption of office. Each
7 district judge shall reside in the district for which [~~the~~
8 ~~judge~~] he was elected [~~or appointed~~]. The increased
9 qualifications provided by this 1988 amendment shall not apply
10 to district judges serving at the time this amendment passes or
11 elected at the general election in 1988."

12 Section 5. It is proposed to amend Article 6, Section 16
13 of the constitution of New Mexico to read:

14 "The legislature may increase the number of district judges
15 in any judicial district, and they shall be elected [~~or~~
16 ~~appointed~~] as other district judges [~~for that district~~]. At
17 [~~any~~] its first session after the publication of the census of
18 the United States in the year nineteen hundred and twenty, and
19 at the first session after each United States census thereafter,
20 the legislature may rearrange the districts of the state,
21 increase the number thereof, and make provision for a district
22 judge for any additional district."

23 Section 6. It is proposed to amend Article 6, Section 19
24 of the constitution of New Mexico to read:

25 "No justice of the supreme court, judge of the court of

Underscored material = new
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1 appeals, judge of the district court or judge of a metropolitan
2 court, while serving, shall be nominated [~~appointed~~] or elected
3 to any [~~other~~] office other than a judicial office in this state
4 [~~except a judicial office~~]. "

5 Section 7. It is proposed to amend Article 6, Section 28
6 of the constitution of New Mexico to read:

7 "The court of appeals shall consist of not less than seven
8 judges [~~who shall be chosen as provided in this constitution~~],
9 whose qualifications shall be the same as those of justices of
10 the supreme court and whose compensation and election for terms
11 of eight years shall be as provided by law. The increased
12 qualifications provided by this 1988 amendment shall not apply
13 to court of appeals judges serving at the time this amendment
14 passes or elected at the general election in 1988.

15 Three judges of the court of appeals shall constitute a
16 quorum for the transaction of business, and a majority of those
17 participating ~~must~~ concur in any judgment of the court.

18 When necessary, the chief justice of the supreme court ~~may~~
19 designate any justice of the supreme court, or any district
20 judge of the state, to act as a judge of the court of appeals,
21 and the chief justice ~~may~~ designate any judge of the court of
22 appeals to hold court in any district, or to act as a justice of
23 the supreme court. "

24 Section 8. It is proposed to amend Article 6 of the
25 constitution of New Mexico by repealing Sections 33 through 38.

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996

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5 February 10, 1996

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7 Mr. President:

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9 Your RULES COMMI TTEE, to whom has been referred

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11 SENATE JOINT RESOLUTION 8

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, thence referred to the
15 JUDI CI ARY COMMI TTEE.

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17 Respectfully submit ted,

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22 Gloria Howes, Chair man
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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: EJennings, Wray

Absent: 0

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