



2022 General Election

Statewide Constitutional Amendments and General Obligation Bonds

To better inform the public about the important statewide questions on the ballot, before each General Election the New Mexico Secretary of State publishes the text of the proposed constitutional amendments and general obligation bonds. Voters can use this publication to research and better understand these questions before voting. Visit NMVOTE.ORG for more information and resources about the upcoming General Election.

IMPORTANT DATES FOR THE 2022 GENERAL ELECTION:

October 11: Voter registration (by mail or online) closes.
October 11: First day that absentee ballots can be mailed to voters (who have submitted an absentee application), and first day of early voting and same day registration (at the county clerk's office).
October 22: Expanded early voting begins at alternate voting locations. Same day registration is available at certain polling locations, please reach out to your county clerk for more information.
November 3: Last day to request an absentee ballot.
November 5: Last day of early voting.
November 8: General Election Day, same day registration is available at all locations across the state.

Constitutional Amendment 1:

Proposing an amendment to Article 12, Section 7 of the Constitution of New Mexico to provide for additional annual distributions of the permanent school fund for enhanced instruction for students at risk of failure, extending the school year, teacher compensation and early childhood education; requiring congressional approval for distributions for early childhood education.

Constitutional Amendment 2:

Proposing to amend Article 9, Section 14 of the Constitution of New Mexico to allow public investment to provide access to essential household services, including internet, energy, water, wastewater and other similar services as provided by law, upon the enactment of general implementing legislation by a majority vote of the members elected to each house of the Legislature.

Constitutional Amendment 3:

Proposing to amend Article 6, Section 35 of the Constitution of New Mexico to provide that an appointed judge serve at least one year before a general election is held for the office to which the judge was appointed.

Bond Question 1

The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed twenty-four million four hundred seventy thousand dollars (\$24,470,000) to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

Bond Question 2

The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nineteen million two hundred sixty-six thousand dollars (\$19,266,000) to make capital expenditures for academic, public school, tribal and public library resource acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

Bond Question 3

The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education, special schools and tribal schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed two hundred fifteen million nine hundred eighty-six thousand dollars (\$215,986,000) to make capital expenditures for certain higher education, special schools and tribal schools capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT SCHOOL FUND FOR ENHANCED INSTRUCTION FOR STUDENTS AT RISK OF FAILURE, EXTENDING THE SCHOOL YEAR, TEACHER COMPENSATION AND EARLY CHILDHOOD EDUCATION; REQUIRING CONGRESSIONAL APPROVAL FOR DISTRIBUTIONS FOR EARLY CHILDHOOD EDUCATION.

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

SECTION 1. It is proposed to amend Article 12, Section 7 of the constitution of New Mexico to read: "A. As used in this section, "land grant permanent funds" means the permanent school fund described in Article 12, Section 2 of this constitution and all other permanent funds derived from lands granted or confirmed to the state by the act of congress of June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an equal footing with the original states."

B. The land grant permanent funds shall be invested by the state investment officer in accordance with policy rules promulgated by the state investment council.

C. In making investments, the state investment officer, under the supervision of the state investment council, shall invest and manage the land grant permanent funds in accordance with the Uniform Prudent Investor Act.

D. The legislature may establish criteria for investing the land grant permanent funds if the criteria are enacted by a three-fourths' vote of the members elected to each house, but investment of the land grant permanent funds is subject to the following restrictions: (1) not more than sixty-five percent of the book value of the land grant permanent funds shall be invested at any given time in corporate stocks; (2) not more than ten percent of the voting stock of a corporation shall be held; and (3) stocks eligible for purchase shall be restricted to those stocks of businesses listed upon a national stock exchange or included in a nationally recognized list of stocks.

E. All additions to the land grant permanent funds and all earnings, including interest, dividends and capital gains from investment of the land grant permanent funds shall be credited to the land grant permanent funds.

F. The annual distributions from the land grant permanent funds to the beneficiaries specified in the Ferguson Act and the Enabling Act shall be five percent of the average of the year-end market values of the land grant permanent funds for the immediately preceding five calendar years.

G. In addition to the annual distributions made pursuant to Subsection F of this section, unless suspended pursuant to Subsection J of this section, an annual distribution of one and one-fourth percent of the average of the year-end market value of the permanent school fund for the immediately preceding five calendar years shall be made as provided in Subsection H of this section; provided that the additional distribution shall not be made in any fiscal year if the average of the year-end market values of the land grant permanent funds for the immediately preceding five calendar years is less than seventeen billion dollars (\$17,000,000,000).

H. Unless suspended pursuant to Subsection G or J of this section, the additional distribution from the permanent school fund provided for in Subsection G of this section shall be as follows and as provided by law: (1) forty percent of the additional distribution shall be for the public school permanent fund beneficiary for enhanced instruction for students at risk of failure, extending the school year and public school teacher compensation; and (2) sixty percent of the additional distribution shall be for the provision of early childhood education.

I. As used in this section, "early childhood education" means nonsectarian and nondenominational education for children until they are eligible for kindergarten.

J. The legislature, by a three-fifths' vote of the members elected to each house, may suspend any additional distribution provided for in Subsection G of this section."

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

SECTION 3. The distribution provided for in Paragraph (2) of Subsection H of Section 7 of Article 12 of the constitution of New Mexico shall not become effective without the consent of congress.

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

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

SECTION 1. It is proposed to amend Article 9, Section 14 of the constitution of New Mexico to read: "Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through H of this section.

A. Nothing in this section prohibits the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons.

B. Nothing in this section prohibits the state from establishing a veterans' scholarship program for Vietnam conflict veterans who are post-secondary students at educational institutions under the exclusive control of the state by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "Vietnam conflict veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces from New Mexico or who has lived in New Mexico for ten years or more and who has been awarded a Vietnam campaign medal for service in the armed forces of this country in Vietnam during the period from August 5, 1964 to the official termination date of the Vietnam conflict as designated by executive order of the president of the United States.

C. The state may establish by law a program of loans to students of the healing arts, as defined by law, for residents of the state who, in return for the payment of educational expenses, contract with the state to practice their profession for a period of years after graduation within areas of the state designated by law.

D. Nothing in this section prohibits the state or a county or municipality from creating new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses if this assistance is granted pursuant to general implementing legislation that is approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall include adequate safeguards to protect public money or other resources used for the purposes authorized in this subsection. The implementing legislation shall further provide that: (1) each specific county or municipal project providing assistance pursuant to this subsection need not be approved by the legislature but shall be approved by the county or municipality pursuant to procedures provided in the implementing legislation; and (2) each specific state project providing assistance pursuant to this subsection shall be approved by law.

E. Nothing in this section prohibits the state, or the instrumentality of the state designated by the legislature as the state's housing authority, or a county or a municipality from: (1) donating or otherwise providing or paying a portion of the costs of land for the construction on it of affordable housing; (2) donating or otherwise providing or paying a portion of the costs of construction or renovation of affordable housing or the costs of conversion or renovation of buildings into affordable housing; or (3) providing or paying the costs of financing or infrastructure necessary to support affordable housing projects.

F. The provisions of Subsection E of this section are not self-executing. Before the described assistance may be provided, enabling legislation shall be enacted by a majority vote of the members elected to each house of the legislature. This enabling legislation shall: (1) define "affordable housing"; (2) establish eligibility criteria for the recipients of land, buildings and infrastructure; (3) contain provisions to ensure the successful completion of affordable housing projects supported by assistance authorized pursuant to Subsection E of this section; (4) require a county or municipality providing assistance pursuant to Subsection E of this section to give prior formal approval by ordinance for a specific affordable housing assistance grant and include in the ordinance the conditions of the grant; (5) require prior approval by law of an affordable housing assistance grant by the state; and (6) require the governing body of the instrumentality of the state, designated by the legislature as the state's housing authority, to give prior approval, by resolution, for affordable housing grants that are to be given by the instrumentality.

G. Nothing in this section prohibits the state from establishing a veterans' scholarship program, for military war veterans who are post-secondary students at educational institutions under the exclusive control of the state and who have exhausted all educational benefits offered by the United States department of defense or the United States department of veterans affairs, by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "military war veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces or who has lived in New Mexico for ten years or more and who has been awarded a southwest Asia service medal, global war on terror service medal, Iraq campaign medal, Afghanistan campaign medal or any other medal issued for service in the armed forces of this country in support of any United States military campaign or armed conflict as defined by congress or by presidential executive order or any other campaign medal issued for service after August 1, 1990 in the armed forces of the United States during periods of armed conflict as defined by congress or by executive order.

H. Nothing in this section prohibits the state from expending state funds or resources for the purpose of providing essential services primarily for residential purposes if the assistance is granted pursuant to general implementing legislation approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall provide for accessibility to essential services primarily for residential purposes and include safeguards to protect public money and other public resources used for the purposes authorized in this subsection. As used in this subsection, "essential services" means infrastructure that allows internet, energy, water, wastewater or other similar services as provided by law."

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

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE OFFICE TO WHICH THE JUDGE WAS APPOINTED.

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 attorney licensed to practice law in this state and the other who shall be a citizen who is not licensed to practice law in any state; the dean of the university of New Mexico school of law, who shall serve as chair of the commission and shall vote only in the event of a tie vote; four members of the state bar of New Mexico, representing civil and criminal prosecution and defense, appointed by the president of the state bar and the judges on the commission. The appointments shall be made in such manner that each of the two largest major political parties, as defined by the Election Code, shall be equally represented on the commission. If necessary, the president of the state bar and the judges on the commission shall make the minimum number of additional appointments of members of the state bar as is necessary to make each of the two largest major political parties be equally represented on the commission. These additional members of the state bar shall be appointed such that the diverse interests of the state bar are represented. The dean of the university of New Mexico school of law shall be the final arbiter of whether such diverse interests are represented. Members of the commission shall be appointed for terms as may be provided by law. If a position on the commission becomes vacant for any reason, the successor shall be selected by the original appointing authority in the same manner as the original appointment was made and shall serve for the remainder of the term vacated.

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

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

Immediately after receiving the commission nominations, the governor may make one request of the commission for submission of additional names, and the commission shall promptly submit such additional names if a majority of the commission finds that additional persons would be qualified and recommends those persons for appointment to the judicial office. The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of justice of the supreme court or judge of the court of appeals within thirty days after receiving final nominations from the commission by appointing one of the persons nominated by the commission for appointment to that office. If the governor fails to make the appointment within that period or from those nominations, the appointment shall be made from those nominations by the chief justice or the acting chief justice of the supreme court. The person appointed shall serve until the first general election following one year after appointment. The appointee's successor shall be chosen at such election and shall hold the office until the expiration of the term in effect at the time of election."

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

AN ACT RELATING TO GENERAL OBLIGATION BONDS; AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL PROJECTS GENERAL OBLIGATION BONDS TO MAKE CAPITAL EXPENDITURES FOR SENIOR CITIZEN FACILITY IMPROVEMENTS, CONSTRUCTION AND ACQUISITIONS, FOR LIBRARY ACQUISITIONS AND FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS AT INSTITUTIONS OF HIGHER EDUCATION, STATE SPECIAL SCHOOLS AND TRIBAL SCHOOLS; PROVIDING FOR A PROPERTY TAX LEVY FOR PAYMENT OF PRINCIPAL OF, INTEREST ON AND CERTAIN COSTS RELATED TO THE BONDS; REQUIRING APPROVAL OF THE REGISTERED VOTERS AT THE 2022 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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