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**STATE OF NEW MEXICO**
**COUNTY OF SANTA FE**
**FIRST JUDICIAL DISTRICT**

D-101-CV-2011-03135
**No. ~~D-101-CV-2011-~~**

**REPRESENTATIVE ANTONIO MAESTAS, JUNE LORENZO, ALVIN WARREN, ELOISE GIFT, and HENRY OCHOA,**

**Plaintiffs,**

**v.**

**DIANNA DURAN, IN HER OFFICIAL CAPACITY AS NEW MEXICO SECRETARY OF STATE,**

Defendant.

# COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF FOR REDISTRICTING OF THE NEW MEXICO SENATE

## JURISDICTION, VENUE AND PARTIES

1. This is a civil action for injunctive and declaratory relief to achieve a lawful redistricting of the 42 districts for the New Mexico Senate.
2. Plaintiff Representative Antonio Maestas is a registered voter in the State of New Mexico who resides in Bernalillo County, New Mexico and a member of the New Mexico House of Representatives. Plaintiff is Hispanic American, a racial minority, by Bureau of Census Standards.
3. Plaintiff Alvin Warren is a registered voter in the State of New Mexico who resides in Rio Arriba, New Mexico, and is identified as American Indian, an ethnic minority, by Bureau of Census standards.

4. Plaintiff June Lorenzo is a registered voter in the State of New Mexico who resides in Cibola County, New Mexico, and is identified as American Indian, an ethnic minority, by Bureau of Census standards
5. Plaintiff, Eloise Gift, is a registered voter in the State of New Mexico who resides in Bernalillo County, New Mexico, and is identified as African American, a racial minority, by Bureau of Census standards.
6. Plaintiff, Henry Ochoa, is a registered voter in the State of New Mexico who resides in Rio Arriba County, New Mexico, and is identified as Hispanic American, a racial minority, by Bureau of Census standards.
7. Defendant Dianna Duran is the duly elected Secretary of State of New Mexico, with offices at the seat of State government in Santa Fe County, New Mexico. As the chief election officer of the State, as provided in NMSA 1978, §§ 1-2-1, *et seq.,* she is the State official charged with the responsibility of administering the Election Code and ensuring that elections within the State are conducted in a fair and lawful manner. As such, she is named as a defendant in her official capacity.
8. This redistricting action is brought pursuant to this court's original jurisdiction under Art. VI, § 13, of the New Mexico Constitution, the equal protection clauses of Art. II, § 18, of the New Mexico Constitution and the Fourteenth Amendment to the United States Constitution, the Voting Rights Act of 1965, 42 U.S.C. § 1973, and the civil rights provisions of 42 U.S.C. Secs. 1983 and 1988.
9. This judicial district is the lawful venue for this action, pursuant to NMSA 1978, § 38-3-1G (1988).

**POPULATION AND DEMOGRAPHIC CHANGE DISCLOSED BY THE 2010 CENSUS DEMONSTRATES THAT THE CURRENT HOUSE DISTRICTING PLAN VIOLATES ONE PERSON ONE VOTE AND IMPERMISSABLY DILUTES MINORITY VOTING STRENGTH**

10. Each ten years, the Census Bureau of the United States conducts a decennial census throughout the United States, pursuant to the mandates of Article I, § 2, of the Constitution of the United States.

11. Since the 2000 census, New Mexico has experienced an overall population increase of 13%, and has changed in demographic characteristics. The 2010 census has shown the most dramatic population increase as taking place in the urban areas of New Mexico with less than average growth taking place in the rural areas.

12. Specifically the most dramatic increase in population was in a twenty mile swath of Bernalillo and Valencia County west of the Rio Grande. Dona Ana as a whole also made substantial gains in population. Areas whose population experienced less than average growth include, generally, the Eastern half, Southwestern quadrant, and portions of the North Central part of the State. (**See** Exhibit A).

13. The current Senatorial districts for members of the New Mexico State Senate, NMSA 1978 § 2-7D-1, approved and adopted in Jepsen v. Vigil-Giron, D-0101-CV-2001-02177 (First Judicial Dist. Court, January 24, 2002), are based on population data from the 2000 census. As a result, those districts now deviate impermissibly from population parity. (**See** Exhibit B). This violates "One Person, One Vote" principles, dilutes minority voting strength, and denies equal protection of the laws for plaintiffs and all other voters throughout the State of New Mexico.

14. Pursuant to federal law, the detailed results of the 2010 decennial census were provided to the governors and legislatures of all states, including New Mexico, specifically to provide a basis for a fair and lawful redrawing of congressional, state legislative and other districts. The census information was provided to prevent dilution of minority voting strength and to ensure that all voters can be guaranteed that their votes are accorded equal weight in elections for their representatives under the fundamental democratic and constitutional principle of "One Person, One Vote."
15. Redistricting was initially mandated by the US Supreme Court in the “One Person, One Vote” decision of Reynolds v. Sims.
16. The Constitutional “One Person, One Vote” principle is based on Article 1 Sec 2 and the 14th Amendment of the US Constitution holds that each person’s vote should count the same as every other person’s vote. Under this principle, each district within a jurisdiction should have the same or substantially the same population allowing each person’s vote to carry the same weight as any other vote throughout the country.
17. In establishing voting districts, the Voting Rights Act “VRA”, a federal law, prohibits discriminatory voting practices on the basis of race or language group. Section 2 of this law prohibits states from maintaining voting laws standards or practices that abridge the right to vote on the basis of race or language group.
18. To this date, New Mexico has not accomplished any redistricting, except for the Public Education Commission, based on the 2010 census of persons residing in New Mexico. Redistricting must be accomplished now, so that Defendant and other New Mexico election officials may begin their

preparations for the upcoming primary and general elections in 2012 in lawfully apportioned census 2010-based districts. Thus, candidates in the lawfully apportioned Census 2010-based districts may begin preparing to present their campaigns to New Mexico voters and so that New Mexico voters may know their districts and consider whom they wish to support to represent those districts.

19. The New Mexico Legislature, the institution primarily responsible for preparing a lawful and fair redistricting plan, subject to the veto power of the governor, and pursuant to the authority provided in Art. IV, § 3, of the New Mexico Constitution, convened a special session in September 2011 called for the purpose of accomplishing the necessary redistricting. The legislature passed a bill to redistrict the State Senate, but that bill was vetoed by the Governor. (**See** Exhibit C). As a consequence, the defendant Secretary of State will proceed to conduct primary and general elections in 2012 for the 42 State Senate districts under the malapportioned districts which were adopted using the 2000 census.

20. Judicial relief is necessary at this time. Without the action of this court, the lawfully required redistricting clearly will not take place.

21. The current districting violates the rights of Plaintiffs and all other New Mexico voters to the equal protection of the laws guaranteed by Article II, Section 18 of the New Mexico Constitution and the Fourteenth Amendment to the Constitution of the United States of America.

22. The current districting violates the voting rights of the named Plaintiffs who are racial or ethnic minorities and all other New Mexicans similarly situated, in violation of the federal Voting Rights Act of 1965, 42 U.S.C. § 1973.

## THE CONSTITUTIONAL REQUIREMENT FOR REDISTRICTING BY THIS COURT

23. Pursuant to the doctrines reaffirmed by the United States Supreme Court in *Growe v. Emison,* 507 U.S. 25 (1993), it is the primary right and responsibility of the State courts to require valid reapportionment or to formulate a valid redistricting plan where the other branches of State Government have not done so in a timely fashion. It is necessary for this court to exercise its jurisdiction to provide a specified period of time in which the legislature and governor may attempt to achieve the necessary redistricting. If that political process should fail, the Defendant Secretary of State is required to administer the election process pursuant to a lawful redistricting plan established by order of this court.

24. A number of Federal and State Courts decisions provide guidance to legislative bodies and other entities that might ultimately establish the final redistricting plan.

25. Certain laws, such as, the Voting Rights Act prohibit dilution of minority voting rights.

26. Through the innerplay of this law and court decisions, a number of legal objectives have evolved which are to be observed in the redistricting process including the fundamental requirement of a substantially equal population in each district. The “ideal” population in each Senatorial district is 49,028. A deviation of plus or minus 5 from the ideal population has been previously approved by the Courts.

27. Other objectives, such as preservation of communities of interest, compactness, contiguity, and others have been identified as desirable in formulating a constitutionally viable district plan.
28. Often adherence to one of these recognized objectives is at odds with the observance of another of the objectives given the nature of the district at issue.
29. Thus, there is no single constitutionally acceptable manner of constructing a constitutionally acceptable Senatorial district. Districts can be constructed in a number of different ways adhering in greater or lesser degree to the desired objectives and avoiding, in greater or lesser degree, the prohibited activities and still be constitutionally acceptable.
30. This same law and cases have identified a number of activities to be avoided in the districting process including
    a. Gerrymandering
    b. Fragmentation
    c. Retrogression
31. It is through a calculus aimed at achieving the desired objectives and avoiding the prohibited activities that constitutionally acceptable districts are constructed.
32. Terms that are often or may be employed in effecting a constitutionally acceptable district map are set forth in the attached Redistricting Glossary. (**See** Exhibit D).

REQUESTED RELIEF **WHEREFORE,** Plaintiffs respectfully request that this court exercise its jurisdiction and enter:

A. A declaratory judgment adjudicating that the current districting plan, adopted

in 2002, for the New Mexico Senate is in violation of the Equal Protection Clauses of the New Mexico and United States Constitutions and the federal Voting Rights Act of 1965;

B. Preliminary and permanent injunctions restraining Defendants from using the current districting plan for the New Mexico Senate in any further elections;

C. A final judgment establishing a lawful redistricting plan for the New Mexico Senate based on the 2010 Census, until and unless another lawfully proper redistricting bill is duly passed by the New Mexico Legislature and signed into law by the Governor;

D. An order awarding Plaintiffs their lawful fees and costs of suit; and such other and further relief as the court deems proper.

Respectfully submitted,

____/s/_____

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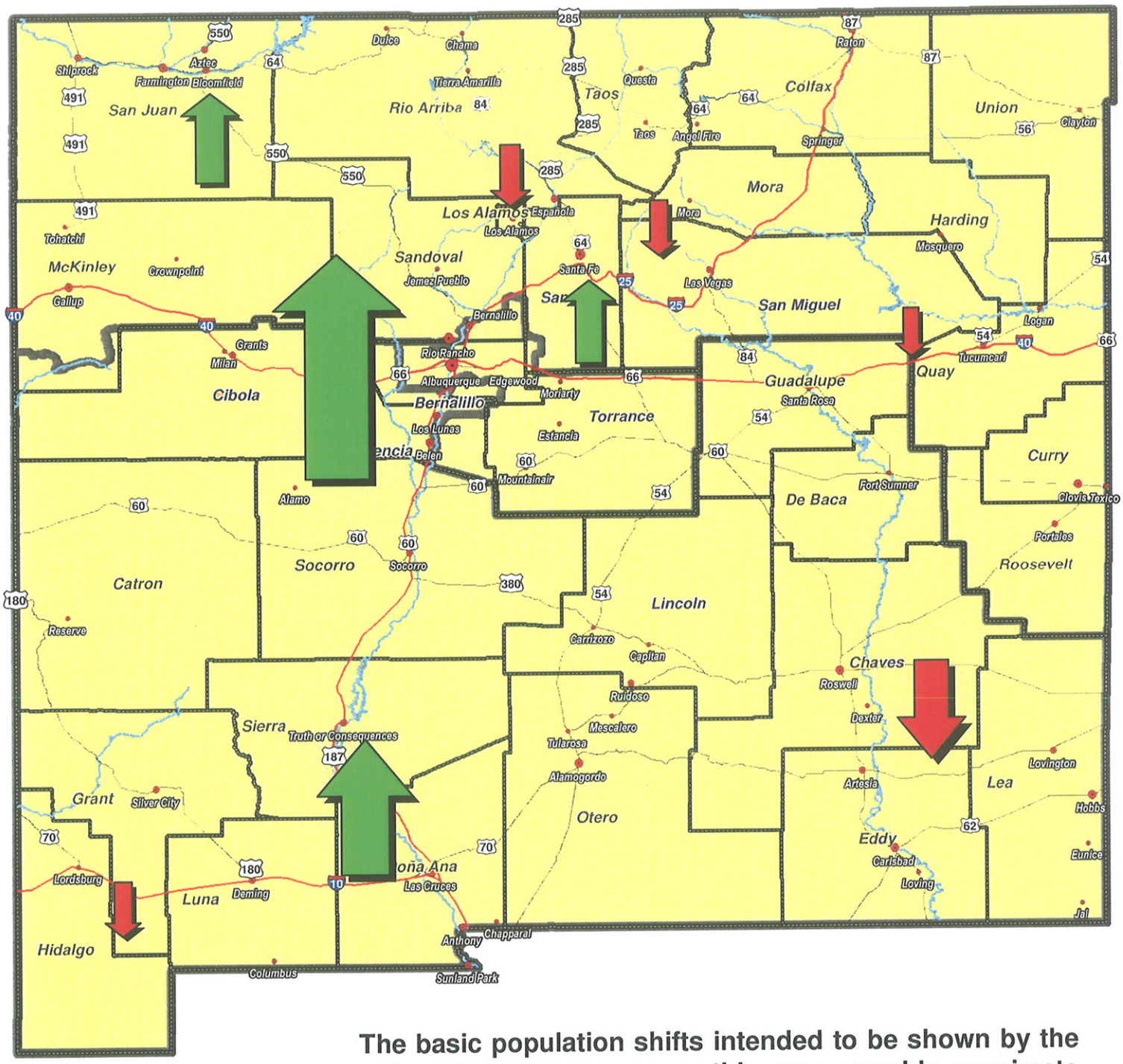
2000 → 2010: 13%

# NM 2010 Census




The basic population shifts intended to be shown by the red and green arrows on this map roughly proximate population gains and losses in New Mexico between 2000 and 2010. The actual numbers for each New Mexico county during this period of time are detailed on the following page containing the compilation of these numbers by Research and Polling, Inc.

EXHIBIT
A

PENGAD 800-631-6989

RESEARCH & POLLING INC

# New Mexico Counties

## Population Change: 1990 to 2000 and 2000 to 2010

| *Ranked By Percent Population Change, 2000 to 2010* | | | | | |
|---|---|---|---|---|---|
| County (Largest City) | 1990 Population | 2000 Population | 2010 Population | % Population Change 1990 - 2000 | % Population Change 2000 - 2010 |
| Sandoval County (Rio Rancho) | 63,319 | 89,908 | 131,561 | 42.0% | 46.3% |
| Doña Ana County (Las Cruces) | 135,510 | 174,682 | 209,233 | 28.9% | 19.8% |
| Bernalillo County (Albuquerque) | 480,577 | 556,678 | 662,564 | 15.8% | 19.0% |
| Lea County (Hobbs) | 55,765 | 55,511 | 64,727 | -0.5% | 16.6% |
| Valencia County (Belen) | 45,235 | 66,152 | 76,569 | 46.2% | 15.7% |
| San Juan County (Farmington) | 91,605 | 113,801 | 130,044 | 24.2% | 14.3% |
| Santa Fe County (Santa Fe) | 98,928 | 129,292 | 144,170 | 30.7% | 11.5% |
| Roosevelt County (Portales) | 16,702 | 18,018 | 19,846 | 7.9% | 10.1% |
| Taos County (Taos) | 23,118 | 29,979 | 32,937 | 29.7% | 9.9% |
| Union County (Clayton) | 4,124 | 4,174 | 4,549 | 1.2% | 9.0% |
| Curry County (Clovis) | 42,207 | 45,044 | 48,376 | 6.7% | 7.4% |
| Chaves County (Roswell) | 57,849 | 61,382 | 65,645 | 6.1% | 6.9% |
| Cibola County (Grants) | 23,794 | 25,595 | 27,213 | 7.6% | 6.3% |
| Lincoln County (Ruidoso) | 12,219 | 19,411 | 20,497 | 58.9% | 5.6% |
| Catron County (Reserve) | 2,563 | 3,543 | 3,725 | 38.2% | 5.1% |
| Eddy County (Carlsbad) | 48,605 | 51,658 | 53,829 | 6.3% | 4.2% |
| Otero County (Alamogordo) | 51,928 | 62,298 | 63,797 | 20.0% | 2.4% |
| Luna County (Deming) | 18,110 | 25,016 | 25,095 | 38.1% | 0.3% |
| Guadalupe County (Santa Rosa) | 4,156 | 4,680 | 4,687 | 12.6% | 0.1% |
| Socorro County (Socorro) | 14,764 | 18,078 | 17,866 | 22.4% | -1.2% |
| Los Alamos County (Los Alamos) | 18,115 | 18,343 | 17,950 | 1.3% | -2.1% |
| Rio Arriba County (Española) | 34,365 | 41,190 | 40,246 | 19.9% | -2.3% |
| San Miguel County (Las Vegas) | 25,743 | 30,126 | 29,393 | 17.0% | -2.4% |
| Colfax County (Raton) | 12,925 | 14,189 | 13,750 | 9.8% | -3.1% |
| Torrance County (Moriarty) | 10,285 | 16,911 | 16,383 | 64.4% | -3.1% |
| McKinley County (Gallup) | 60,686 | 74,798 | 71,492 | 23.3% | -4.4% |
| Grant County (Silver City) | 27,676 | 31,002 | 29,514 | 12.0% | -4.8% |
| Mora County (Wagon Mound) | 4,264 | 5,180 | 4,881 | 21.5% | -5.8% |
| Sierra County (T or C) | 9,912 | 13,270 | 11,988 | 33.9% | -9.7% |
| De Baca County (Fort Sumner) | 2,252 | 2,240 | 2,022 | -0.5% | -9.7% |
| Quay County (Tucumcari) | 10,823 | 10,155 | 9,041 | -6.2% | -11.0% |
| Harding County (Roy) | 987 | 810 | 695 | -17.9% | -14.2% |
| Hidalgo County (Lordsburg) | 5,958 | 5,932 | 4,894 | -0.4% | -17.5% |
| **New Mexico** | **1,515,069** | **1,819,046** | **2,059,179** | **20.1%** | **13.2%** |

Source: U.S. Bureau of the Census.

5140 San Francisco Rd NE ♦ Albuquerque, NM 87109 ♦ 505-821-5454
(505) 821-5454 ♦ fax (505) 821-5474 ♦ www.rpinc.com

# NM Senate: Current Districts

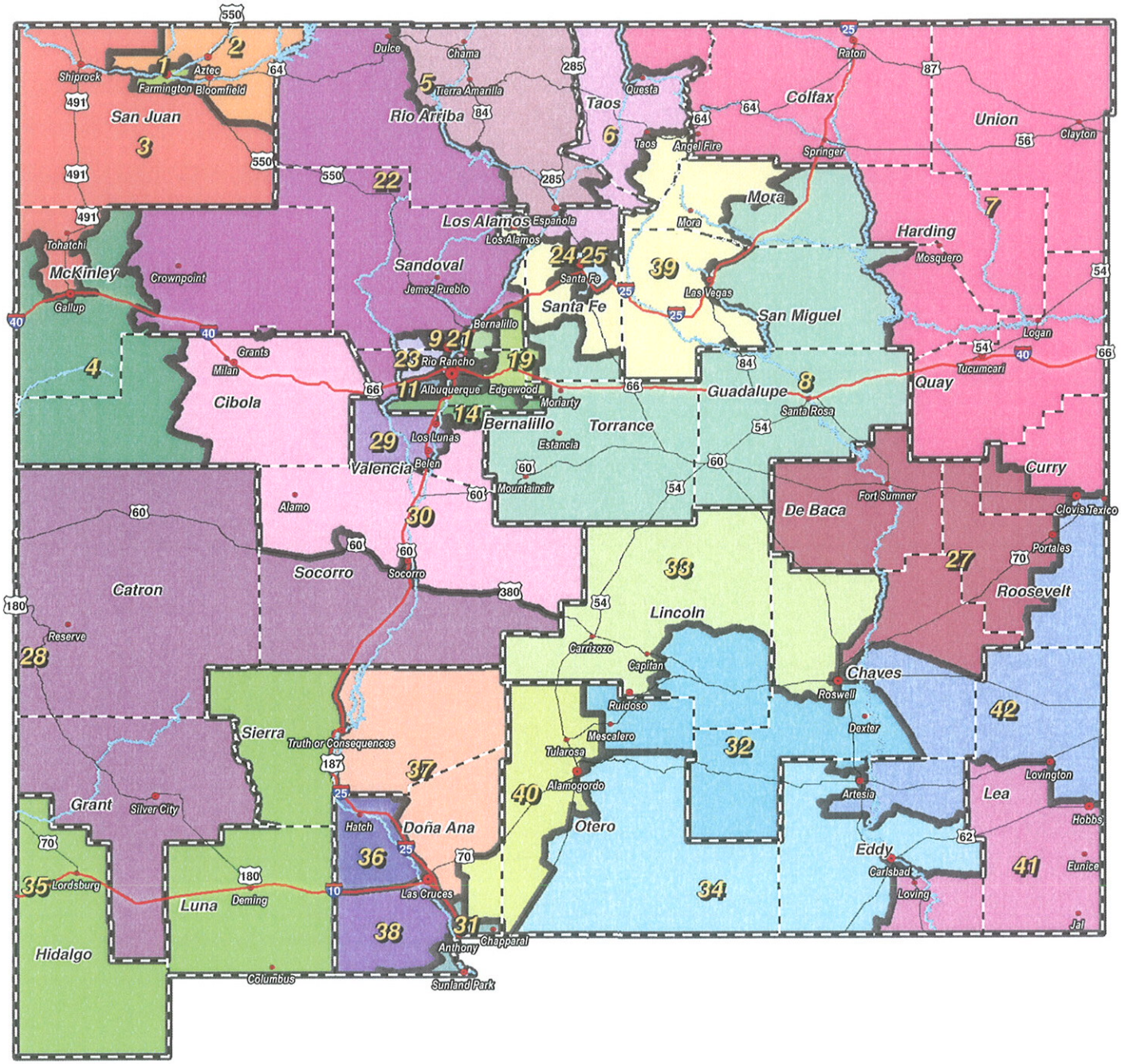



EXHIBIT
B

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# 2011 Legislative Redistricting
# NM State Senate

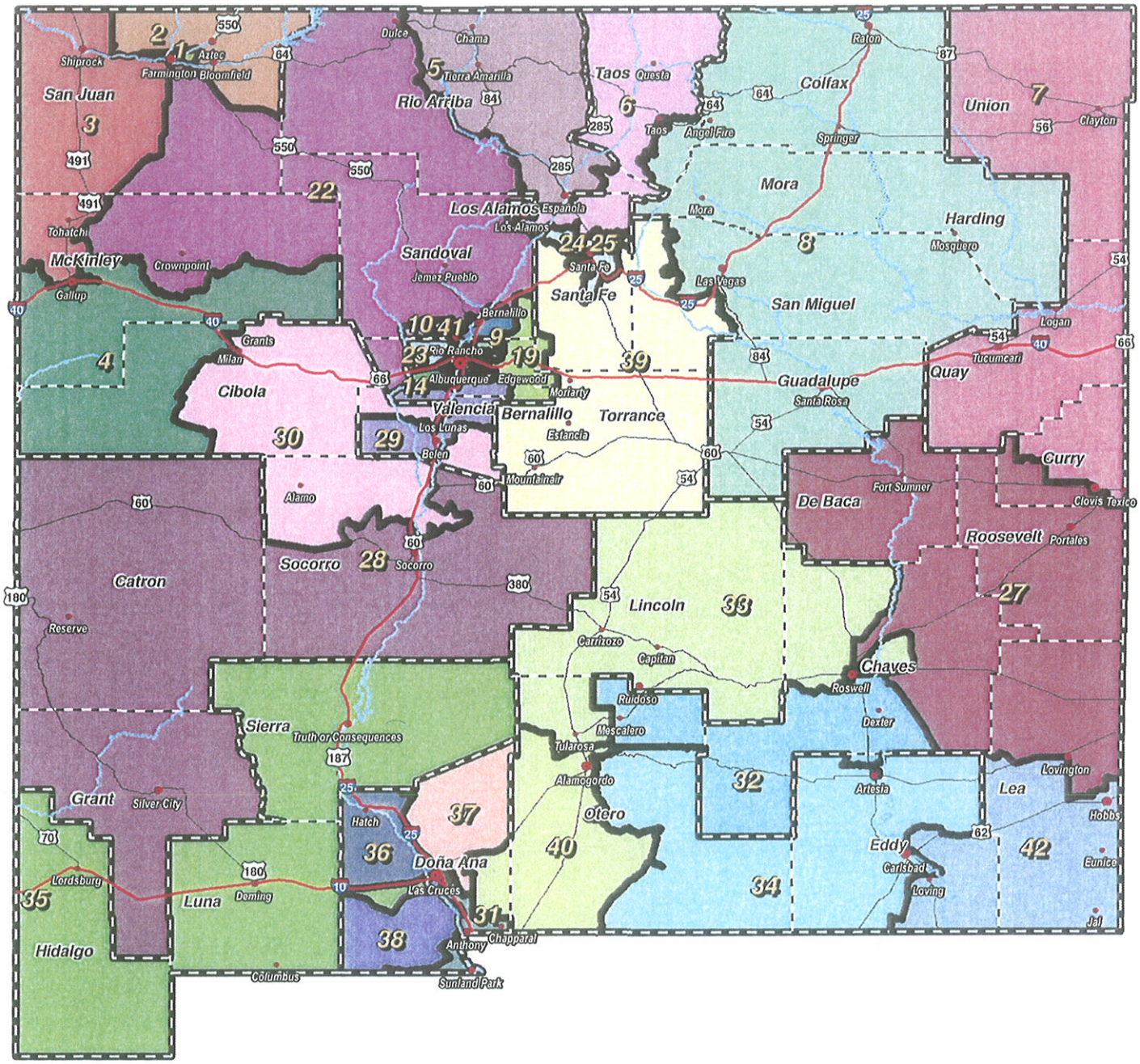


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EXHIBIT
C

# REDISTRICTING GLOSSARY

**Alternative Population Base:** Population count other than the official census data that is used for redistricting. One example of an alternative population base is "voting age population."

**Alternative voting System:** See "proportional voting."

**American Community Survey (ACS):** Ongoing census survey sent to a sample of three million housing units annually. The ACT collects detailed demographic and socioeconomic population and housing characteristics, similar to the information collected on the former long form census questionnaire. The data is collected continuously rather than once a decade, so the ACS provides more current data.

**Anglo:** Those persons who identified their race on the census form as White only and not Hispanic.

**Apportionment:** See "Reapportionment."

**Area Dispersion:** Measurement comparing the relative degree to which a district's area is compact with the area of a similar compact figure. It is the ratio of the area of the district to the area of the smallest convex polygon that can enclose the district. (See "compactness.")

**Assignment Unit:** Unit of geography that may be used as a building block to draw a redistricting plan.

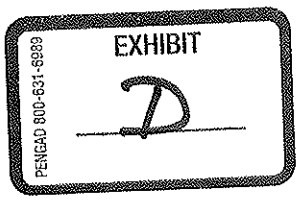
**At-large:** When one or several candidates run for an office, and they are elected by the whole area of a local political subdivision, they are being elected at-large.

**Bailout:** The power jurisdictions covered by Section Five of the Voting Rights Act have to seek their permanent removal from preclearance requirements.

**Benchmark:** The number of minority majority districts that exists under the current redistricting plan using new decennial census data released for the ensuing decade.

**Benchmark Plan:** The last legally enforceable redistricting plan in force for a Section 5 covered jurisdiction is the "benchmark" against which a new plan is compared.

**Black:** Those persons who identified their race on the census form as Black, African American, or Negro only or Black and any other race. Black persons can be either Hispanic or non-Hispanic.



**Black + Hispanic:** A combined population category that includes all persons who identified their race as Black and all persons who identified themselves as Hispanic. The total is adjusted so that those who indicated they were both Black and Hispanic are not counted twice. The category is frequently examined for redistricting purposes in areas in which Black and Hispanic voters may form political coalitions or vote together as a bloc.

**Candidate of Choice:** The candidate favored by a like-minded group of racial minority voters in a district. The Voting Rights Act requires that certain minority groups be given enough numbers in a district so that the minority group has the ability to elect their own candidate of choice without being continually outvoted by racial/ethnic majorities.

**Census:** Process of surveying and counting the U.S. population, using mailed surveys and in-person visits to homes, mandated by the U.S. Constitution and done every ten years by the federal government. Its results are used for reapportioning House Seats among the states and redistricting districts within states. The last Census took place in 2010.

**Census Block:** Smallest unit of census geography for which population data are counted and reported. Census blocks are delineated by the Census Bureau and are generally bounded by physical features such as roads, creeks, or shorelines, but also may be bounded by invisible features such as city, county, school district, or voting precinct boundaries. Census blocks are generally between $30{,}000ft^2$ and $40{,}000ft^2$.

**Census Block Group:** Subdivision of a census tract composed of a group of contiguous census blocks.

**Census Bureau:** Government agency that is responsible for the United States Census. It also gathers other national demographic and economic data. As part of the United States Department of Commerce, the Census Bureau serves as a leading source of data about America's people and economy.

**Census Designated Place (CDP):** Densely settled, unincorporated area locally identified by a name, such as an unincorporated town, for which the Census Bureau reports population. The boundaries of a census designated place are established by the Census bureau in cooperation with state and local government officials.

**Census Tract:** Set of block groups combined to create a unit of census geography delineated by Local committees in accordance with census bureau guidelines for the purpose of collecting and presenting decennial census data.

**Choice Voting:** A form of proportional representation (PR) that is used in some American elections and is widely used for local and some national elections in

democracies such as Australia, Ireland, Malta and United Kingdom. Under choice voting, like-minded representatives win seats in multi-seat districts in proportion to their share of voting support. Choice voting also assures that political parties or candidates will gain the percentage of legislative seats that reflects their public support. Choice voting is also called "single transferable vote" and "preference voting."

**Citizen Voting Age Population CVAP:** Number of persons in a geographic unit who are citizens and at least 18 years of age.

**Community of Interest (COI):** Group of people in a geographic area, such as a specific region or neighborhood, who have common political, social, or economic interests. Examples of COI's are groups who are committed to preserving a local park, creating a new subway line in a city or achieving increased funding for a community college.

**Commission:** A statutory or constitutional body charged with researching or implementing policy. Redistricting commissions have been used to draw districts for legislatures and Congress.

> **NM Redistricting Committee:** A committee which recommends new boundaries for the Congressional districts within New Mexico, the state house of representatives and senate districts, the public regulation commission districts and the public education commission districts based on the 2010 decennial census, the redistricting guidelines are adopted by the New Mexico legislative council and testimony received from individuals and groups interested in this issue.

**Compactness:** Minimizing the distance between all parts of a district. There are many types of compactness measures including: area dispersion and perimeter.

> **Area Dispersion:** This measure examines the relative degree to which a district's area is compact when compared with the area of a similar compact figure. It is the ration of the area of the district to the area of the smallest convex polygon that can enclose the district (imagine a rubber band stretched around the district). A district in the shape of a square would receive a perfect score of one using this measure. This measure penalizes a district that has long "fingers" or extensions, making it less compact because it requires a larger convex polygon to enclose the entire district, yet much of that polygon is empty.
>
> **Dispersion:** Dispersion-based measures of compactness evaluate the extent to which a shape's area is spread out from a central point. A circle is very compact, while a barbell is less compact.

**Indentation:** Perimeter area-based measure of compactness, like the Polsby-Popper and Schwartzberg measures used on this site, primarily evaluate the indentation of district boundaries. Shapes with a smooth perimeter are more compact, while those with a contorted, squiggly perimeter are less compact.

**Perimeter:** This measure compares the relative length of the perimeter of a district to its area. It is the ration of the area of the district to the area of a circle with the same perimeter as the district. A perimeter-to-area measure penalizes a district's compactness score whenever the boundaries are uneven or irregular: the more the boundary zigzags (for example, a river), the less compact the district using this measure.

**Population:** A population-based compactness measure computed as the ratio of the population of the district to the population of all census blocks contained in the smallest convex polygon enclosing the district. The greater the population within the convex polygon that is not within the district, the less compact the district under this measure.

**Contiguity:** A district that is within one continuous boundary and whose parts all touch one another at more than a point. All districts in the United States much be contiguous, however, some districts stretch the limits of this requirement by connecting different landmasses through water or having two districts intersect at a single point that takes up no area.

**Core of Prior Districts:** The portion of a previously enacted district which is identified by the incumbent office holder as representing the electoral base upon which elections within the district are won or lost. This "core" geography should be relatively consistent from districting plan to districting plan.

**County Lines:** The boundary between counties within a state. Splitting counties between districts is prohibited in certain states when it is possible to keep them intact.

**County Election Precincts:** Also called voting precincts. Geographic units established by county commissioners courts for the purpose of election administration. The voters in an election precinct usually vote at a single polling place, so the votes cast in the precinct may be counted separately from other precincts.

**Cracking:** Splitting a like-minded voting group's electoral strength by dividing its population into multiple districts.

**Department of Justice (DOJ):** Department within the federal government's executive branch which ensures that federal law is followed and prosecutes

offenders when it is not. The DOJ has a Voting Section that monitors state election law and enforces the Voting Rights Act.

**Deviation:** Amount or percentage by which a district's population varies from that district's ideal population.

> **Absolute Deviation:** A plus (+) or minus (-) number, showing the difference between the district's population and the ideal district's population.
>
> **Relative Deviation:** A number attained by dividing the district's absolute deviation by the ideal district's population and ix expressed as a plus (+) or minus (-) percentage.
>
> **Total Range of Deviation:** The range over which the populations of all districts in a redistricting plan deviate from the ideal district population normally expressed as a percentage.
>
> **Overall Range or Overall Deviation:** For a redistricting plan, the difference in population between the smallest and largest district, normally expressed as a percentage.

**Dilution:** Reduction in the voting strength of a particular group resulting form redistricting and use of winner-take-all elections. The phrase "minority vote dilution" describes racial minorities being in a position of not being able to elect candidates of choice.

**District:** Boundaries that define the constituency of an elected official. A district can include one or more elected legislators.

**Equal Protection Clause:** See "Fourteenth Amendment to the U.S. Constitution."

**Fourteenth Amendment to the U.S. Constitution:** Provision of the U.S. Constitution that includes the Equal Protection Clause, which prohibits the states from denying persons equal protection of the law. The Equal protection Clause in the primary basis of the on=person, one-vote principle, which courts in redistricting cases have defined to mean equality of population (including non-eligible voters) in districts.

**Fifteenth Amendment to the U.S. Constitution:** Provision of the U.S. Constitution that prohibits the right to vote from being denied or abridged on account of race.

**Fracturing:** Drawing district lines so that a minority population is broken up. Members of a minority are divided among as many districts as possible, keeping

them a minority in every district, rather than permitting them to concentrate their strength enough to elect representatives in one or more districts.

**Fragmentation:** The division of members of a geographically concentrated group, such as a racial or political group, among different districts for the purpose of minimizing the groups voting strength.

**Geographic Information System (GIS):** A graphics-based computer system that relates geographic features (such as census tracts, cities, VTDs or counties) to data about those features (such as population, race, or voting behavior).

**Gerrymander:** Drawing a district with boundaries that favor one ore more groups of voters and/or some candidates over others.

> **Racial:** Drawing a district to favor one racial group over others. When a state intentionally draws a majority minority district without regard to "traditional districting principles," (see later) the district will be subject to attack as violating the 14th Amendment equal protection clause and be subjected to "strict scrutiny" by the reviewing court. The term racial gerrymandering initially designated the post-Reconstruction practice which, like poll taxes and literacy tests, was designed to disenfranchise African-Americans. Legislative district boundaries were drawn with the aim of diluting the electoral power of newly registered voters from ethnic minority groups.
>
> **Political:** A political gerrymander is typically conducted by the majority party to strengthen or maintain their electoral advantage. In a 5-4 decision in *Vieth v. Jubelirer*, the Supreme Court rejected a challenge to politically gerrymandered districts due to a lack of justiciable standards, meaning that political gerrymandering can be conducted legally.
>
> **Sweetheart:** A sweetheart or incumbent gerrymander results from an agreement by both major political parties to draw district boundaries to create safe districts for incumbents. See Fig. 2 in "Packing and Cracking" illustration.
>
> **Prison:** The one person, one vote principle is distorted by the inclusion of large prison population in the calculations of district population, despite the fact that inmates are rarely constituents of the areas where they are incarcerated. In districts that include large, disenfranchised prison populations, the ballots of the remaining voters hold a disproportionate amount of weight.

**Gingles Preconditions:** 1) that the minority is sufficiently large and geographically compact to constitute a majority in a single-member district; 2) that it is politically cohesive; and 3) that, in the absence of special circumstances,

bloc voting by the White majority usually defeats the minority's preferred candidate.

**Hispanic:** Those persons who identified themselves on the census form as Hispanic, Latino, or Spanish origin. Hispanic persons can be of any race.

**Homogenous District:** A voting district with at least 90 percent minority or white population.

**Ideal District Population:** Number of people that should be in each of a jurisdiction's districts. This number is calculated by dividing the total population of the jurisdiction by the number of districts being created. The number can vary if other measures are used such as voting age population, citizens voting age population and registered voters.

NM Congressional District Ideal population: 686,393
NM Senate District Ideal Population: 49,028
NM House District Ideal Population: 29,417

**Incumbent Protection:** Drawing a district to aid the incumbent with reelection. (See "gerrymandering.")

**Influence District:** A district in which a racial minority does not have the ability to elect a candidate of choice, but makes up a substantial number of voters with the theoretical power to influence who wins the election.

**Like-minded Voters:** Voters who by nature of their race, ethnicity, partisan affiliation, political philosophy or some other characteristic tend to vote for the same candidate.

**Majority-minority District:** District where a minority group composes a majority of the population. Also can be called "minority opportunity districts."

**Minority Districts:** Term used for districts where a racial or ethnic minority group constitutes an effective majority of the population, sufficient to provide to members of that minority group a reasonable opportunity to elect candidates of its choice. Also referred to as "majority minority" districts.

**Metes and Bounds:** A detailed description of district boundaries using specific geographic features.

**Multimember District**: A district that elects two or more members to a legislative body.

**Method of Equal Proportions:** Mathematical formula prescribed by federal statute that is used to reapportion congressional seats among the states after each decennial census.

**Minority Crossover District:** A crossover district is one in which minorities do not form a numerical majority but still reliably control the outcome of the election with some non-minority voters crossing over to vote with the minority group.

**Minority Coalition District:** a minority coalition district is a type of majority-minority district in which two or more minority groups combine to form a majority in a district.

**Minority Influence District:** An influence district is one that includes a large number of minority voters but fewer than would allow the minority voters to control the election results when voting as a bloc.

**Minority Vote Dilution:** The creation of districts that either 1) divide members of a racial or ethnic minority group among several districts, artificially reducing the group's opportunity to influence elections (see "Fragmentation") or 2) place high percentage of members of a racial or ethnic minority group in one or more districts so that minority voting strength is artificially limited to those districts and is minimized in neighboring districts (see "Packing.")

**Native American Majority District:** Consists of a district of Native American Voting Age Population in excess of 60%.

**Natural Boundaries:** District boundaries that are natural geographic features, such as bodies of water.

**Nesting:** Redistricting method of creating two or more state lower legislative chamber districts that are completely contained within the boundaries of a state upper legislative chamber district.

**One Person, one Vote:** Constitutional principle based on Article I, Section 2 and the 14$^{th}$ Amendment which holds that each person's vote should count the same as every other person's vote. Under this principle each district within a jurisdiction should have the same or substantially the same population. This definition in fact suggests a right to districts with equal number of constituents rather than a right to districts with an equal number of voters. The standard for exact population equality is very strict for congressional districts, but less so for state and local government, with 10% population deviations permitted in state legislative districting.

**Other:** Those persons who did not identify themselves on the census form as White only, Black or Hispanic.

**Overall Range:** The difference in population between the largest and smallest district in a districting plan in either absolute or percentage terms.

**Population Estimates:** An approximation of the population of a geographic unit at a point in the past or present for which an actual population count is not available.

**Population Projections:** An approximation of the population of a geographic unit at a point in the future based on specific assumptions regarding future demographic trends in the geographic unit.

**Public Plan:** A redistricting proposal that has been made public through the legislative process or otherwise publicly released by its author.

**P.L. (Public Law) 94-171:** 1975 federal law that requires the U.S. Census Bureau to provide each state with Census data that the states will need for redistricting. This data is typically provided by April 1st of each year following the completion of a census.

> **TOT AMERICAN INDIAN:** The total population of the state of New Mexico who reported themselves as being even partially of American Indian ancestry excluding any such persons who reported themselves as being even partially of Black ancestry.
>
> **TOT ASIAN:** The total population of the state of New Mexico who reported themselves as being even partially of Asian ancestry, excluding any persons who reported themselves as being even partially of either Black or American Indian ancestry.
>
> **TOT BLACK:** The total population of the state of New Mexico who reported themselves as being even partially of Black ancestry.
>
> **TOT HISPANIC:** The total population of the state of New Mexico who reported themselves as being, even partially, of the Hispanic Language group.
>
> **TOT OTHER:** The total population of the state of New Mexico who reported themselves as being of any ancestry excluding any such persons who reported themselves as being even partially of Asian, Black or White ancestry.
>
> **TOT POP:** The total population of the state of New Mexico as determined by the decennial census of 2000.
>
> **TOT WHITE:** The total population of the state of New Mexico who reported themselves as being solely of White ancestry.

**VAP TOT (Voting Age Population):** The number of persons in a geographic unit who are at least 18 years of age.

**P.L. (Public Law) 105-119:** 1997 federal law that requires the U.S. Census Bureau to make census data available to the public. This data is typically provided early in the year after the census is completed.

**Packing:** Consolidating a minority group's population into one district to give it more representation than is needed to crate a majority in that district while reducing its presence, and electoral influence, in surrounding districts.

**Perimeter:** Ratio of the area of the district to the area of a circle with the same perimeter and the district. (See "compactness.")

**Plurality:** A percentage of votes that, although not being the majority, is the winning total because it is higher than all than any other candidate in an election received. (Sometimes inaccurately called "first past the post," but there is no "post" or minimum level of support necessary to win.)

**Polarization:** Elections in which substantial grouping of voters in a district have overwhelmingly distinct preferences. Used when applied to racial group preferences as a condition for winning Section Two cases under the Voting Rights and often discussed in the context of distinct political preferences and concerns about excessive partisanship in legislatures.

**Population:** The total number of people, including on citizens and children, who reside in a jurisdiction.

**Preclearance:** Review of a jurisdiction's redistricting plan by the U.S. Department of Justice or the U.S. District Court for the District of Columbia, clearing it as passing the standards set by Section 5 of the Voting Rights Act of 1965, as amended in 1982 and 2006. The preclearance process takes up to 60 days and if the DOJ objects to the change the state has three options: 1) accept the objection and modify its proposal; 2) ask for a reconsideration; and 3) file suit in the U.S. District Court for the District of Columbia seeking a declaratory judgment that their proposal is valid under the VRA. The Department over time has precleared more than 99% of all preclearance requests.

**Proportional Voting:** A non-winner-take-all voting method used to elect legislators in a district with more than one seat. "Proportionality" describes the ability of like-minded voters to elect candidates in proportion to their share of the vote, not any guaranteed outcomes for any particular group of voters.

**Racially Polarized Voting/Racial Block Voting:** Circumstances where the voting preferences of a particular group consistently vary from the preferences of

other groups. When a white majority consistently defeats the preferences of a racial minority that is protected under the Voting Rights Act, a jurisdiction may need to change its district plan and/or electoral structure under Section 2 of the Voting Rights Act.

**Reapportionment:** Process of redistributing the number of seats in a jurisdiction's legislative body to the districts of that jurisdiction base don the results of the latest Census. For example, due to particularly large population increases, Texas' congressional delegation will increase by four seats in 2012 while other states like New York and Michigan will lose seats following the 2011 reapportionment.

**Redistricting:** Process of redrawing the districts within a jurisdiction to reflect the results of the reapportioning process as well as the results of the Census; for example, congressional district boundaries may be changed to account for population shifts within a state.

**Registration (Reg Total):** The total number of persons registered to vote within a geographic unit.

**Respect for Political Subdivision Boundaries:** considering whether to cross a political subdivision boundary line when assigning geography to a district or whether to keep the political subdivision wholly within one election district.

**Retrogression:** The term used to describe a reduction in the voting strength of a racial or ethnic group resulting from a redistricting plan or other change in election procedures. Retrogression is the primary test used for evaluating a change in election procedures for preclearance under Section 5 of the Voting Rights Act of 1965.

**Sampling:** Method of measuring a part of a population and extrapolating out to determine the full population. This technique is not allowed for conducting the federal census.

**Sections 2 and 5 of VRA**: See "Voting Rights Act."

**Single-member District:** A district that only elects one representative. Required for U.S. House district by a 1967 statute, not by the Constitution.

**Standard Deviation:** A statistical formula measuring variance form a norm.

**Strict Scrutiny:** A standard of review by a court which subjects a law to assessment as to whether the law is "narrowly tailored" to serve a compelling governmental interest. The Supreme Court has defined "narrowly tailored" as a law that "targets and eliminates no more than exact source of evil it seeks to remedy."

**Submissions (VRA):** Process that jurisdictions, which are covered by the VRA take in order to change their voting laws and district lines. The process requires the jurisdiction to submit any to the Department of Justice and gives the DOJ sixty days to review the new plan. The DOJ can object to the plan and the jurisdiction at that point has the option to accept the objection and modify the plan, ask for reconsideration or ask the District Court for the District of Columbia to overrule the DOJ.

**Tabulation:** The totaling and reporting of the census data.

**TIGER:** Topologically Integrated Geographic Encoding and Referencing. The system and digital database developed at the U.S. Census Bureau to support computer maps used by the census.

**Total Range of Deviation:** The range over which the populations of all districts in a redistricting plan deviate form the ideal district population, computed by examining the deviations of the most populous and least populous districts.

**Traditional Districting Principles:** Term often used to refer to criteria, such as compactness and contiguity, which have historically been considered in drawing legislative or other districts.

**Undercount:** Error in Census data due to counting mistakes or inability to count some persons.

**VAP (Voting Age Population):** The number of people over 18 years of age.

**Visible Boundaries:** District boundaries that follow visible geographic features, whether natural or manmade.

**Vote Dilution:** the result of a voting standard or practice that abridges a minority population's right to fully participate in the election process and to elect representatives of their choice.

**Voter Registration:** the number of person registered to vote in a county. Total voter registration is the total number of all persons who are on a county's voter registration roll.

**Voting Age Population (VAP):** The number of persons in a geographic unit who are at least 18 years of age.

**Voting Tabulation District (VTD):** The census geographic equivalent of a county election precinct, created for the purpose of resulting election data to census data. VTDs can differ from actual election precincts because election precincts to not always follow census geography. During the approximation

process that creates VTDs, county election precinct boundaries that do not follow census geography are assigned to the nearest census block boundary.

**Voting Rights Act (VRA):** Federal law prohibiting discrimination in voting practices on the basis of race or language group. (See also "Department of Justice")

> **Section 2:** Prohibits states and other jurisdictions from maintaining voting laws, standards or practices that abridge the right to vote on the basis of race or language group. Covers all parts of the United States.
>
> **Section 5:** Requires that jurisdictions that have been determined to violate Section 2 and placed on a watch list receive preclearance from the U.S. Department of Justice or the District Court for the District of Columbia for any changes to districts or other voting laws. Section 5 covers nine states and portions of seven others.

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