

1 HOUSE JOINT RESOLUTION 4

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLES 4 AND 20 OF THE CONSTITUTION
12 OF NEW MEXICO TO PROVIDE FOR THE CREATION OF A STATE
13 REDISTRICTING COMMISSION TO DEVELOP REDISTRICTING PLANS FOR
14 CONGRESSIONAL, STATE AND LOCAL OFFICES.

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

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

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

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

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

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

13 D. Once following publication of the official
14 report of each federal decennial census [~~hereafter conducted~~],
15 the legislature may by statute [~~reapportion~~] modify its
16 membership as limited by Subsections B and C of this section."

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. There is established the "redistricting
20 commission".

21 B. Following each federal decennial census, the
22 redistricting commission shall adjust the boundaries of all
23 districted federal, state and local offices following a process
24 provided by law. District plans approved by the commission
25 shall:

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1 (1) comply with federal and state
2 constitutional and statutory requirements;

3 (2) to the extent practicable, contain
4 contiguous territory, respect communities of interest, have
5 boundaries that respect established political boundaries and
6 follow visible geographic features;

7 (3) be made available for public comment as
8 provided by law preceding the development of final approval of
9 district boundaries; and

10 (4) follow such other requirements as provided
11 by law.

12 C. District boundaries approved by the
13 redistricting commission shall become the boundaries for use in
14 the next succeeding election for each office districted and for
15 residency requirements of candidates seeking such office.

16 District boundaries approved by the commission shall become the
17 boundaries of a district upon the commencement of the next
18 succeeding term of office for that district.

19 D. The legislature shall provide such resources as
20 necessary for the redistricting commission to perform its
21 duties.

22 E. The redistricting commission shall be composed
23 of such members as provided by law. A commissioner may be
24 removed as provided by law only for substantial neglect of
25 duty, gross misconduct in office or inability to discharge the

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1 duties of office. A vacancy on the redistricting commission
2 shall be filled by the original appointing authority in the
3 manner provided by state law. Commissioners are eligible for
4 per diem and mileage and such other compensation as provided by
5 law. Members of the commission shall serve as provided by law
6 until the decennial redistricting process is completed,
7 including any litigation that may result from the redistricting
8 process.

9 F. The redistricting commission shall have
10 procurement and contracting authority and may hire staff,
11 consultants and legal counsel as necessary to carry out its
12 duties. The commission shall have standing in legal actions
13 challenging its redistricting plan or process, or the adequacy
14 of the resources provided for the operation of the commission.
15 The commission shall have sole authority to determine choice of
16 legal counsel hired or selected to represent the state in the
17 legal defense of a redistricting plan."

18 SECTION 3. The amendment proposed by this resolution
19 shall be submitted to the people for their approval or
20 rejection at the next general election or at any special
21 election prior to that date may be called for that purpose.