

SENATE BILL NO. 428
INTRODUCED BY J. ESP

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 14, OF THE MONTANA CONSTITUTION TO REVISE LEGISLATIVE REDISTRICTING TO CREATE A NONPARTISAN PROCESS TO ADOPT A NONPARTISAN PLAN; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article V, section 14, of The Constitution of the State of Montana is amended to read:

"Section 14. Districting and apportionment. (1) The state shall be divided into as many districts as there are members of the house, and each district shall elect one representative. Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and contiguous territory. All congressional and legislative districts shall be as nearly equal in population as is practicable.

(2) In the legislative session ~~following ratification of this constitution and thereafter in each session~~ preceding each federal population census, a commission of ~~five~~ citizens, none of whom may be public officials, shall be selected to prepare a nonpartisan plan for redistricting and reapportioning the state into legislative districts and a nonpartisan plan for redistricting the state into congressional districts.

(3) The majority and minority leaders of each house shall each designate one commissioner. Within 20 days after their designation, the four commissioners ~~shall~~ may select ~~the~~ a fifth member, who, if selected, shall serve as ~~chairman~~ presiding officer of the commission. If the four members fail to select the fifth member within the time prescribed, ~~a majority of the supreme court shall select him~~ the commission shall be composed of the four designated commissioners, who may alternate as presiding officer.

~~(3)~~(4) Within 90 days after the official final decennial census figures are available, the commission shall file its final plan for congressional districts with the secretary of state and it shall become law.

(5) The legislative services division shall gather information to develop alternative plans that may not be based on partisan information and must be developed according to criteria as provided by law. The plans must be presented to the commission, and the commission shall select a legislative redistricting plan, including a recommendation for assignment of holdover senators, for consideration at the public hearings.

~~(4)(6)~~ The commission shall hold at least four regional public hearings and one public hearing on the entire plan. The commission shall submit its a nonpartisan plan for legislative districts, including a recommendation for assignment of holdover senators, to the legislature at the first regular session after its appointment or after the census figures are available. ~~Within 30 days after submission, the legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the commission shall file its final plan for legislative districts with the secretary of state and it shall become law.~~

~~(5)(7)~~ Upon filing ~~both plans~~ the congressional plan and submitting a legislative plan to the legislature, the commission is then dissolved.

(8) Within 15 legislative days after submission, the legislature shall consider the plan for approval without amendment, unless purely corrective in nature. If the plan is approved, it shall be submitted to the secretary of state and it shall become law. If the plan is not approved, then the legislature shall direct the legislative services division to prepare a second nonpartisan plan based on information transmitted by both houses for consideration without amendment within 21 legislative days.

(9) If the second plan is approved, it shall be submitted to the secretary of state and it shall become law. If the second plan is not approved, then the legislature shall direct the legislative services division to prepare a third nonpartisan plan based on information transmitted by both houses for consideration within 21 legislative days. The third plan is subject to amendment by the legislature. If the third plan is approved, it shall be submitted to the secretary of state and it shall become law. If the third plan is not approved within 21 legislative days, the plans must be transmitted to a three-judge panel of district court judges who are appointed by the supreme court from three different judicial districts. The panel shall adopt a plan from any of the previous plans prepared or direct the legislative services division to prepare a nonpartisan legislative redistricting plan to be adopted within 45 calendar days of the third rejection. The panel shall file its final plan for legislative districts with the secretary of state and it shall become law.

(10) The legislature or the judicial panel, if necessary, shall assign holdover senators as provided by law.

(11) A redistricting plan that has become law and that must be revised by order of a court must be revised by the legislative services division and presented to the legislature at the earliest opportunity to follow the process as provided in subsections (8) through (10)."

NEW SECTION. Section 2. Effective date. This amendment is effective upon approval by the electorate.

NEW SECTION. **Section 3. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2004 by printing on the ballot the full title of this act and the following:

- FOR revising the legislative redistricting process to require more public hearings, prohibit use of partisan data, and to allow adoption of a nonpartisan plan.
- AGAINST revising the legislative redistricting process to require more public hearings, prohibit use of partisan data, and to allow adoption of a nonpartisan plan.

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