

1 SENATE JOINT RESOLUTION 4

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE  
12 FOR THE CREATION OF AN INDEPENDENT REDISTRICTING COMMISSION TO  
13 DEVELOP REDISTRICTING PLANS FOR STATE AND CONGRESSIONAL  
14 OFFICES.

15  
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 its membership.]"~~

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

18 "A. By August 1 of the year of each federal  
19 decennial census, a redistricting commission shall be  
20 established to prepare and provide for the redistricting of  
21 congressional districts, state legislative districts and the  
22 districts of other state districted offices.

23 B. The redistricting commission shall consist of  
24 five commissioners, no more than two of whom shall be members  
25 of the same political party. Each commissioner shall be a

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1 registered qualified elector of New Mexico who has not changed  
2 political party registration within five years immediately  
3 preceding appointment. A commissioner shall not be a state or  
4 local elected officer or employee of either, and shall not have  
5 been, within five years immediately preceding appointment, a  
6 candidate for or served as a federal, state or local public  
7 officer, a registered paid lobbyist or an officer of a  
8 candidates's campaign committee or served as an officer of or  
9 paid consultant to a political party.

10 C. The appellate judges nominating commission shall  
11 solicit, accept and evaluate applications from registered  
12 qualified electors who are committed to conducting the  
13 redistricting process in an honest, independent and impartial  
14 fashion and are otherwise qualified to serve as commissioner.  
15 The appellate judges nominating commission shall select at  
16 least twenty nominees from the applicants, no more than eight  
17 of whom shall be members of the same political party, and  
18 submit the names in the nominee pool to the secretary of state  
19 by July 1 of the year of the federal decennial census for  
20 consideration by the legislative leadership for appointment.

21 D. No later than July 21 of the year of each  
22 federal decennial census, appointments to the redistricting  
23 commission shall be made from the nominee pool as follows:

24 (1) the leader of the party in the majority in  
25 the senate shall appoint one commissioner;

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1 (2) the leader of the party in the majority in  
2 the house of representatives shall appoint one commissioner;  
3 and

4 (3) the house and senate floor leaders of the  
5 party in the minority shall appoint one commissioner each;  
6 provided that, if there is more than one minority party  
7 represented in the house or senate, the leaders of the minority  
8 party with the largest number of representatives or senators in  
9 their respective chambers shall make the appointments.

10 E. The name of each appointee shall be submitted to  
11 the secretary of state. If the appointing authority for a  
12 commissioner fails to make an appointment by the July 21  
13 deadline, the appointed members of the commission shall appoint  
14 a member from the remaining nominees in the pool.

15 F. By August 15 of the year of the federal  
16 decennial census, the four appointed commissioners shall  
17 appoint the fifth member of the redistricting commission from  
18 the remaining nominees in the pool, who shall serve as chair of  
19 the commission.

20 G. A vacancy on the redistricting commission shall  
21 be filled by appointment by the original appointing authority  
22 for that position.

23 H. A commissioner may be removed by the governor,  
24 with the concurrence of two-thirds of the elected members of  
25 the senate, for substantial neglect of duty, gross misconduct

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1 in office or inability to discharge the duties of office. A  
2 commissioner shall be given written notice and provided with an  
3 opportunity for a hearing before removal.

4 I. The redistricting commission shall develop  
5 redistricting plans for congressional and state legislative  
6 districts following each federal decennial census and for other  
7 districted state offices. The commencement of the mapping  
8 process for congressional and state legislative districts shall  
9 begin with the existing districts, and adjustments shall then  
10 be made as necessary to accommodate the following criteria:

11 (1) districts shall comply with federal  
12 constitutional and statutory requirements;

13 (2) district boundaries shall be contiguous  
14 and relatively compact and, to the extent practicable, respect  
15 communities of interest and follow visible geographic features  
16 and municipal, county and other established political  
17 boundaries; and

18 (3) districts shall not divide precincts.

19 J. Party registration and political performance  
20 data shall not be considered in the drawing or evaluation of  
21 districts. Racial and ethnic population and voting performance  
22 data necessary to evaluate compliance with the federal  
23 constitutional and statutory requirements of redistricting may  
24 be considered.

25 K. After release of the necessary federal decennial

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1 census data to the state, the redistricting commission shall  
2 develop proposed plans for the districts and hold public  
3 hearings throughout the state on the proposed plans. The  
4 commission shall receive public comment on the proposed plans  
5 for at least sixty days preceding the development of final  
6 plans for the districts. The commission shall make any  
7 adjustments to the proposed plans that it deems necessary to  
8 meet the redistricting criteria and establish the final  
9 district boundaries. The commission shall file with the  
10 secretary of state plans for senate, house of representatives  
11 and congressional districts, along with plans for other  
12 districted state offices, by September 1 of the year following  
13 each federal decennial census.

14 L. Approval of a plan shall determine the districts  
15 for use in the succeeding primary and general elections for the  
16 respective body.

17 M. A quorum of at least three commissioners must be  
18 present to conduct business. Approval of any action shall be  
19 by majority vote of the entire commission.

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

23 O. The redistricting commission shall have  
24 procurement and contracting authority and may hire staff,  
25 consultants and legal counsel as necessary to carry out its

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

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

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

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

23 R. 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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