

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 580**

Introduced by Murante, 49.

Read first time January 21, 2015

Committee: Executive Board

1 A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493  
2 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the  
3 Redistricting Act; to require statements of financial interest and  
4 conflict of interest statements as prescribed; to harmonize  
5 provisions; to provide severability; and to repeal the original  
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 28 of this act shall be known and may be  
2 cited as the Redistricting Act.

3           Sec. 2. (1) It is the intent of the Legislature to recognize that  
4 decennial redistricting is a significant part of the legislative and  
5 political process and must be administered in an equitable and  
6 transparent manner to ensure citizen confidence in government.

7           (2) It is the intent of the Legislature to create and approve  
8 districts that have an equal distribution of population, as directed by  
9 Article I, section 2, of the Constitution of the United States and the  
10 Constitution of Nebraska. It is the responsibility of the Legislature to  
11 ensure that districts are composed of compact and contiguous territory,  
12 to protect the existing boundaries of counties, political subdivisions,  
13 core communities, and communities of interest when practicable, to place  
14 precincts wholly within a single legislative district and to place  
15 legislative districts wholly within a single congressional district when  
16 practicable, and to ensure that no single district dilutes, fractures, or  
17 packs any voting majority or minority based on race or language.

18           (3) It is the intent of the Legislature to create the Independent  
19 Redistricting Citizen's Advisory Commission for the purpose of assisting  
20 the Legislature in the process of redistricting in 2021 and thereafter.

21           Sec. 3. For purposes of the Redistricting Act, the definitions in  
22 sections 4 to 17 of this act apply.

23           Sec. 4. Census data means the adopted official population figures  
24 and maps from the Census Redistricting (Public Law 94-171) TIGER/Line  
25 Shapefiles for the most recent federal census published by the United  
26 States Department of Commerce, Bureau of the Census, or the most recent  
27 official population figures and maps published by the Bureau of the  
28 Census for the most recent federal census.

29           Sec. 5. Commission means the Independent Redistricting Citizen's  
30 Advisory Commission.

31           Sec. 6. County apportionment formula means dividing the population

1 of the county by the ideal district population, dropping the remainder,  
2 and the whole number is the number of districts entirely contained within  
3 the county.

4       Sec. 7. Cracking means dividing the electoral strength of a  
5 particular group by a redistricting plan.

6       Sec. 8. Director means the Director of Research of the office of  
7 Legislative Research or his or her designee.

8       Sec. 9. District means any United States House of Representatives  
9 district, legislative district, State Board of Education district,  
10 University of Nebraska Board of Regents district, Supreme Court judicial  
11 district, or Public Service Commission district.

12       Sec. 10. Federal census means the decennial census required by  
13 federal law to be conducted by the United States Department of Commerce,  
14 Bureau of the Census, in every year ending in zero.

15       Sec. 11. Ideal district population means the population of the  
16 State of Nebraska divided by the total number of districts.

17       Sec. 12. Packing means consolidating one group as a supermajority  
18 in a small number of districts resulting in a reduction of the group's  
19 electoral influence in surrounding districts.

20       Sec. 13. Political party office means an elective office in the  
21 national or state organization of a political party.

22       Sec. 14. Public officeholder means a person holding an office of  
23 this state or a county, city, village, or other political subdivision of  
24 this state which is filled by an election process involving nomination  
25 and election of candidates.

26       Sec. 15. Redistricting means dividing the State of Nebraska into  
27 districts by designating boundary lines based on population through  
28 legislative action.

29       Sec. 16. Registered lobbyist means an individual required to  
30 register with the Clerk of the Legislature under section 49-1483.

31       Sec. 17. Relative means an individual who is related to the person

1 in question as father, mother, son, daughter, brother, sister, uncle,  
2 aunt, first cousin, nephew, niece, husband, wife, grandfather,  
3 grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
4 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
5 stepdaughter, stepbrother, stepsister, half brother, or half sister.

6       Sec. 18. (1) In preparation for drawing new district boundaries on  
7 the basis of census data, the director shall acquire and maintain  
8 temporary and permanent equipment, materials, supplies, facilities,  
9 software, and staff as necessary to assist the commission in the  
10 development of programs and procedures. The director shall create and  
11 maintain a web site, in accordance with state requirements, which shall  
12 include, but not be limited to, information regarding members of the  
13 commission, census data for Nebraska, state redistricting history,  
14 relevant maps, schedule for public comment, and statutory redistricting  
15 authority. The Legislature shall appropriate funds to the office of  
16 Legislative Research to be spent for the purchase or lease of temporary  
17 or permanent equipment, materials, supplies, facilities, software, or  
18 staff for the explicit purpose of carrying out the Redistricting Act only  
19 and with prior approval of the Executive Board of the Legislative  
20 Council.

21       (2) The director shall act as a liaison between the commission and  
22 the Legislature.

23       (3) As soon as possible after January 1 of each year ending in one,  
24 the director shall obtain from the United States Department of Commerce,  
25 Bureau of the Census, the census data needed for redistricting which the  
26 bureau is required to provide to this state and shall use the census data  
27 to assign an ideal district population to each district based upon the  
28 census data.

29       (4) Upon delivery by the director to the commission of the six bills  
30 embodying redistricting plans for the districts pursuant to section 28 of  
31 this act, the director shall, at the earliest possible time, make

1 available to the public the following information:

2 (a) Copies of each of the six legislative bills approved by the  
3 commission;

4 (b) Copies of maps illustrating each of the six legislative bills  
5 approved by the commission;

6 (c) Copies of the ideal district population and total population of  
7 each district included in each of the six legislative bills and the  
8 relative deviation of the population of each district from the target  
9 population for the district; and

10 (d) Copies of the county apportionment formula and the number of  
11 districts entirely contained within each county.

12 Sec. 19. Not later than January 30 of each year ending in one, a  
13 six-member, Independent Redistricting Citizen's Advisory Commission shall  
14 be established as provided by the Redistricting Act. Each of the three  
15 legislative caucuses shall certify to the Secretary of State and the  
16 Speaker of the Legislature the appointment of three persons, with no more  
17 than two who have the same political party affiliation, to serve on the  
18 commission. The commission's only functions shall be those prescribed by  
19 the act. The commission shall be reconstituted if the Governor or  
20 Legislature, as authorized by Article IV, section 8, of the Constitution  
21 of Nebraska, calls for a special session of the Legislature on any  
22 redistricting plan or in the event of a successful legal challenge to any  
23 part of any redistricting plan for the purpose of reformulating the  
24 challenged redistricting plan. The members of the commission shall be  
25 reimbursed for per diem, travel, and actual expenditures as authorized  
26 under sections 81-1174 to 81-1177. The commission shall receive necessary  
27 equipment, materials, supplies, facilities, software, and staff from the  
28 office of Legislative Research.

29 Sec. 20. The Redistricting Fund is created. The Legislature shall  
30 appropriate, from the General Fund, an amount prescribed by the Executive  
31 Board of the Legislative Council to the Redistricting Fund for temporary

1 or permanent equipment, materials, supplies, facilities, software, and  
2 staff for the office of Legislative Research for purposes of assisting  
3 the commission and for per diems and travel and actual expenses of the  
4 members of the commission. Any money in the fund following the  
5 termination of the commission shall revert to the General Fund. Any money  
6 in the Redistricting Fund available for investment shall be invested by  
7 the state investment officer pursuant to the Nebraska Capital Expansion  
8 Act and the Nebraska State Funds Investment Act.

9       Sec. 21. The commission shall cease to exist and suspend all  
10 official action following the final legislative approval and Governor's  
11 signature, or judicial approval if applicable, on all six redistricting  
12 plans. Following such suspension, the director shall prepare and submit  
13 electronically a detailed report and financial statement to the  
14 Legislature disclosing all expenditures made by the office of Legislative  
15 Research on behalf of the commission. The director shall transmit  
16 original copies of all information developed by the commission pursuant  
17 to carrying out its duties under the Redistricting Act to the Secretary  
18 of State, including maps, census data collected, meetings of minutes,  
19 written communications, digital or electronic video, tapes, emails, and  
20 other information of similar nature. The Secretary of State shall be the  
21 custodian for the permanent preservation of such information which shall  
22 constitute the official record.

23       Sec. 22. To be eligible to serve on the commission, a person shall:  
24       (1) Be a Nebraska resident;  
25       (2) Be a registered voter who, at the time of appointment, has not  
26 changed political party affiliation within the previous twelve months;  
27       (3) Not be a registered lobbyist and, at the time of appointment,  
28 not have been a registered lobbyist within the previous twelve months;  
29 and  
30       (4) Not be a public officeholder in Nebraska nor a holder of a  
31 political party office in Nebraska or the United States;

1           Sec. 23. No member of the commission shall be a candidate for  
2 elective office while a member of the commission.

3           Sec. 24. (1) Prior to legislative approval, each member of the  
4 Independent Redistricting Citizen's Advisory Commission shall file a  
5 statement of financial interests and conflict of interest with the  
6 Nebraska Accountability and Disclosure Commission pursuant to sections  
7 49-1493 to 49-14,104.

8           (2) Within ten days after the Legislature has approved the members  
9 for the Independent Redistricting Citizen's Advisory Commission, the  
10 members shall by majority vote select from among the members of the  
11 commission a chairperson and a vice-chairperson of different political  
12 party affiliation and report such selection to the Secretary of State and  
13 the Speaker of the Legislature.

14           (3) Five voting members shall constitute a quorum for decisions by  
15 the commission. The commission shall meet at the call of the chairperson.  
16 All meetings shall be subject to the Open Meetings Act. The commission  
17 shall be subject to the Records Management Act.

18           (4) Any member of the commission who violates the Redistricting Act,  
19 who becomes ineligible for the office pursuant to section 22 of this act,  
20 or who has a known or discovered conflict of interest may be removed by a  
21 majority vote of the Legislature.

22           (5) Any vacancy on the commission shall be filled by the legislative  
23 caucus which selected the member whose position is vacant within five  
24 legislative days after the vacancy occurs, and such replacement member  
25 shall hold the same political party affiliation as the member whose  
26 position is vacant.

27           Sec. 25. (1) The commission shall adopt substantive and procedural  
28 guidelines, consistent with the Redistricting Act, that will guide the  
29 commission's redistricting process. During the legislative session of  
30 each year ending in one, the substantive guidelines adopted by the  
31 commission shall be presented to the Legislature. The commission shall,

1 at the earliest feasible time, make available to the public the  
2 guidelines prepared under this section.

3 (2) The commission shall follow the following guidelines in the  
4 following order of importance:

5 (a) Equal population among districts to meet constitutional  
6 requirements;

7 (b) Follow county lines in accordance with Article III, section 5,  
8 of the Constitution of Nebraska;

9 (c) Ensure compliance with the federal Voting Rights Act of 1965;

10 (d) Ensure districts are compact;

11 (e) Ensure districts are contiguous;

12 (f) Follow the boundaries of cities and villages;

13 (g) Follow the boundaries of political subdivisions;

14 (h) Create districts with communities of common interest;

15 (i) Provide districts with easily identifiable boundaries, such as  
16 major roads, rivers, and county roads;

17 (j) Create districts with population deviations nearest to zero; and

18 (k) Protect the incumbent officeholder's constitutional right to  
19 remain in the district and serve a full term.

20 (3) The commission shall adopt maps by majority vote not later than  
21 March 1 of the year ending in one. The director shall deliver the bills  
22 to the Executive Board of the Legislative Council not later than March 10  
23 of the year ending in one.

24 (4) Upon delivery by the director to the Executive Board of the  
25 Legislative Council of a bill for each district, as adopted by the  
26 commission, the commission shall, not later than April 1 of the year  
27 ending in one, properly provide notice and schedule and conduct at least  
28 four public hearings in different geographic regions of the state on each  
29 of the six redistricting plans embodied in the bills delivered to the  
30 Legislature. Following completion of all hearings, the commission shall  
31 review the redistricting plans and make whatever changes are necessary to



1 ensure that the plans are consistent with the Redistricting Act and shall  
2 promptly prepare and submit electronically to the Legislature a report  
3 summarizing information and testimony received by the commission in the  
4 course of the hearings. The report shall include any written or oral  
5 public comments and conclusions which the members of the commission deem  
6 appropriate on the information and testimony received at the hearings or  
7 otherwise presented to the commission.

8       Sec. 26. (1) In the preparation of the redistricting plans, neither  
9 the director nor the commission shall consider political party  
10 affiliation of registered voters or previous election results. The  
11 director and the commission shall not draw district boundary lines to  
12 favor any one individual, group, political party, or incumbent  
13 officeholder and shall not have access to:

- 14       (a) Political party affiliations of registered voters; or  
15       (b) Previous elections results.

16       (2) The director and commission shall not draw any district boundary  
17 that dilutes, fractures, or packs any voting majority or minority based  
18 on race or language.

19       Sec. 27. The following criteria shall be specifically applicable to  
20 the public bodies for which the Legislature will review and approve new  
21 district boundaries in years ending in one:

22       (1) United States House of Representatives:

23       (a) Three single-member districts;

24       (b) Population among districts shall be as nearly equal as  
25 practicable, that is, with an overall range of deviation at or  
26 approaching zero percent; and

27       (c) No plan will be considered which results in an overall range of  
28 deviation in excess of one percent or a relative deviation in excess of  
29 plus or minus one-half percent, based on the ideal district population.  
30 Any deviation from absolute equality of population must be necessary to  
31 the achievement of a legitimate state objective as that concept has been

1 articulated by the United States Supreme Court;

2 (2) Legislature:

3 (a) Forty-nine single-member districts;

4 (b) In establishing new legislative district boundaries, the  
5 Legislature shall create districts that are as nearly equal in population  
6 as may be. No plan will be considered which results in an overall range  
7 of deviation in excess of ten percent or a relative deviation in excess  
8 of plus or minus five percent, based on the target population;

9 (c) Any deviation in excess of the deviation set forth in  
10 subdivision (b) of this subdivision must be justifiable as necessary for  
11 the realization of a rational state policy as that concept has been  
12 articulated by the United States Supreme Court; and

13 (d) If the population of any county falls within the relative  
14 deviation set forth in subdivision (b) of this subdivision, the  
15 boundaries of that county shall define a legislative district;

16 (3) Supreme Court:

17 (a) Six single-member districts; and

18 (b) Equality of population shall be achieved in accordance with the  
19 standards established for redistricting the Legislature;

20 (4) Board of Regents of the University of Nebraska:

21 (a) Eight single-member districts; and

22 (b) Equality of population shall be achieved in accordance with the  
23 standards established for redistricting the Legislature;

24 (5) Public Service Commission:

25 (a) Five-single member districts; and

26 (b) Equality of population shall be achieved in accordance with the  
27 standards established for redistricting the Legislature; and

28 (6) State Board of Education:

29 (a) Eight single-member districts; and

30 (b) Equality of population shall be achieved in accordance with the  
31 standards established for redistricting the Legislature.

1           Sec. 28. Not later than April 1 of each year ending in one, the  
2 director shall deliver to the Clerk of the Legislature the six  
3 commission-approved legislative bills embodying a plan of redistricting  
4 and corresponding public hearing reports as prepared in accordance with  
5 the Redistricting Act. The reports shall be submitted electronically. The  
6 Legislature shall bring each bill to a vote expeditiously, but not less  
7 than three days after the bill and the report of the commission required  
8 in the act is received and made available to the members of the  
9 Legislature. If the redistricting bills embodying the six plans submitted  
10 by the director fail to be approved by the eightieth legislative day,  
11 there shall be an immediate vote taken for the advancement or passage of  
12 the bills.

13           Sec. 29. Section 49-1493, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           49-1493 The individuals listed in subdivisions (1) through (~~14~~ 13)  
16 of this section shall file with the commission a statement of financial  
17 interests as provided in sections 49-1496 and 49-1497 for the preceding  
18 calendar year on or before April 1 of each year in which such individual  
19 holds such a position. An individual who leaves office shall, within  
20 thirty days after leaving office, file a statement covering the period  
21 since the previous statement was filed. Disclosure of the interest named  
22 in sections 49-1496 to 49-1498 shall be made by:

23           (1) An individual holding a state executive office as provided in  
24 Article IV of the Constitution of Nebraska, including the Governor,  
25 Lieutenant Governor, Secretary of State, Auditor of Public Accounts,  
26 State Treasurer, Attorney General, Tax Commissioner, and heads of such  
27 other executive departments as set forth in the Constitution or as may be  
28 established by law;

29           (2) An individual holding the office of Commissioner of Education,  
30 member of the State Board of Education, member of the Board of Regents of  
31 the University of Nebraska with the exception of student members, or

1 member of the Coordinating Commission for Postsecondary Education;

2 (3) A member of the Board of Parole;

3 (4) A member of the Public Service Commission;

4 (5) A member of the Legislature;

5 (6) A member of the board of directors or an officer of a district  
6 organized under the provisions of Chapter 70;

7 (7) A member of any board or commission of the state or any county  
8 which examines or licenses a business or which determines rates for or  
9 otherwise regulates a business;

10 (8) A member of a land-use planning commission, zoning commission,  
11 or authority of the state or any county with a population of more than  
12 one hundred thousand inhabitants;

13 (9) An elected official of a city of the primary or metropolitan  
14 class;

15 (10) An elected county official;

16 (11) A member of the Nebraska Environmental Trust Board;

17 (12) An individual employed at the University of Nebraska-Lincoln in  
18 the position of Head Football Coach, Men's Basketball Coach, or Women's  
19 Basketball Coach;~~and~~

20 (13) An official or employee of the state designated by rules and  
21 regulations of the commission who is responsible for taking or  
22 recommending official action of a nonministerial nature with regard to:

23 (a) Contracting or procurement;

24 (b) Administering or monitoring grants or subsidies;

25 (c) Land-use planning or zoning;

26 (d) Inspecting, licensing, regulating, or auditing any person; or

27 (e) Any similar action; and -

28 (14) A member of the Independent Redistricting Citizen's Advisory  
29 Commission.

30 Sec. 30. Section 49-1499.03, Reissue Revised Statutes of Nebraska,  
31 is amended to read:

1           49-1499.03 (1)(a) An official of a political subdivision designated  
2 in section 49-1493 who would be required to take any action or make any  
3 decision in the discharge of his or her official duties that may cause  
4 financial benefit or detriment to him or her, a member of his or her  
5 immediate family, or a business with which he or she is associated, which  
6 is distinguishable from the effects of such action on the public  
7 generally or a broad segment of the public, shall take the following  
8 actions as soon as he or she is aware of such potential conflict or  
9 should reasonably be aware of such potential conflict, whichever is  
10 sooner:

11           (i) Prepare a written statement describing the matter requiring  
12 action or decision and the nature of the potential conflict; and

13           (ii) Deliver a copy of the statement to the commission and to the  
14 person in charge of keeping records for the political subdivision who  
15 shall enter the statement onto the public records of the subdivision.

16           (b) The official shall take such action as the commission shall  
17 advise or prescribe to remove himself or herself from influence over the  
18 action or decision on the matter.

19           (c) This subsection does not prevent such a person from making or  
20 participating in the making of a governmental decision to the extent that  
21 the individual's participation is legally required for the action or  
22 decision to be made. A person acting pursuant to this subdivision shall  
23 report the occurrence to the commission.

24           (2)(a) Any person holding an elective office of a city or village  
25 not designated in section 49-1493, ~~and~~ any person holding an elective  
26 office of a school district, and any member appointed to the Independent  
27 Redistricting Citizen's Advisory Commission who would be required to take  
28 any action or make any decision in the discharge of his or her official  
29 duties that may cause financial benefit or detriment to him or her, a  
30 member of his or her immediate family, or a business with which he or she  
31 is associated, which is distinguishable from the effects of such action

1 on the public generally or a broad segment of the public, shall take the  
2 following actions as soon as he or she is aware of such potential  
3 conflict or should reasonably be aware of such potential conflict,  
4 whichever is sooner:

5 (i) Prepare a written statement describing the matter requiring  
6 action or decision and the nature of the potential conflict;

7 (ii) Deliver a copy of the statement to the person in charge of  
8 keeping records for the city, village, ~~or~~ school district, or commission  
9 who shall enter the statement onto the public records of the city,  
10 village, ~~or~~ school district, or commission; and

11 (iii) Abstain from participating or voting on the matter in which  
12 the person holding elective office or appointive office has a conflict of  
13 interest.

14 (b) The person holding elective office or appointive office may  
15 apply to the commission for an opinion as to whether the person has a  
16 conflict of interest.

17 (3) Matters involving an interest in a contract are governed either  
18 by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to  
19 49-14,103.06. Matters involving the hiring of an immediate family member  
20 are governed by section 49-1499.04. Matters involving nepotism or the  
21 supervision of a family member by an official or employee in the  
22 executive branch of state government are governed by section 49-1499.07.

23 Sec. 31. If any section in this act or any part of any section is  
24 declared invalid or unconstitutional, the declaration shall not affect  
25 the validity or constitutionality of the remaining portions.

26 Sec. 32. Original sections 49-1493 and 49-1499.03, Reissue Revised  
27 Statutes of Nebraska, are repealed.