

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 402

Introduced by Schimek, 27

Read first time January 16, 2007

Committee: Executive Board of the Legislative Council

A BILL

- 1 FOR AN ACT relating to redistricting; to adopt the Redistricting
- 2 Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Redistricting Act.

3 Sec. 2. For purposes of the Redistricting Act:

4 (1) Committee means the Redistricting Committee of the
5 Legislature;

6 (2) Director means the Director of Research of the
7 Legislature or his or her designee;

8 (3) Executive board means the Executive Board of the
9 Legislative Council;

10 (4) Other district means a legislative district, supreme
11 court judicial district, public service commission district, board
12 of regents district, or state board of education district; and

13 (5) Redistricting plan means a plan for congressional
14 districts and other districts prepared pursuant to the requirements
15 of the act.

16 Sec. 3. (1) The Redistricting Committee of the
17 Legislature is established. The committee shall be comprised of
18 nine members of the Legislature, three from each congressional
19 district existing on January 1 of each year ending in zero. The
20 executive board shall appoint the members of the committee in
21 January of each year ending in zero. No more than five members
22 appointed to the committee shall be of the same political party.

23 (2) At the first meeting of the committee, the members
24 shall select from among themselves by majority vote one member to
25 serve as chairperson of the committee and one member to serve as

1 vice-chairperson of the committee.

2 (3) The existence of the committee shall continue
3 throughout the redistricting process and shall be reconstituted
4 pursuant to this section in the event of a successful legal
5 challenge to any part of the redistricting process or any action
6 taken under the Redistricting Act. A vacancy on the committee shall
7 be filled by the executive board within fifteen days after the
8 vacancy occurs.

9 (4) The committee shall receive staff support from the
10 office of the director.

11 Sec. 4. (1) The committee shall be responsible for
12 administering the Redistricting Act.

13 (2) The committee shall prepare substantive and
14 procedural guidelines, consistent with the act, that will guide
15 the Legislature's redistricting process. The guidelines shall be
16 formulated by the beginning of the legislative session of each year
17 ending in one. The guidelines shall be presented to the Legislature
18 for approval.

19 (3) If in preparation of redistricting plans the director
20 is confronted with the necessity to make any decision for which
21 no clearly applicable guideline is provided by section 6 of this
22 act, the director may submit a written request for direction to the
23 committee.

24 (4) The committee shall at the earliest feasible time
25 make available to the public the guidelines approved under this

1 section and a summary of the standards prescribed by section 6 of
2 this act.

3 Sec. 5. The committee shall introduce legislative bills
4 pertaining to redistricting congressional districts and other
5 districts during the first ten days of the legislative session
6 of each year ending in one to be amended later in the session
7 with redistricting plans. The committee shall introduce the
8 redistricting plans as amendments to the redistricting bills.

9 Sec. 6. (1)(a) Congressional districts and other
10 districts shall be established on the basis of population and in
11 accordance with the Constitution of Nebraska.

12 (b) Congressional districts and other districts shall
13 each have a population as nearly equal as practicable to the ideal
14 population for such district, determined by dividing the number
15 of districts to be established into the population of the state
16 reported in the most recent federal census.

17 (c) The population of congressional districts and
18 other districts shall not vary from the relevant ideal district
19 populations except as allowed by subdivisions (d) and (e) of this
20 subsection.

21 (d) No congressional district shall have a population
22 which causes a redistricting plan to have a relative deviation
23 in excess of plus or minus one-half percent, based on the ideal
24 district population.

25 (e) No other district shall have a population which

1 causes a redistricting plan to have a relative deviation in excess
2 of the guidelines established under section 4 of this act.

3 (2) County lines shall be followed whenever practicable
4 for boundaries of congressional districts and other districts. To
5 the greatest extent possible, consistent with subsection (1) of
6 this section, the boundaries shall coincide with the boundaries of
7 cities and villages.

8 (3) The number of counties, cities, and villages divided
9 among more than one congressional district or other district shall
10 be as small as possible. If a county, city, or village must be
11 divided, the division shall be made along clearly recognizable
12 boundaries, using visible, recognizable physical features which
13 meet the requirements of the United States Department of Commerce,
14 Bureau of the Census.

15 (4) Congressional districts and other districts shall be
16 composed of contiguous and compact territory. Areas which meet only
17 at the points of adjoining corners shall not be deemed contiguous.

18 (5) No congressional district or other district shall be
19 drawn for the purpose of favoring a political party, an incumbent,
20 or any other person or group or which results in the unlawful
21 dilution of the voting strength of a language or racial minority
22 group.

23 (6) In establishing congressional districts and other
24 districts, the following data shall not be used:

25 (a) Addresses of incumbents;

1 (b) Political affiliations or registered voters; and
2 (c) Demographic information, other than population head
3 counts, and previous election results, except as required by the
4 laws and Constitution of the United States.

5 Sec. 7. (1) The director shall acquire appropriate
6 information, review and evaluate available facilities, and develop
7 programs and procedures for preparing redistricting plans on the
8 basis of each federal decennial census. Funds shall be expended for
9 the purchase or lease of equipment and materials only with prior
10 approval of the chairperson of the executive board.

11 (2) By December 31 of each year ending in zero,
12 the director shall obtain from the United States Department of
13 Commerce, Bureau of the Census, information regarding geographic
14 and political units in this state for which federal census
15 population data has been gathered and will be tabulated.

16 Sec. 8. (1) Based upon the information received from the
17 United States Department of Commerce, Bureau of the Census, the
18 director shall compile statistics, redraw congressional district
19 boundaries and other district boundaries, and prepare redistricting
20 plans and maps reflecting the proposed new boundaries in accordance
21 with section 6 of this act. Redistricting plans shall only be
22 prepared in years ending in one. Not later than March 1 of each
23 year ending in one, the director shall deliver the redistricting
24 plans to the committee. At the earliest feasible time after
25 receiving the redistricting plans, the committee shall make them

1 available to the Legislature and to the public. The redistricting
2 plans shall include:

3 (a) Copies of the amendments containing the descriptions
4 of the redrawn district boundaries;

5 (b) Maps illustrating the redrawn district boundaries;
6 and

7 (c) A statement that includes:

8 (i) The ideal population of a congressional district and
9 other districts;

10 (ii) The population of each congressional district and
11 each other district created by the redrawn district boundaries; and

12 (iii) The percentage deviation from the ideal population
13 of each proposed congressional district and each other district
14 created by the redrawn district boundaries.

15 (2) The director shall provide only such information
16 regarding the redistricting plan as may be required by policies
17 agreed upon by the committee to (a) persons outside his or
18 her office and (b) the office of the Revisor of Statutes. This
19 subsection does not apply to population data furnished to the
20 director by the United States Department of Commerce, Bureau of the
21 Census.

22 (3) If the population data for congressional districts
23 and other districts, which the United States Department of
24 Commerce, Bureau of the Census, is required to provide to this
25 state, is not available to the director on or before February 1

1 of the year ending in one, the dates set forth in this section
2 shall be extended by a number of days equal to the number of days
3 after February 1 of the year ending in one that the federal census
4 population data becomes available.

5 Sec. 9. (1) After receiving the redistricting plans
6 and making them available to the Legislature and the public,
7 the committee shall schedule and conduct, as expeditiously
8 as reasonably possible, at least one public hearing in each
9 congressional district for the purposes of soliciting input on the
10 proposed redistricting plans.

11 (2) Following the public hearings, the committee shall
12 make available transcripts of testimony received during the public
13 hearings and promptly prepare and submit to the Legislature a
14 report summarizing information and testimony received by the
15 committee in the course of the hearings. The report shall
16 include comments and conclusions which the committee members deem
17 appropriate based on the information and testimony received at the
18 hearings or otherwise presented to the committee.

19 Sec. 10. (1) After the committee's report is submitted
20 to the Legislature, the Speaker of the Legislature shall bring the
21 redistricting bills, including the committee amendments containing
22 the redistricting plans, to a vote expeditiously. No amendments
23 shall be permitted, other than amendments introduced by the
24 committee, which contain the redistricting plans or those of a
25 purely corrective nature.

1 (2) If any of the redistricting bills with the amendments
2 introduced by the committee fails to advance from General File,
3 the Clerk of the Legislature shall inform the director that
4 the redistricting plan was not advanced and the reasons why the
5 redistricting plan was not advanced. The director shall prepare
6 an amendment containing a second redistricting plan for such bills
7 and shall take into account the reasons cited by the Clerk of
8 the Legislature for the failure to advance the redistricting plan
9 insofar as it is possible to do so within the requirements of
10 section 6 of this act. If a second redistricting plan is required
11 under this subsection, the director shall deliver the amendment to
12 the Speaker of the Legislature no later than twenty-one days after
13 the date of the vote by which the Legislature failed to advance the
14 bill from General File. If it is necessary to submit an amendment
15 under this subsection, the bill shall be brought to a vote not less
16 than seven days after the amendment is delivered to the Speaker of
17 the Legislature. The same procedure shall be used for the second
18 redistricting plan as prescribed for the first.