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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 1st Session, 2019**

<b>Bill Number</b>	<u>SB416/aSRC</u>	<b>Sponsor</b>	<u>Moore/Tallman/Fajardo</u>
<b>Tracking Number</b>	<u>.210932.3</u>	<b>Committee Referrals</b>	<u>SRC/SJC/SFC</u>
<b>Short Title</b>	<u>Redistricting Act</u>		
<b>Analyst</b>	<u>Force</u>	<b>Original Date</b>	<u>2/11/19</u>
		<b>Last Updated</b>	<u>2/28/19</u>

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**BILL SUMMARY**

Synopsis of SRC Amendment

\*This LESC analysis focuses on portions of the bill affecting election districts related to public schools.

The Senate Rules Committee Amendment to SB416 (SB416/aSRC) strikes language requiring the Legislative Council Service (LCS) to obtain information from the US Census Bureau needed for redistricting after each federal decennial census by December 31 of every year ending in zero. The bill now only requires LCS to obtain and use the information without a time limit.

Synopsis of Bill

Senate Bill 416 (SB416) proposes the Redistricting Act, which establishes requirements and procedures for required redistricting of congressional, legislative, Public Regulation Commission, and Public Education Commission (PEC) districts on the basis of each decennial federal census. LCS would be required to obtain federal census data and prepare redistricting plans accordingly. The proposed Redistricting Act would establish procedures and timelines for the development and dissemination of redistricting plans, and would prohibit redistricting plans from being drawn to favor one political party over the other or dilute the voting strength of a minority group. SB416 also proposes procedures for the composition and establishment of a temporary redistricting commission to establish policies and advise LCS on redistricting plans and procedures. If enacted, the bill would become effective on July 1, 2019.

**FISCAL IMPACT**

SB416/aSRC does not contain an appropriation.

The New Mexico Attorney General's office (AG) notes that intervention by the judiciary was needed in both redistricting efforts in 2001 and 2011. The 2001 redistricting plan alone ultimately cost the taxpayers more than \$3.5 million after litigation and implementation.

## **SUBSTANTIVE ISSUES**

SB416/aSRC would require the establishment of a temporary redistricting advisory commission of four members, who shall then appoint a fifth temporary commissioner to serve as chair. No one who is a relative of or employed by members of the PEC or any other group whose districts would be affected by redistricting plans may be appointed to the redistricting commission, nor may they hold a partisan or political public office.

Current law in the Educational Redistricting Act of 2011 (Section 22-3A-1, *et seq.*) requires 10 members of the PEC be elected for staggered terms of four years from districts established by law. Candidates for PEC offices must be residents of the district which they are seeking to represent. No voting precincts may be split between districts. Although neither the Constitution of New Mexico nor the New Mexico Annotated Statutes 1978 require redistricting after the federal decennial census, Article 4 of the New Mexico Constitution authorizes it, and federal law requires it to protect the voting interests of minorities. Redistricting plans to be prepared by LCS would be required to address redistricting of PEC districts as well as other state and federal voting districts, and be based on population and submitted to the temporary redistricting commission created by the bill. If the first redistricting plan submitted to the redistricting commission fails to be enacted, a second plan must be prepared under the same conditions as the first, so long as the new plan addresses the reasons the plan was rejected cited by the House of Representatives, the Senate, or the governor in a veto message. A third plan, if necessary, would necessitate the same procedures required for consideration of a second plan.

No district, including PEC districts, may be drawn to favor a particular political party or dilute or augment the voting strength of a particular language or racial minority group. The establishment of voting districts may not use addresses of incumbent Public Education Commissioners. All state districts are to be substantially equal in population and comply with the Voting Rights Act of 1965.

If enacted, SB416/aSRC will become effective with the beginning of FY20, July 1, 2019.

## **TECHNICAL ISSUES**

AG notes Section 4 of the bill incorrectly refers to the plan submitted by LCS in Subsection B, but should refer to Subsection C. Further, SB416/aSRC requires members be qualified electors of the state without defining the term, “qualified electors”; AG suggests repeating the definition from the Election Code in SB416/aSRC, though the bill might also incorporate that definition by reference

## **RELATED BILLS**

House Bill 249, Native American Voting Task Force, which proposes to establish that taskforce.

\*House Bill 407, Election Laws 50-Year Tune-Up, which would amend several state election laws.

Senate Bill 468, Signatures Required on Nominating Petitions, which would establish the number of signatures required for the nomination of candidates to several political offices, both at the state and federal level.

Senate Joint Resolution 9, Public Education Commission, CA, which would Amend Article XII, Section 6 of the New Mexico Constitution to create an elected State Board of Education, in lieu of the current Public Education Commission.

**SOURCES OF INFORMATION**

- LESC files
- New Mexico Attorney General (AG)

**RKF/mc**