

HOUSE CONCURRENT RESOLUTION NO. 3014

Introduced by

Representatives Gulleason, Metcalf, Niemeier

Senators Heitkamp, Thane

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 1, 2, 3, and 4 of article IV of the Constitution of North Dakota, relating to
4 the composition of the legislative assembly, legislative redistricting, and the term of office of
5 senators and representatives.

6 **STATEMENT OF INTENT**

7 This amendment establishes a legislative redistricting commission to perform redistricting of the
8 legislative assembly after each federal decennial census. The amendment also provides that
9 the senate must be composed of not fewer than forty nor more than forty-seven members and
10 the house of representatives must be composed of not fewer than eighty nor more than
11 ninety-eight members and provides that the entire legislative assembly must be elected at the
12 first general election after a new legislative redistricting plan is implemented.

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

15 That the following proposed new section to article IV of the Constitution of North Dakota
16 and the following proposed amendments to sections 1, 2, 3, and 4 of article IV of the
17 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of
18 North Dakota at the general election to be held in 2004, in accordance with section 16 of
19 article IV of the Constitution of North Dakota.

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

22 **Section 1.** The senate must be composed of not ~~less~~ fewer than forty nor more than
23 ~~fifty-four~~ forty-seven members, and the house of representatives must be composed of not ~~less~~
24 fewer than eighty nor more than ~~one hundred-eight~~ ninety-eight members. These houses are
25 jointly designated as the legislative assembly of the state of North Dakota.

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

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

8 The legislative ~~assembly~~ redistricting commission shall guarantee, as nearly as is
9 practicable, that every elector is equal to every other elector in the state in the power to cast
10 ballots for legislative candidates. The commission may not adjust legislative district lines on the
11 basis of the political affiliation of voters, voting data from previous elections, the location of
12 incumbents' residences, or the race, ethnicity, or national origin of voters unless otherwise
13 required by federal law. A senator and at least two representatives must be apportioned to
14 each senatorial district and be elected at large or from subdistricts from those districts. The
15 legislative ~~assembly~~ redistricting commission may combine two senatorial districts only when a
16 single member senatorial district includes a federal facility or federal installation, containing over
17 two-thirds of the population of a single member senatorial district, and may provide for the
18 election of senators at large and representatives at large or from subdistricts from those
19 districts.

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

22 **Section 3.** ~~The~~ Except as provided in section 4 of this article, the legislative ~~assembly~~
23 redistricting commission shall establish ~~by law~~ a procedure whereby one-half of the members of
24 the senate and one-half of the members of the house of representatives, as nearly as is
25 practicable, are elected biennially.

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

28 **Section 4.** Senators and representatives must be elected for terms of four years,
29 except there must be a new election of all senators and representatives after the
30 implementation of each new legislative redistricting plan.

1 **SECTION 5.** A new section to article IV of the Constitution of North Dakota is created
2 and enacted as follows:

- 3 1. The legislative redistricting commission consists of six members who must be
4 appointed as follows no later than January fifteenth of the year following the year in
5 which the federal decennial census is taken. The majority leader of the senate
6 shall appoint one member, the minority leader of the senate shall appoint one
7 member, the majority leader of the house of representatives shall appoint one
8 member, the minority leader of the house of representatives shall appoint one
9 member, the governor shall appoint one member, and the chief justice of the
10 supreme court shall appoint one member. No later than January thirty-first of the
11 year in which the members are appointed, the six appointed members shall appoint
12 a qualified elector of the state to serve as the seventh member of the commission.
13 The seventh member must be chosen from a list of individuals who have submitted
14 applications to the chief justice by January fifteenth. The seventh member shall
15 serve as chairman of the commission.
- 16 2. An individual appointed to serve on the legislative redistricting commission may not
17 have sought or held a legislative or a statewide elective office at any time during
18 the four years preceding appointment to the commission or been registered as a
19 lobbyist for one year preceding appointment. The name of a member of the
20 legislative redistricting commission may not be printed on the ballot as a candidate
21 for legislative office within two years after the individual has completed service on
22 the commission.
- 23 3. If a vacancy arises on the commission due to a member's death or inability to fulfill
24 the duties of the commission, the individual who appointed the member or that
25 individual's successor shall fill the vacancy by appointing a new member. If the
26 vacant position is that of the chairman, the remaining six members shall appoint
27 another individual to serve as chairman of the commission.
- 28 4. The legislative redistricting commission shall release proposed redistricting plans
29 for a thirty-day public comment period no later than sixty days following the
30 selection of the commission chairman. The commission may hold public hearings
31 during the comment period. At least five members must be present to vote on

1 proposed plans. At least four members of the commission must vote affirmatively
2 to approve a redistricting plan.

3 5. The legislative redistricting commission shall file with the secretary of state an
4 approved redistricting plan for the legislative assembly no later than thirty days
5 following the close of the public comment period. Upon the commission's approval
6 of a redistricting plan, the commission shall dissolve. If a court enters a final
7 judgment enjoining use of a redistricting plan prepared under this article, the
8 commission shall reconvene and promptly prepare a revised plan.

9 6. Except for revisions to a redistricting plan required as a result of a court entering a
10 final judgment enjoining use of a redistricting plan, a plan approved by the
11 commission must remain unaltered until a new commission is formed following the
12 next federal decennial census.

13 The legislative assembly shall appropriate funds necessary for the operation of the commission
14 and the efficient performance of the commission's duties. The legislative assembly shall
15 provide compensation and expense reimbursement to commission members during periods of
16 service of the commission as provided for other state officers and employees.