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SENATE BILL 4

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Daniel A. Ivey-Soto

AN ACT

RELATING TO REDISTRICTING; ESTABLISHING TIME LINES FOR THE
CREATION OR REDRAWING OF ELECTION DISTRICTS; ALLOWING FOR
ADJUSTMENTS TO THE RELEASE OF NOMINATION PETITIONS FOLLOWING
THE REDISTRICTING PROCESS; DEFINING TERMS; REPEALING LAWS 2020,
CHAPTER 9, SECTION 1; DECLARING AN EMERGENCY.

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

SECTION 1. Section 1-3-12 NMSA 1978 (being Laws 1984 (1st
S.S.), Chapter 3, Section 4, as amended) is amended to read:

"1-3-12. ADJUSTING PRECINCT BOUNDARIES.--

A. Before each federal decennial census, every
precinct shall comply with the requirements of Section 1-3-1
NMSA 1978, and if necessary its boundary shall be adjusted to
coincide with a feature or a boundary that is:

(1) shown on the standard base maps developed

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1 pursuant to Subsection B of this section;

2 (2) a designated census block boundary on the
3 proposed federal PL 94-171 [2020] census block maps; or

4 (3) approved by the secretary of state and the
5 United States bureau of the census.

6 B. Prior to commencement of the federal decennial
7 census, the secretary of state shall have prepared and shall
8 furnish to each county clerk standard base maps of the county.
9 The standard base map for urban and nonurban areas of the
10 county shall, as nearly as practical, show:

11 (1) all state and federal highways;

12 (2) all numbered and named county roads that
13 have been certified to the department of transportation;

14 (3) all military installation boundaries and
15 federal and state prison boundaries;

16 (4) all major railroad lines;

17 (5) federal, state and county political
18 boundaries, municipal boundaries and school district
19 boundaries;

20 (6) all streets within urban areas; and

21 (7) other major terrain features, such as
22 flowing rivers and streams, arroyos, power lines, pipelines,
23 roads, trails and ridgelines and other acceptable census block
24 boundaries.

25 C. The board of county commissioners, upon receipt

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1 of the standard base maps from the secretary of state and upon
2 the recommendation of the county clerk, shall:

3 (1) adjust all precinct boundaries to coincide
4 with numbered or named street boundaries or suitable visible
5 terrain features shown on the standard base map; provided that
6 the precincts shall be composed of contiguous and compact
7 areas, and state, county, municipal, school district and other
8 special district or political boundary lines shall serve as
9 precinct boundaries whenever possible; and

10 (2) upon the completion of the precinct
11 boundary adjustments as required in this section, indicate on
12 the standard base maps the boundaries for both urban and
13 nonurban precincts and, together with a written description of
14 the precincts, shall send an electronic copy to the secretary
15 of state for approval.

16 ~~[D. The precincts shown upon the standard base maps~~
17 ~~submitted pursuant to the provisions of this section and as~~
18 ~~revised and approved by the secretary of state pursuant to the~~
19 ~~Precinct Boundary Adjustment Act shall become the official~~
20 ~~precincts of each county for the 2021 redistricting. For the~~
21 ~~2022 and subsequent statewide elections, changes in precincts~~
22 ~~shall be made in accordance with the provisions of Chapter 1,~~
23 ~~Article 3 NMSA 1978.~~

24 ~~E. In the same calendar year in which the state~~
25 ~~receives the results of a federal decennial census, the state~~

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1 ~~legislature shall redistrict federal representative districts,~~
2 ~~each chamber of the legislature, public regulation commission~~
3 ~~districts, public education commission districts and any other~~
4 ~~state districts requiring redistricting.~~

5 F. ~~In the calendar year following the receipt of~~
6 ~~the results of a federal decennial census, each local public~~
7 ~~body subject to districting shall create or redraw districts~~
8 ~~for the local public body. A local public body, when creating~~
9 ~~or redrawing districts, shall not split a precinct into two or~~
10 ~~more districts for any elected office unless necessary to~~
11 ~~comply with federal law or to preserve communities of~~
12 ~~interest.]"~~

13 SECTION 2. Section 1-3-13 NMSA 1978 (being Laws 1983,
14 Chapter 223, Section 4, as amended) is amended to read:

15 "1-3-13. [~~SECRETARY OF STATE POWERS AND DUTIES~~] ADJUSTING
16 PRECINCT BOUNDARIES--TIME LINES FOR LEGISLATIVE AND LOCAL
17 PUBLIC BODY REDISTRICTING--RELEASE OF NOMINATING PETITIONS.--

18 A. Prior to commencement of the federal decennial
19 census, the secretary of state shall review all county precinct
20 maps submitted pursuant to Section 1-3-12 NMSA 1978 for
21 compliance with the provisions of the Precinct Boundary
22 Adjustment Act and Section 1-3-1 NMSA 1978. Those county
23 precinct maps determined not to be in compliance with the
24 precinct boundary criteria set forth in Subsection A of Section
25 1-13-12 NMSA 1978 or Section 1-3-1 NMSA 1978 shall be rejected

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1 and returned to the appropriate county clerk with a written
2 statement setting forth those instances in which the map does
3 not comply. The county clerk and the board of county
4 commissioners shall make the required adjustments within thirty
5 days after receiving notice of noncompliance.

6 B. Following receipt of the results of a federal
7 decennial census, the secretary of state shall again follow the
8 procedures outlined in Subsection A of this section to allow
9 the counties to make any necessary adjustments. For any county
10 that does not make the required adjustments within thirty days
11 after receiving notice of noncompliance following receipt of
12 the results of a federal decennial census, the secretary of
13 state shall send a second notice of noncompliance, and no later
14 than ~~[June 30 of the same year]~~ ninety days following receipt
15 of the results of the federal decennial census, if any precinct
16 boundary adjustments are necessary to meet the legal
17 requirements of redistricting, pursuant to Sections 1-3-1 and
18 1-3-12 NMSA 1978, the secretary of state shall adjust the
19 boundaries of the precincts only to the extent necessary to
20 achieve compliance with the requirements of those sections and
21 notify the county of those boundary adjustments.

22 C. The precincts shown upon the standard base maps
23 submitted pursuant to the provisions of this section and as
24 revised and approved by the secretary of state pursuant to the
25 Precinct Boundary Adjustment Act shall become the official

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1 precincts of each county for redistricting.

2 D. Following completion of the procedures outlined
3 in Subsection B of this section and in the same calendar year
4 in which the state receives the results of a federal decennial
5 census:

6 (1) the legislature shall redistrict federal
7 congressional districts, each house of the legislature and any
8 other state districts requiring redistricting; and

9 (2) each local public body subject to
10 districting and whose governing body members are not elected at
11 the regular local election shall create or redraw districts for
12 the local public body.

13 E. In the calendar year following the receipt of
14 the results of a federal decennial census, each local public
15 body subject to districting and whose governing body members
16 are elected at the regular local election shall create or
17 redraw districts for the local public body.

18 F. A local public body shall establish districts in
19 which the number of persons in each district, as shown in the
20 most recent federal decennial census, is as nearly equal in
21 population as practical, but within five percent of the mean.
22 A local public body subject to districting shall not split a
23 precinct into two or more districts for any elected office
24 unless necessary to comply with federal law or to preserve
25 communities of interest. Each local public body subject to

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1 districting shall create or redraw districts pursuant to the
2 provisions of this section and notwithstanding any other state
3 or local laws to the contrary.

4 G. During years in which districts are redrawn
5 pursuant to the provisions of this section, nominating
6 petitions shall not be made available for relevant offices
7 until completion of the procedures specified in Subsection D or
8 E of this section, as applicable.

9 H. As used in this section:

10 (1) "local public body subject to districting"
11 means any political subdivision of the state with elected
12 governing body members who:

13 (a) must reside in designated areas of
14 the political subdivision to qualify for election; or

15 (b) are elected by a geographically
16 defined subset of voters within the boundaries of the political
17 subdivision; and

18 (2) "mean" means the total number of persons
19 residing within a political subdivision of the state divided by
20 the number of elected governing body members."

21 SECTION 3. REPEAL.--Laws 2020, Chapter 9, Section 1 is
22 repealed.

23 SECTION 4. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect immediately.