

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILLS 15 & 199

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

AN ACT

RELATING TO REDISTRICTING; ENACTING THE REDISTRICTING ACT;
CREATING THE CITIZEN REDISTRICTING COMMITTEE; DIRECTING THE
COMMITTEE TO DEVELOP DISTRICT PLANS FOR APPROVAL BY THE
LEGISLATURE AND GOVERNOR; PROVIDING DUTIES; ESTABLISHING
REQUIREMENTS FOR CREATING DISTRICT PLANS AND PUBLIC
PARTICIPATION IN THE PROCESS; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Redistricting Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Redistricting Act:

A. "committee" means the citizen redistricting
committee;

B. "community of interest" means a contiguous

1 population that shares common economic, social or cultural
2 interests;

3 C. "district plan" means an entire plan of
4 single-member districts for electing members to the United
5 States house of representatives, the state house of
6 representatives, the state senate or other state offices
7 requiring redistricting;

8 D. "lobbyist" means a person who is required to
9 register as a lobbyist pursuant to the provisions of the
10 Lobbyist Regulation Act;

11 E. "political party" means a political party that
12 has been qualified in accordance with the provisions of the
13 Election Code; and

14 F. "public official" means a person elected to an
15 office of the executive or legislative branch of the state.

16 SECTION 3. [NEW MATERIAL] CITIZEN REDISTRICTING COMMITTEE
17 CREATED--MEMBERSHIP--TERMS.--

18 A. The "citizen redistricting committee" is
19 created.

20 B. The committee is composed of seven members,
21 appointed as follows:

22 (1) one member appointed by the speaker of the
23 house of representatives;

24 (2) one member appointed by the minority floor
25 leader of the house of representatives;

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1 (3) one member appointed by the president pro
2 tempore of the senate;

3 (4) one member appointed by the minority floor
4 leader of the senate;

5 (5) two members appointed by the state ethics
6 commission, who shall not be members of the largest or second
7 largest political parties in the state; and

8 (6) one member appointed by the state ethics
9 commission, who shall be a retired justice of the New Mexico
10 supreme court or a retired judge of the New Mexico court of
11 appeals, and who shall chair the committee.

12 C. No more than three members of the committee
13 shall be members of the same political party. A member of the
14 committee shall not have changed party registration in the two
15 years next preceding the member's appointment in such a manner
16 that the member's prior party registration would cause one
17 political party to have more than three members. A member of
18 the committee shall not continue to serve on the committee if
19 the member changes party registration after the date of
20 appointment in such a manner as to cause one political party to
21 have more than three members.

22 D. Members shall be appointed not later than April
23 1, 2021, and August 1 of each year ending in the number zero
24 thereafter, and shall serve until a district plan for each of
25 New Mexico's congressional districts, the state house of

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1 representatives, the state senate and other state offices
2 requiring redistricting is submitted to the legislature.

3 E. When any member of the committee dies, resigns
4 or no longer has the qualifications required for the member's
5 original appointment, the member's position on the committee
6 becomes vacant and the chair shall notify the original
7 appointing authority of the vacant position. The vacancy shall
8 be filled by appointment by the original appointing authority
9 no later than fifteen days following notification of the
10 vacancy.

11 F. The committee shall meet as necessary to carry
12 out its duties pursuant to the Redistricting Act.

13 G. Members are entitled to receive per diem and
14 mileage as provided in the Per Diem and Mileage Act and shall
15 receive no other compensation, perquisite or allowance.

16 SECTION 4. [NEW MATERIAL] MEMBERS--QUALIFICATIONS--
17 LIMITATIONS.--

18 A. To qualify for appointment to the committee, a
19 person shall:

20 (1) be a qualified elector of New Mexico and a
21 voter; and

22 (2) not be, or in the two years prior to
23 appointment have been, in New Mexico, any of the following:

24 (a) a public official;

25 (b) a candidate for public office;

1 (c) a lobbyist;

2 (d) an office holder in a political
3 party at the state or federal level;

4 (e) a relative in the first degree of
5 consanguinity of a member of congress, the state house of
6 representatives, the state senate or the public education
7 commission; or

8 (f) an employee of congress, the
9 legislative branch of government or other state office required
10 to be redistricted by the committee.

11 B. Before entering upon the duties of the office of
12 member, a member shall review the Redistricting Act and take
13 the oath of office as provided by state law.

14 SECTION 5. [NEW MATERIAL] COMMITTEE--DUTIES.--

15 A. Beginning April 1, 2021, and every August 1 of
16 each year ending in the number zero thereafter, the committee
17 shall:

18 (1) no later than October 30, 2021, or as soon
19 thereafter as practicable, and September 1 of each year ending
20 in the number one thereafter, adopt three district plans each
21 for:

22 (a) New Mexico's congressional
23 districts;

24 (b) the state house of representatives;

25 (c) the state senate; and

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underscoring material = new
[bracketed material] = delete

1 (d) the other state offices required to
2 be redistricted;

3 (2) hold no fewer than six public meetings
4 either virtually or in various regions of the state before
5 publishing the district plans for public comment;

6 (3) hold no fewer than six public meetings,
7 either virtually or in various regions of the state, for the
8 purpose of adopting district plans;

9 (4) conduct all meetings pursuant to the
10 requirements of the Open Meetings Act; and

11 (5) compile, index, maintain and provide
12 public access to the committee's record for each district plan
13 it adopts.

14 B. Beginning April 1, 2021, and August 1 of each
15 year ending in the number zero thereafter, the committee may:

16 (1) develop and adopt procedures for public
17 hearings; and

18 (2) hire staff and enter into contracts and
19 any interagency agreements, including agreements to provide for
20 professional technical or legal services, as necessary to
21 accomplish the duties set forth in this section.

22 SECTION 6. [NEW MATERIAL] COMMITTEE MEETINGS BEFORE
23 PROPOSING DISTRICT PLANS.--

24 A. Before the committee issues proposed district
25 plans for public comment, the committee shall hold no fewer

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1 than six public meetings at which the committee shall receive
2 testimony, documents and information regarding the
3 identification of communities of interest and other testimony,
4 documents and information regarding the creation of district
5 plans. The committee shall provide the public with notice not
6 later than thirty days before these meetings and the notice
7 shall include information about how the public may participate
8 and submit testimony, documents and information. The committee
9 shall hold meetings either virtually or in various regions
10 across the state, including in central New Mexico and in each
11 of the four geographic quadrants of the state.

12 B. The committee shall compile, index, maintain and
13 provide public access to all testimony, documents and
14 information received in the meetings conducted before issuing
15 proposed district plans for public comment.

16 C. The proposed district plans that the committee
17 issues for public comment shall be based, in part, on the
18 testimony, documents and information received.

19 SECTION 7. [NEW MATERIAL] DISTRICT PLANS--REQUIREMENTS
20 AND PROHIBITIONS.--

21 A. The committee shall develop district plans in
22 accordance with the following provisions:

23 (1) congressional districts shall be as equal
24 in population as practicable;

25 (2) state districts shall be substantially

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1 equal in population; no plans for state office will be
2 considered that include any district with a total population
3 that deviates more than plus or minus five percent from the
4 ideal;

5 (3) the committee shall use the most recent
6 federal decennial census data generated by the United States
7 census bureau;

8 (4) proposed redistricting plans to be
9 considered by the legislature shall not be composed of
10 districts that split precincts;

11 (5) plans must comport with the provisions of
12 the federal Voting Rights Act of 1965, as amended, and federal
13 constitutional standards; plans that dilute a protected
14 minority's voting strength are unacceptable; race may be
15 considered in developing redistricting plans but shall not be
16 the predominant consideration; traditional race-neutral
17 districting principles shall not be subordinated to racial
18 considerations;

19 (6) all redistricting plans shall use only
20 single-member districts;

21 (7) districts shall be drawn consistent with
22 traditional districting principles;

23 (8) districts shall be composed of contiguous
24 precincts and shall be reasonably compact;

25 (9) to the extent feasible, districts shall be

1 drawn in an attempt to preserve communities of interest and
 2 shall take into consideration political and geographic
 3 boundaries; and

4 (10) in addition, and to the extent feasible,
 5 the committee may seek to preserve the core of existing
 6 districts.

7 B. The committee may incorporate suggested changes
 8 to its proposed district plans in accordance with public
 9 comments and testimony it receives, but shall not subordinate
 10 the requirements of Paragraphs (1) through (9) of Subsection A
 11 of this section in doing so.

12 SECTION 8. [NEW MATERIAL] COMMITTEE ADOPTION OF DISTRICT
 13 PLANS.--The committee shall adopt three district plans for each
 14 of New Mexico's congressional districts, the state house of
 15 representatives, the state senate and other state offices
 16 required to be redistricted at an open meeting. After the
 17 committee adopts the district plans, the committee shall
 18 provide written evaluations of each district plan that address
 19 the satisfaction of the requirements set forth in the
 20 Redistricting Act, the ability of racial and language
 21 minorities to elect candidates of their choice, a measure of
 22 partisan fairness and the preservation of communities of
 23 interest.

24 SECTION 9. [NEW MATERIAL] LEGISLATIVE SELECTION OF
 25 DISTRICT PLANS.--

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