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HOUSE JOINT RESOLUTION 1

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Carl Trujillo and Bill B. O'Neill

A JOINT RESOLUTION

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

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 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 shall
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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