



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 21-0131
Prime Sponsors: Rep. Kennedy

Date: February 22, 2021
Bill Status: House SCMVA
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Bill Topic: COUNTY COMMISSIONER DISTRICTS GERRYMANDERING

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill establishes a process for county redistricting and encourages the creation of independent county redistricting commissions. The bill is applicable only in counties where commissioners are elected by just a portion of the county. Every 10 years, the bill minimally increases state revenue and workload and increases local government expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill creates a redistricting process to be used in any county that has commissioners that are elected only by a given county district, and not elected by voters of the whole county. The county must divide itself into commissioner districts according to a final plan prepared by the redistricting commission, and reviewed and approved by a panel of district judges. Redistricting occurs the year after the federal decennial census.

In affected counties, the bill encourages the creation of an independent redistricting commission and establishes rules for its composition and the eligibility of applicants. The redistricting commission may alternatively be comprised of the elected county commissioners. The county must assign nonpartisan staff to assist the redistricting commission.

County redistricting commissions are required to conduct public hearings and provide for public input and the bill details a process for adopting and recommending a final redistricting plan. Redistricting commissions are required to use specified evaluative criteria in the process, such as preserving whole communities of interest and political subdivisions. Once a final plan is adopted, it must be submitted to a judicial panel comprised of three sitting district court judges appointed by the

chief judge of the district. The judicial panel must review the redistricting plan and determine if it complies with the required criteria.

The bill requires that persons lobbying the county redistricting commission register with the Secretary of State (SOS) and disclose compensation contracted for and received, and the person or entity contracting or paying for their lobbying services. Disclosures must be made 72 hours after each instance of lobbying and the SOS must publish data within 24 hours of receiving the disclosure. Any complaint alleging a lobbyist's failure to report a full and accurate disclosure must be heard by an administrative law judge whose decision may be appealed to the court of appeals.

Background

Only three counties are currently affected by the bill: Arapahoe, El Paso, and Weld counties. Redistricting in these counties and associated expenses are required in 2021, the year following the census.

State Revenue and Expenditures

In any year that affected counties are required to redistrict, the Secretary of State and the Judicial Department will see a minimal increase in workload and revenue. The bill may minimally increase fine revenue to the Department of State Cash Fund for fines collected from lobbyists that fail to disclose required information. The Judicial Department is required to provide judicial review of proposed county redistricting plans. This will increase workload for the branch every 10 years. Given the volume of plans to review, these expenses are not anticipated to require additional appropriations. If complaints are filed against lobbyists, expenditures also increase in the Department of Personnel and Administration for an Administrative Law Judge to hear any cases referred by the SOS.

Local Government

Affected counties are encouraged to establish a county redistricting commission, interview and appoint qualifying commission members, provide nonpartisan support staff for developing and revising redistricting plans, and conduct public hearings before submitting a final plan for judicial review. Impacted counties will have increased legal, administrative, and operating costs in any year in which redistricting occurs. Although each of the affected county's expenses will vary, costs are estimated to be between \$75,000 and \$135,000 per county. Cost drivers are described in more detail below.

Personal services. County redistricting will require the compensation of nonpartisan staff. Personal service expenditures can assume a 6 month process to develop plans. This analysis also assumes that only nonpartisan staff are compensated, and that redistricting commissioners receive no compensation but are entitled to per diem and travel expenses.

Computer equipment and software. Redistricting requires computers that use GIS and mapping software, as well as data and printing services.

Legal services. Professional and legal consultation will be required for rulemaking, open records requests, and for redistricting plans.

Travel and per diem. The county redistricting commission must hold public meetings and will incur expenses for travel reimbursement and per diem for staff and commission members.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties	Information Technology	Judicial
Law	Local Affairs	Secretary of State