

HOUSE GOVERNMENT, ELECTIONS AND
INDIAN AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION 1

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

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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underscored material = new
[bracketed material] = delete

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, provide for the redistricting of and
21 establish congressional districts, state legislative districts
22 and the 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

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
5 have been, within five years immediately preceding appointment,
6 a candidate for or served as a federal, state or local public
7 officer, a registered lobbyist or an officer of a candidates's
8 campaign committee or served as an officer of or paid
9 consultant to a political party. A commissioner shall not be
10 eligible for elected office in a district the boundaries of
11 which the commissioner was involved with developing.

12 C. The appellate judges nominating commission shall
13 solicit, accept and evaluate applications for the commission
14 from registered qualified electors as provided by law. The
15 commission shall select at least twenty nominees from the
16 applicants, no more than eight of whom shall be members of the
17 same political party.

18 D. Appointments to the redistricting commission
19 shall be made from the nominee pool as follows:

20 (1) the leader of the party in the majority in
21 the senate shall appoint one commissioner;

22 (2) the leader of the party in the majority in
23 the house of representatives shall appoint one commissioner;

24 and

25 (3) the house and senate floor leaders of the

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1 party in the minority shall appoint one commissioner each;
2 provided that, if there is more than one minority party
3 represented in the house or senate, the leaders of the minority
4 party with the largest number of representatives or senators in
5 their respective chambers shall make the appointments.

6 E. If the appointing authority for a commissioner
7 fails to make an appointment, the appointed members of the
8 commission shall appoint a member from the remaining nominees
9 in the pool.

10 F. The four appointed commissioners shall appoint
11 the fifth member of the redistricting commission from the
12 remaining nominees in the pool as provided by law. The
13 appointed fifth member shall serve as chair of the commission.

14 G. A vacancy on the redistricting commission shall
15 be filled by appointment by the original appointing authority
16 for that position.

17 H. A commissioner may be removed by the governor,
18 with the concurrence of two-thirds of the elected members of
19 the senate, for substantial neglect of duty, gross misconduct
20 in office or inability to discharge the duties of office. A
21 commissioner shall be given written notice and provided with an
22 opportunity for a hearing before removal.

23 I. After release of the necessary federal decennial
24 census data to the state, the redistricting commission shall
25 develop proposed plans for the districts and hold public

1 hearings throughout the state on the proposed plans.

2 J. A quorum of at least three commissioners must be
3 present to conduct business. Approval of any action shall be
4 by majority vote of the entire commission.

5 K. The legislature shall provide adequate resources
6 for the operation of the redistricting commission in performing
7 its duties.

8 L. The commission shall have standing in legal
9 actions challenging its redistricting plans or process or the
10 adequacy of resources provided for the operation of the
11 commission."

12 SECTION 3. The amendment proposed by this resolution
13 shall be submitted to the people for their approval or
14 rejection at the next general election or at any special
15 election prior to that date that may be called for that
16 purpose.