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SENATE JOINT RESOLUTION 6
45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001
INTRODUCED BY
Joseph J. Carraro

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLES 6 AND 20 OF THE
CONSTITUTION OF NEW MEXICO TO ELIMINATE THE SELECTION AND
RETENTION OF JUSTICES AND JUDGES AND PROVIDE FOR THEIR
ELECTION.

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 general election for representatives in congress for a term 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

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[bracketed material] = delete

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1 of the constitution of New Mexico to read:

2 "The state shall be divided into judicial districts as
3 may be provided by law. One or more judges shall be chosen
4 for each district [~~as provided in this constitution~~] by the
5 qualified electors of the district at the election for
6 representatives in congress. The terms of office of the
7 district judges shall be six years."

8 Section 3. It is proposed to amend Article 6, Section 26
9 of the constitution of New Mexico to read:

10 "The legislature shall establish [a] magistrate [~~court~~]
11 courts, including metropolitan courts, to exercise limited
12 original jurisdiction as may be provided by law. Except as
13 provided by this section, the magistrate court shall be
14 composed of such districts and elective magistrates as may be
15 provided by law. Magistrates and metropolitan court judges
16 shall be qualified electors of, and reside in, their
17 respective districts, and the legislature shall prescribe
18 other qualifications. Magistrates and metropolitan court
19 judges shall be elected at general elections for terms of four
20 years. Magistrates and metropolitan court judges shall
21 receive compensation as may be provided by law [~~which~~
22 ~~compensation shall not be diminished during their term of~~
23 ~~office. Metropolitan court judges shall be chosen as provided~~
24 ~~in this constitution~~]. "

25 Section 4. It is proposed to amend Article 6, Section 28

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1 of the constitution of New Mexico to read:

2 "The court of appeals shall consist of not less than
3 [~~seven~~] ten judges [~~who shall be chosen as provided in this~~
4 ~~constitution~~], whose qualifications shall be the same as those
5 of justices of the supreme court and whose compensation and
6 election for terms of eight years shall be as provided by law.
7 The increased qualifications provided by [~~this~~] the 1988
8 amendment shall not apply to court of appeals judges serving
9 at the time [~~this~~] that amendment [~~passes~~] passed or elected
10 at the general election in 1988.

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

14 When necessary, the chief justice of the supreme court
15 may designate any justice of the supreme court, or any
16 district judge of the state, to act as a judge of the court of
17 appeals, and the chief justice may designate any judge of the
18 court of appeals to hold court in any district, or to act as a
19 justice of the supreme court."

20 Section 5. It is proposed to amend Article 6 of the
21 constitution of New Mexico by repealing Sections 33 through
22 37.

23 Section 6. It is proposed to amend Article 20, Section 4
24 of the constitution of New Mexico to read:

25 "If a vacancy occurs in the office of justice of the

underscored material = new
[bracketed material] = delete

1 supreme court, judge of the court of appeals, judge of the
2 district court, magistrate, metropolitan court judge, district
3 attorney or county commissioner, the governor shall fill such
4 vacancy by appointment, and such appointee shall hold such
5 office until the next general election. His successor shall
6 be chosen at such election and shall hold his office until the
7 expiration of the original term."

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