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FISCAL IMPACT REPORT

SPONSOR Ely ORIGINAL DATE 1/31/2020
LAST UPDATED _____ HM 8
SHORT TITLE Redistricting Task Force SB _____
ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY20 | FY21 | FY22 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| Total | NFI | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 134

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

New Mexico Attorney General (NMAG)

Office of the Secretary of State (SOS)

SUMMARY

Synopsis of Memorial

House Memorial 8 requests the Legislative Council to convene an interim task force to develop concrete recommendations to improve New Mexico's redistricting process, including proposed rules and guidelines. The task force will be composed of fifteen members: six legislative members divided equally between the House and the Senate, six members of the public with knowledge of the redistricting process, two members appointed by the Governor; and the Secretary of State.

The reforms the task force will consider include an independent redistricting commission; a temporary advisory redistricting committee; statutory standards for redistricting; guidelines for a future legislative redistricting committee; strategies for authentic public input; and other reforms that may arise during discussions. The Legislative Council will consider task force's recommendations in drafting its 2021 guidelines for the development of state redistricting plans.

FISCAL IMPLICATIONS

SOS states that the formation of the task force has no fiscal implications for the SOS.

SIGNIFICANT ISSUES

SOS generally supports any clarity the Legislature can provide regarding redistricting after the 2020 census. To avoid potential allegations that the task force is partisan, SOS suggests that the six legislative members from the House and Senate be composed of no more than two members from the same political party or an equal number of members from the major political parties.

AOC refers to Fair Districts for New Mexico (fairdistrictsnm.org), which supports efforts to create an independent redistricting commission in New Mexico. The organization reports that, in 2019, the U.S. Supreme Court refused to rule on two cases challenging state redistricting in North Carolina and Maryland on the grounds that redistricting is the responsibility of the states. Fourteen states already have independent legislative redistricting commissions. At least six other states are considering adopting some type of redistricting reform prior to 2021 and there is movement towards reform in even more states.

AOC notes that, according to Fair Districts for New Mexico, from 1960 to 1991, New Mexico had to get pre-clearance by the U.S. Department of Justice to ensure that the state's maps complied with federal standards for fair representation. In 1995, DOJ once again required pre-clearance after the 1992 amended maps violated the standards. In 2001, the maps the legislature approved and the governor signed were challenged by several parties. This cost New Mexico \$1.7 million in litigation costs, and the courts drew the lines for the districts. In 2011, the redistricting process again failed. Numerous lawsuits, appeals, and counter-appeals resulted. Finally, in February 2012 a federal district court ruled that the New Mexico Supreme Court's mapping decisions would stand. This cost the state an additional \$5 million dollars in legal fees.

According to the National Conference of State Legislatures, there are pros and cons to removing redistricting from the traditional legislative process. Reformers may assume commissions will be less partisan than legislatures when conducting redistricting, but that depends on the design of the commission.

PERFORMANCE IMPLICATIONS

AOC states that it appears this legislation may have a minimal impact on the courts' performance measures as they relate to judicial budgeting, given the level of staff participation that may be required.

ADMINISTRATIVE IMPLICATIONS

SOS states that it would be helpful if any enabling legislation incorporating the task force's recommendations provide SOS with authority to define the uniform standard of how the maps and data are submitted in order to update and maintain the political jurisdictions and street files in the election management system.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to SB134, which appropriates \$40 thousand from the general fund to convene the task force.

BG/al