

Gerrymandering is harmful to democracy  
.....and hurtful to legislatures.

**Why an INDEPENDENT REDISTRICTING  
COMMISSION IS RIGHT for New Mexico**

The Independent Redistricting Commission (IRC) to be proposed in the 2024 New Mexico Legislature is uniquely New Mexican; designed by New Mexicans to reflect the distinctive characteristics of our state and to assure racial and geographic inclusivity. It is based on effective models and designed for success.

Benefiting a particular racial group by guaranteeing them membership on the Commission invites federal equal protection lawsuits from other racial groups. There is an Equal Protection Clause in the Constitution of the State of New Mexico, as well. Instead, we have included the following language in the Joint Resolution: “The composition of the Independent Redistricting Commission shall as closely as possible mirror the geographic and demographic makeup of the state.

The nominees and selected commissioners for said IRC will fairly represent party and non-party affiliation within the state as well as racial and geographic diversity. Prohibitions upon applications from past elected officials, candidates for elected office, paid lobbyists, and those involved in other political activity are in place.

The IRC removes the redistricting burden from an already overworked legislature. Redistricting as done by the legislature presently contributes to overwork and burnout among legislators, who already carry an immense burden. It forces them to meet in an additional demanding unpaid session\*, thus having to be in Santa Fe and many away from their hometowns and families during the winter holiday season in December.

\* legislators receive a nominal per diem for these days in session.

Redistricting, as carried out currently, creates bad publicity for the legislature and its members, placing them in an unkind light and tarnishing the stature and dignity of the legislature. An IRC avoids this problem altogether.

Some legislators have stated that they wish to remain a part of the redistricting process. Allowing legislative leadership the opportunity to strike a predetermined number of applicants is built into this proposal. Also, the proposed model is not self-executing and requires enabling legislation.

Two of New Mexico's neighboring states, Colorado and Arizona, have high-functioning, effective IRCs. Two additional states, California and Michigan, do as well. Many other states are actively looking to institute independent redistricting commissions.

The redistricting process as it stands today fosters polarization and an environment of self-serving politics. Fair redistricting, carried out by an IRC, decreases polarization, encourages compromise, and increases responsiveness of elected officials to their constituents' interests.

The rules of an IRC apply uniformly to both parties as well as non-partisans, thereby avoiding accusations of partisan unfairness and unfavorable media directed at individual legislators and their parties.

Litigation arising from redistricting conflicts creates rancor among the populace and erodes the public's confidence in the political process. The 2001 and 2011 redistricting processes resulted in the courts having to draw the districts, costing the New Mexico taxpayers an added and unnecessary \$7 million. The cost to the taxpayers for the 2021 challenge to the CD2 map stands at \$1 million and there are more costs to come. In the absence of a fair redistricting process expensive litigation will continue to be the result.

Maps designed by IRCs are rarely challenged by lawsuits. When they are occasionally challenged, those lawsuits are typically dismissed because the maps were designed according to rigorous, fair, and nonpartisan standards.

Gerrymandering has resulted in maps that protect the self-interest of politicians and political parties at the expense of creating fair districts that reflect communities of interest. The redistricting process should not be a tool to protect and bolster power, but should be designed to ensure the fairest possible outcome for all New Mexico citizens. It is critical to restore trust, compromise, and fair competition to New Mexico politics.

Gerrymandering often divides voting districts and neighborhoods based on income. Independent redistricting inhibits segregation along economic lines, lending itself to equity among the populace. Gerrymandering of educational boundaries particularly creates and worsens existing inequities in access to educational opportunities.

Gerrymandering causes Americans to believe their voices don't matter and their votes don't count. It leads to voter apathy, voter frustration, lack of trust in the political process and lack of trust in elected officials. Many voters see no legitimate channel to take action on their crucial concerns.

The U.S. is the only developed nation which allows elected officials to draw their own districts. New Mexico's state and congressional districts and boundaries belong to its citizens, not to political parties or interest groups. Establishing an IRC brings New Mexico up to par with the rest of the developed world.

An IRC gives voters more say in the laws that affect their everyday lives while helping keep the legislature accountable to its constituents.

Unfair redistricting shuts the public out from participating in the redistricting process. Gerrymandering leads many Americans to feel their voices don't matter. An IRC empowers New Mexican voters and sends the message that "voters come first."

In 2021 the New Mexico Legislature took the groundbreaking step of passing the Redistricting Act which created the Citizen Redistricting Committee. However, the CRC recommended maps were only recommendations and can be changed by the Legislature. The creation of an independent redistricting commission capitalizes upon these past efforts.

Multiple polls over the last 9 years have shown overwhelming public support for an independent redistricting commission. The most recent was a 2022 poll showing that 77% of likely voters wanted an independent redistricting commission separate from the legislature. Only 12% opposed. This poll was conducted in March 2022 by BSP Research who conducted a survey of 500 highly likely voters in New Mexico regarding the most recent redistricting process.

A 2018 poll conducted by Common Cause New Mexico found that over two thirds of New Mexico voters polled are very concerned about gerrymandering robbing voters of their constitutional right to hold their representatives accountable. *Seven-in-ten* voters say they support the creation of an IRC that would be responsible for redrawing the state's legislative districts, rather than New Mexico's state legislators doing the redistricting.

Allowing voters to choose for or against an IRC via a ballot question is a great opportunity for the legislature to champion democracy. A constitutional amendment is the ultimate expression of democracy by and for the people.

Major institutions which evaluate the status of democracy in the world have cited gerrymandering as a contributing factor to the erosion of democracy in the U.S. *The Economist* publishes an annual report on the status of democracies in the world, in which it rates the U.S. as a flawed democracy, citing the Electoral College and gerrymandering as major flaws. New Mexico has addressed the question of the Electoral College by passing a joint resolution in support of National Popular Vote. New Mexico can vanquish the second major flaw by creating an IRC. A Brookings Institute study on the status of U.S. democracy stated: "Since 2010, state legislatures

have instituted laws intended to reduce voters' access to the ballot, politicize election administration, and foreclose electoral competition via extreme gerrymandering.”



[fairdisticts@lwwnm.org](mailto:fairdisticts@lwwnm.org)