

FISCAL IMPLICATIONS

The appropriation of \$40 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the general fund.

SOS reports it would need to hire an additional term employee or a contractor to organize and administer the task force and create a report to the Legislature. The cost of the term employee salary and benefits for 6 months, office equipment and operating costs, would be \$36,755. The cost to engage a contractor would require a request for quotes, but would be at or near \$50 thousand.

In addition to the study administrator's costs, a task force comprised of appointed members would be entitled to board and commission pay of \$95 per day for meetings. Members that are public employees would be entitled to mileage and per diem. The number of members, location of meetings, and number of meetings held to achieve results would determine actual costs, but in either case \$40 thousand is insufficient and an additional appropriation amount of \$20 thousand would be required.

SIGNIFICANT ISSUES

SOS notes the bill is unclear in which session SOS would be required to present its recommendation to the Legislature. It would be more convenient to create a task force and conduct a study with the goal to present during the 2022 legislative session. This is because SOS is administering three elections this year and determining compliance in redistricting based on the 2020 census (municipal officer election in March, primary election in June, and general election in November).

SOS estimates that by March 31, 2021, the Census Bureau will send redistricting counts to states. This information is used to redraw legislative districts based on population change. Once received, the recount provisions of the Election Code kick in. NMSA 1978, Section 1-3-13(B) states:

Following receipt of the results of a federal decennial census, the secretary of state shall, again follow the procedures ... to allow the counties to make any necessary adjustments. For any county that does not make the required adjustments within thirty days after receiving notice of noncompliance following receipt of the results of a federal decennial census, the secretary of state shall send a second notice of noncompliance, and no later than June 30 of the same year, if any precinct boundary adjustments are necessary to meet the legal requirements of redistricting, pursuant to Sections 1-3-1 and 1-3-12 NMSA 1978, the secretary of state shall adjust the boundaries of the precincts only to the extent necessary to achieve compliance with the requirements of those sections and notify the county of those boundary adjustments.

NMSA 1978, Section 1-3-12(E) and (F) states:

E. In the same calendar year in which the state receives the results of a federal decennial census, the state legislature shall redistrict federal representative districts, each chamber of

the legislature, public regulation commission districts, public education commission districts and any other state districts requiring redistricting.

F. In the calendar year following the receipt of the results of a federal decennial census, each local public body subject to districting shall create or redraw districts for the local public body. A local public body, when creating or redrawing districts, shall not split a precinct into two or more districts for any elected office unless necessary to comply with federal law or to preserve communities of interest.

Therefore, the SOS believes the reality of any recommendations would come after or right before when the redistricting would likely take place and any recommendation for the creation of an independent redistricting committee would only be a reality for the 2030 redistricting process.

OTHER SUBSTANTIVE ISSUES

NMAG commented that historically memorials and bills suggesting an examination of redistricting commission structures have assigned the Legislature's own members the responsibility to study different models for an independent commission - not an independently elected state official.

SOS noted 14 states have independent redistricting commissions. According to the National Conference of State Legislatures, there are pros and cons to removing the process 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.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB229 adjusts timelines for redistricting based on the decennial census.

HM8 asks Legislative Council to convene a task force to recommend improvements to the state's redistricting process including whether to implement an independent redistricting commission.

AHO/sb/al/rl