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HOUSE JOINT RESOLUTION 21

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Thomas A. Anderson

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO ARTICLES 4 AND 20 OF THE CONSTITUTION
OF NEW MEXICO TO ESTABLISH A BIPARTISAN REDISTRICTING
COMMISSION TO DETERMINE CONGRESSIONAL AND STATE LEGISLATIVE
DISTRICT BOUNDARIES FOLLOWING EACH FEDERAL DECENNIAL CENSUS OR
AS OTHERWISE REQUIRED.

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 February 28 of the year following each
20 federal decennial census, an independent redistricting
21 commission shall be established to provide for the
22 redistricting of congressional and state legislative districts.

23 B. The independent redistricting commission shall
24 consist of eight commissioners, four of whom shall be members
25 of the political party holding a majority in either the house

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1 of representatives or the senate and four of whom shall be
2 members of the party with the second-highest number of seats in
3 either house. Each commissioner shall be a registered
4 qualified elector of New Mexico who has been continuously
5 registered with the same political party for five or more years
6 immediately preceding appointment.

7 C. No later than January 31 of the year following
8 each federal decennial census, appointments to the independent
9 redistricting commission shall be made as follows:

10 (1) the president pro tempore of the senate
11 shall appoint two commissioners;

12 (2) the speaker of the house of
13 representatives shall appoint two commissioners; and

14 (3) the house and senate floor leaders of the
15 party in the minority shall each appoint two commissioners.

16 D. By February 15 of the year following each
17 federal decennial census, the four appointed commissioners from
18 each political party represented on the commission shall select
19 a member from within their four-person group to serve as co-
20 chair of the commission. Commissioners shall take an oath to
21 apply the provisions of this section in an honest, independent
22 and impartial fashion and to uphold public confidence in the
23 integrity of the redistricting process.

24 E. A vacancy on the independent redistricting
25 commission shall be filled by appointment by the original

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1 appointing authority for that position.

2 F. A commissioner may be removed by the governor,
3 with the concurrence of two-thirds of the elected members of
4 the senate, for substantial neglect of duty, gross misconduct
5 in office or inability to discharge the duties of office. A
6 commissioner shall be given written notice and provided with an
7 opportunity for a response before removal.

8 G. The independent redistricting commission shall
9 establish congressional and state legislative districts. The
10 commencement of the mapping process for congressional and state
11 legislative districts shall be the creation of districts of
12 equal population in a geometric or grid-like pattern across the
13 state. Adjustments shall then be made as necessary to
14 accommodate the following criteria:

15 (1) districts shall comply with federal
16 constitutional and statutory requirements;

17 (2) districts shall be equal in population to
18 the extent practicable;

19 (3) districts shall be contiguous and as
20 geographically compact as practicable;

21 (4) district boundaries shall respect
22 communities of interest to the extent practicable;

23 (5) when practicable, district lines shall use
24 visible geographic features and municipal and county
25 boundaries;

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1 (6) districts shall not divide precincts; and

2 (7) competitive districts shall be favored
3 where to do so would create no significant detriment to the
4 other criteria.

5 H. Party registration and voting history data shall
6 be excluded from the initial phase of the mapping process but
7 may be used to test maps for compliance with the criteria
8 provided in Subsection G of this section. The places of
9 residence of incumbents or candidates shall not be identified
10 or considered.

11 I. The independent redistricting commission shall
12 advertise proposed plans for the districts for public comment,
13 which comment shall be taken for at least thirty days. The
14 commission shall make any adjustments to the proposed plans it
15 deems necessary to meet the redistricting criteria and
16 establish the final district boundaries. The commission shall
17 file its final plans with appropriate state agencies by October
18 1 of the year following each federal decennial census.

19 J. The legislature shall provide adequate resources
20 for the operation of the independent redistricting commission
21 in performing its redistricting duties.

22 K. The independent redistricting commission shall
23 have procurement and contracting authority and may hire staff,
24 consultants and legal counsel necessary to carry out its
25 duties. The commission shall have standing in legal actions

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1 challenging its redistricting plans or the adequacy of
2 resources provided for the operation of the commission. The
3 commission shall have sole authority to determine whether the
4 New Mexico attorney general or counsel hired or selected by the
5 independent redistricting commission shall represent the state
6 in the legal defense of a redistricting plan.

7 L. Commissioners are eligible for per diem and
8 mileage at the internal revenue service maximum federal per
9 diem rate for the city of Santa Fe and the internal revenue
10 service standard mileage rate for travel on commission
11 business.

12 M. Commissioners shall serve until their successors
13 are appointed and qualified. The independent redistricting
14 commission shall not meet or incur expenses after the
15 redistricting plan is completed, except:

16 (1) when litigation or any governmental
17 approval of the plan is pending;

18 (2) to revise districts if required by a court
19 decision; or

20 (3) to consult with executive and legislative
21 agencies on the development of budgets in preparation for the
22 next redistricting cycle.

23 N. The provisions of this section are self-
24 executing."

25 SECTION 3. The amendment proposed by this resolution

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1 shall be submitted to the people for their approval or
2 rejection at the next general election or at any special
3 election prior to that date that may be called for that
4 purpose.

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