

Legislature completes redistricting process

Lawmakers concluded a 13-day special session Sept. 30 after passing bills that set governmental district boundaries for the next 10 years.

The state constitution requires the Legislature to redraw certain political district boundaries following the federal decennial census. This is done to adjust district size to account for population shifts and to attempt to ensure equal representation for Nebraskans who live in those districts.

Gov. Pete Ricketts issued the call Aug. 27 for a special session to consider and enact legislation to set new district boundaries for Nebraska's three U.S. House of Representatives districts, 49 legislative districts and those of the Nebraska Supreme Court, Public Service Commission, State Board of Education and University of Nebraska Board of Regents.

Lawmakers normally take up the redistricting process during a regular 90-day legislative session. The coronavirus pandemic delayed the release of 2020 census data, however, so senators instead conducted the process in a much shorter special session, under what Speaker Mike Hilgers of Lincoln called "a very difficult and, I think, unprecedented set of circumstances."

During the course of the sometimes contentious special session, Hilgers told lawmakers that it was important



Sens. Steve Lathrop and Lou Ann Linehan discuss adjustments to redistricting maps during floor debate Sept. 24.

to complete the redistricting process rather than wait until the 2022 regular session. This would ensure that local political subdivisions can redraw their own district lines in time for candidates to file for next spring's state-wide primary election, he said.

The 107th Legislature, first special session, began Sept. 13. Lawmakers approved six bills containing redistricting plans and another that appropriates funds for special session expenses. New district boundaries took effect immediately.

Redistricting criteria

LR134, adopted by the Legislature last session, set criteria intended to ensure that redistricting plans are constitutionally acceptable.

Under the guidelines, senators must use 2020 U.S. Census population data and census geography to establish district boundaries.

Boundaries must follow county lines "whenever practicable" and result in districts that are compact and contiguous. As far as possible, boundaries also must define districts that are easily identifiable and understandable to voters, preserve communities of interest and allow for the preservation of the core of prior districts.

Under the guidelines, lawmakers may not establish district boundaries with the intention of favoring a politi-

cal party or any other group or person, and they may not consider the political affiliations of registered voters, demographic information other than population figures or the results of previous elections.

The criteria also prohibit district boundaries that would result in the unlawful dilution of any minority population's voting strength.

Under LR134, senators must draw congressional districts with populations as close to equal as practicable, with an overall range of deviation at or approaching zero percent. They may not consider a plan that results in an overall range of deviation of more than 1 percent or a relative deviation of more than 0.5 percent from the ideal population.

For the remaining districts, the lawmakers could not have considered a plan that results in an overall range of deviation of more than 10 percent or a relative deviation of more than 5 percent from the ideal population.

Congressional plan

The Redistricting Committee introduced redistricting plans as a package of eight bills and held public hearings



Redistricting Committee chairperson Sen. Lou Ann Linehan examines a map before the Sept. 15 public hearing.

on the proposals in each of Nebraska's three congressional districts.

LB1 contains a Congressional redistricting plan created by Elkhorn Sen. Lou Ann Linehan, the committee's chairperson. LB2 contained an alternative plan created by Sen. Justin Wayne of Omaha, the vice chairperson.

Prior to this year's redistricting process, the 2nd Congressional District comprised all of Douglas County and roughly the western two-thirds of Sarpy County.

UNICAMERAL UPDATE

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As introduced, Linehan’s proposal would have moved much of northwestern Douglas County into the 1st District. It also would have shifted all of Saunders County, which had been in the 1st District, and all of Sarpy County into the 2nd District.

Wayne’s proposal would have left all of Douglas County in the 2nd District. It would have moved portions of Sarpy County, including part of Bellevue, from the 1st District to the 2nd District. The rest of Sarpy County would have become part of the 1st District.

LB2 did not advance from committee.

During general file debate on LB1 Sept. 17, Linehan said her proposed congressional map was “not perfect” and that the committee would “have to go back to work and find out something we can all agree on” after the day’s debate.

Albion Sen. Tom Briese said testimony at public hearings indicated that “virtually no one is going to be happy



Sens. Carol Blood and Tom Briese listen to testimony at the Capitol Sept. 15.

with where we land” on various redistricting plans.

Briese said he supported LB1 as introduced, however, because it would avoid splitting Sarpy County. At current growth rates, he said, Douglas County possibly could be too large to remain in a single congressional district when lawmakers next redraw district boundaries in 10 years.

“Folks are going to have to get used to the idea of splitting up Douglas County here at some point,” Briese said.

Also in support of Linehan’s proposal was La Vista Sen. John Arch. He said fast-growing Sarpy County and its five major cities form a community of interest that should be within a single congressional district. In contrast, he said, LB2 would have split Papillion, La Vista and Bellevue between congressional districts.

Arch asked why Sarpy County should continue to be “carved up like a turkey” at the expense of keeping Douglas County intact, which he said contains several different communities of interest.

Sen. Matt Hansen of Lincoln opposed LB1, saying Sarpy County cities do not have more in common than do neighborhoods on either side of Dodge Street in Omaha. He introduced an amendment that would have replaced LB1 with Wayne’s congressional district plan outlined in LB2.



Sens. Lou Ann Linehan, Mike Hilgers and Justin Wayne confer during floor debate Sept. 17.

Several lawmakers who opposed LB1 said splitting Douglas County and Omaha between congressional districts would violate redistricting guidelines adopted in LR134.

Lincoln Sen. Adam Morfeld said Douglas County has been the core of the 2nd District for more than a century and easily could be kept whole by including a portion of Sarpy County in the district, as in Wayne's plan.

That approach would preserve Omaha's municipal boundaries and result in a 2nd District that is more compact, he said.

Sen. John Cavanaugh of Omaha said the north-south boundary line in LB1 as introduced did not follow clearly defined boundaries in certain places but instead "juts across" Omaha, dividing neighborhoods and other communities of interest. He said this would make it unnecessarily difficult for voters to identify the congressional district in which they live.

"If your backyard neighbor is in a different congressional district than you are," Cavanaugh said, "I would question whether that is clearly understandable to voters."

Omaha Sen. Steve Lathrop called LB1 a "nonstarter." He said the testimony in a Sept. 16 public hearing was "overwhelmingly" critical of splitting Omaha and Douglas County.

"If we're going to go out and listen to people," Lathrop said, "we ought to incorporate their opinions into what we are doing here."

After eight hours of general file debate, Linehan filed a motion to invoke cloture, which ceases debate and forces a vote on a bill. The motion failed on a vote of 29-17. Thirty-three votes were needed.

When lawmakers returned to general file debate Sept. 24, Linehan introduced an amendment, adopted 38-8, that leaves Douglas County wholly within the 2nd Congressional District, along with roughly the western two-thirds of Sarpy County.

As amended, LB1 shifts Saunders County from the 1st District to the 2nd and a portion of north-central Sarpy County, including La Vista and much of Papillion, from the 2nd District to the 1st District.

Thurston, Burt, Washington, Otoe and part of Polk counties shift from the 1st District to the 3rd.

Senators voted 36-10 to advance the bill to the second round of debate.

During select file debate Sept. 28, Lathrop opposed the amended bill, saying its intent was to make it more difficult for a Democrat to win the 2nd Congressional District seat. He said Saunders County, which is predominantly rural, has "nothing in common" with urban Douglas County and the fast-growing communities of Sarpy County.

"Placing [Saunders County] into the 2nd Congressional District is done for one purpose, and that's a partisan purpose," Lathrop said.

Senators voted 29-10 to advance LB1 to final reading. The bill passed on a vote of 35-11.

Legislative plan

Linehan and Wayne also created competing plans to redraw Nebraska's 49 legislative districts.

In addition to several other changes to districts across the state, both proposals as introduced would have moved one district from greater Nebraska to the Omaha metro area to account for a population shift from the western part of the state to east.



Sen. Steve Lathrop opposed the proposal to split Douglas County between two congressional districts.

During general file debate Sept. 20, Linehan said Nebraska's population grew at roughly the same rate as the country as a whole over the past decade but that growth was not evenly distributed throughout the state.

She said three legislative districts in eastern Nebraska — 10, 39 and 49 — grew substantially, meaning parts of those districts



Sen. Dan Hughes opposed moving District 44 to the eastern part of the state.

must become part of a newly created district in Douglas or Sarpy counties to meet population requirements.

Linehan said lawmakers also would have to change the boundaries of some districts in Douglas County that did not grow at the same rate as the rest of the state. Although the committee worked to “keep as much of rural Nebraska represented as we possibly can,” she said, most districts west of Kearney would have to change dramatically due to population loss.

“Understand that it’s not personal,” Linehan said. “It’s just a math problem.”

To account for a population shift from west to east, her proposal in LB3, as introduced, would have combined existing districts 23 and 24 and created a new District 24 in southwestern Sarpy and southeastern Saunders counties.

Wayne’s plan in LB4, which did not advance from committee, would have evened out district populations by moving District 44 from southwestern Nebraska to southwestern Douglas and western Sarpy counties.

Venango Sen. Dan Hughes said LB3 would leave his District 44 “relatively intact,” while Wayne’s plan would divide its 10 counties among several legislative districts. Hughes said further expanding western Nebraska districts by moving District 44 would make it even more difficult for those rural senators to represent their constituents.

“That’s a disservice to those citizens,” he said. “We’re denying them access to their senators because of the great distances we have to travel.”

Lincoln Sen. Adam Morfeld said lawmakers must consider population data when redrawing district maps, not geographic area or other considerations.

“Land is not people,” he said. “People are people — that is what we are redistricting with.”

Albion Sen. Tom Briese supported LB3. With the exception of District 24, he said, the bill recognized the importance of preserving the core of prior districts. Briese said that goal, which the LR134 guidelines allow for, enhances continuity and consistency in representation.

“By necessity, in LB3, one and only one proposed district does not contain a portion of the old,” he said.

Several senators who opposed LB3 said the proposal would not follow the agreed upon redistricting guidelines.

Sen. Anna Wishart of Lincoln said the bill as introduced would move 10 of 14 neighborhoods from her District 27 into other districts for “no reason other than partisanship.”

“If you look at LB3 ... it is pretty much 70 percent [a] different district than the one I was just elected in,” she said.

Omaha Sen. Steve Lathrop also opposed LB3. He said Linehan’s map uses the population deviation allowance — which is intended to give lawmakers leeway to avoid splitting a town or county between legislative districts — to create rural districts with smaller populations than urban ones.

“If it’s not gerrymandering, it’s deviation-mandering,” Lathrop said. “We’re going to game the deviation to blunt the consequences of population loss west of Kearney and then stand up and say we’re doing this to preserve the core of the district.”



Sen. Adam Morfeld said lawmakers cannot consider the geographic size of districts when drawing legislative boundaries.

After eight hours of first-round debate, Linehan filed a cloture motion, which failed on a vote of 27-18. Thirty-three votes were needed.

When general file debate resumed Sept. 24, Wayne introduced an amendment to move District 36 from central Nebraska to western and southern Sarpy County, encompassing Gretna and Springfield, rather than move District 24 or District 44.

Under Wayne's amendment, portions of District 36 — which comprised Custer, Dawson and the northern part of Buffalo counties — would become part of districts 41, 43 and 44.

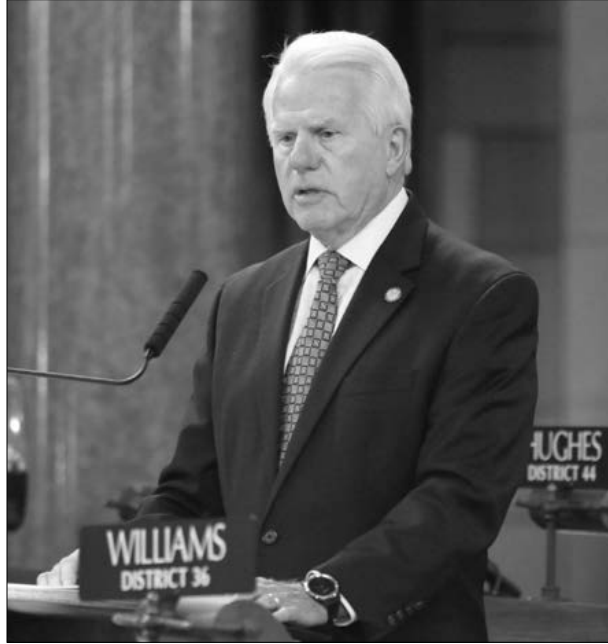
When deciding which district to move, Wayne said, the committee considered a number of concerns, including the further consolidation of legislative districts west of Kearney.

Sen. Matt Williams of Gothenburg, who represents District 36, said he agreed to offer his district as a "solution in this process," in part because it would position the counties he currently represents as "anchor counties" in their new districts.

He said the proposal also would allow lawmakers to complete the redistricting process during the special session rather than take it up in January, which would delay next year's primary elections.

"As senators, we are often faced with tough decisions," Williams said. "I'm making this decision because I believe it is the right decision for the state of Nebraska and my constituents."

After adopting Wayne's



Sen. Matt Williams agreed to a redistricting plan that moved the district he represents from central Nebraska to Sarpy County.

amendment on a vote of 43-5, lawmakers voted 43-5 to advance LB3 to select file.

Linehan introduced an amendment to LB3 during select file debate Sept. 28. She said it would make "changes around the edges" of certain legislative districts and make more substantive changes to districts in Lancaster County and the city of Lincoln.

Lincoln Sen. Matt Hansen opposed the amendment and the bill. He said Linehan's amendment ran counter to an earlier agreement that Hansen said would have ensured that core Lincoln neighborhoods would be represented by Lincoln senators.

Hansen said the amendment would move parts of Lincoln into mostly rural districts that stretch to the Iowa and Kansas borders.

Under the amendment, adopted 32-2, the northern portion of District 25 that includes Waverly shifts to

District 21. Another portion of District 25 that includes part of northeast Lincoln moves to District 2, which includes Cass County. District 30, which includes Gage County and a portion of southern Lancaster County, shifts to the east and now includes a portion of south Lincoln.

Among other changes in the Omaha metro area, LB3 as amended moves a portion of northwestern Douglas County, including Valley, from District 39 to District 15, which includes Dodge County.

It also shifts Banner and Kimball counties to District 48. Hooker, Thomas, McPherson and



Redistricting Committee vice chairperson Sen. Justin Wayne offered alternative congressional and legislative redistricting plans.



Sen. Michael Flood (left) discusses Public Service Commission districts with Sens. Mike Groene and Steve Erdman.

Logan counties move from District 43 to District 42.

Senators voted 38-6 to advance LB3 to the final round of debate. The bill passed on a vote of 37-7.

Other measures

LB5 sets district boundaries for the state’s five Public Service Commission districts. The commission regulates certain aspects of natural gas utilities, railroads and telecommunications carriers, among other industries.

Sen. Michael Flood of Norfolk supported the proposal during general file debate Sept. 21, but said he would have preferred to increase the number of commissioners from five to seven as proposed in LB293, a bill he introduced last session.

He said this would have reduced the size of District 5 – which in LB5 would comprise roughly the western two-thirds of the state – to ensure better representation of rural Nebraska’s interests, particularly the expansion of broadband internet service there.

“This is a big area with a lot of needs,” Flood said.

Lincoln Sen. Suzanne Geist said the Redistricting Committee tried to make as few changes to existing Public Service Commission district boundaries as possible while evening out population numbers and keeping commissioners’ residences in their districts.

LB5 passed on a vote of 45-3.

LB6, passed 46-1, sets new boundaries for the six judicial districts of the state Supreme Court.

Omaha Sen. Steve Lathrop said the proposed maps “pretty much wrote themselves” after accounting for population changes and ensuring that sitting judges would remain in their current districts.

LB7 and LB8 contain redistricting plans for the State Board of Education and University of Nebraska Board of Regents, respectively.

Prior to this year’s redistricting, the two bodies had identical district boundaries, with portions of three districts within Douglas County.

Under LB7 and LB8 as introduced, Linehan said, Douglas County would have contained portions of four districts.

During general file debate on LB7, Linehan introduced a committee amendment, adopted 43-0, under which the county would contain portions of only three State Board of Education districts.

Omaha Sen. Justin Wayne supported the change, saying it would give “more [of] Nebraska a voice to make sure that they’re heard on the State Board of Education.”

Linehan introduced another amendment to LB7 on select file, adopted 40-1, which would keep Grand Island, Kearney and Hastings in the same district.

LB7 passed on a vote of 41-7.

During general file debate on LB8, Linehan introduced an amendment, adopted 46-0, to ensure that portions of only three Board of Regents districts are within Douglas County.

Linehan offered another amendment to the bill on select file, adopted 42-1, to move the boundary of District 1, which includes Lincoln, farther to the east in order to bring the population of that district and District 5 closer to the ideal population.

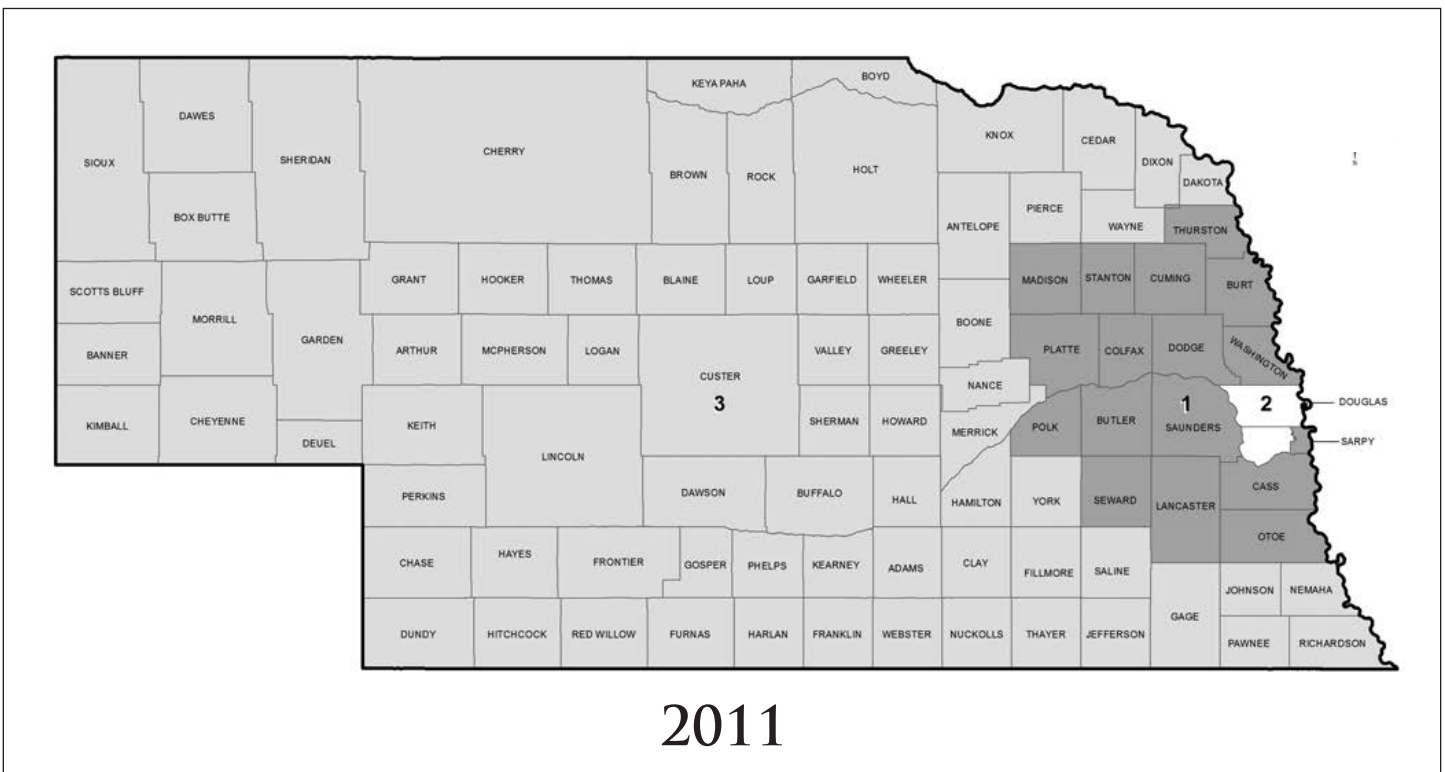
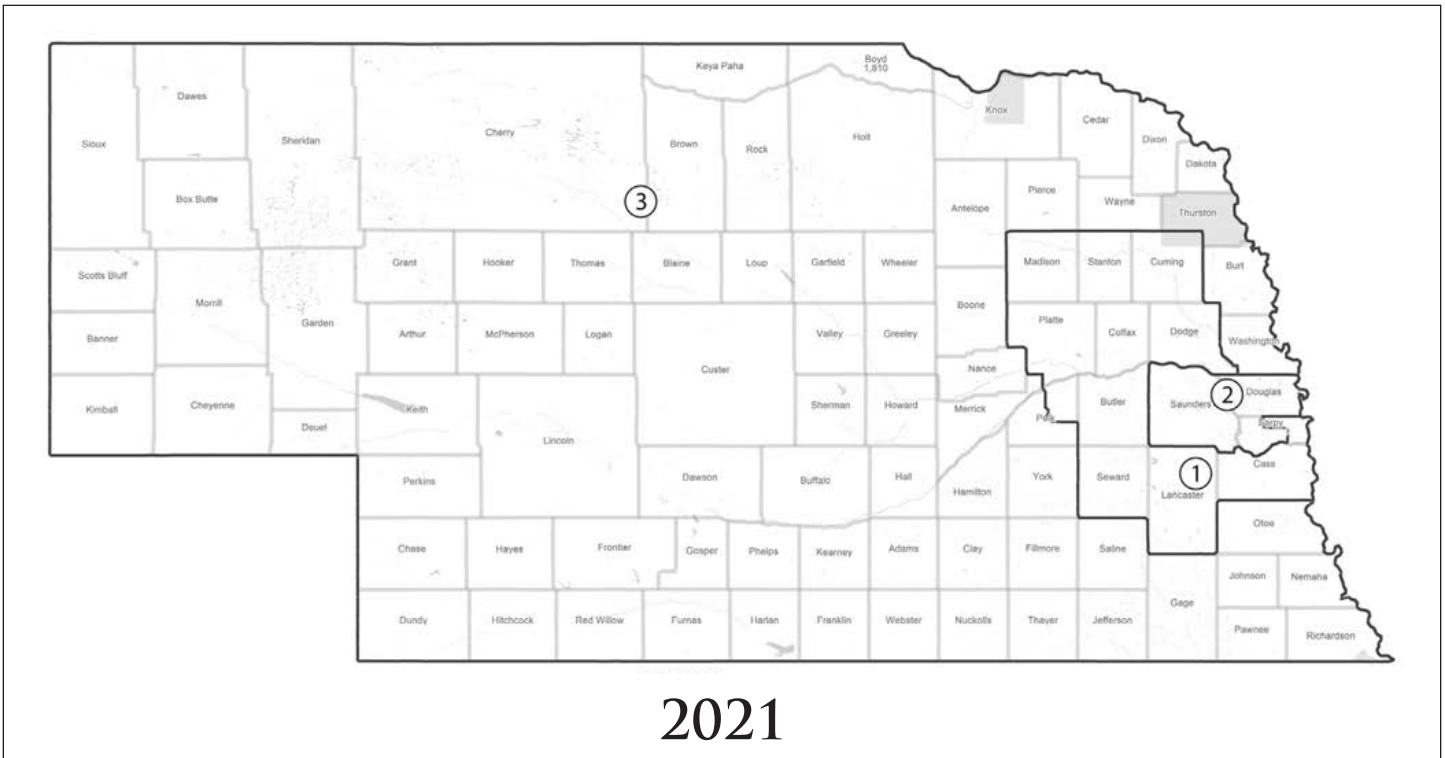
LB8 passed 46-2.

Lawmakers also approved LB14, which appropriates funds for special session expenses, on a 44-0 vote.

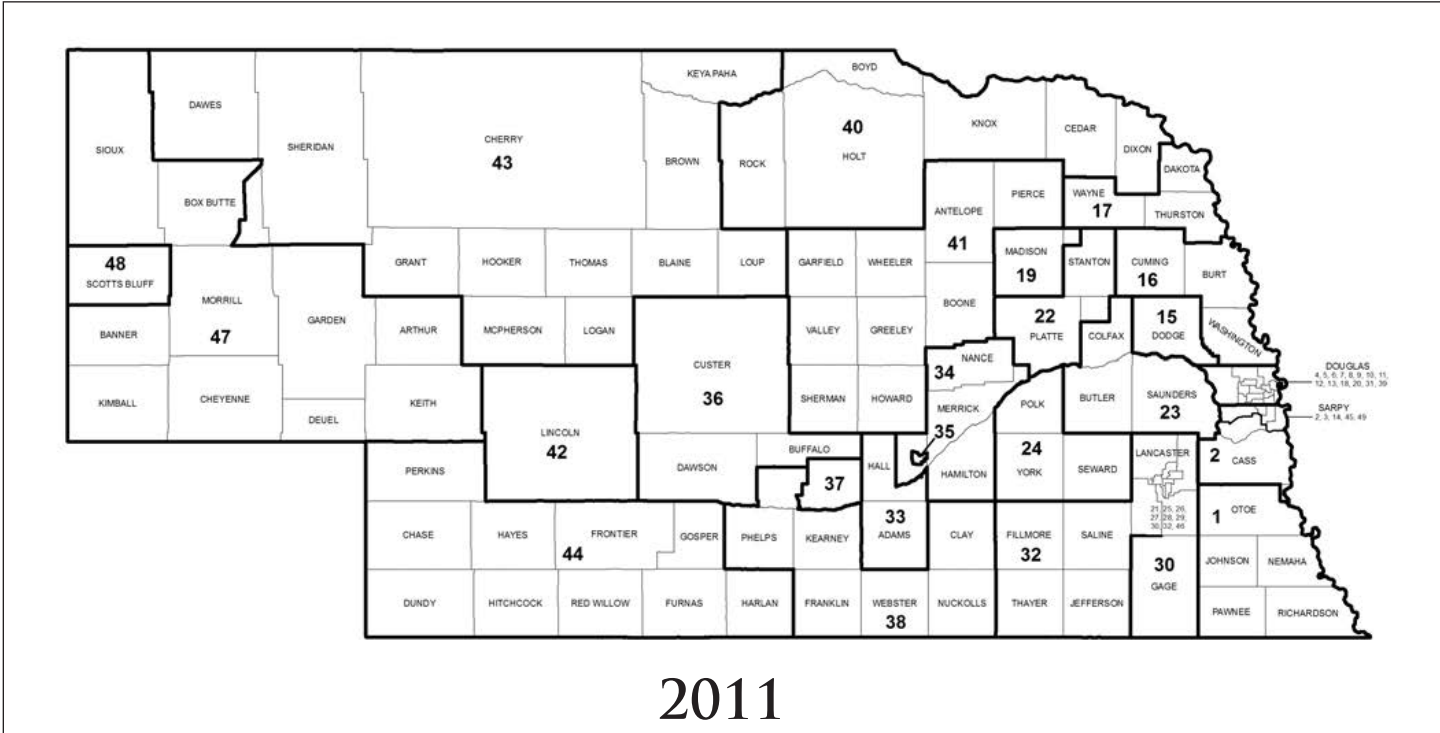
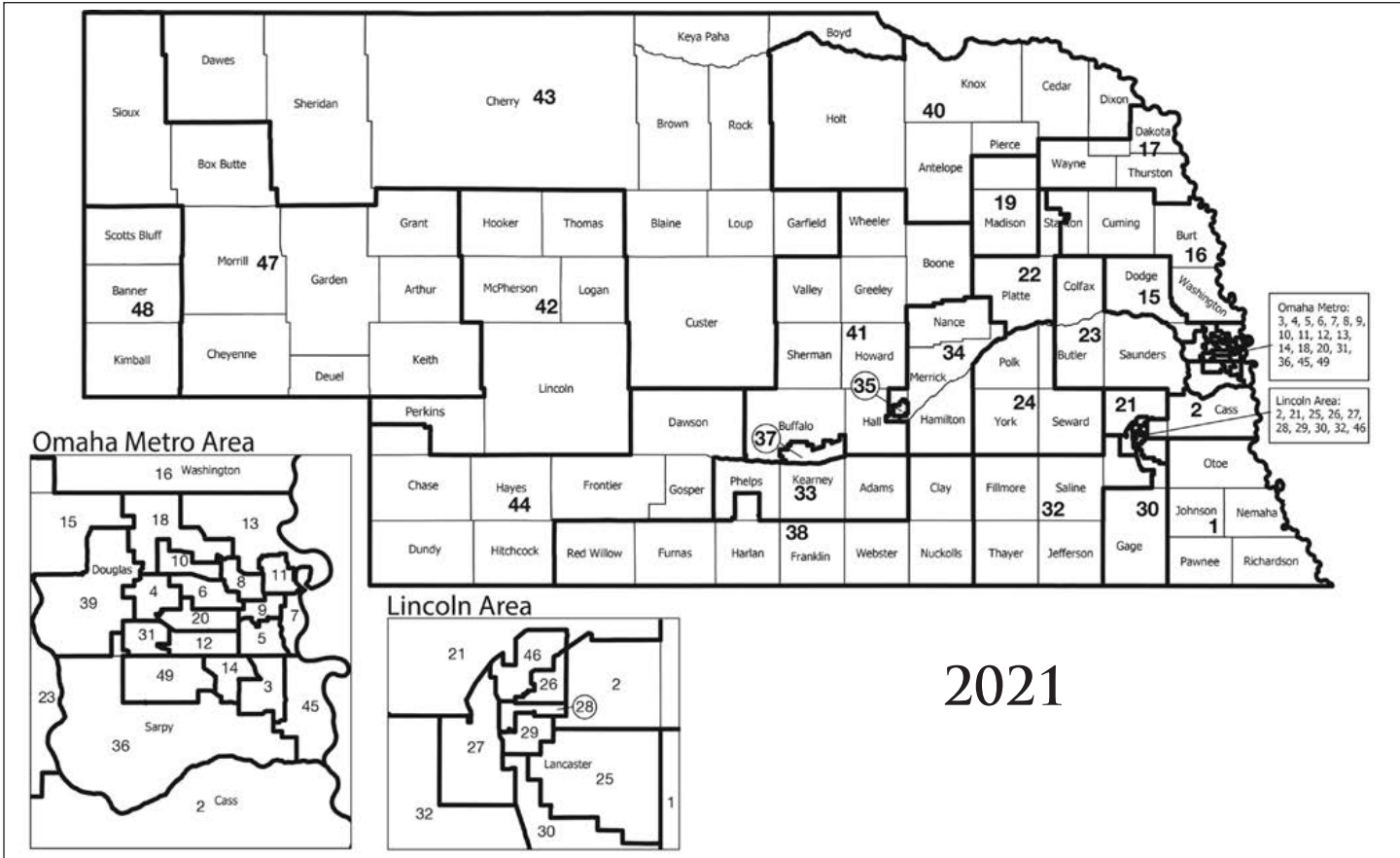
All of the redistricting measures passed by the Legislature were signed into law by the governor on Sept. 30 and took effect immediately.

The second session of the 107th Legislature is scheduled to begin Jan. 5. ■

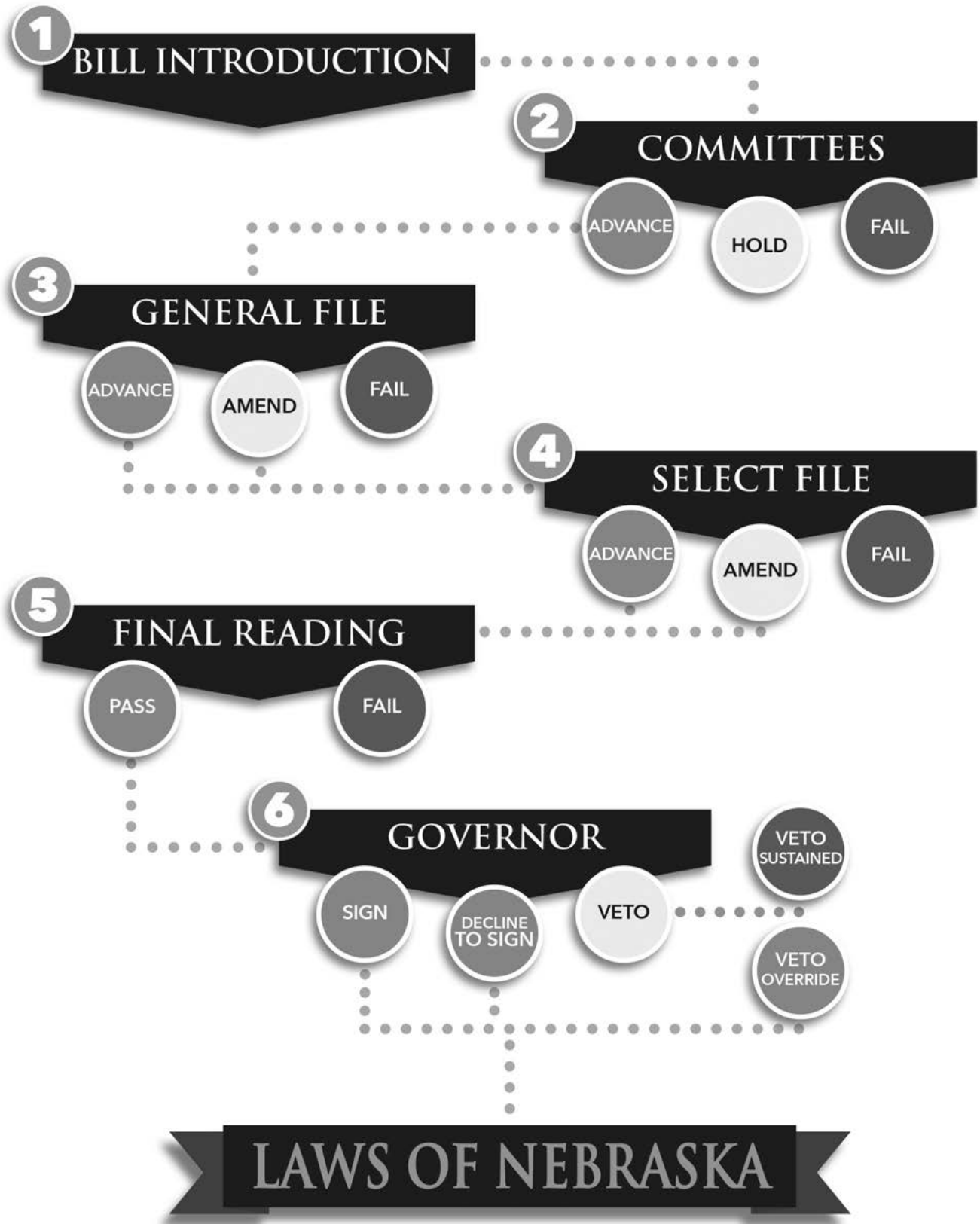
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