

**CITY OF ALBUQUERQUE  
2010 REDISTRICTING COMMITTEE**

**SUMMARY MINUTES  
DECEMBER 2, 2010**

<b>Voting Members Present:</b>	District 2	Roberta M. Rael, Vice-Chair
	District 3	Phillip Baca
	District 4	Bob Gurule
	District 5	Sander Rue
	District 6	Michael Montoya
	District 8	Hal Stratton
	District 9	Mickey Barnett
<b>Alternate Members Present:</b>	District 1	Vanessa Chavez
	District 3	Claudia Isaac
	District 6	Sandra Ortsman
	District 7	Wayne Johnson
	District 8	Barbara Morgan
	District 9	Bob Martinez

**Others Present:** Laura Mason, Director, Council Services  
Jon Zaman, Council Staff  
Diana Trujeque, Council Staff  
Mandi Hinojos, Council Staff  
Luis Stelzner, Stelzner Law Firm  
Michael Sharp, Research & Polling Inc.  
Amy Bailey, City Clerk

**Call to Order and Approval of Agenda**

The meeting was called to order at 6:04 pm by Vice-Chair Rael. Mr. Gurule moved approval of the agenda, Mr. Rue seconded and the motion passed unanimously.

**Approval of Minutes of November 18, 2010 Meeting**

Ms. Isaac asked that the November 18, 2010 summary minutes be amended to add a question she asked regarding when the American Community Survey (ACS) data would be available.

Mr. Gurule moved approval of the November 18, 2010 Summary Minutes as amended, Mr. Johnson seconded and the motion passed unanimously.

**Public Comment**

Mr. Sterling Fluharty addressed the Committee. He asked about what measures will be taken to make districts as balanced as possible. He further asked how people would go about identifying precinct numbers and suggested all information be made readily available for the protection of incumbents of the upcoming elections. He asked whether number of eligible voters or voter history was more influential when redistricting in trying to avoid gerrymandering. He believes this will be an issue in the upcoming municipal election.

**Discussion of 2011 Election Timeline and Milestone Dates**

Vice-Chair Rael asked Ms. Bailey to give an abbreviated version of her presentation from the last meeting. Ms. Bailey reviewed the timelines within her presentation from the last meeting. She stated the next municipal election will be held on Tuesday, October 4, 2011, and will focus on even numbered City Council districts, as well as any bond issues or City Charter Amendments. In working backwards from the election date of October 4, 2011, she stated the deadlines begin in March 2011. Ms. Bailey stated that the exploratory period begins Tuesday, March 15, 2011 pursuant to the City

Charter, which is when potential candidates can begin to gather in-kind contributions and seed monies to begin to finance their potential campaigns. The qualifying period begins Sunday, May 1, 2011 and applicant candidates can only accept contributions from registered voters from within the district they wish to represent. If redistricting is not complete by May 1, 2011, she stated that candidates will not be able to accurately collect funds and potentially harm their ability to qualify for public financing.

Ms. Bailey also stated she will be working with the County Clerk to improve the technology involved in elections to include the redistricted districts.

Mr. Rue asked how long it would take the County Clerk to get the districts configured where candidates can begin to draw voter information in targeted mail pieces and other campaign related tasks. Ms. Bailey stated the best answer she can offer is not long, about a week or so.

Vice-Chair Rael thanked Ms. Bailey for her presentation.

### **Discussion of Voting Rights Act and Legal Principles of Redistricting**

Vice-Chair Rael welcomed Luis Stelzner of the Stelzner Law Firm and Michael Sharp of Research and Polling, Inc. who will be providing an overview of the requirements of the Federal Voting Rights Act and other legal principles of redistricting.

Mr. Stelzner stated he and Mr. Sharp will be talking about broad guidelines, both constitutional and statutory, that govern the redistricting process at all levels. He stated the committee members have copies of his presentation and Mr. Sharp will be illustrating with slides to complement the presentation. He hopes to give practical perspective on principles and how they are implemented in redistricting by looking at some current districts and looking at them in light of the 2000 census data and how they were based the last time around.

Mr. Stelzner stated probably the clearest principle is “one person, one vote”. Districts must be substantially equal in population. The practical meaning of that is what is tolerated by the courts is a 10% total deviation. What has been done typically in New Mexico is to try to keep deviations to plus or minus 5%. Minority voting rights prohibits any state or political subdivision from imposing a voting qualification or prerequisite to voting or standard, practice or procedure in a manner which results in the denial or abridgement of the right to vote on account of race or color. He pointed out that Congress has made it clear that, under Section 2 of the Voting Rights Act, intent to discriminate is not required to find a violation of Section 2. The impact is what is important, not the intent behind the impact. The objectives are to avoid the dilution of voting power of ethnic minority groups and giving minority populations an opportunity to elect candidates of their choice. The courts have developed a three-part test, sometimes called the Gingles test, requiring a minority group which is challenging a redistricting on Section 2 grounds to prove that it is sufficiently large and geographically compact to constitute a majority in a single member district, that it is politically cohesive, and in the absence of special circumstances block voting by the White majority usually defeats the minority’s preferred candidate. Practices that are suspect under Section 2 include “cracking” and “packing”.

Mr. Sharp described “cracking” and “packing”. Following his PowerPoint presentation, he explained “packing” as concentrating as much of a minority group into as few districts as possible to minimize the number of districts in which the minority could elect a candidate of their choice. He went on to describe “cracking” as the splitting up of a minority into as many districts as possible to minimize influence in any given district. Mr. Sharp stated one of the goals of redistricting is to avoid both “cracking” and “packing” and provide two minority districts whereby the minority group has a chance to elect a candidate of their choice.

Mr. Stelzner explained his next point, Traditional Districting Principles. He described five policies that have been judicially recognized as traditional districting principles starting with compactness and contiguity.

Mr. Sharp stated compactness refers to shape, not geographical size and a jurisdiction’s irregular outer boundary can affect the compactness measures of a district. He showed illustrations of compact and not compact districts. He went on to briefly explain contiguity as having one distinct part, not two or more.

Mr. Sharp went on to discuss preservation of communities of interest. Factors include cultural and historical traditions which go hand in hand with the neighborhoods, respect to political subdivisions by trying to avoid precinct splits,

maintaining the core of existing districts by not changing the districts so much that a lot of the voters are moved from one district to another and taking into account incumbency. All these factors can be considered as long as the previous principles discussed are not violated.

Mr. Stelzner stated another concept that has come up in other cases are state and local governments have the right to draw majority/minority districts even if they are not required to by Section 2 of the Voting Rights Act. That issue has been settled by the United States Supreme court. The corollary to that is a federal district court cannot create majority/minority districts unless there is a violation of Section 2 so that concept applies to this committee. He stated the courts also prohibit racial gerrymandering. He explained gerrymandering as redistricting that is so bizarre as to be unexplainable other than for strictly racial grounds. Another point he made was partisan gerrymandering can be an issue that could come before the courts but there is no standard currently set forth.

Mr. Baca asked what the difference would be in a non partisan election. Mr. Stelzner stated it would be less applicable in a non partisan election in regards to the courts.

Mr. Stelzner went over Attachment A, which diagrams demographic data on the current districts, using the 2000 census data.

Mr. Sharp stated when looking at equal representation, its based on total population and not voter registration. Total population includes everyone regardless of immigration status or nationality and includes prisoners and students.

Mr. Rue asked when looking in areas where the most population growth will be, is that anticipated in the standard deviation. Mr. Sharp stated yes, it is something that can be considered and the intent was to estimate on the low end to accommodate growth.

Mr. Baca asked about the timing of the redistricting. Mr. Stelzner stated that was attorney/client privileged communication but he has given his opinion to Council staff.

Mr. Barnett stated according to the last redistricting process, the committee waited until all the census data was received.

Mr. Gurule asked who made the aforementioned estimates. Mr. Sharp stated that they were census data and his own estimates.

Ms. Isaac asked whether shared income levels play a role as a community of interest. Mr. Stelzner stated in his experience it is a legitimate community of interest. Ms. Isaac asked if there have been any court challenges where income based communities of interest was based. Mr. Stelzner stated he would look into that and get back to the committee.

Mr. Martinez asked what impact redistricting has on the Charter given there is no data yet and is the amount of precincts that are in each district taken into account. Mr. Sharp stated precincts are the building blocks and would supply that information to the city council and the amount of precincts per district does not really have an impact.

Ms. Bailey stated the process to change the Charter can be done either by Charter amendment by super majority by the City Council or put to the voters. Ms. Mason stated that in this case, new data received can be added by appendix by the City Clerk as she prepares the election materials.

Vice-Chair Rael thanked Mr. Stelzner and Mr. Sharp for their presentation and reminded everyone that all the information will be on the website.

## **Next Steps**

Vice-Chair Rael reminded the Committee that in an effort to give more time to gather data, the next meeting is scheduled for January 6, 2011 and a meeting schedule will be determined based on the data received after the first of the year.

Ms. Isaac asked if someone could direct her to the right website to the redistricting maps. Mr. Zaman stated he would be happy to direct her to the website and should have an interactive map as well as Council incumbent addresses on the redistricting committee website by tomorrow.

Vice-Chair Rael acknowledged the alternate members sitting in the audience, Mary Rose Twohig and Barbara Morgan, and thanked them for attending.

### **Adjourn**

There being no further business before the Committee, Mr. Stratton moved to adjourn the meeting at 7:18 pm, Mr. Johnson seconded and the motion passed unanimously.