

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION 1

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF
NEW MEXICO BY ALLOWING THE DEAN OF THE UNIVERSITY OF NEW MEXICO
SCHOOL OF LAW TO APPOINT A DESIGNEE TO THE APPELLATE JUDGES
NOMINATING COMMISSION.

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

SECTION 1. It is proposed to amend Article 6, Section 35
of the constitution of New Mexico to read:

"There is created the "appellate judges nominating
commission", consisting of: the chief justice of the supreme
court or the chief justice's designee from the supreme court;
two judges of the court of appeals appointed by the chief judge
of the court of appeals; the governor, the speaker of the house
of representatives and the president pro tempore of the senate
shall each appoint two persons, one of whom shall be an

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1 attorney licensed to practice law in this state and the other
2 who shall be a citizen who is not licensed to practice law in
3 any state; the dean of the university of New Mexico school of
4 law ~~[who]~~ or the dean's designee, who shall be an associate
5 dean, a faculty member, a retired faculty member or a former
6 dean of the university of New Mexico school of law; the dean or
7 the dean's designee shall serve as chair of the commission and
8 shall vote only in the event of a tie vote; and four members of
9 the state bar of New Mexico, representing civil and criminal
10 prosecution and defense, appointed by the president of the
11 state bar and the judges on the commission.

12 The appointments shall be made in such manner that each of
13 the two largest major political parties, as defined by the
14 Election Code, shall be equally represented on the commission.
15 If necessary, the president of the state bar and the judges on
16 the commission shall make the minimum number of additional
17 appointments of members of the state bar as is necessary to
18 make each of the two largest major political parties be equally
19 represented on the commission. These additional members of the
20 state bar shall be appointed such that the diverse interests of
21 the state bar are represented. The dean of the university of
22 New Mexico school of law shall be the final arbiter of whether
23 such diverse interests are represented. Members of the
24 commission shall be appointed for terms as may be provided by
25 law. If a position on the commission becomes vacant for any

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1 reason, the successor shall be selected by the original
2 appointing authority in the same manner as the original
3 appointment was made and shall serve for the remainder of the
4 term vacated.

5 The commission shall actively solicit, accept and evaluate
6 applications from qualified lawyers for the position of justice
7 of the supreme court or judge of the court of appeals and may
8 require an applicant to submit any information it deems
9 relevant to the consideration of the application.

10 Upon the occurrence of an actual vacancy in the office of
11 justice of the supreme court or judge of the court of appeals,
12 the commission shall meet within thirty days and within that
13 period submit to the governor the names of persons qualified
14 for the judicial office and recommended for appointment to that
15 office by a majority of the commission.

16 Immediately after receiving the commission nominations,
17 the governor may make one request of the commission for
18 submission of additional names, and the commission shall
19 promptly submit such additional names if a majority of the
20 commission finds that additional persons would be qualified and
21 recommends those persons for appointment to the judicial
22 office. The governor shall fill a vacancy or appoint a
23 successor to fill an impending vacancy in the office of justice
24 of the supreme court or judge of the court of appeals within
25 thirty days after receiving final nominations from the

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1 commission by appointing one of the persons nominated by the
2 commission for appointment to that office. If the governor
3 fails to make the appointment within that period or from those
4 nominations, the appointment shall be made from those
5 nominations by the chief justice or the acting chief justice of
6 the supreme court. The person appointed shall serve until the
7 first general election following one year after appointment.
8 The appointee's successor shall be chosen at such election and
9 shall hold the office until the expiration of the term in
10 effect at the time of election."

11 SECTION 2. The amendment proposed by this resolution
12 shall be submitted to the people for their approval or
13 rejection at the next general election or at any special
14 election prior to that date that may be called for that
15 purpose.

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