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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/28/15

SPONSOR O'Neill LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Independent Redistricting Commission, CA SJR 1

ANALYST Jorgensen

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Publication of Constitutional Amendment</b>	NFI	NFI	>15.2	>15.2	Non- Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

Senate Joint Resolution 1 proposes a constitutional amendment to Article 20 of the State Constitution that creates a five-member Commission with the authority to redistrict the congressional, legislative and statewide officer districts (i.e., the PRC).

This resolution authorizes the appellate judge nominating commission to create a pool of twenty candidates, from which the legislative leadership appoints four members (two Democrats and two Republicans). These four members then select a fifth member as chair who is neither a Democrat nor a Republican.

If enacted, this constitutional amendment will be submitted to voters for their approval or rejection as the next general election or at any special election prior to that date that may be called for that purpose.

## FISCAL IMPLICATIONS

Under Section 1-16-13 NMSA 1978 and the NM constitution, the SOS is required to print samples of the text of each constitutional amendment, in both Spanish and English, in an amount equal to ten percent of the registered voters in the state. The SOS is also required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. In 2014, the SOS estimated the cost per constitutional amendment to be \$15,217. However, if the ballot size is greater than one page, front and back, it would increase the cost of conducting the general election. In addition to the cost of the ballot, there will be added time for processing voters to vote and would mean additional ballot printing systems would be required to avoid having lines at voting convenience centers.

Additionally, funding will be needed to pay commissioner per diem and mileage as well as to hire staff, consultants and legal counsel. Funding will also be needed to fulfill the commission's procurement and contracting authority. These costs may be significant, but they will occur following the next decennial census taken in 2020.

Based on documents provided by the Legislative Council Service, redistricting costs for the 2000 Election Cycle totaled \$5.49 million and for the 2010 Election Cycle \$7.98 million. These costs included pre-census preparation, interim work, a special session, and litigation fees and costs. Of those amounts, litigation fees and costs totaled \$3.70 million in the 2000 cycle and \$5.76 million in from October 2011 through July 2012, demonstrating a significant increase of 55.7 percent.

Based on experience in other states, results are mixed with regard to challenges arising from redistricting commissions and their work. Costs of litigation may rise, remain the same or decline with the creation of a redistricting commission.

## SIGNIFICANT ISSUES

Under the current Constitution of the State of New Mexico, the Legislature apportions its membership following each federal decennial census and is responsible to drawing up the redistricting plan.

According to the National Conference of State Legislatures (NCSL), twenty states have a redistricting commission that either draws up the plan, advises the legislature on drawing up the boundaries or acts as a backup if the legislature fails to draw up the plan for legislative districts (refer to <http://www.ncsl.org/research/redistricting/redistricting-process.aspx>)

In prior year analysis of identical legislation, AGO stated that:

“The presumed purpose behind these various state alternatives—and the apparent purpose of this bill—is to take partisan politics out of the re-districting process. To achieve this aim, the bill:

- Eliminates the practice of incumbents drawing district boundaries that can preserve their re-election;
- Creates a five member redistricting commission that consists of two Democrats, two Republicans, and a fifth member who belongs to neither party; and
- Prohibits drawing district lines based on ‘party registration and political performance.’

There are no known legal obstacles to enacting this approach to legislative redistricting.’

**ADMINISTRATIVE IMPLICATIONS**

The legislation does not anticipate how the independent commission will operate administratively, except to indicate in Section 2, Subsections N and O that the Legislature “shall provide adequate resources for the operation of the redistricting commission in performing its duties” and that the commission “shall have procurement and contracting authority and may hire staff, consultants and legal counsel as necessary to carry out its duties.”

**TECHNICAL ISSUES**

The bill does not define the ‘appellate judges nominating commission’ but presumably this is the commission established by Article VI, § 35, of the N.M. Constitution.

**OTHER SUBSTANTIVE ISSUES**

NCSL analysis stated “There are pros and cons to removing the process from the traditional legislative process. And the track record of success by commissions is inconsistent in terms of having plans overturned by courts. Reformers often mistakenly assume that commissions will be less partisan than legislatures when conducting redistricting but that depends largely on the design of the board or commission.”

CJ/bb