

HOUSE JOINT RESOLUTION 14

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Daniel R. Foley

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO ARTICLES 3 AND 20 OF THE CONSTITUTION OF NEW MEXICO TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO DETERMINE CONGRESSIONAL, PUBLIC REGULATION COMMISSION 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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1 elected, then [~~he~~] the senator or representative shall be
2 deemed to have resigned and [~~his~~] a successor shall be selected
3 as provided in Article 4, Section 4 of this [~~article~~]
4 constitution. No person shall be eligible to serve in the
5 legislature who, at the time of qualifying, holds any office of
6 trust or profit with the state, county or national governments,
7 except notaries public and officers of the militia who receive
8 no salary.

9 B. The senate shall be composed of no more than
10 forty-two members elected from single-member districts.

11 C. The house of representatives shall be composed
12 of no more than seventy members elected from single-member
13 districts.

14 ~~[D. Once following publication of the official~~
15 ~~report of each federal decennial census hereafter conducted,~~
16 ~~the legislature may by statute reapportion its membership.]"~~

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

19 "A. By February 28 of each year that ends in one,
20 an independent redistricting commission shall be established to
21 provide for the redistricting of congressional, public
22 regulation commission and state legislative districts.

23 B. The independent redistricting commission shall
24 consist of five members, no more than two of whom are members
25 of the same political party and no more than two of whom shall

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1 reside in the same county. Each member shall be a registered
2 qualified elector of New Mexico who has been continuously
3 registered with the same political party or registered as
4 unaffiliated with a political party for three or more years
5 immediately preceding appointment. Within the three years
6 immediately preceding appointment, members shall not have:

7 (1) been appointed to, elected to or a
8 candidate for any other public office;

9 (2) been employed by a state agency; or

10 (3) served as an officer of a political party,
11 as a registered paid lobbyist or as an officer of a candidate's
12 campaign committee.

13 C. The appellate judges nominating commission shall
14 nominate candidates for appointment to the independent
15 redistricting commission. By January 8 of years ending in one,
16 the appellate judges nominating commission shall create a list
17 of persons who are willing to serve on and are qualified for
18 appointment to the independent redistricting commission. The
19 list shall consist of twenty-five nominees, with ten nominees
20 from each of the two largest political parties in New Mexico
21 based on party registration and five nominees who are not
22 registered with either of the two largest political parties in
23 New Mexico.

24 D. No later than January 31 of years ending in one,
25 appointments from the list of nominees to the independent

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1 redistricting commission shall be made as follows:

2 (1) the president pro tempore of the senate
3 shall appoint one member;

4 (2) the speaker of the house of
5 representatives shall appoint one member; and

6 (3) the house and senate floor leaders of the
7 party in the minority with the largest statewide registration
8 shall each appoint one member.

9 E. By February 15, the four appointed members shall
10 select by majority vote from the list of nominees a fifth
11 member who shall not be registered with any party already
12 represented on the independent redistricting commission and who
13 shall serve as chair of the commission. Members shall take an
14 oath to apply the provisions of this section in an honest,
15 independent and impartial fashion and to uphold public
16 confidence in the integrity of the redistricting process.

17 F. A vacancy on the independent redistricting
18 commission shall be filled by appointment from the list of
19 remaining nominees by the appellate judges nominating
20 commission. The vacancy shall be filled by a person of the
21 same political party or status as the member who vacated the
22 office.

23 G. A member of the independent redistricting
24 commission may be removed by the governor, with the concurrence
25 of two-thirds of the elected members of the senate, for

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1 substantial neglect of duty, gross misconduct in office or
2 inability to discharge the duties of office. A commission
3 member shall be given written notice and provided with an
4 opportunity for a response before removal. A commissioner,
5 during the commissioner's term of office and for three years
6 thereafter, shall be ineligible for state office or for
7 registration as a paid lobbyist.

8 H. The independent redistricting commission shall
9 establish congressional, public regulation commission and state
10 legislative districts. The commencement of the mapping process
11 for congressional, public regulation commission and state
12 legislative districts shall be the creation of districts of
13 equal population in a geometric or grid-like pattern across the
14 state. Adjustments shall then be made as necessary to
15 accommodate the following criteria:

16 (1) districts shall comply with federal
17 constitutional and statutory requirements;

18 (2) districts shall be equal in population to
19 the extent practicable;

20 (3) districts shall be contiguous and as
21 geographically compact as practicable;

22 (4) district boundaries shall respect
23 communities of interest to the extent practicable;

24 (5) when practicable, district lines shall use
25 visible geographic features and municipal and county

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1 boundaries;

2 (6) districts shall not divide precincts; and

3 (7) competitive districts shall be favored
4 where to do so would create no significant detriment to the
5 other criteria.

6 I. Party registration and voting history data shall
7 be excluded from the initial phase of the mapping process but
8 may be used to test maps for compliance with the criteria
9 provided in Subsection H of this section. The places of
10 residence of incumbents or candidates shall not be identified
11 or considered.

12 J. The independent redistricting commission shall
13 advertise proposed plans for the districts for public comment,
14 which comment shall be taken for at least thirty days. The
15 commission shall make any adjustments to the proposed plans it
16 deems necessary to meet the redistricting criteria and
17 establish the final district boundaries. The commission shall
18 file its final plans with appropriate state agencies by October
19 1 of each year ending in one.

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

23 L. The independent redistricting commission shall
24 have procurement and contracting authority and may hire staff,
25 consultants and legal counsel 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 the adequacy of
3 resources provided for the operation of the commission. The
4 commission shall have sole authority to determine whether the
5 New Mexico attorney general or counsel hired or selected by the
6 independent redistricting commission shall represent the state
7 in the legal defense of a redistricting plan.

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

13 N. Commissioners shall serve until their successors
14 are appointed and qualified. The independent redistricting
15 commission shall not meet or incur expenses after the
16 redistricting plan 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 on the development of budgets in preparation for the
23 next redistricting cycle.

24 O. The provisions of this section are
25 self-executing."

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