

underscored material = new
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1 constitution.

2 B. The state shall be divided into five supreme
3 court districts as may be provided by law. One justice of the
4 supreme court shall be chosen from each district as provided
5 by this constitution. A justice shall reside in the district
6 from which he is elected.

7 C. The state shall be divided into ten judicial
8 appellate districts as may be provided by law. One judge of
9 the court of appeals shall be chosen from each district as
10 provided by this constitution. A judge shall reside in the
11 district from which he is elected. "

12 Section 2. It is proposed to amend Article 6, Section 33
13 of the constitution of New Mexico to read:

14 "A. Each justice of the supreme court, judge of
15 the court of appeals, district judge or metropolitan court
16 judge shall have been elected to that position in a partisan
17 election prior to being eligible for a nonpartisan retention
18 election. Thereafter, each [~~such~~] elected justice or judge
19 shall be subject to retention or rejection on a nonpartisan
20 ballot. Retention of the judicial office shall require at
21 least fifty-seven percent of the vote cast on the question of
22 retention or rejection. Each justice or judge shall be
23 elected and retained by voters of his respective judicial or
24 appellate judicial district.

25 B. Each justice of the supreme court or judge of

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1 the court of appeals shall be subject to retention or
2 rejection in like manner at the general election every
3 ~~eight~~ fourth year.

4 C. Each district judge shall be subject to
5 retention or rejection in like manner at the general election
6 every sixth year.

7 D. Each metropolitan court judge shall be subject
8 to retention or rejection in like manner at the general
9 election every fourth year.

10 E. Every justice of the supreme court, judge of
11 the court of appeals, district judge or metropolitan court
12 judge holding office on January 1 next following the date of
13 the election at which this amendment is adopted shall be
14 deemed to have fulfilled the requirements of Subsection A of
15 this section and the justice or judge shall be eligible for
16 retention or rejection by the electorate at the general
17 election next preceding the end of the term of which the
18 justice or judge was last elected prior to the adoption of
19 this amendment.

20 F. The legislature shall randomly assign each
21 justice of the supreme court and judge of the court of appeals
22 seated prior to this amendment to a supreme court district or
23 an appellate judicial district, respectively, as created by
24 law in accordance with this constitution. At the end of a
25 justice's or judge's term, the voters of the district to which

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1 he was assigned shall vote to retain or reject the justice or
2 judge assigned to the district."

3 Section 3. It is proposed to amend Article 6, Section 35
4 of the constitution of New Mexico to read:

5 ~~"[There is created the "appellate judges nominating~~
6 ~~commission", consisting of: the chief justice of the supreme~~
7 ~~court or the chief justice's designee from the supreme court;~~
8 ~~two judges of the court of appeals appointed by the chief~~
9 ~~judge of the court of appeals; the governor, the speaker of~~
10 ~~the house of representatives and the president pro tempore of~~
11 ~~the senate shall each appoint two persons, one of whom shall~~
12 ~~be an attorney licensed to practice law in this state and the~~
13 ~~other who shall be a citizen who is not licensed to practice~~
14 ~~law in any state; the dean of the university of New Mexico~~
15 ~~school of law, who shall serve as chairman of the commission~~
16 ~~and shall vote only in the event of a tie vote; four members~~
17 ~~of the state bar of New Mexico, representing civil and~~
18 ~~criminal prosecution and defense, appointed by the president~~
19 ~~of the state bar and the judges on this committee. The~~
20 ~~appointments shall be made in such manner that each of the two~~
21 ~~largest major political parties, as defined by the Election~~
22 ~~Code, shall be equally represented on the commission. If~~
23 ~~necessary, the president of the state bar and the judges on~~
24 ~~this committee shall make the minimum number of additional~~
25 ~~appointments of members of the state bar as is necessary to~~

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1 ~~make each of the two largest major political parties be~~
2 ~~equally represented on the commission. These additional~~
3 ~~members of the state bar shall be appointed such that the~~
4 ~~diverse interests of the state bar are represented. The dean~~
5 ~~of the university of New Mexico school of law shall be the~~
6 ~~final arbiter of whether such diverse interests are~~
7 ~~represented. Members of the commission shall be appointed for~~
8 ~~terms as may be provided by law. If a position on the~~
9 ~~commission becomes vacant for any reason, the successor shall~~
10 ~~be selected by the original appointing authority in the same~~
11 ~~manner as the original appointment was made and shall serve~~
12 ~~for the remainder of the term vacated.~~

13 ~~The commission shall actively solicit, accept and~~
14 ~~evaluate applications from qualified lawyers for the position~~
15 ~~of justice of the supreme court or judge of the court of~~
16 ~~appeals and may require an applicant to submit any information~~
17 ~~it deems relevant to the consideration of his application.~~

18 ~~Upon the occurrence of an actual vacancy in the office of~~
19 ~~justice of the supreme court or judge of the court of appeals,~~
20 ~~the commission shall meet within thirty days and within that~~
21 ~~period submit to the governor the names of persons qualified~~
22 ~~for the judicial office and recommended for appointment to~~
23 ~~that office by a majority of the commission.~~

24 ~~Immediately after receiving the commission nominations,~~
25 ~~the governor may make one request of the commission for~~

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1 ~~submission of additional names, and the commission shall~~
2 ~~promptly submit such additional names if a majority of the~~
3 ~~commission finds that additional persons would be qualified~~
4 ~~and recommends those persons for appointment to the judicial~~
5 ~~office.] The governor shall fill a vacancy or appoint a~~
6 successor to fill an impending vacancy in the office of
7 justice of the supreme court or judge of the court of appeals
8 within thirty days after [receiving final nominations from the
9 commission by appointing one of the persons nominated by the
10 commission for appointment to that office. If the governor
11 fails to make the appointment within that period or from those
12 nominations, the appointment shall be made from those
13 nominations by the chief justice or the acting chief justice
14 of the supreme court. Any] the vacancy occurs. A person
15 appointed shall serve until the next general election. That
16 person's successor shall be chosen at [such] the election and
17 shall hold the office until the expiration of the original
18 term "

19 Section 4. The amendment proposed by this resolution
20 shall be submitted to the people for their approval or
21 rejection at the next general election or at any special
22 election prior to that date which may be called for that
23 purpose.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4

5
6 March 16, 1999

7
8 Mr. President:

9
10 Your RULES COMMITTEE, to whom has been referred

11
12 SENATE JOINT RESOLUTION 7

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 JUDICIARY COMMITTEE.

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18 Respectfully submitted,
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24 _____
25 Gloria Howes, Co-Chair

. 126096. 1

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

4

5

6 Date _____

7

8

9 The roll call vote was 5 For 2 Against

10 Yes: 5

11 No: Campos, Rodarte

12 Excused: Altamirano

13 Absent: None

14

15

16 SJR07RU1

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