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SENATE JOINT RESOLUTION 10

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

INTRODUCED BY

Cliff R. Pirtle

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 1 OF THE
CONSTITUTION OF NEW MEXICO TO PROVIDE THAT A LAW ENACTED BY THE
LEGISLATURE MAY BE REPEALED BY RESOLUTIONS OF THREE-FOURTHS OF
THE COUNTIES IN THE STATE EXPRESSING OBJECTION TO THE LAW AND
ASSENTING TO ITS REPEAL.

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

SECTION 1. It is proposed to amend Article 4, Section 1
of the constitution of New Mexico to read:

A. The legislative power shall be vested in a
senate and house of representatives, which shall be designated
the legislature of the state of New Mexico, and shall hold its
sessions at the seat of government.

B. The people reserve the power to disapprove,
suspend and annul any law enacted by the legislature, except

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1 general appropriation laws; laws providing for the preservation
2 of the public peace, health or safety; for the payment of the
3 public debt or interest thereon, or the creation or funding of
4 the same, except as in this constitution otherwise provided;
5 for the maintenance of the public schools or state
6 institutions, and local or special laws. Petitions
7 disapproving any law other than those above excepted, enacted
8 at the last preceding session of the legislature, shall be
9 filed with the secretary of state not less than four months
10 prior to the next general election. Such petitions shall be
11 signed by not less than ten ~~[per-centum]~~ percent of the
12 qualified electors of each of three-fourths of the counties and
13 in the aggregate by not less than ten ~~[per-centum]~~ percent of
14 the qualified electors of the state, as shown by the total
15 number of votes cast at the last preceding general election.
16 The question of the approval or rejection of such law shall be
17 submitted by the secretary of state to the electorate at the
18 next general election; and if a majority of the legal votes
19 cast thereon, and not less than forty ~~[per-centum]~~ percent of
20 the total number of legal votes cast at such general election,
21 be cast for the rejection of such law, it shall be annulled and
22 thereby repealed with the same effect as if the legislature had
23 then repealed it, and such repeal shall revive any law repealed
24 by the act so annulled; otherwise, it shall remain in force
25 unless subsequently repealed by the legislature. If such

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1 petition or petitions be signed by not less than twenty-five
2 [~~per centum~~] percent of the qualified electors under each of
3 the foregoing conditions, and be filed with the secretary of
4 state within ninety days after the adjournment of the session
5 of the legislature at which such law was enacted, the operation
6 thereof shall be thereupon suspended and the question of its
7 approval or rejection shall be likewise submitted to a vote at
8 the next ensuing general election. If a majority of the votes
9 cast thereon and not less than forty [~~per centum~~] percent of
10 the total number of votes cast at such general election be cast
11 for its rejection, it shall be thereby annulled; otherwise, it
12 shall go into effect upon publication of the certificate of the
13 secretary of state declaring the result of the vote thereon.
14 It shall be a felony for any person to sign any such petition
15 with any name other than [~~his~~] the person's own, or to sign
16 [~~his~~] the person's own name more than once for the same
17 measure, or to sign such petition when [~~he~~] the person is not a
18 qualified elector in the county specified in such petition;
19 provided, that nothing herein shall be construed to prohibit
20 the writing thereon of the name of any person who cannot write,
21 and who signs the same with [~~his~~] the person's mark. The
22 legislature shall enact laws necessary for the effective
23 exercise of the power hereby reserved.

24 C. Notwithstanding the provisions of Subsections A
25 and B of this section, a law enacted by the legislature shall

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1 be annulled and thereby repealed with the same effect as if the
2 legislature had repealed the law if, within ninety days after
3 adjournment of the legislative session in which the law was
4 enacted, three-fourths of the total number of counties by duly
5 passed resolutions of their boards of county commissioners
6 express their objection to the law and assent to its repeal and
7 thereafter file those resolutions with the secretary of state.

8 D. If, within the time period described in
9 Subsection C of this section, the secretary of state has
10 received resolutions passed by the board of county
11 commissioners of three-fourths or more of the total number of
12 counties, the secretary of state shall publish a certificate
13 stating that the requisite number of county resolutions have
14 been filed, that therefore the law that is the subject of the
15 resolutions is annulled and thereby repealed and that the
16 repeal revives any law that was repealed or amended by the law
17 that was annulled."

18 SECTION 2. The amendment proposed by this resolution
19 shall be submitted to the people for their approval or
20 rejection at the next general election or at any special
21 election prior to that date that may be called for that
22 purpose.