

within itself the strength to put aside egos and partisanship to arrive at consensus redistricting plans that protect voters rather than politicians.

FS/CS/H 7 et al. 2001 HOUSE REDISTRICTING ACT, CONCEPT B

September 15, 2001

HOUSE EXECUTIVE MESSAGE NO. 2

I have this day VETOED and am returning HOUSE FLOOR SUBSTITUTE FOR HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR HOUSE BILLS 7, 12 & 17, enacted by the Forty-Fifth Legislature, First Special Session, 2001.

This plan has been vetoed because it is an obvious partisan gerrymander. It was apparently designed to ensure an unfair partisan gerrymander through the next decade. I will sign neither a Democrat nor a Republican gerrymander. What I will sign is a bill providing for a fair and competitive electoral process where New Mexico's citizens, not plan drafters, will be able to decide the membership of our Legislature for the next ten years.

Plans have been introduced that provide a significant number of competitive districts in the House. Under the vetoed plan, only eight House districts could be considered electorally competitive. Although electorally competitive districts cannot be achieved everywhere in the state, the vetoed plan appears designed for the express purpose of eliminating competition for incumbent majority party house members throughout New Mexico. The party whose candidates receive a majority of our citizens' votes should have an opportunity to elect a majority of the Legislature. This plan does not even come close to meeting that test in the House.

Population change provides the need to recast districts. New districts are required so that the Legislature reflects changing population patterns and attendant political change. An incumbent partisan gerrymandering thwarts this change. Perhaps the clearest example of an effort to thwart change in the vetoed plan is in the Albuquerque Metropolitan area. Six house districts bounded roughly by the Rio Grande to the west, Isleta Pueblo to the south, Louisiana Boulevard to the east, and Montgomery Avenue to the north suffered a net loss of nearly 6,000 people and ended the decade collectively 32,000 people below the required population for the six House districts. Instead of reducing this area by one House seat and creating a new district on the fast-growing West side of Albuquerque to reflect the population shift, the majority chose to remove a district from the Far Northeast Heights – an area which is collectively more than 5,300 people above the ideal population for a House seat. This plan was not an effort to reflect the demographic changes in Albuquerque, but a transparent attempt to preserve partisan political positions.

For various reasons, many rooted in past discrimination, Native Americans have testified to the need for a minimum of 65 percent voting age population in a district to have the opportunity to elect the candidate of their choice. The current Legislature has three House districts at that level. The vetoed plan would diminish Native American voting strength by reducing effective Native American majority districts to two. Plans proposed to the Legislature by Native American representatives show that such retrogression of voting strength is not mandated by population changes and the number of districts with an effective Native American majority can be increased in the House without conflicting with other redistricting principles.

In 1991, the Legislature ignored the significant Native American population surrounding Gallup, fragmenting that population and failing to create an effective Native American majority district. Unfortunately, the present Legislature continues via the vetoed plan to avoid creating an effective Native American district in the Gallup area.

In western Cibola County, even though District 6's Native American citizens have grown to 67 percent of the total adult population during the past decade, the vetoed House plan would dilute this population to 62 percent. This would have the effect of reducing Native American electoral opportunities in District 6. Plans have been presented to the Legislature which do a much better job maintaining Native American voting strength in this district without violating other redistricting criteria.

In House District 65, a key part of the Santo Domingo Pueblo is inexplicably left out, as well as the Cañocito area of the Navajo Nation and the Isleta Pueblo. When House District 65 was created in 1991, 70.5 percent of the voting age population was Native American. The vetoed plan reduced that percentage to 54.6 percent. This district should remain above 65 percent voting age population and plans were introduced which produced a Native American voting age population as high as 69.1 percent in this district.

In Northern Santa Fe County, which is home to many generations of Hispanic families, the vetoed plan continues selectively to dilute Hispanic voting potential so that a favored Democrat Anglo politician can enjoy an advantageous district. In this plan, District 47 has reduced Hispanic voting-age population to 22.4 percent. In so doing, an artificial island of opportunity has been left for an Anglo Democrat candidate that should not exist under traditional redistricting criteria. Plans have been introduced which allow the Hispanic population of Northern Santa Fe County to have an opportunity to elect the candidates of their choice in all four districts.

The vetoed plan breaks up the agricultural community of interest in the central Pecos Valley between Roswell and Artesia and gerrymanders itself through the center of the city of Roswell reaching out for precincts that hold nothing in common with the communities of interest long established in District 58.

In House District 63, the vetoed plan attempted to make a broken field run nearly half-way across the state, away from the community of interest established between central Clovis and central Portales. This was done for the sole purpose of adding additional members of various minority

communities to the district. In so doing, the vetoed plan completely abandoned any concept of a community of interest. Clearly the predominant factor in the drawing of this district was ethnicity a potentially unconstitutional racial/ethnic gerrymander that could jeopardize the entire plan in court. The proper approach to drawing this district, which lost population in the past decade and is now under the ideal population, is to build upon the existing core community while still maintaining the majority-minority status of the district. This reasonable goal is perfectly attainable as plans have been introduced which do just that.

Redistricting is a political process, so our elected political officials are the appropriate persons to decide district lines. We need not draw judges into this political thicket unnecessarily.

Therefore, I look forward to the House promptly passing a new districting plan that focuses on fairness for all of New Mexico's citizens. I hope that this Legislature will have the wisdom to pass plans ensuring that New Mexico citizens have an equal opportunity to elect the representatives and senators of their choice. When I receive a bill with such a plan from the Legislature, I will promptly sign it.

CS/H 10 2001 EDUCATIONAL REDISTRICTING ACT/CONCEPT C1

October 3, 2001

HOUSE EXECUTIVE MESSAGE NO. 4

I have this day VETOED and am returning HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR HOUSE BILL 10, enacted by the Forty-Fifth Legislature, First Special Session, 2001.

As I have repeatedly stated throughout this redistricting process, the citizens of New Mexico deserve redistricting plans that provide for fairness and electoral competition. This plan, which proposes to redraw the State Board of Education districts, is neither fair nor competitive.

This plan was designed to create at least seven safe Democrat seats. I understand that there were other Board of Education plans presented to the interim committee and to the Legislature that provided for more political competition. As with the other redistricting plans I have vetoed, this partisan power grabbing will not be permitted to override concern for the voters of this state.

Moreover, this plan fails to address Native American concerns. Specifically, this plan creates only one Native American district, District 5, containing a population of 52.28 percent