

2010 CENSUS REDISTRICTING DATA PROGRAM - PHASE 2

The state of North Dakota has been notified by the United States Census Redistricting Data Office that the state may elect to participate in Phase 2 of the 2010 Census Redistricting Data Program. Participation in Phase 2 is voluntary, but confirmation of participation must be given to the Census Redistricting Data Office by December 15, 2007.

The Legislative Management Committee, at a meeting on June 30, 2005, authorized participation in Phase 1 of the census data program. Pursuant to that authorization, the Legislative Council staff worked with representatives of the United States Census Bureau to provide the bureau electronic documentation of the legislative district boundaries in effect in North Dakota.

Phase 2 of the redistricting data program involves the identification of precinct boundaries in the state. According to the Redistricting Data Office, the objective of Phase 2 is to "provide each state with population totals for election precincts or other geographic areas to assist with redistricting efforts after the 2010 Census."

During the preparation for the 2000 decennial census and 2001 redistricting process, the Legislative Management Committee chose to not participate in Phase 2 of the redistricting data program.

Through various decisions of the United States Supreme Court, "traditional districting principles" have been identified as reasonable considerations that may be used in legislative redistricting. Those policies include preservation of political subdivision boundaries, communities of interest, and the cores of prior districts. During the 2001 redistricting process, the 2001-02 interim Legislative Redistricting Committee determined that the redistricting plans to be considered by the committee should adhere to the following criteria:

1. Preserve existing district boundaries to the extent possible.
2. Preserve political subdivision boundaries to the extent possible.
3. Provide for a population variance of under 10 percent.

Although redistricting in many states is accomplished by building from the precinct level, the Legislative Assembly in this state historically has created new legislative districts based upon criteria similar to that used by the 2001-02 Legislative Redistricting Committee. Other factors that have been discussed as being important considerations in redistricting include recognizing precinct boundaries

and wards in cities. North Dakota Century Code (NDCC) Section 16.1-04-03 provides that after legislative redistricting occurs, the board of county commissioners of each county and the governing body of each city must establish new voting precincts because of any change in legislative district boundaries within 35 days after the effective date of the redistricting.

Since the last redistricting in 2001, the Legislative Assembly has adopted legislation that may impact the decision whether to participate in Phase 2. The 2003 Legislative Assembly adopted Senate Bill No. 2394, which provided for the creation of a central voter file. The central voter file is an electronic data base of voters which links the office of the Secretary of State with the offices of county auditors in each county. The provisions of Senate Bill No. 2394 which pertain to creation and maintenance of the central voter file have been codified as NDCC Chapter 16.1-02. Under Section 16.1-02-12, the following information for each voter must be included within the central voter file:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. A designation showing whether the individual's ability to vote in a precinct has been inactivated as a result of death or because the individual is no longer a resident of the precinct according to Section 16.1-01-04.
6. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides.
7. Beginning in 2008, four years of an individual's voting history, if applicable.
8. Any other information requested of and obtained from the individual deemed necessary by the Secretary of State for the proper administration of the central voter file.

North Dakota Century Code Section 16.1-02-15 provides that a voter list or a report generated from the central voter file may be made available to a candidate, political party, or a political committee for election-related purposes.