

Bonds & Amendments

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no candidates are nominated for or elected to office. Current law also prohibits mail-in ballots from being combined with an election that also requires in-person voting at a polling place.

Constitutional Amendment No. 2

A joint resolution proposing an amendment to Article 10, Section 1 of the Constitution of New Mexico to allow for midterm salary increases for county officers.

Brief Analysis

The Constitution of New Mexico currently provides that salaries of county officers cannot be increased during their term of office. Constitutional Amendment No. 2 proposes to amend Article 10, Section 1 of the Constitution of New Mexico to allow county commissions to give midterm salary increases to county officers such as the sheriff, assessor, treasurer, clerk, surveyor and probate judge. The proposed amendment would also allow county commissioners to give themselves a midterm raise.

Arguments For:

1. This amendment will allow counties to keep experienced and knowledgeable elected county officials by offering a midterm financial incentive to help offset rising costs of living.
2. County commissioners can withhold pay increases when performance has been unsatisfactory. Commissioners are elected officials, so any perceived abuse of this power can be addressed by the voters at the polls.
3. Currently, county commissioners who serve staggered terms may be receiving different salaries while serving on the same board. This amendment would help avoid pay differential problems for county commissioners.
4. The legislature has already limited the amount of compensation that different classes of counties may pay their elected officials, so midterm increases should not result in outrageous salary increases for county officers.

Arguments Against:

1. With the approval of this amendment, incumbent county commissioners may now vote to give themselves a pay raise, instead of only being able to give a pay raise to commissioners elected for the next term.
2. Public officers may be encouraged to pressure county commissioners and legislators to increase compensation for incumbent politicians.
3. Allowing county commissioners to vote to increase their own salaries during their terms of office may be an irresistible temptation that results in increased costs for taxpayers.
4. If other revenue in the county decreases after salaries have been increased, it might be difficult for a smaller county to sustain its budget and level of services.

5. Prohibitions against increasing the compensation of public officers during their terms of office can be found in other states.

Constitutional Amendment No. 3

A joint resolution proposing an amendment to Article 5 of the Constitution of New Mexico to require confirmation of cabinet secretaries at the beginning of each term of a governor.

Brief Analysis

Current law requires that cabinet secretaries be confirmed by the state senate, but, once confirmed, a secretary serves at the pleasure of the governor. Constitutional Amendment No. 3 proposes to add a new section to Article 5 of the Constitution of New Mexico that would require that the heads of all cabinet-level departments or agencies whose appointment is subject to confirmation by the state senate be reconfirmed at the beginning of each term of a governor.

Arguments For:

1. This proposed amendment will give voters, through their elected state senators, a greater influence on the choice of cabinet secretaries.
2. Reconfirmation hearings will give the senate a chance to re-evaluate the appointee's abilities to perform critical tasks.
3. New Mexico taxpayers deserve to have "their employees" go through a job-retention evaluation process.
4. Since the governor is required to run for re-election, cabinet-level officials should also be reconfirmed by the senate if the governor is re-elected.

Arguments Against:

1. The original confirmation process presumably involved investigating issues of qualification for the appointment. If there has been malfeasance or misfeasance, other remedies would apply.
2. Having the senate conduct unnecessary additional confirmation hearings will interfere with the smooth flow of legislative business and will take time away from the senate's other important duties: introducing, debating, and voting on legislation.
3. Continuity in government allows relationships to develop and expertise to build among executive secretaries and agencies. This process should not be interrupted for reasons that have more to do with politics than with policy.
4. Once an appointee is on the job, it is up to the governor to determine if the appointee is performing well.
5. The amendment is unclear in several respects, which might lead to future litigation.

Constitutional Amendment No. 4

A joint resolution proposing to amend Article 7, Section 1 of the Constitution of New Mexico to allow school elections to

be held at the same time as non-partisan elections.

Brief Analysis

Constitutional Amendment No. 4 proposes to amend Article 7, Section 1 of the Constitution of New Mexico to allow school elections to be held at the same time as non-partisan elections. The constitution currently prohibits school elections from being held with any other election. Non-partisan elections include municipal elections, bond elections, hospital elections, conservancy district elections, and other special district elections.

Arguments For:

1. Voter participation in school board elections will be increased by allowing school board elections to be held with other non-partisan elections such as municipal elections.
2. Combining school elections with other non-partisan elections will reduce the number of separate elections being held, make it more convenient for voters to participate in elections, and encourage involvement in local governance.
3. School district election costs will be lower if elections are combined with other non-partisan elections.
4. The prohibition on holding school elections in conjunction with other elections was established in the early 1900s, when women did not have the full right to vote and could only vote in school elections.

Arguments Against:

1. Separating school board elections from all other elections gives voters more direct access to school board candidates; school board election districts are smaller, so candidates can become better known to their communities without having to compete with other non-partisan election issues.
2. School elections should be held with regular general elections to ensure lower costs and a much higher voter turnout, but this amendment does not allow those elections to be combined.
3. Because the regular November general election is always a partisan election, schools will only have the option of holding their elections with non-partisan municipal or special district elections. There may be several local municipalities in each school district, and these municipalities may not have their elections on the same day. In that case, holding the school board election in conjunction with only one of those municipalities could unfairly favor that city's residents over residents of the other municipalities within the school district.
4. Adding public school board elections to existing ballots will make the combined ballot too long and confusing to voters.

Constitutional Amendment No. 5

A joint resolution proposing an amendment to Article 5 of the Constitution of New Mexico to provide that, in the case of a vacancy in the office of lieutenant governor,

the governor shall fill the vacancy by appointment with the consent of the senate.

Brief Analysis

Constitutional Amendment No. 5 proposes to amend Article 5 of the Constitution of New Mexico to provide that in the case of a vacancy in the office of the lieutenant governor, the governor will fill the vacancy by appointment, subject to the consent of an absolute majority of the senate. Current law does not provide a procedure for filling a vacancy in the lieutenant governor's position.

Arguments For:

1. Currently, the constitution has no provision for filling a lieutenant governor vacancy. This amendment provides for the appointment of a lieutenant governor by the governor with the concurrence of the senate, which is the way other vacancies in the executive cabinet are now filled.
2. Since the lieutenant governor serves both as president of the senate and as successor to the office of the governor, it is important to keep the position filled.
3. If there is no governor or lieutenant governor in office, the current law of succession allows for the secretary of state to become governor. This amendment would ensure that succession of the secretary of state would happen in only the rarest of circumstances.
4. The process for replacing a lieutenant governor provided by this amendment is fair and allows for the input of both the executive and legislative branches.
5. This proposal closely mirrors the federal constitution for filling a vacancy in the office of vice president, except that confirmation by only one chamber is required.

Arguments Against:

1. The lieutenant governor position is largely a ceremonial position, so there should be no need to provide for an appointment process. If it did become necessary, a special election could be held.
2. The only constitutional duty of the lieutenant governor is to preside over the senate. The president pro tempore of the senate can preside over the senate if the lieutenant governor cannot do so.
3. The primary duty of a lieutenant governor is to serve as the governor when the governor is absent from the state or when the governor can no longer serve. The constitution already provides for a succession to the governorship, so the vacancy should continue until a new lieutenant governor is elected by the voters.
4. This proposed amendment requires the governor to appoint a replacement lieutenant governor if that office becomes vacant. However, existing language in the constitution states that if a vacancy occurs in any state office except that of the lieutenant governor, the governor shall fill that office by appointment. This wording suggests that the governor cannot appoint a replacement lieutenant governor.
5. The New Mexico provision should be patterned after the U.S. Constitution and require the consent of both houses of the legislature, not just the senate.