

SUMMARY OF AND ARGUMENTS



THE
CONSTITUTIONAL AMENDMENTS
PROPOSED BY THE LEGISLATURE
IN 2025 AND 2026

AMENDMENTS TO APPEAR ON THE
NOVEMBER 3, 2026
GENERAL ELECTION BALLOT

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Proposed Amendments to Appear
on the November 3, 2026 General Election Ballot
(ballot text)

Constitutional Amendment 1:

"PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 22 OF THE CONSTITUTION OF NEW MEXICO TO REQUIRE THE GOVERNOR TO PROVIDE VETO MESSAGES ON ALL BILLS VETOED IN WHOLE OR IN PART AND TO PROVIDE THAT ALL BILLS PASSED BY THE LEGISLATURE AND NOT ACTED ON BY THE GOVERNOR WILL BECOME LAW."

Constitutional Amendment 2:

"PROPOSING TO AMEND ARTICLE 7, SECTION 1 OF THE CONSTITUTION OF NEW MEXICO TO REMOVE THE REQUIREMENT THAT SCHOOL ELECTIONS BE SEPARATE FROM PARTISAN ELECTIONS."

Constitutional Amendment 3:

"PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO TO ESTABLISH NOMINATING COMMITTEES TO PROVIDE LISTS OF NOMINEES TO THE GOVERNOR FOR APPOINTMENT OF NONSTUDENT MEMBERS TO THE BOARDS OF REGENTS OF STATE EDUCATIONAL INSTITUTIONS; PROVIDING THAT STUDENT MEMBERS OF BOARDS OF REGENTS SHALL BE APPOINTED FROM A LIST PROVIDED BY AN ELECTED STUDENT GOVERNING BODY OF THE INSTITUTION; PROVIDING THAT, EXCEPT FOR A STUDENT MEMBER, MEMBERS OF THE BOARDS OF REGENTS SHALL NOT HAVE CHANGED THEIR POLITICAL PARTY REGISTRATION IN THE TWELVE MONTHS PRECEDING APPOINTMENT."

Constitutional Amendment 4:

"PROPOSING TO AMEND ARTICLE 4, SECTION 10 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW LEGISLATIVE COMPENSATION THAT IS LIMITED TO THE MEDIAN HOUSEHOLD INCOME FOR NEW MEXICO, TO REQUIRE LEGISLATIVE COMPENSATION TO BE REDUCED IF THE MEDIAN HOUSEHOLD INCOME FOR NEW MEXICO FALLS, TO ALLOW LEGISLATIVE COMPENSATION TO BE INCREASED ONLY IF THE MEDIAN HOUSEHOLD INCOME FOR NEW MEXICO RISES AND TO PROVIDE FOR DELAYED IMPLEMENTATION."

General Information

New Mexico voters will be asked in 2026 to consider four proposed amendments to the state's constitution. Constitutional Amendment 1 would eliminate the governor's ability to pocket veto bills passed by the legislature, Constitutional Amendment 2 would allow school elections to be held at the same time as partisan elections, Constitutional Amendment 3 would establish nominating committees to provide lists of names to the governor to select members of boards of regents of state educational institutions and Constitutional Amendment 4 would allow salaries for state legislators. All four amendments will appear on the November 3, 2026 general election ballot.

The Constitution of New Mexico provides that the legislature, by a majority vote of all members elected to each house, may propose amendments revising the constitution and that proposed amendments must then be submitted to the voters of the state for approval. A proposed amendment becomes part of the state's constitution if a majority of the votes cast in an election on the proposition is cast in its favor, unless the proposed amendment affects one of the sections for which a three-fourths' majority is required. (This year's proposed constitutional amendments do not affect one of those sections and, thus, need only a simple majority vote to be approved.) Proposed constitutional amendments become effective upon approval by the voters unless an effective date is provided within the text of the proposed amendment.

This publication contains a summary and the full text of the joint resolutions proposing the amendments, as well as background information and summaries of arguments for and against the passage of the amendments. New language that is proposed for insertion in the full text of the joint resolutions is shown by underscoring, and language that is proposed for deletion is shown within brackets.

While the full text of the proposed amendments appears in this publication, the title, which appears in capital letters at the top of each joint resolution, is the *only* language that will appear on the ballot.

Disclaimer

The arguments for and against the proposed constitutional amendments in this publication do not necessarily reflect legislative deliberations undertaken at the time of the passage of the proposed amendments. They represent suggestions from the Legislative Council Service staff of arguments in support of and in opposition to the proposed amendments. No claim is made for the validity or consistency of these arguments. This is not an exhaustive list of all cogent and valid arguments. No attempt has been made to provide the same number of arguments for or against a particular

amendment, and the number of arguments does not indicate the weight that should be ascribed to a position for or against a proposed amendment.

HOUSE JOINT RESOLUTION 2
57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 22 OF THE CONSTITUTION
OF NEW MEXICO TO REQUIRE THE GOVERNOR TO PROVIDE VETO MESSAGES ON
ALL BILLS VETOED IN WHOLE OR IN PART AND TO PROVIDE THAT ALL BILLS
PASSED BY THE LEGISLATURE AND NOT ACTED ON BY THE GOVERNOR WILL
BECOME LAW.

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

SECTION 1. It is proposed to amend Article 4, Section 22 of the constitution of New Mexico to read:

"A. Every bill passed by the legislature shall, before it becomes a law, be presented to the governor for approval. If ~~[he]~~ the governor approves, ~~[he]~~ the governor shall sign it and deposit it with the secretary of state; ~~[otherwise, he]~~ if the governor disapproves, the governor shall veto it and return it to the house in which it originated ~~[with his objections, which shall]~~ to be entered at large upon the journal; and such bill shall not become a law unless thereafter approved by two-thirds of the members present and voting in each house by yea and nay vote entered upon its journal. Any bill not returned by the governor within three days, Sundays excepted, after being presented to ~~[him]~~ the governor, shall become a law, whether signed by ~~[him]~~ the governor or not, unless the legislature by adjournment prevent such return.

B. Every bill presented to the governor during the last three days of the session shall be approved or vetoed by ~~[him]~~ the governor within twenty days after the adjournment and shall be by ~~[him]~~ the governor immediately deposited with the secretary of state. Unless ~~[so approved and signed]~~ vetoed by ~~[him]~~ the governor, such a bill passed by the legislature shall ~~[not]~~ become a law.

C. The governor may in like manner approve or disapprove any part or parts, item or items, of any bill appropriating money, and such parts or items approved shall become a law, and such as are disapproved shall be void unless passed over ~~[his]~~ the governor's veto ~~[as herein provided]~~.

D. Any veto of a bill in whole or in part by the governor shall include a substantive explanation for the veto. The explanation for the veto shall be returned with the bill to the house in which the bill originated or deposited with the bill with the secretary of state, as

Note: underscored material = new language proposed for insertion ~~[bracketed material]~~ = existing language proposed for deletion

herein provided."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

► **SUMMARY of Proposed Constitutional Amendment 1**

In 2025, the New Mexico Legislature passed Constitutional Amendment 1, which, if adopted, would amend Article 4, Section 22 of the Constitution of New Mexico to remove what has been referred to as the "pocket veto". The pocket veto occurs when, after the adjournment of the legislature, the governor does not sign a bill that was presented to the governor during the last three days of session. By not acting on the bill, the bill does not become law.

Constitutional Amendment 1 proposes to flip this dynamic. If this proposed amendment is approved by voters, a bill presented to the governor during the last three days of the session would by default become law if the governor does not issue a veto message within 20 days after the legislature's adjournment. In order to veto a bill passed by the legislature, the governor would be required to provide a written, substantive explanation for the veto.

► **BACKGROUND AND INFORMATION**

The legislature meets once a year for 60 days in odd-numbered years and 30 days in even-numbered years. During these sessions, the legislature introduces, debates and passes bills to become law. After a bill passes through both chambers of the legislature, the bill heads to the governor's desk. The governor can either sign the bill, thereby enacting it into law, or the governor can veto the bill, either through a written declaration or through a pocket veto after the session adjourns if the bill was presented to the governor during the last three days of session. From 2014 through 2026, governors have pocket vetoed 166 bills and vetoed 180 bills.

Article 4, Section 22 of the Constitution of New Mexico has had only one minor change since its enactment. In 1953, voters approved a measure that extended the deadline for the governor to sign a bill that was presented to the governor during the last three days of session from six days to 20 days. While not affected by this proposed Constitutional Amendment 1, this section of the constitution also allows the legislature to override a governor's veto by a two-thirds' majority vote of both chambers of the legislature.

► ARGUMENTS FOR

1. Provides greater transparency to the public and the legislature regarding why a governor vetoed a bill.

With the ability to pocket veto a bill, the governor can veto a bill passed by both chambers of the legislature without an explanation. This can leave the public and the legislature in the dark about what objections the governor had and does not provide information on how the bill might be reintroduced in the future in a manner that the governor would sign. By using the pocket veto, the governor is able to avoid explaining the governor's position on potentially politically sensitive pieces of legislation. Eliminating the pocket veto would ensure that a substantive explanation is given by the governor for the veto, the public knows the opinion of the governor on the legislation and the legislature understands how to address the governor's concerns.

2. Potentially brings greater balance among the branches of government.

The governor's ability to pocket veto a bill gives the governor great power over the enactment of laws passed by the legislature. With the elimination of the pocket veto, the legislature would have an increased chance of passed bills becoming law, especially for a politically fraught bill, because to veto a bill, the governor would have to be intentional about the veto and provide a reason. The proposed amendment would also provide an avenue for the judicial branch to weigh in on whether the governor has provided a "substantive explanation" for the veto if the explanation is challenged.

► ARGUMENTS AGAINST

1. This proposed amendment is unnecessary and could be overly burdensome.

The proposed amendment is unnecessary because the legislature currently can require the governor to provide a reason for vetoing a bill by presenting the bill to the governor before the last three days of a session. The legislature also has the option to override a governor's veto, regardless of the governor's rationale for pocket vetoing a bill. Further, with only 20 days to act after the adjournment of the legislature, providing a written, substantive explanation for every bill to be vetoed could be overly burdensome and create a logjam of work in the executive branch in the short time after session that the governor has to consider legislation for signature or veto. This could result in "bad bills" becoming law because the governor ran out of time before a veto message could be written.

2. The requirement to provide a "substantive explanation" is undefined.

To veto a bill, the governor would be required to provide a "substantive explanation" for the veto, but there is nothing in the proposed amendment to indicate what that would entail. This could lead to an increase in litigation between the legislative and executive branches at a cost to the taxpayers. Additionally, the litigation could delay the enactment of a bill, leaving the public in limbo as to whether or when the law will be in effect.

SENATE JOINT RESOLUTION 1
57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

A JOINT RESOLUTION
PROPOSING TO AMEND ARTICLE 7, SECTION 1 OF THE CONSTITUTION OF NEW
MEXICO TO REMOVE THE REQUIREMENT THAT SCHOOL ELECTIONS BE
SEPARATE FROM PARTISAN ELECTIONS.

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

SECTION 1. It is proposed to amend Article 7, Section 1 of the constitution of New Mexico to read:

"A. Every person who is a qualified elector pursuant to the constitution and laws of the United States and a citizen thereof shall be qualified to vote in all elections in New Mexico, subject to residency and registration requirements provided by law, except as restricted by statute either by reason of criminal conviction for a felony or by reason of mental incapacity, being limited only to those persons who are unable to mark their ballot and who are concurrently also unable to communicate their voting preference. The legislature may enact laws providing for absentee voting by qualified electors. ~~[All school elections shall be held at different times from partisan elections.]~~

B. The legislature shall have the power to require the registration of the qualified electors as a requisite for voting and shall regulate the manner, time and places of voting. The legislature shall enact such laws as will secure the secrecy of the ballot and the purity of elections and guard against the abuse of elective franchise. Not more than two members of the board of registration and not more than two judges of election shall belong to the same political party at the time of their appointment."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

► **SUMMARY of Proposed Constitutional Amendment 2**

Constitutional Amendment 2, passed by the legislature in 2026, would amend Article 7, Section 1 of the Constitution of New Mexico to remove the requirement that school elections be held separately from partisan elections. If the amendment is approved, school districts would have the opportunity to add bond and mill levy questions to ballots in a partisan election such as the regular general election. It would also give the legislature the authority to allow local school board elections to be held with partisan elections.

► **BACKGROUND AND INFORMATION**

The requirement that school elections be held separately from all other elections began during the New Mexico Constitutional Convention in 1910 when women could only vote in school elections. While the Nineteenth Amendment to the United States Constitution approved by the State of New Mexico in 1920 granted women the right to vote in all elections, the restriction for school elections remained. Voters then overwhelmingly approved an amendment to the Constitution of New Mexico in 2008 to allow school elections to be held with nonpartisan elections, while prohibiting school elections from being held at the same time as partisan elections. According to a report from the National School Boards Association¹, another rationale regarding why school elections were separated from partisan elections was to "remove politics from education".

¹ See *School Boards at the Dawn of the 21st Century; Conditions and Challenges of District Governance*, Hess, School of Education and Department of Government, University of Virginia, 2002 (https://www.aei.org/wp-content/uploads/2011/10/20060228_SchoolBoards.pdf).

► ARGUMENTS FOR

1. School districts will save the cost of expensive all-mail ballots.

The only statewide election that a school district may participate in is the regular local election held in November of odd-numbered years at which nonpartisan local governing bodies, including many municipalities, hold their elections. That means that school districts must pay for a special mail ballot election if they need to get approval on a bond or mill levy question at any other time during the two-year election cycle. School districts use school funding to pay for the required, expensive all-mail ballots. A special election can cost between \$125,000 to \$250,000, depending on the size of the district and the number of issues. Constitutional Amendment 2 would allow school districts the option of placing a bond or mill levy question on the general election ballot in November of even-numbered years, just as local governments are allowed to do under current law, saving the cost of all-mail ballots.

2. More participation in school elections.

Allowing school districts to place a bond or mill levy question on a partisan general election ballot would increase the number of voters who participate in school elections, given that participation rates for statewide general elections tend to be much higher than participation rates for statewide local elections.

3. The amendment may increase school districts' participation in the state's public school capital outlay system and result in more new or renovated schools for New Mexico students.

The public school capital outlay system was designed to ensure the uniformity and sufficiency of all public school facilities in the state. New school buildings, building renovations and other capital projects that are authorized through this system are funded by the state and school districts through an equitable cost-sharing model. School districts generally cover their share of project costs through bonding and property taxes approved by voters; however, some school districts are unable to get bonding or property taxes approved and cannot afford their share of project costs. Because partisan elections have higher and more diverse voter turnout than nonpartisan or special elections, school district ballot questions for bonding or property taxes may be more likely to pass, potentially resulting in increased school district participation in the public school capital outlay system and more new or renovated school buildings for New Mexico students.

4. School districts maintain the choice of holding a special election.

School districts are currently the only public bodies that are prohibited from holding elections

at the same time as partisan elections. Constitutional Amendment 2 does not require that school elections occur simultaneously with partisan elections; rather, it provides the option and flexibility for school districts to decide the timing of their elections to better suit their needs. School districts may still choose to hold special bond elections, but that will no longer be their only option to have bond or mill levy questions on the ballot outside of the biennial statewide local election.

5. Dilutes the outsized influence of education interest groups in deciding school governance.

Off-cycle school board elections systematically give an advantage to whichever group is best organized and most motivated to turn out the vote. Education interest groups have leveraged this advantage to elect school board members favorable to their priorities. Folding school elections into the November general election, where voter turnout routinely triples or quadruples that of standalone school elections, would ensure that outcomes reflect the preferences of the full electorate, including parents, taxpayers and other community members who often sit out low-profile, off-cycle contests.

► ARGUMENTS AGAINST

1. Adding school questions to the general election ballot could create voter fatigue and increased costs.

Adding another ballot question to the general election ballot or allowing the possibility of a future legislature adding school board elections to the general election ballot may cause general election ballots in some counties to exceed two full pages, resulting in voter fatigue and increased costs for producing general election ballots.

2. The amendment may lead to politicizing school district elections.

Voters overwhelmingly approved the prohibition on holding school elections with partisan elections in 2008. This prohibition was enshrined in the Constitution of New Mexico, thus preventing the legislature or local public bodies from allowing school elections to be held with partisan elections. While Constitutional Amendment 2 only removes the prohibition and does not affirmatively require that school elections be held with partisan elections, it does not limit the legislature's ability to pass future legislation amending the Election Code to allow school board elections to be held with partisan elections. By remaining silent on that issue, Constitutional Amendment 2 may open up school elections to increased political influence. Alternatively, school district bond and mill levy elections could be held with general elections while maintaining the prohibition on holding actual school board elections with partisan elections.

3. Reduces the impact and voting power of experts most familiar with education interests.

Characterizing interest group influence in off-cycle school board elections as a problem to be solved through this amendment fundamentally misunderstands what democratic participation looks like in specialized, interest-specific elections. Teachers, school staff and the education associations that represent them are among the most directly affected stakeholders in school governance decisions, and the higher rate of participation in school elections from these experts is not a distortion of democracy. Moving school issues onto the general election ballot does not necessarily create a more informed electorate but rather a larger one that may know less about school issues or the need for bonds or local mill levies relative to the people with a day-to-day understanding of the operational, facilities and other needs in local schools.

4. School elections will be diminished in general elections.

The importance of school issues on a partisan general election ballot may be diminished by the attention provided to candidates for higher office such as the governor, state representative,

state senator, the United States presidency and Congress. More information is provided by the media, advocates and opponents on such races so voters may be less informed about local school issues and sometimes ignore down-ballot races and bond questions.

HOUSE JOINT RESOLUTION 1
57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO TO ESTABLISH NOMINATING COMMITTEES TO PROVIDE LISTS OF NOMINEES TO THE GOVERNOR FOR APPOINTMENT OF NONSTUDENT MEMBERS TO THE BOARDS OF REGENTS OF STATE EDUCATIONAL INSTITUTIONS; PROVIDING THAT STUDENT MEMBERS OF BOARDS OF REGENTS SHALL BE APPOINTED FROM A LIST PROVIDED BY AN ELECTED STUDENT GOVERNING BODY OF THE INSTITUTION; PROVIDING THAT, EXCEPT FOR A STUDENT MEMBER, MEMBERS OF THE BOARDS OF REGENTS SHALL NOT HAVE CHANGED THEIR POLITICAL PARTY REGISTRATION IN THE TWELVE MONTHS PRECEDING APPOINTMENT.

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

SECTION 1. It is proposed to amend Article 12, Section 13 of the constitution of New Mexico to read:

"A. The legislature shall provide for the control and management of each of the institutions, except the university of New Mexico, by a board of regents for each institution, consisting of five members, four of whom shall be qualified electors of the state of New Mexico, one of whom shall be a member of the student body of the institution and no more than three of whom at the time of their appointment shall be members of the same political party; provided that, except for the student body member, members shall not have changed their political party registration in the twelve months preceding appointment; and provided [~~however~~] further that the student body member provision in this subsection shall not apply to the New Mexico school for the deaf, the New Mexico military institute or the New Mexico school for the blind and visually impaired, and for each of those three institutions all five members of the board of regents shall be qualified electors of the state of New Mexico.

B. The governor shall nominate from a list of names provided by a nominating committee for each institution, as provided by law, and by and with the consent of the senate shall appoint the members of each board of regents for each of the institutions. The terms of nonstudent members shall be for staggered terms of six years, and the terms of student members shall be two years.

Note: underscoring = new language proposed for insertion [~~bracketed material~~] = existing language proposed for deletion

C. The governor shall select, with the advice and consent of the senate, a student member from a list provided by ~~[the president]~~ an elected student governing body of the institution. ~~[In making the list, the president of the institution shall give due consideration to the recommendations of the student body president of the institution. Following the approval by the voters of this 2014 amendment and upon the first vacancy of a position on the northern New Mexico state school board of regents, the governor shall nominate and by and with the consent of the senate shall appoint a student member to serve a two-year term.]~~

D. The legislature shall provide for the control and management of the university of New Mexico by a board of regents consisting of seven members, six of whom shall be qualified electors of the state of New Mexico, one of whom shall be a member of the student body of the university of New Mexico and no more than four of whom at the time of their appointment shall be members of the same political party; provided that, except for the student body member, members shall not have changed their political party registration in the twelve months preceding appointment. The governor shall nominate from a list of names provided by a nominating committee of the university, as provided by law, and by and with the consent of the senate shall appoint the members of the boards of regents. ~~[The present five members shall serve out their present terms. The two additional members shall be appointed in 1987 for terms of six years. Following the approval by the voters of this amendment and upon the first vacancy of a position held by a nonstudent member on the university of New Mexico's board of regents, the governor shall nominate and by and with the consent of the senate shall appoint a student member to serve a two-year term.]~~ The governor shall select, with the advice and consent of the senate, a student member from a list provided by ~~[the president of the university of New Mexico. In making the list, the president of the university of New Mexico shall give due consideration to the recommendations of the student body president]~~ an elected student governing body of the university.

E. Members of the board shall not be removed except for incompetence, neglect of duty or malfeasance in office. Provided, however, no removal shall be made without notice of hearing and an opportunity to be heard having first been given such member. The supreme court of the state of New Mexico is hereby given exclusive original jurisdiction over proceedings to remove members of the board under such rules as it may promulgate, and its decision in connection with such matters shall be final.

F. The legislature shall provide for a nominating committee for each state educational institution enumerated in Article 12, Section 11 of this constitution to provide the governor a list of nominees for appointment of nonstudent members to the boards of regents of those institutions. The legislature shall provide for the appointment, terms, powers and duties of

Note: underscored material = new language proposed for insertion ~~[bracketed material]~~ = existing language proposed for deletion

a nominating committee; provided that no more than fifty percent of the members of a nominating committee shall be members of the same political party; and provided further that members shall not have changed their political party registration in the twelve months preceding appointment."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

► **SUMMARY of Proposed Constitutional Amendment 3**

Constitutional Amendment 3 proposes to amend Article 12, Section 13 of the Constitution of New Mexico to limit the governor's discretion in appointing members to the boards of regents of the state educational institutions. Currently, regents are appointed by the governor and approved by the Senate, subject to only a few qualifications. Nonstudent regents must be "qualified electors of the state of New Mexico", and no more than three of five or four of seven of these members on a particular board may be registered with the same political party at the time they are appointed. Student regents must be students of their respective institutions and are appointed from a list provided by the president of their respective institutions.

The proposed amendment would require the legislature to establish a bipartisan or nonpartisan regent nominating committee for each of the 10 state educational institutions and would limit the governor's prospective appointments to the nominees selected by the regent nominating committees. Additionally, the proposed amendment would require the governor to appoint student regents from lists provided by the elected student governing bodies of their respective institutions instead of by the institutions' presidents. Finally, excepting the student regents, the proposed amendment would disqualify a person from being appointed to a board of regents if the person changed political party registration in the 12 months preceding the person's appointment.

► **BACKGROUND AND INFORMATION**

As a territory and upon statehood, New Mexico received land grants from the United States to provide for a public education system composed of "common schools" and "educational institutions", which include the following state colleges, universities and specialized schools established (or "confirmed") by Article 12, Section 11 of the Constitution of New Mexico:

- University of New Mexico;
- New Mexico State University;
- New Mexico Highlands University;
- Western New Mexico University;
- Eastern New Mexico University;
- New Mexico Institute of Mining and Technology;
- Northern New Mexico College;
- New Mexico Military Institute;
- New Mexico School for the Blind and Visually Impaired; and
- New Mexico School for the Deaf.

The board of regents of each institution consists of five members except for the Board of Regents of the University of New Mexico, which consists of seven members. The boards of regents for the state's college and universities include student regents who are appointed to serve two-year terms. All other regents serve staggered six-year terms. Constitutional Amendment 3 would not change the composition of the boards of regents or the terms of the boards' members. The changes the proposed amendment would make to the appointment process would apply prospectively to future appointees.

► ARGUMENTS FOR

1. Governance of the state educational institutions is an important and challenging task that requires specialized knowledge in multiple fields.

The state educational institutions serve the wide range of cultural, economic and social configurations of New Mexico's communities and, for the specialized schools, meet the unique needs of New Mexico students who are blind, visually impaired or deaf. Through establishing regent nominating committees by law, the legislature will ensure that a nominating committee provides to the governor a list of nominees who would best serve the interests of the institution as a regent. Presuming that the regent nominating committees will comprehensively vet the best qualified prospective regents, there could be more accountability in the governance of the state educational institutions.

2. Regent nominating committees may limit or remove the influence of politics from the appointment process.

Without requiring substantive qualifications for regents to guide the governor's appointments to boards of regents, the current appointment process allows for outsized political influence on the membership of the boards of regents. By requiring the establishment of bipartisan or nonpartisan regent nominating committees, the amendment could insulate the appointment process from politics or other partisan considerations and ensure that the people appointed to the boards of regents are qualified to serve. This could enhance the governance of the state educational institutions.

► ARGUMENTS AGAINST

1. The amendment would alter the checks and balances between the legislature and the executive regarding the appointment of state officers.

Traditionally, the executive has the power to appoint, and the Senate has the power to advise and consent to the governor's appointees or reject the governor's appointees. The existing language of Article 12, Section 13 of the Constitution of New Mexico reflects this distribution of powers and clearly assigns responsibilities to the governor and the members of the Senate who are accountable to the voters for poor appointment decisions. Constitutional Amendment 3 obscures the responsibility for appointment decisions by diluting the governor's authority. Additionally, in establishing the nominating committees, the legislature further obscures the governor's and Senate's appointment-related responsibilities as currently provided by the Constitution of New Mexico.

2. The amendment may dilute the governor's or the Senate's accountability in appointing regents.

The Constitution of New Mexico currently places the responsibility of appointment and confirmation on the governor and the Senate, respectively. By creating a nominating committee, the proposed amendment would remove some of that responsibility from the governor and the Senate, which are both accountable to the voters. A nominating committee, on the other hand, is not accountable to the voters. The governor can argue that he or she can only consider the nominees provided by the nominating committee, thus lessening the governor's accountability for the selection. The governor, and to some extent the Senate, is confined to the slate of nominees provided by the nominating committee.

HOUSE JOINT RESOLUTION 5
57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 4, SECTION 10 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW LEGISLATIVE COMPENSATION THAT IS LIMITED TO THE MEDIAN HOUSEHOLD INCOME FOR NEW MEXICO, TO REQUIRE LEGISLATIVE COMPENSATION TO BE REDUCED IF THE MEDIAN HOUSEHOLD INCOME FOR NEW MEXICO FALLS, TO ALLOW LEGISLATIVE COMPENSATION TO BE INCREASED ONLY IF THE MEDIAN HOUSEHOLD INCOME FOR NEW MEXICO RISES AND TO PROVIDE FOR DELAYED IMPLEMENTATION.

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

SECTION 1. It is proposed to amend Article 4, Section 10 of the constitution of New Mexico to read:

"A. Each member of the legislature ~~[shall]~~ is entitled to receive:

~~[A.]~~ (1) per diem at the internal revenue service per diem rate for the city of Santa Fe for each day's attendance during each session of the legislature and the internal revenue service standard mileage rate for each mile traveled in going to and returning from the seat of government by the usual traveled route, once each session as defined by Article 4, Section 5 of this constitution;

~~[B.]~~ (2) per diem and mileage at the same rates as provided in ~~[Subsection A]~~ Paragraph (1) of this ~~[section]~~ subsection for service at meetings required by legislative committees established by the legislature to meet in the interim between sessions; and

~~[C. no other]~~ (3) compensation ~~[perquisite or allowance]~~ as provided by law for legislative service in an amount equal to the annual median household income for New Mexico as initially determined and adjusted thereafter by the rise or fall of the median household income for New Mexico.

B. The provisions of Paragraph (3) of Subsection A of this section are effective beginning with members seated and sworn in for the fifty-ninth legislature."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

► **SUMMARY of Proposed Constitutional Amendment 4**

Constitutional Amendment 4 proposes to amend Article 4, Section 10 of the Constitution of New Mexico to entitle each member of the legislature to compensation for the member's service in addition to the per diem and mileage reimbursement to which the member is currently entitled. The proposed amendment would go into effect when the members of the Fifty-Ninth Legislature are sworn in and seated in 2029 and would allow the legislature to enact a law that provides compensation for each legislator in an amount equal to the annual median household income for New Mexico, which is approximately \$68,000 in 2026. Also, the proposed amendment would remove the prohibition on legislators receiving other perquisites or allowances.

► **BACKGROUND AND INFORMATION**

Required Legislative Service

New Mexico has a part-time legislature that consists of 112 members (70 representatives and 42 senators). Each legislator is constitutionally required to be present at each regular legislative session and at any special or extraordinary legislative session called to order. Regular legislative sessions are held once a year and last 60 days in odd-numbered years and 30 days in even-numbered years. Both a special session and an extraordinary session cannot exceed 30 days; however, special sessions called to order during the last decade have typically lasted less than a week, and an extraordinary session has not been called to order since 2002.

All legislative service during the interim is voluntary – some legislators participate in interim committees and some do not. Additionally, many legislators provide constituent services and engage in other activities in their official capacity, such as town hall meetings and community events, when the legislature is not in session. Since 2025, each legislator has had the ability to hire a full-time district legislative aide to assist with activities related to the legislator's duties as a legislator.

Because the legislature is part time, most legislators hold outside employment. Legislators currently serving have diverse professional backgrounds; some are lawyers, doctors, business executives, farmers, teachers, engineers, consultants and retirees.

Per Diem and Mileage

While legislators do not currently receive a salary, they are entitled to per diem and mileage for regular, special and extraordinary sessions, for work on interim committees and for attendance at certain meetings of regional and national legislative organizations. Legislators receive per

diem at the federal rate for Santa Fe for their attendance during session and at interim committee meetings held in Santa Fe and also throughout the state. For 2026, the per diem rate for Santa Fe is approximately \$247. Mileage is reimbursed at the standard federal rate (\$.725) for each mile traveled for one trip to Santa Fe and one trip back home each legislative session and one trip to and one trip from each interim committee meeting.

Legislative Retirement

Since 1963, each New Mexico legislator has had the ability to participate in the state employee pension system established pursuant to the Public Employees Retirement Act. Current legislators have the option to participate in the "state legislator member coverage plan 2". Under this plan, a legislator must "fulfill the obligation of the position of a legislator for more than six months of the calendar year and participate in the legislative session" and make a \$1,000 contribution for each year of legislative service. "Normal retirement age" for a legislator is 65 years of age with five or more years of legislative service or any age with 10 or more years of legislative service.

For example, a representative elected to office at age 25 who completes 10 years of legislative service and contributes a total of \$10,000 can retire at age 35 and would receive \$31,122 each year (or \$2,593.50 per month) for the remainder of the representative's life. The representative may also designate a beneficiary to receive a reduced lifetime pension after the representative dies. Based on recent data from the Public Employees Retirement Association, 110 current legislators are contributing to the state's pension system.

► ARGUMENTS FOR

1. Legislative compensation could result in legislators spending more time on legislative work and less time on outside employment.

Because legislators currently receive only per diem and mileage for their legislative service, some may have to prioritize outside employment and be less able to take time off for legislative work during the interim. Paying each legislator a salary equal to the median household income in New Mexico would give legislators the financial ability to either take more time off from their outside employment or even forego outside employment altogether. This would allow legislators to devote more time to legislative work and be more accessible to their constituents.

2. Legislative compensation would diversify the pool of potential legislators.

Legislators currently serve as volunteers, so many legislators have to balance the demands of outside employment with the responsibilities of elected office. Legislators who have outside employment are required to take off either 30 or 60 days each year, at minimum, to carry out their constitutional duties. Even with the provision of per diem and mileage, not being able to fully engage in outside employment during session is a significant financial burden. In New Mexico, the per capita annual income in 2026 is approximately \$36,000, meaning most New Mexicans cannot consider running for the legislature because they do not have the financial ability to take one or two months off from work each year and still make ends meet. Paying legislators a salary could alleviate or eliminate the current financial burden of legislative service and allow for more New Mexicans to run for seats in the legislature.

3. Legislative compensation could improve the balance in state government.

Like the government of the United States, New Mexico's government is divided into three separate branches that are supposed to be equal in exercising their constitutional duties: the legislature makes the laws; the executive carries out the laws; and the judiciary interprets the laws. From a practical sense, because New Mexico legislators are subject to financial burdens that officers of the other branches are not, the legislature as a whole and its individual members are unable to dedicate the same amount of time necessary to be truly coequal with the executive and judiciary. Paying each legislator a salary would strengthen the legislature by allowing its members the financial flexibility to be more responsive to the issues of the day. Specifically, financial flexibility could allow legislators to be more proactive in addressing policy issues and overseeing executive agencies in the interim and be better prepared for the subsequent session. The financial flexibility could strike a better balance among the co-equal

branches of government by allowing the legislature to be more proactive year-round and not just during session.

4. Legislative compensation provides a second of three steps in professionalizing the legislature.

Studies have identified resources, compensation and length of sessions as the necessary elements of a professional legislature. State legislators now have district legislative aides as resources for the legislative business of the respective districts. Legislative compensation could provide legislators with the ability to spend more time as active participants in state government through interim committees and possibly longer sessions. The length of sessions continues to be discussed by the legislature, and legislative compensation could provide the flexibility to allow legislators to participate in longer sessions that may otherwise affect their loss of income.

► ARGUMENTS AGAINST

1. Legislative salaries could provide legislators with incumbency advantages not available to other candidates.

Legislative compensation could create advantages in fundraising and campaigning for legislators who would continue receiving compensation while other candidates in primary or general elections may have to forego income from regular employment to raise funds or campaign. Incumbent legislators could rely on legislative campaign funds to pay for campaign expenses while continuing to receive legislative compensation and per diem and mileage reimbursement. Candidates for those positions would be trying to raise funds to sustain a campaign while possibly having to forego income and other employment opportunities and benefits.

2. The amendment would provide for a legislative salary that is disproportionate when compared to other states.

Technically, New Mexico is the only state that does not pay legislators a "salary"; however, legislative salaries in some states amount to much less than what New Mexico legislators receive in per diem and pension benefits. For example, New Hampshire legislators receive an annual salary of \$100, are not entitled to per diem and are not eligible for any kind of retirement benefit, so in addition to donating their time for legislative service, New Hampshire legislators also have to donate their money to cover their expenses for traveling, lodging and meals during their legislative service. In Wyoming and Utah, legislators receive a salary of \$150 and \$301 per legislative day, respectfully, and both states allow legislators to receive per diem. Wyoming does not have a legislative retirement system, but Utah does; however, the Utah legislative retirement system is less generous than New Mexico's and has more restrictions.

According to the National Conference of State Legislatures, the average base salary for a state legislator in 2024 was \$44,320. More populated states with higher costs of living tend to pay higher annual salaries. For example: New York legislators are paid \$142,000; California legislators are paid \$132,000; and Michigan legislators are paid \$72,000. The New York legislature is part time, but its members are expected to maintain full-time constituent offices in their districts and, although they are allowed to have outside employment, their earnings cannot exceed \$35,000 per year. The California legislature is full time, and its members are essentially prohibited from having outside employment and are subject to strict conditions on their legislative salaries. The Michigan legislature is full time, but its members are allowed to have outside employment.

In Arizona, each legislator receives an annual salary of \$24,000 as well as per diem. Arizona legislative sessions are scheduled to last 100 days each year, but its constitution permits a session to extend beyond 100 days. Massachusetts and Pennsylvania have full-time legislatures, while Alabama and South Dakota have part-time legislatures, and each of these states pay legislative salaries based on median household income and generally allow their legislators to have outside employment.

Constitutional Amendment 4 would provide legislative salaries that may be disproportionate to legislative salaries in most other states. The amendment does not require additional legislative service beyond the current minimum requirement of 30 or 60 days each year for regular sessions. Also, the amendment opens the door for additional employee-type benefits for legislative service and imposes no restrictions on outside employment or outside earnings.

3. Constitutional Amendment 4 does not address a number of issues that may have to be addressed by subsequent legislation or constitutional amendment.

It may be necessary for the legislature to address issues such as the following, which is not an exhaustive list:

- (1) a definition of "legislative service"; e.g., attendance at meetings of interim committees to which members have been appointed;
- (2) whether the median household income is determined by the commonly accepted Current Population Survey Annual Social and Economic Supplement conducted by the United States Census Bureau or some other source;
- (3) employee benefits or other perquisites or allowances that may be allowed for legislators;
- (4) whether the state and legislator contributions to the retirement fund will remain as they are now or whether they will mirror the state employer and state employee contribution levels, including any other changes to existing law that may conflict with the proposed constitutional amendment; and
- (5) whether legislators may receive per diem for interim committee meetings held in the same city or town where they reside.