

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Wieland

1 A BILL for an Act to amend and reenact sections 11-07-01, 11-07-02, and 11-07-03, and the
2 repeal of 11-07-03.1 of the North Dakota Century Code, relating to county commissioner
3 redistricting.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 11-07-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-07-01. County redistricting board - Membership - Powers.** The redistricting
8 board shall be composed of the following members:

- 9 1. The chairman of the board of county commissioners, who shall act as chairman of
10 the redistricting board.
- 11 2. The state's attorney.
- 12 3. A citizen or member of the governing body selected by the governing body of the
13 city having the largest population, according to the most recent federal decennial
14 census, in the county.
- 15 4. A township supervisor selected by the township supervisors at a meeting called by
16 the county auditor, if more than one-half of the townships are organized, whose
17 service upon the board shall be contingent upon that person's service in office as a
18 township supervisor, or a citizen member at large appointed by the county
19 commission if less than one-half of the townships are organized.
- 20 5. A citizen at large selected by representatives of each of the cities of the county,
21 excluding the largest city, if there is a total of at least three incorporated cities in
22 such county. Such representatives shall consist of one member of and selected by
23 the governing body of each of the cities in the county, other than the largest city.
24 The selection of the member of the redistricting board shall be made at a meeting

called by the county auditor for such purpose. In the event there is not a total of three cities in the county, or that the selection is not made at the meeting called by the county auditor, such citizen at large shall be selected by the redistricting board at its first meeting. Such citizen at large shall serve until the time of the next decennial redistricting.

6. The county auditor, or such other county official responsible for conducting elections within the county, as an ex-officio, non-voting member for the purpose of advising the redistricting board on other existing election districts and precinct boundaries.

Vacancies upon the board shall be filled in the same manner as in the case of original selection. Such board may change the boundaries of the commissioners' districts of the county in accordance with the provisions of this chapter.

SECTION 2. AMENDMENT. Section 11-07-02 of the North Dakota Century Code is amended and reenacted as follows:

11-07-02. When districts must be changed - Additional meeting - Public hearing - Notice. Each redistricting board shall, within three months after official publication of each federal decennial census, meet at the call of the chairman to organize as provided in this chapter and to consider redistricting, unless the county commissioners are currently elected at large pursuant to subsection 11-07-03(3) and neither a resolution of the board of county commissioners or a citizen petition pursuant to this section has called for such meeting. A redistricting board may additionally meet during a census interim if a resolution calling for a meeting is passed by the board of county commissioners or a petition calling for a meeting signed by ten percent of the qualified electors of the county as determined by the number of votes cast for governor in the last gubernatorial election is presented to the board of county commissioners. If any one district in the county varies more than ten percent from the average population per commissioner in such county determined by dividing the total population of the county at the last federal decennial census by the number of commissioners' districts in such county, or if county commissioners are elected at large, the redistricting board shall redistrict the county, as provided in this chapter. If redistricting of a county is required, the chairman of the redistricting board shall, within no less than thirty days after the date of the above meeting prior to the filing of the plan pursuant to section 11-07-03, call a meeting for the purpose of

conducting a public hearing to review alternative plans for such redistricting. Notice of such meeting shall be published or caused to be published by the chairman in the official county newspaper at least ten days prior to the date of such hearing.

SECTION 3. AMENDMENT. Section 11-07-03 of the North Dakota Century Code is amended and reenacted as follows:

11-07-03. Method of redistricting - Election of commissioners at large if redistricting not accomplished by time certain. The redistricting board shall provide for the election of county commissioners as follows:

1. In redistricting a county, the redistricting board shall make the districts contiguous following township lines where practicable, as regular and compact in form as practicable, and as substantially equal in population as possible. ~~In no event shall every district be formed in such a manner that the population of cities located within every district exceeds the population of the district area outside the cities in every district.~~ In no event shall any commissioner's district vary in population more than ten percent from the average population per commissioner as determined in section 11-07-02, and any variance from the average population shall be justified in the statement filed pursuant to this section.

2. If the redistricting board determines that redistricting pursuant to the previous subsection is impossible or would create illogical or impractical districts, the redistricting board shall attempt to make districts of as nearly equal populations as is practicable, but such districts, when created wholly within the boundaries of a city, may coincide with the geographical boundaries of election wards. All of the candidates seeking the office of county commissioner in a count redistricted pursuant to this section shall be voted upon by the qualified electors of the entire county, but one of the commissioners to be elected must reside in each of the commissioner's districts created pursuant to this section. The official ballot shall designate the commissioner district of each candidate by having printed thereon the words of "of commissioner district _____" in close proximity to the candidate's name. When person are seeking nomination as candidates for the office of county commissioner at a primary election, the two candidates from each of the commissioner's districts receiving the highest number of votes will be

1 deemed nominated. If only one candidate is seeking nominating from a particular
2 commissioner district, that candidate will be deemed nominated following
3 redistricting pursuant to this subsection, the board of county commissioners may
4 combine two or more of the districts so created by resolution passed by a majority
5 of the total membership of the board. In the event that two or more commissioners'
6 districts are combined, the number of commissioners elected who must reside in
7 the combined, the number of districts combined. In the event that a county
8 commissioner shall change the place of residence within the county after election
9 from a particular district, the commissioner shall be allowed to complete the
10 remainder of the term of office. Candidates elected as county commissioners on a
11 staggered basis as provided in section 11-07-07 shall be elected at large, but must
12 reside in the same districts as the commissioners whom they are to succeed if
13 office.

14 The geographical boundaries of new districts created by the redistricting board shall be agreed
15 upon by a majority of such board. Redistricting shall be completed by the filing, by the
16 chairman of the redistricting board, of an accurate description of the approved geographical
17 boundaries and a statement of the population of the new districts, including an explanation of
18 any variances, with the county auditor by April first of an even-numbered year to be effective for
19 that year's elections.

20 3. In the event that redistricting is required but not completed in the manner
21 prescribed in ~~this chapter~~ the previous subsections, all commissioners' districts in
22 such county shall be abolished and, notwithstanding the provisions of section
23 11-11-02, thereafter county commissioners for such county shall be elected at
24 large without regard to district representation in the manner and at the time
25 provided in this title and shall continue to be elected at large until a proper
26 redistricting plan is filed as required by this chapter. ~~Notwithstanding the~~
27 ~~provisions of this section, the redistricting board shall redistrict in the manner~~
28 ~~provided in section 11-07-03.1 if so directed by the board of county commissioners~~
29 ~~acting pursuant to that section.~~

30 The geographical boundaries of new districts created by the redistricting board shall be agreed
31 upon by a majority of such board. Redistricting shall be completed by the filing, by the

1 chairman of the redistricting board, of an accurate description of the redistricting method
2 employed, the approved geographical boundaries and a statement of the population of the new
3 districts, including an explanation of any variances, with the county auditor by ~~April~~ January first
4 of an even-numbered year to be effective for that year's elections.

5 **SECTION 4. REPEAL.** Section 11-07-03.1 of the North Dakota Century Code is
6 repealed.