

Sixty-first
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representative Mock

1 A concurrent resolution to create and enact a new section to article IV of the Constitution of
2 North Dakota, relating to the establishment of an independent legislative redistricting
3 commission; and for the amendment of sections 2, 3, and 4 of article IV of the Constitution of
4 North Dakota, relating to legislative redistricting and the term of office of senators and
5 representatives.

6 STATEMENT OF INTENT

7 This measure establishes an independent legislative redistricting commission to perform
8 redistricting of the legislative assembly after each federal decennial census and provides that
9 the entire legislative assembly must be elected at the first general election after a new
10 legislative redistricting plan is implemented.

11 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE 12 SENATE CONCURRING THEREIN:

13 That the following proposed new section to article IV of the Constitution of North Dakota
14 and the following proposed amendments to sections 2, 3, and 4 of article IV of the Constitution
15 of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota
16 at the general election to be held in 2010, in accordance with section 16 of article IV of the
17 Constitution of North Dakota.

18 **SECTION 1. AMENDMENT.** Section 2 of article IV of the Constitution of North Dakota
19 is amended and reenacted as follows:

20 **Section 2.** The independent legislative assembly redistricting commission shall fix the
21 number of senators and representatives and divide the state into as many senatorial districts of
22 compact and contiguous territory as there are senators. ~~The districts thus ascertained and~~
23 ~~determined after the 1990 federal decennial census shall continue until the adjournment of the~~
24 ~~first regular session after each federal decennial census, or until changed by law.~~

1 ~~The legislative assembly shall guarantee, as nearly as is practicable, that every elector~~
2 ~~is equal to every other elector in the state in the power to cast ballots for legislative candidates.~~

3 A senator and at least two representatives must be apportioned to each senatorial district and
4 be elected at large or from subdistricts from those districts. The independent legislative
5 ~~assembly~~ redistricting commission may combine two senatorial districts only when a single
6 member senatorial district includes a federal facility or federal installation, containing over
7 two-thirds of the population of a single member senatorial district, and may provide for the
8 election of senators at large and representatives at large or from subdistricts from those
9 districts.

10 **SECTION 2. AMENDMENT.** Section 3 of article IV of the Constitution of North Dakota
11 is amended and reenacted as follows:

12 **Section 3.** The independent legislative ~~assembly~~ redistricting commission shall
13 establish ~~by law~~ a procedure whereby one-half of the members of the senate and one-half of
14 the members of the house of representatives, as nearly as is practicable, are elected biennially.
15 At the first general election after the implementation of a new legislative redistricting plan, there
16 must be a new election of all senators and representatives. To effectuate the staggering of
17 terms as required by this section, the commission may establish initial terms of two years for
18 one-half of the members of the senate and one-half of the members of the house of
19 representatives, as nearly as practicable, as part of a new legislative redistricting plan.

20 **SECTION 3. AMENDMENT.** Section 4 of article IV of the Constitution of North Dakota
21 is amended and reenacted as follows:

22 **Section 4.** ~~Senators~~ Except as provided in section 3 of this article, senators and
23 representatives must be elected for terms of four years.

24 **SECTION 4.** A new section to article IV of the Constitution of North Dakota is created
25 and enacted as follows:

- 26 1. The independent legislative redistricting commission consists of one district judge
27 from each judicial district selected by the chief justice of the supreme court by lot
28 and one member appointed by the individual chairing the department of geography
29 at the university of North Dakota, who must be approved by a majority vote of the
30 district judges selected to serve on the commission. The members of the
31 commission must be selected before November thirtieth of each year during which

1 the federal decennial census was taken. An individual selected to serve on the
2 commission may not have sought or held a legislative or a statewide elective office
3 at any time during the five years preceding appointment to the commission. The
4 name of a member of the commission may not be printed on the ballot as a
5 candidate for legislative office within two years after the individual has completed
6 service on the commission. The member appointed by the individual chairing the
7 geography department at the university of North Dakota shall serve as chairman of
8 the commission. The members shall select a vice chairman from the remaining
9 members.

10 2. A member of the commission who is a district judge may be removed by the chief
11 justice for substantial neglect of duty, gross misconduct in office, or inability to
12 discharge the duties of office. If a vacancy arises on the commission due to the
13 removal of a member or due to the death or resignation of a member, a successor
14 must be selected within fifteen days through the same manner as provided for the
15 initial selection.

16 3. Five members of the commission constitute a quorum and five or more affirmative
17 votes are required for any official action to approve a redistricting plan.

18 4. The commission shall establish a legislative district plan by creating districts of
19 equal population in a gridlike pattern across the state. The commission may make
20 adjustments to the grid as necessary to accommodate the following goals:

21 a. Districts must guarantee, as nearly as practicable, that every elector is equal
22 to every other elector in the state in the power to cast ballots for legislative
23 candidates and must comply with the United States Constitution.

24 b. Districts must be geographically compact and contiguous to the extent
25 practicable.

26 c. Districts must respect communities of interest to the extent practicable.

27 d. District lines must be based upon visible geographic features, political
28 subdivision boundaries, and undivided census tracts to the extent practicable.

29 e. District lines may not be based on the political affiliation of voters, voting data
30 from previous elections, the location of incumbents' residences, or the race,
31 ethnicity, or national origin of voters unless otherwise required by federal law.

- 1 f. District numbering must be designed so that a city that has multiple districts is
2 split as evenly as is practicable between even-numbered and odd-numbered
3 districts.
- 4 5. Before July first of the year following the year in which the federal decennial
5 census was taken, the commission shall release proposed redistricting plans for a
6 thirty-day public comment period. The commission shall hold public hearings
7 during the comment period and consider recommendations before establishing the
8 final district boundaries.
- 9 6. The commission shall file with the secretary of state an approved redistricting plan
10 for the legislative assembly no more than sixty days following the close of the
11 public comment period, and the plan is effective upon filing with the secretary of
12 state. Upon the filing of a redistricting plan by the commission, the commission
13 shall dissolve. If a court enters a final judgment enjoining the use of a redistricting
14 plan prepared under this article, the commission shall reconvene promptly and
15 prepare, approve, and file with the secretary of state a revised plan within sixty
16 days of the judgment.
- 17 7. Except for revisions to a redistricting plan required as a result of a court entering a
18 final judgment enjoining use of a redistricting plan, a plan approved by the
19 commission must remain unaltered until a new commission is formed following the
20 next federal decennial census.
- 21 8. The legislative assembly shall appropriate funds necessary for the operation of the
22 commission and the efficient performance of the commission's duties. The
23 legislative assembly shall provide expense reimbursement to commission
24 members during periods of service of the commission as provided for other state
25 officers and employees.