SENATE JOINT RESOLUTION 15

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AMENDMENTS TO ARTICLES 4 AND 20 OF THE CONSTITUTION

OF NEW MEXICO TO ESTABLISH A BIPARTISAN REDISTRICTING

COMMISSION TO DETERMINE CONGRESSIONAL AND STATE LEGISLATIVE

DISTRICT BOUNDARIES FOLLOWING EACH FEDERAL DECENNIAL CENSUS OR

AS OTHERWISE REQUIRED.

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

Section 1. It is proposed to amend Article 4, Section 3

of the constitution of New Mexico to read:

"A. Senators shall not be less than twenty-five

years of age and representatives not less than twenty-one years

of age at the time of their election. If any senator or

representative permanently removes [his] the senator's or

representative's residence from or maintains no residence in

the district from which [he] the senator or representative was

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elected, then [he] the senator or representative shall be

deemed to have resigned and [his] a successor shall be selected

as provided in Article 4, Section 4 of this [article]

constitution. No person shall be eligible to serve in the

legislature who, at the time of qualifying, holds any office of

trust or profit with the state, county or national governments,

except notaries public and officers of the militia who receive

no salary.

B. The senate shall be composed of no more than

forty-two members elected from single-member districts.

C. The house of representatives shall be composed

of no more than seventy members elected from single-member

districts.

[D. Once following publication of the official

report of each federal decennial census hereafter conducted,

the legislature may by statute reapportion its membership.]"

Section 2. It is proposed to amend Article 20 of the

constitution of New Mexico by adding a new section to read:

"A. By February 28 of the year following each

federal decennial census, an independent redistricting

commission shall be established to provide for the

redistricting of congressional and state legislative districts.

B. The independent redistricting commission shall

consist of eight commissioners, four of whom shall be members

of the political party holding a majority in either the house

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of representatives or the senate and four of whom shall be members of the party with the second-highest number of seats in either house. Each commissioner shall be a registered qualified elector of New Mexico who has been continuously registered with the same political party for five or more years immediately preceding appointment.

C. No later than January 31 of the year following each federal decennial census, appointments to the independent redistricting commission shall be made as follows:

(1) the president pro tempore of the senate shall appoint two commissioners;

(2) the speaker of the house of representatives shall appoint two commissioners; and

(3) the house and senate floor leaders of the party in the minority shall each appoint two commissioners.

D. By February 15 of the year following each federal decennial census, the four appointed commissioners from each political party represented on the commission shall select a member from within their four-person group to serve as co-chair of the commission. Commissioners shall take an oath to apply the provisions of this section in an honest, independent and impartial fashion and to uphold public confidence in the integrity of the redistricting process.

E. A vacancy on the independent redistricting commission shall be filled by appointment by the original

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1   appointing authority for that position.

2   F.   A commissioner may be removed by the governor,

3   with the concurrence of two-thirds of the elected members of

4   the senate, for substantial neglect of duty, gross misconduct

5   in office or inability to discharge the duties of office. A

6   commissioner shall be given written notice and provided with an

7   opportunity for a response before removal.

8   G.   The independent redistricting commission shall

9   establish congressional and state legislative districts. The

10   commencement of the mapping process for congressional and state

11   legislative districts shall be the creation of districts of

12   equal population in a geometric or grid-like pattern across the

13   state. Adjustments shall then be made as necessary to

14   accommodate the following criteria:

15   (1)   districts shall comply with federal

16   constitutional and statutory requirements;

17   (2)   districts shall be equal in population to

18   the extent practicable;

19   (3)   districts shall be contiguous and as

20   geographically compact as practicable;

21   (4)   district boundaries shall respect

22   communities of interest to the extent practicable;

23   (5)   when practicable, district lines shall use

24   visible geographic features and municipal and county

25   boundaries;

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1   (6)   districts shall not divide precincts; and

2   (7)   competitive districts shall be favored

3   where to do so would create no significant detriment to the

4   other criteria.

5   H.   Party registration and voting history data shall

6   be excluded from the initial phase of the mapping process but

7   may be used to test maps for compliance with the criteria

8   provided in Subsection G of this section. The places of

9   residence of incumbents or candidates shall not be identified

10   or considered.

11   I.   The independent redistricting commission shall

12   advertise proposed plans for the districts for public comment,

13   which comment shall be taken for at least thirty days. The

14   commission shall make any adjustments to the proposed plans it

15   deems necessary to meet the redistricting criteria and

16   establish the final district boundaries. The commission shall

17   file its final plans with appropriate state agencies by October

18   1 of the year following each federal decennial census.

19   J.   The legislature shall provide adequate resources

20   for the operation of the independent redistricting commission

21   in performing its redistricting duties.

22   K.   The independent redistricting commission shall

23   have procurement and contracting authority and may hire staff,

24   consultants and legal counsel necessary to carry out its

25   duties. The commission shall have standing in legal actions

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1 challenging its redistricting plans or the adequacy of

2 resources provided for the operation of the commission. The

3 commission shall have sole authority to determine whether the

4 New Mexico attorney general or counsel hired or selected by the

5 independent redistricting commission shall represent the state

6 in the legal defense of a redistricting plan.

7 L. Commissioners are eligible for per diem and

8 mileage at the internal revenue service maximum federal per

9 diem rate for the city of Santa Fe and the internal revenue

10 service standard mileage rate for travel on commission

11 business.

12 M. Commissioners shall serve until their successors

13 are appointed and qualified. The independent redistricting

14 commission shall not meet or incur expenses after the

15 redistricting plan is completed, except:

16 (1) when litigation or any governmental

17 approval of the plan is pending;

18 (2) to revise districts if required by a court

19 decision; or

20 (3) to consult with executive and legislative

21 agencies on the development of budgets in preparation for the

22 next redistricting cycle.

23 N. The provisions of this section are

24 self-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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