

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2014-33**

**INTRODUCED BY:**

Councilor Carmichael Dominguez

Councilor Ronald Trujillo

Councilor Peter Ives

**AN ORDINANCE**

**RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987 TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. A new Article 6-18 SFCC 1987 is ordained to read:**

**6-18 [NEW MATERIAL] INDEPENDENT CITIZENS' REDISTRICTING COMMISSION.**

**6-18.1 [NEW MATERIAL] Creation; Purpose.**

**A. The creation of an independent citizens' redistricting commission ("commission") was approved by the electorate of the city of Santa Fe on March 4, 2014 when the electorate approved an amendment to Section 6.03 of the Santa Fe Municipal Charter ("Charter").**

**B. As required by the Charter, the purpose of this section is to establish a procedure for**

1 the appointment and deliberations of the commission.

2 **6-18.2 [NEW MATERIAL] Independent Districting Consultant.**

3 A. Prior to the establishment of the first commission and every commission thereafter,  
4 an independent districting consultant shall be acquired through the city procurement process. The  
5 consultant shall be experienced and competent in the skills necessary for the districting work to assist  
6 the commission in developing the districting plans detailed in this Section.

7 B. The consultant shall provide professional and technical assistance to the commission  
8 and use data, including census data, to create four (4) dual member districts for the consideration by  
9 the commission.

10 C. The consultant, along with the city attorney, shall ensure that the districting plans  
11 comply with state, federal and local laws including the Federal Voting Rights Act of 1965 and the  
12 City of Santa Fe Municipal Charter. The creation of districts shall be done in such a way as to avoid  
13 splitting precincts.

14 **6-18.3 [NEW MATERIAL] Powers and Duties of Commission.**

15 A. The first commission established under this Section shall establish a districting plan  
16 for adjusting the boundaries of the four (4) city council districts in a timely manner, but no later than  
17 June 1, 2015, for use in the 2016 regular municipal election.

18 B. Future commissions shall establish a districting plan, if necessary, for adjusting the  
19 boundaries of the four (4) city council districts:

20 (1) Within one (1) year of receipt by the city of the final federal decennial census  
21 information for use commencing with the next scheduled general municipal election  
22 occurring at least three (3) months after adoption of the final districting plan; or

23 (2) When the governing body adopts a resolution expressing the need for  
24 convening a commission to establish a districting plan.

25 C. Pursuant to 6-18.2 SFCC 1987, the commission shall rely on the professional and

1 technical assistance of the independent districting consultant when considering and establishing the  
2 final districting plan.

3 D. In establishing the district boundaries, the commission will, to the maximum  
4 practicable extent, ensure that the commission's decisions will be based exclusively on the following  
5 principles in the following order of priority:

6 (1) Each district shall contain as nearly as possible substantially the same  
7 population based upon the most recent federal census;

8 (2) Districting plans must avoid dilution of minority voting strength;

9 (3) Communities of interest, including those based upon ethnic and economic  
10 factors, shall be preserved within a single district whenever reasonable;

11 (4) Each district shall be formed of compact, contiguous territories. The total  
12 length of all district boundary lines shall be as short as possible;

13 (5) Districting plans shall compensate for U.S. census undercount of minorities.

14 E. The commission may assign appropriate weight to:

15 (1) Minimizing the splitting of precincts;

16 (2) Minimizing the need for additional polling locations; and

17 (3) Minimizing voter confusion in switching elected officials into different  
18 districts.

19 F. The commission shall conduct a series of public hearings.

20 (1) The commission shall conduct a minimum of one (1) public hearing for  
21 organizational purposes in order to select a chairperson and a vice-chairperson and to  
22 coordinate with the independent consultant.

23 (2) The commission shall conduct a minimum of one (1) public hearing to  
24 provide instruction to the consultant for the development of a preliminary districting plan or  
25 plans.

1 (3) The commission shall conduct a minimum of four (4) public hearings to  
2 receive oral and written comments on the preliminary districting plan or plans.

3 (4) The commission shall conduct a minimum of one (1) public hearing to vote  
4 to adopt a final districting plan.

5 G. In addition to considering districting plans prepared by the commission in  
6 coordination with the independent consultant, the commission may consider districting plans  
7 submitted by the general public that are consistent with the requirements of the laws of the city of  
8 Santa Fe and the state of New Mexico.

9 H. The commission shall conduct the public hearings in an open and transparent manner,  
10 in accordance with the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA  
11 1978.

12 I. Any member of the commission shall not communicate with any interested parties  
13 outside of the public meeting and hearing concerning the merits or substance of any item coming  
14 before the commission, except in writing filed with the city clerk.

15 **6-18.3 [NEW MATERIAL] Membership**

16 A. *Definitions.* As used in this subsection:

17 (1) *Cartographer* means a person who makes maps and has a minimum of three  
18 years of work experience as a cartographer.

19 (2) *Geographer* means a person who specializes in geography and has a  
20 minimum of three years of work experience as a geographer.

21 (3) *Statistician* means a person who is versed in or engaged in compiling  
22 statistics and has a minimum of three years of work experience as a statistician.

23 B. *Membership.* The commission shall consist of seven (7) members who shall be  
24 selected and appointed in the manner provided for in 6-18.4 SFCC 1987.

25 (1) One (1) member shall be a resident of city council district 1;

- 1 (2) One (1) member shall be a resident of city council district 2;  
2 (3) One (1) member shall be a resident of city council district 3;  
3 (4) One (1) member shall be a resident of city council district 4;  
4 (5) One (1) member shall be a resident of the city of Santa Fe, who is a  
5 statistician;  
6 (6) One (1) member shall be a resident of the city of Santa Fe, who is either a  
7 geographer or cartographer; and  
8 (7) For the first commission, one (1) member shall be a resident of the city of  
9 Santa Fe and reside in the newly annexed area of the city that became effective on January 1,  
10 2014. For future commissions, the one (1) member shall be a resident of any city council  
11 district.

12 Should the city not receive applications from interested persons for the membership positions  
13 described in subparagraphs (5) and (6), above, then those positions may be filled by interested  
14 persons of any city council district who have applied for and were not selected for the other  
15 membership positions.

16 **6-18.4 [NEW MATERIAL] Eligibility; Selection; Chairperson; Term.**

17 *A. Eligibility to serve on the commission.*

18 (1) Only persons who are both residents and registered voters of the city are  
19 eligible to apply for and serve on the commission.

20 (2) Notwithstanding that a person may be a resident and registered voter of the  
21 city, the following persons are ineligible to apply for and serve on the commission:

22 (a) Any elected official; or

23 (b) A relative by blood or marriage within the second degree, or any  
24 domestic partner, within the meaning of Subsection 19-3.8 SFCC 1987, of any  
25 elected city official; or

1 (c) A person who, at any time within the five (5) years immediately  
2 preceding the date of their application for selection to the commission, has served as  
3 an elected city official; or

4 (d) A person who, within the last five (5) years immediately preceding  
5 the date of application for selection to the commission, has been a candidate to  
6 become an elected city official; or

7 (e) A current employee of the city or a current employee of any  
8 organization representing any employee bargaining unit for employees of the city; or

9 (f) A person who, at any time within the five (5) years immediately  
10 preceding the date of their application for selection to the commission, has worked as  
11 a lobbyist. For purposes of this provision, the term "lobbyist" means a person who,  
12 for compensation, has direct communication with an elected official, including any  
13 elected city official, for purposes of influencing a municipal decision; or

14 (g) A person who is currently an officer in any non-profit organization  
15 that participates in the electoral process through endorsements of candidates.

16 (h) A person who is currently an officer in any political committee, as  
17 that term is defined in 9-2.3(M) SFCC 1987; or

18 (i) A person who is currently an officer in any qualified political party,  
19 as that term is defined in 1-1-10 NMSA 1978, including, an officer of any county  
20 political party; or

21 (h) A person who, at any time within the five (5) years immediately  
22 preceding the date of their application for selection to the commission, has served as  
23 a paid campaign worker or paid campaign consultant for an elected city official; or

24 (i) A person who, at any time within the five (5) years immediately  
25 preceding the date of their application for selection to the commission, has

1 contributed more than five dollars (\$5.00) to the campaign of a city elected official.

2 C. *Selection of commission members.*

3 (1) The city clerk shall set a reasonable period for an application submittal  
4 period.

5 (2) Any person desiring to serve on the commission shall apply by submitting an  
6 application to the city clerk during the application submittal period. The application shall be  
7 on a form prepared by the city clerk and approved by the city attorney.

8 (3) The city clerk shall conduct a ministerial review of each submitted  
9 application for completeness. All applications shall be submitted to the city clerk by the close  
10 of the application submittal period in order to be considered.

11 (4) Upon close of the application submittal period, the city clerk shall count all  
12 applications submitted and determine the number of complete applications that will be  
13 available for the drawing. If the city clerk determines that less than three (3) complete  
14 applications, per membership position, have been submitted, the city clerk shall extend the  
15 application period, if doing so will not interfere with applicable deadlines for the redistricting  
16 process. The city clerk extended application period shall be no more than one-half the length  
17 of the initial application period.

18 (4) The city clerk shall set a date, time and place for the members to be selected  
19 by means of a drawing by lot, so that (1) member for each position, described in 6-18.3 SFCC  
20 1987, is selected, along with one alternate, in the event the member resigns in writing prior  
21 to the end of the term of the commission. An alternate shall be subject to the same  
22 requirements of a member. An alternate is not required to attend commission meetings;  
23 however, if an alternate is called upon, then the alternate shall be required to become familiar  
24 with the minutes and actions of the commission, prior to voting on any items.

25 D. *Chairperson.* The chairperson and vice-chairperson shall be elected by members of

1 the commission.

2 E. *Term.*

3 (1) The members of the first commission shall be selected as soon as practicable.  
4 For the first commission, the goal is to have the commission members determined by no later  
5 than February 1, 2015 so that the initial districting plan shall be final by June 1, 2015.

6 (2) Members of each commission shall serve from the time they are appointed  
7 until after the vote on the final redistrict plan, or unless ordered otherwise by a court.

8 **6-18.5 [NEW MATERIAL] Meetings.** Each commission shall establish its regular meeting  
9 day, time and location and shall publish notice of each meeting with the city clerk, in accordance with  
10 the New Mexico Open Meetings Act, , Sections 10-15-1 through 10-15-4 NMSA 1978.

11 **6-18.6 [NEW MATERIAL] Budget.** The city finance director shall ensure that adequate  
12 funds are appropriated for the commission to carry out its duties.

13 **6-18.7 [NEW MATERIAL] Staff.** The city attorney shall be the staff liaison to the  
14 commission.

15 **Section 2. Subsection 9-1.4 SFCC 1987 (being Ord. #1985-60, §4, as amended) is**  
16 **amended to read:**

17 **9-1.4 Districting.**

18 A. In establishing the district boundaries, [~~the governing body~~] the independent citizens'  
19 redistricting commission, established by Section 6-18 SFCC 1987, shall consider the following  
20 principles in the following order of priority:

21 (1) Each district shall contain as nearly as possible substantially the same  
22 population based upon the most recent federal census;

23 (2) Districting plans must avoid dilution of minority voting strength;

24 (3) Communities of interest, including those based upon ethnic and economic  
25 factors, shall be preserved within a single district whenever reasonable;



1 (4) Each district shall be formed of compact, contiguous territories. The total  
2 length of all district boundary lines shall be as short as possible;

3 (5) Districting plans shall compensate for U.S. Census undercount of minorities.

4 B. District boundaries shall be reviewed and revised, if necessary, following each  
5 decennial federal census.

6 C. Revisions to the district boundaries [~~in existence on the date of adoption of this~~  
7 ~~ordinance~~] shall be effective beginning with the March[~~, 2012~~] 2016 regular municipal election.

8 **Section 3. Subsection 9-1.4.1 SFCC 1987 (being Ord. #2002-7, §§4,5, as amended)**  
9 **is amended to read:**

10 **9-1.4.1 Incorporation by Reference.**

11 The approved redistricting plan and plan documents (subsections 9-1.3 and 9-1.4) presented  
12 to [~~and utilized by the governing body at the August 1, 2011 meeting~~] the independent citizens'  
13 redistricting commission, in the course of revising the boundaries of the four (4) city council districts  
14 are incorporated by reference. A true and correct copy of said plan and plan documents shall be  
15 retained by the municipal clerk and made available for inspection by the public.

16 **Section 4. Review.** This Ordinance shall be reviewed by the governing body no later  
17 than one year from the date of adoption.

18 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon  
19 adoption.

20 APPROVED AS TO FORM:

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22 \_\_\_\_\_

23 KELLEY A. BRENNAN, CITY ATTORNEY

24  
25 *M/Melissa/Bills 2014/2014-33 Redistricting Commission*