

Sixty-second  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO. 3012**

Introduced by

Representatives Mock, Kaldor, J. Kelsh, Metcalf

Senators Taylor, Warner

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 a legislative redistricting commission; and for the  
3 amendment of sections 2, 3, and 4 of article IV of the Constitution of North Dakota, relating to  
4 legislative redistricting and the term of office of senators and representatives.

5 **STATEMENT OF INTENT**

6 This measure establishes a legislative redistricting commission to perform redistricting of the  
7 legislative assembly after each federal decennial census.

8 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**  
9 **SENATE CONCURRING THEREIN:**

10 That the following proposed new section to article IV of the Constitution of North Dakota  
11 and the following proposed amendments to sections 2, 3, and 4 of article IV of the Constitution  
12 of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota  
13 at the general election to be held in 2012, in accordance with section 16 of article IV of the  
14 Constitution of North Dakota.

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

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

22 ~~The legislative assembly shall guarantee, as nearly as is practicable, that every elector is~~  
23 ~~equal to every other elector in the state in the power to cast ballots for legislative candidates. A~~  
24 ~~senator and at least two representatives must be apportioned to each senatorial district and be~~  
25 ~~elected at large or from subdistricts from those districts. The legislative assembly~~ redistricting

commission may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts from those districts.

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

**Section 3.**

1. The legislative assembly redistricting commission shall establish by law a procedure whereby one-half of the members of the senate and one-half of the members of the house of representatives, as nearly as is practicable, are elected biennially. To effectuate the staggering of terms as required by this section, the commission shall truncate a term of office as provided in subsection 2 and may establish terms of two years for selected members of the senate and the house of representatives as part of a new legislative redistricting plan.
2. A senator or a representative whose term of office does not end as of the first day of December after the general election immediately following the implementation of a redistricting plan may continue to serve the remainder of the term for which the senator or representative was elected, except the term of office of a senator or representative from a district with a new geographic area that was not in that senator's or representative's district under the redistricting plan in effect at the preceding general election and which new geographic area has a population that is equal to or greater than twenty-five percent of the total population of the district must terminate as of the first day of December following the next general election.

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

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

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

1. The legislative redistricting commission consists of five members who must be appointed no later than April fifteenth of the year following the year in which the federal decennial

1 census is taken. The majority leader of the senate and the minority leader of the senate  
2 each shall appoint one member of the senate and the majority leader of the house of  
3 representatives and the minority leader of the house of representatives each shall appoint  
4 one member of the house of representatives. The fifth member must be selected  
5 unanimously by the four members appointed by the majority and minority leaders of the  
6 senate and house of representatives. The member appointed by the members appointed  
7 by the majority and minority leaders shall serve as chairman of the commission.

8 2. The individual appointed to serve as chairman of the legislative redistricting commission  
9 may not have sought or held a legislative or a statewide elective office at any time during  
10 the five years preceding appointment to the commission or been registered as a lobbyist  
11 for one year preceding appointment. The name of a chairman of the legislative redistricting  
12 commission may not be printed on the ballot as a candidate for legislative office within two  
13 years after the individual has completed service on the commission.

14 3. If a vacancy arises on the commission due to a member's death or inability to fulfill the  
15 duties of the commission, the vacancy must be filled in the same manner as the original  
16 appointment within fifteen days of the vacancy.

17 4. Three members of the commission constitute a quorum and three or more affirmative  
18 votes are required for any official action to approve a redistricting plan.

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

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

25 b. Districts must be geographically compact and contiguous to the extent 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 subdivision  
28 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       6. Before July first of the year following the year in which the federal decennial census  
5       was taken, the commission shall release proposed redistricting plans for a thirty-day  
6       public comment period. The commission shall hold public hearings during the  
7       comment period and consider recommendations before establishing the final district  
8       boundaries.

9       7. The commission shall file with the secretary of state an approved redistricting plan for  
10      the legislative assembly no more than sixty days following the close of the public  
11      comment period, and the plan is effective upon filing with the secretary of state. Upon  
12      the filing of a redistricting plan by the commission, the commission shall dissolve. If a  
13      court enters a final judgment enjoining the use of a redistricting plan prepared under  
14      this article, the commission shall reconvene promptly and prepare, approve, and file  
15      with the secretary of state a revised plan within sixty days of the judgment.

16      8. Except for revisions to a redistricting plan required as a result of a court entering a  
17      final judgment enjoining use of a redistricting plan, a plan approved by the commission  
18      must remain unaltered until a new commission is formed following the next federal  
19      decennial census.

20      9. The legislative assembly shall appropriate funds necessary for the operation of the  
21      commission and the efficient performance of the commission's duties. The legislative  
22      assembly shall provide expense reimbursement to commission members during  
23      periods of service of the commission as provided for other state officers and  
24      employees and shall provide compensation to commission members for attendance at  
25      meetings as provided for members of the legislative assembly for attendance at  
26      legislative meetings.