

ONE HUNDRED FIFTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 289CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Krist, 10.

Read first time January 17, 2018

Committee: Executive Board

1 THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND
2 SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2018, the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 5, and add new sections 31 and 32 to
7 Article III:

8 III-5 The Legislature shall by law determine the number of members
9 to be elected and divide the state into legislative districts as provided
10 in section 31 of this Article. In the creation of such districts, any
11 county that contains population sufficient to entitle it to two or more
12 members of the Legislature shall be divided into separate and distinct
13 legislative districts subject to section 31 of this Article ~~, as nearly~~
14 ~~equal in population as may be and composed of contiguous and compact~~
15 ~~territory~~. One member of the Legislature shall be elected from each such
16 district. The basis of apportionment shall be the population excluding
17 aliens, as shown by the next preceding federal census. The Legislature
18 shall redistrict the state after each federal decennial census. In any
19 such redistricting, county lines shall be followed whenever practicable,
20 but other established lines may be followed at the discretion of the
21 Legislature subject to section 31 of this Article.

22 III-31 (1)(a) The Legislature shall not draw boundaries for a
23 legislative district which individually or aggregately:

1 (i) Intentionally favor or disfavor an incumbent or a political
2 party; or

3 (ii) Intentionally or effectively deny racial or language minorities
4 the equal opportunity to participate in the political process or
5 intentionally or effectively diminish their ability to elect
6 representatives of their choice; and

7 (b) The Legislature shall draw boundaries for a legislative district
8 which create a contiguous district.

9 (2) Unless compliance with the following standards conflicts with
10 the standards in subsection (1) of this section or with federal law, the
11 Legislature shall draw boundaries for a legislative district which:

12 (a) Create a compact district;

13 (b) Create a district as nearly equal in population as is
14 practicable to all other legislative districts; and

15 (c) Where feasible, create a district using existing political and
16 geographical boundaries.

17 (3) The order in which the standards in subsections (1) and (2) of
18 this section are set forth shall not be interpreted to establish any
19 priority of one standard over another within the respective subsection.

20 III-32 (1)(a) Boundaries for a congressional district shall not be
21 drawn which individually or aggregately:

22 (i) Intentionally favor or disfavor an incumbent or a political
23 party; or

24 (ii) Intentionally or effectively deny racial or language minorities
25 the equal opportunity to participate in the political process or
26 intentionally or effectively diminish their ability to elect
27 representatives of their choice; and

28 (b) Boundaries for a congressional district shall be drawn to create
29 a contiguous district.

30 (2) Unless compliance with the following standards conflicts with
31 the standards in subsection (1) of this section or with federal law,

1 boundaries for a congressional district shall be drawn which:

2 (a) Create a compact district;

3 (b) Create a district as nearly equal in population as is
4 practicable to all other congressional districts in Nebraska; and

5 (c) Where feasible, create a district using existing political and
6 geographical boundaries.

7 (3) The order in which the standards in subsections (1) and (2) of
8 this section are set forth shall not be interpreted to establish any
9 priority of one standard over another within the respective subsection.

10 Sec. 2. The proposed amendment shall be submitted to the electors
11 in the manner prescribed by the Constitution of Nebraska, Article XVI,
12 section 1, with the following ballot language:

13 A constitutional amendment to provide, change, and eliminate
14 standards for drawing boundaries of legislative districts and provide
15 standards for drawing boundaries of congressional districts.

16 For

17 Against.