

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 52  
Committee Substitute Favorable 3/6/97

Short Title: Independent Redistricting Commission.

(Public)

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Sponsors:

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Referred to:

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February 5, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO  
HANDLE REDISTRICTING MATTERS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Article II of the Constitution of North Carolina reads as  
rewritten:

"Sec. 3. Senate districts; apportionment of Senators.

The Senators shall be elected from districts. ~~The General Assembly, at the first regular session convening~~ The Independent Redistricting Commission, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements:

- (1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, ~~the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the District that he represents by the number of Senators apportioned to that district~~ and each district shall elect one Senator;
- (2) Each senate district shall at all times consist of compact and contiguous territory;
- (3) ~~No county shall be divided in the formation of a senate district;~~

- 1 (4) When established, the senate districts and the apportionment of Senators  
2 shall remain unaltered until the return of another decennial census of  
3 population taken by order of Congress."

4 Section 2. Section 5 of Article II of the Constitution of North Carolina reads as  
5 rewritten:

6 "Sec. 5. Representative districts; apportionment of Representatives.

7 The Representatives shall be elected from districts. ~~The General Assembly, at the first~~  
8 ~~regular session convening~~ The Independent Redistricting Commission, as soon as practical  
9 after the return of every decennial census of population taken by order of Congress, shall  
10 revise the representative districts and the apportionment of Representatives among those  
11 districts, subject to the following requirements:

- 12 (1) Each Representative shall represent, as nearly as may be, an equal  
13 number of inhabitants, ~~the number of inhabitants that each~~  
14 ~~Representative represents being determined for this purpose by dividing~~  
15 ~~the population of the district that he represents by the number of~~  
16 ~~Representatives apportioned to that district~~ and each District shall elect  
17 one Representative;  
18 (2) Each representative district shall at all times consist of compact and  
19 contiguous territory;  
20 (3) ~~No county shall be divided in the formation of a representative district;~~  
21 (4) When established, the representative districts and the apportionment  
22 of Representatives shall remain unaltered until the return of another  
23 decennial census of population taken by order of Congress."

24 Section 3. Article II of the Constitution of North Carolina is amended by  
25 adding a new section to read:

26 "Sec. 25. Independent Redistricting Commission.

27 (1) Establishment and Membership. There is established the Independent  
28 Redistricting Commission to consist of nine persons appointed as follows:

- 29 (a) Two by the Chief Justice of the Supreme Court, with no more than one  
30 affiliated with the same political party;  
31 (b) Three by the Governor, with no more than two affiliated with the same  
32 political party;  
33 (c) Two by the Speaker of the House of Representatives, with no more than  
34 one affiliated with the same political party; and  
35 (d) Two by the President Pro Tempore of the Senate, with no more than one  
36 affiliated with the same political party.

37 The appointing officers shall make their initial appointments no earlier than February 1 of  
38 the year prior to the year in which the appointed members are to take office under  
39 subsection (2) of this section and no later than June 1 of the year in which the members  
40 are to take office under subsection (2) of this section.

41 (2) Term of Office; Vacancies, Chair. The members of the Independent  
42 Redistricting Commission shall take office on the first day of July of each year ending in  
43 the number 0, and shall continue in office until their successors are appointed and

1 qualified. Any vacancy occurring in the membership of the Commission shall be filled  
2 for the remainder of the unexpired term by the officer who appointed the vacating  
3 member. The Independent Redistricting Commission shall elect from its members a  
4 Chair, who will serve throughout the term of the Commission unless replaced by vote of  
5 the Commission.

6 (3) Eligibility. To be eligible for appointment to the Independent Redistricting  
7 Commission, a person must be a resident of North Carolina. No person may serve on the  
8 Commission who has held elective public office or been a candidate for elective public  
9 office in the four years prior to commencement of service on the Independent  
10 Redistricting Commission. No person who has served as a member of the Independent  
11 Redistricting Commission shall be eligible to hold any elective public office for four  
12 years after termination of service on the Independent Redistricting Commission.

13 (4) Legislative Plans. The Independent Redistricting Commission shall adopt, in  
14 accordance with Sections 3 and 5 of this Article, plans for revising the senate districts and  
15 representative districts, which shall have the force and effect of acts of the General  
16 Assembly. The General Assembly shall not adopt any legislative district plan.

17 (5) Congressional Plans. The Independent Redistricting Commission is responsible  
18 for adopting a district plan for election of members of the House of Representatives of  
19 the Congress of the United States. The General Assembly shall not adopt any district  
20 plan for election of members of the United States House of Representatives.

21 (6) Preparation and Adoption of Plans. The Independent Redistricting Commission  
22 shall adopt district plans as required by subsections (4) and (5) of this section no later  
23 than October 1 of the year following each decennial census of population taken by order  
24 of Congress. In preparing or adopting its plans, the Independent Redistricting  
25 Commission shall not consider the following information:

26 (a) The political affiliation of voters;

27 (b) Voting data from previous elections;

28 (c) The location of incumbents' residences; or

29 (d) Demographic data from sources other than the United States Bureau of  
30 the Census.

31 There shall be a minimum period of 45 days of public comment on a plan before it is  
32 finally adopted.

33 (7) In Case Plan Held Invalid. The Independent Redistricting Commission shall  
34 adopt a new district plan in the event that a plan it has adopted is held invalid.

35 (8) Federal Law. In adopting any plan under this section, the Independent  
36 Redistricting Commission shall take into consideration all relevant requirements of the  
37 United States Constitution and Acts of Congress.

38 (9) Local Redistricting. The General Assembly may by law assign to the  
39 Independent Redistricting Commission the duty to adopt districting and redistricting  
40 plans for any county, city, town, special district, and other governmental subdivision if  
41 the governing board of the unit or a court of competent jurisdiction so requests."

42 Section 4. Subdivision (5) of Section 22 of Article II of the Constitution of  
43 North Carolina reads as rewritten:

1       "(5) ~~Other exceptions.~~ Appointments to office. Every bill:

- 2       (a) ~~In bill in which the General Assembly makes an appointment or~~  
3       appointments to public office and which contains no other matter;  
4       (b) ~~Revising the senate districts and the apportionment of Senators among~~  
5       those districts and containing no other matter;  
6       (c) ~~Revising the representative districts and the apportionment of~~  
7       Representatives among those districts and containing no other matter; or  
8       (d) ~~Revising the districts for the election of members of the House of~~  
9       Representatives of the Congress of the United States and the  
10      apportionment of Representatives among those districts and containing  
11      no other matter;

12 matter shall be read three times in each house before it becomes law and shall be signed  
13 by the presiding officers of both houses."

14       Section 5. The amendments set out in Sections 1 through 4 of this act shall be  
15 submitted to the qualified voters of the State at the general election in November 1998,  
16 which election shall be conducted under the laws then governing elections in the State.  
17 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the  
18 General Statutes. The question to be used in the voting systems and ballots shall be:

19                                   " FOR  AGAINST

20       A constitutional amendment providing for an Independent Redistricting  
21 Commission to redistrict the State for the purpose of electing members of the General  
22 Assembly and members of the United States House of Representatives."

23       Section 6. If a majority of votes cast on the question are in favor of the  
24 amendments set out in Sections 1 through 4 of this act, the State Board of Elections shall  
25 certify the amendments to the Secretary of State. The amendments become effective  
26 upon this certification. The Secretary of State shall enroll the amendments so certified  
27 among the permanent records of that office.

28       Section 7. This act is effective when it becomes law.