

Analysis: Census to prompt substantial redistricting

By Barry Massey | The Associated Press

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The Legislature's redistricting assignment is fairly clear based on population changes during the last decade: The 2nd Congressional District of Southern New Mexico must expand while the 1st and 3rd districts must shrink.

But the decisions won't be easy on how to redraw district boundaries to adjust for population shifts. The outcome could alter the balance of political power and influence congressional races in New Mexico for the next 10 years.

The Legislature will start work on redistricting this summer by holding hearings to solicit public comment on proposed district maps. A special legislative session is expected this fall, likely in September, for lawmakers to vote on plans, which must be signed into law by Gov. Susana Martinez.

If the Legislature and the governor can't agree on new district boundaries, the courts will settle the dispute. That's what happened a decade ago.

According to the 2010 census, the Albuquerque-area 1st District was the fastest-growing during the decade, while the 2nd District lagged behind it and the 3rd District.

Lawmakers must try to equalize district populations as much as possible to provide equal representation for roughly 2 million New Mexicans, conforming to the doctrine of one person, one vote. Redistricting plans also must comply with the federal Voting Rights Act by not diluting the voting strength of minorities.

There's also a political development that will play a role in the inevitable partisan skirmishing over the makeup of districts: the Senate race in the 2012 elections.

Democratic Rep. Martin Heinrich, who represents the 1st District, plans to run for the U.S. Senate seat being vacated by Democrat Jeff Bingaman. That will leave at least one congressional seat without an incumbent.

In redistricting decisions, incumbent protection is an ever-present factor. Incumbents typically want as few changes to their districts as possible.

But an open congressional seat could encourage Democrats and Republicans to push for more substantial boundary changes to make the district more favorable to their candidates.

"The vacancy will mean that both parties are out to gerrymander that into their strength," said

former state Rep. Max Coll, a Santa Fe Democrat and veteran of redistricting battles. "They're going to try to pack it with their people. Both parties are going to be going for that goal."

Democrats hold two of New Mexico's three congressional seats.

Currently, the 1st District is a swing district that's competitive for both parties. Heinrich won the seat in 2008, when it became open after five-term Republican Heather Wilson stepped aside to run for the Senate.

Based on the 2010 census, the "ideal" population is 686,393 for a U.S. House district in New Mexico, according to Brian Sanderoff, who runs an Albuquerque-based research company assisting the Legislature with redistricting.

The population of the 1st District is 2.3 percent, or 15,546 above that target. The 3rd District of Northern New Mexico is 1 percent, or 6,891, above the ideal population and the 2nd District is 3.3 percent, or 22,437, below.

Districts generally must expand — gain population and voting precincts — if they failed to keep pace with the average statewide population growth of 13 percent over the decade.

The 2nd District increased by about 9.5 percent during the decade compared with 15.8 percent in the 1st District and 14.4 percent in the 3rd District.

In 2001, Republicans held two of the state's congressional seats and GOP Gov. Gary Johnson vetoed a redistricting plan approved by the Democratic-controlled Legislature to significantly revamp the districts. The Albuquerque area would have been split among all three districts.

The 2nd District would have become a Democratic-leaning seat, with Hispanics accounting for a majority of the population. Johnson described the plan as "partisan gerrymandering at its worst."

The dispute landed in court and a state judge called for districts that changed only slightly from what had been in place during the 1990s. Overall, the plan moved not quite 23,000 people — about 1.2 percent of the state's population — into new districts.

A least-change approach to redistricting is possible this year, but the question is whether lawmakers will ignore that as they did a decade ago.

"If the Legislature chose to select a status quo-oriented plan, it could be accomplished with relatively little boundary adjustments," said Sanderoff.