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FISCAL IMPACT REPORT

SPONSOR Cates **LAST UPDATED** 03/15/2025
ORIGINAL DATE 03/15/2025
BILL
SHORT TITLE County Redistricting Act **NUMBER** House Bill 121
ANALYST Gygi

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
AOC	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
NM Counties	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	County Funds

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Administrative Office of the Courts (AOC)

Department of Finance and Administration (DFA)

Agency Analysis was Solicited but Not Received From

Administrative Office of the District Attorneys (AODA)

Secretary of State (SOS)

SUMMARY

Synopsis of House Bill 121

House Bill 121 (HB121) enacts the “County Redistricting Act,” requiring counties to create a county redistricting commission. The bill mandates that the number of commission members be five, specifies requirements and qualifications for commission members, and outlines powers and duties. The commission will establish requirements for creating county district plans and public participation in the process:

- Plans will be composed of single-member districts with contiguous territory and comply with all applicable federal laws.
- The commission will use the most recent federal decennial census data provided by U.S. Census Bureau and other reliable sources of demographic data for redistricting purposes.
- The commission will deliver the district plan to the county clerk and Secretary of State no later than six months after receipt of the census data.

Those plans will be used in the next general election and subsequent general elections until after the next decennial census and resulting redistricting. The bill provides for appeal of a district plan by “a person who submitted data, views or arguments orally or in writing at a public hearing conducted by a commission.” Such person shall have a civil cause of action for review of a district plan adopted by the commission and shall file in the district court within 30 days after a commission adopts the district plan at issue. However, HB121 prohibits district courts from awarding fees to the prevailing party “unless required by federal law.”

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

If HB121 is enacted any fiscal impact will be to counties, including per diems and mileage for commissioners to attend redistricting meetings.

Should the bill be enacted, the Administrative Office of the Courts (AOC) indicates there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. The agency also indicates the new cause of action could increase caseloads for the courts but the associated costs are not quantified.

There is no fiscal impact for the Department of Finance and Administration (DFA).

SIGNIFICANT ISSUES

HB121 would require a redistricting commission be established for all “A class counties” in the state.¹ Such A class counties have a full valuation of greater than \$75 million and a population greater than 100 thousand (per Section 4-44-1 NMSA 1978). According to DFA, which is responsible for classifying counties every two years, in 2024 there were five A class counties: Bernalillo, Dona Ana, Sandoval, San Juan, and Santa Fe.²

State statute regarding board of county commissioners (Section 4-38-3 NMSA 1978) mandates “once immediately following each federal decennial census”:

- Counties with a population greater than 13 thousand shall be divided by the board of county commissioners into as many compact single-member districts as there are board members to be elected.
- Districts shall be as equal in population as possible and numbered to correspond to the number of board members.
- One commissioner shall be elected from each district by the voters of the district and shall be a resident of the district.
- A commissioner who moves from the district or maintains no residence in the district shall be deemed to have resigned permanently.

AOC raises concerns that the processes and procedures will be challenged as not passing

¹ There are nine classes of counties in New Mexico, classified on the basis of assessed valuation and population.

² <https://api.realfile.rtsclients.com/PublicFiles/60151d4795ce4d11abc799080b50384f/d73c7565-daa7-4ad1-80cd-2643395a3b60/2024%20County%20Classification%20and%20DFA%20Secretary%20Memo.pdf>

constitutional muster: “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.”

New Mexico’s 33 counties are administrative subdivisions of the state government. There were 26 counties in 1912 when New Mexico was admitted to the Union as the 47th state. Los Alamos and Cibola counties were created most recently, in 1949 and 1981, respectively. Counties in New Mexico do not have home rule status and are governed under general law.³ However, the state grants home rule to municipalities, including Los Alamos County, which is a city-county consolidated government.

PERFORMANCE IMPLICATIONS

AOC notes the courts are participating in performance-based budgeting. Increased caseloads due to HB121 may impact the following performance measures of the district courts:

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

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 121 relates to HB399, introduced in the 2023 legislative session, which sought to require five member boards for counties with populations greater than 35 thousand and establish a procedure to redistrict and elect new commissioners.

House Bill 121 also relates to Senate Bill 4, introduced in the 2021 legislative session, which would have adjusted timelines for the creation or redrawing of election districts.

TECHNICAL ISSUES

HB121 does not specify where in statute the proposed “County Redistricting Act” should be added.

AOC notes: “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.”

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³ https://www.naco.org/sites/default/files/event_attachments/DRAFT_NewMexico_012022.pdf