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\_\_\_\_\_ JOINT RESOLUTION

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

DISCUSSION DRAFT

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO BY REPLACING THE DEAN OF THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW AS CHAIR OF THE APPELLATE JUDGES NOMINATING COMMISSION WITH THE CHIEF JUSTICE OF THE SUPREME COURT OR THE CHIEF JUSTICE'S DESIGNEE AND ADDING AN ADDITIONAL MEMBER OF THE SUPREME COURT TO THE COMMISSION.

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

SECTION 1. It is proposed to amend Article 6, Section 35 of the constitution of New Mexico to read:

"A. There is created the "appellate judges nominating commission", consisting of:

(1) the chief justice of the supreme court or the chief justice's designee, ~~[from]~~ who shall be a justice or retired justice of the supreme court, shall serve as chair of

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1 the commission and shall vote only in the event of a tie vote;

2 (2) a member of the supreme court designated  
3 by the chief justice;

4 (3) two judges of the court of appeals  
5 appointed by the chief judge of the court of appeals;

6 (4) six members of the public, two appointed  
7 by each of the governor, the speaker of the house of  
8 representatives and the president pro tempore of the senate  
9 [~~shall each appoint two persons~~], one of whom shall be an  
10 attorney licensed to practice law in this state and the other  
11 who shall be a citizen who is not licensed to practice law in  
12 any state; [~~the dean of the university of New Mexico school of~~  
13 ~~law, who shall serve as chair of the commission and shall vote~~  
14 ~~only in the event of a tie vote] and~~

15 (5) four members of the state bar of New  
16 Mexico, representing civil and criminal prosecution and  
17 defense, appointed by the president of the state bar and the  
18 judges on the commission.

19 B. The appointments shall be made in such manner  
20 that each of the two largest major political parties, as  
21 defined by the Election Code, shall be equally represented on  
22 the commission. If necessary, the president of the state bar  
23 and the judges on the commission shall make the minimum number  
24 of additional appointments of members of the state bar as is  
25 necessary to make each of the two largest major political

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

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

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

24 E. Immediately after receiving the commission  
25 nominations, the governor may make one request of the

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

19 **SECTION 2.** 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 that may be called for that  
23 purpose.