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FISCAL IMPACT REPORT

SPONSOR Reps. Cates and Figueroa/Sen. McKenna LAST UPDATED _____
ORIGINAL DATE 1/23/24
SHORT TITLE County Redistricting Task Force BILL NUMBER House Bill 122
ANALYST Hanika-Ortiz

APPROPRIATION* (dollars in thousands)

FY24	FY25	Recurring or Nonrecurring	Fund Affected
\$250.0		Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to Senate Joint Resolution 7 (SJR7)

Sources of Information

LFC Files

Agency Analysis Received From
Secretary of State (SOS)

SUMMARY

Synopsis of House Bill 122

House Bill 122 (HB122) appropriates \$250 thousand from the general fund to SOS in FY24 and FY25 to convene a county redistricting task force to study and develop redistricting procedures for New Mexico counties, and to contract for services necessary to perform the work of the task force.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

FISCAL IMPLICATIONS

The appropriation of \$250 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY25 shall revert to the general fund.

There will be considerable time, effort, and costs associated with convening a task force and

carrying out this work. SOS may need to hire experts to assist in studying county redistricting and helping develop a report of recommendations. HB122 does not include any guidance as to when the task force must complete its recommendations, to whom the task force must report, for instance, an interim legislative committee, or who would participate in the task force, which should include a diverse group of elected officials and community leaders including tribal leaders. The task force should also be prepared to hold public meetings before issuing its recommendations.

The task force members will be eligible for mileage and per diem.

SIGNIFICANT ISSUES

According to SOS, a county redistricting taskforce might benefit the redistricting process at the county level, but a delayed implementation of FY26 would allow for successful and timely implementation, given the SOS's statutorily required work related to elections in FY24 and FY25.

The State Ethics Committee has reported in the past that the Citizen Redistricting Committee (CRC) performed its work under a budget of \$400 thousand. The CRC, however, was subsidized by the work of state ethics commission staff. The CRC also had use of a district mapping tool at no cost.

ADMINISTRATIVE IMPLICATIONS

SOS states with the passage of this bill, the office will have additional administration duties associated with implementation and education that will require full funding of its elections staff.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB122 relates to SJR7 proposing to amend the Constitution of New Mexico to create an independent redistricting commission for congressional, state legislative and other districts of state offices.

OTHER SUBSTANTIVE ISSUES

In prior legislative attempts to create a county redistricting task force, the State Ethics Commission has pointed out that counties and other local jurisdictions are subject to the same redistricting criteria as state legislative and congressional redistricting - including the equal protection guarantee of equal population (within a constitutionally permissible deviation), see, e.g., *Abate v. Mundt*, 403, U.S. 182, 185 (1971); *Avery v. Midland County*, 390 U.S. 474, 480 (1968), and the Voting Rights Act, see e.g., *Patino v. City of Pasadena*, 230 F. Supp. 3d 667 (S.D. Tex. 2017).

AHO/al/ne/ss