

1 SENATE JOINT RESOLUTION 10

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Bill Tallman

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10 A JOINT RESOLUTION

11 PROPOSING AMENDMENTS TO ARTICLE 5, SECTION 1, ARTICLE 10,  
12 SECTION 2 AND ARTICLE 20, SECTION 1 OF THE CONSTITUTION OF NEW  
13 MEXICO TO PROVIDE THAT THE SECRETARY OF STATE AND COUNTY CLERKS  
14 ARE ELECTED IN A NONPARTISAN ELECTION IN ODD-NUMBERED YEARS AND  
15 TO REQUIRE AN ADDITIONAL OATH OF OFFICE FOR THE SECRETARY OF  
16 STATE AND COUNTY CLERKS TO CARRY OUT THEIR DUTIES IN A FAIR AND  
17 NEUTRAL MANNER.

18  
19 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

22 "The executive department shall consist of a governor,  
23 lieutenant governor, secretary of state, state auditor, state  
24 treasurer, attorney general and commissioner of public lands,  
25 who shall, unless otherwise provided in the constitution of New

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1 Mexico, be elected for terms of four years beginning on the  
2 first day of January next after their election. The governor  
3 and lieutenant governor shall be elected jointly by the casting  
4 by each voter of a single vote applicable to both offices.  
5 Beginning in 2023, the secretary of state shall next be elected  
6 in a nonpartisan election in 2023 and every four years  
7 thereafter in a nonpartisan election, as provided by law.

8 Such officers shall, after having served two terms in a  
9 state office, be ineligible to hold that state office until one  
10 full term has intervened.

11 The officers of the executive department, except the  
12 lieutenant governor, shall during their terms of office, reside  
13 and keep the public records, books, papers and seals of office  
14 at the seat of government.

15 ~~[Upon the adoption of this amendment by the people, the~~  
16 ~~terms provided for in this section shall apply to those~~  
17 ~~officers elected at the general election in 1990 and all state~~  
18 ~~executive officers elected thereafter.]"~~

19 SECTION 2. It is proposed to amend Article 10, Section 2  
20 of the constitution of New Mexico to read:

21 "A. In every county all elected officials shall  
22 serve four-year terms, subject to the provisions of Subsection  
23 B of this section.

24 B. ~~[In those counties that prior to 1992 have not~~  
25 ~~had four-year terms for elected officials, the assessor,~~

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1 ~~sheriff and probate judge shall be elected to four-year terms~~  
2 ~~and the treasurer and clerk shall be elected to two-year terms~~  
3 ~~in the first election following the adoption of this amendment.~~  
4 ~~In subsequent elections, the treasurer and clerk shall be~~  
5 ~~elected to four-year terms]~~ Beginning in 2023, the clerk in  
6 every county shall next be elected in a nonpartisan election in  
7 2023 and every four years thereafter in a nonpartisan election,  
8 as provided by law.

9 C. To provide for staggered county commission  
10 terms, in counties with three county commissioners, the terms  
11 of no more than two commissioners shall expire in the same  
12 year; and in counties with five county commissioners, the terms  
13 of no more than three commissioners shall expire in the same  
14 year.

15 D. All county officers, after having served two  
16 consecutive four-year terms, shall be ineligible to hold any  
17 county office for two years thereafter."

18 SECTION 3. It is proposed to amend Article 20, Section 1  
19 of the constitution of New Mexico to read:

20 "A. Every person elected or appointed to any office  
21 shall, before entering upon ~~[his]~~ the duties of office, take  
22 and subscribe to an oath or affirmation that ~~[he]~~ the person  
23 will support the constitution of the United States and the  
24 constitution and laws of this state, and that ~~[he]~~ the person  
25 will faithfully and impartially discharge the duties of ~~[his]~~

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underscoring material = new  
~~[bracketed material] = delete~~

1 the office to the best of [his] the person's ability.

2 B. A person elected or appointed to the office of  
3 secretary of state or county clerk shall additionally take and  
4 subscribe to an oath or affirmation that the person will  
5 execute the duties of the office in a fair and neutral manner,  
6 provide equal and ample opportunity for all eligible citizens  
7 to register to vote, if registration is required by law, and to  
8 vote and ensure that the results of elections accurately  
9 reflect all valid votes."

10 SECTION 4. The amendment proposed by this resolution  
11 shall be submitted to the people for their approval or  
12 rejection at the next general election or at any special  
13 election prior to that date that may be called for that  
14 purpose.