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SENATE JOINT RESOLUTION 8

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

INTRODUCED BY

CISCO MCSORLEY

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 5 AND ARTICLE 7 OF THE
CONSTITUTION OF NEW MEXICO TO ESTABLISH PREFERENTIAL VOTING
FOR CERTAIN OFFICES.

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

Section 1. It is proposed to amend Article 5, Section 2
of the constitution of New Mexico to read:

"The returns of every election for state officers shall
be sealed up and transmitted to the secretary of state, who,
with the governor and chief justice, shall constitute the
state canvassing board which shall canvass and declare the
result of the election. The [~~joint~~] candidates having the
highest number of votes cast for [~~governor and lieutenant~~
~~governor and the person having the highest number of votes for~~
~~any other~~] an office, as shown by [~~said~~] the election returns,

Underscored material = new
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1 shall be declared [~~duly~~] elected [~~if two or more have an~~
2 ~~equal, and the highest, number of votes for the same office or~~
3 ~~offices, one of them, or any two for whom joint votes were~~
4 ~~cast for governor and lieutenant governor respectively, shall~~
5 ~~be chosen therefor by the legislature on joint ballot]~~ to that
6 office unless the office is subject to the preferential voting
7 procedure set forth in Article 7, Section 5 of the
8 constitution of New Mexico. "

9 Section 2. It is proposed to amend Article 7, Section 5
10 of the constitution of New Mexico to read:

11 "A. All elections shall be by ballot [~~and the~~
12 ~~person who receives the highest number of votes for any~~
13 ~~office, except in the cases of the offices of governor and~~
14 ~~lieutenant governor, shall be declared elected thereto. The~~
15 ~~joint candidates receiving the highest number of votes for the~~
16 ~~offices of governor and lieutenant governor shall be declared~~
17 ~~elected to those offices]~~. The offices of governor, lieutenant
18 governor, secretary of state, state auditor, state treasurer,
19 attorney general and commissioner of public lands shall be
20 elected by a preferential voting process that allows a voter
21 to rank a minimum of three choices from a field of candidates
22 for each office on the ballot in the order of the voter's
23 preference.

24 B. If no candidate seeking an office specified in
25 Subsection A of this section attains a majority of votes at a

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1 primary or general election, then candidates who receive less
2 than one percent of the vote shall be eliminated from the
3 running, and a preferential vote cast by the voter for that
4 office for a subsequent choice shall be redistributed to that
5 candidate. If no candidate for an office attains a majority
6 of votes, then the remaining candidate for that office who
7 receives the lowest number of votes shall be eliminated from
8 the running, and the votes cast for that candidate shall be
9 distributed according to the next valid preference on the
10 ballot. The process shall continue until a single candidate
11 for each office attains a majority, or until all candidates
12 are eliminated except two, in which case the candidate who
13 receives the highest number of votes shall be declared a
14 candidate for the general election, or shall be declared
15 elected to that office.

16 C. If at least three candidates representing three
17 political parties do not seek an office specified in
18 Subsection A of this section, then the preferential voting
19 process shall not apply, and the candidate who receives the
20 highest number of votes for an office shall be declared a
21 candidate for the general election, or shall be declared
22 elected to that office.

23 D. A municipality may, by ordinance, provide for a
24 preferential voting process.

25 E. The provisions of this amendment shall become

1 effective upon enactment by the legislature of laws
2 establishing procedures for preferential voting."

3 Section 3. The amendment proposed by this resolution
4 shall be submitted to the people for their approval or
5 rejection at the next general election or at any special
6 election prior to that date which may be called for that
7 purpose.

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 5, 1998

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8 Mr. President:

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10 Your RULES COMMITTEE, to whom has been referred

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12 SENATE JOINT RESOLUTION 8

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

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18 Respectfully submitted,

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23 _____
24 Gloria Howes, Chairman

Adopted _____ Not

Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: Adair

Excused: Aragon, Gorham

Absent: None

SJR08RU1

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