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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 every third division number thereafter shall expire in
2026 and every six years thereafter;

(2) the term of office for division 2 and
for every third division number thereafter shall expire in
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.

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

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

9 E. As used in this section, "division" means the
10 divisions established pursuant to Section 34-6-18 NMSA 1978."

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

13 "1-26-6. JUDICIAL RETENTION--METROPOLITAN COURT
14 JUDGES.--

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

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

21 (1) the term of office for division 1 and
22 for every second division number thereafter shall expire in
23 2024 and every four years thereafter; and

24 (2) the term of office for division 2 and
25 for every second division number thereafter shall expire in

1 2022 and every four years thereafter.

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

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

10 E. As used in this section, "division" means the
11 divisions established pursuant to Subsection B of Section
12 34-8A-4 NMSA 1978."

13 SECTION 3. TEMPORARY PROVISION--LEGISLATIVE FINDINGS.--

14 Pursuant to Article 20, Section 3 of the constitution of
15 New Mexico, the legislature finds that the judicial term
16 adjustments provided for district court judges in Section 1
17 of this 2021 act and for metropolitan court judges in Section
18 2 of this 2021 act are needed to:

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

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

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