

1 SENATE JOINT RESOLUTION 5

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

3 INTRODUCED BY

4 Harold Pope

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10 A JOINT RESOLUTION

11 PROPOSING AMENDMENTS TO ARTICLE 5, SECTION 2 AND ARTICLE 7,
12 SECTION 5 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW THE
13 LEGISLATURE TO PROVIDE BY LAW FOR RUNOFF ELECTIONS FOR PRIMARY
14 AND STATEWIDE ELECTIONS.

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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 5, Section 2
18 of the constitution of New Mexico to read:

19 "The returns of every election for state officers shall be
20 sealed up and transmitted to the secretary of state, who, with
21 the governor and chief justice, shall constitute the state
22 canvassing board, which shall canvass and declare the result of
23 the election. Unless the legislature provides by law for
24 runoff elections, the joint candidates having the highest
25 number of votes cast for governor and lieutenant governor and

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1 the person having the highest number of votes for any other
2 office, as shown by said returns, shall be declared duly
3 elected; and if two or more have an equal, and the highest,
4 number of votes for the same office or offices, one of them, or
5 any two for whom joint votes were cast for governor and
6 lieutenant governor respectively, shall be chosen therefor by
7 the legislature on joint ballot."

8 SECTION 2. It is proposed to amend Article 7, Section 5
9 of the constitution of New Mexico to read:

10 "A. All elections shall be by ballot.

11 B. The legislature may provide by law for runoff
12 elections for all elections other than municipal [~~primary or~~
13 ~~statewide~~] elections. If the legislature does not provide for
14 runoff elections, the person who receives the highest number of
15 votes for any office, except as provided in this section, and
16 except in the cases of the offices of governor and lieutenant
17 governor, shall be declared elected to that office. The joint
18 candidates receiving the highest number of votes for the
19 offices of governor and lieutenant governor shall be declared
20 elected to those offices.

21 C. In a municipal election, the candidate that
22 receives the most votes for an office shall be declared elected
23 to that office, unless the municipality has provided for runoff
24 elections. A municipality may provide for runoff elections as
25 follows:

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1 (1) a municipality that has not adopted a
2 charter pursuant to Article 10, Section 6 of the constitution
3 of New Mexico may provide by ordinance for runoff elections;

4 (2) a municipality that has adopted a charter
5 pursuant to Article 10, Section 6 of the constitution of New
6 Mexico, and prior to the adoption of this amendment the charter
7 provided for runoff elections, shall hold runoff elections
8 pursuant to the charter; or

9 (3) a municipality that adopts or has adopted
10 a charter pursuant to Article 10, Section 6 of the constitution
11 of New Mexico may, subsequent to the adoption of this
12 amendment, provide for runoff elections as provided in its
13 charter."

14 SECTION 3. The amendment proposed by this resolution
15 shall be submitted to the people for their approval or
16 rejection at the next general election or at any special
17 election prior to that date that may be called for that
18 purpose.