

2011 HOUSE CONSTITUTIONAL REVISION

HCR 3012

2011 HOUSE STANDING COMMITTEE MINUTES

House Constitutional Revision Committee
Prairie Room, State Capitol

HCR 3012
March 2, 2011
Job #14862

Conference Committee

Committee Clerk Signature *Mary Mair*

Explanation or reason for introduction of bill/resolution:

Relating to the establishment of a legislative redistricting commission and the term of office of senators and representatives.

Minutes:

Attached testimony #1 and Handouts #2, #3 & #4

Chairman Koppelman: We'll open the hearing on HCR 3012.

Representative Mock, District 42, Grand Forks: (See attached testimony #1 and handouts #2, & #3.)

Representative Holman: Would you explain how this might change the process and how the intent is to make major changes in the process and what would be accomplished by this change?

Representative Mock: It would be a significant difference from what we currently have. Now our redistricting is handled as an interim committee selected by normal means and it includes partisan make-up and can be changed. There is no consistent structure of the redistricting committee from decade to decade. In 2001, the redistricting committee was made up of a 15 member committee, 8 from the House, and 7 from the Senate. This year, it sounds like it's going to be a 16 member committee. None of this is placed in statute. It's done every year prior to the redistricting process. This resolution would remove any partisan composition. It would bipartisan or 1 member representing each caucus from each chamber with a 5th non legislative member serving as a professional. In some states, they encourage geographers or individuals that are familiar with demographics to serve as the 5th also serving as chair. This would ensure that our district lines are adhering to all federal guidelines including communities of interest, geographical boundaries, and political boundaries. There are many districts that do not connect. You actually have to leave your district in order to get to the main part. The districts have limited regards for natural boundaries. This would require that that is considered and it removes any biased or consideration based on partisan affiliation.

Representative Winrich: We are all familiar with the one person one vote rule and the necessity of having districts with nearly equal population across the state. Would you comment on some of the requirements in section 5? Are there standards for which

constitutes a geographically compact district for example? What is a 'community of interest'?

Representative Mock: There have been many challenges at the Supreme Court level related to redistricting. Courts have made recommendations on what is considered compact. In North Dakota, a contiguous district can be from point to point. In some states, it's considered compact if there's actual area that connects the entire district. In North Dakota, that's not required so you can have 2 squares that have point to point continuity. It's not addressed in any of this. Each state is different. Some states have not allowed that. There are Supreme Court challenges. John Bjornson from Legislative Counsel has worked on legislative redistricting for the third or fourth time. He is preparing for the 2011 redistricting. Federal Law has stepped in and has placed in our Constitution what has to be considered when the lines are apportioned.

Representative Winrich: My own district is part of a remnant of an old double district 17/18 back when the air force bases were more populous than they are now. At one time it consisted of a block of the city of Grand Forks and part of the air force base. There was a requirement that that district be contiguous. I asked how district 17/18 could be considered contiguous. The response was that it was contiguous by the median strip of Hwy 2. No one lived in the median strip of Hwy 2 but that was the connection between those 2 blocks.

Vice Chairman Kretschmar: Would the commission have the authority to set the number of legislative districts?

Representative Mock: The current legislative redistricting committee that is appointed during the interim has the ability to make recommendations on district numbers and lines. This commission would have the same authority. It would make the recommendations of district numbers and the lines and it would have to be approved as it states in section 4.

Vice Chairman Kretschmar: Under your proposal, would this committee have the final authority and the legislature would have nothing to say? Is that the idea?

Representative Mock: That is correct.

Vice Chairman Kretschmar: Would a 5 person committee have enough experience and knowledge of the State to make a valid plan as opposed to a 15 person committee giving more views?

Representative Mock: As the document from NCSL points out, there is really no perfect model. Some states have their redistricting committees as few as 3 members where they rely on the expertise of staff that aid the committee to make the recommendations and are the institutional knowledge and experts on the committee. In Missouri, it has 2 redistricting committees. One is 18 members and the other is 10 representing the House and Senate respectively. I believe that 5 would be enough. The purpose is that it's one member from each caucus and then a 5th professional non legislative member who's appointed unanimously. If it were in the committee's interest to consider a 9 member committee with representing each, I would have no issue with that. I do believe that 5 is a fairly consistent

number as other states have done and had success with. With the help of Legislative Counsel and staff, you would have enough institutional knowledge to ensure proper lines.

Representative Meier: On subsection 6 where you state 'requires that a district plan is presented for a 30 day public comment period by July 1st of that year'; how do you propose that be implemented and would public comment go before this legislative committee?

Representative Mock: When I was having this drafted by John Bjornson in the interim, he had mentioned that that is standard procedure. When reapportionment does take place, all redistricting lines in every State do have to be subject to a 30 day comment period. I imagine it would be advertised just like any other open meeting and be subject to the same requirements.

Representative Kasper: Have you served on the redistricting committee?

Representative Mock: No I have not.

Representative Kasper: In subsection 1 where it says the committee has to be formed by April 15th. We may not be adjourned by April 15th. In your timeline, the district plan is presented for a 30 day public comment period by July 1st which is 45 days. Do you think that's enough time to put together a redistricting plan in a State as big as North Dakota?

Representative Mock: The committee has to be chosen by April 15th. It doesn't mean that they would have to convene by then so in cases where we are still in session, I do believe that the chair of the committee would have to ensure that there are no other legislative obligations that are preventing the members from attending the meetings. We have to have our redistricting plan complete by the end of October. We have to have the lines established before 1 year prior to the Election Day before the Election Day in the next election so that candidates that are seeking nomination are declared candidates. They have to be residents of that district for one year. The July 1st timeline allows for 60 days. After that is when the lines must be filed and it does give enough time if there are challenges or alterations that have to be made. You can still make changes to the lines without interfering with eligibility in the following general election. We as legislators are able to go through 1400 bills in 80 days. A committee of 5 can certainly hear public testimony and work with their staff to draw the best lines possible within the 45 days.

Representative Kasper: I'm interested in subsection 5. It says that cities with multiple districts have to be split as evenly as practical between even and odd number districts. In Fargo, we have 2 even and 4 odd number districts. What is the reasoning for wanting to change traditional district numbers?

Representative Mock: Take Minot for example, you have 38, 43 and 5. Grand Forks has 17, 18, 19, 42, and 43. The rationale when this was drafted was to ensure that you divide the elections as best as you can in urban areas to insure that as close to half as you can are running in every general election. There will be some changes to Cass County. They also have District 22 and 20 which is rural Cass County. When you consider the rural Cass County Districts, it's 4 and 5 between the even and odd number districts.

Representative Holman: The Montana model almost identically mimics your proposal with some minor changes. They've been in place for 27 years and so there's some history there as far as what it's done for the State of Montana with this type of commission. Could you deal with that?

Representative Mock: This will be Montana's third redistricting process under their model with the 5 member committee. The key difference between what Montana's redistricting committee and North Dakota's is none of them are public officials. Four of them are appointed by the leaders of each caucus in the House and Senate and the 5th is appointed by the four but none of them are legislative members. There were a lot of concerns that the Legislature would want to have more of an influence. That was considered and worked into this resolution. This model was between Pennsylvania and Montana. Pennsylvania does include legislative members. I have no direct connection to the Montana model and I haven't spoken to any of the legislators or officials there but there's been no proposals to change their process and it sounds like it's been working quite well.

Vice Chairman Kretschmar: What is your philosophy in thinking a committee like this would do a better job than the Legislative Assembly doing it?

Representative Mock: The Legislature is unique in North Dakota. We're citizen legislature where we elect individuals that best represent our districts and we're all professionals in our own fields. What we can't guarantee is there are professionals that best understand demographics. This would encourage the committee to elect an industry professional; someone who is an expert in the field such as a geographer or demographer or someone who lives and resides in the State and is agreed upon unanimously by the four legislative members. You're combining expertise and knowledge in the area of demographics with the nuances and understanding of the political process in our legislature. I believe that it keeps the focus on the importance of fair and balanced districts, preserving communities of interests and adhering to important factors like physical geographical boundaries. When we get into the politics of it, we forget that county lines have a larger influence or that river boundaries and highways and bridges play such a vital role in making sure that our constituents are well connected. It would place the balance and the priorities with the physical aspect of the district boundaries.

Chairman Koppelman: On page 3 of subsection C of item number 5, it says 'districts must respect communities of interest to the extent practicable'. What does that mean?

Representative Mock: I do have a map from the Secretary of State's office. District 16 is all of Walsh County but does have a unique little addition into Pembina County. That was at the request of four townships that are closer connected to Grafton that they are with Cavalier. They had requested to stay within District 16 because it did not affect the balance of the district size so they were able to accommodate that request. Communities of interest ensures that your constituents are electing members that are in a similar community whether it's by economic influence or by county jurisdiction or in some cases even physical boundaries. It's ensuring that your district is as representative of a group of people as possible. District 20 is on the South side of Grand Forks County and includes the south half of Reynolds. It also goes down to about 10 miles east of Valley City and south of I-94. There aren't many people from Tower City shopping in Hillsboro. That's an example of a

district that did not preserve communities of interest. I'm sure that Representative Holman and many other residents from District 20 can share examples of how they have little connection to members in their own district.

Representative Kasper: Representative Kempenich and Speaker Drovda's district has a lack of population problem. How would you see any type of rationale compared to what you just stated when you have a district like that where you have to have 12,000 to 14,000 residents?

Representative Mock: That's a difficult issue. In 2011, the redistricting committee is going to have a big fight on their hands. You have 30,000 more residents from the last Census and you have to choose if we're not going to expand the number of districts; your district sizes are going to have to get larger. We can expect them to range from between 13,600 to 15,000 per district. Some states have gone to legislative sub districts so you have one Senatorial district and two House sub districts within each Senate district. This is something that's been considered. We talked about putting that into this bill where districts larger than 2500 or 3000 square miles would have to have legislative sub districts. We decided not to complicate the issue. I focused strictly on the redistricting committee and make the recommendations. There's nothing prohibiting legislative sub districts from happening in current law. That would be the one solution to ensuring that the people in districts like district 39 that's 8000 plus square miles are closer to their representatives.

Representative Kasper: Where do you stand on bigger district sizes or increased district numbers?

Representative Mock: We have a government that is as close to the people as possible. I haven't looked at the Census numbers. I don't know where the population change has occurred. If there is an increase in population out west, District 39 may not change much. It may have enough people to accommodate the growth and not have to change its boundaries much. We're constitutionally limited to no more than 54 districts. If we go less than 47 where we are today, districts will get larger in geographical size. If we add districts, they will either stay the same or go smaller. I have no opinion at this time mostly because I haven't seen the Census information.

Representative Kasper: You don't support going to say 49 districts at this point? You'd leave it up to the committee?

Representative Mock: I haven't made any solid determination. I don't want to see the districts get much bigger. Some are plenty big enough and we don't want people feeling disconnected from their elected representatives.

Vice Chairman Kretschmar: I've tried the sub districts in large square mile districts and that went down in a previous session. You have nothing in here that indicates to the commission how much percentage they can vary either way in setting up the districts from the ideal. Do you leave that to the commission also?

Representative Mock: I would have to check if that's in the Federal Law. In order for it to be as equal as practicable, the plus or minus 5% is how it currently operates in North

Dakota. I don't believe that's in statute. I believe that comes from Supreme Court rulings and is the standard of redistricting across the country.

Vice Chairman Kretschmar: In the structuring, either the legislative committee and the legislature or a commission like you propose in your resolution is trying to set a finite number of districts within a space. In past history in North Dakota, you get down to the last district and that's got to be an odd shape. That's a problem that I don't think can be solved by a commission or the legislature wholly because North Dakota has boundaries and we can't go outside them.

Representative Mock: You're right. When it comes down to the practice of actually drawing the lines, you're not going to get a grid like pattern all of the time. I think some people have tried in the past to require it to be 90% angles. That's not possible but it would ensure that you're looking at communities of interest and geographical political boundaries.

Chairman Koppelman: Further testimony in support of HCR 3012? Testimony in opposition of HCR 3012? Neutral testimony of HCR 3012? I've asked the Secretary of State to come down because I was informed when this was introduced and assigned of three things. We are aware of the resolution that was introduced at the last session that failed and Representative Mock has made reference to that. I have been told that there is a petition circulating for this sort of thing as well. I've asked the Secretary to explain the differences in the various measures or if they are the same.

Al Jaeger, Secretary of State: Last July, there was a petition presented to our office for approval for circulation that had to do with the appointment of an independent legislative redistricting committee. That petition was approved for circulation and they have one year to collect the signatures. The Constitutional amendment would require in excess of 26,000 signatures and the 1 year is up July 5, 2011. It may or may not be circulating but it is in that particular year. This measure seems to be similar to a resolution that was introduced in the last session. It has an independent legislative redistricting commission that would consist of a member appointed by each of the presiding judges of each judicial district. The chair person would be appointed by a commission consisting of the chair of the geography department in the University of North Dakota and majority and minority leaders in the House and Senate. That's what is out there approved for circulation. I didn't bring 3012 with me but I'd like to address the timeline. The legislative redistricting was done 10 years ago in November and is on schedule for that to happen again. From an election standpoint, we would like to have it sooner than later because by law the counties have to set their precincts by December 31st. Our time is rather narrow. That would be the precincts that would be used in the June election and in the upcoming November election in 2012. There was a comment made about a 1 year residency and my recollection is that a legislator doesn't have a 1 year residency. I could be wrong but I think you have to be a qualified elector in the district. It would follow through because 10 years ago, people wouldn't have known the makeup of the district until they were made and there wouldn't have been a year between when that decision was made and the 60 day filing deadline prior to the June election that took place in 2002. That timeline was questioned and so I wanted to mention that wouldn't be an issue to make it earlier versus later.

Chairman Koppelman: It might be helpful for the committee to know this in regards to our deliberation. The petition could not gather the votes and not be on the ballot. That's a possibility or it may be on the ballot if it does gather the votes. This HCR could either succeed or fail in the legislature. If this was to pass and the signatures were gathered to place the other on the ballot and both would be on the ballot and both passed, what would happen?

Al Jaeger: Whatever happens would not happen again until 2020 when the next Census is done. For instance, if the petition circulating would gain enough signatures, it would be put on the ballot in June 2012 but it wouldn't have any effect as far as redistricting until after the 2020 Census. There is a lot of time to deal with this because what's going happen this redistricting cycle is already in motion. There's no way unless we had a special election to change the process for this 10 year Census.

Chairman Koppelman: From a legal perspective, if both were to pass, does the one that gets more votes apply and the one that gets fewer not? Do they overlap each other? I'm not sure what the legal construct of that would be.

Al Jaeger: If the petition would go on in June and you as a legislature can designate whether it be the June election or the November 2012 election.

Chairman Koppelman: We have the last past governs rule in the legislature but I'm not sure whether that would apply in this case.

Al Jaeger: I go back to the fact that there's a long time before 2020.

Representative Mock: Just to clarify; I did speak with the supports of the initiated measure. My understanding is that they are no longer circulating petitions and seeking to get it on the ballot for the June primary. There may be some that are but there is no concerted effort to get that on the primary. The Supreme Court and Chief Justice VandeWalle had mentioned concern about the language in the initiated measure and could not support it entirely. I don't know if he's said that with a lot of conviction but the version that was being circulated did have concerns from the Judicial Branch. This was changed for that reason because we did not want to encourage another branch of government and put them in control of district lines.

Chairman Koppelman: When you say the supporters, particularly organizations or individuals?

Representative Mock: Many of the members of the sponsoring committee were members of the League of Women Voters. They were the main organization supporting that change. There has been no organized effort to continue that petition.

Chairman Koppelman: I notice that the sponsors on your resolution are all of one political party. Is there a reason for that? Is this a partisan issue in your view?

Representative Mock: Absolutely not. It's not a partisan issue. The members that co-sponsored this bill had approached me prior to the session and wanted to sign on. They

knew that I had worked on this issue in the past. They all had similar interests in it. They wanted to sign on. I was more than happy to invite any member of the other political party to sign on. I did speak to a couple members. They thought it was the best proposal that they had seen as far as changes to our redistricting process but some weren't comfortable signing on as co-sponsors.

Chairman Koppelman: Further questions on the additional information. We'll close the hearing on HCR 3012.

2011 HOUSE STANDING COMMITTEE MINUTES

House Constitutional Revision Committee
Prairie Room, State Capitol

HCR 3012
March 16, 2011
Job #15545

Conference Committee

Committee Clerk Signature *Mary Mauer*

Minutes:

Chairman Koppelman: HCR 3012 deals with the redistricting commission for drawing the lines of districts versus the legislature doing it and it would be that change to the Constitution. Is there any committee discussion or what are the committee's wishes?

Representative Streyle: I move for a do not pass.

Representative Kasper: Second.

Chairman Koppelman: Is there any discussion? Hearing none we will take the roll.

8 Yes, 3 No, 0 Absent

Do Not Pass

Carrier: Representative Kasper

Date: March 16, 2011
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3012

House Constitutional Revision Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. Streyle Seconded By Rep. Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Representative Conklin		✓
Vice Chairman Kretschmar	✓		Representative Holman		✓
Representative Kasper	✓		Representative Winrich		✓
Representative Louser	✓				
Representative Meier	✓				
Representative Owens	✓				
Representative Schatz	✓				
Representative Streyle	✓				

Total (Yes) 8 No 3

Absent 0

Floor Assignment Rep. Kasper

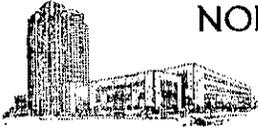
If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3012: Constitutional Revision Committee (Rep. Koppelman, Chairman)
recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3012 was placed on the Eleventh order on the calendar.

2011 TESTIMONY

HCR 3012



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Testimony #1



Representative Corey Mock
District 42
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Grand Forks, ND 58208-2542
crmock@nd.gov

COMMITTEES:
Education
Political Subdivisions

Testimony in SUPPORT of HCR 3012

March 2, 2011

Greetings Chairman Koppelman and members of the House Constitutional Revisions Committee. For the record, my name is Corey Mock, representative from District 42 in north Grand Forks. I stand before you today in support of HCR 3012 as a legislator, as a citizen, and as a geographer conducting research through the University of North Dakota.

HCR 3012 is a constitutional amendment regarding a topic that is important to all, but interesting to few. The resolution before you is similar to HCR 3053 from the last legislative session, with some changes in structure and a significant change in implication. I will walk through the resolution in just a few moments.

As you are all well aware, our state constitutionally reapportions legislative seats at the conclusion of the decennial US census. Current redistricting is done by the Legislative Assembly, as mandated by Section 2 of Article IV of the North Dakota Constitution. Redistricting will be conducted this interim by a committee appointed by Legislative Management, with recommendations presented by the end of October, 2011.

The current committee structure will likely be as follows: 6 House Republicans, 2 House Democrats, 6 Senate Republicans, 2 Senate Democrats. This 16-member committee will be created by HB 1267 which is now in the Senate for deliberation.

HCR 3012 does not change or amend the current redistricting procedure.

The proposal before you would create a bi-partisan redistricting committee of 5 members, one member from each legislative caucus and a 5th non-legislative member appointed by the other 4 members. The committee would work with Legislative Council to make reapportionment recommendations to a special session of the legislature. The 5th member of the committee would serve as chair, cannot have been a candidate or state public official within previous 5 years of the committee being formed, and cannot run for state office within 2 years after the committee is dissolved.

Section 1 of the bill changes the redistricting authority in the constitution from the legislative assembly and gives the authority to the redistricting committee. It also removes dated language and district boundary requirements, which is updated and placed in a new section of the constitution.

Section 2 is language that allows districts to have 2-year terms if necessary for the preservation of staggered terms. Subsection 2 states that any legislator currently serving a 4-year term may continue their time in office after reapportionment, unless they acquire new territory with a population greater than or equal to 25% of their district population. Any legislator representing new territory under this section would be on the ballot at the next general election and may be subject to the 2-year term requirement.

Section 3 simply updates the constitution to reflect the changes in Sections 1, 2 and 4.

Section 4 is the creation of the redistricting committee and outlines the requirements.

Subsection 1 requires the committee to be formed by April 15th following a federal decennial census. The method for selecting the 4 legislative committee members is outlined in this subsection, as are the requirements to select the 5th non-legislative member that serves as chair of the committee.

Subsection 2 includes the restrictions on the 5th committee member related to public service.

Subsection 3 states that any vacancy on the committee is filled through appointment by the same person that appointed the original committee member, within 15 days.

Subsection 4 establishes that 3 members constitute a quorum.

Subsection 5 updates the requirements of district boundaries, including: guarantee that every elector is equal to all other electors in the state; districts must be geographically compact and contiguous; districts must represent communities of interest; district lines must be based on visible geographic features, political subdivision boundaries and undivided census tracts; district lines may not be based on political affiliation of voters, voting data from previous elections, location of incumbents' residence, race, ethnicity, or national origin of voters unless required by federal law; and that cities with multiple districts must be split as evenly as practicable between even and odd-numbered districts.

Subsection 6 requires that a district plan is presented for a 30-day public comment period by July 1st of that year.

Subsection 7 requires the plan to be filed with the Secretary of State no more than 60 days after the close of the public comment period. This subsection also dissolves the redistricting committee, unless the results are challenged in court and the committee is required to reconvene for alteration.

Subsection 8 requires the redistricting plan to remain unaltered until the next federal decennial census, unless required by legal challenge.

Subsection 9 requires the legislative assembly to appropriate funds for the purpose of redistricting and allows for expenses to be paid to members serving on the committee.

There are currently 20 states with some form of redistricting commission that draw the district lines, serve as an advisory council, or serve as a backup to the primary redistricting committee. Attached to my testimony is a summary of redistricting committees drafted by NCSL.

There is no "one-size-fits-all" redistricting committee. HCR 3012 is similar to the model in Hawaii, Montana, Pennsylvania and Washington. I have also attached the constitution from Montana and Pennsylvania for your review.

The final document that I have included is from Legislative Council. This document has the district size in square miles for each legislative district in North Dakota. The district size in 2001 was approximately 13,660 per district, $\pm 5\%$.

As I said earlier: redistricting is a complicated issue that is interesting to merely a handful, but it is vital to our democratic process. I hope that this committee will give HCR 3012 favorable consideration and allow the voters to address the future of redistricting in North Dakota.

November 10, 2005

NORTH DAKOTA LEGISLATIVE DISTRICTS AREA IN SQUARE MILES

District	Area Miles
1	11.4
2	4,997.98
3	217.06
4	4,535.86
5	6.77
6	3,385.5
7	4,632.77
8	1,465.69
9	940.28
10	3,305.38
11	3.23
12	9.71
13	10.4
14	4,433.83
15	1,590.11
16	1,377.89
17	54.14
18	89.07
19	1,290.8
20	2,401.28
21	4.18
22	1,397.55
23	2,790.27
24	1,151.17
25	666.38
26	2,831.7
27	20.48
28	4,560.28
29	3,757.94
30	40.18
31	4,555.25
32	4.9
33	2,364.76
34	11.54
35	4.22
36	3,189.82
37	8.38
38	182.79
39	8,230
40	63.61
41	3.8
42	2.76
43	3.37
44	2.79
45	39.23
46	4.89
47	62.22

Redistricting Commissions: Legislative Plans

**Commissions with Primary Responsibility for Drawing a Plan
(All states not represented in this table draw legislative districts through state legislative authority)**

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
Alaska Alaska Const. art. 6	5	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 a resident of each judicial district. No member may be a public employee or official.	By September 1, 2010	30 days after census officially reported	90 days after census officially reported
Arizona Ariz. Const. art. 4, pt. 2, § 1	5	The commission on appellate court appointees 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 of 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	By February 28, 2011	None	None
Arkansas Ark. Const. 1874, art. 8	3	appointments appoints the chair. Commission consists of the governor, secretary of state, and the attorney general	None	By February 1, 2011	Plan becomes official 30 days after it is filed
California Article XXI	14	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	By December 31, 2010 and each year ending in the number zero thereafter	None	By September 15, 2011 and in each year ending in the number 1 thereafter

voters from an applicant pool. Legislative leaders can reduce the pool; the auditors then are to pick eight commission members by lottery, and those commissioners pick six additional members for 14 total. For approval district boundaries need votes from three Democratic commissioners, three Republican commissioners, and three commissioners from neither party.

Colorado

Colo. Const. art. V, § 48

11	Legislature selects four: (speaker of the House; House minority leader; Senate majority and minority leaders; or their delegates). Governor selects three. Judiciary selects four. Maximum of four from the legislature. Each congressional district must have at least one person, but no more than four people representing it on the commission. At least one member must live west of the Continental Divide.	By August 1, 2011	90 days after the availability of the census data, or after the formation of the committee, whichever is later	March 15, 2012
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Hawaii

Haw. Const. art. IV

9	President of the Senate selects two. Speaker of the House selects two. Minority senate party selects two. These eight select the ninth member, who is the chair. No commission member may run for the legislature in the two elections following redistricting.	By March 1, 2011	80 days after the commission forms	150 days after commission formation
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Idaho

Idaho Const. art. III, § 2

6	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 last election each designate one member. No member may be an elected or appointed official in the state at the time of designation.	Within 15 days after the secretary of state orders creation of a commission	None	90 days after the commission is organized, or after census data is received, whichever is later
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Missouri

Mo. Const. art. III, § 2

House: 18 Senate: 10	There are two separate redistricting committees. Governor picks one person from each list of two submitted by the two main political parties in each congressional district to form the house committee. Governor picks five people from two lists of 10 submitted by the two major political parties in the state to form the senate committee. No commission member may hold office in the legislature for	Within 60 days of the census data becoming available	Five months after the commission forms	Six months after formation
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Montana

Mont. Const. art. V,
§ 14

5	Majority and minority leaders of both houses of the Legislature each select one member. Those four select a fifth, who is the chair.	The legislative session before the census data is available	The commission must give the plan to the Legislature at the first regular session after its appointment	30 days after the plan is returned by the Legislature
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Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.

New Jersey

N.J. Const. art. IV, § 3

10	The chairs of the two major parties each select five members. If these 10 members cannot develop a plan in the allotted time, the chief justice of the state Supreme Court will appoint an 11th member.	December 1, 2010	February 1, 2011, or one month after the census data becomes available	The initial deadline, or one month after the 11th member is picked
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Ohio

Ohio Const. art. XI

5	Board consists of the governor, auditor, secretary of state, and two people selected by the legislative leaders of each major political party.	Between August 1 and October 1, 2011	None	October 5, 2011
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Pennsylvania

Pa. Const. art. II, § 17

5	Majority and minority leaders of the legislative houses each select one member. These four select a fifth to chair. If they fail to do so within 45 days, a majority of the state Supreme Court will select the fifth member. The chair cannot be a public official.	None listed	90 days after the availability of the census data or after commission formation, whichever is later	30 days after the last public exception that is filed against the initial plan
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Washington

Wash. Const. art. II, § 43

5	Majority and minority leaders of the House and Senate each select one. These four select a non-voting fifth to chair the commission. If they fail to do so by January 1, 2001, the state Supreme Court will select the fifth by February 5, 2001. No commission member may be a public official.	January 31, 2011	None	January 1, 2012
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Advisory Commissions

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
Maine Me. Const. <u>art. IV</u> , pt. 3, § 1-A	15	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, or their designees. 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.	Within three calendar days of convening the Legislature in 2013	The commission must submit its plan to the Legislature within 120 days after the Legislature convenes in 2013. The Legislature must enact the plan, or another plan, by a 2/3 vote of both houses within 30 days after it receives the commission's plan.	Within 60 days after the Legislature fails to meet its deadline, the supreme judicial court must adopt a plan
Vermont Vt. Stat. Ann. tit. 34A	5	Chief justice appoints the chair; governor appoints one member from each political party that received 25 percent of the vote in the last gubernatorial election; those parties each select one. Secretary of state is	By July 1, 2010	April 1, 2011	May 15, 2011. Legislature must adopt the plan or a substitute at that biennial session.

2009 Redistricting Commissions Table
 secretary of the board but does not vote. No commissioner may be a member or employee of the legislature.

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Backup Commissions

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
Connecticut Conn. Const. art. III, § 6	9	President pro tem of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two; these eight must select the ninth within 30 days.	After legislature fails to meet deadline (September 15, 2011)	None	November 30, 2011
Illinois Ill. Const. art. IV, § 3	8	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, 2001, 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.	July 10, 2011 (if legislature fails to meet its deadline of June 30)	None	October 5, 2011
Mississippi Miss. Const. art. 13, § 254	5	Chief justice of Supreme Court is chair; attorney general, secretary of state, speaker of the House, president pro tem of the Senate	After legislature fails to meet deadline (60 days after end of second regular session following decennial census)	None	180 days after special apportionment session adjourns
Oklahoma Okla. Const. § V-11A	3	Attorney general, superintendent of public instruction, and state treasurer	After legislature fails to meet deadline (90 days after convening first regular session following decennial census)	None	None
Texas Tex. Const. art. 3, § 28	5	Lieutenant governor, speaker of the House, attorney general, comptroller of public accounts, and commissioner of the general land office	Within 90 days after legislature fails to meet deadline (adjournment of the first regular session following decennial census)	None	60 days after formation

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 does vote on the plans. Nonpartisan legislative staff develop maps for the Iowa House and Senate as well as U.S. House districts without any political or election data including the addresses of incumbents. This is different from all other states. For a detailed description of the Iowa system [click here](#)

[Go to NCSL Redistricting home page](#)

This page is maintained by the Redistricting and Elections Committee for the National Conference of State Legislatures

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Montana Code Annotated 2009

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Constitution of Montana -- Article V -- THE LEGISLATURE

Section 14. Districting and apportionment. (1) The state shall be divided into as many districts as there are members of the house, and each district shall elect one representative. Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

(2) In the legislative session following ratification of this constitution and thereafter in each session preceding each federal population census, a commission of five citizens, none of whom may be public officials, shall be selected to prepare a plan for redistricting and reapportioning the state into legislative districts and a plan for redistricting the state into congressional districts. The majority and minority leaders of each house shall each designate one commissioner. Within 20 days after their designation, the four commissioners shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall select him.

(3) Within 90 days after the official final decennial census figures are available, the commission shall file its final plan for congressional districts with the secretary of state and it shall become law.

(4) The commission shall submit its plan for legislative districts to the legislature at the first regular session after its appointment or after the census figures are available. Within 30 days after submission, the legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the commission shall file its final plan for legislative districts with the secretary of state and it shall become law.

(5) Upon filing both plans, the commission is then dissolved.

History: Amd. Const. Amend. No. 14, approved Nov. 6, 1984.

Provided by Montana Legislative Services

Legislative Reapportionment Commission**Section 17.**

Pennsylvania Redistricting Commission

(a) In each year following the year of the Federal decennial census, a Legislative Reapportionment Commission shall be constituted for the purpose of reapportioning the Commonwealth. The commission shall act by a majority of its entire membership.

(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than 60 days following the official reporting of the Federal decennial census as required by Federal law, the four members shall be certified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections. The four members within 45 days after their certification shall select the fifth member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official; holding an office to which compensation is attached. If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within thirty days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer. Any vacancy in the commission shall be filled within fifteen days in the same manner in which such position was originally filled.

(c) No later than ninety days after either the commission has been duly certified or the population data for the Commonwealth as determined by the Federal decennial census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer. The commission shall have thirty days after filing the preliminary plan to make corrections in the plan. Any person aggrieved by the preliminary plan shall have the same thirty-day period to file exceptions with the commission in which case the commission shall thirty days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within thirty days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within thirty days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order.

(e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment as required under this section 17.

(f) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission, and other necessary expenses. The members of the commission shall be entitled to such compensation for their services as the General Assembly from time to time shall determine but no part thereof shall be paid until a preliminary plan is filed. If a preliminary plan is filed but the commission fails to file a revised or final plan within the time prescribed, the commission members shall forfeit all right to compensation not paid.

(g) If a preliminary, revised or final reapportionment plan is notified by the commission within the time prescribed by this section, unless the time be extended by the Supreme Court for cause shown, the Supreme Court shall immediately proceed on its own motion to reapportion the Commonwealth.

(h) Any reapportionment plan filed by the commission, or ordered or prepared by the Supreme Court upon the failure of the commission to act, shall be published by the elections officer once in at least one newspaper of general circulation in each senatorial and representative district. The publication shall contain a map of the Commonwealth showing the complete reapportionment of the General Assembly by districts, and a map showing the reapportionment districts in the area normally served by the newspaper in which the publication is made. The publication shall also state the population of the senatorial and representative districts having the smallest and largest population and the percentage variation of such districts from the average population for senatorial and representative districts.