

LEAGUE OF WOMEN VOTERS OF NEW MEXICO

Essential Elements of Legislation for Reforming the Redistricting Process in New Mexico

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The League of Women Voters of New Mexico supports the use of a redistricting commission to assist in the process used every decennium to redistrict the New Mexico State Legislature and the U.S. Congressional districts in the State. We believe that use of a redistricting commission will result in the drawing of districts lines that the public will deem to be fairer and more representative of their interests rather than the interests of incumbent legislators; bring the entire redistricting process from start to finish into the sunshine of the public eye; result in a less costly and less litigious redistricting process; and result in greater public involvement in the process. In short, we believe that reforming the system to include a redistricting commission will foster the concept of representative democracy while efficiently drawing district lines

Based on the League of Women Voters' experience in the redistricting process across the country, we find that the following are essential questions that legislators should consider when drafting legislation to create a redistricting commission:

1. What entity has the final authority to approve redistricting plans?
IA has an advisory committee and the final vote is by the legislature.
AZ, ID WA, AK, CA have the independent commission certify the final plan.
2. What is the size of the commission?
The size in other states varies from fourteen in CA to five in AZ, AK and WA and six in ID. Factors to consider include the geographic size as well as the population in the state, the diversity of the constituent interests, and the number of seats to be redistricted.
3. How are the members of the commission selected to best represent the public?
In NJ the state party chairs select the commissioners while CA has an elaborate application process with the State Auditor actively involved. Most states use some combination of appointment of one commissioner by the governor, majority and minority leaders of the House and Senate and some include an appointee by the Chief Justice of the Supreme Court. ID also allows the two major political parties to select one commissioner each. AZ allows four appointed to select the fifth commissioner who serves as chair. Most of the States use an application process that allows for a potentially broader and more diverse representation on the commission instead of relying on people being appointed who are just "insiders." Some States require

equalization of members from the two major parties but caution is necessary in NM because of the large number of voters who register as “decline to state” but typically vote in larger numbers for one of the major parties.

4. What restrictions are placed on members of the Commission?
All states that use a commission permit only persons who have been registered voters in the state for the preceding two to four years to serve on the commission. The states have some restrictions that prevent a person who serves or has served within two to four years as an elected official or political party official from serving on the commission and that prevent members of the commission from running for office or being a party official within two to four years after their service on the commission. Most also have a restriction against lobbyists serving and prohibit service by persons who have changed political party affiliations within two to four years prior to serving on the commission.
5. Other than the well-established Constitutional and Voting Rights Act principles, what other criteria if any should the legislation specifically establish for the redistricting? Some states have no additional criteria. IA prevents consideration of political party registration in designing the plans but in NM political party affiliation may be representative of “communities of interest.” Most states prohibit the commission from considering the residence of the incumbent affords. Some states require that House districts nest within Senate districts. Some statutes embody the principles of increasing competitiveness, not splitting municipal or precinct boundaries, and geographical contiguity.
6. Are specific provisions provided for public participation/public involvement?
Most states mandate public involvement by generically stating the concept without specifying the exact design on the public participation process; some specify compliance with the state open meetings and freedom of information acts. Some specifically allow the submission of redistricting plans by the public.
7. Should the Commission start with a blank slate or start with existing districts?
AZ and CA essentially requires a blank slate in wording but, in practicality, geography and population centers as well as the redistricting legal principles, result in initial districts looking in general similar to existing districts. Starting with a blank slate may not be cost-effective or result in a more publicly acceptable process.
8. How should judicial review be handled?
Almost all states have a limited judicial appellate review by the highest court in the state rather than permitting parties to bring suit in trial courts. Federal court jurisdiction for issues under the U.S. Constitution or regarding Congressional redistricting are not affected by the state legislation.