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HOUSE BILL 121

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Kathleen Gates

AN ACT

RELATING TO COUNTY REDISTRICTING; ENACTING THE COUNTY
REDISTRICTING ACT; REQUIRING COUNTIES TO CREATE A COUNTY
REDISTRICTING COMMISSION; ESTABLISHING REQUIREMENTS FOR
CREATING COUNTY DISTRICT PLANS AND PUBLIC PARTICIPATION IN THE
PROCESS; PROVIDING PROCEDURES TO APPEAL A SELECTED DISTRICT
PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "County Redistricting Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
County Redistricting Act:

A. "commission" means a county redistricting
commission;

B. "community of interest" means a contiguous

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1 population that shares common economic, social or cultural
2 interests;

3 C. "county" means a class A county;

4 D. "district" means a county district for purposes
5 of electing members of a county's county commission;

6 E. "district plan" means a plan of single-member
7 districts for electing members of a county's county commission;

8 F. "length-width compactness" means the absolute
9 value of the difference between the length and the width of the
10 district, as measured by the distance from the northernmost
11 point or portion of the boundary of a district to the
12 southernmost point or portion of the boundary of the same
13 district and the distance from the westernmost point or portion
14 of the boundary of the district to the easternmost point or
15 portion of the boundary of the same district;

16 G. "lobbyist" means a person who is required to
17 register as a lobbyist pursuant to the provisions of the
18 Lobbyist Regulation Act;

19 H. "perimeter compactness" means the distance
20 needed to traverse the perimeter boundary of a district;

21 I. "political party" means a political party that
22 has been qualified in accordance with the provisions of the
23 Election Code; and

24 J. "public official" means a person elected to an
25 office of the executive or legislative branch of the state.

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1 SECTION 3. [NEW MATERIAL] COUNTIES REQUIRED TO CREATE
2 REDISTRICTING COMMISSION--MEMBERSHIP--TERMS.--

3 A. Each county shall create a county redistricting
4 commission.

5 B. A commission shall consist of five members,
6 selected as follows:

7 (1) two commissioners, each from the two
8 political parties with the largest number of registered
9 qualified electors in the county;

10 (2) two commissioners who decline to state a
11 party affiliation or who are members of a minor political
12 party; and

13 (3) one commissioner selected by the four
14 above mentioned commissioners and who shall chair the
15 commission.

16 C. The county clerk shall solicit commissioner
17 applications from the public, and the selection shall be
18 conducted randomly in a public meeting. Commissioners shall be
19 selected not later than January 1 of each year ending in the
20 number one and shall serve until a district plan is presented
21 to the secretary of state and until legal challenges to the
22 district plans, including appeals, if any, have been resolved.

23 D. When a member of a commission dies, resigns or
24 no longer has the qualifications required for the
25 commissioner's original appointment, the commissioner's

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1 position on a commission becomes vacant, and the chair of the
2 commission shall inform the county clerk, and a new
3 commissioner shall be appointed from the pool of original
4 applicants who are of the same political affiliation of the
5 commissioner vacating the commission. The vacancy shall be
6 filled no later than fifteen days following notification of the
7 vacancy.

8 E. A commission shall meet as necessary to carry
9 out its duties pursuant to the County Redistricting Act.

10 F. Commissioners are entitled to receive per diem
11 and mileage reimbursement as provided in the Per Diem and
12 Mileage Act and shall receive no other compensation, perquisite
13 or allowance.

14 SECTION 4. [NEW MATERIAL] COMMISSIONERS--
15 QUALIFICATIONS--LIMITATIONS.--

16 A. To qualify for appointment to a commission, an
17 applicant shall:

18 (1) be a qualified elector of New Mexico; and

19 (2) not be, or in the two years prior to
20 appointment not have been, in New Mexico, any of the following:

21 (a) a public official;

22 (b) a candidate for public office;

23 (c) a lobbyist;

24 (d) an office holder in a political

25 party at the state or federal level;

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1 (e) a relative in the first degree of
2 consanguinity of a member of congress, the legislature or a
3 board of county commissioners; or

4 (f) an employee of congress, the
5 legislative or executive branch of government or the county
6 government.

7 B. Before entering upon the duties of the
8 commission, a commissioner shall review the County
9 Redistricting Act and take the oath of office as provided in
10 Article 20, Section 1 of the constitution of New Mexico.

11 SECTION 5. [NEW MATERIAL] COMMISSION--POWERS AND
12 DUTIES.--

13 A. Beginning January 1, 2031, and every January 1
14 of each year ending in the number one thereafter, a commission
15 shall:

16 (1) no later than September 1 of each year
17 ending in the number one, adopt a map of the districts in the
18 county at issue;

19 (2) adopt the district plans as rules in
20 accordance with the provisions of the State Rules Act;

21 (3) hold no fewer than two public meetings,
22 either virtually or in various regions of the county, before
23 issuing the district plans as proposed rules for public
24 comment;

25 (4) hold no fewer than two public rule

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1 hearings, either virtually or in various regions of the county,
2 for the purpose of adopting district plans;

3 (5) conduct all meetings pursuant to the
4 requirements of the Open Meetings Act; and

5 (6) compile, index, maintain and provide
6 public access to the commission's record for each district plan
7 it adopts.

8 B. Beginning January 1, 2031, and every January 1
9 of each year ending in the number one thereafter, a commission
10 may:

11 (1) develop, adopt and promulgate the rules
12 for public hearings;

13 (2) contract for legal and technical
14 assistance for the creation of alternative district plans; and

15 (3) hire staff and enter into contracts and
16 interagency agreements as necessary to accomplish the duties
17 set forth in this section.

18 SECTION 6. [NEW MATERIAL] COMMISSION MEETINGS BEFORE
19 PROPOSING DISTRICT PLANS.--

20 A. Before a commission issues proposed district
21 plans for public comment, the commission shall hold no fewer
22 than two public meetings at which the commission shall receive
23 testimony, documents and information regarding the
24 identification of communities of interest and other testimony,
25 documents and information regarding the creation of district

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1 plans. A commission shall provide the public with notice not
2 later than thirty days before these meetings, and the notice
3 shall include information about how the public may participate
4 and submit testimony, documents and information. A commission
5 shall hold meetings either virtually or in various regions
6 across the county.

7 B. A commission shall compile, index, maintain and
8 provide public access to all testimony, documents and
9 information received in the meetings conducted before issuing
10 proposed district plans for public comment.

11 C. The proposed district plans that a commission
12 issues for public comment shall be based, in part, on the
13 testimony, documents and information received.

14 SECTION 7. [NEW MATERIAL] DISTRICT PLANS--REQUIREMENTS
15 AND PROHIBITIONS.--

16 A. When proposing or adopting district plans, a
17 commission shall:

18 (1) create district plans composed of
19 single-member districts;

20 (2) create district plans composed of
21 contiguous territory; provided that districts that meet only at
22 the points of adjoining corners are not contiguous; and

23 (3) comply with all applicable federal laws.

24 B. When proposing or adopting district plans, a
25 commission may:

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1 (1) use, rely upon or reference precincts; and

2 (2) use, rely upon or reference the most
3 recent federal decennial census data provided by the United
4 States census bureau as well as other reliable sources of
5 demographic data, as determined by a majority of the
6 commission.

7 C. When proposing or adopting district plans, a
8 commission shall not:

9 (1) propose or adopt district plans to favor a
10 political party or incumbent;

11 (2) use, rely upon or reference partisan data,
12 such as voting history or party registration data; provided
13 that voting history in elections may be considered to ensure
14 that the district plan complies with applicable federal law;

15 (3) create district plans to intentionally
16 dilute the representation of communities of interest; or

17 (4) create district plans to intentionally
18 preserve the cores of existing districts; provided, however,
19 that district plans may intentionally preserve the cores of
20 existing districts so long as the district plan meets all other
21 requirements provided by this section.

22 D. When proposing or adopting district plans for
23 the county, a commission shall create districts that are as
24 close to equal in population as possible; provided that any
25 deviation from equal population across districts shall not

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1 exceed plus or minus five percent and shall be based on:

2 (1) compliance with applicable federal law;

3 (2) consideration of tribal government
4 boundaries;

5 (3) the avoidance of diluting the
6 representation of communities of interest;

7 (4) the avoidance of fragmenting governmental
8 subdivisions; or

9 (5) the preservation of the core of existing
10 districts; provided that the district plan meets all other
11 requirements provided by this section.

12 E. When a district plan satisfies all of the
13 requirements provided by Subsections A through D of this
14 section, a commission shall adopt those district plans that are
15 most compact, as determined by a measure of length-width
16 compactness or perimeter compactness. The absolute compactness
17 values computed for individual districts may be cumulated for
18 all districts in a district plan to compare the overall
19 compactness of two or more alternative district plans for the
20 state or for a portion of the state. The total perimeter
21 distance computed for individual districts may be cumulated for
22 all districts in a district plan to compare the overall
23 compactness of two or more alternative district plans for the
24 state or for a portion of the state.

25 F. Based on length-width compactness, a district

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1 shall be most compact when the length of the district and the
2 width of the district are equal.

3 SECTION 8. [NEW MATERIAL] COMMISSION ADOPTION OF DISTRICT
4 PLANS.--A commission shall adopt a district plan at an open
5 meeting. After a commission adopts the district plans, the
6 commission shall provide written evaluations of the district
7 plan that address the satisfaction of the requirements set
8 forth in the County Redistricting Act, the ability of racial
9 and language minorities to elect candidates of their choice, a
10 measure of partisan fairness and the preservation of
11 communities of interest.

12 SECTION 9. [NEW MATERIAL] DELIVERY OF THE DISTRICT PLAN
13 TO THE SECRETARY OF STATE.--A commission shall deliver its
14 adopted district plan for the county to the county clerk and
15 secretary of state no later than six months after the receipt
16 of the census data. Those district plans shall be used in the
17 next general election and subsequent elections until
18 redistricting occurs following the next decennial census.

19 SECTION 10. [NEW MATERIAL] CAUSE OF ACTION--VENUE.--

20 A. A person who submitted data, views or arguments
21 orally or in writing at a public hearing conducted by a
22 commission shall have a civil cause of action for review of a
23 district plan adopted by the commission. Such action shall be
24 filed in the district court within thirty days after a
25 commission adopts the district plan at issue.

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1 B. The district court shall not award fees to the
2 prevailing party unless required by federal law.

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