

**MINUTES
of the
SECOND MEETING
of the
REDISTRICTING COMMITTEE**

**July 18, 2011
Enchantment Ballroom
Clovis Civic Center, Clovis**

**July 19, 2011
Room 200A/B, Auditorium
Daniels Leadership Center
New Mexico Military Institute, Roswell**

**July 20, 2011
West Ballroom
Corbett Center
New Mexico State University, Las Cruces**

The second meeting of the Redistricting Committee was called to order by Senator Linda M. Lopez, co-chair, on July 18, 2011 at 10:15 a.m. at the Clovis Civic Center in Clovis, New Mexico.

Present

Rep. Mary Helen Garcia, Co-Chair
Sen. Linda M. Lopez, Co-Chair
Sen. Kent L. Cravens
Rep. Anna M. Crook
Sen. Phil A. Griego
Sen. Stuart Ingle
Rep. Conrad D. James
Sen. Timothy Z. Jennings
Rep. Larry A. Larrañaga
Sen. Lynda M. Lovejoy
Rep. W. Ken Martinez
Sen. Gerald Ortiz y Pino (July 20)
Rep. Debbie A. Rodella
Rep. Edward C. Sandoval
Sen. William E. Sharer
Sen. John Arthur Smith
Rep. Thomas C. Taylor

Absent

Rep. James Roger Madalena

Advisory Members

Rep. Ray Begaye
Rep. Gail Chasey
Sen. Carlos R. Cisneros (July 18 and 19)
Rep. Nora Espinoza (July 18 and 19)
Sen. Mary Jane M. Garcia
Rep. Nate Gentry
Rep. Rodolpho "Rudy" S. Martinez (July 20)
Rep. Bill B. O'Neill
Sen. Sander Rue
Rep. James E. Smith (July 18)
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart (July 20)
Rep. Shirley A. Tyler (July 19 and 20)

Rep. Paul C. Bandy
Rep. Donald E. Bratton
Sen. William F. Burt
Rep. Thomas A. Garcia
Sen. Tim M. Keller
Rep. Ben Lujan
Sen. Howie C. Morales
Sen. George K. Munoz
Sen. Steven P. Neville
Sen. Peter Wirth

Guest Legislators

Rep. Joseph Cervantes (July 20)
Rep. George Dodge, Jr. (July 18)
Rep. Joni Marie Gutierrez (July 20)
Sen. Clinton D. Harden, Jr. (July 18)
Rep. Yvette Herrell (July 20)
Rep. Dona G. Irwin (July 20)
Rep. Dennis J. Kintigh (July 19)
Sen. Cisco McSorley (July 20)
Rep. Dennis J. Roch (July 18)

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Jon Boller, Staff Attorney, Legislative Council Service (LCS)
Alise Rudio, Staff Attorney, LCS
Leslie Porter, Research Assistant, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and copies of written testimony are in the meeting file.

Wednesday, July 18

At the suggestion of Senator Lopez, the members of the committee introduced themselves. Mr. Boller introduced the LCS staff, and Brian Sanderoff, president, Research & Polling, Inc. (R&P), introduced the R&P staff.

Representatives from Governor Susana Martinez's office introduced themselves and announced that they were recording the meeting and would post the recording on the governor's web site.

Overview of Redistricting and Introduction to 2011 State and Congressional Redistricting Concepts

Mr. Sanderoff reviewed the basic principles of redistricting, explaining that in New Mexico, precincts are the basic building blocks for all districts. Districts should be compact, contiguous and respectful of communities of interest, he said. He reviewed the current deviations within the congressional, house, senate and Public Regulation Commission (PRC) districts, noting that variations in growth among the counties throughout the state may require the pairing of some incumbents in the house and senate. Mr. Sanderoff warned the legislators not to look at their districts in a vacuum but as part of a regional system where changes to a single district may affect how 30 other districts are structured. The handout developed by R&P illustrating Mr. Sanderoff's presentation can be found both in the meeting file and on the legislature's web site.

Mr. Sanderoff added that most of the counties have finalized their respective precinct boundaries, but a couple of counties had not yet formally adopted all the suggested changes necessary to complete the redistricting process.

Mr. Sanderoff informed the committee and members of the public that R&P will not be addressing every plan at every meeting due to the large amount of information. He said that the presentation in Clovis would focus on the eastern side of the state to the extent the various plans would affect that region. He emphasized that all of the conceptual plans were drawn without the use or consideration of political performance or party registration data.

Mr. Sanderoff presented and explained the congressional concepts and several senate and house concepts as well as the PRC concepts. Discussions ensued between the committee members and Mr. Sanderoff.

Approval of Minutes

Upon a motion made by Representative Rodella, seconded by Representative Crook, the minutes from the previous meeting were adopted.

Public Comment on Redistricting Issues

Cheryl Haaker, League of Women Voters (LWV), thanked the committee for holding statewide meetings and for a wonderful web site and the timely provision of information. She noted that Joe Keefe will be making videotape recordings all of the meetings for the LWV for posting on the legislature's web site. She said that an LWV flyer about the basic redistricting principles will be available at every meeting. Senator Lopez expressed her thanks to the LWV for offering its services for recording the meetings.

Jose Griego, a resident of Clovis, told the committee that he was a Democratic candidate for House District 63 and explained that it was an interesting and educational experience. He said that it is critical to identify the district boundaries because the state operates out of them. As a resident of Curry County, he has often wondered why the districts are drawn the way they are because many natural boundaries exist. He was curious why certain counties have Hispanic

representation and others do not and suggested that Clovis be examined carefully. He urged the committee to research the segregated history of the area and explained that it is still segregated along party, economic and social lines. He thanked the committee for meeting in Clovis.

There being no further business for the day, the committee recessed at 2:45 p.m.

Thursday, July 19

The committee was welcomed to Roswell by the Roswell Chamber of Commerce and by Major General Jerry Grizzle, superintendent, New Mexico Military Institute (NMMI). He spoke about the leadership training that is conducted in the meeting room and informed the committee about numerous aspects of the NMMI, including the high quality of the teaching staff and the many scholarships and educational programs available to the students.

At the suggestion of Senator Lopez, the members of the committee introduced themselves. Mr. Boller began the LCS staff introductions, and Mr. Sanderoff introduced the staff from R&P.

Overview of Redistricting and Introduction to 2011 State and Congressional Redistricting Concepts

Mr. Sanderoff went through the basic principles of redistricting, explaining that in New Mexico, precincts are the basic building blocks for all districts. Districts should be compact, contiguous and respectful of communities of interest, he said. He reviewed the current deviations within the congressional, house, senate and PRC districts, noting that variations in growth among the counties throughout the state may require the pairing of some incumbents in the house and senate. Mr. Sanderoff warned the legislators not to look at their districts in a vacuum but as part of a regional system where changes to a single district may affect how 30 other districts are structured.

Mr. Sanderoff informed the committee and members of the public that R&P will not be addressing every plan at every meeting due to the number of plans and large amount of information. He said that his presentation at the Roswell meeting would focus on the southeastern part of the state and how the plans will affect that region. He emphasized that all of the concept plans were drawn without the use or consideration of political performance or party registration data.

Mr. Sanderoff presented and explained congressional concepts, several senate and house concepts as well as the PRC concepts. Discussion ensued between the committee and Mr. Sanderoff.

Public Comment on Redistricting Issues

Frank Sanchez, a resident of Roswell, told the committee that his family has been in the region for more than seven generations and that he has been active in voting rights issues for more than 30 years. He noted that he was the lead plaintiff in *Sanchez v. King* and described the background of the lawsuit, saying that it was filed in 1982 and challenged the legislative house district plan for two reasons. First, it violated the concept of one-person/one-vote because it was based on an egregious votes-cast formula that undercounted minority populations. Second, he said it violated Section 2 of the federal Voting Rights Act of 1965 by diluting minority voting strength. He said a three-judge panel immediately ruled in favor of the plaintiffs on the first

claim. The court then gave the legislature the opportunity to redraw the boundary lines, which was done, he said, but still diluted minority voting strength. That plan was then challenged, and though the second claim took more time, the plaintiffs also prevailed. He strongly encouraged the committee to read the decision because it provides a good history of the redistricting process in New Mexico. Mr. Sanchez also discussed the redistricting plans in 1990 that went through the pre-clearance process with the U.S. Department of Justice. In 2000, he supported the house plan that Governor Johnson vetoed, and he noted that Judge Allen ended up ordering adoption of that plan with only minor adjustments. He stated that the legislature has been given clear guidance through these court decisions and that the legislature should carefully consider southeastern New Mexico and the growth in the Hispanic population when drawing new districts. Finally, he said that he is hopeful and confident that the process will work and applauded the positive effect the Voting Rights Act has had on the redistricting process. He noted the cost of litigation and said that it should be avoided if at all possible and that it is critical for the governor and her staff to read through the history because if she vetoes redistricting plans, it will throw open the door to litigation.

Senator Lopez announced that representatives from Governor Martinez's office were attending and recording the meeting. Members of the committee, Mr. Sanderoff and Mr. Sanchez briefly discussed issues concerning the litigation mentioned.

Ms. Haaker thanked the committee and the LCS for holding public hearings. She said she appreciates the availability of hard copies of materials and the links on the web site and will appreciate having the meeting videos available online. She said Mr. Keefe has been filming the meetings and will continue to do so. She noted that the LWV has a flyer available on the basic concepts of redistricting. She thanked the committee for encouraging public participation.

Curtis Schrader, City of Jal, welcomed the committee to southeastern New Mexico and expressed his disappointment that the committee is meeting in the area only twice, given the focus on potential changes to this area. He added that there is an abundance of information to digest in one three-hour meeting. He said that he is unsure how he feels about the concepts, especially house concepts G and H and senate concept C, because they split Jal and Eunice, which he said should be considered one community of interest. He urged the committee to refrain from doing this. In conclusion, he said that while he recognizes that New Mexico is not a compact state, districts do not need to be enlarged if it can be avoided.

Ellen Wedum, a resident of Roswell, said the meeting was very informative. She said that she appreciated the hard copies of the concepts, even though the concepts are also available online. When looking for a map online in 2006 of her district, she said that she found that it was not based on demographics but on where the arroyos were. She said that arroyos do not vote and that the maps were useless. She hopes that the maps have improved. She cautioned the committee against making precincts too large because the precinct captain's job would become too difficult. Senator Lopez informed Ms. Wedum that it is the responsibility of the county to work with precinct sizes.

Tom Jennings, a resident of Roswell, welcomed the public hearings in the Roswell area. He voiced concern that redistricting is being done in Chaves County by demographer Senator Rod Adair, who Mr. Jennings claimed is very publicly a partisan senator. He said it is most unfortunate to employ someone in this process who is so partisan, and it does not help the

process. He discussed the partisan affiliation of the county commissioners and a questionable election. He feels that elected officials and the county should be cognizant of fair and balanced representation. He thanked the committee for the opportunity to speak and for its time and effort.

In response to some of the public comment, Representative Rodella asked Mr. Boller to explain why the committee is unable to hold more meetings. First, Mr. Boller explained, the committee is working with an abbreviated schedule because the committee was not formed until June 17. Second, the committee's budget was cut by \$100,000, which also does not allow increased travel, he said. He added that just to conduct the hearings that are scheduled, funds were taken from other committees. He emphasized that the meeting schedule is not quite as extensive as the committee would like, but it is what can be done given the constraints.

There being no further business, the committee recessed at 12:15 p.m.

Friday, July 20

At the suggestion of Senator Lopez, the members of the committee introduced themselves. Mr. Sanderoff introduced the staff from R&P. Senator Lopez asked the representatives from Governor Martinez's office — Matthew Stackpole, assistant general counsel, and Maralyn Beck — to introduce themselves.

Overview of Redistricting and Introduction to 2011 State and Congressional Redistricting Concepts

Mr. Sanderoff went through the basic principles of redistricting, explaining that in New Mexico, precincts are the basic building blocks for all districts. Districts should be compact, contiguous and respectful of communities of interest, he said. He reviewed the current deviations within the congressional, house, senate and PRC districts, noting that variations in growth among the counties throughout the state may require the pairing of some incumbents in the house and senate. Mr. Sanderoff warned the legislators not to look at their districts in a vacuum but as part of a regional system where changes to a single district may affect how 30 other districts are structured.

Mr. Sanderoff informed the committee and members of the public that R&P will not be addressing every plan at every meeting due to the large amount of information. He said that his presentation at the meeting in Las Cruces would focus on how concepts would affect Dona Ana County and southwest New Mexico. He emphasized that the plans were drawn without consideration of political performance or party registration data.

Mr. Sanderoff presented and explained congressional concepts and several senate and house concepts as well as the PRC concepts. Discussion ensued between the committee members and Mr. Sanderoff.

Public Comment on Redistricting Issues

Bonnie Burn, president, LWV of Las Cruces, discussed the redistricting process. She thanked the committee for allowing the LWV to comment and for holding public meetings

throughout the state. She said the LWV appreciates the easily accessible information and asked the committee to go further and webcast and transcribe the meetings. She said her organization is willing to provide moderators to conduct follow-up meetings throughout the state after certain concepts are endorsed.

In response, Senator Jennings explained that the governor vetoed \$100,000 for the committee, which hinders travel. He added that the committee makes recommendations for the legislature to discuss during the special session in September and noted that the committee is trying to bring forth plans that comply with the guidelines. He said that the public will have the opportunity to explain any issues that may be brought forth to the legislature. He commended Mr. Sanderoff and R&P for doing a fair and credible job.

Ms. Burn commented that the LWV is concerned about the funding for this very important issue and stated that the process has been very transparent.

Sterling Fluharty, president, Southwest Political Services, asked how the public can remain engaged and involved in the process and echoed the sentiments of the LWV. He thanked the committee for the wealth of information online. He asked several questions, including:

- whether concepts made for individual legislators by R&P will be available online;
- whether the legislature will be free to vote on any maps that the committee chooses not to recommend;
- whether concept maps and a statewide precinct database that are stripped of partisan data will be posted (for nonprofits to use without jeopardizing their tax status);
- whether the claim is true that only legislators who are members of a couple of committees need to be in Santa Fe for the first half of the redistricting special session;
- whether the public will be able to help the committee decide whether additional concept maps need to be drawn so they can better preserve communities of interest;
- whether the committee will recommend maps submitted by the public;
- how soon constituents can begin talking to their representatives about introducing a bill for their own redistricting proposals;
- how much public participation will be allowed during the special session and whether the public will have access to the map drafting and printing rooms; and
- how many maps can be expected from R&P.

Mr. Fluharty also made several suggestions, including:

- comparing performance measures for current districts with results of recent legislative elections to give a sense of the accuracy of R&P's model and how well it can predict outcomes in future elections;
- linking proposed congressional, legislative and PRC districts to specific precincts within the statewide precinct database;
- adding neighborhood associations to urban areas on the maps and in the precinct database so another measure is available of how well communities of interest are preserved in these various proposals;
- adding instructions on the web site on how the public may submit maps; and
- adding a list of precincts where incumbents live or tagging precincts in the statewide precinct database.

Mr. Fluharty also stated that he hopes the committee and the legislature will fix some of the gaps and inconsistencies in state statutes regarding county, municipal, local and educational redistricting.

Adjournment

There being no further business before the committee, the second meeting of the Redistricting Committee adjourned at 1:15 p.m.