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HOUSE JOINT RESOLUTION 17

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

FRANK BIRD

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO AUTHORIZE
AN INITIATIVE PROCESS FOR STATE LAWS OR CONSTITUTIONAL
AMENDMENTS.

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

Section 1. It is proposed to amend Article 4 of the
constitution of New Mexico by adding a new Section 43 to read:

"A. The people reserve the power of initiative to
amend the constitution and laws of New Mexico.

B. The initiative is the power of the people to
propose amendments to the constitution and laws of New Mexico
and to adopt or reject them. A constitutional amendment
proposed by initiative shall require a petition signed by a
number of qualified voters equaling not less than eight
percent of the votes cast for all candidates for governor at

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1 the last gubernatorial election, and a statutory amendment
2 proposed by initiative shall require a petition signed by a
3 number of qualified voters equaling not less than five percent
4 of the votes cast for all candidates for governor at the last
5 gubernatorial election.

6 C. A petition for a statutory amendment, filed
7 with the secretary of state not less than ninety days before a
8 regular, special or extraordinary session of the legislature,
9 shall be submitted by the secretary of state to the
10 legislature for its consideration at the session. If the
11 initiative is enacted into law by the legislature, then the
12 law is effective upon signature by the governor, unless the
13 initiative provides for a later effective date. If the
14 initiative, as proposed, is not enacted into law, then it
15 shall be placed on the ballot pursuant to Subsection D of this
16 section. If the proposed initiative is amended and enacted
17 into law, then neither the proposed initiative nor the enacted
18 law shall be effective and both shall be placed on the ballot
19 pursuant to Subsection D of this section.

20 D. The question of whether to approve or reject a
21 petition for a constitutional amendment shall be submitted to
22 the voters by the secretary of state at the next general or
23 special statewide election called for that purpose occurring
24 not less than four months after the initial petition is filed
25 with the secretary of state. The question of whether to

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1 approve or reject a statutory initiative required to be placed
2 on the ballot pursuant to Subsection C of this section shall
3 be submitted to the voters by the secretary of state at the
4 next general or special statewide election called for that
5 purpose occurring after the end of the legislative session
6 during which the initiative was considered. An initiative
7 approved by a majority of voters voting on the question shall
8 take effect the day after certification of the election
9 results by the state canvassing board, unless the amendment
10 provides for a later effective date; provided that if
11 provisions of two or more initiatives approved at the same
12 election conflict, those of the initiative receiving the
13 highest number of votes shall take effect.

14 E. No initiative shall direct appropriations,
15 create a public debt, provide for local or special laws or
16 embrace more than one subject.

17 F. A statutory initiative that has been approved
18 by the voters may only be amended or repealed by subsequent
19 action of the legislature with a two-thirds' vote of the
20 members elected to each house.

21 G. An initiative for a constitutional or statutory
22 amendment that has been rejected by the voters shall not be
23 placed on a ballot again pursuant to this section until a
24 minimum of two years has elapsed.

25 H. It is a felony for any person to sign any

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1 petition with any name other than his own, or to sign his name
2 more than once for the same measure, or to sign a petition
3 when he is not a qualified elector.

4 I. The legislature shall enact laws necessary for
5 the effective exercise of the power hereby reserved. "

6 Section 2. The amendment proposed by this resolution
7 shall be submitted to the people for their approval or
8 rejection at the next general election or at any special
9 election prior to that date which may be called for that
10 purpose.

1 **FORTY-THIRD LEGISLATURE**

2 **SECOND SESSION, 1998**

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4
5
6 **February 10, 1998**

7
8 **Mr. Speaker:**

9
10 **Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to**
11 **whom has been referred**

12
13 **HOUSE JOINT MEMORIAL 17**

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

17 **Respectfully submitted,**

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21 _____
22 **Lynda M. Lovejoy, Chair man**

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

Excused: Hobbs, Lovejoy

Absent: None

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