

**2019 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2324**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2324  
2/1/2019  
# 31984

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature : Pam Dever
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### Explanation or reason for introduction of bill/resolution:

Relating to a nonpartisan advisory redistricting commission.

### Minutes:

Att # 1, 2, 3, 4 –Sen Joan Heckaman
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**Chairman Davison:** We will open SB2324.

**Sen Joan Heckaman, Dist. 23:** I am the sponsor of this bill. (see att #1, #2, #3, #4) Attachment #4 tells what other states are doing. Any questions?

**Sen. Shawn Vedaa:** When I look at a new district, I think of small. Is this not as prevalent in rural but more urban. How we draw these lines?

**Sen Heckaman:** I think it is state wide. It is happening. My district is an example. In 2000, there was gerrymandering. I am looking at an independent commission. I know there are block cut out to benefit districts. Other states are finding there are fairer ways.

**Sen. Shawn Vedaa:** I think you will find that people will explain that is has to do with population. Districts change.

**Chairman Davison:** How did you identify in section one, the people you choose? Is that your choice?

**Sen. Heckaman:** Somewhat from other states so. I looked at retired judges, etc. that I thought would be non-partisan. L.C. looked at other states and seeing how they formed their commission. Urbans are growing and rural not. My district may be absorbed. (14.30)

**John Bjornson, Legislative Council Director (L.C.):** We are neutral. I can talk about the history. Between 1930 and 1965, there was not redistricting on N.D. In `964 the Supreme Court made the decision that district should be equal. N.D. was in a state of litigation for 10 years. I came to L.C. in 1988. In 1991 there was an interim committee set up with 8 House and 8 Senate people. We provided staff and I was legal counsel. Dr Floyd Hickock created huis own computer program and had a unique system for us. He was the only one who could create these maps. In 2001, we found commercial software became an option. Our office did

the redistricting. We worked with a 16-member interim committee. Constitutionally, we can have no more than 54 districts and no less than 40. That number is determined by the interim committee. Our population has increased again so the districts will increase again, maybe over 16,000 people per district. This will affect every district in North Dakota. (22.20) Some people do not fill out the census form so that is a problem.

**Sen. Kristin Roers:** South Fargo will have to shrink. My southern border is the diversion line. Are you allowed to consider things out side of just population? That line is a barrier.

**John:** Great question. (23.46) Population is the guiding one. Communities of interest, division of political subdivisions are considered, also. We did not think Sen. Heckaman's district would service two redistricting's ago. We should not divide large minority populations either,

**Sen. Erin Oban:** Can you print all of us maps from censuses?

**John:** Sure

**Chairman Davison:** Any more support? Against? Hearing is closed. (27.23)

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2324  
2/8/2019  
# 32468

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature : Pam Dever

### Explanation or reason for introduction of bill/resolution:

Relating to a nonpartisan advisory redistricting commission.

### Minutes:

**Chairman Davison:** Look at SB2324. Any amendments out there?

**Sen. Erin Oban:** I forgot I was going to. It was minor. Line 21, page 1. I do not think specifying the number of districts in Code is necessary. It is between 40 and 54 in Code. (.46)

**Chairman Davison:** I don't feel out system is broke. I see challenges in other states.

**Sen. Jay Elkin:** I agree. What is the purpose of this bill? I believe the system we have does work.

**Sen. Erin Oban:** The bill would say that the individuals responsible for redistricting after a census, would be a combination of the seven members, out lined in lines 10-19. The last census, Sen. Heckaman outlined this in testimony. I don't think this should be partisan. The committee is 12 to 4 in favor of majority party. That is wrong, I feel.

**Sen. Kristin Roers:** Did she bring in examples from other states? How abnormal is our process?

**Chairman Davison:** I think the process is different in every state. Some has been defined in the courts because of the corruption in some states. (3.52) It is caused by both sides. I was part of the redistricting as a district chair. It is a matter of your perspective.

**Sen. Erin Oban:** It may not be broken; just that it can be better. (5.21)

**Vice Chair Meyer:** I move a DO NOT PASS.

**Sen. Jay Elkin:** I second.

**Sen. Shawn Vedaa:** On this example of 50 people from Sen. Heckaman. There was no example of both winning.

**Chairman Davison:** Any more discussion.

**Sen. Erin Oban:** One more fact. Myself, Sen. Davison, Sen Meyer, and Sen. Roers all represent districts that could be swayed a different way by shifting 100 people. (6.18)

**Chairman Davison:** Anymore?

**Vice Chair Meyer:** We don't know what each block will do to change the vote.

**Chairman Davison:** Take the role: **YES -- 5      NO -- 2      -0-absent.**  
**The DO NOT PASS – passed.    Chairman Davison will carry the bill.**

2-8-19

Date: /  
Roll Call Vote #: /

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES SB2324  
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Sen. Meyer Seconded By Sen. Elkin

Senators	Yes	No	Senators	Yes	No
Chair Davison	/		Sen. Oban		/
Vice Chair Meyer	/		Sen. Marcellais		/
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 5 No 2

Absent \_\_\_\_\_

Floor Assignment Sen. Davison

If the vote is on an amendment, briefly indicate intent.

**REPORT OF STANDING COMMITTEE**

**SB 2324: Government and Veterans Affairs Committee (Sen. Davison, Chairman)**  
recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2324 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**SB 2324**



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AH #1  
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SB 2324

SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

February 1, 2019

Senator Heckaman

CHAIRMAN AND MEMBERS OF THE COMMITTEE: I am Senator Joan Heckaman from D-23 and I am here today to introduce SB 2324 to you.

In North Dakota we have already begun the process of redistricting with Legislative Council participating in national conversations about the work that needs to be done preparing for the census and using that data to redraw or to consider redrawing legislative boundaries.

This bill establishes a nonpartisan advisory redistricting commission that would be tasked with using the census data to devise a plan that divides ND into 47 legislative district that complies with the requirements in the US Constitution. After that plan has been developed, the commission will submit the plan and any legislation necessary to implement the plan to legislative management for their consideration. You will note that the commission composition is varied with the opportunity for legislators to still serve. For your information I have provided the composition of the last redistricting committee in a hand out.

As we enter the phase of legislative redistricting that will analyze the data from the 2020 census, it is incumbent upon us to provide a fair method of determining boundaries for districts. (Hand out)

History finds that gerrymandering has taken place when district lines were drawn to the benefit of incumbent legislators or districts at the expense of proportionality and fair representation. Gerrymandering is an unfortunate process that restricts the voices of voters by dividing up communities, town, and counties into different legislative districts simply because it serves a partisan goal.

To address fairness in redistricting, several states already have commissions that take the politics out of the process, which is exactly what should happen.

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Legislators should not be able to pick their voters. Voters should pick their legislators.

According to the National Conference of State Legislatures, 14 states have commissions that either have the primary responsibility for redistricting or serve in an advisory capacity to draw district lines. Five states have Backup Commissions that make the decision of the legislature is unable to agree. Iowa conducts redistricting unlike any other state in that nonpartisan legislative staff develop the maps for the House and Senate as well as the US House districts.

(Handout)

This method in this bill would be transparent, representative, and accountable to the people of North Dakota by ensuring district lines are drawn fairly and in a manner that respects the various communities and political subdivisions in our state. It is through this manner that we ensure that elected officials are truly serving the best interests of the communities they represent.

Redistricting is an important process that impacts representation, either positively or negatively. It is my hope that we can be non-partisan in North Dakota and join the other state who recognize the importance of the process.

Chairman, that concludes my testimony and I would stand for any questions you may have.

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alt  
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# North Dakota Legislative Branch

## Joint Legislative Redistricting

### Joint Standing Committee

#### Chairman



**Senator Ray Holmberg**  
Republican  
District 17

#### Vice Chairman



**Representative Bill Devlin**  
Republican  
District 23

#### Legislative Members



**Representative Larry Bellew**  
Republican  
District 38



**Representative Rick Holman**  
Democrat  
District 20



**Representative Nancy Johnson**  
Republican  
District 37



**Representative Jim Kasper**  
Republican  
District 46



**Representative Jerry Kelsh**  
Democrat  
District 26



**Representative David Monson**  
Republican  
District 10



**Representative Mike Nathe**  
Republican  
District 30



**Senator Randel Christmann**  
Republican  
District 33

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**Senator Dwight Cook**  
Republican  
District 34



**Senator Tony Grindberg**  
Republican  
District 41



**Senator Jerry Klein**  
Republican  
District 14



**Senator Stanley W. Lyson**  
Republican  
District 1



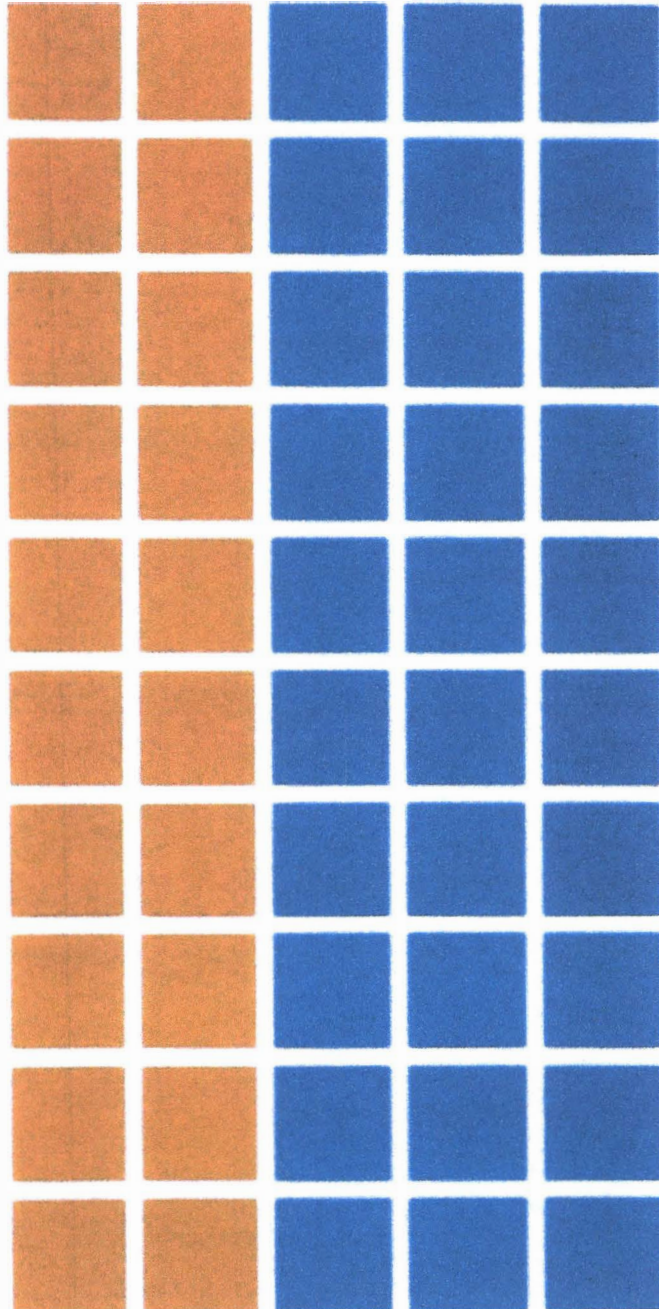
**Senator Ryan M. Taylor**  
Democrat  
District 7



**Senator John M. Warner**  
Democrat  
District 4

S B2324  
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50  
people

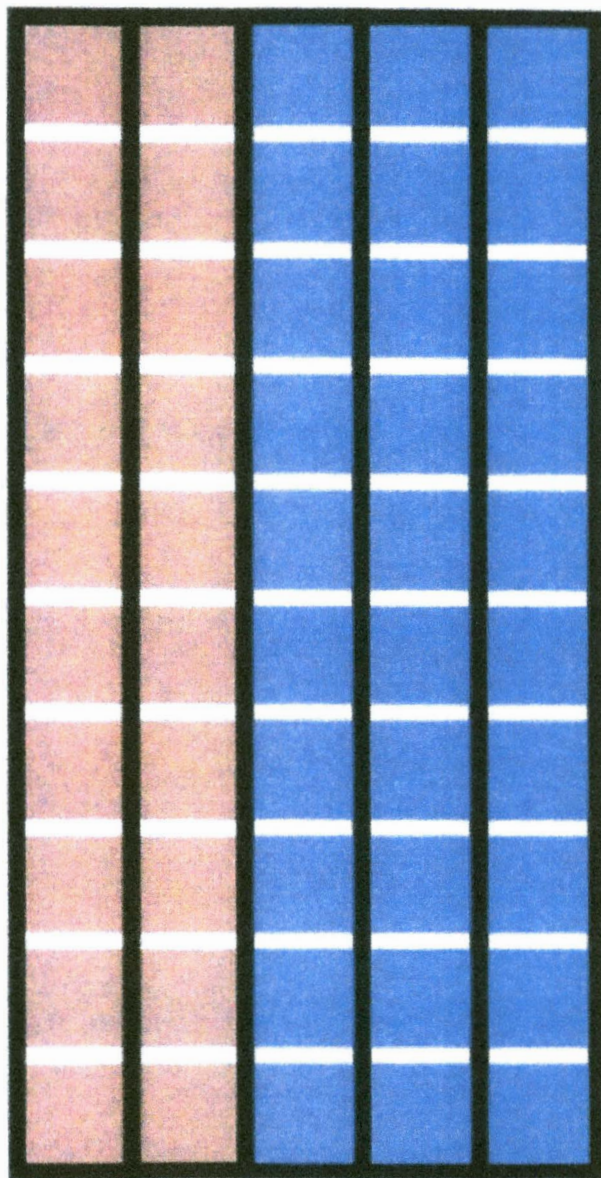


**60% blue,  
40% red**



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A+ #3  
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# 1. Perfect representation

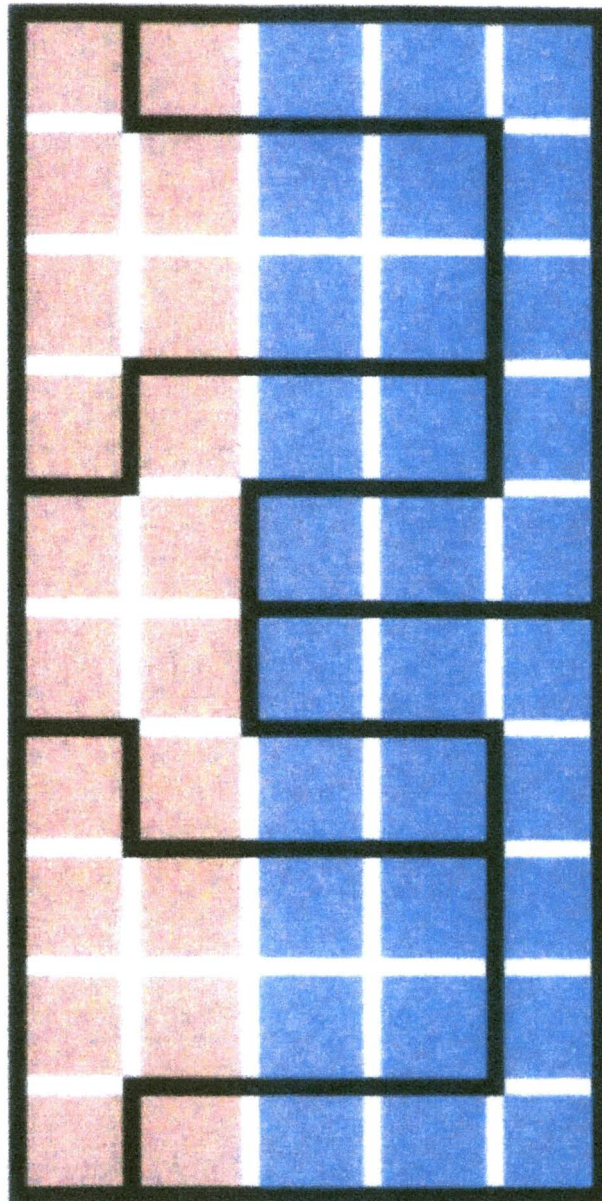


**3 blue districts,  
2 red districts**

**BLUE WINS**

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A# 3  
pg 3

3. Neither compact  
nor fair

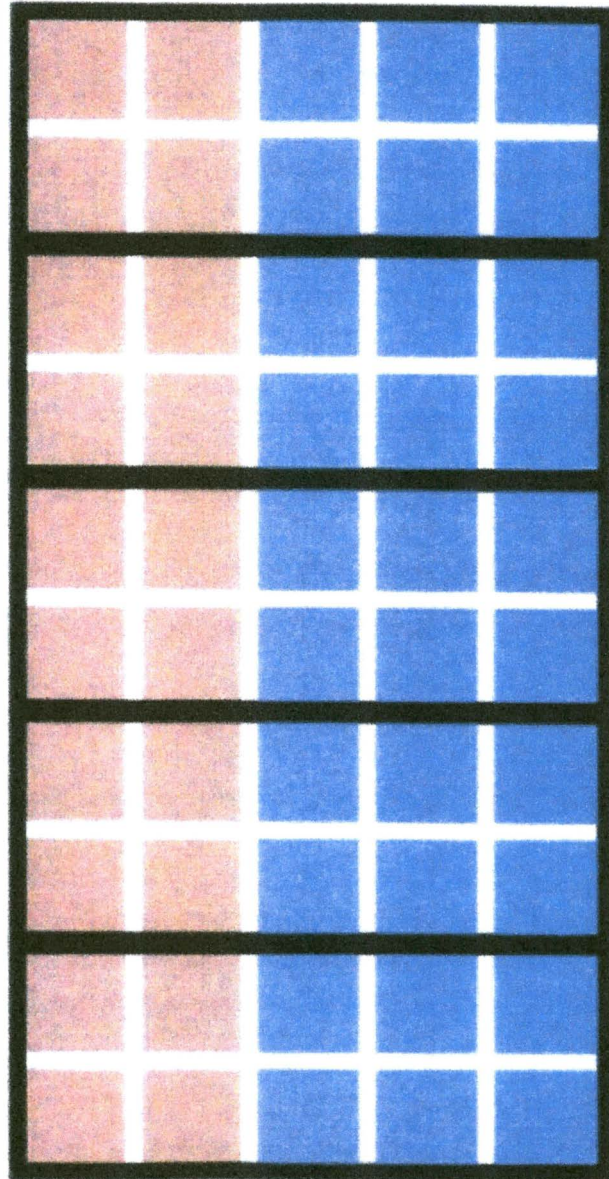


**2 blue districts,  
3 red districts**

**RED WINS**

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AH #3  
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2. Compact,  
but unfair



**5 blue districts,  
0 red districts**

**BLUE WINS**



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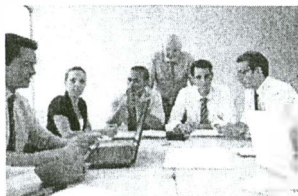
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NATIONAL CONFERENCE of STATE LEGISLATURES

## Redistricting Commissions: State Legislative Plans

1/21/2019

The information on this webpage refers only to commissions used to draw state legislative maps.



Traditionally, state legislatures have been responsible for redistricting for state legislative congressional districts. Since the landmark Supreme Court decisions of the 1960s that established the one-person, one-vote principle, a number of states have shifted redistrict of state legislative district lines from the legislature to a board or commission. There are pros and cons to removing the process from the traditional legislative process to a commission. Reformers often mistakenly assume that commissions will be less partisan than legislatures when conducting redistricting but that depends largely on the design of the board or

commission.

NCSL has categorized the commissions as either having primary responsibility for redistricting, serving in an advisory capacity, or operating as a back-up commission in cases where the legislature does not meet its deadline. All states represented in the tables below draw legislative districts through state legislative authority.

Fourteen states have a commission with primary responsibility for drawing a plan for state legislative districts. Six states have an advisory commission that may assist the legislature with drawing the district lines and five states have a back-up commission that will make the decision if the legislature is unable to agree. See below for Iowa's redistricting plan, which is distinct from the other categories.

Also, check out:

- NCSL's Redistricting Commissions: Congressional Plans page for more on how commissions states use commissions to draw congressional district lines
- NCSL's Redistricting Commission Bills for 2017 legislation.
- NCSL's Creation of Redistricting Commissions, which explains whether each commission was created by a legislative proposal or a citizens' initiative when.

### COMMISSIONS WITH PRIMARY RESPONSIBILITY FOR DRAWING A PLAN FOR STATE LEGISLATIVE DISTRICTS

State	Number of Members	Details
<b>Alaska</b>  Alaska Const. art. 6, § 8	5	<b>Name:</b> Redistricting Board  <b>Selection Requirements:</b> Governor appoints two; then president of the Senate appoints one; then speaker of the House appoints one; then chief justice of the Supreme Court appoints one. At least one member must be resident of each judicial district. No member may be a public employee or official.
<b>Arizona</b>  Ariz. Const. art. 4, pt. 2, § 1	5	<b>Name:</b> Independent Redistricting Commission  <b>Selection Requirements:</b> The commission on appellate court appointee creates a pool of 25 nominees, ten from each of the two largest parties and five not from either of the two largest parties. The highest ranking officer

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State	Number of Members	Details
<b>Arkansas</b>	3	<p>the house appoints one from the pool, then the minority leader of the house appoints one, then the highest ranking officer of the senate appoints one then the minority leader of the senate appoints one. These four appoint a fifth from the pool, not a member of any party already represented on the commission, as chair. If the four deadlock, the commission on appellate court appointments appoints the chair.</p> <p><b>Name:</b> Board of Apportionment</p> <p><b>Selection Requirements:</b> Commission consists of the governor, secretary of state, and the attorney general</p>
<b>California</b>	14	<p><b>Name:</b> Citizen's Redistricting Commission</p> <p><b>Selection Requirements:</b> With the Passage of Proposition 11 in 2008, the process of redrawing California's state legislative districts was removed from state legislative authority and given to a newly established 14 member commission. The commission must include 5 Democrats, 5 Republicans and 4 members from neither party. Government auditors are to select 60 registered voters from an applicant pool. Legislative leaders can reduce the pool; the auditors then are to pick eight commission members by lottery, those commissioners pick six additional members for 14 total. For approval of district boundaries need votes from three Democratic commissioners, three Republican commissioners, and three commissioners from neither party.</p>
<b>Colorado</b>	12	<p><b>Name:</b> Independent Legislative Redistricting Commission</p> <p><b>Selection Requirements:</b> A panel of three retired justices or judges from the Colorado Supreme Court or the Colorado Court of Appeals of different party affiliation will randomly select by lot 300 applicants from amongst the applicants who met the qualification requirements from each of the two largest political parties and 450 who are not affiliated with any political party. From these pools, the panel will select 50 from each pool based on their merit. From these pools, the panel will choose by lot two commissioners each of the largest two parties and two who are unaffiliated. The majority and minority leaders in the House and Senate each select a pool of ten candidates from all qualified applicants who are associated with the two largest political parties. The panel of judges selects one commissioner from each legislative leader's pool and two commissioners from the pool of unaffiliated applicants selected earlier. Geographic distribution based on congressional districts and a final selection of four commissioners from each of the two largest parties and four unaffiliated commissioners is required.</p>
<b>Hawaii</b>	9	<p><b>Name:</b> Reapportionment Commission</p> <p><b>Selection Requirements:</b> President of the Senate selects two. Speaker of the House selects two. The minority leader in both the house and senate select two. Those two each select one of their number. These four</p>

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State	Number of Members	Details
		eight select the ninth member, who is the chair. No commission member may run for the legislature in the two elections following redistricting.
<b>Idaho</b>	6	<p><b>Name:</b> Commission for Reapportionment</p> <p><b>Selection Requirements:</b> Leaders of two largest political parties in each house of the legislature each designate one member; chairs of the two parties whose candidates for governor received the most votes in the las election each designate one member. No member may be an elected or appointed official in the state at the time of designation.</p>
Idaho Const. art. III, § 2		
<b>Michigan</b>	13	<p><b>Name:</b> Independent Citizens Redistricting Commission</p> <p><b>Selection Requirements:</b> The Secretary of State makes applications to become a commissioner available to the public, including mailing to 10,0 Michigan residents at random. The Secretary would then randomly selec applicants from each pool affiliating with the two major parties and 80 fro the pool of those who are unaffiliated. These pools would be submitted to Senate Majority and Minority Leaders, the Speaker of the House and the House Minority Leader, and each legislative leader is allowed to strike fiv applicants from any pool or pools. The Secretary would then randomly dr the names of four applicants from the pools affiliated with the two major parties, and five from the unaffiliated pool.</p>
Mich. Const. Art. IV, § 6, as amended Nov. 6, 2018		
Amendment 18-2 was adopted in Nov. 2018		
<b>Missouri</b>	House: 18 Senate: 10	<p><b>Name:</b> Apportionment Commission</p> <p><b>Selection Requirements:</b> There are two separate redistricting committe Governor picks one person from each list of two submitted by the two ma political parties in each congressional district to form the house committe Governor picks five people from two lists of 10 submitted by the two majo political parties in the state to form the senate committee. No commissio member may hold office in the legislature for four years after redistricting</p> <p>After the passage of Amendment 1 in 2018, a state demographer (chose a panel including the state auditor and the majority and minority leaders ( the Senate), will draw maps for the legislative commissions to consider. * commissions can amend the maps provided by the demographer, but on 70 percent of their members vote to do so.</p>
Mo. Const. art. III, § 2		
Mo. Const. art. III, §§ 3(c), 7, as amended Nov. 6, 2018		
Amendment 1, passed in Nov. 2018		
<b>Montana</b>	5	<p><b>Name:</b> Commission</p> <p><b>Selection Requirements:</b> Majority and minority leaders of both houses ( the Legislature each select one member. Those four select a fifth, who is chair. Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.</p>
Mont. Const. art. V, § 14		

**New Jersey**

13

**Name:** Apportionment Commission

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State	Number of Members	Details
N.J. Const. art. IV, § 3		<b>Selection Requirements:</b> The two parties getting the most votes in the gubernatorial election each select five members. If the 10-member commission cannot agree, an eleventh member will be chosen by the chief justice of the state Supreme Court.
<b>Ohio</b>  Ohio Const. art. XI, § 1	7	<b>Name:</b> Ohio Redistricting Commission  <b>Selection Requirements:</b> Board consists of the governor, auditor, secretary of state, and four people appointed by the majority and minority leaders of the General Assembly.
NOTE: this commission was established to begin in the 2020 cycle, by a 2015 Constitutional Amendment		
<b>Pennsylvania</b>  Pa. Const. art. II, § 17	5	<b>Name:</b> Reapportionment Commission  <b>Selection Requirements:</b> Majority and minority leaders of the legislative houses each select one member. These four select a fifth to chair. If they do so within 45 days, a majority of the state Supreme Court will select fifth member. The chair cannot be a public official.
<b>Washington</b>  Wash. Const. art. II, § 43	5	<b>Name:</b> Commission  <b>Selection Requirements:</b> The majority and minority party leaders in each legislative chamber each select one registered voter to serve as commissioner, and those four commissioners choose a nonvoting fifth commissioner to serve as chair.

## ADVISORY COMMISSIONS

State	Number of Members	Details
<b>Maine</b>  Me. Const. art. IV, pt. 3, § 1-A	15	<b>Name:</b> Apportionment Commission  <b>Selection Requirements:</b> Speaker of the House appoints three, House minority leader appoints three. President of the Senate appoints two. Senate minority leader appoints two. Chairs of two major political parties each choose one. The members from the two parties represented on the commission each appoint a public member, and the two public members choose a third public member.

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State	Number of Members	Details
<p><b>New York</b></p> <p>N.Y. Const. art. III, § 5b, as added Nov. 4, 2014</p> <p>NOTE: this commission was established to begin in the 2020 cycle, by a 2014 referendum, Proposal 1</p>		<p><b>Name:</b> Independent Redistricting Commission</p> <p><b>Selection Requirements:</b> Each of the four legislative leaders appoints two members; the original eight members select two additional members. Legislators and other elected officials are prohibited from serving. If plans submitted by the commission are rejected by the legislature twice, the legislature will amend it as necessary.</p>
<p><b>Rhode Island</b></p> <p>2011 R.I. Laws ch. 106, § 1; 2011 R.I. Laws ch. 100, § 1</p>	18	<p><b>Name:</b> Reapportionment Commission</p> <p><b>Selection Requirements:</b> The majority leader of both the house and the senate chose 4 members of the legislature and 3 who are not. The senate and house minority leaders each choose 2 who are not members of the legislature.</p>
<p><b>Utah</b></p> <p>Utah Code § 20A-19-201, as added Nov. 6, 2018</p> <p>Proposition 4, passed in Nov. 2018</p>		<p><b>Name:</b> Utah Independent Redistricting Commission</p> <p><b>Selection Requirements:</b> Commissioners are appointed, one each, by the governor, the president of the Utah Senate, the speaker of the Utah House, the leader of the largest minority political party in the Utah Senate, the leader of the largest minority political party in the Utah House, Utah Senate and House leadership of the political party that is the majority party in the Senate, and Utah Senate and House leadership of the political party that is the largest minority party in the Utah Senate.</p> <p>Note that the Legislature may enact or reject a commission-recommended plan. If it chooses to reject a commission-recommended plan, any plan developed by the legislature must be reviewed by the commission for adherence to Utah-specific standards and a report on why the legislature chose to reject the commission's plan and adopt a different one must be made upon the next session.</p>
<p><b>Vermont</b></p> <p>Vt. Stat. Ann. tit. 34A, § 1904</p>	7	<p><b>Name:</b> Legislative Apportionment Board</p> <p><b>Selection Requirements:</b> Chief justice appoints the chair; governor appoints one member from each political party with at least 3 state legislators for six of the previous ten years; those parties each select one. Secretary of state is secretary of the board but does not vote. No commissioner may be a member or employee of the legislature.</p>



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## State

## Number of Members

## Details

Exec. Order No. 31  
(2011)

**Name:** Independent Bipartisan Advisory Commission on Redistricting

**Selection Requirements:** Governor created an advisory commission in 2011 by executive order. The commission is designed to get public input and to recommend district lines to legislature, which may adopt, modify, or ignore the commission proposals. Governor chooses 5 citizens of each majority party have not held elected office in last 5 years, are not employees Congress or the state legislature. Governor will also select the chair who is not identifiable with any political party.

## BACKUP COMMISSIONS

State	Number of Members	Details
<b>Connecticut</b>  Conn. Const. art. III, § 6	9	<b>Name:</b> Commission  <b>Selection Requirements:</b> President pro tem of the Senate, Speaker of the House, and House minority leader each select two; these eight must select the ninth within 30 days.
<b>Illinois</b>  Ill. Const. art. IV, § 3	8	<b>Name:</b> Legislative Redistricting Commission  <b>Selection Requirements:</b> President of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two, one of whom is a legislator and the other is not. No more than four from the same party. If the commission fails to develop a plan by August 10, of the year ending in one, the state Supreme Court selects two persons not of the same political party, one of whom is chosen by lot to be the ninth member.
<b>Mississippi</b>  Miss. Const. art. 13, § 254	5	<b>Name:</b> Commission  <b>Selection Requirements:</b> Chief justice of Supreme Court is chair; attorney general, secretary of state, speaker of the House, president pro tem of the Senate
<b>Oklahoma</b>  Okla. Const. § V-11A	7	<b>Name:</b> Bipartisan Commission on Legislative Apportionment  <b>Selection Requirements:</b> The Lieutenant Governor is the nonvoting chair; the governor, senate majority leader, and house majority leader each choose 2, one republican and one democrat.
<b>Texas</b>  Tex. Const. art. 3, § 28	5	<b>Name:</b> Legislative Redistricting Board of Texas  <b>Selection Requirements:</b> The lieutenant governor is the nonvoting chair; the governor, senate majority leader, and house majority leader each choose two, one Republican and one Democrat.

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## OTHER

### Iowa

Iowa conducts redistricting unlike any other state. The Iowa system does not put the task in the hands of a commission, but rather the legislature develops the plans. Nonpartisan legislative staff develop maps for the Iowa House and Senate as well as U.S. House districts without any political or electoral considerations, including the addresses of incumbents. This is different from all other states. For a detailed description of the Iowa system [click here](#).

## About This NCSL Project

Redistricting is the process of redrawing state legislative and congressional district boundaries every 10 years by state legislatures following the decennial U.S. Census. NCSL helps prepare legislatures and others for the redistricting cycle with comprehensive information on redistricting law, technology and process. NCSL collects data and information on new legislative and congressional districts.

For more information, contact Wendy Underhill, NCSL Staff Liaison.

## Additional Resources

- [Redistricting Commissions: Congressional Plans](#)
- [All About Redistricting](#)
- [2010 Redistricting Deviation](#)
- [NCSL's Getting Ready to Redistrict: Seminars for Practitioners and Others](#)
- [NCSL's Redistricting Homepage](#)

### NCSL Member Toolbox

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7700 East First Place  
Denver, CO 80230  
Tel: 303-364-7700 | Fax: 303-364-7811

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Washington, D.C. 20001  
Tel: 202-624-6400 | Fax: 202-737-1011