

# New Mexico School Boards Association

## 32<sup>nd</sup> Annual School Law Conference

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# Reapportionment

# Vs.

# Redistricting



**At Large**

**Vs.**

**Single Member Districts**

# Authority to Redistrict



<u>Elected Body</u>	<u>Districts</u>	<u>Authority to Redistrict</u>
U.S. House of Representatives	3	State Legislature / Governor
New Mexico Legislature		State Legislature / Governor
State House	70	
State Senate	42	
Public Regulation Commission	5	State Legislature / Governor
County Commission	3/5	County Commission
City Council/Commission	4 to 9	City Council/Commission
Local School Board	5/7	Local School Board

# State Mandate to Redistrict



- **State Statute: 22-5-1.1**
  - **School boards must district if population > 16,000**
    - **After each decennial census**
    - **Adjust districts such that populations are equal**
    - **Board members must reside in and be elected from single-member districts**

# Optional Establishment of Single Member Districts



- **State Statute: 22-5-1.1**
  - **School boards may establish single member districts if population <16,000**
- **or...May be required to create single member districts to comply with U.S. Voting Rights Acts (Section 2)**

# Principles of Redistricting



- **Equal population**
- **Minority Voting Rights**
- **Compactness**
- **Contiguity**
- **Communities of interest**

# Constitutional Mandate to Redistrict



**Gray v. Sanders, 1963**  
**“One person, one vote”**  
**Equal population = equal representation**

**We the People**

- **Congress: as equal as possible among districts**
  - **State Legislature**
  - **County Commissions/City Councils**
  - **NM School Boards**
- } **10% total spread ( $\pm$  5%)**

# Who Gets Counted?



- **Everyone, including, but not limited to:**
  - **Adults**
  - **Registered and unregistered voters**
  - **Children**
  - **College Students in dorm rooms**
  - **Prisoners**
  - **Non-Citizens**
  - **Undocumented immigrants**
  - **Foreign students**
  - **Foreign workers (e.g. German Air Force personnel at Holloman AFB)**

# Ideal Population of a School District (example)



**Total District Population ÷ # of school districts = Ideal Population**

$$100,000 \div 5 = 20,000$$

$$\text{Permissible deviation: } \pm 5\% = \pm 1,000$$

$$\text{Permissible population:} = 19,000-21,000$$

# Minority Voting Strength



- **Do not dilute voting strength of ethnic/language minority groups (Voting Rights Act, Section 2):**
  - Native Americans
  - African Americans
  - Hispanics
- **Give the minority population an opportunity to elect a candidate of their choice**
- **Do not create districts in which race is the predominant criterion in subordination of traditional districting principles (Shaw v. Reno, 509 U.S. 630 (1993))**

# Compactness



- **Different ways to measure compactness**
  - **None are perfect**
  - **Refers to shape, not geographic size**
  - **Could have a very large district in area that is compact in shape**

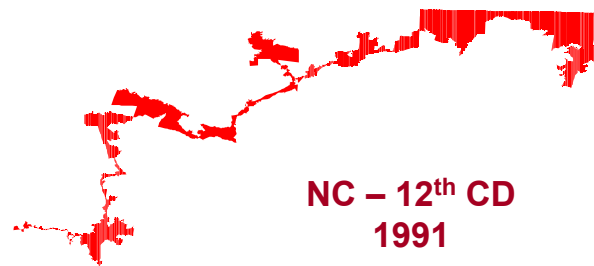
# Compactness



**Compact:**



**Not Compact:**

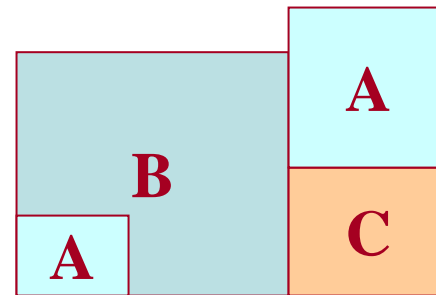
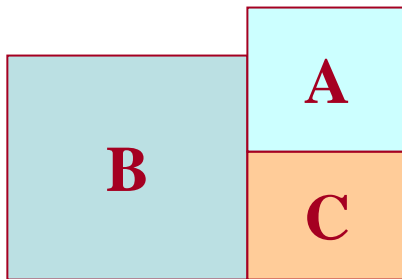


# Contiguity



- No islands of territory
- One distinct part, not two or more

**Contiguous:      Not Contiguous:**



# Communities of Interest



- **All other factors which determine where and how a district boundary could be drawn**
  - **Maintaining core of existing districts**
  - **Protection of incumbents (not required)**
  - **Respecting political subdivisions (e.g. avoid precinct splits)**
  - **Also includes, but not limited to:**
    - **Neighborhoods**
    - **Cultural / historical traditions**
    - **Geographic boundaries**
  - **Can be considered as long as previous districting principles are not violated**

# Districting Timeline



<b><u>KEY DATES</u></b>	<b><u>TASK</u></b>
<b>Summer 2011 through Fall 2012</b>	<b>Perform districting tasks:</b> <ul style="list-style-type: none"><li><b>Aggregate school district and precinct population</b></li><li><b>Gather preliminary data/information</b><ul style="list-style-type: none"><li><b>Board member locations</b></li><li><b>Board member input</b></li><li><b>School locations</b></li></ul></li><li><b>Initial public hearing – present initial plans, gather input</b></li><li><b>Modify plans</b></li><li><b>Present plans with revisions at public hearings</b></li><li><b>Refine plans</b></li><li><b>Adopt a districting plan</b></li></ul>
<b>November 2012</b>	<b>Public proclamation resolution calling for an election</b>
<b>February 2013</b>	<b>School board election</b>

# Redistricting Realities



- **Redistricting plans are rarely perfect**
  - **Any single district cannot be looked at in a vacuum**
    - **Changing one district may impact many others**
  - **Many factors are considered**
    - **Principles may work against each other**
  - **It is impossible to please everyone**