

1 HOUSE JOINT RESOLUTION 1

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Natalie Figueroa

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE
12 FOR THE CREATION OF AN INDEPENDENT REDISTRICTING COMMISSION TO
13 DEVELOP REDISTRICTING PLANS FOR CONGRESSIONAL DISTRICTS, STATE
14 LEGISLATIVE DISTRICTS AND THE DISTRICTS OF OTHER DISTRICTED
15 STATE OFFICES.

16
17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. It is proposed to amend Article 4, Section 3
19 of the constitution of New Mexico to read:

20 "A. Senators shall not be less than twenty-five
21 years of age and representatives not less than twenty-one years
22 of age at the time of their election. If any senator or
23 representative permanently removes [~~his~~] the senator's or
24 representative's residence from or maintains no residence in
25 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
3 selected 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 August 15 of each year ending in the number
20 zero, a redistricting commission shall be established to
21 prepare and provide for the redistricting of congressional
22 districts, state legislative districts and the districts of
23 other districted state offices.

24 B. The redistricting commission shall consist of
25 nine commissioners appointed by the state ethics commission.

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1 Each commissioner shall be a registered qualified elector of
2 New Mexico who has not changed political party registration
3 within the two years immediately preceding appointment. A
4 commissioner shall not be, nor have been, within the ten years
5 immediately preceding the opening of the selection process a
6 federal or state elected official, a gubernatorially appointed
7 state agency head, a relative in the first degree of
8 consanguinity of any of the preceding public officials or an
9 officer of a political party. A commissioner shall not have
10 been a local elected official, an employee of the United States
11 congress or the New Mexico legislative branch, a candidate for
12 public office, an employee or contractor for a candidate,
13 campaign committee or political committee or a registered paid
14 lobbyist within the five years immediately preceding the
15 opening of the selection process.

16 C. Through a public application process, the state
17 ethics commission shall solicit, accept and evaluate
18 applications from qualified applicants, from which the state
19 ethics commission shall select at least thirty-eight nominees;
20 provided that no more than twelve of whom shall be members of
21 the same political party. The state ethics commission shall
22 submit the selected nominees to the president pro tempore of
23 the senate, the minority floor leader of the senate, the
24 speaker of the house of representatives and the minority floor
25 leader of the house of representatives by July 1 of each year

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1 ending in the number zero. The president pro tempore of the
2 senate, the minority floor leader of the senate, the speaker of
3 the house of representatives and the minority floor leader of
4 the house of representatives may each strike up to two
5 applicants, excluding retired judges or justices.

6 D. No later than July 21 of each year ending in the
7 number zero, the president pro tempore of the senate, the
8 minority floor leader of the senate, the speaker of the house
9 of representatives and the minority floor leader of the house
10 of representatives shall submit the list of applicants they
11 want stricken from eligibility for appointment to the state
12 ethics commission.

13 E. The state ethics commission shall appoint nine
14 commissioners from the remaining pool of applicants. The state
15 ethics commission shall appoint three appointees from the two
16 political parties with the largest number of registered voters
17 affiliated with the party in the state and three members who
18 are affiliated with other political parties or who are
19 unaffiliated voters. One of the nine commissioners shall be a
20 retired district court judge, appellate court judge or justice
21 of the supreme court, who shall serve as chair of the
22 redistricting commission. To the extent practicable, the state
23 ethics commission shall strive to make appointments that are
24 reflective of the population of the state in terms of
25 geography, race, ethnicity and gender. The state ethics

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1 commission shall also strive to select commissioners who commit
2 to conducting the redistricting process in an honest,
3 independent and impartial fashion. All appointments shall be
4 made on or before August 15 of each year ending in the number
5 zero. All appointees shall, before entering upon their duties,
6 take and subscribe to the oath of office provided for by this
7 constitution.

8 F. A vacancy on the redistricting commission shall
9 be filled by the state ethics commission from the remaining
10 pool of qualified applicants. A commissioner shall be deemed
11 to have resigned from the redistricting commission and a
12 vacancy created if, after the day of appointment, the
13 commissioner changes party registration in such a way as to
14 cause one political party to have more than three members on
15 the commission.

16 G. A commissioner may be removed by the supreme
17 court for substantial neglect of duty, gross misconduct in
18 office or inability to discharge the duties of office. The
19 supreme court has original jurisdiction over proceedings to
20 remove commissioners. A proceeding for the removal of a
21 commissioner shall be commenced by the attorney general upon
22 the request of the redistricting commission.

23 H. The redistricting commission shall develop
24 district plans for congressional districts, state legislative
25 districts and other districted state offices following each

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1 federal decennial census. The commission shall develop
2 district plans in accordance with the following provisions:

3 (1) congressional districts shall be as equal
4 in population as practicable;

5 (2) legislative districts and other state
6 office districts shall be substantially equal in population.

7 The commission shall not consider district plans for the
8 legislature and other state offices that have a total deviation
9 of plus or minus five percent;

10 (3) the commission shall use the most recent
11 federal decennial census data generated by the United States
12 census bureau and may use other reliable sources of demographic
13 data as determined by majority vote of the commission;

14 (4) district plans shall comport with the
15 provisions of federal law and shall not dilute a protected
16 minority's voting strength. Race may be considered in
17 developing district plans but shall not be the predominant
18 consideration, and traditional race-neutral redistricting
19 principles shall not be subordinated to racial considerations;

20 (5) district plans shall use only single-
21 member districts and shall not split precincts;

22 (6) districts shall be drawn consistent with
23 traditional redistricting principles;

24 (7) districts shall be composed of contiguous
25 precincts and shall be reasonably compact;

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1 (8) to the extent feasible, districts shall be
2 drawn in an attempt to preserve communities of interest and
3 shall take into consideration political and geographic
4 boundaries, including the boundaries of Indian nations, tribes
5 and pueblos and their political subdivisions; and

6 (9) to the extent feasible, the commission may
7 seek to preserve the core of existing districts.

8 I. The redistricting commission may incorporate
9 suggested changes to its proposed district plans in accordance
10 with public comments and testimonies it receives, but shall not
11 subordinate the requirements of Paragraphs (1) through (9) of
12 Subsection H of this section in doing so.

13 J. When proposing or adopting district plans, the
14 redistricting commission shall not:

15 (1) use, rely upon or reference partisan data,
16 such as voting history or party registration data; provided
17 that voting history in elections may be considered to ensure
18 that the district plan complies with applicable federal law; or

19 (2) consider the voting address of incumbents.

20 K. After release of the necessary federal decennial
21 census data to the state, the redistricting commission shall
22 hold public hearings throughout the state to develop proposed
23 district plans and subsequently to approve district plans. The
24 commission shall make any adjustments to the proposed plans
25 that it deems necessary to meet the redistricting criteria and

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1 establish the final district boundaries. The commission shall
2 file with the secretary of state the commission's approved
3 plans for senate, house of representatives and congressional
4 districts and other districted state offices by October 1 of
5 each year ending in the number one or within six months of the
6 release of redistricting data by the United States census
7 bureau, whichever is later.

8 L. An approved plan shall determine the districts
9 for use in the succeeding primary and general elections for the
10 respective body.

11 M. The legislature shall provide adequate resources
12 for the operation of the redistricting commission in performing
13 its duties.

14 N. The redistricting commission shall have
15 procurement and contracting authority and may hire staff,
16 consultants and legal counsel as necessary to carry out its
17 duties. The commission shall have standing in legal actions
18 challenging the redistricting plans or process, or the adequacy
19 of resources provided for the operation of the commission. The
20 commission shall have sole authority to determine whether the
21 attorney general or counsel hired or selected by the commission
22 shall represent the state in the legal defense of a
23 redistricting plan.

24 O. Commissioners are eligible for per diem and
25 mileage at the federal general services administration maximum

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1 federal per diem rate for the city of Santa Fe and the internal
2 revenue service standard mileage rate for travel on
3 redistricting commission business.

4 P. Commissioners shall disclose communication with
5 outside persons or organizations attempting to influence the
6 map-drawing process outside of public meetings and public
7 comment periods. Failure to disclose the communications shall
8 constitute substantial neglect of duty.

9 Q. Each commissioner shall serve until the
10 commissioner's successor is appointed and qualified in July or
11 August of the next year ending in the number zero following the
12 commissioner's appointment. The redistricting commission shall
13 not meet nor incur expenses after the redistricting process is
14 completed, except:

15 (1) when litigation related to a plan is
16 pending;

17 (2) to revise districts if required by a court
18 decision; or

19 (3) to maintain and provide public access to
20 records of its proceedings.

21 R. The state ethics commission and the
22 redistricting commission shall develop and adopt rules for each
23 scope of their authority at the beginning of each redistricting
24 process.

25 S. The provisions of this section are self-

1 executing."

2 SECTION 3. The amendment proposed by this resolution
3 shall be submitted to the people for their approval or
4 rejection at the next general election or at any special
5 election prior to that date that may be called for that
6 purpose.

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