



**Colorado
Legislative
Council
Staff**

Initiative # 170

**INITIAL FISCAL
IMPACT STATEMENT**

Date: April 16, 2018

Fiscal Analyst: Chris Creighton (303-866-5834)
Ryan Long (303-866-2066)

LCS TITLE: CONGRESSIONAL REDISTRICTING

Fiscal Impact Summary	FY 2018-19	FY 2020-21	FY 2021-2022
State Revenue			
State Expenditures		\$284,976	\$499,385
General Fund		\$192,947	\$499,385
Cash Funds		\$92,029	-

Note: This *initial* fiscal impact estimate has been prepared for the Title Board. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the Blue Book Voter Guide if new information becomes available.

Summary of Measure

Each state is granted representatives in the U.S. Congress based on the state's share of the total U.S. population. Every ten years following the U.S. census, the state's congressional districts must be redrawn so that each district has equal population. Currently in Colorado, the General Assembly is responsible for dividing the state into seven congressional districts. This initiative creates the Independent Congressional Redistricting Commission and requires the commission to create a congressional redistricting plan, thus removing this responsibility from the General Assembly.

Commissioner selection. The commission consists of 12 members: 4 members from the state's largest party; 4 members from the state's second largest party; and 4 members who are unaffiliated with a political party.

Application process. To qualify as a commissioner, applicants must be registered to vote and have voted in the previous two elections; must have been either unaffiliated with any party or affiliated with the same party for the last 5 consecutive years; and must meet certain criteria related to political participation, holding political office, or lobbying as outlined in the initiative. By August 10 in the year the census is conducted, after holding one or more public hearings, nonpartisan staff of the Colorado Legislative Council must prepare an application to allow the appointing authorities for the commission to evaluate applicant's experience. By November 10 of the year prior to redistricting, all persons interested in serving on the commission must submit an application to the nonpartisan staff.

Commissioner selection. By January 5 of the redistricting year, the Chief Justice of the Colorado Supreme Court must designate a 3-member panel to review the submitted applications. This panel consists of the most recent retired justices or judges, and each appointee must have a different political affiliation. All decisions made by this panel must be unanimous. Compensation of panel members is to be set by the General Assembly.

Nonpartisan staff, with the assistance of the Secretary of State, must determine if each applicant is qualified and make such findings public by January 11. By January 18, the panel must hold a public meeting and randomly select up to 300 applicants for the first largest party, 300 applicants for the second largest party, and 450 unaffiliated applicants. From these applicants, the panel must chose 150 applicants, or 50 from each group, and randomly select 6 commissioners from these applicants. No more than two applicants can be from the same congressional district. By February 16, the Senate Majority and Minority Leader and House of Representatives Majority and Minority leader must select a pool of 10 applicants. By March 1, the panel must select four applicants from the pool of 10 and two unaffiliated applicants.

State plan review and approval. The Governor must convene the commission no later than March 15 of the redistricting year. Staff for the commission are appointed from the offices of the Legislative Council and Legislative Legal Services. The commission must adopt rules governing the hearing process and review of submitted maps, maintenance of commission records, process for removing commissioners and for recommending changes to submitted maps, and must adopt a statewide meeting and hearing schedule.

Public involvement. All Colorado residents may present proposed redistricting maps and written comments for the commission's consideration. The commission must hold at least three public hearings in each congressional district before the approval of a redistricting map. At least 10 commissioners must attend each meeting either in person or electronically. These hearings must be broadcast online. The commission must maintain a website through which Colorado residents may submit maps or written comments. All written comments pertaining to redistricting must be published on its website.

Lobbying requirements. Any person who receives compensation for advocating to the commission, one or more commissioners, or staff, are lobbyists and must disclose certain information to the Secretary of State within 72-hours of lobbying or receiving compensation for lobbying. The Secretary of State must publish the names and compensation of such lobbyists within 24-hours of receiving this information. Complaints against a lobbyist for failure to fully or accurately report such activity may be filed with the Department of Sate and referred to an Administrative Law Judge (ALJ). The decision of an ALJ may be appealed to the Court of Appeals.

Approval of plans. Within 30 to 45 days after the commission convenes, commission staff must create a preliminary plan. Any member of the public may submit written comments regarding the creation of the preliminary plans. The commissions must complete public hearings on the preliminary plans by July 7. Prior to the hearings being held, commission staff must create at least three staff plans to be presented to the commission. The commission may adopt a final plan at any time after the presentation of the first staff plan.

The commission must adopt a final plan and submit it to the Colorado Supreme Court for review by September 1. If the commission does not adopt a final plan by September 1, the commission staff must submit the unamended third staff plan. The Supreme Court must review the final plan and approve it by November 1 or return it to the commission. If returned, the commission has 12 days to hold a hearing and submit a revised plan to the Supreme Court. If the commission fails to submit a revised plan, nonpartisan staff has three days to submit a revised plan. The Supreme Court must approve a congressional redistricting plan by December 15 to be filed with the Secretary of State.

State Expenditures

Based on the estimated cost of congressional redistricting under current law, Initiative 170 is expected to increase Legislative Department General Fund expenditures for congressional redistricting by \$192,947 in FY 2020-21 and \$499,385 in FY 2021-22. Department of State cash fund expenditures are expected to increase \$92,029 in FY 2021-22 only. These impacts are shown in Table 1 and described below.

Table 1. Expenditures Under Initiative #170			
Cost Components	FY 2018-19	FY 2020-21	FY 2021-22
<u>Legislative Department</u>			
Personal Services		(\$11,508)	\$271,139
FTE		(0.5 FTE)	2.3 FTE
Operating Expenses & Capital Outlay		3,625	7,711
Computer Equipment, Software, and Website		100,139	26,548
Professional Services/Legal Services		51,756	129,390
Special Session		0	(125,000)
Travel and Per Diem		39,163	117,489
Benefits and Leased Space		9,772	72,108
Legislative Department Total		\$192,947	\$499,385
<u>Department of State</u>			
Personal Services		\$17,142	-
FTE		0.2 FTE	-
Computer Programming		\$71,680	-
Benefits		\$3,207	-
Department of State Total		\$92,029	-
TOTAL		\$284,976	\$499,385
FTE total		(0.3) FTE	2.3 FTE

Personal services. Under current law, congressional redistricting plans are prepared by the General Assembly with nonpartisan Legislative Department staff support during the legislative session (January to May). This requires 1.7 FTE in FY 2020-21. Under Initiative 95, congressional redistricting is expected to require 1.2 FTE in FY 2020-21 and 2.3 FTE in FY 2021-22. This increase in staff, and associated costs, are due largely to the requirement for a website through which members of the public may submit maps and comments, the requirement to post comments on the website, and the requirement to broadcast all public hearings live through the commission's website.

The Department of State requires 0.2 FTE in FY 2020-21 only, for approximately 310 hours staff time to promulgate rules regarding congressional redistricting lobbying, create training materials and conduct training on lobbyist congressional redistricting registration and reporting requirements. Staff will also assist with updating the online lobbyist registration and filing system

and process any complaints received against lobbyists. Workload will also increase in FY 2021-22 to process complaints; however, this workload can be accomplished within existing appropriations.

Computer equipment and software. For the Legislative Department, congressional redistricting requires computers that use GIS and mapping software, as well as data and printing services. This measure also specifies certain requirements for the commission's website, including allowing the submission of public maps and comments and the broadcasting of meetings that exceed the requirements of current law. These new requirements are expected to cost \$100,139 in FY 2020-21 and \$26,548 in FY 2021-22 more than current law.

For the Department of State, \$71,680 is needed in FY 2020-21 for 640 hours of computer programming at \$112 per hour to make modifications to the online lobbyist registration and filing system to allow for congressional redistricting lobbying registration and disclosures.

Professional/Legal services. Professional and legal consultation may be sought during the drawing of congressional redistricting plans under Initiative 95. This includes legal support concerning rulemaking, open records requests, and for redistricting plans.

Special session. Under current law, it is assumed a special legislative session will be held in 2021 to pass the congressional redistricting plan prior to the start of the 2022 election cycle. A special session costs \$25,000 per day and five days are assumed. Under Initiative 95, the plan will be approved by the commission and no special session is required, resulting in a savings of \$125,000.

Travel and per diem. Under current law, it is assumed that an interim committee will hold public meetings regarding the redistricting plan. By creating a congressional redistricting commission that must hold meetings in each district, funds are needed to pay for travel expense reimbursement and per diem for staff and commission members. Under Initiative 95, costs increase for additional meetings compared to current law and for additional staff to attend the meetings.

Administrative Law Judges/Court of Appeals. To the extent that complaints against a lobbyist for failure to fully or accurately report such activity, Administrative Law Judge workload will increase. Workload for the Court of Appeals will increase to the extent that an Administrative Law Judge decision is appealed. It is assumed this workload can be accomplished within existing appropriations.

Leased space and employee benefits. For the Legislative Department leased office space and employee benefits are estimated to cost \$9,772 in FY 2020-21 and \$72,108 in FY 2021-22. This includes six months of leased space and health, life, and dental insurance for redistricting staff. For the Department of State, employee benefits are estimated at \$3,207 in FY 2020-21.

Effective Date

If approved by voters, the initiative takes effect upon proclamation of the Governor within 30 days of the official canvas of votes at the 2018 general election.

State and Local Government Contacts

Judicial
Local Affairs

Law
Legal Services

Legislative Council
Secretary of State

Abstract of Initiative 170: CONGRESSIONAL REDISTRICTING

This initial fiscal estimate, prepared by the nonpartisan Director of Research of the Legislative Council as of April 16, 2018, identifies the following impacts:

The abstract includes estimates of the fiscal impact of the initiative. If this initiative is to be placed on the ballot, Legislative Council Staff will prepare new estimates as part of a fiscal impact statement, which includes an abstract of that information. All fiscal impact statements are available at www.ColoradoBlueBook.com and the abstract will be included in the ballot information booklet that is prepared for the initiative.

State expenditures. Initiative 170 increases state expenditures by creating the Citizen's Congressional Redistricting Commission and shifting the responsibility of drawing congressional districts every ten years from the General Assembly to the newly created commission. Overall, this shift in responsibilities is expected to increase state expenditures by \$284,976 in FY 2020-21 and \$499,385 in FY 2021-22.