

1 SENATE JOINT RESOLUTION 10
2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY
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10 A JOINT RESOLUTION
11 PROPOSING AMENDMENTS TO ARTICLES 4 AND 20 OF THE CONSTITUTION
12 OF NEW MEXICO TO ESTABLISH A REDISTRICTING COMMISSION TO
13 DETERMINE CONGRESSIONAL AND STATE LEGISLATIVE DISTRICT
14 BOUNDARIES FOLLOWING EACH FEDERAL DECENNIAL CENSUS OR AS
15 OTHERWISE REQUIRED.
16

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

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

20 "A. Senators shall not be less than twenty-five
21 years of age and representatives not less than twenty-one years
22 of age at the time of their election. If any senator or
23 representative permanently removes [~~his~~] the senator's or
24 representative's residence from or maintains no residence in
25 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 January 1 of the year following each federal
20 decennial census, a redistricting commission shall be
21 established to provide for the redistricting of congressional
22 and state legislative districts. The legislature may authorize
23 the commission to provide for the redistricting of other state
24 offices by law.

25 B. The redistricting commission shall consist of

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1 five commissioners, no more than three of whom shall be members
2 of the same political party. Each commissioner shall be a
3 registered qualified elector of New Mexico who has not changed
4 political party preference for five or more years immediately
5 preceding appointment.

6 C. The appellate judges nominating commission shall
7 solicit, accept and evaluate applications from former district
8 and appellate court judges and former supreme court justices to
9 serve on the redistricting commission. The appellate judges
10 nomination commission shall select at least twelve nominees
11 from the applicants, no more than six of whom shall be members
12 of the same political party, and submit the names in the
13 nominee pool by December 1 of the year of the federal decennial
14 census to the legislative leadership for appointment.

15 D. No later than December 20 of the year of each
16 federal decennial census, appointments to the redistricting
17 commission shall be made as follows:

18 (1) the leader of the party in the majority in
19 the senate shall appoint one commissioner;

20 (2) the leader of the party in the majority in
21 the house of representatives shall appoint one commissioner;

22 and

23 (3) the house and senate floor leaders of the
24 party in the minority shall appoint one commissioner each;

25 provided that, if there is more than one minority party

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1 represented in the house or senate, the leaders of the minority
2 party with the largest number of representatives or senators in
3 their respective chambers shall make the appointments.

4 E. By January 15 of the year following each federal
5 decennial census, the four appointed commissioners shall
6 appoint the fifth member of the redistricting commission from
7 the remaining nominees in the pool, who shall serve as chair of
8 the commission.

9 F. A vacancy on the redistricting commission shall
10 be filled by appointment by the original appointing authority
11 for that position.

12 G. A commissioner may be removed by the governor,
13 with the concurrence of two-thirds of the elected members of
14 the senate, for substantial neglect of duty, gross misconduct
15 in office or inability to discharge the duties of office. A
16 commissioner shall be given written notice and provided with an
17 opportunity for a response before removal.

18 H. The redistricting commission shall establish
19 congressional and state legislative districts following each
20 decennial census and any other state districts if required by
21 law. The commencement of the mapping process for congressional
22 and state legislative districts shall begin with the existing
23 districts, and adjustments shall then be made as necessary to
24 accommodate the following criteria:

25 (1) districts shall comply with state and

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1 federal constitutional and statutory requirements;

2 (2) district boundaries shall be contiguous
3 and relatively compact and, to the extent practical, respect
4 communities of interest and use visible geographic features and
5 municipal and county boundaries; and

6 (3) districts shall not divide precincts unless
7 required to meet federal constitutional standards.

8 I. The redistricting commission shall hold public
9 hearings around the state on proposed plans for the districts
10 and take public comment, which comment shall be taken for at
11 least forty days. The commission shall make any adjustments to
12 the proposed plans it deems necessary to meet the redistricting
13 criteria and establish the final district boundaries. The
14 commission shall file its final plans with appropriate state
15 agencies by October 1 of the year following each federal
16 decennial census, which shall determine the districts for use
17 in the succeeding primary and general elections.

18 J. A quorum of at least three commissioners must be
19 present to conduct business, and approval of any action shall
20 be by majority vote of the redistricting commission.

21 K. The legislature shall provide adequate resources
22 for the operation of the redistricting commission in performing
23 its redistricting duties.

24 L. The redistricting commission shall have
25 procurement and contracting authority and may hire staff,

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1 consultants and legal counsel as necessary to carry out its
2 duties. The commission shall have standing in legal actions
3 challenging its redistricting plans or the adequacy of
4 resources provided for the operation of the commission. The
5 commission shall have sole authority to determine whether the
6 New Mexico attorney general or counsel hired or selected by the
7 commission shall represent the state in the legal defense of a
8 redistricting plan.

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

14 N. Commissioners shall serve until their successors
15 are appointed and qualified. The redistricting commission
16 shall not meet or incur expenses after the redistricting
17 process is completed, except:

- 18 (1) when litigation or any governmental
19 approval of the plan is pending;
20 (2) to revise districts if required by a court
21 decision; or
22 (3) to consult with executive and legislative
23 agencies in preparation for the next redistricting cycle.

24 O. The provisions of this section are self-
25 executing."

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