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SENATE JOINT RESOLUTION 12
44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY
Phillip J. Maloof

A JOINT RESOLUTION
PROPOSING TO AMEND ARTICLES 5 AND 7 OF THE CONSTITUTION OF NEW
MEXICO TO REQUIRE THAT CANDIDATES FOR OFFICE IN ANY PRIMARY OR
GENERAL ELECTION OR FOR ANY FEDERAL OFFICE BE ELECTED BY A
MAJORITY VOTE, REQUIRING THE USE OF AN INSTANT RUN-OFF VOTING
SYSTEM IF NO CANDIDATE RECEIVES A MAJORITY VOTE AND
AUTHORIZING THE USE OF RUN-OFF ELECTIONS OR PLURALITY
ELECTIONS IN MUNICIPALITIES.

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

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1 result of the election. The joint candidates [~~having the~~
2 ~~highest number of votes~~] receiving a majority of the votes
3 cast for governor and lieutenant governor and the person
4 [~~having the highest number of votes~~] receiving a majority of
5 the votes cast for any other office, as shown by [~~said~~] the
6 returns, shall be declared duly elected. [~~If two or more have~~
7 ~~an equal, and the highest, number of votes for the same office~~
8 ~~or offices, one of them, or any two for whom joint votes were~~
9 ~~cast for governor and lieutenant governor respectively, shall~~
10 ~~be chosen therefor by the legislature on joint ballot.~~] If no
11 candidate or joint candidates receive a majority of votes
12 cast, the winner shall be determined by using an instant run-
13 off voting system as established by law. "

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

16 "A. All elections shall be by ballot [~~and the~~
17 ~~person who receives the highest number of votes for any~~
18 ~~office, except in the cases of the offices of governor and~~
19 ~~lieutenant governor, shall be declared elected thereto. The~~
20 ~~joint candidates receiving the highest number of votes for the~~
21 ~~offices of governor and lieutenant governor shall be declared~~
22 ~~elected to those offices~~]. In any primary election, the
23 candidate who receives the majority of votes cast for an
24 office shall be declared nominated. In all other elections,
25 except as provided in Subsection C of this section, the

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1 candidate who receives a majority of the votes cast for any
2 office, except in the case of the offices of governor and
3 lieutenant governor, shall be declared elected. The joint
4 candidates receiving a majority of votes for the offices of
5 governor and lieutenant governor in the general election shall
6 be declared elected to those offices. If no candidate or
7 joint candidates receive a majority of votes cast, the winner
8 shall be determined using an instant run-off voting system as
9 established by law. If, after completion of the instant run-
10 off, there is a tie in the number of votes cast for any
11 office, the winner shall be chosen in a manner established by
12 law.

13 B. An instant run-off voting system is a voting
14 system of single transferable votes that allows a voter the
15 option to rank at least two candidates for each office. The
16 instant run-off elimination shall begin with the candidate who
17 receives the lowest number of votes and all the candidates who
18 receive fewer than one percent of the votes.

19 C. In lieu of an instant run-off voting system, a
20 municipality may provide by charter or by ordinance for run-
21 off elections or plurality elections. "

22 Section 3. It is proposed to amend Article 7 of the
23 constitution of New Mexico by adding a new Section 6 to read:

24 "In elections for federal office, the candidate who
25 receives a majority of the votes cast shall be declared

1 elected to that office. If no candidate receives a majority,
2 the winner shall be determined using an instant run-off voting
3 system "

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

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 18, 1999

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8 Mr. President:

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10 Your RULES COMMITTEE, to whom has been referred

11
12 SENATE JOINT RESOLUTION 12

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16
17
18 1. On page 2, line 23, strike "majority of" and insert in
19 lieu thereof "most".,

20
21 and thence referred to the PUBLIC AFFAIRS COMMITTEE.

22
23 Respectfully submitted,

24
25 . 125798. 3

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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Gloria Howes, Co-Chair

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Adair, Gorham, Kysar

Absent: None

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1 FORTY- FOURTH LEGI SLATURE
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6 FORTY- FOURTH LEGI SLATURE
7 FIRST SESSI ON, 1999
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12 February 24, 1999
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14 Mr. President:

15
16 Your PUBLIC AFFAIRS COMMI TTEE, to whom has been
17 referred

18
19 SENATE JOINT RESOLUTION 12, as amended
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21
22 has had it under consideration and reports same with
23 recommendation that it DO PASS.
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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Yes: 4

No: Boitano, Ingle, Leavell

Excused: Stockard, Smith

Absent: None

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