

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1271

Introduced by

Representatives Wieland, J. Kelsh, Kilichowski

Senators Bowman, Nodland, Triplett

1 A BILL for an Act to amend and reenact sections 11-07-01, 11-07-02, 11-07-03, and 11-11-02
2 of the North Dakota Century Code, relating to county commissioner redistricting; and to repeal
3 section 11-07-03.1 of the North Dakota Century Code, relating to county commissioner
4 redistricting.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 11-07-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **11-07-01. County redistricting board - Membership - Powers.** The redistricting
9 board shall be composed of the following members:

- 10 1. The chairman of the board of county commissioners, who shall act as chairman of
11 the redistricting board.
- 12 2. The state's attorney.
- 13 3. A citizen or member of the governing body selected by the governing body of the
14 city having the largest population, according to the most recent federal decennial
15 census, in the county.
- 16 4. A township supervisor selected by the township supervisors at a meeting called by
17 the county auditor, if more than one-half of the townships are organized, whose
18 service upon the board shall be contingent upon that person's service in office as a
19 township supervisor, or a citizen member at large appointed by the county
20 commission if less than one-half of the townships are organized.
- 21 5. A citizen at large selected by representatives of each of the cities of the county,
22 excluding the largest city, if there is a total of at least three incorporated cities in
23 such county. Such representatives shall consist of one member of and selected by
24 the governing body of each of the cities in the county, other than the largest city.

The selection of the member of the redistricting board shall be made at a meeting called by the county auditor for such purpose. In the event there is not a total of three cities in the county, or that the selection is not made at the meeting called by the county auditor, such citizen at large shall be selected by the redistricting board at its first meeting. Such citizen at large shall serve until the time of the next decennial redistricting.

6. The county auditor, or such other county official responsible for conducting elections within the county, as an ex officio, nonvoting member for the purpose of advising the redistricting board on other existing election districts and precinct boundaries.

Vacancies upon the board shall be filled in the same manner as in the case of original selection. Such board may change the boundaries of the commissioners' districts of the county in accordance with the provisions of this chapter.

SECTION 2. AMENDMENT. Section 11-07-02 of the North Dakota Century Code is amended and reenacted as follows:

11-07-02. When districts must be changed - Additional meeting - Public hearing - Notice. Each redistricting board shall, within three months after official publication of each federal decennial census, meet at the call of the chairman to organize as provided in this chapter and to consider redistricting, unless the county commissioners are currently elected at large pursuant to subsection 3 of section 11-07-03 and neither a resolution of the board of county commissioners nor a citizen petition pursuant to this section has called for such meeting.

A redistricting board may additionally meet during a census interim if a resolution calling for a meeting is passed by the board of county commissioners or a petition calling for a meeting signed by ten percent of the qualified electors of the county as determined by the number of votes cast for governor in the last gubernatorial election is presented to the board of county commissioners. If any one district in the county varies more than ten percent from the average population per commissioner in such county determined by dividing the total population of the county at the last federal decennial census by the number of commissioners' districts in such county, or if county commissioners are elected at large, the redistricting board shall redistrict the county, as provided in this chapter. If redistricting of a county is required, the chairman of the redistricting board shall, within not less than thirty days ~~after the date of the above meeting~~

1 before the filing of the plan pursuant to section 11-07-03, call a meeting for the purpose of
2 conducting a public hearing to review alternative plans for such redistricting. Notice of such
3 meeting shall be published or caused to be published by the chairman in the official county
4 newspaper at least ten days prior to the date of such hearing.

5 **SECTION 3. AMENDMENT.** Section 11-07-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-07-03. Method of redistricting - Election of commissioners at large if**
8 **redistricting not accomplished by time certain.** The redistricting board shall provide for the
9 election of county commissioners as follows:

10 1. In redistricting a county, the redistricting board shall first attempt to make the
11 districts contiguous following township lines where practicable, as regular and
12 compact in form as practicable, and as substantially equal in population as
13 possible. ~~In no event shall every district be formed in such a manner that the~~
14 ~~population of cities located within every district exceeds the population of the~~
15 ~~district area outside the cities in every district.~~ In no event shall any
16 commissioner's district vary in population more than ten percent from the average
17 population per commissioner as determined in section 11-07-02, and any variance
18 from the average population shall be justified in the statement filed pursuant to this
19 section.

20 ~~The geographical boundaries of new districts created by the redistricting board shall be agreed~~
21 ~~upon by a majority of such board. Redistricting shall be completed by the filing, by the~~
22 ~~chairman of the redistricting board, of an accurate description of the approved geographical~~
23 ~~boundaries and a statement of the population of the new districts, including an explanation of~~
24 ~~any variances, with the county auditor by April first of an even numbered year to be effective for~~
25 ~~that year's elections.~~

26 2. If the redistricting board determines that redistricting pursuant to subsection 1 is
27 impossible or would create illogical or impracticable districts, the redistricting board
28 shall attempt to make districts of as nearly equal populations as is practicable, but
29 such districts, when created wholly within the boundaries of a city, may coincide
30 with the geographical boundaries of election wards. All of the candidates seeking
31 the office of county commissioner in a county redistricted pursuant to this section

1 must be voted upon by the qualified electors of the entire county, but one of the
2 commissioners to be elected must reside in each of the districts created pursuant
3 to this section. The official ballot must designate the commissioner district of each
4 candidate by having printed thereon the words "of commissioner district" and the
5 designation of that district in close proximity to the candidate's name. When an
6 individual is seeking nomination as a candidate for the office of county
7 commissioner at a primary election, the two candidates from each of the
8 commissioner districts receiving the highest number of votes are deemed
9 nominated. If only one candidate is seeking nomination from a particular
10 commissioner district, that candidate will be deemed nominated. Following
11 redistricting pursuant to this subsection, the board of county commissioners may
12 combine two or more of the districts so created by resolution passed by a majority
13 of the total membership of the board. In the event that two or more commissioner
14 districts are combined, the number of commissioners elected who must reside in
15 the combined district is equal to the number of districts combined. In the event that
16 a county commissioner changes the place of residence within the county after
17 election from a particular district, the commissioner must be allowed to complete
18 the remainder of that term of office. A candidate elected as county commissioner
19 on a staggered basis as provided in section 11-07-04 must be elected at large, but
20 must reside in the same district the commissioner represented whom the candidate
21 is to succeed in office.

22 3. In the event that redistricting is required but not completed in the manner
23 prescribed in ~~this chapter~~ subsection 1 or 2, all commissioners' districts in such
24 county shall be abolished and, notwithstanding the provisions of section 11-11-02,
25 thereafter county commissioners for such county shall be elected at large without
26 regard to district representation in the manner and at the time provided in this title
27 and shall continue to be elected at large until a proper redistricting plan is filed as
28 required by this chapter. ~~Notwithstanding the provisions of this section, the~~
29 ~~redistricting board shall redistrict in the manner provided in section 11-07-03.1 if so~~
30 ~~directed by the board of county commissioners acting pursuant to that section.~~

1 The geographical boundaries of new districts created by the redistricting board must be agreed
2 upon by a majority of the board. Redistricting must be completed by the filing, by the chairman
3 of the redistricting board, of an accurate description of the redistricting method employed and
4 the approved geographical boundaries and a statement of the population of the new districts,
5 including an explanation of any variances, with the county auditor by January first of an
6 even-numbered year to be effective for that year's elections.

7 **SECTION 4. AMENDMENT.** Section 11-11-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-11-02. Commissioner must be resident of district - Exceptions.** Each county
10 commissioner shall be chosen by the qualified electors of the district of which the commissioner
11 is a resident, except as otherwise provided in section 11-07-03 ~~or 11-07-03.1~~.

12 **SECTION 5. REPEAL.** Section 11-07-03.1 of the North Dakota Century Code is
13 repealed.