



October 15, 2021

Honorable Edward L. Chavez, Chair  
Citizen Redistricting Committee  
5121 Masthead St. NE 2<sup>nd</sup> Floor  
Albuquerque, New Mexico 87109

**Re: State Redistricting Plans and Principles of Redistricting for Native American Voters submitted by Pueblo Governors and Jicarilla Apache Nation**

Dear Chairman Chavez and members of the Citizen Redistricting Committee:

On behalf of the All Pueblo Council of Governors<sup>1</sup> (“APCG”) and the Jicarilla Apache Nation, we are submitting state-redistricting maps that reapportion state house, state senate, and the congressional districts of New Mexico. Together we have led a historic tribal redistricting effort that has produced redistricting maps that are consistent with state and federal law and reflect the expressed self-determination of the 19 Pueblos and Jicarilla Apache Nation.

In the 2021 redistricting process, the Tribes, Nations, and Pueblos of New Mexico joined together to establish the Native American Redistricting Working Group (NARWG) and the 2021 Principles for Redistricting with the goal to maintain and improve the voting strength within the majority-Native American congressional, state house and senate districts. As provided below, court findings from New Mexico’s redistricting litigation in 2011 offer profound support and context for the redistricting principles and plans we are submitting today.

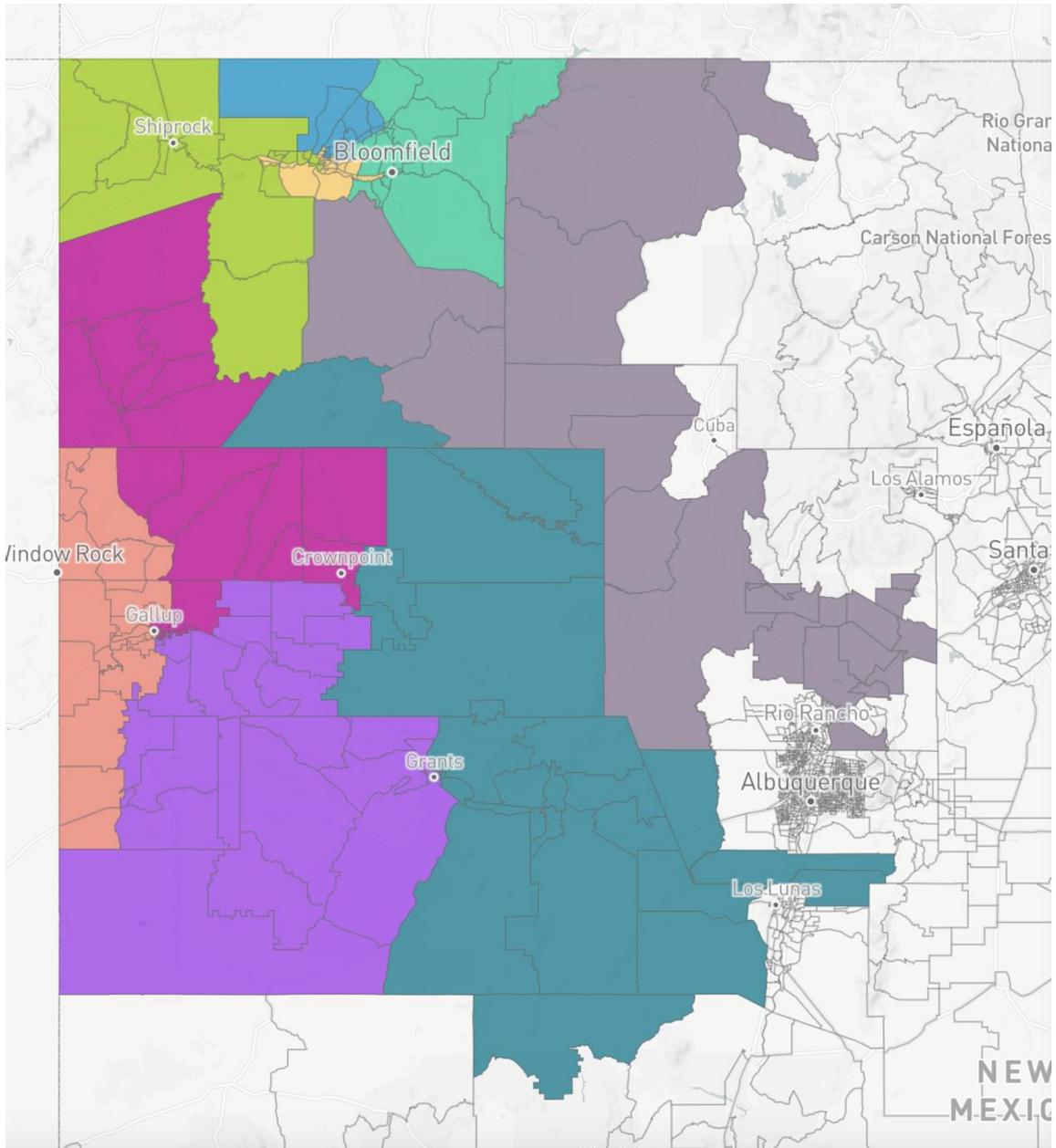
The APCG and Jicarilla Apache Nation came to a consensus on state house maps at a NARWG Meeting on October 11, 2021. At the same NARWG meeting, the APCG, Jicarilla Apache Nation, and the Navajo Nation came to a consensus on state senate and congressional district maps. The priority of the Pueblo Governors and the Jicarilla Apache Nation is the principle of Tribal Self-Determination and our maps carefully balance each NARWG redistricting principles to reflect each tribes’ preferences into the redistricting process. The work to reach consensus amongst all New Mexico’s Tribes, Nations, and Pueblos continues.

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<sup>1</sup> The All Pueblo Council of Governors represents the 19 New Mexico Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, Sandia, San Felipe, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and the Zuni Tribe; and one sister Pueblo in Texas, Ysleta Del Sur.



**State Pueblo and Apache House Consensus Map:**





We are confident this map upholds the principles of redistricting that the Native American Redistricting Working Group outlined at the onset of the redistricting process; chiefly and most self-evident is a tribe's independent right to self-determination. Through the proposed boundary changes, we worked hard to maintain tribal voting power, develop new voting districts with Native American influence, and to bring New Mexico closer to parity after a century of voter disenfranchisement and suppression. This map represents the intended choices and expressed wishes of New Mexico's 19 Pueblos as well as the Jicarilla Apache Nation.

This map maintains the 6 Native American majority districts in the Northwest Quadrant of New Mexico, and balances the population loss in the greater Farmington area. This map creates new borders for the Jicarilla Apache Nation<sup>2</sup> and brings them into a shared community with other Pueblos through Western Central New Mexico in House District 65, acknowledging the collaboration and historical connections between Jicarilla Apache and the Pueblos. This map maintains a strong Native voting population in House District 69, preventing it from becoming a population repository. It seeks to reconnect the Western Pueblos, geographically, with their ongoing cultural connections to Chaco Canyon. House District 69 maintains a Native majority voting population without substantially splitting Pueblos in Western New Mexico and continues to include the Pueblo of Isleta with other Western Tribes. At Zuni Pueblo's<sup>3</sup> request, this proposal splits Zuni Pueblo into House District 6 and House District 9 to maximize its voting power over multiple districts, and continue to influence a voting district that Zuni people are historically connected to. This map reasonably represents the expressed wishes of those sovereign governments. We respectfully request to move this map forward to integrate with other map concepts that have reasonable and substantial support.

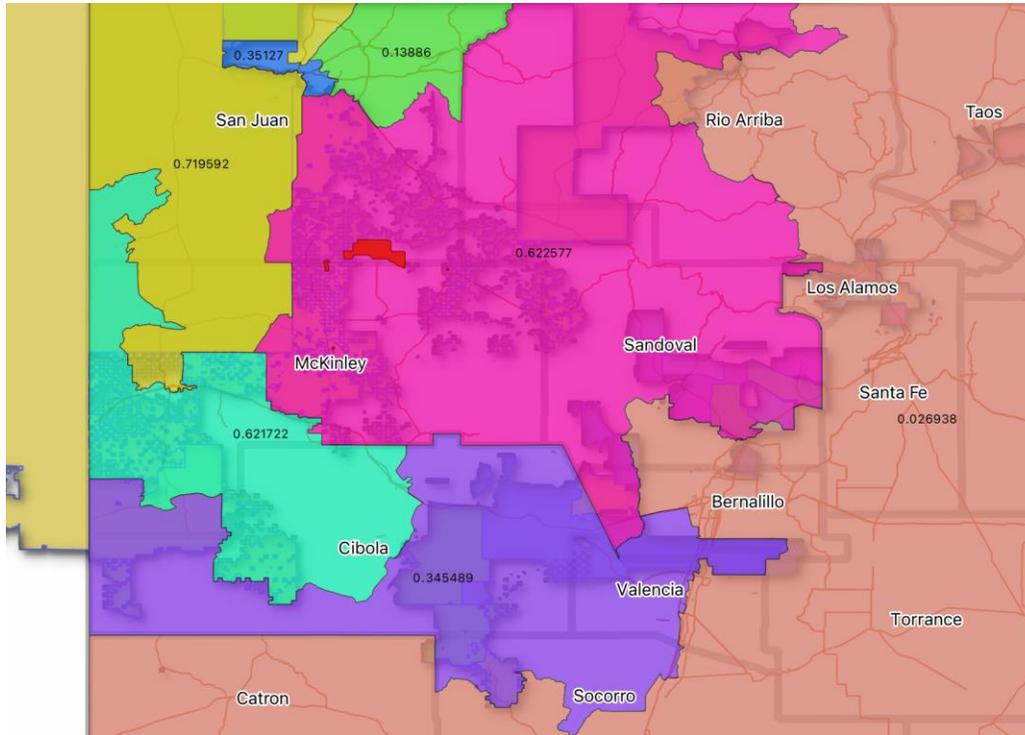
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<sup>2</sup> See, President Edward Velarde et al, Jicarilla Apache Nation's letter to the Citizen Redistricting Committee dated September 1, 2021.

<sup>3</sup> See, Governor Val R. Panteah Sr., Pueblo of Zuni's letter to the Citizen Redistricting Committee dated September 14, 2021.



## State Full Tribal Consensus Senate Map



We are confident this map upholds the Native American Redistricting Working Group’s 2021 Principles for Redistricting; chiefly and most self-evident is a tribe’s independent right to self-determination. Through the proposed boundary changes, we worked hard to maintain tribal voting power, develop new voting districts with Native American influence, and to bring New Mexico closer to parity after a century of voter disenfranchisement and suppression. We are happy to say this map represents full consensus between the Pueblos, Tribes, and Nations of New Mexico.

This map maintains and strengthens the three Native American majority State Senate Districts while elevating Senate District 30 to a Native American influence district with the inclusion of the Pueblo of Isleta<sup>4</sup> and substantial portions of the Pueblo of Zuni. Changes to Senate District 30 were made by the Tribes in order to expand and maximize their voting

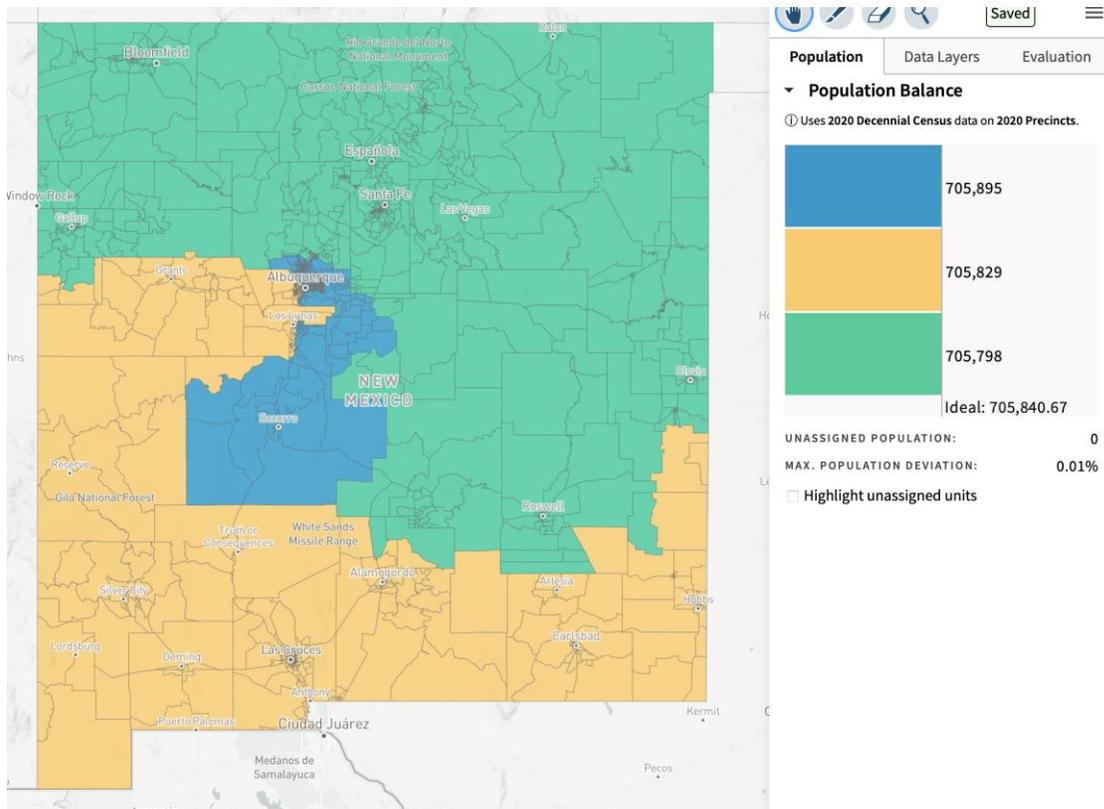
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<sup>4</sup> See Governor Vernon Abeita, Pueblo of Isleta’s letter to the Citizen Redistricting Committee dated September 14, 2021.



strength while working collaboratively as Sovereign Nations. The boundaries of Senate District 22 have been expanded to maintain it as a Native American majority district and to more fully encompass the Jicarilla Apache Nation. These preferences are based on the decisions of Jicarilla Apache Tribal leaders and are influenced by the historical connections between the Jicarilla Apache Nation and the Pueblos. This map reasonably represents the expressed wishes of those sovereign governments. We respectfully request to move this map forward for integration with other map concepts that have reasonable and substantial support.

### State Full Tribal Congressional Map



This map largely maintains the status quo determined in 2011 but makes meaningful changes based upon Tribal leaders input and the public testimony provided during the first round of CRC meetings. Among the changes is an expanded Congressional District 1, necessitated by population gains in Congressional Districts 2 and 3. Congressional District



1 is still composed primarily of the Albuquerque Metro Area and Torrance County while reaching further into Valencia and Socorro Counties. Our Congressional proposals include the addition of only the unincorporated portions of the South Valley into Congressional District 2 as a unique and diverse community of interest; which alleviates the “packing” of Albuquerque into a single district and incorporates changes requested by the community.

For Tribes, Congressional District 2 also largely maintains the status quo and includes the expressed preferences. Finally, Congressional District 2 gives the Mescalero Apache Nation an opportunity to be heard in two congressional districts, to improve Native American voting strength, and creates opportunities for meaningful cooperation between tribes in both Central and Western New Mexico.

Respectfully,

Wilfred Herrera Jr., Chairman  
All Pueblo Council of Governors

Edward Velarde, President  
Jicarilla Apache Nation

Attachments:

Pueblo Governor’s Redistricting Correspondence i.e., Letters and Resolutions  
Jicarilla Apache Nation’s Redistricting Letter

CC:

The Honorable Pueblo Governors  
The Honorable President Gabe Aguilar, Mescalero Apache Tribe  
The Honorable President Jonathan Nez, Navajo Nation  
The Honorable Governor Michelle Lujan Grisham, New Mexico  
The Honorable Mimi Stewart, President Pro-Tempore  
New Mexico State Senator  
The Honorable Brian Egolf, Speaker  
New Mexico State Representative



## **Native American Redistricting Working Group’s 2021 Principles for Redistricting**

### **I. Background:**

In New Mexico, Native Americans – comprise approximately 12% of the total state population – play a significant role in national, State, and local elections. In New Mexico’s northwest quadrant, Native Americans voters are the majority in (6) State House Districts and (3) State Senate Districts. Further, given the special trust relationship between the federal government and federally recognized tribes, it is incumbent upon New Mexico’s congressional delegates to adhere to the political, social and economic interests of New Mexico tribes. Findings from the 2011 redistricting litigation confirmed, “Native Americans in northwestern New Mexico have traditionally voted, and continue to vote, as a politically cohesive group.”<sup>5</sup> For New Mexico’s Native Voters, then, state and congressional representatives must be able to demonstrate an educated investment in the interests and issues that concern tribes.

### **Communities of Interest for Tribes in the Northwest Quadrant:**

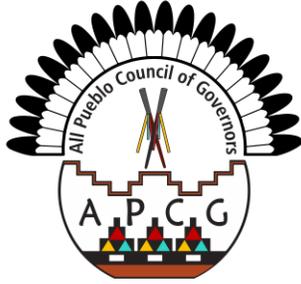
New Mexico’s Native American voters recognize the direct impact of state and federal elections on the health, economy, education and cultural practices of tribal communities. The tribal communities in the Northwest quadrant of New Mexico share *political, social and economic* interests that are significant to the collective existence of their cultures, traditions, languages, histories, and ways of life. In fact, the Pueblos, tribes and nations of New Mexico maintain a shared cultural connection to numerous mountain ranges, landscapes, rivers, lakes, streams, springs, and ecosystems beyond their existing tribal landholdings. It is well established that a “traditional cultural property” among the “Acoma, Hopi, Laguna, Navajo and Zuni Tribes,” for example, includes both Mount Taylor and the Zuni Salt Lake and Sanctuary in New Mexico.<sup>6</sup> Other cultural properties in New Mexico important for maintaining indigenous traditions and ways of life include: Bandelier National Monument, Chaco Culture National Historical Park, Jemez Historical Park, and Cibola National Forest.

### **II. Redistricting Principles for Native American Voters Are Consistent with State and Federal Law:**

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<sup>5</sup> *Egolf v. Duran*, No. D-101-CV-2011-02942 (Jan. 3, 2012) at 11, para. 8.

<sup>6</sup> Mills, Barbara J., and Severin M. Fowles. *The Oxford Handbook of Southwest Archaeology*. Oxford University Press, USA, 2017. p. 178-79.



The Native Redistricting Working Group provides the following redistricting principles as guidance for the citizen redistricting committee, and state leaders in developing state-redistricting maps that maintain and improve the voting strength of Native American voters in New Mexico. These principles comply with the Voting Rights Act, state law, and the doctrine of self-determination.

**Tribal self-determination:** Enforcing the doctrine of self-determination is imperative to the political, social and economic progress of the Pueblos and tribes of New Mexico. During the 2011 redistricting litigation, the state district court found that: “[The continued] effects of historic discrimination in ... education, employment, and health ... hinder their ability to effectively participate in the political process.”<sup>7</sup> In that respect, “Tribal communities are in the best position to determine what is best for their own communities.”<sup>8</sup> In fact, New Mexico law requires the Court to consider tribal self-determination as a factor in drawing legislative districts.<sup>9</sup>

**No retrogression:** The tribes seek to maintain and improve the voting strength of Native American voters in New Mexico’s state House Districts 4, 5, 6, 9, 65 and 69; and Senate districts 3, 4, 22. In 2011, the Court found that “Native Americans currently hold three seats in the New Mexico House of Representatives,”<sup>10</sup> and “...in northwestern New Mexico, including several Indian pueblos, the Jicarilla Apache Nation, and the New Mexico portion of the Navajo Nation, have a sufficiently numerous and geographically compact population to constitute a majority of voters in six districts.”<sup>11</sup> Important to a section 2 Voting Rights Act analysis<sup>12</sup> is the Court’s findings, “...that elections in northwestern New Mexico involving Native American candidates and non- Native American candidates are racially polarized” and that “...and that non-Native voters vote sufficiently as a bloc in primary elections to veto more often than not the election of the preferred candidate of Native American voters.”<sup>13</sup>

**Target Native American Voting Age Population of 65%.** For New Mexico’s Native American voters to be able to maintain voting strength and select a candidate of their

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<sup>7</sup> *Egolf v. Duran*, No. D-101-CV-2011-02942 (Jan. 3, 2012) at 12.

<sup>8</sup> *Id.* at 11.

<sup>9</sup> *Jepsen v. Vigil-Giron*, No. D-0202-CV-2001 (N.M. First Judicial District Court, January 24, 2002).

<sup>10</sup> *Egolf v. Duran*, No. D-101-CV-2011-02942 (Jan. 3, 2012) at 11.

<sup>11</sup> *Id.* at 11.

<sup>12</sup> *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986) (establishing three threshold criteria required to establish a Section 2 violation of the Voting Rights Act: a) the [Native American] population is large and compact enough to create multiple, compact Native American majority districts; b) the [Native American] population is politically cohesive; and, c) that racial bloc voting exists to defeat the representatives of the [Native Americans’] choice.

<sup>13</sup> *Id.*



choice, the most effective percentage for the Native American voting age population reaching a target Native American Voting Age Population of 65% (+/-5% deviation). Court findings from the 2011 redistricting litigation finds: “the Voting Age Non-Hispanic Native American percentages in the current six majority Native American districts were all in excess of 60% when adopted by the Court in 2002.”<sup>14</sup> The result of the 2002 court mandated districts is that Native American voters were provided “a reasonable opportunity to elect a representative of the Native American population's choice.”<sup>15</sup> Further, “compliance with the Voting Rights Act, Section 2, respect for self-determination, preservation of tribal communities of interest, maintaining tribal communities whole within a district, and the need to remedy the historic and continuing dilution of Native American voting rights are legitimate reasons for deviations within the range of +/- 5%.”<sup>16</sup>

**Native American voting strength shall not be diluted.** Cracking or packing of Native American voting populations ultimately dilutes Native American voting strength and the opportunity for Native Americans to choose the candidate of their choice. Section 2 of the Voting Rights Act protects Native Americans against voting dilution. A violation of section 2 of the VRA exists when “a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by minority and white voters to elect their preferred candidates.”<sup>17</sup> In fact, the Court in 2011 rejected redistricting proposals of the northwest quadrant that split or expanded the boundaries of majority-Native American voting districts – in effect, diluting the Native American vote.<sup>18</sup> In rejecting a house district plan proposal, for example, the Court reasoned:

“The James Plaintiffs did not seek input from the affected Native American tribes before drawing and submitting their House Redistricting Plan to the Court. The James Plan does not conform to the preferences of either the Multi-Tribal or the Navajo Nation Plaintiffs with respect to districts in the northwest quadrant of the state. The James Plan fails to maintain at least six Native American

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<sup>14</sup> *Egolf v. Duran*, No. D-101-CV-2011-02942 (Jan. 3, 2012) at 12.

<sup>15</sup> *Id.* at 12.

<sup>16</sup> *Id.* at 13.

<sup>17</sup> *Gingles*, 478 U.S. at 47. See also *Windy Boy v. County of Big Horn*, 647 F.Supp. 1002, 1007 (D. Mont. 1986) quoting and citing 1975 U.S. Code Cong. & Ad. News at 774, 795, 797 (finding Congress extended the protections of the Voting Rights Act to American Indians in 1975 after finding that “a pattern of educational inequity exists with respect to children of Indian . . . origin” and “‘substantial’ evidence of discriminatory practices that affect the right of Indians to vote.”)

<sup>18</sup> The Court finds: “The original Executive Plan did not conform to the preferences of either the Multi-Tribal or the Navajo Nation Plaintiffs with respect to districts in the northwest quadrant of the state. The original Executive Plan unnecessarily split Pueblos, including the Pueblo of Laguna and the Pueblo of San Ildefonso, and expanded the boundaries of Native American districts to include non-Native American communities.



majority House Districts and, if adopted, would dilute Native American voting strength. The James Plan fragments the Pueblo of Laguna's reservation and villages. This splitting of Laguna's community would diminish Laguna's influence in both districts, and could negatively impact voter mobilization, communication between representatives and constituents, and candidate pools.”<sup>19</sup>

**State Redistricting Maps must comport with Native American Redistricting Principles and Communities of Interest:**

It is imperative to the social, political and economic interests of New Mexico tribes that districts are drawn using traditional districting principles, including the consideration of communities of interest and tribal political and geographic boundaries. The Court in 2011 for example found that: “The Pueblos share concern for the protection of traditional cultural properties around Mt. Taylor. The Pueblos of Laguna and Acoma also share a common language and culture.”<sup>20</sup> The Court also found that the “...Jicarilla Apache Nation and the Sandoval County Pueblos share common interests based on size, tradition and customs, political and legal issues and inter-marriages. The Jicarilla Apache Nation reservation extends into Sandoval County.”<sup>21</sup> Furthermore, Supreme Court precedent establishes that a Section 2 compactness analysis should “take into account ‘traditional districting principles such as maintaining communities of interest and traditional boundaries’.”<sup>22</sup>

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<sup>19</sup> *Egolf v. Duran*, No. D-101-CV-2011-02942 (Jan. 3, 2012) at 16-17.

<sup>20</sup> *Id.* at 12.

<sup>21</sup> *Id.* at 12-13.

<sup>22</sup> *Abrams v. Johnson*, 521 U.S. 74, 92 (1997); see also *Bush*, *supra*, at 977, 116 S.Ct., at 1960.