

Sixty-first
Legislative Assembly
of North Dakota

SENATE CONCURRENT RESOLUTION NO. 4031

Introduced by

Senators Warner, Taylor, Triplett

Representatives Delmore, S. Meyer, Mock

A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the establishment of a legislative redistricting commission; and for the amendment of sections 2, 3, and 4 of article IV of the Constitution of North Dakota, relating to legislative redistricting and the term of office of senators and representatives.

STATEMENT OF INTENT

This measure establishes a legislative redistricting commission to perform redistricting of the legislative assembly after each federal decennial census and provides that the entire legislative assembly must be elected at the first general election after a new legislative redistricting plan is implemented.

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

That the following proposed new section to article IV of the Constitution of North Dakota and the following proposed amendments to sections 2, 3, and 4 of article IV of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2010, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

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

~~The legislative assembly shall guarantee, as nearly as is practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates.~~

1 A senator and at least two representatives must be apportioned to each senatorial district and
2 be elected at large or from subdistricts from those districts. The legislative ~~assembly~~
3 redistricting commission may combine two senatorial districts only when a single member
4 senatorial district includes a federal facility or federal installation, containing over two-thirds of
5 the population of a single member senatorial district, and may provide for the election of
6 senators at large and representatives at large or from subdistricts from those districts.

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

9 **Section 3.** The legislative ~~assembly~~ redistricting commission shall establish ~~by law~~ a
10 procedure whereby one-half of the members of the senate and one-half of the members of the
11 house of representatives, as nearly as is practicable, are elected biennially. At the first general
12 election after the implementation of a new legislative redistricting plan, there must be a new
13 election of all senators and representatives. To effectuate the staggering of terms as required
14 by this section, the commission may establish initial terms of two years for one-half of the
15 members of the senate and one-half of the members of the house of representatives, as nearly
16 as practicable, as part of a new legislative redistricting plan.

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

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

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

- 23 1. The legislative redistricting commission consists of nine members who must be
24 qualified electors and must be appointed no later than April fifteenth of the year
25 following the year in which the federal decennial census is taken. The majority
26 leader of the senate shall appoint two members, the minority leader of the senate
27 shall appoint two members, the majority leader of the house of representatives
28 shall appoint two members, the minority leader of the house of representatives
29 shall appoint two members, and the individual chairing the department of
30 geography at the university of North Dakota shall appoint one member who must
31 be approved by a majority vote of the eight members appointed by the majority and

minority leaders of the senate and house of representatives. The member appointed by the individual chairing the department of geography shall serve as chairman of the commission.

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

3. If a vacancy arises on the commission due to a member's death or inability to fulfill the duties of the commission, the individual who is serving as the state chairman of the political party that the member was appointed to represent shall fill the vacancy by appointing a new member within fifteen days of the vacancy. If the vacant position is that of the chairman, the individual who made the original appointment shall appoint a successor, subject to the approval of a majority of the remaining eight members.

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

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

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

b. Districts must be geographically compact and contiguous to the extent practicable.

c. Districts must respect communities of interest to the extent practicable.

d. District lines must be based upon visible geographic features, political subdivision boundaries, and undivided census tracts to the extent practicable.

- 1 e. District lines may not be based on the political affiliation of voters, voting data
2 from previous elections, the location of incumbents' residences, or the race,
3 ethnicity, or national origin of voters unless otherwise required by federal law.
4 f. District numbering must be designed so that a city that has multiple districts is
5 split as evenly as is practicable between even-numbered and odd-numbered
6 districts.

7 6. Before July first of the year following the year in which the federal decennial
8 census was taken, the commission shall release proposed redistricting plans for a
9 thirty-day public comment period. The commission shall hold public hearings
10 during the comment period and consider recommendations before establishing the
11 final district boundaries.

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

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

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