SENATE BILL 266

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Daniel A. Ivey-Soto and Katy Duhigg

AN ACT

RELATING TO NONPARTISAN JUDICIAL RETENTION; STAGGERING THE TERMS OF DISTRICT COURT JUDGES AND METROPOLITAN COURT JUDGES; PROVIDING LEGISLATIVE FINDINGS FOR THE STAGGERING OF TERMS.

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

SECTION 1. Section 1-26-5 NMSA 1978 (being Laws 2019, Chapter 212, Section 176) is amended to read:

"1-26-5. JUDICIAL RETENTION--DISTRICT COURT JUDGES.--

A. Each eligible district court judge shall be subject to retention or rejection at the general election in the last year of the six-year term of office for the position in which the judge is serving.

B. Terms of office for positions on the district court in each judicial district shall be staggered, as follows:

(1) the term of office for division 1 and for

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every third division number thereafter shall expire in [~~2020~~] 2026 and every six years thereafter;

(2) the term of office for division 2 and for every third division number thereafter shall expire in [~~2022~~] 2028 and every six years thereafter; and

(3) the term of office for division 3 and for every third division number thereafter shall expire in 2024 and every six years thereafter.

C. The administrative office of the courts shall maintain current on its website a list of the names of the currently serving judges of each judicial district and the year in which the term of office for each position expires.

D. The initial term of office for a newly created district court judgeship shall be staggered in accordance with the provisions of Subsection B of this section, even if the result is a shortened first term for the office.

[~~D.~~] E. As used in this section, "division" means the divisions established pursuant to Section 34-6-18 NMSA 1978."

SECTION 2. Section 1-26-6 NMSA 1978 (being Laws 2019, Chapter 212, Section 177) is amended to read:

"1-26-6. JUDICIAL RETENTION--METROPOLITAN COURT JUDGES.--

A. Each eligible metropolitan court judge shall be subject to retention or rejection at the general election in the last year of the four-year term of office for the position

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in which the judge is serving.

B. Terms of office for positions on each metropolitan court shall be staggered, as follows:

(1) the term of office for division 1 and for every second division number thereafter shall expire in [~~2022~~] 2024 and every four years thereafter; and

(2) the term of office for division 2 and for every second division number thereafter shall expire in [~~2024~~] 2022 and every four years thereafter.

C. The administrative office of the courts shall maintain current on its website a list of the names of the currently serving judges of the metropolitan court and the year in which the term of office for each position expires.

D. The initial term of office for a newly created metropolitan court judgeship shall be staggered in accordance with the provisions of Subsection B of this section, even if the result is a shortened first term for the office.

[~~D.~~] E. As used in this section, "division" means the divisions established pursuant to Subsection B of Section 34-8A-4 NMSA 1978."

SECTION 3. TEMPORARY PROVISION--LEGISLATIVE FINDINGS.--Pursuant to Article 20, Section 3 of the constitution of New Mexico, the legislature finds that the judicial term adjustments provided for district court judges in Section 1 of this 2021 act and for metropolitan court judges in Section 2 of

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this 2021 act are needed to:

A. balance the number of judicial positions appearing on the ballot in any one election cycle;

B. enable more effective evaluation of judges by the judicial performance evaluation commission; and

C. create greater continuity of judges at the trial court level by not having all judges up for judicial retention in the same election cycle.

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