

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE CONCURRENT RESOLUTION NO.

Introduced by

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

### 6 STATEMENT OF INTENT

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

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

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

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

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

1           The independent legislative assembly redistricting commission shall guarantee, as  
2 nearly as is practicable, that every elector is equal to every other elector in the state in the  
3 power to cast ballots for legislative candidates. A senator and at least two representatives must  
4 be apportioned to each senatorial district and be elected at large or from subdistricts from those  
5 districts. The independent legislative assembly redistricting commission may combine two  
6 senatorial districts only when a single member senatorial district includes a federal facility or  
7 federal installation, containing over two-thirds of the population of a single member senatorial  
8 district, and may provide for the election of senators at large and representatives at large or  
9 from subdistricts from those districts.

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

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

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

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

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 independent legislative redistricting commission consists of one member  
24 appointed by each of the presiding judges from each judicial district and one  
25 member appointed by the chief justice of the supreme court. By February 28 of  
26 each year following the year in which the federal decennial census was taken,  
27 each presiding judge and the chief justice shall appoint the members of the  
28 independent redistricting commission. An individual appointed to serve on the  
29 independent legislative redistricting commission may not have sought or held a  
30 legislative or a statewide elective office at any time during the five years  
31 preceding appointment to the commission or been registered as a lobbyist for one

- 1           year proceeding appointment. The member appointed by the chief justice shall  
2           serve as chairman of the commission. The name of a member of the independent  
3           legislative redistricting commission may not be printed on the ballot as a candidate  
4           for legislative office within two years after the individual has completed service on  
5           the commission.
- 6           2. A member of the independent legislative redistricting commission may be removed  
7           by the chief justice for substantial neglect of duty, gross misconduct in office, or  
8           inability to discharge the duties of office. If a vacancy arises on the commission  
9           due to the removal of a member or due to the death or resignation of a member,  
10           the individual who appointed the member or that individual successor shall fill the  
11           vacancy by appointing a new member.
- 12           3. Five members of the commission constitute a quorum and five or more affirmative  
13           votes are required for any official action to approve a redistricting plan.
- 14           4. The independent redistricting commission shall establish a legislative district plan  
15           by creating districts of equal population in a grid-like pattern across the state. The  
16           commission may make adjustments to the grid as necessary to accommodate the  
17           following goals:
- 18           a. Districts must guarantee, as nearly as practicable, that every elector is equal  
19           to every other elector in the state in the power to cast ballots for legislative  
20           candidates and comply with the United States Constitution.
- 21           b. Districts must be geographically compact and contiguous to the extent  
22           practicable.
- 23           c. Districts must respect communities of interest to the extent practicable.
- 24           d. District lines must be based upon visible geographic features, political  
25           subdivision boundaries, and undivided census tracks to the extent practicable.
- 26           e. District lines may not be based on the political affiliation of voters, voting data  
27           from previous elections, the location of incumbents residences, or the race,  
28           ethnicity, or national origin of voters unless otherwise required by federal law.
- 29           5. The independent legislative redistricting commission shall release proposed  
30           redistricting plans for a thirty day public comment. No later than sixty days  
31           following the selection of the commission chairman. The commission shall hold

- 1            public hearings during the comment period and consider recommendations before  
2            establishing final district boundaries.
- 3            6. The independent legislative redistricting commission shall file with the secretary of  
4            state an approved redistricting plan for the legislative assembly no more that thirty  
5            days following the close of the public comment. Upon the commissions approval of  
6            a redistricting plan, the commission shall resolve. If a court enters a final  
7            judgement in joining use of a redistricting plan prepared under this article, the  
8            commission shall reconvene and promptly prepare a revised plan.
- 9            7. Except for revisions to a redistricting plan required as a result of a court entering a  
10           final judgement in joining 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           8. The Legislative Assembly shall appropriate funds necessary for the operation of  
14           the independent redistricting commission and the efficient performance of the  
15           commissions duties. The legislative assembly shall provide compensation and  
16           expense reimbursement to commission members during periods of service of the  
17           commission as provided for other state officers and employees.