PROPOSED NEVADA CONSTITUTIONAL AMENDMENT

CITIZENS REDISTRICTING COMMISSION



Voters should choose their representatives.
Not the other way around.

13 CITIZENS ▪ RANDOM DRAW ▪ NO MID-CYCLE MAPS

electbarnhill.net

Working draft for public comment
— Brad Lee Barnhill
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WHY THIS AMENDMENT

Every ten years, the party that controls the Legislature draws the maps that decide who controls the Legislature. That is backwards. Voters should choose their representatives, not the other way around.

This draft amendment hands the pen to a citizens commission: four members from each of the two largest parties and five Nevadans who belong to neither, chosen by random drawing and required to work in public. It bans mid-cycle redistricting. It pays for itself instead of handing the Legislature a bill. It is modeled on the citizens commission Michigan voters adopted in 2018. And because a constitutional amendment must pass twice in Nevada (2028 and 2030), it includes a one-time transition clause so the first commission is seated in time to draw the 2031 maps.

This is a working draft. I want your comments.

BALLOT QUESTION (proposed; final wording is set by law, not by the sponsor)

Shall the Nevada Constitution be amended to transfer the power to draw Nevada's state Senate, state Assembly, and congressional districts from the Legislature to a 13-member citizens redistricting commission selected by random drawing; require the commission to hold public hearings and follow specified mapping criteria; prohibit redistricting between federal censuses except by court order; and fund the commission by transferring existing redistricting money and imposing a fee on lobbyist registrations?

DESCRIPTION OF EFFECT

This measure amends the Nevada Constitution to move the power to draw Nevada's congressional, state Senate, and state Assembly districts from the Legislature to a 13-member citizens commission. The commission would have four members who affiliate with each of the two largest political parties and five who affiliate with neither. Members are chosen by random drawing from qualified applicants after legislative leaders may strike up to 20 applicants. Current and recent candidates, elected officials, party officers, lobbyists, legislative staff, and their close family members could not serve. The commission must hold public

hearings, follow ranked mapping criteria, and adopt maps with support from members of each group. Maps may be redrawn only after each federal census, except by court order. The measure requires state spending for commissioner pay, staff, legal counsel, and hearings. Money now used by the Legislature for redistricting would be transferred to the commission, and a new fee on each lobbyist registration would fund remaining costs. Special deadlines apply to the first commission, which would draw districts used beginning in 2032.

TEXT OF THE MEASURE

The People of the State of Nevada do enact as follows:

Section 1. Article 4 of the Nevada Constitution is hereby amended by adding thereto new sections to be designated as Sections 5A, 5B, 5C, 5D, 5E, and 5F, to read as follows:

Sec. 5A. Citizens Redistricting Commission; qualifications; definitions.

1. A citizens redistricting commission for state legislative and congressional districts (the "commission") is hereby established as a permanent commission in the legislative branch. The commission consists of 13 commissioners and has the sole and exclusive authority to adopt redistricting plans for state Senate districts, state Assembly districts, and congressional districts.
2. Each commissioner must:
   (a) Be registered and eligible to vote in this State
   (b) Not currently be, and not have been at any time during the 6 years immediately preceding the date of application, any of the following:
      (1) A declared candidate for partisan federal, state, or local office;
      (2) An elected official to partisan federal, state, or local office;
      (3) An officer or member of the governing body of a national, state, or local political party;
      (4) A paid consultant or employee of a federal, state, or local elected official or political candidate, of a political candidate's campaign, or of a political action committee;
      (5) An employee of the Legislature;
      (6) A person registered as a lobbyist under the laws of this State, or an employee of such a person; or

(7) An unclassified state employee who is exempt from classification in the state civil service, except employees of courts of record, employees of the Nevada System of Higher Education, and members of the armed forces of the State;

(c) Not be the parent, stepparent, child, stepchild, or spouse of any person described in paragraph (b); and

(d) Not be otherwise disqualified from appointed or elected office by this Constitution.

3. For 5 years after the date of appointment, a commissioner is ineligible to hold a partisan elective office at the state, county, city, or township level in this State.

4. As used in Sections 5A to 5F, inclusive, of this Article, "major parties" means the two political parties with the largest number of members in the Legislature on January 1 of the year of the federal decennial census.

Sec. 5B. Selection of commissioners; vacancies.

1. Except as otherwise provided in Section 5F of this Article, the Secretary of State shall:

(a) Make applications for commissioner available to the general public not later than January 1 of the year of the federal decennial census, and circulate them in a manner that invites wide public participation from every region of the State;

(b) Mail applications for commissioner to 10,000 registered voters of this State, selected at random, not later than January 1 of the year of the federal decennial census;

(c) Require each applicant to submit a completed application and to attest under oath that the applicant meets the qualifications set forth in Section 5A of this Article, and either that the applicant affiliates with one of the major parties, identifying that party, or that the applicant does not affiliate with either major party;

(d) Mail additional applications to registered voters selected at random until 30 qualifying applicants who affiliate with each major party, and 40 qualifying applicants who affiliate with neither major party, have submitted applications in response to the mailings; and

(e) Accept applications until June 1 of the year of the federal decennial census.

2. Not later than July 1 of the year of the federal decennial census, the Secretary of State shall:

(a) Eliminate incomplete applications and applications of applicants who do not meet the qualifications of Section 5A of this Article, based solely on the information contained in the applications;

(b) Randomly select 60 applicants from each pool of applicants affiliating with a major party and 80 applicants from the pool of applicants affiliating with neither. Fifty percent of each pool must be populated from qualifying applicants who returned an application mailed under paragraph (b) or (d) of subsection 1. If fewer qualifying applicants applied in response to the mailings than are needed to meet that requirement, the balance of the pool must be populated from the remaining qualifying applicants to that pool. The random selection must use accepted statistical weighting methods to ensure that each pool, as closely as possible, mirrors the geographic and demographic makeup of the State; and

(c) Submit the randomly selected applications to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly, and the Minority Leader of the Assembly.

3. Not later than August 1 of the year of the federal decennial census, each of the four legislative leaders named in paragraph (c) of subsection 2 may strike up to five applicants from any pool or pools, for a maximum of 20 strikes in total.

4. Not later than September 1 of the year of the federal decennial census, the Secretary of State shall randomly draw the names of four commissioners from each of the two pools of remaining applicants affiliating with a major party and five commissioners from the pool of remaining applicants affiliating with neither.

5. Commissioners hold office until a new commission is seated following the next federal decennial census. If a seat becomes vacant, the Secretary of State shall fill the vacancy by randomly drawing a name from the remaining qualifying applicants in the pool from which the original commissioner was selected. A commissioner's office becomes vacant upon:

(a) The death or mental incapacity of the commissioner;

(b) The Secretary of State's receipt of the commissioner's written resignation;

(c) The commissioner's disqualification for election, appointment, or employment pursuant to this Constitution;

(d) The commissioner ceasing to meet the qualifications of Section 5A of this Article; or

(e) A vote of at least 10 commissioners, after written notice and an opportunity for the commissioner to respond, finding substantial

neglect of duty, gross misconduct in office, or inability to discharge the duties of office.

Sec. 5C. Operations; transparency; compensation; funding.

1. The Secretary of State shall serve as secretary of the commission without vote and, under the direction of the commission, shall furnish all technical services the commission deems necessary. The commission shall elect its own chair, adopt its own rules of procedure, and has procurement and contracting authority, including authority to hire staff, consultants, nonpartisan subject-matter experts, and legal counsel.

2. All meetings of the commission must be open to the public, and all records of the commission must be available to the public. Commissioners, staff, consultants, and counsel shall not discuss redistricting matters with members of the public outside an open meeting of the commission, except that commissioners may communicate with commission staff, consultants, and counsel.

3. Each commissioner shall receive compensation equal to 25 percent of the Governor's annual salary, prorated for any partial year, for the period beginning on the date the commission convenes and ending on the date the commission publishes its final plans. After that date, each commissioner shall receive, for each day the commission meets, the per diem allowance and travel expenses provided by law for members of the Legislature.

4. The commission shall be funded as follows:

   (a) All money appropriated or otherwise made available to the Legislature or to the Legislative Counsel Bureau for the purposes of redistricting on or after the effective date of this section is transferred to the commission and may be expended only by the commission.

   (b) There is hereby imposed a fee of [$___] on each registration of a lobbyist under the laws of this State, in addition to any other fee required by law. The officer who receives the registration shall collect the fee and deposit it in the Citizens Redistricting Commission Account, which is hereby created in the State General Fund. Money in the Account may be used only for the purposes of the commission and does not revert to the State General Fund at the end of any fiscal year.

   (c) The Legislature may appropriate additional money to the commission.

5. The commission has legal standing to bring an action regarding the adequacy of the resources provided for its operation and to defend any action regarding an adopted plan.

Sec. 5D. Public hearings; mapping criteria; adoption of plans.

1. Except as otherwise provided in Section 5F of this Article, the Secretary of State shall convene the commission not later than October 15 of the year of the federal decennial census, and the commission shall adopt a redistricting plan for each type of district not later than November 1 of the year immediately following the federal decennial census. If the federal census data used for redistricting is delivered to this State after April 1 of the year immediately following the census, that deadline is extended by the same number of days.
2. Before drafting any plan, the commission shall hold at least ten public hearings throughout the State, at least three of which must be held outside Clark County and Washoe County, to solicit public input on the redistricting process and proposed criteria.
3. After developing at least one proposed plan for each type of district, the commission shall hold at least five additional public hearings throughout the State to solicit public comment on the proposed plans.
4. The commission shall publish each proposed plan, with the data used to create it, and provide at least 45 days for public comment before adopting a final plan.
5. In proposing and adopting each plan, the commission shall abide by the following criteria, in order of priority:
    (a) Districts must be of equal population as mandated by the Constitution of the United States and must comply with the Voting Rights Act and other federal laws.
    (b) Districts must be geographically contiguous.
    (c) Districts must reflect the State's diverse population and communities of interest. Communities of interest may include, without limitation, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
    (d) Districts must not provide a disproportionate advantage to any political party, as determined using accepted measures of partisan fairness.
    (e) Districts must not favor or disfavor an incumbent or a candidate.
    (f) Districts must reflect consideration of county, city, and township boundaries.
    (g) Districts must be reasonably compact.
6. The commission shall adopt each final plan by a majority vote of the commissioners that includes the votes of at least two commissioners who

affiliate with each major party and at least two commissioners who affiliate with neither major party.

7. If the commission does not adopt a plan for a type of district under subsection 6 by the deadline, then for that type of district:

   (a) Each commissioner may submit one proposed plan that complies with subsection 5;

   (b) Each commissioner shall rank the submitted plans in order of preference, assigning the plan ranked lowest one point and each higher-ranked plan one additional point; and

   (c) The commission shall adopt the plan receiving the highest total points that is also ranked in the top half of plans by at least two commissioners not affiliated with the party of the commissioner who submitted it. A commissioner who affiliates with neither major party is treated as not affiliated with the party of any other commissioner. If plans are tied, the Secretary of State shall select one of the tied plans at random. If no plan qualifies, the Secretary of State shall select a plan at random from all submitted plans.

8. The commission shall publish each final plan and all supporting data and records. Each plan takes effect upon publication and remains in effect until a new plan is adopted following the next federal decennial census, except as otherwise provided in Section 5E of this Article.

Sec. 5E. Judicial review; no mid-cycle redistricting.

1. The Supreme Court has original jurisdiction over any challenge to a plan adopted by the commission. Any registered voter of this State may file a petition challenging a plan not later than 45 days after its publication. The Supreme Court shall give the petition priority over all other matters and decide it expeditiously.

2. If the Supreme Court determines that a plan violates this Constitution, the Constitution of the United States, or federal law, the Court shall remand the plan to the commission with directions, and the commission shall adopt a corrected plan within the time set by the Court. The Court may adopt or modify a plan only if the commission fails to adopt a corrected plan within that time.

3. A plan for state legislative or congressional districts may not be adopted, amended, or replaced between federal decennial censuses except as required by subsection 2 or by the order of a court of competent jurisdiction. The Legislature shall not enact any plan for state legislative or congressional districts.

Sec. 5F. First commission; expiration.

1. This section applies only to the commission formed following the 2030 federal decennial census and controls over any conflicting date in Sections 5B and 5D of this Article.

2. For the first commission:

   (a) Not later than 30 days after the effective date of this section, the Secretary of State shall make applications available to the public and mail applications to 10,000 registered voters selected at random, as provided in Section 5B of this Article;

   (b) The Secretary of State shall accept applications until March 1, 2031;

   (c) The Secretary of State shall complete the duties described in subsection 2 of Section 5B of this Article not later than April 1, 2031;

   (d) The legislative leaders may exercise their strikes not later than April 15, 2031;

   (e) The Secretary of State shall draw the names of the commissioners not later than May 1, 2031, and convene the commission not later than May 15, 2031;

   (f) The minimum public comment period required by subsection 4 of Section 5D of this Article is 30 days; and

   (g) "Major parties" has the meaning ascribed to it in subsection 4 of Section 5A of this Article, determined as of January 1, 2031.

3. Any plan for state legislative or congressional districts enacted by the Legislature on or after the effective date of this section is void.

4. This section expires by limitation on December 31, 2032.

Section 2. Section 5 of Article 4 of the Nevada Constitution is hereby amended by adding at the end thereof the following: "Notwithstanding any other provision of this Constitution, the districts from which Senators, members of the Assembly, and Representatives in Congress are elected must be established by the citizens redistricting commission pursuant to Sections 5A to 5F, inclusive, of this Article."

Section 3. The provisions of this amendment are self-executing. The Legislature may enact laws to facilitate their operation, but no such law may limit or restrict the powers granted to the commission.

Section 4. If any provision of this amendment, or its application to any person or circumstance, is held invalid, the invalidity does not affect the other provisions or applications that can be given effect without the invalid provision or application.

Section 5. This amendment becomes effective upon the canvass of the votes at the second general election at which it is approved, as provided in Section 2 of Article 19 of this Constitution.

DRAFTING NOTES (not part of the measure)

- Lobbyist fee: the amount is blank until a cost estimate is done. Whether a fee counts as "raising the necessary revenue" under Article 19, Section 6 has to be confirmed by counsel; that funding test is what killed the 2024 petition.
- Lobbyists in Nevada register with the Legislature, not the Secretary of State; the qualifications and fee sections now say "under the laws of this State" to avoid naming the wrong office.
- New provisions compared with the earlier draft: one-time transition clause (Sec. 5F), funding source (Sec. 5C(4)), defined pay period (Sec. 5C(3)), deadlock fallback adapted from Michigan (Sec. 5D(7)), Supreme Court review and the mid-cycle ban (Sec. 5E), census-delay extension, a no-private-lobbying rule, and at least three hearings outside Clark and Washoe counties.
- The ballot question and description of effect are drafts. The description of effect is limited to 200 words and must state the cost and funding source.