

**MINUTES  
of the  
FIFTH MEETING  
of the  
REDISTRICTING COMMITTEE**

**August 30, 2011  
Kennedy Lounge, New Mexico Highlands University  
Las Vegas**

**August 31, 2011  
Room 307, State Capitol  
Santa Fe**

The fifth meeting of the Redistricting Committee was called to order by Senator Linda M. Lopez, co-chair, at 10:30 a.m. on August 30, 2011 at the Kennedy Lounge at New Mexico Highlands University in Las Vegas.

**Present**

Rep. Mary Helen Garcia, Co-Chair  
Sen. Linda M. Lopez, Co-Chair  
Sen. Kent L. Cravens (August 31)  
Rep. Anna M. Crook  
Sen. Phil A. Griego  
Sen. Stuart Ingle  
Sen. Timothy Z. Jennings  
Rep. Larry A. Larrañaga (August 30)  
Sen. Lynda M. Lovejoy  
Rep. James Roger Madalena (August 31)  
Rep. W. Ken Martinez  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Rep. Edward C. Sandoval  
Sen. William E. Sharer  
Sen. John Arthur Smith  
Rep. Thomas C. Taylor (August 31)

**Absent**

Rep. Conrad D. James

**Advisory Members**

Rep. Ray Begaye  
Sen. William F. Burt  
Rep. Gail Chasey  
Sen. Carlos R. Cisneros  
Sen. Mary Jane M. Garcia  
Rep. Thomas A. Garcia (August 30)  
Rep. Ben Lujan  
Rep. Rodolpho "Rudy" S. Martinez  
Sen. George K. Munoz (August 30)  
Rep. Bill B. O'Neill

Rep. Paul C. Bandy  
Rep. Donald E. Bratton  
Rep. Nora Espinoza  
Rep. Nate Gentry  
Sen. Timothy M. Keller  
Sen. Howie C. Morales  
Sen. Steven P. Neville  
Rep. James E. Smith  
Rep. Shirley A. Tyler

Sen. Sander Rue  
Rep. Sheryl Williams Stapleton (August 30)  
Rep. Mimi Stewart (August 30)  
Sen. Peter Wirth (August 31)

### **Guest Legislators**

Sen. Pete Campos (August 30)  
Rep. Ernest H. Chavez (August 31)  
Rep. Brian F. Egolf, Jr. (August 31)  
Sen. Clinton D. Harden, Jr. (August 30)  
Rep. Luciano "Lucky" Varela (August 31)  
Rep. Richard D. Vigil (August 30)

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

### **Staff**

Jon Boller, Staff Attorney, Legislative Council Service (LCS) (August 31)  
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.

### **Minutes Approval**

Because the commission will not meet again this year, the minutes for this meeting have not been officially approved by the commission.

### **Tuesday, August 30**

The committee was welcomed by James Fries, president, New Mexico Highlands University.

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

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

Mr. Sanderoff reviewed the basic principles of redistricting and presented the congressional concepts and several senate and house concepts as well as the Public Regulation

Commission (PRC) concepts. Discussions ensued between the committee members and Mr. Sanderoff.

### **Public Comment on Redistricting Issues**

Daniel Antonio Herrera, Manzano Land Grant, suggested the committee consider keeping the Manzano Land Grant whole and consider it a community of interest with other neighboring land grants.

Mary Wilson, resident, Torrance County, asked the committee to consider Torrance County as a community of interest. She said that Torrance County contains 10 precincts and explained the layout of those precincts. She said that the precincts have been home to Native Americans and have been considered a community of interest due to land grants and to common various citizen needs, such as community water wells. She emphasized that the 10 precincts belong together so that the residents are able to elect a candidate of their choice, which does not necessarily mean a Hispanic candidate. She stated that the area is also in a conservation district. She said that some of the plans dilute the Hispanic vote, which violates the federal Voting Rights Act of 1965 (VRA). She stated that Bernalillo County Precinct 552 no longer shares a community of interest with other mountain precincts, as it once did, but it shares interest with Edgewood due to its bustling community that is more typical of a suburban environment. She continued, explaining that Edgewood shares common interest with the Highway 14 and Interstate 40 corridor. She said that splitting Torrance county has been effective in the past and continues to make sense today, but she added that it does not have sufficient population to elect a Torrance County candidate. She said the alignment of major roads in the western part of the county lends itself to grouping communities in that area with each other. She added that this makes a difference to the people of the county because if it is not easy to travel the roads from where the legislator lives to where the constituents live, the constituents do not see their legislator often. She rejects house concepts (HC) C, D, E, F, G and H. She said that in order to avoid diluting the Hispanic vote, a modified HC B is the best approach, for it allows a representative to reach constituents easily. She clarified that a modified HC B includes removing precincts 52, 84 and 85 and keeping precincts 68, 70 and 81. Concerning the senate concepts (SC), she opined that SC D and I are nonstarters and that SC G and H are not optimal, for they lend themselves to the election of a senator from the population center in northern New Mexico, which could result in a senator that is not be as responsive to western Torrance County. She said that SC C is the best for Torrance County because it brings together the ranching areas. Regarding congressional concepts (CC), she said that CC D and G unite common characteristics of western Torrance County and northern New Mexico. She highlighted that Torrance County is currently in Congressional District 1, which has served the county extremely well, and she suggested keeping the status quo. She added that CC C, E and F keep the northwest corner of Torrance County in the Interstate 40 corridor. She rejects CC A and B.

Sharon Stover, chair, Los Alamos County Council, offered the committee a brief background of Los Alamos and explained that it is an incorporated city/county government with 18,000 residents and a daily work force influx of 11,000 due to Los Alamos National Laboratory (LANL). She discussed infrastructure progress and stated that LANL continues to create new

business opportunities. In order to remain successful, Los Alamos requires solid representation where input is heard and considered. She therefore requested that House District 43 remain unchanged and mentioned the city's support of a senate plan with fewer senators.

Dr. Eugene Schmidt, superintendent, Los Alamos Public School District, requested that House District 43 remain unchanged for the sake of the school district. He said that splitting the county into multiple house districts hurts its ability to reach out to partners with similar school districts with which Los Alamos frequently joins for professional and educational opportunities for staff and students. He added that representation by one house member ensures that the mutual interests of White Rock and Los Alamos are met. He said that Los Alamos is committed to promoting educational opportunities to children throughout New Mexico and that improving education was a high priority of former Representative Jeannette O. Wallace, who championed the district by supporting public education. Dr. Schmidt believes that a single voice representing the district is the best form of representation. In closing, he asked for Los Alamos to be within one house district.

Roger Waterman, businessman, Los Alamos, explained that White Rock is a small community within Los Alamos County, established as a construction camp that was dismantled in the 1950s. He said that White Rock's total retail presence is a grocer, two convenience stores and a flower shop and said that Los Alamos has approved the town's ability to build.

Don Lucero, retiree, Department of Energy (DOE), informed the committee that he has chosen to live in White Rock for the past 32 years and explained that he worked for the DOE there. He asked that the committee consider keeping White Rock and Los Alamos in one district.

Derek Chandler, member, Los Alamos Democratic Party, stated that Los Alamos is characterized as a single community. He said that Los Alamos is currently split into multiple senate districts and suggested having no more than two senators. He supports the status quo for the PRC.

Veronica Rodriguez, member, Los Alamos Republican Party, explained the uniqueness of Los Alamos among New Mexico counties, being that it is the smallest county and that has most of its land owned by the federal government. She reminded the committee that Los Alamos is incorporated with county and municipal powers and is surrounded by federal entities. She said that LANL is the top national security laboratory in the country and is an economic driver for northern New Mexico. Former Representative Wallace reminded Los Alamos of its responsibilities to its neighbors, Ms. Rodriguez said, and warned that myriad political relationships pose a special challenge to this responsibility if Los Alamos is divided between several house districts. She encouraged the committee to strengthen the bonds that Los Alamos has made throughout the years.

Bill Enloe, chief executive officer, Los Alamos National Bank, discussed the effects of the dominance that LANL has on local businesses. He would like to see Los Alamos and White

Rock in a single house district so that one representative can acknowledge and address the revenue challenges and opportunities brought by LANL. He also requested that the two communities be in no more than two senate districts.

Representative Jim Hall, House District 43, discussed the slow cultural change that Los Alamos is experiencing. He said that within the past 10 years, the area has worked to become integrated in regional organizations and has developed youth and Indian care programs and added that this community outreach has also been felt by the neighboring communities. He warned that dividing Los Alamos County into more than one house district would be harmful to the progress the county has made for itself and for its neighbors. He asked the legislature not to add obstacles.

In regard to keeping Los Alamos County in one house district, members of the committee asked for suggestions as to where the additional population should come from that is required for other house districts, to which members of the Los Alamos panel replied that it is up to the discretion of the legislature.

Committee members talked about the many small communities around the state that wish to remain together and reiterated that hard decisions will have to be made.

Cheryl Haaker, member, League of Women Voters, thanked the committee for holding public hearings statewide, for the informative web site and for taking public input. She asked whether the Public Education Commission (PEC) will be redistricted this upcoming special session. If so, she asked when the public will be able to review the concepts. She also asked when the public will be able to review the concepts voted on by the legislature.

Leonard Tsosie, council member, Navajo Nation Council, informed the committee that the council staff is following redistricting in three states. He reminded the committee that at the meeting in the Pueblo of Acoma, the pueblos and the Navajo Nation came together to form a working group and to produce a unified redistricting concept. The map presented today is the product of this working group, he said, and the Mescalero Apache Tribe did not contribute to the concept. Since a congressional concept has already been presented, Mr. Tsosie presented senate, house and PRC concepts. Mr. Tsosie emphasized that the Native Americans represented in the working group believe that they have communities of interest and they are concerned about the decline in the Native American population. He said that the Native Americans need to represent at least 65% of the population in a district to be able to elect a candidate of their choice, though this does not mean the candidate must be a Native American. Concerning the concepts, he requested that House District 65 remain the same. He added that the districts are also drawn so various sacred lands are represented. He said that the working group believes that if Gallup is included in one house district, it will lead to regression and enhance the dilution of Native American voting power. Concerning the PRC, he said the working group prefers the status quo, except for the Sante Fe area, due to deviation around Santa Fe.

Members of the committee and Mr. Tsosie discussed whether or not Mr. Tsosie was given the authority to represent both the Navajo Nation and the pueblos. Mr. Tsosie responded that these plans are the product of the working group but that he does not have a proclamation from the pueblos giving him the authority. He stated that he will ask for explicit approval from the pueblos.

Discussion ensued about the population deviations in the requested districts being over and under the ideal population.

**D** Norma Vigil, resident, Chacon, informed the committee that she is an active voice for Senate District 39. She said that when she was elected to the water board, she met with Senator Phil A. Griego, who was the first to hold a public meeting in Mora County to listen to the residents of the county about what its needs are. She asked the committee to leave Mora County intact.

Paula Garcia, county commissioner, Mora County, asked that the number of seats in northeastern New Mexico be retained. She said that there are many low-income communities in the area that do not have basic infrastructure for water and county facilities. She said that her community needs legislators who are from the same background and understand the communities' needs. She asked the committee to consider a community of interest as including San Miguel, Taos and Guadalupe counties. She also suggested defining communities of interest by their socioeconomic status.

Eufracio Vigil, member, Acequia del Rito and Acequia de la Joy, discussed his satisfaction with Senator Phil A. Griego despite the fact that his community is few in number, rural and considered powerless by many and insignificant by decision-makers. He asked the committee to please listen to the constituents, such as him, when making final decisions.

There being no further business, the committee recessed at 2:40 p.m.

### **Wednesday, August 31**

At the suggestion of Representative Mary Helen Garcia, the members of the committee introduced themselves. She thanked the committee members for their hard work throughout the interim and said she hopes the governor will take the recommendation of the legislature into consideration so there will not be litigation, which would be very costly to the state.

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

Mr. Sanderoff presented and explained the congressional concepts and several senate and house concepts as well as the PRC and PEC concepts.

## **Native American Redistricting Work Group (NARWG) Presentation**

Conroy Chino, coordinator, NARWG, introduced the members of NARWG that were present and noted that although the NARWG was originally formed by the pueblos, the Jicarilla Apache Nation had also joined the group. He said that the NARWG was formed to give voice to the Native American community in the redistricting process, to protect Native American voting rights and to protect the ability of Native Americans to elect lawmakers who will be responsive to Native American needs.

Mr. Chino reminded the committee that in June, the All Indian Pueblo Council (AIPC) sent Representative Mary Helen Garcia and Senator Lopez, committee co-chairs, a letter asking the committee to meet in the Pueblo of Acoma. That meeting location was approved, and following the meeting, the NARWG teamed up with the Navajo Nation and was authorized by the tribes to work on redistricting concepts. Thus, the concepts to be presented today, he explained, were developed with the input of both the NARWG and Navajo Nation representatives, though final approval by the Navajo Nation and some pueblos is still forthcoming.

Teresa Leger, coordinator, NARWG, outlined several principles the working group used in developing plans for the house, senate, PRC and Congress. She stressed the importance of the VRA, the tribes' and pueblos' common interests in their relationships with the state and federal governments, respect for tribal self-determination, preventing retrogression in the number of Native American majority districts and preventing the use of cracking and packing in the drawing of new districts. She noted that the house and senate plans that were approved by the NARWG maintain the current number of Native American districts in addition to creating an additional senate influence district. Ms. Leger said that many of the pueblos have already approved the consensus plans, though some have not formally done so. She noted that the Navajo Nation Human Rights Commission was also at all the working group meetings but that the council would not be meeting until Friday to consider formal endorsement of the plans.

In reviewing the NARWG concepts, Ms. Leger explained that the senate concept creates three majority Native American districts and that the general core of districts was kept intact, but adjusted with input from the tribes. For the house concept, she said that the NARWG retained the core of the six existing majority-minority districts and emphasized that the districts are not simply lines on the maps but are real people with real issues that have been in existence long before New Mexico's statehood. For the congressional plan, Ms. Leger asked the committee to modify the existing concepts in accordance with the testimony from the various tribes. Ms. Leger said that the PRC concept follows the current districts but strengthens District 4.

Several tribal leaders spoke in support of the NARWG concepts, including the following:

- Walter Dasheno, governor, Pueblo of Santa Clara, submitted a letter from the Pueblo of Santa Clara Tribal Council endorsing the NARWG redistricting plans. The council's endorsement stated its preference for remaining in House District 41; Senate

District 5; PRC District 3; and Congressional District 3, contingent on the percentage of Native American in each district not being decreased.

- Levi Pesata, president, Jicarilla Apache Nation, endorsed the NARWG's efforts in fostering collaboration between the Pueblos, Apaches, and the Navajo Nation in New Mexico. He said that the Jicarilla Apache Nation has taken the lead on the need to preserve the VRA and supports districts with a Native American voting age population of 60%. He said the Jicarilla Apache Nation concurs with the NARWG concepts for Senate District 22, House District 65 and PRC District 4.
- Arlen P. Quetawki, Sr., governor, Pueblo of Zuni, stated that the working group did an outstanding job and that the pueblo would like to remain in Senate District 4, House District 6 and Congressional Districts 2 and 3. He added that the pueblo has a positive working relationship with these districts.
- Lawrence Montoya, governor, Pueblo of Santa Ana, said that the pueblo supports the NARWG consensus redistricting plans.
- David Garcia, lieutenant governor, Pueblo of Acoma, expressed the pueblo's endorsement for the NARWG plan and for the redistricting principles it entails. He said the pueblo is in support of a majority-minority influence district for Senate District 30.
- George Shendo, Jr., first lieutenant governor, Pueblo of Jemez, expressed the pueblo's support for the NARWG consensus redistricting plan and said that its endorsement letter is forthcoming.
- Richard Luarkie, governor, Pueblo of Laguna, said that the pueblo endorses the NARWG redistricting plans, which create opportunity districts through six majority Native American house districts and through four senate districts, three of which are majority Native American districts and one influential district. He encouraged a 64% Native American majority in the influence district. Governor Luarkie emphasized that the pueblo is seeking an environment that allows cooperation with the state and explained that the pueblo shares a community of interest that flows from historic and contemporary relationships with New Mexico Native Americans through a shared commitment to strengthen tribal jurisdiction and through a desire for cultural preservation and responsible natural resource development.
- Charlie Dorame, former governor, Pueblo of Tesuque, speaking on behalf of Governor Mark Mitchell, expressed the pueblo's full support of the NARWG redistricting plans.

Members of the committee asked for points of clarification from Ms. Leger regarding the redistricting plan presented by Mr. Tsosie on August 30. Ms. Leger said that there are significant differences between that plan and the NARWG plan and that the NARWG will continue to have a dialogue with Mr. Tsosie. She said that one key difference in Mr. Tsosie's plan is that Senate District 4 pulls precincts from around the Crownpoint area and pairs Senator Munoz and Senator Lovejoy in one district. She clarified that the NARWG takes the position that the districts do not belong to the incumbents and that what is best for the voters is what needs to be done.

Chandler Sanchez, chair, AIPC, reiterated the importance of the NARWG plan to the AIPC and said endorsed redistricting plans are the right move for Native American people.

### **Public Comment**

James Jenkins, president, Eldorado Water and Sanitation District, clarified that his organization is the only political subdivision representing Eldorado. He said the community is bound to other areas of Santa Fe County, including the City of Santa Fe. He said the community recognizes that redistricting is based on population but reminded the committee that it is also about people and communities and encouraged the committee to develop concepts that keep Eldorado intact. He highlighted that Eldorado does not support concepts that split the community, for it would negatively impact progress that has been made. He stated that Eldorado does support a change in representation for the PRC and believes it should be in PRC District 3 since that district more accurately represents the suburban and metropolitan areas as opposed to rural areas of the state that do not reflect the interests of Eldorado.

Richard Ellenberg, chair, Santa Fe County Democratic Party, urged the committee to keep all of Santa Fe County in one congressional district. He said that if the county must be divided, the differences between Santa Fe County proper (including the Pueblo of Tesuque and Eldorado) and southern Santa Fe County should be considered. He also urged the committee to keep Eldorado intact by merging precincts 70 and 71. He asked the committee to consider creating a precinct 72 to respect the neighborhoods of the area and help keep the community together.

Nancy Dayton, 30-year resident, Eldorado, stated that the community has been well represented in Senate District 25 and House District 47 and that a town hall meeting concluded that the residents wish to remain in those districts. Given this, she urged the committee to keep Eldorado intact. Concerning the PRC, she said the community supports being in PRC District 3.

Dr. Stephen Easley, resident, Eldorado, said the community is happy to have the representation in its districts. He pointed out that some concepts split Eldorado, which the community opposes. He stressed that Eldorado and Santa Fe are a community of interest and stated that Eldorado wants to be in the same PRC district as Santa Fe.

Andrew Leo Lopez, resident, Bernalillo County precinct 45, said he is in support of Eldorado requesting to be in PRC District 3. He said that Concept E moves Sandoval, Rio Arriba and Santa Fe counties and serves the Native Americans well and retains the communities of interest. He asked the committee to pay attention to the electric co-ops and keep them together and suggested that an electric co-op could be created by moving Rio Arriba County into the northern district. He said that the urban residents on Tramway in Albuquerque have nothing in common with the residents of Edgewood and pointed out the natural boundaries in the area and suggested that by following these boundaries, representation will be improved. He suggested moving Senate District 14 to the west side and moving part of Senate District 11. He also suggested pairing Senate Districts 18 and 20.

Rainy Upton, resident, Eldorado, said the community desires to be in PRC District 3. She expressed her respect for the Native American wishes for redistricting. She said that 90% of Eldorado residents vote, which is the largest percentage of people in Santa Fe County who vote. She declared that she will leave Eldorado if her senate district changes.

Ms. Haaker thanked the committee for holding public meetings and for allowing public comment. She thanked R&P for the PEC concepts. She told the committee not to split communities unless they want to be split. She said that the committee should divide communities based on geographic barriers, for they form cultural divisions as well. She reiterated that the rural vote should not be diluted. She stated that the committee should under-populate districts that are in high-growth areas to better reflect the principle of one person, one vote. She told the committee to try and do redistricting right the first time because there are plenty of people who are ready and willing to sue. She suggested that the committee remember that the districts belong to the voters, not the incumbents. She asked when the public redistricting plans to be voted on will be available for the public to view. She also asked about public hearings about the various plans.

Sterling Fluharty, president, Southwest Political Services, thanked the committee for the process. He said that when all Native Americans are counted, not just those who claim 100% family lineage, that the population increases 25%, which can be seen as double counting. In closing, he said the public is interested in this process.

Genevieve Jackson, commissioner, McKinley County, spoke on behalf of the commissioners and said neither the NARWG nor the Navajo Nation redistricting plans had been presented to the county, nor have they been presented to the 21 Navajo Nation chapters that will be impacted by the plans. She said that the NARWG did travel to Gallup, but that the Navajo Nation is rural and isolated. She said that the county is in favor of staying in House District 9.

Mr. James, resident, Pueblo of Pojoaque, expressed his support for the NARWG plan and said it is conducive to the voters. He said the work of the tribes does not go unseen and the federal government sees the communication between the tribes and the state government. He thanked the committee for its commitment to the redistricting process.

Joe Keefe, resident, Torrance County, thanked the committee for taking public comment and observed that the committee cares about its constituents. He said he moved back to New Mexico for this reason. He asked the committee to work for the common good. He asked for Torrance County to be kept as intact as possible. He discussed the lack of resources within the county and how the lack of preventive medical services in the area is costing the state a tremendous amount of money. He added that the lack of emergency services costs many lives. Mr. Keefe said that the county needs to continue to have access to its legislators and congresspeople because having a good relationship is important. He echoed the sentiments testified by Mary Wilson.

### **Approval of Minutes**

The minutes from the past two meetings were approved without objection.

### **Committee Business**

Representative Mary Helen Garcia thanked all of the New Mexicans who took the time to tell the committee how they would like the district lines to be drawn and said the testimony heard will be invaluable to the legislature. She said this committee's role was not typical in that it will not "endorse" specific concepts for introduction to the legislature; rather, she suggested sending all of the concepts to the legislature so that legislators could consider the public comment on the various concepts and consider that public comment during the special session. Throughout the past two months, the committee has learned that none of the concepts are perfect, but there is merit in each of them, she said.

The committee approved without objection a motion to direct committee staff to draft and prepare legislation for each of the concept plans and the NARWG plans so they are available for any member of the legislature to introduce. She added that none of the congressional concepts would be satisfactory without amendment based on public comment that has been received.

Members of the committee briefly discussed the bill introduction process with Mr. Boller.

### **Adjournment**

There being no further business, the committee adjourned at 3:00 p.m.

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