

HOUSE JOINT RESOLUTION 10

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Natalie Figueroa

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR THE CREATION OF AN INDEPENDENT REDISTRICTING COMMISSION TO DEVELOP AND ADOPT REDISTRICTING PLANS AS PROVIDED BY LAW FOR CONGRESSIONAL DISTRICTS, STATE LEGISLATIVE DISTRICTS AND THE DISTRICTS OF OTHER DISTRICTED STATE OFFICES.

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

SECTION 1. It is proposed to amend Article 4, Section 3 of the constitution of New Mexico to read:

"A. Senators shall not be less than twenty-five years of age and representatives not less than twenty-one years of age at the time of their election. If any senator or representative permanently removes ~~[his]~~ the senator's or representative's residence from or maintains no residence in the district from which ~~[he]~~ the senator or representative was

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1 elected, then ~~[he]~~ the senator or representative shall be
2 deemed to have resigned and ~~[his]~~ a successor shall be selected
3 as provided in Article 4, Section 4 of this ~~[article]~~
4 constitution. No person shall be eligible to serve in the
5 legislature who, at the time of qualifying, holds any office of
6 trust or profit with the state, county or national governments,
7 except notaries public and officers of the militia who receive
8 no salary.

9 B. The senate shall be composed of no more than
10 forty-two members elected from single-member districts.

11 C. The house of representatives shall be composed
12 of no more than seventy members elected from single-member
13 districts.

14 ~~[D. Once following publication of the official~~
15 ~~report of each federal decennial census hereafter conducted,~~
16 ~~the legislature may by statute reapportion its membership.]"~~

17 SECTION 2. It is proposed to amend Article 20 of the
18 constitution of New Mexico by adding a new section to read:

19 "A. By September 1 of the year of the federal
20 decennial census, an independent redistricting commission shall
21 be established to develop and adopt plans for the redistricting
22 of congressional districts, state legislative districts and the
23 districts of other districted state offices.

24 B. The redistricting commission shall consist of
25 nine members, three of whom are members of the largest

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1 political party, three of whom are members of the second
2 largest political party and three of whom are not members of
3 either of the two largest political parties. Each commissioner
4 shall be a registered qualified elector of New Mexico who has
5 not changed political party membership within the two years
6 immediately preceding appointment. A commissioner shall not
7 be, nor have been, within the ten years immediately preceding
8 the opening of the selection process, a federal or state
9 elected official, a gubernatorially appointed state agency
10 head, a relative in the first degree of consanguinity of any of
11 the preceding public officials or an officer of a political
12 party. A commissioner shall not have been, within the five
13 years immediately preceding the opening of the selection
14 process, a local elected official, an employee of the United
15 States congress or the New Mexico legislative branch, a
16 candidate for public office, an employee or contractor for a
17 candidate, campaign committee or political committee or a
18 registered paid lobbyist.

19 C. Commissioners shall be selected through the
20 following process:

21 (1) the secretary of state shall:

22 (a) make applications for commissioner
23 available to the general public as early as January 1 and no
24 later than March 1 of the year of the federal decennial census.
25 The secretary of state shall circulate the applications in a

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1 manner that invites wide public participation from different
2 regions of the state. The secretary of state shall also mail
3 applications for commissioner to a minimum of four-tenths
4 percent of the number of registered New Mexico voters, selected
5 at random from across the state and proportional to party
6 membership;

7 (b) require applicants to provide a
8 completed application no later than June 1 of the year of the
9 federal decennial census;

10 (c) require applicants to attest that
11 the information provided in their application is accurate and
12 that they meet all the qualifications set forth in Subsection B
13 of this section; and

14 (d) require applicants to attest that,
15 if selected, they commit to conducting the redistricting
16 process in an honest, independent and impartial fashion;

17 (2) the secretary of state shall accept
18 applications for commissioner until June 1 of the year of the
19 federal decennial census;

20 (3) by July 1 of the year of the federal
21 decennial census, from all the applications submitted, the
22 secretary of state shall:

23 (a) eliminate incomplete applications
24 and applications that, based on the information in the
25 application, indicate the applicant does not meet the

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1 qualifications set forth in Subsection B of this section;

2 (b) using a nongovernmental entity with
3 expertise in statistical methodology, publicly, and with
4 immediate public observation, randomly select one hundred
5 twenty applicants from all remaining applications using
6 accepted statistical weighting methods to ensure that the
7 selection pool includes forty applicants for each of the two
8 largest political parties and forty applicants for those voters
9 not affiliated with either of the two largest political
10 parties, and that, as closely as possible, mirrors the
11 geographic and demographic makeup of the state; and

12 (c) submit the randomly selected
13 applications to the president pro tempore of the senate, the
14 minority floor leader of the senate, the speaker of the house
15 of representatives and the minority floor leader of the house
16 of representatives;

17 (4) by July 21 of the year of the federal
18 decennial census, the four legislative leaders may each strike
19 up to three applicants from the selection pool, for a maximum
20 of twelve total strikes;

21 (5) by August 1 of the year of the federal
22 decennial census, the secretary of state shall, using the
23 nongovernmental entity with expertise in statistical
24 methodology, publicly, and with immediate public observation,
25 randomly draw the names of six commissioners, two each from the

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1 two largest parties and two commissioners not affiliated with
2 either of the two largest political parties; and

3 (6) by August 15 of the year of the federal
4 decennial census, the commissioners selected pursuant to
5 Paragraph (5) of this subsection shall select by majority vote
6 the remaining three members, ensuring the political party
7 balance required in Subsection B of this section, and to the
8 extent practicable, ensure that the entire commission reflects
9 the gender, geographic, racial and ethnic population of the
10 state. If the commissioners are unable to reach a decision for
11 any of the three positions, the secretary of state shall fill
12 that position using random selection, statistically weighted
13 for geographic and demographic diversity, from the remaining
14 pool of applicants for that political party group.

15 D. All appointees shall, before entering upon their
16 duties, take and subscribe to the oath of office provided for
17 by this constitution.

18 E. The redistricting commission shall elect a chair
19 from among its members.

20 F. A vacancy on the redistricting commission shall
21 be filled by the secretary of state with an applicant from the
22 same political party group, selected randomly from the final
23 pool of applicants. A commissioner shall be deemed to have
24 resigned from the redistricting commission and a vacancy
25 created if, after the day of appointment:

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1 (1) the commissioner changes party membership
2 in such a way as to cause one political party to have more than
3 three members on the redistricting commission; or

4 (2) the commissioner no longer meets the
5 qualifications set forth in Subsection B of this section.

6 G. A commissioner may be removed by the supreme
7 court for substantial neglect of duty, gross misconduct in
8 office or inability to discharge the duties of office. The
9 supreme court has exclusive original jurisdiction over
10 proceedings to remove commissioners. A proceeding for the
11 removal of a commissioner shall be commenced by the attorney
12 general upon the request of the redistricting commission.

13 H. The redistricting commission shall develop and
14 adopt district plans for congressional districts, state
15 legislative districts and other districted state offices
16 following each federal decennial census by majority vote,
17 including at least one vote from each of the three political
18 party groups as set forth in Paragraph (5) of Subsection C of
19 this section. The redistricting commission shall adopt
20 district plans in accordance with the following provisions:

21 (1) congressional districts shall be as equal
22 in population as practicable;

23 (2) legislative districts and other state
24 office districts shall be substantially equal in population;

25 (3) the commission shall not consider district

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1 plans for the legislature and other state offices that have a
2 total population deviation of plus or minus five percent,
3 except as necessary to comply with federal law;

4 (4) the commission shall use the most recent
5 federal decennial census data generated by the United States
6 census bureau and may use other reliable sources of demographic
7 data as determined by majority vote of the commission;

8 (5) district plans shall comport with the
9 provisions of federal law and shall not dilute a protected
10 minority's voting strength. Race may be considered in
11 developing district plans but shall not be the predominant
12 consideration, and traditional race-neutral redistricting
13 principles shall not be subordinated to racial considerations;

14 (6) district plans shall use only single-
15 member districts and shall not split precincts;

16 (7) districts shall be drawn consistent with
17 traditional redistricting principles;

18 (8) districts shall be composed of contiguous
19 precincts and shall be reasonably compact;

20 (9) to the extent feasible, districts shall be
21 drawn in an attempt to preserve communities of interest and
22 shall take into consideration political and geographic
23 boundaries, including the boundaries of Indian nations, tribes
24 and pueblos and their political subdivisions; and

25 (10) to the extent feasible, the commission

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1 may seek to preserve the core of existing districts.

2 I. The redistricting commission may incorporate
3 suggested changes to its proposed district plans in accordance
4 with public comments and testimonies it receives but shall not
5 subordinate the requirements of Paragraphs (1) through (10) of
6 Subsection H of this section in doing so.

7 J. Party membership and voting history data shall
8 be excluded from the development phase of map drawing but may
9 be used to assess and revise maps for compliance with federal
10 law and the redistricting criteria set forth in Subsection H of
11 this section prior to entering the adoption phase.

12 K. When proposing or adopting district plans, the
13 redistricting commission shall not consider the voting address
14 of incumbents.

15 L. After release of the necessary federal decennial
16 census data to the state, the redistricting commission shall
17 hold public hearings throughout the state to develop proposed
18 district plans and subsequently to approve district plans. The
19 redistricting commission shall make any adjustments to the
20 proposed plans that it deems necessary to meet the
21 redistricting criteria and establish the final district
22 boundaries.

23 M. The redistricting commission shall file with the
24 secretary of state the redistricting commission's approved
25 plans for senate, house of representatives and congressional

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1 districts and other districted state offices within six months
2 of the release of redistricting data by the United States
3 census bureau.

4 N. Plans developed and approved by the
5 redistricting commission shall determine the districts for use
6 in the succeeding primary and general elections for the
7 respective body.

8 O. The legislature shall provide adequate resources
9 for the operation of the redistricting commission in performing
10 its duties.

11 P. The redistricting commission shall have
12 procurement and contracting authority and may hire staff,
13 consultants and legal counsel as necessary to carry out its
14 duties. The redistricting commission shall have standing in
15 legal actions challenging the redistricting plans or process,
16 or the adequacy of resources provided for the operation of the
17 redistricting commission. The redistricting commission shall
18 have sole authority to determine whether the attorney general
19 or counsel hired or selected by the redistricting commission
20 shall represent the state in the legal defense of a
21 redistricting plan.

22 Q. Commissioners are eligible for per diem and
23 mileage at the federal general services administration maximum
24 federal per diem rate for the city of Santa Fe and the federal
25 general services administration standard mileage rate for

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1 travel on redistricting commission business and shall receive
2 no other compensation for service on the redistricting
3 commission.

4 R. Commissioners shall disclose communication with
5 outside persons or organizations attempting to influence the
6 map-drawing process outside of public meetings and public
7 comment periods. Failure to disclose the communications shall
8 constitute substantial neglect of duty.

9 S. Each commissioner shall serve until the
10 commissioner's successor is appointed and qualified. The
11 redistricting commission shall not meet nor incur expenses
12 after the redistricting process is completed, except:

13 (1) when litigation related to a plan is
14 pending;

15 (2) to revise districts if required by a court
16 decision; or

17 (3) to maintain and provide public access to
18 records of its proceedings.

19 T. The redistricting commission shall develop and
20 adopt rules for each scope of its authority at the beginning of
21 each redistricting process."

22 SECTION 3. The amendment proposed by this resolution
23 shall be submitted to the people for their approval or
24 rejection at the next general election or at any special
25 election prior to that date that may be called for that

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