

1 SENATE JOINT RESOLUTION 7

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 5, SECTION 2 AND ARTICLE 7, SECTION  
12 5 OF THE CONSTITUTION OF NEW MEXICO TO REQUIRE PRIMARY  
13 ELECTIONS FOR ALL PARTISAN OFFICES TO BE CONDUCTED AS  
14 NONPARTISAN OPEN PRIMARY ELECTIONS WITH UP TO FIVE CANDIDATES  
15 RECEIVING THE HIGHEST NUMBERS OF VOTES CAST ADVANCING TO THE  
16 GENERAL ELECTION AND TO REQUIRE INSTANT RUNOFFS BY RANKED  
17 CHOICE VOTING TO BE USED FOR GENERAL ELECTIONS FOR ALL PARTISAN  
18 OFFICES.

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

21 SECTION 1. It is proposed to amend Article 5, Section 2  
22 of the constitution of New Mexico to read:

23 "The returns of every election for state officers shall be  
24 sealed [~~up~~] and transmitted to the secretary of state, who,  
25 with the governor and chief justice, shall constitute the state

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1 canvassing board, which shall canvass and declare the result of  
2 the election. [~~The joint candidates having the highest number~~  
3 ~~of votes cast for governor and lieutenant governor and the~~  
4 ~~person having the highest number of votes for any other office,~~  
5 ~~as shown by said returns, shall be declared duly elected. If~~  
6 ~~two or more have an equal, and the highest number of votes for~~  
7 ~~the same office or offices, one of them, or any two for whom~~  
8 ~~joint votes were cast for governor and lieutenant governor~~  
9 ~~respectively, shall be chosen therefor by the legislature on~~  
10 ~~joint ballot.]"~~

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

13 "A. All elections shall be by ballot.

14 B. Primary elections for all partisan offices shall  
15 be conducted as nonpartisan open primary elections and general  
16 elections for all partisan offices shall be conducted as  
17 instant runoffs by ranked choice voting as provided in  
18 Subsections C through F of this section. The legislature may  
19 provide by law for runoff elections for [~~all~~] nonpartisan  
20 elections other than municipal [~~primary or statewide~~]  
21 elections; provided that if the legislature does not provide  
22 for runoff elections for nonpartisan elections, the person who  
23 receives the highest number of votes for [~~any~~] a nonpartisan  
24 office [~~except as provided in this section, and except in the~~  
25 ~~cases of the offices of governor and lieutenant governor~~] shall

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1 be declared elected to that office. [~~The joint candidates~~  
2 ~~receiving the highest number of votes for the offices of~~  
3 ~~governor and lieutenant governor shall be declared elected to~~  
4 ~~those offices.~~]

5 C. Primary elections for partisan offices shall be  
6 conducted as nonpartisan open primary elections. A qualified  
7 elector who is eligible to vote, regardless of political party  
8 affiliation or no political party affiliation, shall be allowed  
9 to vote in a nonpartisan open primary election.

10 D. All candidates for a partisan office in a  
11 nonpartisan open primary election shall be listed on a single  
12 primary election ballot. Candidates for the offices of  
13 governor and lieutenant governor shall be considered joint  
14 candidates and listed as a governor-lieutenant governor ticket.  
15 A candidate in a nonpartisan open primary election may choose  
16 to have the candidate's political party affiliation or no  
17 political party affiliation designated on the ballot.  
18 Designation of a political party affiliation by a candidate  
19 shall not constitute or imply the nomination, endorsement or  
20 selection of the candidate by the political party designated;  
21 provided that a political party may choose, with the consent of  
22 the candidate, to have its candidate endorsement for each  
23 office indicated on the primary election ballot; and provided  
24 further that a political party may only endorse one candidate  
25 for each office. The five candidates, or governor-lieutenant

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1 governor tickets, that receive the highest numbers of votes  
2 cast in a nonpartisan open primary election for a partisan  
3 office shall appear on the general election ballot for that  
4 office. No other names shall appear on the general election  
5 ballot for those offices.

6 E. Instant runoffs by ranked choice voting shall be  
7 used for general elections for partisan offices. The general  
8 election ballot shall provide the opportunity to mark a first  
9 choice, second choice, third choice, fourth choice and fifth  
10 choice for each office or offices appearing on the ballot if  
11 that many candidates or governor-lieutenant governor tickets  
12 qualify for the general election ballot. A qualified elector  
13 who is eligible to vote is not required to mark any choices for  
14 an office in a general election, and if the qualified elector  
15 does not mark any choices for an office, any other votes cast  
16 on the qualified elector's ballot shall not be invalidated. A  
17 political party may choose, with the consent of the candidate,  
18 to have its candidate endorsement for each office indicated on  
19 the general election ballot and may endorse a different  
20 candidate in the general election than the party endorsed in  
21 the primary election.

22 F. For a general election instant runoff, vote  
23 tabulation shall be conducted in rounds. Each ballot shall  
24 count in a round of tabulation as a vote for its highest-ranked  
25 candidate, or governor-lieutenant governor ticket, who has not

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1 been eliminated as provided in this subsection. If a candidate  
2 or governor-lieutenant governor ticket receives a majority of  
3 votes after a round of tabulation, that candidate or  
4 governor-lieutenant governor ticket shall be declared the  
5 winner. If no candidate or governor-lieutenant governor ticket  
6 receives a majority of votes after a round of tabulation, the  
7 candidate or governor-lieutenant governor ticket with the  
8 fewest votes shall be eliminated and a new round of tabulation  
9 shall begin. This instant runoff process shall repeat until a  
10 candidate or governor-lieutenant governor ticket receives a  
11 majority of votes and is declared the winner.

12 G. The provisions of Subsections C through F of  
13 this section shall be self-executing.

14 [~~G.~~] H. In a municipal election, the candidate that  
15 receives the [~~most~~] highest number of votes for an office shall  
16 be declared elected to that office, unless the municipality has  
17 provided for runoff elections. A municipality may provide for  
18 runoff elections as follows:

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

22 (2) a municipality that has adopted a charter  
23 pursuant to Article 10, Section 6 of the constitution of New  
24 Mexico, and prior to the adoption of this amendment the charter  
25 provided for runoff elections, shall hold runoff elections

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1 pursuant to the charter; or

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

7 SECTION 3. The amendment proposed by this resolution  
8 shall be submitted to the people for their approval or  
9 rejection at the next general election or at any special  
10 election prior to that date that may be called for that  
11 purpose.