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FISCAL IMPACT REPORT

SPONSOR <u>Sens. Figueroa, Jaramillo, Padilla and Sedillo Lopez/Rep. Cates</u>	LAST UPDATED <u>3/4/25</u> ORIGINAL DATE <u>2/25/25</u> BILL <u>Senate Joint</u> NUMBER <u>Resolution 9</u> ANALYST <u>Hilla</u>
SHORT TITLE <u>Independent Redistricting Commission, CA</u>	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
SOS	No fiscal impact	No fiscal impact	\$35.0 to \$50.0	\$35.0 to \$50.0	Nonrecurring	Other state funds
SOS	No fiscal impact	No fiscal impact	\$1.2 to \$2.5	\$1.2 to \$2.5	Nonrecurring	Other state funds
Total	No fiscal impact	No fiscal impact	\$36.2 to \$52.5	\$36.2 to \$52.5	Nonrecurring	Other state funds

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Relates to House Bill 121

Sources of Information

LFC Files

Agency Analysis Received From
 Administrative Office of the Courts (AOC)
 State Ethics Commission (SEC)
 Secretary of State (SOS)
 New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Senate Joint Resolution 9

Senate Joint Resolution 9 (SJR9) amends Article IV, Section 3 of the constitution of New Mexico to require that a senator or representative automatically resign if the senator or representative permanently removes their residence from or maintains no residence in the district in which the representative or senator was elected, and that a successor shall be elected as provided by Section IV of Article 3. Section 2 of SJR9 adds that an independent redistricting commission be established by September 1st of each federal decennial census year to develop and adopt redistricting plans for state legislative and other state office districts, filing them with the secretary of state within six months of census data release. The nine-member commission will be composed of three members from the largest political party, three from the second largest, and three unaffiliated members, selected through a combination of random selection and majority vote. Districts must follow traditional redistricting principles, avoid minority vote dilution, and exclude considerations of incumbents' addresses, party membership, or voting history except for compliance purposes. The commission has independent procurement authority,

may hire staff and legal counsel, and has sole discretion in determining legal representation in challenges to redistricting plans.

The joint resolution provides the amendment be put before the voters at the next general election (November 2026) or a special election called for the purpose of considering the amendment. The amendment would only be effective if approved by voters.

FISCAL IMPLICATIONS

Under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the Secretary of State (SOS) is required to print samples of the text of each constitutional amendment in both Spanish and English in an amount equal to 10 percent of the registered voters in the state. SOS is required to publish the samples once a week for four weeks preceding the election in newspapers in every county in the state. Further, the number of constitutional amendments on the ballot may impact the ballot page size or cause the ballot to be more than one page, also increasing costs. The estimated cost per constitutional amendment is \$35 thousand to \$50 thousand, depending on the size and number of ballots and if additional ballot stations are needed.

Should this proposed constitutional amendment be approved by voters, the redistricting commission would need funds for per diem and may bear costs for hiring staff, legal assistance, and technology needs. Members of the new redistricting commission may receive per-diem and mileage reimbursement in accordance with Sections 10-8-1 through 10-8-8 NMSA 1978 (the Per Diem and Mileage Act). Mileage costs would vary widely and are difficult to estimate. The Per Diem and Mileage Act allows \$45 per member should meetings be less than four hours a day, and \$95 per member should meetings last longer than four hours. This creates a range of \$405-\$855 a month for all nine members depending on the length of the meeting. This creates an estimated fiscal impact of \$1,215 to \$2,565 for the nine-member committee, assuming a meeting once for three months. This cost is listed as nonrecurring as the redistricting commission would only convene once every ten years, or every federal decennial census, starting in FY27, or after the November 2026 general election.

SIGNIFICANT ISSUES

The Administrative Office of the Courts (AOC) references the National Conference of State Legislatures (NCSL), which the national organization notes the Equal Protection Clause of the 14th Amendment to the U.S. Constitution requires legislative districts to be substantially equal, and that other articles in the U.S. Constitution require all congressional districts to be nearly equal in population as practicable.

Laws 2021, Chapter 79, created the Citizen Redistricting Committee, which is tasked with adopting three district plans for the state's congressional districts, the state House of Representatives, the state Senate, and other state offices required to be redistricted. The citizens committee develops district plans for approval by the Legislature and the governor, whereas SJR9's independent commission has the authority to develop and adopt redistricting plans. If SJR9 passes, both the committee and the commission would be tasked to create district plans for state legislative districts and to follow traditional redistricting principles, but the citizen committee has explicit authority to create congressional districts and legislative districts to be approved by the Legislature and the governor, with the independent redistricting commission

having the final authority to adopt district maps. This would require enabling legislation to clarify distinctions between the committee's and the commission's respective duties. The State Ethics Commission (SEC) echoes the existing commission in its analysis.

SEC adds that language in SJR9 would incorporate protections of voters into the state's constitution as in the requirements of the federal Voting Rights Act of 1965.

The New Mexico Attorney General (NMAG) states the resolution permits the Attorney General to represent the commission but SJR9 does not indicate where the resources for such representation come from. NMAG adds that the legal effect or consequence for a sitting representative or senator being displaced from their detract would be unclear.

PERFORMANCE IMPLICATIONS

SOS states that, should the bill pass and be approved by voters, it is likely to improve and lead to a diverse participation in the redistricting process.

AOC notes that the courts participate in performance-based budgeting, and the bill could impact the measures of the district courts in cases disposed as a percentage of cases filed, and perfect change in case filings by case type.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates the House Bill 121, which proposed to set up county redistricting commission. However, NMAG notes that if SJR9 passes and is approved by voters, this would supersede any statutory authority, including the citizens commission.

TECHNICAL ISSUES

NMAG suggests adding language to specify how to select the final member of the commission in the event of a tie vote.