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SENATE JOINT RESOLUTION 21
42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996
INTRODUCED BY
FERNANDO R. MACIAS

A JOINT RESOLUTION
PROPOSING TO AMEND ARTICLE 10 OF THE CONSTITUTION OF NEW MEXICO
BY ADDING A NEW SECTION TO PROVIDE FOR RECALL OF ELECTED COUNTY
OFFICIALS.

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

Section 1. It is proposed to amend Article 10 of the
constitution of New Mexico by adding a new section to read:

"A. An elected official of a county is subject to
recall by the voters of the county. Subject to the provisions
of Subsection B of this section, a petition for a recall
election shall cite grounds of malfeasance or misfeasance in
office or violation of the oath of office by the official
concerned. The cited grounds shall be based upon acts or
failures to act occurring during the current term of the
official sought to be recalled. The recall petition shall be

1 signed by registered voters:

2 (1) of the county if the official sought to be
3 recalled was elected at-large; or

4 (2) of the district from which the official
5 sought to be recalled was elected; and

6 (3) not less in number than thirty-three and
7 one-third percent of the number of persons who voted in the
8 election for the office in the last preceding general election
9 at which the office was voted upon.

10 B. Prior to and as a condition of circulating a
11 petition for recall pursuant to the provisions of Subsection A
12 of this section, the factual allegations supporting the grounds
13 of malfeasance or misfeasance in office or violation of the oath
14 of office stated in the petition shall be presented to the
15 district court for the county in which the recall is proposed to
16 be conducted. The petition shall not be circulated unless,
17 after a hearing in which the proponents of the recall effort and
18 the official sought to be recalled are given an opportunity to
19 present evidence, the district court determines that probable
20 cause exists for the grounds for recall.

21 C. After the requirements of Subsection B of this
22 section are fulfilled, the petition shall be circulated and
23 filed with the county clerk for verification of the signatures,
24 as to both number and qualifications of the persons signing. If
25 the county clerk verifies that the requisite number of

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1 signatures of registered voters appears on the petition, the
2 question of recall of the official shall be placed on the ballot
3 for a special election to be called and held within ninety days
4 or the next occurring general election if that election is to be
5 held within less than ninety days. If at the election a
6 majority of the votes cast on the question of recall is in favor
7 of recall, the official who is the subject of recall is recalled
8 from the office, and a vacancy exists. That vacancy shall be
9 filled in the manner provided by law for filling vacancies for
10 that office.

11 D. A recall shall not be conducted in a calendar
12 year in which an election is to be held for the office for which
13 the recall is sought if the official sought to be recalled is a
14 candidate for reelection to the office. No petition for recall
15 of an elected county official shall be submitted more than once
16 during the term for which the official is elected. "

17 Section 2. The amendment proposed by this resolution shall
18 be submitted to the people for their approval or rejection at
19 the next general election or at any special election prior to
20 that date which may be called for that purpose.

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996
3
4

5 February 3, 1996
6

7 Mr. President:
8

9 Your RULES COMMI TTEE, to whom has been referred
10

11 SENATE JOI NT RESOLUTION 21
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS.
15

16 Respectfully submi tted,
17

18 _____
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21 Gl oria Howes, Chair man
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25 Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

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Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: EJennings, Altamirano, Aragon, Rutherford

Absent: 0

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FORTY-SECOND LEGISLATURE

SECOND SESSION

February 8, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE JOINT RESOLUTION

21

Amendment sponsored by Senator Fernando R. Macias

1. On page 3, line 11, after "recall" insert "election" and
after "conducted" insert "after May 1".

Fernando R. Macias

111954.2

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FORTY-FIRST LEGISLATURE
SECOND SESSION

111954.1

Page 7

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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111954.2

State of New Mexico House of Representatives

**FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996**

February 12, 1996

Mr. Speaker:

**Your VOTERS AND ELECTIONS COMMITTEE, to whom has
been referred**

SENATE JOINT RESOLUTION 21, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
GOVERNMENT AND URBAN AFFAIRS COMMITTEE.**

Respectfully submitted,

Edward C. Sandoval, Chairman

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

HVEC/SJR 21

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 2 Against

Yes: 5

No: Coll, Sandoval

Excused: Buffett, Lujan, Nicely, Sanchez, Silva

Absent: None

SJR21VE1

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State of New Mexico House of Representatives

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

February 13, 1996

Mr. Speaker:

**Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred**

SENATE JOINT RESOLUTION 21, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Gentry, Hobbs, Macko, Pederson, Taylor, J. G.

Absent: None

SJR21GU1

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