SENATE JOINT RESOLUTION 2

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW A DESIGNEE TO SERVE ON THE APPELLATE JUDGES NOMINATING COMMISSION IN THE PLACE OF THE DEAN OF THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW.

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:

"There is created the "appellate judges nominating commission", consisting of: the chief justice of the supreme court or the chief justice's designee from the supreme court; two judges of the court of appeals appointed by the chief judge of the court of appeals; the governor, the speaker of the house of representatives and the president pro tempore of the senate shall each appoint two persons, one of whom shall be an
attorney licensed to practice law in this state and the other
who shall be a citizen who is not licensed to practice law in
any state; the dean of the university of New Mexico school of
law or the dean's designee, who shall serve as [chairman] chair
of the commission and shall vote only in the event of a tie
vote; and four members of the state bar of New Mexico,
representing civil and criminal prosecution and defense,
appointed by the president of the state bar and the judges on
this [committee] commission. The appointments shall be made in
such manner that each of the two largest major political
parties, as defined by the Election Code, shall be equally
represented on the commission. If necessary, the president of
the state bar and the judges on this [committee] commission
shall make the minimum number of additional appointments of
members of the state bar as is necessary to make each of the
two largest major political parties be equally represented on
the commission. These additional members of the state bar
shall be appointed such that the diverse interests of the state
bar are represented. The dean of the university of New Mexico
school of law or the dean's designee shall be the final arbiter
of whether such diverse interests are represented. Members of
the commission shall be appointed for terms as may be provided
by law. If a position on the commission becomes vacant for any
reason, the successor shall be selected by the original
appointing authority in the same manner as the original
appointment was made and shall serve for the remainder of the
term vacated.

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

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

Immediately after receiving the commission nominations,
the governor may make one request of the commission for
submission of additional names, and the commission shall
promptly submit such additional names if a majority of the
commission finds that additional persons would be qualified and
recommends those persons for appointment to the judicial
office. The governor shall fill a vacancy or appoint a
successor to fill an impending vacancy in the office of justice
of the supreme court or judge of the court of appeals within
thirty days after receiving final nominations from the
commission by appointing one of the persons nominated by the
commission for appointment to that office. If the governor
fails to make the appointment within that period or from those nominations, the appointment shall be made from those nominations by the chief justice or the acting chief justice of the supreme court. Any person appointed shall serve until the next general election. That person's successor shall be chosen at such election and shall hold the office until the expiration of the original term."

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.