



**Colorado  
Legislative  
Council  
Staff**

**Initiative # 171  
INITIAL FISCAL  
IMPACT STATEMENT**

**Date:** April 16, 2018

**Fiscal Analyst:** Ryan Long (303-866-2066)  
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**LCS TITLE:** LEGISLATIVE REDISTRICTING

<b>Fiscal Impact Summary</b>	<b>FY 2018-2019</b>	<b>FY 2020-2021</b>	<b>FY 2021-2022</b>
<b>State Revenue</b>			
<b>State Expenditures</b>		<b>\$286,648</b>	<b>\$161,785</b>
General Fund		\$194,619	\$161,785
Cash Funds		\$92,029	\$0

**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**

Under current law, the Colorado Reapportionment Commission must create and approve a legislative district plan for the Colorado House of Representatives and Colorado State Senate. This initiative replaces the current Reapportionment Commission with the Independent Legislative Redistricting Commission (commission).

**Commissioner composition.** 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 other eligibility criteria 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 each applicant's experience. By November 10 of the year prior to redistricting, all applicants must submit applications to the non-partisan 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.

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 25, 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 choose 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 each select a pool of 10 applicants, and the panel of judges and justices must select 4 applicants from the pool chosen by legislative leadership, as well as 2 additional unaffiliated applicants.

**State plan review and approval.** The Governor must convene the commission no later than March 30 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 State 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 for the Senate and the House of Representatives. 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 21 of the redistricting year. After the hearings are held, commission staff must create at least three Senate plans and three House of Representatives plans. The commission may adopt a final Senate or House of Representatives plan at any time after the presentation of the first staff plans.

The final Senate and House of Representatives plans must be submitted to the Colorado Supreme Court for review by September 15 of the redistricting year. If the commission does not adopt a final plan for both the Senate and the House by September 15, the commission staff must submit the unamended third staff plan. By November 15 of the redistricting year, the Colorado Supreme Court must approve or return the Senate and House plans. If the court returns a plan to the commission, the commission will have 12 days to hold a hearing and return a new plan. If the commission fails to adopt a plan, the commission's staff will have an additional three days to prepare a plan. The Supreme Court must approve plans and file them with the Secretary of State no later than December 29 of the redistricting year.

**State Expenditures**

Based on preliminary costs for state legislative redistricting under current law, Initiative 171 is projected to increase Legislative Department General Fund expenditures by \$194,619 and 0.2 FTE in FY 2020-21 and \$161,785 and 1.2 FTE in FY 2021-22. Department of State cash fund expenditures are expected to increase \$92,029 in FY 2021-22 only. These costs are summarized in Table 1 and discussed below.

<b>Table 1. Expenditures Under Initiative #170</b>			
<b>Cost Components</b>	<b>FY 2018-19</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>
<b><u>Legislative Department</u></b>			
Personal Services	-	\$11,879	\$101,181
FTE	-	0.2 FTE	1.2 FTE
Operating Expenses & Capital Outlay	-	3,664	475
Computer Equipment, Software, and Website	-	167,200	6,170
Travel and Per Diem	-	9,727	29,180
Benefits and Leased Space	-	2,149	24,779
<b>Legislative Department Total</b>		<b>\$194,619</b>	<b>\$161,785</b>
<b><u>Department of State</u></b>			
Personal Services	-	\$17,142	-
FTE	-	0.2 FTE	-
Computer Programming	-	\$71,680	-
Benefits	-	\$3,207	-
<b>Department of State Total</b>		<b>\$92,976</b>	<b>-</b>
<b>TOTAL</b>	<b>-</b>	<b>\$286,648</b>	<b>\$161,785</b>
<b>FTE total</b>	<b>-</b>	<b>0.4 FTE</b>	<b>1.2 FTE</b>

**Personal services and operating costs.** Under the current legislative redistricting process, legislative district plans are drawn by the Colorado Reapportionment Commission in the legislative interim (between legislative sessions). Staff support for this commission is provided by the nonpartisan legislative staff. The current process is projected to last seven months and require 1.3 FTE in FY 2020-21 and 3.3 FTE in FY 2021-22. Under this initiative, the new Independent Legislative Redistricting Commission will require a 1.5 FTE in FY 2020-21 and 4.5 FTE in FY 2021-22. These increased 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 lobbying 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.** State legislature 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. Computer equipment and website development costs are expected to increase \$167,200 in FY 2020-21 and \$6,170 in FY 2021-22 over the requirements of current law.

In FY 2020-21, the IT Services Division in the Department of State will require 640 hours of computer programming at \$112 per hour, or \$71,680, to make modifications to the existing lobbyist registration system.

**Travel and per diem.** Under current law, several meetings and public hearings are held as a part of the redistricting process to seek public input on new district plans. These meetings are held throughout the state and funds are needed to pay for travel expense reimbursement and per diem for staff and commission members. Under this initiative, costs will increase for additional staff and the twelfth commissioner to travel and to hold additional public hearings.

**Leased space and employee benefits.** Leased office space and employee benefits are estimated to cost \$5,356 in FY 2020-21 and \$24,779 in FY 2021-22. This includes eight months of leased space and health, life, and dental insurance for redistricting staff.

**Administrative Law Judges/Court of Appeals.** To the extent that complaints against a lobbyist for failure to fully or accurately report such activity, workload for the Office of Administrative Courts 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.

## Effective Date

If approved by voters, the ballot 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 171: LEGISLATIVE 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](http://www.ColoradoBlueBook.com) and the abstract will be included in the ballot information booklet that is prepared for the initiative.

***State expenditures.*** Under the current legislative redistricting process, legislative district plans for the Colorado House of Representatives and Colorado Senate are drawn by the Reapportionment Commission following the decennial census. Initiative 171 replaces the Reapportionment Commission with the newly created Independent Legislative Redistricting Commission. Overall, Initiative 171 increases state expenditures by \$286,648 in FY 2020-21 and \$161,785 in FY2021-22.