The first presentation heard by the Committee was from the legal advisors, who will be representing the State of New Mexico in the event of a lawsuit.

- The first requirement that the Committee must adhere to is the one person one vote which is very straightforward, one precinct can only be in one congressional district.
- The second requirement is race or ethnicity. When drawing new boundaries the Committee cannot split a neighborhood that is densely populated by a minority group. A minority group is defined in the Voting Rights Act as: African American, Hispanic, and Native American. However, race cannot be the primary factor when drawing up new boundaries.
- Some of the more minor legal points are that the district has to meet the compactness clause, which basically means that it has to be one compact unit and cannot simply be the I-25 Corridor. There are some examples of compactness in the handouts that are available online at the Redistricting website.
- Secondly, it’s contiguity. There cannot be an island precinct for a congressional district. The rule of thumb is that if the district can be walked without having to cross into another congressional district then it has contiguity.
- Lastly, communities of interest. Most of the principles under the communities of interest standards are not required but need to be taken into consideration:
  - Maintaining the core of existing districts, mainly the district needs to keep as much of its core as possible. The legislature should try to expand or contract the district instead of splitting it or pairing it with another. This is not required, but is strongly suggested in order to prevent lawsuits.
  - Protection of Incumbents. Again, this is not required but is strongly suggested especially if the incumbent represents a minority district.
  - Respecting political subdivision. A political subdivision in this context does not mean political parties, but precincts. This is a requirement and must be adhered to. Additionally, the Committee should avoid splitting neighborhoods and take into consideration geographic boundaries like the river or the mountains.

The history of Redistricting has not been smooth since the 1980s.

- In 1980, the Redistricting Plans passed the legislature and were signed by the Governor. However, the Plans were taken to court and ruled to be improper by a Federal Judge and redrawn by the Judge. As a result the 1990 Plans had to have pre-clearance from the Justice Department before they could be voted on and signed into law.
- In 1990, the Plans were presented to the Justice Department and were accepted. As a result, the Legislature would not have to present the Plans to the Justice Department in 2000.
- In 2000, the State came across separate legal problems. Unlike the 1980 Redistricting Plans, the 2000 Redistricting Plans passed the legislature but were vetoed by the Governor. The major difference legally is that when the Governor signed the plan in 1980, the lawsuits filed could only challenge the plan as it had been passed by the legislature and signed into law, however by vetoing the plan in 2000 the State was open to lawsuits that could be filed by people who wanted to submit their own Plans. In all there were over 15 lawsuits filed by people who submitted their own Plans.
- The Committee would like to avoid what happened in 2000 because it cost the State nearly $3 million in fees and settlement costs.
The Committee Members had several questions regarding the process.

- Representative Magdalena asked: Can make a motion to have the Justice Department give us preclearance in order to avoid the lawsuits we had in 2000?
  - The legal team responded that the only way to get preclearance is if it was ordered by the Federal Judge at the last redistricting.
- Representative Rue asked: Who can bring a lawsuit against the State for Redistricting?
  - The legal team responded that any citizen can file a lawsuit.
- Representative Ken Martinez asked if incumbents have any protection under the law.
  - The legal team responded that this is a little more complex, the goal of redistricting is to allow equal representation for the people of New Mexico, however some districts will have to be expanded or moved in order to accomplish this. The major factor that needs to be considered when moving a district is race and population size. The legal team used the Navajo Nation and the City of Roswell as an example. They stated that the Representatives from the Navajo Nation have lost population since the last Redistricting but that these districts should be expanded to protect the minority race instead of moving the district. Where the City of Roswell has 4 representatives that reside within its boundaries that all represent a majority white population and it would be legally easier to move one of these districts. The legal team concluded that there is no protection for incumbents but they should try to protect them if possible.

The presentation by Research and Polling did cover a lot of the same legal principles and also discussed where the population has increased and decreased. The ideal size of a district for a New Mexico House member for 2010 is 29,417 and for a New Mexico Senate member 49,028 (+/- 5%). The topic of population was discussed in five quadrants.

- **NM House of Representatives:**
  - The Northwest portion of the State (San Juan, McKinley, Cibola County and Parts of Rio Arriba, and Sandoval County) will be the easiest part of the State to redraw the lines. They had a 35% decrease in population, but due to the Pueblos and Navajo reservations, there is only small changes that can occur legally. The growth in San Juan and Sandoval County will help offset the losses from the other counties.
  - The Southwest portion of the State (Catron, Socorro, Grant, Sierra, Hidalgo, Luna and Dona Ana and part of Otero) will be more difficult. Dona Ana had a large increase of 19.8% where the rest had a decrease ranging from 17.5% to 1.2%.
  - Research and Polling made the point that the population loss from House Districts 38, 39, 32, 36, 33, and 51 is equal to the amount of eight-tenths of a district and that the Committee needs to look at shifting a lot of these districts towards Las Cruces where there was growth or consider moving one of them.
  - The Eastside portion of the State saw the greatest losses (Union, Harding, Quay, Curry, Roosevelt, Lea, Eddy Chaves, De Baca, Lincoln, and parts of Otero, Guadalupe and San Miguel) This part of the State will be the most difficult. This area of the State had a combine population loss of 32,293.
  - Research and Polling pointed out that this side of the State lost a population size equal one House district. They also pointed out that House district 67 is one of the largest districts in the nation and had a loss of 14.9%. Research and Polling suggested that they move one of the seats from Roswell, and enlarge the others.
  - The North Central part of the State saw the second largest loss (Taos, Colfax, Torrance, Mora, Santa Fe, Los Alamos, and parts of Guadalupe, San Miguel, Sandoval, and Rio Arriba
and County). This is another area that lost a population equivalent to almost one House District, 27,210.

- The loss in population from House districts 68, 70, 40, 42, 41, and 43 could be adjusted to pair one of these districts and move a seat Albuquerque.

- The Albuquerque Metro saw the most gains (Part of Bernalillo, Sandoval and Valencia County). With only part of each of these counties this quadrant saw a population increase of 256%. The majority of which is on the Westside and in Rio Rancho. Other parts of the Metro lost population

- The entire Westside and Rio Rancho is going to need three new seats House districts 44, 60, 29, 12, and 13 will be the major focus of this Redistricting session.

- One of the areas that Research and Polling suggested to gain a seat for the West Side is the Downtown, Nob Hill, UNM, South East, and the North East Heights (districts 14, 18, 25, 30, 24, 28, 26, 21, 19, and 10). House district 18 had the largest population loss. This will be an area of contention due to the fact that these four parts of the city have 10 Representatives with a total population loss of 30,639.

- New Mexico Senate:
  - New Mexico Senate districts are broken up into the same 5 quadrants but the boundaries for the quadrants were a little different because of the larger size of the each Senate district. However there are similar problems with each quadrant.
  - The Norwest portion of the State in the Senate (San Juan, McKinley, Cibola and Parts of Rio Arriba, Sandoval, Bernalillo, Valencia, and Socorro) saw a population increase of 12%
    - Senate districts 1, 2, and 22 saw a combined increase in population of 40% while Senate districts 3, 4, and 30 had a decrease of 28%. Research and Polling stated that this portion of the State can be manipulated to keep all the districts.
  - The Southwest portion of the State in the Senate (Catron, Grant, Hidalgo, Luna, Sierra and parts of Socorro and Dona Ana) saw a population decrease of 2.6%.
    - Senate districts 28, 35, 26, 38, and 31 saw a population decrease of 38.3%, while district 37 was the only one that saw an increase of 35.8% Research and Polling stated that there are two districts, 28 and 35 that saw such a large decrease that it is going to be difficult to manipulate this quadrant without moving a seat.
  - The Eastside portion of the State in the Senate (Otero, Lincoln, Eddy, Chaves, De Baca, Lea, Roosevelt, Curry, Quay, Harding, Union, Colfax, and part of Taos and San Miguel) saw the largest population decrease for all Senate districts in the State. A total decrease of 45.1%.
    - Senate districts 40, 34, 41, 32, 33, 27, and 7 all saw a loss for a total of 45.4%. The only Senate district that saw an increase was district 42. Research and Polling again made a distinction that Roswell has 4 Senate Districts and three of them had a loss in population and that the Committee may want to look at this area to move one of the districts.
  - North Central portion of the State in the Senate (Torrance, Guadalupe, Mora, Santa Fe, Los Alamos and part of Taos, Rio Arriba, Sandoval, and San Miguel) saw the second largest loss in the State. A total loss of 36.1%.
    - Senate districts 5, 6, 25, 39, 8, and 19 saw a total loss of 38.5%. The only district that saw an increase in population was district 24. Research and Polling suggested that a seat in the North Central and Eastside quadrants be combined and that the rest of them be reshuffled in order to solve the problem on the Westside of Albuquerque.
  - The Albuquerque Metro portion of the State in the Senate (part of Bernalillo, Sandoval and Valencia) saw a total increase of 71.7%, North Central and Eastside quadrants have a combined total decrease of 71.2%.
    - The Westside and Rio Rancho saw an increase of 137.7% and if there is a new Senate district added Research and Polling stated that this is where it needs to be. The rest of Albuquerque metro had a total population decrease of 66%. 

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The United States House Congressional District Plans have several concepts that have been drawn and are available for viewing on the New Mexico Legislature webpage. There should not be any major changes. NM CD1 had a population increase of 2.3% and CD3 had an increase of 1% while CD2 had a decrease of 3.3%. The major topic during this discussion was NM CD1. With CD1 being a swing district, this will be the area with the most contention.

The next Committee hearings will be in the Eastside Quadrant of the state in July.