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SENATE JOINT RESOLUTION 10

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Cliff R. Pirtle

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 1 OF THE  
CONSTITUTION OF NEW MEXICO TO PROVIDE THAT A LAW ENACTED BY THE  
LEGISLATURE MAY BE REPEALED BY RESOLUTIONS OF THREE-FOURTHS OF  
THE COUNTIES IN THE STATE EXPRESSING OBJECTION TO THE LAW AND  
ASSENTING TO ITS REPEAL.

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

SECTION 1. It is proposed to amend Article 4, Section 1  
of the constitution of New Mexico to read:

"A. The legislative power shall be vested in a  
senate and house of representatives, which shall be designated  
the legislature of the state of New Mexico, and shall hold its  
sessions at the seat of government.

B. The people reserve the power to disapprove,  
suspend and annul any law enacted by the legislature, except

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1 general appropriation laws; laws providing for the preservation  
2 of the public peace, health or safety; for the payment of the  
3 public debt or interest thereon, or the creation or funding of  
4 the same, except as in this constitution otherwise provided;  
5 for the maintenance of the public schools or state  
6 institutions, and local or special laws. Petitions  
7 disapproving any law other than those above excepted, enacted  
8 at the last preceding session of the legislature, shall be  
9 filed with the secretary of state not less than four months  
10 prior to the next general election. Such petitions shall be  
11 signed by not less than ten [~~per centum~~] percent of the  
12 qualified electors of each of three-fourths of the counties and  
13 in the aggregate by not less than ten [~~per centum~~] percent of  
14 the qualified electors of the state, as shown by the total  
15 number of votes cast at the last preceding general election.  
16 The question of the approval or rejection of such law shall be  
17 submitted by the secretary of state to the electorate at the  
18 next general election; and if a majority of the legal votes  
19 cast thereon, and not less than forty [~~per centum~~] percent of  
20 the total number of legal votes cast at such general election,  
21 be cast for the rejection of such law, it shall be annulled and  
22 thereby repealed with the same effect as if the legislature had  
23 then repealed it, and such repeal shall revive any law repealed  
24 by the act so annulled; otherwise, it shall remain in force  
25 unless subsequently repealed by the legislature. If such

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1 petition or petitions be signed by not less than twenty-five  
2 [~~per centum~~] percent of the qualified electors under each of  
3 the foregoing conditions, and be filed with the secretary of  
4 state within ninety days after the adjournment of the session  
5 of the legislature at which such law was enacted, the operation  
6 thereof shall be thereupon suspended and the question of its  
7 approval or rejection shall be likewise submitted to a vote at  
8 the next ensuing general election. If a majority of the votes  
9 cast thereon and not less than forty [~~per centum~~] percent of  
10 the total number of votes cast at such general election be cast  
11 for its rejection, it shall be thereby annulled; otherwise, it  
12 shall go into effect upon publication of the certificate of the  
13 secretary of state declaring the result of the vote thereon.  
14 It shall be a felony for any person to sign any such petition  
15 with any name other than [~~his~~] the person's own, or to sign  
16 [~~his~~] the person's own name more than once for the same  
17 measure, or to sign such petition when [~~he~~] the person is not a  
18 qualified elector in the county specified in such petition;  
19 provided, that nothing herein shall be construed to prohibit  
20 the writing thereon of the name of any person who cannot write,  
21 and who signs the same with [~~his~~] the person's mark. The  
22 legislature shall enact laws necessary for the effective  
23 exercise of the power hereby reserved.

24 C. Notwithstanding the provisions of Subsection B  
25 of this section, a law enacted by the legislature shall be

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1 annulled and thereby repealed with the same effect as if the  
2 legislature had repealed the law if, within ninety days after  
3 adjournment of the legislative session in which the law was  
4 enacted, three-fourths of the total number of counties by duly  
5 passed resolutions of their boards of county commissioners  
6 express their objection to the law and assent to its repeal and  
7 thereafter file those resolutions with the secretary of state.

8 D. If, within the time period described in  
9 Subsection C of this section, the secretary of state has  
10 received resolutions passed by the board of county  
11 commissioners of three-fourths or more of the total number of  
12 counties, the secretary of state shall publish a certificate  
13 stating that the requisite number of county resolutions have  
14 been filed, that therefore the law that is the subject of the  
15 resolutions is annulled and thereby repealed and that the  
16 repeal revives any law that was repealed or amended by the law  
17 that was annulled."

18 SECTION 2. The amendment proposed by this resolution  
19 shall be submitted to the people for their approval or  
20 rejection at the next general election or at any special  
21 election prior to that date that may be called for that  
22 purpose.