

1 HOUSE JOINT RESOLUTION 15

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Joseph Cervantes

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8 ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 6, SECTION 35 OF THE
12 CONSTITUTION OF NEW MEXICO TO PROVIDE AN OPPORTUNITY FOR
13 PRIMARY ELECTIONS FOR CERTAIN VACANT JUDICIAL OFFICES FILLED BY
14 APPOINTMENT BY REQUIRING AN APPOINTED JUDGE TO SERVE AT LEAST
15 ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THAT OFFICE.

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

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

20 "There is created the "appellate judges nominating
21 commission", consisting of: the chief justice of the supreme
22 court or the chief justice's designee from the supreme court;
23 two judges of the court of appeals appointed by the chief judge
24 of the court of appeals; the governor, the speaker of the house
25 of representatives and the president pro tempore of the senate,

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1 who shall each appoint two persons, one of whom shall be an
2 attorney licensed to practice law in this state and the other
3 who shall be a citizen who is not licensed to practice law in
4 any state; the dean of the university of New Mexico school of
5 law, who shall serve as [~~chairman~~] chair of the commission and
6 shall vote only in the event of a tie vote; four members of the
7 state bar of New Mexico, representing civil and criminal
8 prosecution and defense, appointed by the president of the
9 state bar and the judges on [~~this committee~~] the commission.
10 The appointments shall be made in such manner that each of the
11 two largest major political parties, as defined by the Election
12 Code, shall be equally represented on the commission. If
13 necessary, the president of the state bar and the judges on
14 [~~this committee~~] the commission shall make the minimum number
15 of additional appointments of members of the state bar as is
16 necessary to make each of the two largest major political
17 parties be equally represented on the commission. These
18 additional members of the state bar shall be appointed such
19 that the diverse interests of the state bar are represented.
20 The dean of the university of New Mexico school of law shall be
21 the final arbiter of whether such diverse interests are
22 represented. Members of the commission shall be appointed for
23 terms as may be provided by law. If a position on the
24 commission becomes vacant for any reason, the successor shall
25 be selected by the original appointing authority in the same

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1 manner as the original appointment was made and shall serve for
2 the remainder of the term vacated.

3 The commission shall actively solicit, accept and evaluate
4 applications from qualified lawyers for the position of justice
5 of the supreme court or judge of the court of appeals and may
6 require an applicant to submit any information it deems
7 relevant to the consideration of [~~his~~] the application.

8 Upon the occurrence of an actual vacancy in the office of
9 justice of the supreme court or judge of the court of appeals,
10 the commission shall meet within thirty days and within that
11 period submit to the governor the names of persons qualified
12 for the judicial office and recommended for appointment to that
13 office by a majority of the commission.

14 Immediately after receiving the commission nominations,
15 the governor may make one request of the commission for
16 submission of additional names, and the commission shall
17 promptly submit such additional names if a majority of the
18 commission finds that additional persons would be qualified and
19 recommends those persons for appointment to the judicial
20 office. The governor shall fill a vacancy or appoint a
21 successor to fill an impending vacancy in the office of justice
22 of the supreme court or judge of the court of appeals within
23 thirty days after receiving final nominations from the
24 commission by appointing one of the persons nominated by the
25 commission for appointment to that office. If the governor

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1 fails to make the appointment within that period or from those
2 nominations, the appointment shall be made from those
3 nominations by the chief justice or the acting chief justice of
4 the supreme court. Any person appointed shall serve until the
5 ~~[next]~~ first general election following one year after
6 appointment. That person's successor shall be chosen at such
7 election and shall hold the office until the expiration of the
8 original term."

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

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