

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 269CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Hunt, 8.

Read first time January 06, 2022

Committee:

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

3 Section 1. At the general election in November 2022, 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 add a new section 31 to Article III:

7 III-31 In addition to any other requirements of this Constitution,
8 in establishing or revising the boundaries of all election districts for
9 federal and state offices as provided in the Constitution of the United
10 States or this Constitution:

11 (1) Every ten years beginning in 2031, the Legislature shall
12 establish a screening committee of nine of its members, no more than five
13 of whom may be affiliated with the same political party. Action by the
14 screening committee shall require the affirmative votes of at least six
15 of its members. The screening committee shall appoint a Commission on
16 Redistricting with responsibility to draw and recommend to the
17 Legislature the boundaries of election districts;

18 (2) The commission shall be comprised of nine registered voters of
19 the State of Nebraska divided into three groups: Three commissioners
20 affiliated with the largest political party in the state, three
21 commissioners affiliated with the second largest political party in the
22 state, and three commissioners not affiliated with either of these
23 political parties. The opportunity to serve on the commission shall be

1 broadly advertised to the public. The screening committee shall identify
2 and make public a pool of candidates from among the registered voters of
3 the state who apply to the screening committee, who have the ability to
4 exercise nonpartisan, independent judgment in drawing election districts,
5 and who in the judgment of the screening committee are likely to do so.
6 The screening committee may interview applicants prior to finalizing the
7 pool of candidates. The screening committee shall select two candidates
8 in each of the three groups in the pool at random and appoint them to the
9 commission and shall directly choose one candidate from each group and
10 appoint them to the commission;

11 (3)(a) In order to be eligible to be a commissioner, a registered
12 voter shall not have changed political affiliation in the three years
13 prior to submission of the application.

14 (b) No commissioner, and no member of a commissioner's immediate
15 family, shall be a member of Congress, a member of the Legislature, a
16 constitutional officer of the State of Nebraska (other than a
17 commissioner), an elected county or city official, an elected or
18 appointed official or employee of a political party, a candidate for
19 federal, state, county, or city elective office, a registered lobbyist,
20 or a consultant for a political party or a candidate for federal, state,
21 county, or city elective office.

22 (c) No commissioner or member of a commissioner's immediate family
23 shall have held any of the positions listed in subdivision (c) of this
24 subsection for at least five years prior to the commissioner's
25 application.

26 (d) For purposes of this section, immediate family includes any
27 person related to a commissioner by blood or marriage, including foster
28 and adopted children;

29 (4) The screening committee shall appoint the commissioners on or
30 before March 1, 2031, and on or before March 1 every ten years
31 thereafter. Each commissioner's term shall expire ten years after the

1 date of the commissioner's appointment or when the next commission is
2 established, whichever is earlier. The screening committee shall fill
3 vacancies on the commission from the same pool and group of candidates as
4 the commissioner whose position is vacant. No commissioner shall be
5 eligible for state office for a period of five years following the
6 conclusion of service as a commissioner;

7 (5) The commission shall begin its work on or before April 1 of each
8 year in which the commission is established and shall recommend maps
9 setting forth the boundaries of all election districts by August 1 of
10 that same year;

11 (6) The commission may retain employees, consultants, and legal
12 counsel and contract for goods and services, but shall not retain or
13 contract with an individual who would be ineligible to serve on the
14 commission under subdivision (3) of this section or an entity owned or
15 controlled by such an individual. On each day on which the commission
16 meets to conduct its duties relating to redistricting, a commissioner
17 shall be entitled to the same per diem and reimbursement of expenses as a
18 member of the Legislature while the Legislature is in session;

19 (7) The Legislature shall provide meeting space and staff for the
20 commission and shall appropriate the funds necessary for the commission
21 to carry out its duties;

22 (8) The commission shall hold at least one public meeting in each
23 congressional district prior to recommending maps to the Legislature. The
24 commission shall make the maps proposed for recommendation and other data
25 being considered readily available to the public across the state in a
26 reasonably usable format at least seven days prior to the first such
27 meeting and shall consider comments and maps provided by the public. Maps
28 proposed by the commission shall be accompanied by a written explanation
29 of the decisions made by the commission in drawing the maps;

30 (9) A quorum of the commission shall be seven commissioners. In
31 order to be effective, any action taken by the commission, including the

1 election of its chairperson and vice-chairperson and the recommendation
2 of maps, shall have the votes of at least two commissioners from each of
3 the three groups of commissioners;

4 (10) Subject to other provisions of this Constitution, election
5 districts shall be drawn in accordance with the following criteria, in
6 order of priority: (a) Complying with federal law, (b) creating
7 contiguous districts, (c) making districts as nearly equal in population
8 as possible, (d) ensuring that districts do not deny or abridge the right
9 to vote on the basis of race or language, (e) minimizing the division of
10 county, municipal, and neighborhood boundaries, and (f) not intentionally
11 favoring or disfavoring any incumbent or political party;

12 (11) Except as may be otherwise required by federal law or to
13 evaluate maps for compliance with subdivision (10) of this section,
14 election districts shall be drawn without considering the political
15 affiliation of voters or previous voting data;

16 (12) The commission shall recommend to the Legislature maps setting
17 forth the boundaries of election districts. Such maps shall be subject to
18 final approval by the Legislature;

19 (13) The Legislature shall not redraw any districts. If any
20 districts are rejected by the Legislature, the commission shall redraw
21 the maps containing such districts in compliance with subdivisions (10)
22 and (11) of this section, taking into account any feedback from the
23 Legislature, and resubmit such maps to the Legislature for approval;

24 (14) All proceedings of the Legislature and its committees regarding
25 redistricting and all meetings of the commission shall be conducted in
26 public or with a remote viewing option which is readily accessible by the
27 public; and

28 (15) Any registered voter of the State of Nebraska may maintain an
29 action to compel compliance with this section. The district court for
30 Lancaster County shall have original jurisdiction over any such action.

31 Sec. 2. The proposed amendment shall be submitted to the electors

1 in the manner prescribed by the Constitution of Nebraska, Article XVI,
2 section 1, with the following ballot language:

3 A constitutional amendment to require appointment of a Commission on
4 Redistricting to draw and recommend to the Legislature the boundaries of
5 election districts.

6 For

7 Against.