

LFC Requester:

Emily Hilla

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/14/2025

Check all that apply:

Bill Number: SJR 9

Original Correction
Amendment Substitute

Sponsor: Sen. Natalie Figueroa

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: INDEPENDENT REDISTRICTING COMMISSION, CA

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None identified.

Duplicates/Relates to Appropriation in the General Appropriation Act NA

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

SJR 9 is a joint resolution that proposes an amendment to the Constitution of New Mexico to establish an independent redistricting commission responsible for developing and adopting redistricting plans for state legislative districts and other state offices requiring redistricting.

Section 1(A) proposes to amend N.M. Const. art. IV, § 3 to update language to be gender neutral.

Section 1(D) and Section 2 propose to amend N.M. Const. art. 20 by adding a new section and removing one provision, as follows:

Creation of an Independent Redistricting Commission:

- By September 1 of each federal decennial census year, a nine-member commission will be established (Section 2(A), (B))
- Members are chosen as follows: three from the largest political party, three from the second-largest party, and three who are not affiliated with either party, reflecting the state's demographic and geographic diversity. (Section 2(B))
- Two-thirds of the members are randomly selected by the Secretary of State using a statistically accepted method, and the remaining third is chosen by majority vote of the selected members. (Section 2(B))

Redistricting Principles and Restrictions:

- Districts must adhere to traditional redistricting principles and ensure minority voting rights are protected. (Section 2(C))
- The commission is prohibited from considering incumbents' voting addresses, party membership, or voting history in drawing districts, although such information may be used to ensure compliance with federal laws. (Section 2(C))

Commission's Authority and Legal Standing:

- The commission can procure resources, hire staff, and contract legal counsel as needed. (Section 2(D))
- It has the authority to defend redistricting plans in legal challenges and decide whether the Attorney General or its counsel will represent the state in these cases. (Section 2(D))

Repeal of Legislative Redistricting Power:

- The amendment removes the Legislature's power to reapportion itself following each federal decennial census, transferring this responsibility entirely to the independent commission. (Section 1(D), Section 2)

Voter Approval Requirement:

- The proposed amendment will be submitted to New Mexico voters for approval or rejection at the next general election or at a special election called for this purpose. (Section 3)

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented. NA

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section. NA

See below, Administrative Implications

SIGNIFICANT ISSUES

This resolution seeks a constitutional amendment that permits the commission to mandate that the Attorney General represent it, but it does not indicate from where the resources for such representation will come.

Section 2(C) states that the commission shall not consider the voting address of incumbents. As a result, the section could result in a redistricting that causes an incumbent representative or senator to no longer reside in the district to which they were elected. It is unclear what the legal effect or consequence of a sitting senator or representative being displaced from their district by an act of redistricting would be. *See, e.g.*, NMSA 1978, § 2-7F-3 (2021) (stating that "if a representative permanently removes the representative's residence from or maintains no residence in the district from which the representative was elected, the representative shall be deemed to have resigned").

PERFORMANCE IMPLICATIONS

See above regarding mandated NMDOJ representation of the commission without additional appropriation for resources.

ADMINISTRATIVE IMPLICATIONS

As a practical matter, as indicated above, this resolution creates new responsibilities for the NMDOJ without allocating resources to carry out those responsibilities.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 121 proposes a statute to set up county redistricting commissions. If SJR 9 is approved by the voters resulting in a constitutional amendment, to the extent there could be a conflict or duplication, the constitutional amendment would supersede any statutory authority.

TECHNICAL ISSUES

Section 2(B) provides that the final member will be selected by majority vote of the commission members. However, at that time that member is selected, there will be eight members of the commission. Suggest adding language for how to select the final member in the event of a tie vote.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A