

HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representative Metcalf

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 member
27 appointed by each of the presiding judges from each judicial district and one
28 member appointed by the chief justice of the supreme court. Before March first of
29 each year following the year in which the federal decennial census was taken,
30 each presiding judge and the chief justice shall appoint the members of the
31 commission. An individual appointed to serve on the commission may not have

- 1 sought or held a legislative or a statewide elective office at any time during the five
2 years preceding appointment to the commission or been registered as a lobbyist
3 for one year preceding appointment. The name of a member of the commission
4 may not be printed on the ballot as a candidate for legislative office within two
5 years after the individual has completed service on the commission. The member
6 appointed by the chief justice shall serve as chairman of the commission.
- 7 2. A member of the commission may be removed by the chief justice for substantial
8 neglect of duty, gross misconduct in office, or inability to discharge the duties of
9 office. If a vacancy arises on the commission due to the removal of a member or
10 due to the death or resignation of a member, the individual who appointed the
11 member or that individual's successor shall fill the vacancy by appointing a new
12 member.
- 13 3. Five members of the commission constitute a quorum and five or more affirmative
14 votes are required for any official action to approve a redistricting plan.
- 15 4. The commission shall establish a legislative district plan by creating districts of
16 equal population in a gridlike pattern across the state. The commission may make
17 adjustments to the grid as necessary to accommodate the following goals:
- 18 a. Districts must guarantee, as nearly as practicable, that every elector is equal
19 to every other elector in the state in the power to cast ballots for legislative
20 candidates and must comply with the United States Constitution.
- 21 b. Districts must be geographically compact and contiguous to the extent
22 practicable.
- 23 c. Districts must respect communities of interest to the extent practicable.
- 24 d. District lines must be based upon visible geographic features, political
25 subdivision boundaries, and undivided census tracts to the extent practicable.
- 26 e. District lines may not be based on the political affiliation of voters, voting data
27 from previous elections, the location of incumbents' residences, or the race,
28 ethnicity, or national origin of voters unless otherwise required by federal law.
- 29 5. Before July first of the year following the year in which the federal decennial
30 census was taken, the commission shall release proposed redistricting plans for a
31 thirty-day public comment period. The commission shall hold public hearings

- 1 during the comment period and consider recommendations before establishing the
2 final district boundaries.
- 3 6. The commission shall file with the secretary of state an approved redistricting plan
4 for the legislative assembly no more than sixty days following the close of the
5 public comment period. Upon the approval of a redistricting plan by the
6 commission, the commission shall dissolve. If a court enters a final judgment
7 enjoining the use of a redistricting plan prepared under this article, the commission
8 shall reconvene promptly and prepare, approve, and file with the secretary of state
9 a revised plan within sixty days of the judgment.
- 10 7. Except for revisions to a redistricting plan required as a result of a court entering a
11 final judgment enjoining use of a redistricting plan, a plan approved by the
12 commission must remain unaltered until a new commission is formed following the
13 next federal decennial census.
- 14 8. The legislative assembly shall appropriate funds necessary for the operation of the
15 commission and the efficient performance of the commission's duties. The
16 legislative assembly shall provide compensation and expense reimbursement to
17 commission members during periods of service of the commission as provided for
18 other state officers and employees.