



**Colorado
Legislative
Council
Staff**

Initiative #69

**INITIAL FISCAL
IMPACT STATEMENT**

Date: November 15, 2017

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	\$0	\$158,823	\$499,385
General Fund	0	158,823	\$499,385

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 congressional districts. This initiative creates the Independent Congressional Redistricting Commission (Commission) and requires the commission to create a congressional redistricting plan, thus removing this responsibility from the General Assembly.

Commission membership and selection. The Commission consists of 12 members, of which 4 members must be registered with the state's largest political party, 4 members must be registered with the state's second largest political party, and 4 members must be unaffiliated or registered with a party other than the state's two largest parties (independent members). Commission members must be Colorado registered voters and cannot be a member or candidate for the General Assembly or Congress. At least one member must reside in each state congressional district and no more than three members may reside in the same congressional district.

Large political party member selection. The Secretary of State (SOS) must establish an application process for all commission candidates, and appointments to the Commission must be made from the pool of applicants that apply. The majority and minority leaders in the state Senate and House of Representatives alternate choosing candidates and alternates affiliated with the state's two largest parties, starting with the Senate leaders. This process must begin by March 18 in the year following the U.S Census, and will next occur in 2021.

Independent commission member selection. The SOS must review applications and issue an eligibility finding for all independent applicants by April 1. The SOS is required to form a panel of retired justices or judges to unanimously select twenty eligible independent member applicants through one or more public hearings. The four independent members and four alternates are randomly selected by the Secretary of State from the pool of twenty applicants chosen by the panel. This must occur by April 30th.

Commission requirements. The Commission must adopt rules regarding the maintenance of records, the process for removing commissioners, filling a vacancy with an alternate, and the process for recommending redistricting plan changes to staff, and it must approve a statewide meeting and hearing schedule. Any motion by the Commission requires eight votes, including one vote from an independent commissioner. The Commission is authorized to retain legal counsel and is subject to the Colorado Open Records Act. The Commission is to be staffed by the nonpartisan research and legal staff of the General Assembly and funding to cover the costs of the Commission and its staff must be provided by the General Assembly.

Commission congressional plan review and approval. The Commission must be convened by the Governor no later than May 15th in the redistricting year. Staff must prepare at least three congressional district plans to be published online and presented to the Commission. The Commission staff must publish a preliminary redistricting plan within 30 days of the convening of the Commission or publishing of the U.S. Census data, whichever is later. Within 45 days of publishing the preliminary plan, the Commission must hold statewide public hearings. At least three public hearings are required in each congressional district. Some of these hearings may be held through video conferencing. However, at least one in-person hearing is required in each district. In addition, two in-person hearings are required west of the Continental Divide and two in-person hearings are required south of El Paso County and east of the Continental Divide.

The Commission must adopt a final plan by September 15 and must submit the final plan to the Colorado Supreme Court for review. If the Commission does not adopt a final plan, the third staff plan is submitted to the district court for review and approval. Following district court approval, the Supreme Court can then approve the plan or return the plan to the Commission with instructions for submitting a revised plan. The adoption of a final or revised plan requires the support of at least two independent commissioners. The Supreme Court must adopt a final plan by December 20, 2021 and file the plan with the SOS.

State Expenditures

Based on the estimated cost of congressional redistricting under current law, **Initiative 69 is expected to increase state General Fund expenditures for congressional redistricting by \$158,823 in FY 2020-21 and \$499,385 in FY 2021-22.** In addition, Judicial Department and Secretary of State workload is potentially increased. These impacts are shown in Table 1 and described below.

Table 1. Expenditures Under Initiative 50			
Cost Components	FY 2018-19	FY 2020-21	FY 2021-22
Personal Services	-	(\$11,508)	\$271,139
FTE	-	(0.5 FTE)	2.3 FTE
Operating Expenses and Capital Outlay Costs	-	3,625	7,711
Travel and Per Diem	-	39,163	117,489
Professional Services/Legal Services	-	51,756	129,390
Computer Equipment and Software	-	50,139	26,548
Retired Judge/Justice Application Panel	-	15,876	0
Special Session	-	0	(125,000)
Benefits and Leased Space	-	9,772	72,108
TOTAL	-	\$158,823	\$499,385

Personal Services. Under current law, congressional redistricting plans are prepared by the General Assembly during the legislative session by forming a select committee with staff support provided by nonpartisan legislative staff. This requires 1.7 FTE in FY 2020-21. Under Initiative 69, 1.2 FTE is required for FY 2020-21 and 2.3 FTE for FY 2021-22. This results in a decrease of 0.5 FTE in FY 2020-21 and an increase of 2.3 FTE in FY 2021-22. Under Initiative 69, less staff involvement is needed in FY 2020-21, but greater staff involvement is needed in FY 2021-22 to draw the maps and to staff public hearings statewide.

Travel and per diem. Under current law, it is assumed that an interim committee will hold public meetings regarding the redistricting plan. The number of meetings is set by the interim committee and there is no requirement to hold a certain number of meetings. By creating an independent commission that must hold meetings in each district, funds are needed to pay for travel expense reimbursements and per diem for staff and commission members to attend more statewide meetings with the majority of meetings occurring in FY 2021-22.

Professional/legal services. Outside legal consultation may be sought during the drawing of congressional redistricting plans under Initiative 69. This includes legal support concerning rulemaking, open records requests, and on the creation of and presentation of redistricting plans and costs are estimated to increase \$51,756 in FY 2020-21 and \$129,390 in FY 2021-22.

Computer equipment and software. The drawing of congressional redistricting maps requires laptops, GIS and mapping software, printers and printing costs, projectors, and other IT equipment. Computer equipment costs are expected to increase by \$50,139 in FY 2020-21 due to the software needs of the independent redistricting commission compared to the needs of an interim committee on congressional redistricting. For FY 2021-22, computer hardware and software needs increase \$26,548 due to the printing of maps for the statewide public meetings.

Secretary of State Under Initiative 69, the SOS is required to form and pay for the expenses of a panel of three retired judges or justices to review the independent commissioner applications. This increases costs in FY 2020-21 by \$15,876. This includes salary and travel expenses for each of the three judges. It is assumed that these costs will be paid with existing revenue to and appropriations from the Secretary of State Cash Fund.

Additionally, workload will increase for the SOS to hold a public meeting to randomly select the four independent commissioners and four alternates. This workload is expected to be minimal and will not require an increase in appropriations.

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 69, the plan will be approved by the Commission and no special session is required, resulting in a savings of \$125,000.

Judicial Department. Under Initiative 69, if the Commission fails to approve a plan and submit it to the Supreme Court, the third staff plan is submitted to the district court. This potentially increases district court workload in the Judicial Department in FY 2021-22 to review and approve a congressional redistricting plan. Under current law, court intervention may occur if the General Assembly fails to approve a congressional redistricting plan. Therefore any increase in district court workload is expected to be minimal and will not require additional appropriations.

Employee benefits and leased space. Employee benefits and leased space for staff are estimated to cost \$9,772 in FY 2020-21 and \$72,108 in FY 2021-22. This includes health, life, and dental insurance and six months of leased space for redistricting staff.

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

Clerks	Legislative Council
Judicial	Secretary of State

Abstract of Initiative 69: Congressional Redistricting

This initial fiscal estimate, prepared by the nonpartisan Director of Research of the Legislative Council as of November 2017, 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. Overall Initiative 69 increases state expenditures by creating the Independent Congressional Redistricting Commission and the shifting the responsibility of drawing congressional district plans every ten years from the General Assembly to the newly created commission. Overall, this shift in responsibilities is expected to increase state expenditures by \$158,823 in FY 2020-21 and \$499,385 in FY 2021-22.