

# REDISTRICTING IN INDIAN COUNTRY

## ARIZONA



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#ShapingNativeFutures

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## WHAT IS REDISTRICTING?

**Redistricting is the redrawing of the geographic lines that divide districts for U.S. Congress, the state legislature, county boards of commissioners, city councils, school boards, and other local bodies.** It is required by the U.S. Constitution. Redistricting usually takes place every ten years, after the United States conducts the decennial Census to determine how many people live in each state.

This guide is focused on the statewide redistricting of the Arizona Legislature, including the Arizona State House and the Arizona State Senate, and the statewide redistricting of Arizona's nine seats in the U.S. House of Representatives.

By redrawing district lines every ten years, redistricting takes into account where populations have increased or decreased. The main goal of redistricting is to ensure that all districts have approximately the same number of people. This protects the constitutional right to have a vote that is equal to any other person's vote.

**It is crucial that Native Americans have an equal voice in redistricting to protect their ability to elect candidates of their choice. How can your Native community participate in this process? How can you ensure that your community's political power is protected? This guide explains the redistricting process and how we all can participate.**

## WHY IS REDISTRICTING IMPORTANT?

**Redistricting matters because it controls access to political representation.** It influences who runs for office and who is elected. Elected representatives make many decisions that influence our daily lives, from acknowledging tribal sovereignty to honoring treaties to protecting the land. Residents of a district should be able to hold their representative accountable and be sure that their representative is truly representing the interests of the people. And the maps that are created this year will be used for the next ten years. This is our chance to impact what they look like.

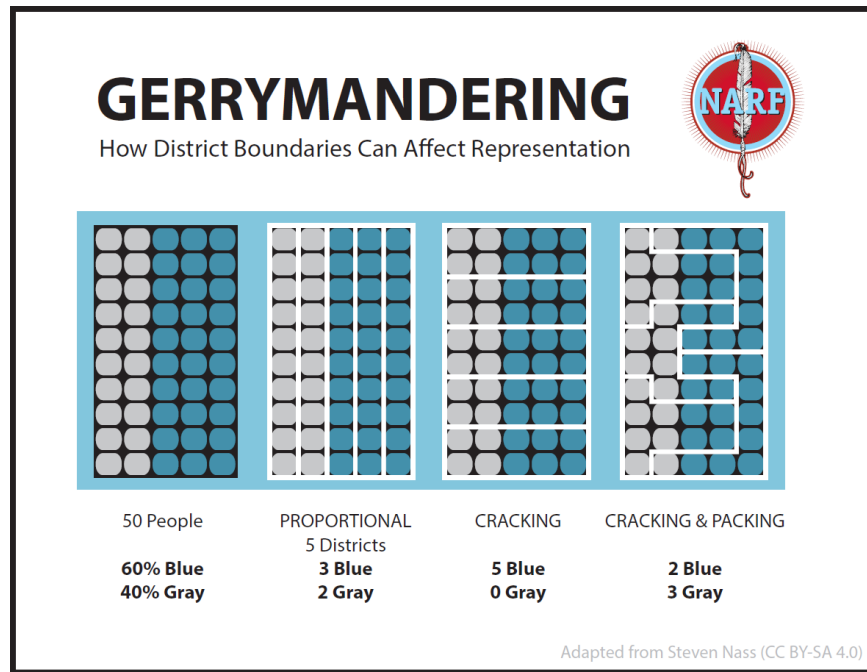
The U.S. Constitution requires that electoral districts have roughly equal populations. This requirement ensures that each person's vote is worth the same as any other person's. Because populations change over time, districts must be redrawn to reflect those changes. Otherwise, the voting power of a particular community would be diluted. For example, one state legislator might represent 40,000 people, while another represents only 25,000. The people in the smaller district would have disproportionately more representation, making the system unfair.



## WHAT ABOUT GERRYMANDERING?

Even when districts have nearly equal populations, a particular map can still limit a certain group's political power. This abuse of redistricting is called *gerrymandering*. Often it is used to exclude minority communities from political power. Even in an election with one hundred percent voter turnout, gerrymandering can still prevent communities from electing their candidates of choice.

Maps often dilute votes in two ways. First, a map can “crack” minority voters into many districts, where they are only a small percentage of the population in each. This leaves them unable to elect their representative of choice, despite having enough votes to do so. In the image below, gray voters have been cracked in the third map, leaving them without control of any districts, even though they represent forty percent of the population. Second, a map might “pack” minority voters into one district, when if they were spread out in multiple districts they would have more political power. In the final map in the image below, most of the blue voters have been packed into two districts, and the rest of the blue voters have been cracked up in the other districts. This leaves the blue voters with forty percent of the districts, even though they are sixty percent of the population.



When voters are unfairly “packed” or “cracked,” even turning out every eligible voter usually will not be enough to win an election. This is why redistricting is so important. It is our chance to create a fair system that will stay in place for the next ten years.



## WHO IS IN CHARGE OF DRAWING THE LINES?

Each state has its own rules about who is responsible for drawing new lines. In Arizona, redistricting of the state legislature and congressional districts is done by an independent commission. Giving the power to this commission is an effort to create more fair lines and have a less political process. Four of the five commissioners are chosen by elected officials from a list created by another commission, the Commission on Appellate Court Appointments. Republicans chose two and Democrats chose two. Then, those four select a fifth commissioner, who must be not affiliated with either major political party.

This cycle, the five commissioners are David Mehl, Douglas York, Shereen Lerner, Derrick Watchman, and Erika Schupak Neuberg. The two Republicans are Mehl (Pima County) and York (Maricopa County). The two Democrats are Lerner (Maricopa County) and Watchman (Apache County). Watchman is a member of the Navajo Nation. The Chair is Neuberg, an independent voter from Maricopa County. Watchman was chosen by the other commissioners as Vice-Chair.

But just because these officials get to make the final decisions, doesn't mean they make them alone. The Board will hold public hearings, giving you a chance to voice your opinion on draft maps or even submit a proposed map of your own.

## WHEN DOES REDISTRICTING HAPPEN?

**Redistricting takes place at least every ten years after the Census is completed.** Every state has its own timeline for when maps should be finalized. The COVID-19 pandemic has delayed the process of reporting the Census results, which pushed back when states can start redistricting. Data is currently expected in August 2021.

Prior to the data release, the Commission plans to hold a series of hearings across the state, to gather input from Arizonans. After the data is released, the Commission will create draft legislative and congressional maps. Once the Commission releases those drafts to the public, it must hold a thirty-day public comment period, to give Arizonans the chance to give feedback on the proposed maps. In 2010, the Commission held three months of public hearings in different communities across Arizona.

While Arizona doesn't have a specific deadline for when maps must be finalized, the deadline for candidates to register to run in the 2022 elections is April 4, 2022. In the last cycle, the final maps were approved by the Commission on January 17, 2012.



## WHAT ARE THE RULES FOR DRAWING THE LINES?

Each state has its own rules about how to draw maps. But there are some federal rules that have to be followed when redistricting in any state. These take priority over Arizona's own rules.

- **One person, one vote**—Districts must have roughly equal populations. This applies to congressional districts, state legislative districts, local school board districts, and more. However, this requirement doesn't mean that every district must have the exact same number of people. Under federal law, state and local plans may have districts with total population deviations of up to ten percent of the size of an ideal district. Congressional maps, on the other hand, should aim for mathematical equality.
- **Section 2 of the Voting Rights Act**—This law prohibits redistricting plans that dilute the power of a person's vote due to their race or ethnicity. A map violates this law if Native Americans have less opportunity than other voters do to elect representatives of their choice. In order for this rule to apply, the Native voters must be relatively geographically compact, they must generally support the same candidates, and they must have enough people to be a majority of eligible voters in at least one district. When considering whether it is possible to draw a majority-Native district, determine the percentage of people of voting age who are Native, not just the overall percentage of Native people in the district. Fifty percent of the total population may not be enough.

When Native Americans meet these requirements, they may be entitled to a district in which they have the opportunity to elect their candidate of choice. This is called a "majority-minority district." In drawing an effective majority-minority district, you should consider the percentage of Native people who are of voting age, not just the overall percentage of Natives in the district. Make sure to also factor in registration and turnout rates when determining how many Native voters need to live in a district in order to have equal opportunities to elect candidates. This number could be lower than fifty percent if some non-Native voters usually support the Native-preferred candidate, or it could be considerably higher if Native turnout and registration rates are lower than average.

NARF can help you determine whether this legal protection applies to you and whether a potential district would be an effective Native-majority district. Contact us at [vote@narf.org](mailto:vote@narf.org).



**Arizona’s Constitution outlines additional rules for the Commission to follow when creating maps.** First, the Commission must start by dividing the state into a grid-like pattern with districts of equal population. In doing this, the Commission cannot consider party-registration information or voting-history information. Then, the Commission may make adjustments to that grid in order to accomplish the following goals:

- Districts must **comply with the U.S. Constitution and the Voting Rights Act.** These are the federal requirements discussed above.
- Districts must have **equal populations to the extent practicable.** Again, some variation, especially in the state legislative districts, is allowed.
- Districts must be **geographically compact and contiguous** to the extent practicable. Compactness refers to the districts’ shape. There are many ways to measure compactness. Usually, analysts consider how far away the different parts of the district are or how long the perimeter of the district is to determine how difficult it is for one elected official to represent the district. Contiguity means that districts must be physically connected. A district may not consist of two different areas of land that are not adjoined.
- Districts must **respect communities of interest** to the extent practicable. Tribes should explain to the Commission who they see as their community. This may be specifically the residents of a reservation, but a community of interest may also be larger than the reservation. And groups of Native Americans living near each other but off of a reservation may also be communities of interest. But Tribes will need to present testimony supporting that status.
- Districts should **follow visible geographic features, city, town and county boundaries, and undivided census tracts,** to the extent practicable. This does not include reservation boundaries.
- Districts should be **competitive** where this wouldn’t negatively impact the other goals listed above. This means that candidates from either major party should have a reasonable chance of winning the district.

Arizona has nine congressional districts, the state senate has thirty districts and the state house has sixty districts. Two state house districts fit into each state senate district. This is sometimes called “nesting”—the two smaller House districts are nested in each larger Senate district.



## HOW CAN I PARTICIPATE?

Even though the commissioners are in charge of making final decisions about how to draw district lines, you can still think about how you would like districts to be drawn and advocate for fair maps.

The first step is organizing your Native community. Find others who are interested in redistricting and educate your neighbors about why this process is important for Indian Country. As a community, you should talk about your goals. What issues are important to you—clean water, Indian child welfare? What levels of government control those issues? Do you want to propose a single district or an entire map?

Part of this advocacy will require you to geographically define your community. The people living on your reservation may be in your community. But there may be others as well. Think about what other nearby areas have similar, shared interests. You can even work together to create a proposed map.

Find more details about how to be an effective advocate at <https://vote.narf.org/redistricting/>.

If Arizona's tribes come together and make their voices heard, we can help ensure that the redistricting process is fair and that the maps used to elect our state representatives and congressional representatives for the next ten years protect Native political power.

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