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SENATE JOINT RESOLUTION 5

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Leonard Lee Rawson

A JOINT RESOLUTION

PROPOSING TO REPEAL ARTICLE 10, SECTION 9 OF THE CONSTITUTION OF NEW MEXICO AND ADD A NEW ARTICLE 10, SECTION 9 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 repeal Article 10, Section 9 of the constitution of New Mexico and add a new Article 10, Section 9 to read:

"Any elected official of a county is subject to recall by the voters of the county for malfeasance, misfeasance or abuse of office. The recall petition shall be filed with the county clerk of the county and shall be signed by registered voters of the county. The signatures shall be not less in number than twenty-five percent of the number of votes cast for the elected official sought to be recalled in the last preceding

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1 general election at which the official was elected. Upon  
2 verification of the signatures on the petition, the county  
3 clerk shall place the question of recall of the elected county  
4 official on the ballot within ninety days. No petition of  
5 recall of an elected county official shall be submitted more  
6 than twice during the term for which the official was elected.  
7 A separate petition shall be filed for each elected county  
8 official sought to be recalled. If at the general election a  
9 majority of the votes cast on the question of recall are in  
10 favor of the recall of an elected county official, that  
11 official is recalled from office, and a vacancy in the office  
12 shall be filled in the manner provided by law. The provisions  
13 of this section are self-executing. "

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