

HF4593 - 0 - Ind. Redistricting Cmsn; Constitutional Amendment

Chief Author: **Ginny Klevorn**
 Committee: **Elections Finance & Policy**
 Date Completed: **4/2/2024 9:11:03 PM**
 Lead Agency: **Secretary of State**
 Other Agencies:
 Legislature Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
State Total						
	Total	-	-	-	-	-
	Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 4/2/2024 9:11:03 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

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 Agency: **Secretary of State**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 4/2/2024 4:24:03 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill establishes n independent redistricting commission. There are many details to the implementation of the mandate of the commission to redistrict congressional and legislative districts each ten years after the decennial Census, but for the purpose of this fiscal note, the aspects that affect the Office of the Secretary of state are:

- a. The proposal of a constitutional amendment on the ballot at the November 2024 election to adopt an entirely new article XV to the Minnesota Constitution; and
- b. The participation of the Office of the Secretary of State in the selection of the initial members of the Commission, every ten years.

The bill presents two alternative methods of implementation of redistricting one if the constitutional amendment is approved, see Article 2, and one of the constitutional amendment is NOT approved, see Article 3. With respect to the secretary of state, the duties are the same.

The portion of the bill mandating a constitutional amendment are found in Article 1, sections 1 and 2. Section 1 sets forth in great detail not covered here the structure, principles to be followed, and duties of the Commission, while section 2 sets the language to appear on the November 2024 general election ballot.

However, section 1 of the proposed Article XV, requires that the secretary of state, before April 1 of each year ending in zero, open a widely publicized process and circulate applications in a manner that encourages wide public participation of eligible residents from different regions of the state to apply for membership on the commission. Applications shall be made available in both electronic and printed forms, in formats accessible for people with disabilities. Applications must be available in commonly spoken languages in the state in addition to English. Applications are public data and shall be made available and posted electronically by the secretary of state. Applications must be received by June 1 of each year ending in zero.

Article 1 also provides, in section 10 of the proposed Article XV, that the commission file three alternative final plans, as well as the finally-adopted plan, if any, with the secretary of state. Section 14 of the proposed Article XV also provides for a citizen to bring a court action to bar the use of the plans, and it is likely that the secretary of state would be the nominal defendant in such an action.

The portions of this bill covering the role of the secretary of state in the selection of the Commission appear in Articles 2 and 3, which adopt statutes implementing the constitutional amendment.

In Article 2, the selection process is detailed in section 2, which parallels the language of the constitutional amendment itself, and directs the secretary of state to open by April 1 of each year ending in zero a widely publicized process to solicit applications of citizens for this commission. This section also sets forth in great detail the information to be provided in the application form as well as requiring the secretary of state to design the form, make it available in both electronic and printed formats, set a deadline for receipt of the applications of June 1 of each year ending in zero, The secretary is then to review the applications for completeness and provide those applications which have met all the requirements to the executive director of the Legislative Coordinating Commission by June 15 of each year ending in zero.

Members of the Independent Redistricting Commission are required to take an oath of office and file that path with the secretary of state prior to serving on the Commission.

Article 2, section 3 provides that if a vacancy on the Commission occurs and the primary method of filling vacancies set forth in section 3 (g) fails, that the secretary of state must reopen the process set forth earlier in Article 2.

Article 3 of this bill establishes a parallel, alternative process, to be used if the constitutional amendment is NOT ratified, and calls the commission by a different name, the Citizens Advisory Redistricting Commission.

With respect to the secretary of state, the functionalities are essentially the same under either article. This set of statutes requires that by January 1, of each year ending in zero, the secretary of state establish a solicitation process similar to that set forth in Article 2, but due on March 1 of that year, and that the reviewed, completed applications must be forwarded to the executive director of the Legislative Coordinating Commission by March 15 if the year ending in zero. While Minnesota Statutes, section 15.0597 is referenced, the process laid out in Article 3, section 2 diverges substantially from that process. After a lengthy selection process, the names of those persons selected as members are to be reported to the secretary of state, and those members must take and file with the secretary of state, an oath prior to taking office as Commission members. A vacancy process like that set forth in Article 2 is also included.

Assumptions

The costs for the selection processes set forth in the constitutional amendment, Article 2 and Article 3, are not to occur until FY30 and FY31. Those are addressed in the long-term portion of this note but are far in the future.

The expenditure portion of this fiscal note covers only the cost of proposing the constitutional amendment. There will be minor programming for the Office of the Secretary of State and more substantial programming, tabulating, printing, and publishing costs to county auditors in preparing the ballots to include the constitutional amendment. Pursuant to section 204B.29, subd.1, there must be more ballots printed than voted for the office in the last election; either ten percent more than the number expected to be cast, or 100 ballots for every 85 voters who voted for the same office in the last election. As 2024 is a presidential election year, and in 2020 there were 3,292,997 persons who voted, a ten percent increase would require that 3,622,297 ballots be printed statewide.

Expenditure and/or Revenue Formula

Constitutional Amendment Election Process: Estimated Secretary of State programming costs for reporting votes cast for the proposed amendment, canvassing the results, and preparing example ballots:

One hour of programmer time @ \$100.00/hour = \$100

One hour of elections administrator time @ \$50/hour = \$50

Total Cost: \$150 (FY25)

The Secretary of State is able to absorb the costs identified as part of ongoing operational activities.

Long-Term Fiscal Considerations

This bill requires substantial expenses whether or not the constitutional amendment passes, to take place in FY 30.

This includes the potential creation of a system for the solicitation, gathering and initial review of applications for positions on the redistricting commission, whichever method is chosen. There are both IT programming costs as well as program staff costs. While it is somewhat speculative to predict what cost rates would be in effect six years from now, as well as what the computing system would look like at that time, if we were to do these functions today, the costs would include 280 hours of computing time, which is currently costed at \$100/ hour, plus 175 hours of program staff time, costed at \$50/hour, for a total of \$36,750 at 2024 rates. Again, applying these rates to expenditures so far in the future would be speculative.

Local Fiscal Impact

There are costs to local government, including for adding the amendment question to the ballot card, programming tabulating machines and counting votes cast, and printing and publishing notices of the constitutional amendment.

The bulk of the costs are for adding the question to 3,622,297 optical scan ballots. It is estimated that there is a five cent per ballot cost for that function.

3,622,297 ballots @ \$.05/ballot/constitutional question = \$181,114.85

If several constitutional amendments are put on the ballot, local election officials may need to provide voters with a second ballot. The number of constitutional amendments that would require any specific jurisdiction to use a second ballot will vary depending upon the number of other races on the ballot. According to the vendor printing most of the ballots in the state, the average cost of printing a second ballot is 29 cents. If all counties had to print second ballots, this would mean printing an additional 3,622,297 ballots for an added cost of approximately \$1,050,466.13 instead of the estimated \$181,114.85 for adding the question to an existing ballot.

References/Sources

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HF4593 - 0 - Ind. Redistricting Cmsn; Constitutional Amendment

Chief Author: **Ginny Klevorn**
 Committee: **Elections Finance & Policy**
 Date Completed: **4/2/2024 9:11:03 PM**
 Agency: **Legislature**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 3/22/2024 2:57:18 PM
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State Cost (Savings) Calculation Details

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Biennial Total			-			-
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Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The bill proposes an amendment to the constitution that would establish an independent citizens' redistricting commission. Article 1 provides the language of the constitutional amendment and includes the question that would be presented to the voters during the 2024 general election.

Article 2 provides the enabling legislation in the event the constitutional amendment is passed. It outlines the process by which members would be selected to serve on the Independent Citizens' Redistricting Commission, covers terms of removal and vacancies, clarifies the duties of the commission, identifies training requirements for commission members, establishes requirements related to public input, outlines responsibilities for the Legislative Coordinating Commission (LCC), creates principles for which redistricting plans must be developed, and provides an appropriation to the LCC for the work of the commission.

The LCC is responsible for receiving applications for the citizens' redistricting commission from the Secretary of State, forming a Redistricting Advisory Group, establishing an Applicant Interview Panel, serving as the secretary for the commission, providing staff and logistical support, publishing redistricting plans, maintaining a public record of the commission activities, providing orientation, and training, and employing personnel.

The Independent Citizens' Redistricting Commission expires upon the appointment of the subsequent commission or ten years after the commission was constituted.

Article 3 establishes a Citizens Advisory Redistricting Commission in the event the constitutional amendment does not pass. It outlines eligibility and process of selection of members of the advisory commission, responsibilities of the commission, role of the LCC, principles of redistricting, the timelines by which the advisory commission must complete its work and provides an appropriation to the LCC.

The Citizens Advisory Redistricting Commission expires 45 days after both a legislative and congressional redistricting plan have been enacted into law or court order; and any legal challenges to the plans have been resolved.

Assumptions

Article 1 and 2: Independent Citizens' Redistricting Commission

If the constitutional amendment passes, then the following costs are projected and provided as secondary cost for consideration:

1. The Office of the Secretary of State (OSS) will publish applications for the citizens' redistricting commission during the period of April 1 through June 1 of years ending in zero and will provide applicants to the LCC by June 15 of the year ending in zero. Any costs associated with the publication of applications will be identified in the fiscal note from the OSS.

2. LCC will convene the Redistricting Advisory Group (group) which is comprised of the executive directors of the eight executive branch councils that are specified in the bill by June 1 of a year ending in zero. The eight members of the group are employees of state entities.
3. The Redistricting Advisory Group will meet four times between June 1 and June 30 to establish applicant pools for the Independent Citizens' Redistricting Commission. It is assumed that meetings of the group will be held in the Capitol complex and that any costs associated with attending the meetings will be covered by the organizations and not addressed in this fiscal note.
4. The LCC will establish the Applicant Interview Panel (panel) which consists of four legislative members of the LCC and the eight members of the Redistricting Advisory Group.
5. The Applicant Interview Panel will meet 3 times to design an objective rating system between June 15 and June 30 of the year ending in zero. These meetings will occur within the Capitol complex.
6. The Applicant Interview Panel will meet ten times, conducting six interviews per day, to interview candidates and one time to select candidates between July 1 and August 1 of the year ending in zero. All meetings will be held during legislative interims. The interviews will be held in the Capitol complex or via remote technology for full-day meetings that will include a working lunch.
7. The bill does not provide for payment of per diems or for the reimbursement of expenses of legislators serving on the panel. However, legislative members could request reimbursement for expenses of engaging in legislative activity. This fiscal note is based on the assumption that the legislative members will be paid per diems and reimbursement for their expenses from the House and Senate. New funds will be needed for the House and Senate.
8. Legislative member meeting participation costs includes the following per member, per legislative interim meeting: per diem (\$86 senators, \$86 representatives), and \$102 round trip mileage (152 round trip mile average). Half of the legislative members will be reimbursed for lodging expenses (\$150/night senators, \$175/night representatives).
9. All members of the Independent Citizens' Redistricting Commission (redistricting commission) will be public members. Public member meeting participation costs include the following per member per meeting expense costs: per diem (\$55/day), \$102 round trip mileage (152 round trip mile average), meals (\$42/day) and lodging for half of the eligible members (\$150/night).
10. Nine members of the redistricting commission will meet by September 1 of a year ending in zero to select the remaining commission members. This meeting will occur within the Capitol complex, and members will be eligible for per diem and expenses.
11. The 15 members of the redistricting commission will meet four times between September 1 and October 30 of the year ending in zero to receive training, develop draft rules of procedure, and receive public comment. These meetings will take place within the capitol complex with the opportunity for remote participation.
12. The commission will host eight community informational town halls across the state in coordination with the Redistricting Advisory Group between November 1 of the year ending in zero and January 15 of the year ending in one. Two meetings will be held in the metro area and six meetings will be held outside of the metro area. The members of the commission will be eligible for per diem and expenses and the Advisory Group will be eligible for expense reimbursement to attend the six meetings outside the metro area. Expenses for advisory group for the six non-metro meetings will be the same as outlined in assumption #9 except for per diem and lodging. As state employees, group members are ineligible for per diem. Since all meetings will be held in non-metro, all members will be expensed for lodging cost incurred. There will be facility costs associated with these town halls.
13. The commission will hold 24 public hearings, with at least 12 held in Greater Minnesota, in different regions of the state between February 1 and June 30 of the year ending in one. There will be facility costs for these meetings and members of the commission will be eligible for per diem and expense reimbursement.
14. The commission must publish preliminary drafts of plans and will hold two public hearings to allow for comment. These public hearings will be held on the Capitol complex with an opportunity for remote participants and are anticipated to occur in July/August of the year ending in one. Commission members will attend the two hearings. Members of the commission will be eligible for per diem and expense reimbursement.
15. The commission will hold two public meetings to consider and adopt final plans by September 15 of a year ending in one. These meetings will be held within the Capitol complex with an opportunity for remote participants.
16. The commission will meet two additional times on the Capitol complex between October 1 and October 15 to consider and adopt the activity and evaluation report required by the bill.
17. The commission is required to post notices of public meetings in local news sources and in languages required under the Voting Rights Act. The commission is also required to make reports available for public comment in multiple languages. Posting and translation costs will be incurred.
18. The commission will need to develop a website and forum to collect public input. The LCC will provide 0.50 FTE of a

technology specialist for the period of July 1 for a year ending in zero through June 30 of a year ending in two to design, develop, and maintain the website and ensure accessibility of information provided.

19. The LCC will hire a full-time assistant director that will be employed for the period of January 1 of years ending in zero through June 30 of years ending in two to perform delegated duties of the executive director of the LCC.
20. The LCC will hire a full-time commission assistant for the period of January 1 of years ending in zero through June 30 of years ending in two to provide logistical and administrative support for the work of the commission.
21. The commission will hire a full-time general counsel that will be employed for the period of October 1 of years ending in zero through June 30 of years ending in two.
22. The LCC will hire a full-time GIS specialist for the period of July 1 of a year ending in zero through June 30 of years ending in two to provide subject matter expertise and mapping services to the commission.
23. Costs for all new staff will include salary, FICA cost and employer contribution for health insurance for the length of their employment but no employer pension contribution since limited term employees cannot participate in MSRS.
24. Existing office space will be used for the new staff but there will be costs for workstation build-out and computer equipment for the new staff in the year ending in zero.
25. Operational costs associated with the new staff include throughout the length of their employment, in part, supplies, specialized software, and professional development/training and travel costs.
26. Foreign language translation and accessibility translation services will be provided as requested by the public for all meetings. Cost will be incurred.
27. The LCC fiscal services office and executive director will dedicate time, that will be absorbed to support the fiscal, human resources, and supervisory activities associated with the work of the commission and associated staff.
28. If the commission is unable to adopt redistricting plans there are requirements for other activities to occur. Those activities would require additional meetings of the commission and result in additional per diem and expenses that are not outlined within this fiscal note.

Article 3, Citizens Advisory Redistricting Commission

If the constitutional amendment does not pass, then the following cost are projected and being provided as secondary costs for consideration:

1. The Office of the Secretary of State (OSS) will publish applications for the citizens' advisory redistricting commission during the period of January 1 through March 1 of years ending in zero and will provide applicants to the LCC by March 15 of the year ending in zero. Any costs associated with the publication of applications will be identified in the fiscal note from the OSS.
2. The LCC will appoint a Redistricting Advisory Group (group) which is comprised of the executive directors of the eight executive branch councils that are specified in the bill by February 15 of a year ending in zero. The eight members of the group are employees of state entities.
3. The Redistricting Advisory Group will meet three times between March 15 and April 1 to screen and sort applications for the Citizens Advisory Redistricting Commission. It is assumed that group meetings will be held in the Capitol complex and that any costs associated with attending the meetings will be covered by the organizations and not addressed in this fiscal note.
4. The executive director of the LCC will provide the applicant pools to the majority and minority leaders of the house and senate by April 1 of a year ending in zero. The leaders will each select five applicants and submit the names to the LCC executive director by April 15. The LCC will make lists of applicants available to all leaders who will then each strike three names as prescribed in the bill by April 29. The remaining eight individuals will serve on the advisory commission. The executive director will then select via lottery the four remaining members to the advisory commission. These activities are expected to occur via letter and will not involve a meeting.
5. All members of the Citizens Advisory Redistricting Commission (redistricting commission) will be public members. Public member meeting participation costs include the following per member per meeting expense costs: per diem (\$55/day), \$102 round trip mileage (152 round trip mile average), meals (\$42/day) and lodging for half of the eligible members (\$150/night).
6. The twelve redistricting commission members will meet no later than May 15 to select six more members. This meeting will be held within the Capitol complex with members eligible for per diem and expenses. *(Note: Line 37.25 indicates that there are 15 members, however there are actually 18 members as per the selection process specified*

in the bill. Eight selected by legislative leadership, four selected by lottery from the LCC executive director, and 6 selected by the 12 members selected by legislative leadership and the LCC executive director.)

7. The members of the redistricting commission will meet 4 times between May 15 and July 1 of the year ending in zero to receive training, develop draft rules of procedure, and receive public comment. These meetings will take place within the Capitol complex with the opportunity for remote participation.
8. The commission will host eight community informational town halls across the state in coordination with the Redistricting Advisory Group between July 1 of the year ending in zero and August 31 of the year ending in one. Two meetings will be held in the metro area and six meetings will be held outside of the metro area. The members of the commission will be eligible for per diem and expenses and the Advisory Group will be eligible for expense reimbursement to attend these meetings. Expenses for advisory group will be the same as outlined in assumption #5 except for per diem. As state employees, group members are ineligible for per diem. There will be facility costs associated with these town halls.
9. The commission will hold 16 public hearings, with at least 8 held in Greater Minnesota, in different regions of the state between September 1 of the year ending in zero and February 15 of the year ending in one. There will be facility costs for these meetings and members of the commission will be eligible for per diem and expense reimbursement. There will be facility costs associated with these meetings.
10. The commission must publish preliminary drafts of plans and will hold one public hearing to allow for comment. This public hearing will be held within the Capitol complex with an opportunity for remote participants and are anticipated to occur in July/August of the year ending in one. Commission members will attend the hearing. Members of the commission will be eligible for per diem and expense reimbursement.
11. The commission will hold two public meetings to consider and adopt final plans by May 1 of a year ending in one. These meetings will be held within the Capitol complex with an opportunity for remote participants. Commission members will attend the two meetings. Members of the commission will be eligible for per diem and expense reimbursement.
12. The commission is required to post notices of public meetings in local news sources and in languages required under the Voting Rights Act. The commission is also required to make reports available for public comment in multiple languages. Posting and translation costs will be incurred.
13. The commission will need to develop a website and forum to collect public input. The LCC will provide 0.50 FTE of a technology specialist for the period of March 1 for a year ending in zero through December 31 of a year ending in one to design, develop, and maintain the website and ensure accessibility of information provided.
14. The LCC will hire a full-time research analyst that will be employed for the period of March 1 of years ending in zero through December 31 of years ending in one to perform delegated duties of the executive director of the LCC.
15. The LCC will hire a full-time commission assistant for the period of March 1 of years ending in zero through December 31 of years ending in one to provide logistical and administrative support for the work of the commission.
16. The commission will hire a full-time general counsel that will be employed for the period of March 1 of years ending in zero through December 31 of years ending in one.
17. The LCC will hire a full-time GIS specialist for the period of March 1 of a year ending in zero through December 31 of years ending in one to provide subject matter expertise and mapping services to the commission.
18. The commission will meet two additional times on the Capitol complex within 30 days of the enactment into law or adoption by court order of a redistricting plan to consider and adopt the activity and evaluation report required by the bill. Meetings will be held prior to June 30 of the year ending in one.
19. The LCC fiscal services office and executive director will dedicate time, that will be absorbed to support the fiscal, human resources, and supervisory activities associated with the work of the commission and associated staff.
20. Costs for all new staff will include salary, FICA cost and employer contribution for health insurance for the length of their employment but no employer pension contribution since limited term employees cannot participate in MSRS.
21. Existing office space will be used for the new staff but there will be costs for workstation build-out and computer equipment for the new staff in the year ending in zero.
22. Operational costs associated with the new staff include throughout the length of their employment, in part, supplies, specialized software, and professional development/training and travel costs.
23. Foreign language translation and accessibility translation services will be provided as requested by the public for all meetings. Cost will be incurred.
24. If the original plan submitted by the commission is not adopted by the legislature and signed into law by the governor there are requirements for the commission to submit two additional plans. If those plans are not adopted, the commission must submit a plan to the courts by October 1 of a year ending in one. Those activities would require

additional meetings of the commission and result in additional per diem and expenses that are not outlined within this fiscal note.

Expenditure and/or Revenue Formula

The following are the projected secondary costs associated with articles 1 and 2 of the bill (if constitutional amendment passes).

<u>Member Meeting Participation Cost</u>			
Cost Category	FY30	FY31	FY32
Subtotal Redistricting Advisory Cmtee Member Meeting Participation Cost	0	14,104	0
Senate Mbrs Applicant Interview Panel Member Meeting Participation Cost	0	1,577	5,782
House Mbrs Applicant Interview Panel Member Meeting Participation Cost	0	1,652	6,057
Subtotal Applicant Interview Panel Member Meeting Participation Cost	0	3,229	11,840
Subtotal Independent Citizens' Redistricting Cmsn Meeting Participation Cost	0	153,113	25,096
Total Member Mtg Participation Cost for All Three Entities (rounded)	0	174,000	49,000
<u>Staffing Cost</u>			
Cost Category	FY30	FY31	FY32
LCC Tech Specialist, New Staff (.50 FTE FY31, .50 FTE FY32)	0	58,998	58,998
LCC Assistant Director, New Staff (.50 FTE FY30, 1.0 FTE FY31, 1.0 FTE FY32)	80,301	160,660	160,660
LCC Commission Assistant, New Staff (.50 FTE FY30, 1.0 FTE FY31, 1.0 FTE FY32)	54,611	109,281	109,281
LCC General Counsel, New Staff (.75 FY31, 1.0 FY32)	0	115,092	153,434
LCC GIS Specialis, New Staff (.50 FTE FY30, 1.0 FTE FY31, 1.0 FTE FY32)	74,351	74,351	148,672
LCC executive director, Existing Staff, Cost Absorbed (.25 FTE FY30, .30 FTE FY31, .10 FTE FY32)	62,392	74,872	24,964
LCC fiscal support, Existing Staff, Cost Absorbed (.10 FY30, .20 FY31, .10 FY32)	14,544	29,090	14,547
Total Staff Cost (rounded)	286,000	622,000	671,000

Total Staff Cost Absorbed (existing staff)	(77,000)	(104,000)	(40,000)
Net Staff Cost (rounded)	209,000	518,000	631,000
<u>Office Set Up and Operational cost</u>			
Cost Category	FY30	FY31	FY32
Office Set Up Cost (Build-Out, Equipment)	65,000	0	0
Software, Supplies, Staff Travel	16,350	9,000	2,000
Community Meeting Room Facility Rental Cost	0	32,000	0
Public Notice Publications	0	5,000	5,000
Translation & Accommodations	0	25,000	15,000
Total Office Set Up and Operational Cost (Rounded)	81,000	71,000	22,000
<u>Total Cost</u>			
Cost Category	FY30	FY31	FY32
Total Member Mtg Participation Cost for All Three Entities (rounded)	0	174,000	49,000
Total Office Set Up and Operational Cost (Rounded)	81,000	71,000	22,000
Total Staff Cost (rounded)	286,000	622,000	671,000
Total Cost (rounded)	367,000	867,000	742,000
Total Cost Absorbed, Existing Staff (rounded)	(77,000)	(104,000)	(40,000)
Net Total Cost (rounded)	290,000	763,000	702,000
	FY30	FY31	FY32
Total New FTEs	1.50	4.25	4.50

The following are the projected secondary costs associated with article 3. of the bill (if constitutional amendment does not pass).

<u>Member Meeting Participation Cost</u>			
Cost Category	FY30	FY31	FY32
Subtotal Redistricting Advisory Cmtee Member Meeting Participation Cost	0	18,806	0
Subtotal Citizens Advisory Redistricting Cmsn Member Meeting Participation Cost	23,003	133,086	9,774
Total Member Mtg Participation Cost for All Two Entities (rounded)	23,000	152,000	10,000
<u>Staffing Cost</u>			
Cost Category	FY30	FY31	FY32
LCC Tech Specialist, New Staff (.16 FTE FY30, .50 FTE FY31, .16 FTE FY32)	18,873	58,998	18,899
LCC Research Analyst, New Staff (.33 FTE FY30, 1.0 FTE FY31, .50 FTE FY32)	48,999	148,560	74,339
LCC Commission Assistant, New Staff (.33 FTE FY30, 1.0 FTE FY31, .50 FTE FY32)	36,037	109,281	54,700
LCC General Counsel, New Staff (.33 FTE FY30, 1.0 FY31, .50 FY32)	50,624	153,486	76,802
LCC GIS Specialis, New Staff (.33 FTE FY30, 1.0 FTE FY31, .50 FTE FY32)	49,065	148,760	74,439
LCC executive director, Existing Staff, Cost Absorbed (.25 FTE FY30, .30 FTE FY31, .10 FTE FY32)	62,392	74,872	24,964
LCC fiscal support, Existing Staff, Cost Absorbed (.10 FY30, .20 FY31, .10 FY32)	14,544	29,090	14,547
Total Staff Cost (rounded)	281,000	723,000	339,000
Total Staff Cost Absorbed, Existing (rounded)	(77,000)	(104,000)	(40,000)
Net Staff Cost (rounded)	204,000	619,000	299,000
<u>Office Set Up and Operational cost</u>			
Cost Category	FY30	FY31	FY32

Office Set Up Cost (Build-Out, Equipment)	65,000	0	0
Software, Supplies, Staff Travel	16,000	4,000	1,000
Community Meeting Room Facility Rental Cost	0	24,000	0
Public Notice Publications	0	5,000	0
Translation & Accommodations	0	25,000	0
Total Office Set Up and Operational Cost (Rounded)	81,000	58,000	1,000
<u>Total Cost</u>			
Cost Category	FY30	FY31	FY32
Total Member Mtg Participation Cost for both Two Entities (rounded)	23,000	152,000	10,000
Total Office Set Up and Operational Cost (Rounded)	81,000	58,000	1,000
Total Staff Cost (rounded)	281,000	723,000	339,000
Total Cost (rounded)	385,000	933,000	350,000
Total Cost Absorbed, Existing Staff (rounded)	(77,000)	(104,000)	(40,000)
Net Total Cost (rounded)	308,000	829,000	310,000
	FY30	FY31	FY32
Total New FTEs	1.48	4.50	2.16

Long-Term Fiscal Considerations

Redistricting activities occur every ten years.

Local Fiscal Impact

N/A

References/Sources

Chris Cantey, Legislative Coordinating Commission

Michelle Yurich, Legislative Coordinating Commission

Agency Contact: Diane Henry-Wangenstein

Agency Fiscal Note Coordinator Signature: Diane Henry

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HF4593 - 0 - Ind. Redistricting Cmsn; Constitutional Amendment

Chief Author: **Ginny Klevorn**
 Committee: **Elections Finance & Policy**
 Date Completed: **4/2/2024 9:11:03 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 4/2/2024 7:50:53 AM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

HF4593 (the “bill”) proposes a constitutional amendment to article IV, section 3 of the Minnesota Constitution to establish an independent citizens’ redistricting commission and remove the legislature as the body responsible for prescribing the bounds of congressional and legislative districts. The bill further amends the Minnesota Constitution through the inclusion of Article XV, which outlines the application, eligibility, appointment, and removal process for the 15 public members of the Independent Citizens’ Redistricting Commission (the “Commission”). Article XV also identifies the public hearing requirements, the acceptable data for determining congressional or legislative districts, and the process for adopting a final plan.

Article XV, Section 14, indicates the Minnesota Supreme Court shall have original and exclusive jurisdiction in all proceedings in which a certified final map is challenged or is claimed not to have taken timely effect. Any registered voter may file a petition for a writ of mandate or writ of prohibition to bar the secretary of state from implementing the plan. The Minnesota Supreme Court is directed to give priority to ruling on a petition for a writ of mandate or a write of prohibition filed pursuant to this section and may direct the Commission draft a remedial plan and establish the deadlines for it to do so.

Article 2 of the bill adds Minn. Stat. §§ 2A.20 to 2A.25 to implement Article XV of the Minnesota Constitution and establishes the process for the selection and governance of the Commission. Specific to the Minnesota Judicial Branch, individuals who serve as a judge of district court, the court of appeals, or the supreme court will be removed from the Commission’s applicant pool. These individuals are also prohibited from applying to be on the Commission if they served in a judicial role within 10 years of submitting their application. Minn. Stat. § 2A.23 defines the duties of each commissioner, including their required trainings and conflict disclosure expectations. The bill identifies the Commission as being subject to chapter 13, chapter 13D, and Minn. Stat. § 138.17. Under Minn. Stat. § 2A.23, subd. 23 (“Criminal liability as public officers”), members of the Commission exercise the functions of a public officer for the purposes of sections 609.415 to 609.4751. The bill repeals Minn. Stat. § 2.91, subd. 1 (“Distribution”).

Article 3 of the bill adds Minn. Stat. § 21.30 to 2A.33 to address the eligibility, membership, appointment, and governance of

the Citizen Advisory Redistricting Commission if the constitutional amendment proposed in article 1 is not ratified. Similar to article 2, the bill provides that if the legislature and governor have not approved a plan for a congressional or legislative district by October 1 of the year ending in one, then the advisory commission must submit a map approved by the commission to the Minnesota Supreme Court for review for adherence to state constitution and statutes. If the legislature and governor have neither rejected the Commission plans three times, nor approved the commission plans by the statutory required date for plan approval as provided in section 204B.14, and the court has found the Commission plan to meet all legal requirements, then the court shall order implementation of the commission plan in the absence of a legislative plan. If a court enjoins the use of a plan after the advisory commission expires, the court enjoining the plan may direct a new commission to be appointed under this section to draft a remedial plan for presentation to the legislature in accordance with deadlines established by the court’s order.

Assumptions

It is assumed that even if 1/3 of the Commission members' alleged actions result in criminal cases being filed in district court, that it will not require any additional judicial officers or court staff to process these cases due to the consistently low rate of charges being filed under sections 609.415 to 609.4751. For example, since 2019, there have only been 8 charges filed in the entire state under Minn. Stat. § 609.43, subd. 4 ("Public officer/employee--make a false document"), 4 charges filed under Minn. Stat. § 609.42, subd. 1 ("Bribery"), and 3 charges filed under Minn. Stat. § 609.43, subd. 1 ("Public officer fail to perform duty").

It is assumed that the Minnesota Supreme Court will review and process applications for writs of mandamus and prohibition under this bill as outlined under Rule 120 of the Minnesota Rules of Appellate Procedure and that it will continue to be considered an "extraordinary remedy used in only extraordinary cases." [https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1965118464&pubNum=0000595&originatingDoc=lb7b83c293b7111dcaba8d9d29eb57eff&refType=RP&fi=co_pp_sp_595_46&originationContext=document&transitionType=DocumentItem&ppcid=3c886ccb9cc2489bb1ee5c81fb4d5d5c&contextData=\(sc.PinpointBestHeadnote\)#co_pp_sp_595_46](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1965118464&pubNum=0000595&originatingDoc=lb7b83c293b7111dcaba8d9d29eb57eff&refType=RP&fi=co_pp_sp_595_46&originationContext=document&transitionType=DocumentItem&ppcid=3c886ccb9cc2489bb1ee5c81fb4d5d5c&contextData=(sc.PinpointBestHeadnote)#co_pp_sp_595_46). While the supreme court is directed to give priority to ruling on a petition for a writ of mandate or a writ of prohibition filed pursuant to this bill, it is not anticipated that any resulting potential shift in the court's calendar to prioritize these writs will cause a fiscal impact.

Although the bill establishes the right for "any registered voter" in the state to file a petition for a writ of mandate or writ of prohibition to bar the secretary of state from implementing a redistricting plan, it is assumed that the number of petitions filed with the Minnesota Supreme Court will be consistent with other states that have implemented similar legislation involving redistricting commissions and result in 1-4 additional case filings per year. Based on information obtained from a Westlaw search, in the last two years the Supreme Court of Wisconsin had four case filings related to redistricting commissions in 2023 and one in 2022; the Supreme Court of Ohio had one case in 2023 and six in 2022; the Supreme Court of Alaska had one case in 2023; the Supreme Court of New Jersey had two cases in 2022; the Supreme Court of North Carolina had one case in 2023; and the Supreme Court of Kansas had one case in 2022. A similar increase in case filings with the Minnesota Supreme Court would be absorbed by the Minnesota Judicial Branch.

It is assumed the Commission shall comply with chapter 13 (Government Data Practices Act), chapter 13D (Open Meeting Law), and Minn. Stat. §138.17 (government records administration). Any alleged violations of these provisions are not expected to result in a noticeable increase in case filings in district court, as causes of action existed under these chapters prior to this bill and have resulted in a maximum of 4 case filings in one year (in 2020). It is anticipated any additional cases filed as a result of this bill will not require any additional staff or resources and will be absorbed by the Minnesota Judicial Branch.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a significant fiscal impact on the Minnesota Judicial Branch, and any potential increase in case filings as a result of this bill will be absorbed.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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