

<b>LFC Requester:</b>	<b>Hilla</b>
-----------------------	--------------

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/23/25 *Check all that apply:*  
**Bill Number:** HB 121 Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Kathleen Cates **Agency Name and Code:** AOC  
**Short Title:** County Redistricting Act **Number:** 218  
**Title:** \_\_\_\_\_ **Person Writing:** Kathleen Sabo  
**Phone:** 505-470-3214 **Email:** aoccaj@nmcourts.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HB 121 enacts the “County Redistricting Act,” requiring counties to create a county redistricting commission and establishing requirements for creating county district plans and public participation in the process, and providing procedures to appeal a district plan by a person who submitted data, views or arguments orally or in writing at a public hearing conducted by a commission. Specifically, such person shall have a civil cause of action for review of a district plan adopted by the commission. Such action shall be filed in the district court within thirty days after a commission adopts the district plan at issue.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced civil action and appeals, as well as challenges to the law. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

1. While HB 121 provides for a civil cause of action for review of a district plan, the Act does not specify the actions a court can grant or take, nor does it specify whether and what damages might be recoverable in a civil action.
2. All congressional, state legislative and local district lines must comply with certain federal constitutional and statutory requirements, including provisions designed to ensure that districts represent an equal population and do not racially discriminate.

Section 2 of the Voting Rights Act, 52 U.S.C. Section 10301, prohibits discrimination in voting on the basis of race, color, or membership in a language minority group. This permanent, nationwide prohibition applies to any voting qualification or prerequisite to voting or standard, practice, or procedure, including districting plans and methods of election for governmental bodies. *Grove v. Emison*, 507 U.S. 25, 39-40 (1993). See *Guidance under Section 2 of the Voting Rights Act, 52 U.S.C. 10301, for redistricting and methods of electing government bodies*, U.S. Department of Justice, (April 2024) <https://www.justice.gov/d9/2024-04/Section%202%20Guidance%20on%20Redistricting.pdf>

The Department of Justice enforces Section 2 of the Voting Rights Act across the country. In the course of investigating and bringing enforcement actions under Section 2 of the Voting Rights Act, the Department applies well-established case law. See *and methods of electing government bodies*, [citation above], for a brief description of applicable case law.

3. There is a possibility that the HB 121 processes and procedures will be challenged as not passing constitutional muster.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

#### **AMENDMENTS**