

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE REDISTRICTING COMMITTEE

Friday, September 16, 2011
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Ray Holmberg, Randel Christmann, Dwight Cook, Tony Grindberg, Jerry Klein, Stanley W. Lyson, Ryan M. Taylor, John Warner; Representatives Larry Bellew, Bill Devlin, Richard Holman, Nancy Johnson, Jim Kasper, Jerry Kelsh, David Monson, Mike Nathe

Others present: See attached [appendix](#)

It was moved by Senator Grindberg, seconded by Representative Kasper, and carried on a voice vote that the minutes of the August 23-24, 2011, meeting be approved as distributed.

At the request of Chairman Holmberg, Mr. John Bjornson, Committee Counsel, said he would provide to committee members, via e-mail, copies of all maps reviewed at the meeting. He also said the minutes for the August 23-24, 2011, meeting, include a link to Google Earth overlays in addition to the PDF maps.

At the request of Chairman Holmberg, Representative Nathe presented a [plan](#) for Bismarck and the surrounding area. He said this plan makes additional changes to the previously presented plan for District 47. He said this plan would include the Gateway Mall area in District 7, which would be the newly created district. He said another difference between this plan and the previously presented plan is that this plan includes the entire city of Lincoln in District 7.

Chairman Holmberg called on Mr. Kevin Glatt, Auditor, Burleigh County. Mr. Glatt said he would like to see a plan that can provide county voters with a positive voting experience. He said using anything but discernable boundaries gives citizens the impression that district boundaries were manipulated to create partisan, incumbent-protected districts. He said to do otherwise does not promote a positive voting experience. If people do not feel good about voting, he said, they will not vote. He said under this plan, the boundary between District 47 and the new District 7, which is near the Gateway Mall area, is not an easily discernable district line. He said the lines in the area are confusing and would leave one part of a neighborhood in one district while neighbors in another cul-de-sac would live in the other district. He said people like to vote with their neighbors and want to be voting for the same candidates as their neighbors.

Mr. Glatt said hard work has been done statewide to increase voter turnout. When a district boundary is

not easily discernable, he said, voter turnout is affected. He also expressed concern about the district boundary south of Lincoln. He said because Lincoln is a rapidly growing city, he would like to see the boundary for the district extend beyond Lincoln's city limits. He said boundaries that do not follow easily discernable streets make elections difficult to administer for elections workers.

Senator Holmberg said the committee is required to use the city boundaries that were in place at the time of the 2010 census.

Mr. Glatt said some of the precinct boundaries in Bismarck, such as the precincts with polling places at Northridge Elementary School and Grimsrud Elementary School, have been established precinct boundaries for 30 years. He said these established precincts have very good voter turnout. He said this plan would divide those precincts.

In response to a question from Senator Taylor, Mr. Glatt said voter turnout is due in part to the issues and candidates on the ballot and in part to comfortable, discernable district lines.

Senator Christmann said the committee must follow federal rules and use census blocks in creating boundaries even if those census blocks do not follow discernable lines.

Senator Taylor said he would like Mr. Glatt's proposal included as a submitted plan.

In response to a question from Representative Kasper, Mr. Glatt said even though the number of people who vote early or vote by mail continues to increase statewide, about 70 percent of voters still vote at the polls on election day.

Senator Holmberg said when a new district is created, lines have to change. He said it is the county auditor's role to create the precincts based upon the legislative districts created by the Legislative Assembly.

In response to a question from Senator Christmann, Mr. Glatt said it would be helpful if the District 7 boundary south of Lincoln were moved farther south.

Chairman Holmberg called on Representative Lawrence R. Klemin for comments regarding the plan for District 47 and the new proposed District 7. He said the area near the Gateway Mall was included in District 7 to keep District 47 within the required deviation. He said Interstate 94 seems to be a logical demarcation for the southern boundary of District 47. He said District 47 has grown significantly in the last

10 years. He said the proposed changes are needed to keep the district within the required deviation even if the boundaries do not follow major roads.

In response to a question from Representative Kelsh, Mr. Bjornson said the courts generally have not ruled on any redistricting cases that involve challenges relating to the mixing rural and urban areas.

At the request of Chairman Holmberg, committee counsel distributed a paper copy of a statewide template. Chairman Holmberg reviewed the [statewide template](#). He said because of the growth in Williston, some of the people who are currently in District 1 would be moved to District 2. He said under the template District 2 would retain Burke County. He said District 4 needs additional work in how it interfaces with District 8. He said the Garrison area also needs work. Under the template, he said, District 6 would include Renville, Bottineau, and McHenry Counties. He said District 9 would include the Turtle Mountain Indian Reservation. He said no additional changes are anticipated for District 9. He said District 14 would include Pierce, Sheridan, Wells, and Kidder Counties and part of Benson County. He said District 8 would include most of rural Burleigh County. He said District 28 would keep Emmons, Logan, and McIntosh Counties together, as well as parts of Dickey and LaMoure Counties. He said District 29 would include rural Stutsman County. He said District 12, which includes the city of Jamestown, would include Bloom Township. He said District 23 would include Nelson, Griggs, and Steele Counties, as well as parts of Benson and Eddy Counties. He said this district would include the Spirit Lake Indian Reservation area. He said District 15 would include Ramsey and Towner Counties. He said additional work is needed on the boundary between District 10 and District 19. He said District 20 is in the difficult position of being situated between two large counties. He said this template would split the Grand Forks Air Force Base into two districts. He said District 20 would include northern Cass County, as it has done in the past. He said District 24 would include all of Barnes County and part of southern Cass County. He said the plan does not propose significant changes in the west river area. Because the populations of Dickinson and Mandan have increased, he said, some people in those cities would be moved into the next district. He said District 39 would continue to include six whole counties.

Representative Devlin said at least six counties that were split last time would be whole under this plan.

Representative Kelsh said under the template, Dickey County is split into three districts. He said the committee may want to consider additional changes to that area to split the county into two districts rather than three. Senator Holmberg said if Dickey County can be limited to two districts, it should be.

Chairman Holmberg said the committee will need to be specific on legislative intent regarding staggering of terms and which districts will be affected and which will need a new election.

Mr. Bjornson said the committee must clarify the procedure to deal with an incumbent who is put into a new odd-numbered district. He said there must be a drop-dead date for a process to be created to fill the vacancy. He said if there is a newly created odd-numbered district, the individual elected from that district would only serve a two-year term.

Senator Taylor said some of the districts in the plan would put people in a different trade area from their current trade area. He said this would result in people having little in common with others in their district. He said the courts may look at this plan as a way to eliminate minority leaders.

Chairman Holmberg called on Senator Warner to present a [plan](#) for the southwest, northwest, and north central parts of the state. Senator Warner said the numbers in the southwest districts vary slightly from the statewide template. He said it would have been preferable to move Dodge, Halliday, and Dunn Center into a west river district, but there was not enough population to do so.

In response to a question from Senator Christmann, Chairman Holmberg said Senator Warner's plan does not include the proposals in the statewide template.

In response to a question from Senator Cook, Senator Warner said he will have a statewide template for the September 27, 2011, meeting in Devils Lake.

Senator Warner said most of the rural districts are below the ideal district size. He said it is helpful that most of the urban districts are also below the ideal size. He said that takes some of the pressure off of the rural districts.

In response to a question from Senator Taylor, Mr. Bjornson provided information on the population, deviation, and percentage of deviation for each district in the statewide template.

Chairman Holmberg said the agenda for the next meeting will include additional work on the statewide plan.

Mr. Bjornson said other issues to be addressed include how to address the situation of an incumbent who lives in a newly created district and how to address a vacancy created in a district due to redistricting.

Chairman Holmberg requested a comparison of the proposed statewide template and the existing districts.

In response to a question from Senator Cook, Senator Warner said the creation of precincts is a county decision. He said he has precincts in his district that are not contiguous.

Senator Holmberg said precinct boundaries can change anytime, but the district boundaries are set for 10 years.

No further business appearing, Chairman Holmberg adjourned the meeting at 11:00 a.m.

John Bjornson
Committee Counsel

Vonette J. Richter
Committee Counsel

ATTACH:1