

New Mexico

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

New Mexico's consideration of the 22nd Amendment:

- The New Mexico legislature voted to ratify the 22nd Amendment on February 1, 1951.
- A similar measure to ratify the amendment failed in the 1949 legislative session after its Republican sponsor was unable to garner sufficient support.
- When the amendment came up for consideration again in 1951, both chambers of the legislature were controlled by Democrats. In the Senate, Democrats outnumbered Republicans 18 to 6, and in the House, Democrats controlled by a margin of 46 to 9.
- The Senate Concurrent Joint Resolution No. 3 was introduced on January 24, 1951 by Republican Senators T. C. Jaramillo, Margarito A. Baca, J. A. Des Georges and Filiberto Maestas.

Senate Joint Concurrent Resolution No.3 was read in full the third time preparatory to final passage.

Senator Jaramillo moved that Senate Joint Concurrent Resolution No.3 be placed on final passage subject to argument and debate. Motion carried.

Senator Jaramillo moved that Senate Joint Concurrent Resolution No. 3 do now pass. Motion seconded and roll call showed the following

Senators voting in the affirmative:

Baca, Brewster, Carpenter, DesGeorges, Eager, Espinoza, Gottlieb, Jaramillo, Maestas, Miller, Morrow, Smith and Zecca.

Senators voting in the negative were:

DeVargas, Gamble, Marquez, Melody, Montoya, Roach, Stringfellow and Wall. Senators Royall and Ginn were absent for this vote.

- The Senate passed the joint resolution on January 25, 1951 by a vote of 13 to 8 (with two absent).

- Following passage of the measure in the Senate, *The Albuquerque Journal* editorial page wrote: "New Mexico has only this session and the next to ratify an amendment that is a safeguard against continued tenure in office" noting that an attempt to lift the two term limits for the governorship was "snowed under in a special election in 1937."
- The House resolution to ratify the amendment was introduced by Democratic Representative I. M. Smalley.
- Upon motion by Rep. Smalley, the measure passed the House by a vote of 51 to 2 (with 2 excused) on February 1, 1951.

TWO-TERM LIMIT

The New Mexico Senate has approved a resolution to ratify the amendment to the federal constitution limiting the presidential tenure to two terms. Similar and prompt action by the House would make this the 28th state to ratify. Only nine more states would then have to ratify to make the amendment effective.

Inasmuch as 23 states are meeting this year, the chances for approval of the amendment appear to be brighter than at any time since submission in 1947 when 18 states ratified. Action on the amendment languished in subsequent years, with only two approvals in 1949 and one in 1950.

The nine required approvals must come by March 1, 1954. Thus New Mexico has only this session and the next to ratify an amendment that is a safeguard against continued tenure in office—a safeguard that is needed because of the increasing growth of federal bureaucracy and the millions of federal employees.

In the only popular expression of the people on tenure of office in this state, an amendment to our state constitution to lift the two-term limitation on the governorship was snowed under in a special election in 1937. That vote, even before the days when the presidential tenure became an issue, might be construed as an indication of the sentiments of the people, if there are any doubts on the part of the legislative representatives.

SJR3—Ratifies constitutional amendment limiting president to two terms (51-2).

SJR-3—U. S. constitutional amendment limiting President to two terms.

Cases involving 22nd Amendment in New Mexico:

- The only relevant case law from New Mexico interpreting the 22nd Amendment is a decision addressing Donald Trump's candidacy in 2024 that makes explicitly clear that the provision bars Trump, and any other president who has been elected twice, from being elected to the presidency for a third term.
- In *Castro v. Oliver*, the 10th Circuit Court of Appeals reviewed an attempt to remove President Trump from New Mexico's 2024 Republican primary ballot based on Section 3 of the 14th Amendment's disqualification clause due to Trump's participation in the January 6, 2021 insurrection at the United States Capitol. [No. 24-2007, 2025 WL 467099 \(10th Cir. 2025\)](#).
- While declaring Castro's suit as moot following the 2024 presidential election, the court explicitly addressed President Trump's ineligibility to pursue a third term under the 22nd Amendment. The court explained: "The Twenty-second Amendment, however, mandates that President Trump cannot be elected to another term after the current one. Hence, the possible injury to Mr. Castro of a future presidential candidacy of President Trump is, at best, highly speculative. See *Grinols v. Electoral Coll.*, 622 F. App'x 624, 625–26 (9th Cir. 2015) (challenge to President Obama's eligibility under the natural-born-citizen clause was moot and the repetition of the alleged wrong was rendered 'too remote and speculative' by the Twenty-second Amendment since he was serving his second term). This case must therefore be dismissed as moot." *Id.* at *2.