

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/23/07

SPONSOR Grubestic LAST UPDATED _____ HB _____

SHORT TITLE Study Citizens Redistricting Commission SB SJM 48

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 1225

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
Public Regulation Commission (PRC)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

SJM 48 considers the proper political representation, competition in the political process, involvement of minority groups, use of a fair and open process to re-draw the state's political boundaries and broad citizen participation, then resolves that the Legislative Structure and Process Study Task Force ("LSPS") should study the feasibility of creating a bipartisan citizens redistricting commission to compose district plans representative of the state's population that result in more competitive districts for the Public Education Commission ("PEC"), the Public Regulation Commission, legislative and congressional races.

The LSPS task force is also asked to study:

- (a) independent, bipartisan citizen redistricting commission created by other states;
- (b) methods for creating a demographically balanced redistricting commission; and
- (c) procedures of the redistricting commission that ensures public participation and transparency.

Finally, the LSPS Task Force must make recommendations in a report due at the Legislature no later than

December 1, 2007.

SIGNIFICANT ISSUES

The PED offers that as to the PEC, Section 9-24-9, NMSA 1978 of the Public Education Department Act provides that “The commission [PEC] shall consist of ten members elected from public education districts as provided in the *decennial educational redistricting act*.” The 2001 Educational Redistricting Act [22-3-54.1, NMSA 1978] accomplished a redistricting of the educational districts that comprised the former (constitutionally created) State Board of Education, which districts were identical to the PEC’s educational districts when Article XII, Section 6 of the State Constitution was amended in 2003. The creation of educational districts is decennial, that is, it occurs at 10-year interval. This comes directly after a federal census, which itself occurs every 10 years. The last federal census occurred in 2000 [Public Law 94-171]. If the commission recommends redistricting out of sync, that is, *prior to* the next federal census, it will not have accurate demographic data and may give rise to legal challenges. Not having accurate data would defeat the purpose of the memorial. In theory, the next redistricting should not occur until 2011.

Article IV, Section 3 of the New Mexico Constitution provides, “Once following publication of the official report of each federal decennial census hereafter conducted, the legislature may by statute reapportion its membership.” This language is also consistent with legislative districts being changed only after a federal decennial census.

LFC files note the following:

- (1) The current law gives municipalities the option of redistricting whenever “warranted” or requires them to redistrict upon receipt of citizen petitions. This bill will make redistricting mandatory.
- (2) The current law does not state a deadline for municipalities or counties to implement the redistricting change. The City of Santa Fe adopted a provision in its charter that it wouldn’t redistrict until the 2004 election. In 2002, citizens successfully sued the City of Santa Fe (*Lopez v City of Santa Fe*, CIV No. 01-1312 (D. N.M. 2002)) on grounds that this delay was too long. This bill will impose mandatory timelines on redistricting.
- (3) The current law does not state a deadline for municipalities or counties to implement the redistricting change. This can be helpful when redistricting calculations are complicated. This bill does not allow for extensions on the timelines.
- (4) The current law does not cap the number of times a municipality or county may redistrict. Thirty years ago, N.M. law prohibited redistricting from occurring more than twice in a two-year period.

As the proposed Joint Memorial suggests in its “WHEREAS” provisions, notes the PRC, there is enough evidence that the existing districts for the named elective offices (including PRC districts) are characterized by insufficient representation of communities and minority groups, insufficient electoral competition, and insufficient connection between the elected officials and residents, such that a study concerning the creation of a redistricting commission is called for.

ADMINISTRATIVE IMPLICATIONS

According to the Secretary of State, SJM 48 does not apply to its office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB 1225, which appropriates \$500.0 from the general fund to Legislative Council Service for legal and technical services related to the redistricting of the districts of the New Mexico House of Representatives.

ALTERNATIVES

Alternatives would include (1) the Legislature creating a redistricting commission without first calling for a study and (2) taking no action along the lines of either a study or the creation of a redistricting commission.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

There would be no study to determine change in voting districts more consistent with actual demographics of the state.

EO/mt