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Office of the Governor

May 14, 2011

President Brian Krolicki
Nevada State Senate
401 South Carson Street
Carson City, NV 89701

RE: Senate Bill 497 of the 76th Legislative Session

Dear Mr. President,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 497, which is entitled:

AN ACT relating to elections; revising the legislative districts from which the members of the Senate and Assembly are elected; revising the districts from which Representatives in the Congress of the United States are elected; and providing other matters properly relating thereto.

This bill relates to the revision of legislative and Congressional districts in our state. In my State of the State address, I said that legislative and Congressional districts should be drawn for a fair representation of all constituents—and that they be consistent with the law. This bill fails to meet both standards.

In 1965, Congress passed the Voting Rights Act (“the Act”). The Act prohibits states from using the redistricting process to dilute the voting strength of minority communities. In doing so, the Act ensures, consistent with my call at the State of the State, that lines of representation be drawn to afford minority communities equal opportunity to elect representatives of their choice. The central mechanisms by which the Act ensures such outcomes are simple: no fracturing and no packing of such communities.

The redistricting plan reflected in this bill does not comply with the Act. In the last ten years, the Hispanic community in our state has grown significantly. Indeed, recent Census figures reveal that one in four Nevadans are of Hispanic decent. The law—and common sense—requires that we recognize this fact and afford Hispanics an equal opportunity to elect representatives of their choosing.

President Brian Krolicki
May 14, 2011
Page Two

The plan in this bill, however, does not do so. Of the four Congressional seats it establishes, not one contains a Hispanic majority—though such a district can clearly and simply be drawn, consistent with traditional redistricting principles. The representation of the Hispanic population would be no more fair in the State Senate and Assembly plans, where most Hispanics are crowded into as few districts as possible and where those that are not constitute overwhelming minorities in the districts they are in. With Hispanics accounting for 46% of the total population growth in our state over the last ten years, this transparent effort to avoid creating even one additional district where this community would be likely to elect its candidate of choice is simply not acceptable.

This bill's failure to adhere to the letter and spirit of the Act is the most visible evidence of its structural defects. The plan, however, violates more than just the Act. At its core, this bill creates districts that were drawn exclusively for political gain. This plan ensures partisan opportunity rather than the fair representation of all Nevadans. Partisan gerrymandering is not legal, equitable, or acceptable. Therefore, because this bill fails to comply with the requirements of federal law and because it is fundamentally unfair, I veto it and return it to you without my approval.

Sincerely regards,



BRIAN SANDOVAL
Governor

Enclosure

cc: The Honorable Steven Horsford, Senate Majority Leader (without enclosure)
The Honorable John Ocegüera, Speaker of the Assembly (without enclosure)
David A Byerman, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)