

1 SENATE JOINT RESOLUTION 3

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

3 INTRODUCED BY

4 Joseph Cervantes

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF  
12 NEW MEXICO TO PROVIDE THAT AN APPOINTED APPELLATE JUDGE SERVE  
13 AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE  
14 OFFICE TO WHICH THE JUDGE WAS APPOINTED.

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

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

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

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1 attorney licensed to practice law in this state and the other  
2 who shall be a citizen who is not licensed to practice law in  
3 any state; the dean of the university of New Mexico school of  
4 law, who shall serve as ~~[chairman]~~ chair of the commission and  
5 shall vote only in the event of a tie vote; four members of the  
6 state bar of New Mexico, representing civil and criminal  
7 prosecution and defense, appointed by the president of the  
8 state bar and the judges on ~~[this committee]~~ the commission.

9 The appointments shall be made in such manner that each of the  
10 two largest major political parties, as defined by the Election  
11 Code, shall be equally represented on the commission. If  
12 necessary, the president of the state bar and the judges on  
13 ~~[this committee]~~ the commission shall make the minimum number  
14 of additional appointments of members of the state bar as is  
15 necessary to make each of the two largest major political  
16 parties be equally represented on the commission. These  
17 additional members of the state bar shall be appointed such  
18 that the diverse interests of the state bar are represented.

19 The dean of the university of New Mexico school of law shall be  
20 the final arbiter of whether such diverse interests are  
21 represented. Members of the commission shall be appointed for  
22 terms as may be provided by law. If a position on the  
23 commission becomes vacant for any reason, the successor shall  
24 be selected by the original appointing authority in the same  
25 manner as the original appointment was made and shall serve for

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1 the remainder of the term vacated.

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

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

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

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

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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