

HOUSE FLOOR SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION 11

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLES 5 AND 7 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW FOR, BUT NOT REQUIRE, RUNOFF ELECTIONS IN ALL ELECTIONS OTHER THAN PRIMARY ELECTIONS.

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

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

"The returns of every election for state officers shall be sealed up and transmitted to the secretary of state, who, with the governor and chief justice, shall constitute the state canvassing board which shall canvass and declare the result of the election. Unless a runoff election system is provided by law, the joint candidates having the highest number of votes cast for governor and lieutenant governor and the person having the highest number of votes for any other

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

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

9 "A. All elections shall be by ballot. [and]

10 B. The legislature may provide by law for runoff  
11 elections for all elections other than municipal or primary  
12 elections; if it does not provide for runoff elections, the  
13 person who receives the highest number of votes for any  
14 office, except in the cases of the offices of governor and  
15 lieutenant governor, shall be declared elected thereto, and  
16 the joint candidates receiving the highest number of votes for  
17 the offices of governor and lieutenant governor shall be  
18 declared elected to those offices.

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

24 (1) a municipality that has not adopted a  
25 charter pursuant to Article 10, Section 6 of the constitution

1 of New Mexico may provide by ordinance for runoff elections;

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

7 (3) a municipality that has adopted a charter  
8 pursuant to Article 10, Section 6 of the constitution of New  
9 Mexico may, subsequent to the adoption of this amendment,  
10 provide for runoff elections by a charter amendment adopted by  
11 majority vote of the qualified electors voting on the question  
12 in a municipal election. "

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

underscored material = new  
[bracketed material] = delete