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SENATE BILL 254

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Lynda M. Lovejoy

AN ACT

RELATING TO THE LEGISLATURE; REQUIRING A COUNTY COMMISSION IN SOME INSTANCES TO SUBMIT MORE THAN ONE NAME TO FILL A LEGISLATIVE VACANCY.

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

Section 1. Section 2-8D-4 NMSA 1978 (being Laws 2002, Chapter 98, Section 4) is amended to read:

"2-8D-4. ELECTIONS--VACANCIES.--

A. Members of the senate shall be elected for terms of four years.

B. If a vacancy occurs in the office of senator for any reason, the vacancy shall be filled as follows:

(1) for a senate district that is situated wholly within the exterior boundaries of a single county, the board of county commissioners of that county shall appoint the

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1 senator to fill the vacancy; and

2 (2) for a senate district situated within two  
3 or more counties:

4 (a) the board of county commissioners of  
5 each county in the senate district shall submit one name to the  
6 governor, provided, however, that if a board of county  
7 commissioners submits the name of a member of that board, the  
8 board shall submit at least one additional name of a person who  
9 is not a member of that board; and

10 (b) the governor shall appoint the  
11 senator to fill the vacancy from the list of names so  
12 submitted.

13 C. An appointment to fill a vacancy in the senate  
14 shall be for a term ending on December 31 after the next  
15 general election.

16 D. An appointment to fill a vacancy made before the  
17 general election of 2004 shall be made from the district as it  
18 was described in Laws 1991 (1st S.S.), Chapter 3, Sections 7  
19 through 48. After the general election of 2004, a vacancy  
20 shall be filled by appointment from the district set out in the  
21 2002 Senate Redistricting Act."

22 Section 2. Section 2-7C-5 NMSA 1978 (being Laws 1991 (1st  
23 S.S.), Chapter 2, Section 5) is amended to read:

24 "2-7C-5. ELECTIONS--VACANCIES.--

25 A. Members of the house of representatives shall be

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1 elected for terms of two years.

2 B. If a vacancy occurs in the office of  
3 representative for any reason, the vacancy shall be filled as  
4 follows:

5 (1) in any representative district situated  
6 wholly within the exterior boundaries of a single county, by  
7 appointment [of] by the board of county commissioners of that  
8 county; and

9 (2) in any representative district situated  
10 within an area composed of two or more counties, by the  
11 following method:

12 (a) the board of county commissioners of  
13 each county in the representative district shall submit one  
14 name to the governor, provided, however, that if a board of  
15 county commissioners submits the name of a member of that  
16 board, the board shall submit at least one additional name of a  
17 person who is not a member of that board; and

18 (b) the governor shall appoint the  
19 representative to fill the vacancy from the list of names so  
20 submitted.

21 C. All appointments to fill vacancies in the house  
22 of representatives shall be for a term ending on December 31  
23 subsequent to the next succeeding general election."