

EMERGENCY REQUEST OF SENATE MINORITY LEADER

SENATE BILL NO. 462—SENATORS SETTELMEYER, KIECKHEFER, PICKARD, GOICOECHEA, HARDY; BUCK, HAMMOND, HANSEN AND SEEVERS GANSERT

MAY 29, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Creates the Reapportionment and Redistricting Advisory Commission. (BDR 17-1180)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to legislative affairs; creating the Reapportionment and Redistricting Advisory Commission; prescribing the membership of the Commission; setting forth the duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada Constitution requires the Legislature to apportion Senators and members of the Assembly among the counties or legislative districts of the State after each decennial census. (Nev. Const. Art. 4 § 5) **Section 3** of this bill creates the Reapportionment and Redistricting Advisory Commission. **Section 3** requires: (1) the Commission to be composed of seven members; and (2) the Speaker of the Assembly, Majority Leader of the Senate, Minority Leader of the Assembly and Minority Leader of the Senate to each appoint one member. The remaining three members are required by **section 3** to be appointed by the four members appointed by the legislative officers as soon as practicable after each decennial census. Under **section 3**, the terms of office of each member of the Commission expires upon the earlier of the completion of the obligations of the Commission set forth in **section 4** of this bill or upon the release of the subsequent decennial census of the United States.

**Section 4** sets forth certain qualifications for the membership of the Commission. Under **section 4**, each member of the Commission is: (1) required to be registered and eligible to vote in this State; and (2) prohibited from, during his or her term of office or within the 4 years immediately preceding his or her appointment, holding certain positions or being related to a person who holds certain positions. Additionally, **section 4** prohibits the three members of the



20 Commission not appointed by legislative officers from being registered or affiliated  
21 with the largest or second largest political party in this State for at least 4 years  
22 immediately preceding their appointments.

23 **Section 5** of this bill sets forth the duties of the Commission. **Section 5** requires  
24 the Commission to, after each decennial census of the United States, develop a  
25 recommended plan to apportion Senators, members of the Assembly and  
26 representatives in the United States House of Representatives among legislative  
27 districts and congressional districts, as applicable, proposed by the Commission.  
28 **Section 5** sets forth criteria that the Commission is required to use in drawing  
29 proposed districts for the recommended plan. **Section 5** requires the Commission  
30 to, not later than 180 days after the decennial census of the United States, submit to  
31 the Legislature a recommended plan for reapportionment and redistricting which  
32 has been approved by the Commission in accordance with the procedures set forth  
33 in **section 5**.

34 **Section 6** of this bill requires the legislative officers described in **section 3** to  
35 appoint certain initial members of the Commission in accordance with **section 3** not  
36 later than July 1, 2021. **Section 6** requires the appointment of the remaining initial  
37 members of the Commission not later than August 1, 2021. Finally, **section 6**  
38 requires the Commission to submit to the Legislature a recommended plan for  
39 reapportionment and redistricting as soon as practicable after the data from the  
40 decennial census of 2020 is delivered to the states by the Bureau of the Census of  
41 the United States Department of Commerce.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 218E of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act,*  
5 *“Commission” means the Reapportionment and Redistricting*  
6 *Advisory Commission created by section 3 of this act.*

7 **Sec. 3. 1.** *The Reapportionment and Redistricting Advisory*  
8 *Commission is hereby created. The Commission consists of:*

9 *(a) One member appointed by the Speaker of the Assembly;*

10 *(b) One member appointed by the Majority Leader of the*  
11 *Senate;*

12 *(c) One member appointed by the Minority Leader of the*  
13 *Assembly;*

14 *(d) One member appointed by the Minority Leader of the*  
15 *Senate; and*

16 *(e) Three members appointed by the members appointed*  
17 *pursuant to paragraphs (a) to (d), inclusive.*

18 **2.** *The members of the Commission must be appointed as*  
19 *soon as practicable after each decennial census of the United*  
20 *States. The term of office of each member expires upon the earlier*  
21 *of the completion of the obligations of the Commission pursuant*



1 to section 5 of this act or upon the release of the subsequent  
2 decennial census of the United States.

3 3. The Commission shall:

4 (a) At its first meeting after the appointment of the three  
5 members appointed pursuant to paragraph (e) of subsection 1  
6 following a decennial census of the United States, elect a chair  
7 from among its members;

8 (b) Meet at the times and places specified by a call of the Chair  
9 and as often as is necessary to carry out the duties set forth in  
10 section 5 of this act; and

11 (c) Adopt rules to govern its administration and operation.

12 4. All meetings of the Commission must be open to the public.  
13 The Commission shall ensure that the public has opportunities to  
14 view, present testimony and participate in all hearings before the  
15 Commission. All Commission materials are public records.

16 **Sec. 4. 1. A member of the Commission:**

17 (a) Must be registered and eligible to vote in this State.

18 (b) Must not be, during his or her term of office or within the 4  
19 years immediately preceding his or her appointment:

20 (1) A registered lobbyist;

21 (2) A candidate for a federal, state or partisan local office;

22 (3) An elected official to a federal, state or partisan local  
23 office;

24 (4) An officer or member of the governing body of a  
25 national, state or local political party;

26 (5) A paid consultant or employee of a federal, state or  
27 partisan local elected official or candidate, political action  
28 committee, committee sponsored by a political party or committee  
29 that seeks to influence elections to federal, state or partisan local  
30 offices;

31 (6) An employee of the State of Nevada, except for  
32 employees in the Judicial Department of the State Government,  
33 the Armed Forces or a state institution of higher education; or

34 (7) Related within the third degree of consanguinity or  
35 affinity to any person disqualified under subparagraphs (1) to (6),  
36 inclusive.

37 2. A member appointed to the Commission pursuant to  
38 paragraph (e) of subsection 1 of section 3 of this act must not be:

39 (a) For not less than the 4 years immediately preceding his or  
40 her appointment, registered or affiliated with the largest or second  
41 largest political party in this State, as determined by voter  
42 registration data published by the Secretary of State as of January  
43 1 of the year in which the member is appointed; or

44 (b) Registered or affiliated with the same political party as any  
45 other member of the Commission.



1     **Sec. 5. 1.** *The Commission shall, after each decennial*  
2 *census of the United States, develop a recommended plan to*  
3 *apportion the number of Senators and members of the Assembly*  
4 *among legislative districts proposed by the Commission and to*  
5 *apportion the number of representatives in the United States*  
6 *House of Representatives among congressional districts proposed*  
7 *by the Commission.*

8     **2.** *In developing the plan pursuant subsection 1, the*  
9 *Commission shall draw proposed legislative districts and*  
10 *congressional districts that:*

11     **(a)** *Comply with the United States Constitution and applicable*  
12 *federal law.*

13     **(b)** *Have an approximately equal number of inhabitants.*

14     **(c)** *Are geographically contiguous.*

15     **(d)** *Are not drawn with the intent or result of denying or*  
16 *abridging the equal opportunity of racial or language minorities to*  
17 *participate in the political process or elect representatives of their*  
18 *choice, whether by themselves or voting in concert with other*  
19 *persons.*

20     **(e)** *Do not unduly advantage or disadvantage a political party,*  
21 *when considered on a statewide basis.*

22     **(f)** *Reflect county, city and township boundaries, to the extent*  
23 *practicable.*

24     **(g)** *Do not divide communities of interest, to the extent*  
25 *practicable.*

26     **(h)** *Are reasonably compact.*

27     **(i)** *Are politically competitive. For the purposes of this*  
28 *paragraph, a district is politically competitive if there is a*  
29 *reasonable potential for the party affiliation of the representative*  
30 *of the district to change at least once between each decennial*  
31 *census.*

32     **3.** *A recommended plan developed pursuant to subsection 1*  
33 *must be approved by the affirmative vote of at least five members,*  
34 *which must include at least:*

35     **(a)** *One vote of a member registered with the largest political*  
36 *party in this State, as determined by voting registration data*  
37 *published by the Secretary of State as of January 1 of the year in*  
38 *which the member is appointed;*

39     **(b)** *One vote of a member registered with the second largest*  
40 *political party in this State, as determined by voting registration*  
41 *data published by the Secretary of State as of January 1 of the*  
42 *year in which the member is appointed; and*

43     **(c)** *One vote of a member who is not registered or affiliated*  
44 *with a political party described in paragraph (a) or (b).*



1 *4. Not later than 180 days after each decennial census of the*  
2 *United States, the Commission shall submit to the Director of*  
3 *the Legislative Counsel Bureau for transmission to the Legislature*  
4 *the recommended plan developed pursuant to subsection 1 which*  
5 *has been approved pursuant to subsection 3.*

6 *5. As used in this section, "community of interest" means an*  
7 *area with recognized similarities of interests, including, without*  
8 *limitation, racial, ethnic, economic, social, cultural, geographic or*  
9 *historic identities, but not including communities based on*  
10 *political affiliation.*

11 **Sec. 6.** 1. The Speaker of the Assembly, Majority Leader of  
12 the Senate, Minority Leader of the Assembly and Minority leader of  
13 the Senate shall appoint the initial members of the Commission  
14 described in paragraphs (a) to (d), inclusive, of subsection 1 of  
15 section 3 of this act not later than July 1, 2021.

16 2. The members of the Commission appointed pursuant to  
17 subsection 1 shall appoint the members of the Commission  
18 described in paragraph (e) of subsection 1 of section 3 of this act not  
19 later than August 1, 2021.

20 3. The Commission shall, as soon as practicable after the data  
21 from the decennial census of 2020 is delivered to the states by the  
22 Bureau of the Census of the United States Department of  
23 Commerce:

24 (a) Develop and approve a recommended plan for  
25 reapportionment and redistricting in accordance with section 5 of  
26 this act; and

27 (b) Submit the recommended plan to the Director of the  
28 Legislative Counsel for transmission to the Legislature.

29 4. As used in this section, "Commission" means the  
30 Reapportionment and Redistricting Advisory Commission created  
31 by section 3 of this act.

32 **Sec. 7.** Notwithstanding the provisions of NRS 218D.430 and  
33 218D.435, a committee, other than the Assembly Standing  
34 Committee on Ways and Means and the Senate Standing Committee  
35 on Finance, may vote on this act before the expiration of the period  
36 prescribed for the return of a fiscal note in NRS 218D.475. This  
37 section applies retroactively from and after March 22, 2021.

38 **Sec. 8.** The provisions of subsection 1 of NRS 218D.380 do  
39 not apply to any provision of this act which adds or revises a  
40 requirement to submit a report to the Legislature.

41 **Sec. 9.** This act becomes effective upon passage and approval.

