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**SENATE JOINT RESOLUTION 25**

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

**INTRODUCED BY**

**Cisco McSorley**

**A JOINT RESOLUTION**

**PROPOSING TO AMEND ARTICLES 5 AND 7 OF THE CONSTITUTION OF NEW  
MEXICO TO REQUIRE THAT CANDIDATES IN AN ELECTION BE ELECTED BY  
A MAJORITY VOTE USING INSTANT RUNOFF VOTING AND AUTHORIZING THE  
OPTION OF INSTANT RUNOFF OR PLURALITY VOTING IN PRIMARY AND  
MUNICIPAL 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 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. The joint candidates [~~having the highest number~~]**

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1 receiving a majority of the votes cast for governor and  
2 lieutenant governor and the person [~~having the highest number~~]  
3 receiving a majority of the votes for any other office, as  
4 shown by [~~said~~] the returns, shall be declared duly elected [~~If~~  
5 ~~two or more have an equal, and the highest, number of votes for~~  
6 ~~the same office or offices, one of them, or any two for whom~~  
7 ~~joint votes were cast for governor and lieutenant governor~~  
8 ~~respectively, shall be chosen therefor by the legislature on~~  
9 ~~joint ballot~~] to the office. If no candidate or pair of joint  
10 candidates receives a majority of votes cast, the winner shall  
11 be determined by using an instant runoff system as defined in  
12 Article 7, Section 5 of the constitution of New Mexico."

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

15 "A. All elections shall be by ballot. [~~and the~~  
16 ~~person who receives the highest number of votes for any office,~~  
17 ~~except in the cases of the offices of governor and lieutenant~~  
18 ~~governor, shall be declared elected thereto. The joint~~  
19 ~~candidates receiving the highest number of votes for the~~  
20 ~~offices of governor and lieutenant governor shall be declared~~  
21 ~~elected to those offices] In all elections, except as provided  
22 in Subsection C of this section, the candidate who receives a  
23 majority of the votes cast for any office, except in the case  
24 of the offices of governor and lieutenant governor, shall be  
25 declared elected. The pair of joint candidates receiving a~~

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1 majority of votes for the offices of governor and lieutenant  
2 governor shall be declared elected to those offices. If no  
3 candidate or pair of joint candidates receives a majority of  
4 votes cast, the winner shall be determined using an instant  
5 runoff voting system as defined in this section. If, after  
6 completion of the instant runoff, there is a tie in the number  
7 of votes cast for any office, the winner shall be chosen in a  
8 manner established by law.

9 B. "Instant runoff voting" means a voting system of  
10 single transferable votes that allows a voter the option to  
11 rank at least two candidates for each office so that if no  
12 candidate receives a majority of first-choice votes, the second  
13 choice of the voters choosing the candidate with the lowest  
14 number of first-choice votes shall automatically transfer to  
15 the remaining candidates and be counted as first-choice votes  
16 for those candidates.

17 C. In lieu of instant runoff voting, a municipality  
18 may provide by charter or by ordinance for runoff elections or  
19 plurality elections."

20 Section 3. The amendment proposed by this resolution  
21 shall be submitted to the people for their approval or  
22 rejection at the next general election or at any special  
23 election prior to that date which may be called for that  
24 purpose.