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SENATE BILL 239

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Lidio G. Rainaldi

AN ACT

RELATING TO THE SUPREME COURT; PROVIDING THAT THE CHIEF JUSTICE OF THE SUPREME COURT BE ELECTED IN APRIL OF EACH EVEN-NUMBERED YEAR.

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

Section 1. Section 34-2-1 NMSA 1978 (being Laws 1929, Chapter 9, Section 1, as amended) is amended to read:

"34-2-1. SUPREME COURT JUSTICES--NUMBER--ELECTION BY POSITION--ELECTION OF CHIEF JUSTICE.--

A. There shall be five justices of the supreme court.

B. In any election where more than one justice is to be nominated or elected for a term of the same length, the officer issuing the election proclamation shall designate as many positions, numbered consecutively, as there are places to

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1 be filled for terms of the same length. Each of these places  
2 shall be identified by the position number in all nominations  
3 and elections.

4 C. At ~~[the]~~ their first ~~[session of the supreme~~  
5 ~~court in the month of January following the effective date of~~  
6 ~~this act, and biennially in January thereafter]~~ meeting in  
7 April of each even-numbered year, the justices of the supreme  
8 court shall, by a majority vote, designate one of their number,  
9 not appointed, to serve as chief justice. In the absence of  
10 the chief justice, the senior justice present at the seat of  
11 government shall exercise the powers of chief justice.  
12 Seniority shall be determined by the length of present  
13 continuous service on the supreme court. In the event of a  
14 vacancy in the office of chief justice, the justices shall, by  
15 majority vote, designate one of their eligible number to serve  
16 for the remainder of the term."

17 Section 2. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2009.

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