

# **Joint Resolution to Admit the Territories of New Mexico and Arizona as States Into the Union Upon an Equal Footing With the Original States**

**(Joint Resolution of August 21, 1911, No. 8, 37  
Statutes at Large 39)**

## **Sec. 1. Conditions for admission**

The territories of New Mexico and Arizona are hereby admitted into the union upon an equal footing with the original states, in accordance with the terms of an act 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; and to enable the people of Arizona to form a constitution and state government and be admitted into the union on an equal footing with the original states" commonly called the Enabling Act approved June twentieth, nineteen hundred and ten, and upon the terms and conditions hereinafter set forth. The admission herein provided for shall take effect upon the proclamation of the president of the United States, when the conditions explicitly set forth in this joint resolution shall have been complied with, which proclamation shall issue at the earliest practicable time after the results of the election herein provided for shall have been certified to the president, and also after evidence shall have been submitted to him of the compliance with the terms and conditions of this resolution.

The president is authorized and directed to certify the adoption of this resolution to the governor of each territory as soon as practicable after the adoption hereof, and each of said governors shall issue his proclamation for the holding of the first general election as provided for in the constitution of New Mexico heretofore adopted and the election ordinance numbered two adopted by the constitutional convention of Arizona, respectively, and for the submission to a vote of the electors of said territories of the amendments of the constitutions of said proposed states, respectively, herein set forth in accordance with the terms and conditions of this joint resolution. The results of said elections shall be certified to the president by the governor of each of said territories; and if the terms and conditions of this joint resolution shall have been complied with, the proclamation shall immediately issue by the president announcing the result of said elections so ascertained, and upon the issuance of said proclamation the proposed state or states so complying shall be deemed admitted by congress into the union upon an equal footing with the other states.

## **Sec. 2. Subject to Texas boundary**

The admission of New Mexico shall be subject to the terms and conditions of a Joint Resolution approved February sixteenth, nineteen hundred and eleven, and entitled "Joint resolution reaffirming the boundary line between Texas and the territory of New Mexico."

### **Sec. 3. Constitutional amendment to be adopted**

Before the proclamation of the president shall issue announcing the result of said election in New Mexico, and at the same time that the state election aforesaid is held, the electors of New Mexico shall vote upon the following proposed amendment of their state constitution as a condition precedent to the admission of said state, to wit:

"ARTICLE XIX of the constitution, as adopted by the electors of New Mexico at an election held on the twenty-first day of January, anno Domini nineteen hundred and eleven, be, and the same is hereby, amended so as to read as follows:

" 'ARTICLE XIX

" 'AMENDMENT

" 'Section 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature at any regular session thereof; and if a majority of all members elected to each of the two houses voting separately shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon.

" 'The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the state, where a newspaper is published once each week, for four consecutive weeks, in English and Spanish when newspapers in both of said languages are published in such counties, the last publication to be not more than two weeks prior to the election at which time said amendment or amendments shall be submitted to the electors of the state for their approval or rejection; and the said amendment or amendments shall be voted upon at the next regular election held in said state after the adjournment of the legislature proposing such amendment or amendments, or at such special election to be held not less than six months after the adjournment of said legislature, at such time as said legislature may by law provide. If the same be ratified by a majority of the electors voting thereon such amendment or amendments shall become part of this constitution. If two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately: provided, that no amendment shall apply to or affect the provisions of Sections One and Three of Article VII hereof, on elective franchise, and Sections Eight and Ten of Article XII hereof, on education, unless it be proposed by a vote of three-fourths of the members elected to each house and be ratified by a vote of the people of this state in an election at which at least three-fourths of the electors voting in the whole state and at least two-thirds of those voting in each county in the state shall vote for such amendment.

" 'Sec. 2. Whenever, during the first twenty-five years after the adoption of this constitution, the legislature, by a three-fourths vote of the members elected to each house, or, after the expiration of said period of twenty-five years, by a two-thirds vote of the members elected to each house, shall deem it necessary to call a convention to revise or amend this constitution, they shall submit the question of calling such convention to the electors at the next general election, and if a majority of all the electors voting on such question at said election in the state shall vote in favor of calling a convention the legislature shall, at the next session, provide by law for calling the same. Such convention shall consist of at least as many delegates as there are members of the house of representatives. The constitution adopted by such convention shall have no validity until it has been submitted to and ratified by the people.

" 'Sec. 3. If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

" 'Sec. 4. When the United States shall consent thereto, the legislature, by a majority vote of the members in each house, may submit to the people the question of amending any provision of Article XXI of this constitution on compact with the United States to the extent allowed by the act of congress permitting the same, and if a majority of the qualified electors who vote upon any such amendment shall vote in favor thereof the said article shall be thereby amended accordingly.

" 'Sec. 5. The provisions of Section One of this article shall not be changed, altered or abrogated in any manner except through a general convention called to revise this constitution as herein provided.' "

## ANNOTATIONS

**Form of proposals.** — Congress did not require in the language of N.M. Const., art. XIX, § 2, set out in this section, that the constitutional convention present its proposals in any particular form. 1969 Op. Att'y Gen. No. 69-64.

### **Sec. 4. Balloting on required amendment**

The probate clerks of the several counties of New Mexico shall provide separate ballots for the use of the electors at said first state election for the purpose of voting upon said amendment. Said separate ballots shall be printed on paper of a blue tint, so that they may be readily distinguished from the white ballots provided for the election of county and state officers. Said separate ballots shall be delivered only to the election officers authorized by law to receive and have the custody of the ballot boxes for use at said election and shall be delivered by them only to the individual voter and only one ballot to each elector at the time he offers to vote at the said general election, and shall have the initials of two election officers of opposite political parties written by them upon the back thereof. Said separate ballot shall not be marked either for or against the said amendment at the time it is handed to the elector by the election officer, and if the

elector desires to vote upon said amendment, the ballot must be marked by the voter, unless he shall request one of the election officers to mark the same for him, in which case such election officer so called upon shall mark said ballot as such voter shall request. Any elector receiving such ballot shall return the same before leaving the polls to one of the election judges, who shall immediately deposit the same in the ballot box whether such ballot be marked or not. No ballots on said amendment except those so handed to said electors and so initialed shall be deposited in the ballot box or counted or canvassed. Said separate ballots shall have printed thereon the proposed amendment in both the English and the Spanish language[s]. There shall be placed on said ballots two blank squares with dimensions of one-half an inch and opposite one of said squares shall be printed in both the English and the Spanish language[s] the words "For constitutional amendment," and opposite the other blank square shall be printed in both the English and the Spanish language[s] the words "Against constitutional amendment."

Any elector desiring to vote for said amendment shall mark his ballot with a cross in the blank square opposite the words "For constitutional amendment," or cause the same to be so marked by an election officer as aforesaid, and any elector desiring to vote against said amendment shall mark his ballot with a cross in the blank square opposite the words "Against constitutional amendment," or cause the same to be so marked by an election officer as aforesaid.

## **Sec. 5. Canvass of votes on amendment; proclamation**

Said ballots shall be counted and canvassed by said election officers, and the returns of said election upon said amendment shall be made by said election officers direct to the secretary of the territory of New Mexico at Santa Fe, who, with the governor and chief justice of said territory, shall constitute a canvassing board; and they, or any two of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same. If a majority of the legal votes cast at said election upon said amendment shall be in favor thereof, the said canvassing board shall forthwith certify said result to the governor of the territory, together with the statement of votes cast upon the question of the ratification or rejection of said amendment; whereupon the governor of said territory shall by proclamation declare the said amendment a part of the constitution of the proposed state of New Mexico, and thereupon the same shall become and be a part of said constitution; but if the same shall fail of such majority, then Article XIX of the constitution of New Mexico as adopted on January twenty-first, nineteen hundred and eleven, shall remain a part of said constitution.

Except as herein otherwise provided, said election upon this amendment shall be in all respects subject to the election laws of New Mexico now in force.

## **Sec. 6. Enabling Act amendment**

The fifth clause of Section Two of "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; and to enable the people of Arizona to form a constitution and be admitted into the union on an equal footing with the original states," approved June twentieth, anno Domini nineteen hundred and ten, be, and the same is hereby, amended so as to read as follows:

"Fifth. That said state shall never enact any law restricting or abridging the right of suffrage on account of race, color or previous condition of servitude."

### **ANNOTATIONS**

**Compiler's notes.** — Section 7 of this act applied only to Arizona and required an amendment to its proposed constitution.