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HOUSE JOINT RESOLUTION 16

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY
JERRY LEE ALWIN

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF NEW
MEXICO TO REFORM THE JUDICIAL ELECTIVE PROCESS.

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

Section 1. It is proposed to amend Article 6, Section 4 of
the constitution of New Mexico to read:

"The supreme court of the state shall consist of at least
five justices who shall be ~~[chosen as provided in this~~
~~constitution]~~ elected at the next general election for terms of
eight years. One of the justices shall be selected as chief
justice as provided by law. "

Section 2. It is proposed to amend Article 6, Section 12
of the constitution of New Mexico to read:

"The state shall be divided into judicial districts as may
be provided by law. One or more judges shall be ~~[chosen]~~

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 elected for each district [~~as provided in this constitution~~] at
2 the next general election. The terms of office of the district
3 judges shall be six years and the terms shall be staggered as
4 provided by law. "

5 Section 3. It is proposed to amend Article 6, Section 14
6 of the constitution of New Mexico to read:

7 "The qualifications of the district judges shall be the
8 same as those of justices of the supreme court except that
9 district judges shall have been in the actual practice of law
10 for at least six years preceding assumption of office. Each
11 district judge shall reside in the district for which the judge
12 was elected [~~or appointed~~]. The increased qualifications
13 provided by this 1988 amendment shall not apply to district
14 judges serving at the time this amendment passes or elected at
15 the general election in 1988. "

16 Section 4. It is proposed to amend Article 6, Section 16
17 of the constitution of New Mexico to read:

18 "The legislature may increase the number of district judges
19 in any judicial district, and they shall be elected [~~or~~
20 ~~appointed~~] as other district judges [~~for that district~~]. At any
21 session after the publication of the census of the United States
22 in the year nineteen hundred and twenty, the legislature may
23 rearrange the districts of the state, increase the number
24 thereof, and make provision for a district judge for any
25 additional district. "

Underscored material = new
[bracketed material] = delete

1 Section 5. It is proposed to amend Article 6, Section 19
2 of the constitution of New Mexico to read:

3 "No justice of the supreme court, judge of the court of
4 appeals, judge of the district court or judge of a metropolitan
5 court, while serving, shall be nominated [~~appointed~~] or elected
6 to any other office in this state except a judicial office."

7 Section 6. It is proposed to amend Article 6, Section 28
8 of the constitution of New Mexico to read:

9 "The court of appeals shall consist of not less than seven
10 judges [~~who shall be chosen as provided in this constitution~~],
11 whose qualifications shall be the same as those of justices of
12 the supreme court and whose compensation and election for terms
13 of eight years shall be as provided by law. The increased
14 qualifications provided by this 1988 amendment shall not apply
15 to court of appeals judges serving at the time this amendment
16 passes or elected at the general election in 1988.

17 Three judges of the court of appeals shall constitute a
18 quorum for the transaction of business, and a majority of those
19 participating must concur in any judgment of the court.

20 When necessary, the chief justice of the supreme court may
21 designate any justice of the supreme court, or any district
22 judge of the state, to act as a judge of the court of appeals,
23 and the chief justice may designate any judge of the court of
24 appeals to hold court in any district, or to act as a justice of
25 the supreme court."

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