

REDISTRICTING IN INDIAN COUNTRY NEW MEXICO



Published by: The Native American Rights Fund

#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 redistricting in New Mexico, including seats in the U.S. House and in the New Mexico Senate and House of Representatives. Information on county-level redistricting in New Mexico will be available at <https://vote.narf.org/redistricting/>.

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.

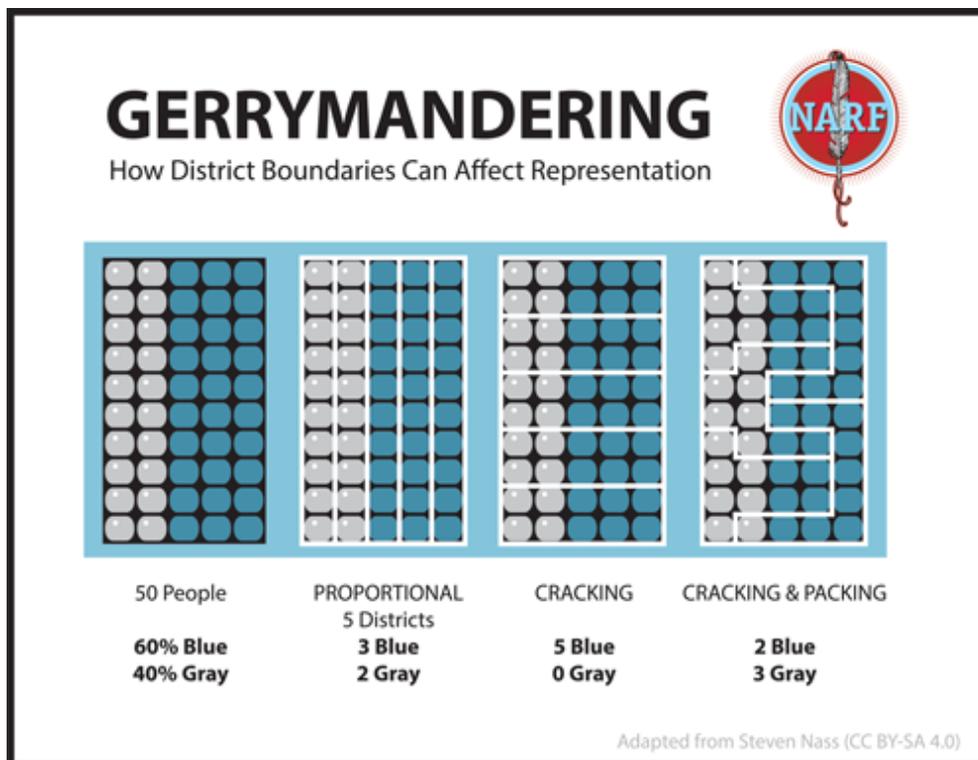
The U.S. Constitution requires that electoral districts have roughly equal populations. This requirement ensures that each person's vote is worth the same as any other person's. Because populations change over time, districts must be redrawn to reflect those changes. Otherwise, the voting power of a 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 New Mexico, the state legislature is ultimately responsible for redistricting, and the governor has the power to approve or disapprove the legislature's maps. This applies to congressional maps and state legislative maps. However, the legislature has created an advisory committee that will draft maps. The Citizen Redistricting Committee will draft maps that the legislature can then adopt, make changes to, or reject entirely. The Committee has seven members: Chair Edward L. Chavez, Robert Rhatigan, Joaquin Sanchez, Ryan Cangiolosi, Michael Sanchez, Christopher Saucedo, and Lisa Curtis.

But even though the legislature makes the final decisions, you and your community can still help shape the decision-making process. The Committee will hold public hearings this fall, giving you a chance to voice your opinion on draft maps, describe your community, or even share your own proposed map.

WHEN WILL 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 or September 2021.

In New Mexico, the Committee was formed in June 2021. They must now hold at least six public meetings before they begin to draft maps. After they have drafted maps for both the state legislature and congressional districts, the Committee must hold another six additional public meetings. All these hearings have to allow for virtual participation and at least one meeting must be held on tribal lands. The Committee must complete three maps each for the congressional districts and for each of the state legislative houses. They have to send these maps to the state legislature by October 30, 2021.

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 New Mexico'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.

New Mexico’s Constitution and laws establish additional rules for redistricting. When drawing your own maps, make sure to comply with these guidelines.

- New Mexico has three seats in the U.S. House of representatives. Given the state’s 2020 population of 2,120,220, **each congressional district should have about 706,740 residents.**
- The State Senate currently has 42 members, who must be elected from single-member districts. This means that the **ideal size for a State Senate district is 50,481 people**, assuming that the number of senators remains the same.
- The State House currently has 70 members, who must be elected from single-member districts. This means that the **ideal size for a State House district is 30,289**, assuming that the number of representatives remains the same.
- The maps **may not split one electoral precinct into multiple districts.**
- Districts must be **contiguous**. This means that every part of the district must be physically connected.
- Districts must be **reasonably compact**. This refers to a district’s shape and means that districts should not be unnecessarily irregular. However, a strangely shaped district is not always unconstitutional. Sometimes, compactness must be sacrificed in order to ensure that other criteria are met.



- To the extent feasible, districts must attempt to **preserve communities of interest**. A community of interest is a “contiguous population that shares common economic, social or cultural interests.”
- To the extent feasible, districts must consider **geographic and political boundaries**. This includes the boundaries of Indian Nations, Tribes, and Pueblos.
- Finally, to the extent feasible, the Committee *may* elect to seek to protect the core of the existing districts. However, this is not mandatory.
- The Committee is barred from considering partisan data (such as voting history or party registration information) except where necessary to comply with federal law. The Committee is also barred from considering the voting addresses of incumbents or potential candidates for office, except to avoid pairing incumbents in shared districts or to conform with the other criteria.

HOW CAN I PARTICIPATE?

Even though the legislature is in charge of making final decisions about drawing 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 New Mexico’s Tribes and Pueblos come together and make their voices heard, we can 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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More information available at <https://vote.narf.org/>.

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