2007 ASSEMBLY JOINT RESOLUTION 63


To renumber section 9 of article IV; to renumber and amend section 3 of article IV; and to create section 3 (2) to (4) of article IV and section 9 (2) of article IV of the constitution; relating to: the procedure for redistricting the legislature and the establishment of a state redistricting board and a legislative technology services bureau (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2007 legislature on first consideration, establishes a state redistricting board composed of the attorney general, the secretary of state, the state treasurer, the state superintendent of public instruction, and one member appointed by the supreme court. It also defines demographic and political standards for the drawing of legislative districts and establishes a procedure for the drawing of legislative districts. The amendment further requires the legislature to establish a legislative technology services bureau. A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

Resolved by the assembly, the senate concurring, That:

SECTION 1. Section 3 of article IV of the constitution is renumbered section 3 (1) of article IV and amended to read:
[Article IV] Section 3 (1) At its first session after each decennial enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants.

Section 2. Section 3 (2) to (4) of article IV of the constitution are created to read:

[Article IV] Section 3 (2) Within 120 days after receipt of the final census report of the population count by census block, the legislative technology services bureau shall submit to the state redistricting board 3 apportionment proposals providing for competitive elections, all meeting the following criteria:

(a) Each assembly district shall contain a number of inhabitants that does not deviate more than 2 percent from the statewide mean district population.

(b) African-Americans, Hispanic Americans, Native Americans, and members of any other demographic group protected by the laws of the United States shall be the voting age majority in the number of assembly and senate districts in proportion to the percentage of the population in counties or groups of counties having a sufficient geographic concentration of their members.

(c) The bureau shall determine the combined mean percentage of the vote for governor and president for the 2 major political parties in the 5 general elections held during the prior decade. The bureau's apportionment proposals shall provide as follows: at least one-half of the assembly districts, if the number of districts is divisible by 2, or rounded up to the next whole number in other cases, shall have a percentage above the average 5 general election percentage for the majority party; at least one-half of the senate districts, if the number of districts is divisible by 2, or rounded up to the next whole number in other cases, shall have a percentage above
the average 5 general election percentage for the minority party; at least one-fifth of the assembly districts, if the number of districts is divisible by 5, or rounded up to the next whole number in other cases, and at least one-fourth of the senate districts, if the number of districts is divisible by 4, or rounded up to the next whole number in other cases, shall be evenly split between the parties, shall have an average general election percentage that does not exceed 1 percent above the statewide 5 general election average; no district may have a percentage in excess of 85 percent of the 5 general election average for one political party.

(3) The state redistricting board shall consist of the attorney general, the secretary of state, the state treasurer, the state superintendent of public instruction, and a member appointed by the supreme court. The state redistricting board shall act within 90 days after receipt of the bureau’s proposals. If the state redistricting board fails to adopt one of the proposals, the bureau shall select one of the proposals that shall have the force of law.

(4) Any senator or assembly member whose district is altered as a result of the adopted plan shall continue in office for the balance of his or her term even if his or her residence is no longer located in the district he or she represents.

SECTION 3. Section 9 of article IV of the constitution is renumbered section (9)(1) of article IV.

SECTION 4. Section 9 (2) of article IV of the constitution is created to read:

[Article IV] Section (9) (2) The legislature shall provide by law for the establishment of a legislative technology services bureau.

SECTION 5. Numbering of new provisions. (1) The new subsections (2) to (4) of section 3 of article IV of the constitution created in this joint resolution shall be designated by the next higher open whole subsection numbers in that section in
that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created subsections (2) to (4) of section 3 of article IV of the constitution of this state. If one or more joint resolutions create subsections (2) to (4) of section 3 of article IV simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the subsections created shall be numbered and placed in a sequence so that the subsections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the subsections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the subsections.

(2) The new subsection (2) of section 9 of article IV of the constitution created in this joint resolution shall be designated by the next higher open whole subsection number in that section in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a subsection (2) of section 9 of article IV of the constitution of this state. If one or more joint resolutions create a subsection (2) of section 9 of article IV simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the subsections created shall be numbered and placed in a sequence so that the subsections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the subsections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the subsections.
Be it further resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for 3 months previous to the time of holding such election.

(END)