



## 2009 ASSEMBLY JOINT RESOLUTION 29

March 13, 2009 – Introduced by Representatives KESSLER, STASKUNAS, HILGENBERG, HINTZ and A. WILLIAMS, cosponsored by Senator LEHMAN. Referred to Committee on Elections and Campaign Reform.

1     **To renumber** section 3 of article IV; and **to create** section 3 (2) to (4) of article IV  
2             of the constitution; **relating to:** establishing a competitive election criteria for  
3             redistricting the legislature (first consideration).

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### *Analysis by the Legislative Reference Bureau*

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, defines demographic and political standards for the drawing of legislative districts and establishes criteria for the drawing of legislative districts. Following the canvass of the general election in each year that is divisible by ten, the amendment requires the superintendent of public instruction to determine the mean percentage of the vote received by candidates of the two major political parties for certain statewide offices in the prior decade and to certify those mean percentages to the legislature.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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4             **Resolved by the assembly, the senate concurring, That:**

5             **SECTION 1.** Section 3 of article IV of the constitution is renumbered section 3  
6             (1) of article IV.

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

1           [Article IV] Section 3 (2) Within 10 days after receipt of the final census report  
2 of the population count by census block, the superintendent of public instruction  
3 shall determine the combined mean percentage of the vote for governor and  
4 president for the 2 major political parties in the 5 general elections held during the  
5 prior decade, and certify those numbers, each rounded to the nearest one-hundredth  
6 of a percent, to the legislature.

7           (3) Each apportionment of the members of the senate and assembly shall  
8 conform to the following criteria:

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

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

16           (c) At least one-half of the assembly districts, if the number of districts is  
17 divisible by 2, or rounded up to the next whole number in other cases, shall have a  
18 percentage above the average 5 general election percentage for the majority party;  
19 at least one-half of the senate districts, if the number of districts is divisible by 2, or  
20 rounded up to the next whole number in other cases, shall have a percentage above  
21 the average 5 general election percentage for the minority party; at least 20 assembly  
22 districts, and at least 7 senate districts, shall have a percentage for each of the 2  
23 major political parties that does not exceed 1 percent above the 5 general election  
24 percentage for that party; and no district may have a percentage in excess of 85  
25 percent for either political party.

1           (4) Any senator or representative to the assembly whose district is altered as  
2 a result of the adopted plan shall continue in office for the balance of his or her term  
3 if he or she continues to reside in the district from which he or she was elected.

4           **SECTION 3. Numbering of new provisions.** The new subsections (2) to (4)  
5 of section 3 of article IV of the constitution created in this joint resolution shall be  
6 designated by the next higher open whole subsection numbers in that section in that  
7 article if, before the ratification by the people of the amendment proposed in this joint  
8 resolution, any other ratified amendment has created subsections (2) to (4) of section  
9 3 of article IV of the constitution of this state. If one or more joint resolutions create  
10 subsections (2) to (4) of section 3 of article IV simultaneously with the ratification by  
11 the people of the amendment proposed in this joint resolution, the subsections  
12 created shall be numbered and placed in a sequence so that the subsections created  
13 by the joint resolution having the lowest enrolled joint resolution number have the  
14 numbers designated in that joint resolution and the subsections created by the other  
15 joint resolutions have numbers that are in the same ascending order as are the  
16 numbers of the enrolled joint resolutions creating the subsections.

17           ***Be it further resolved, That*** this proposed amendment be referred to the  
18 legislature to be chosen at the next general election and that it be published for 3  
19 months previous to the time of holding such election.

20                                   **(END)**