

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 894

Short Title: Independent Redistricting Commission. (Public)

Sponsors: Representatives Blust; Current, Holloway, Justice, Killian, McCormick, McElraft, McGee, Neumann, Sager, Samuelson, and Steen.

Referred to: Judiciary I, if favorable, Election Law and Campaign Finance Reform.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT
REDISTRICTING COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Article II of the North Carolina Constitution 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:~~ so that, to the extent possible, those districts meet the following goals:

(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;~~

(2) ~~Each senate district shall at all times consist of contiguous territory;~~

(3) ~~No county shall be divided in the formation of a senate district;~~

(4)

(1) The goal of compactness, to avoid elongated and irregularly shaped districts.

(2) The goal of one person, one vote to ensure each voter's vote.

(3) The goal of minimizing the number of split counties, municipalities, and other communities of interest.

Precincts shall not be split in the preparation of a plan for State Senate districts. All districts shall be contiguous.

When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress."

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

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

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



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1 subject to the following requirements:so that, to the extent possible, those districts meet the
2 following goals:

3 (1) ~~Each Representative shall represent, as nearly as may be, an equal number of~~
4 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
5 ~~this purpose by dividing the population of the district that he represents by the number of~~
6 ~~Representatives apportioned to that district;~~

7 (2) ~~Each representative district shall at all times consist of contiguous territory;~~

8 (3) ~~No county shall be divided in the formation of a representative district;~~

9 (4)

10 (1) The goal of compactness, to avoid elongated and irregularly shaped districts.

11 (2) The goal of one person, one vote to ensure each voter's vote.

12 (3) The goal of minimizing the number of split counties, municipalities, and other
13 communities of interest.

14 Precincts shall not be split in the preparation of a plan for State House of Representatives
15 districts. All districts shall be contiguous.

16 When established, the representative districts and the apportionment of Representatives
17 shall remain unaltered until the return of another decennial census of population taken by order
18 of Congress."

19 **SECTION 3.** Article II of the North Carolina Constitution is amended by adding a
20 new section to read:

21 **"Sec. 25. Independent Redistricting Commission.**

22 (1) Establishment and membership. There is established the Independent Redistricting
23 Commission to consist of nine persons appointed as follows:

24 (a) Two by the Chief Justice of the Supreme Court, with no more than one
25 affiliated with the same political party;

26 (b) Three by the Governor, with no more than two affiliated with the same
27 political party;

28 (c) One by the Speaker of the House of Representatives and one by the leader in
29 the House of Representatives of the political party with the next highest or
30 equal number of members of the House of Representatives as the party of
31 the Speaker; and

32 (d) One by the President Pro Tempore of the Senate and one by the leader in the
33 Senate of the political party in the Senate with the next highest or equal
34 number of Senators as the party of the President Pro Tempore.

35 If there are two or more parties other than the Speaker's party in the House of
36 Representatives with equal membership, the leaders in that chamber of the tied parties other
37 than the Speaker's party shall draw lots to determine which shall make the appointment. If there
38 are two or more parties other than the President Pro Tempore's party in the Senate with equal
39 membership, the leaders in that chamber of the tied parties other than the President Pro
40 Tempore's party shall draw lots to determine which shall make the appointment.

41 The appointing officers shall appoint the initial members of the Independent Redistricting
42 Commission as soon as practicable after this Section becomes law. Subsequent to the initial
43 appointments, the appointing officers shall make their appointments, other than vacancy
44 appointments, no earlier than February 1 of the year prior to the year in which the appointed
45 members are to take office under subsection (2) of this Section and no later than June 1 of the
46 year in which the members are to take office under subsection (2) of this Section. The
47 appointing officers, in making their appointments, shall take into account the advisability of
48 having the Commission reflect the State's geographic, gender, racial, and ethnic diversity.

49 (2) Term of office; vacancies; chair. The initial members of the Independent
50 Redistricting Commission shall take office as soon as practicable after their appointment. The
51 initial members shall serve until their successors are appointed and qualified. Subsequent to the

1 initial appointments, the members of the Independent Redistricting Commission shall take
2 office on the first day of July of each year ending in the number zero and shall continue in
3 office until their successors are appointed and qualified. Any vacancy occurring in the
4 membership of the Commission shall be filled for the remainder of the unexpired term by the
5 officer who appointed the vacating member. The Independent Redistricting Commission shall
6 elect from its members a Chair, who will serve throughout the term of the Commission unless
7 replaced by vote of the Commission.

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

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

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

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

28 (a) The political affiliation of voters;

29 (b) Voting data from previous elections;

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

31 (d) Demographic data from sources other than the United States Bureau of the
32 Census. In the use of Census data, racial and ethnic data shall be used only
33 for the purposes of compliance with the United States Constitution and laws
34 enacted pursuant thereto.

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

37 (7) In case plan held invalid. The Independent Redistricting Commission shall adopt a
38 new district plan in the event that a plan it has adopted is held invalid.

39 (8) Federal and State law. In adopting any plan under this Section, the Independent
40 Redistricting Commission shall take into consideration all relevant requirements of the United
41 States Constitution and Acts of Congress. It shall comply with the North Carolina Constitution
42 as enunciated by the North Carolina Supreme Court.

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

47 **SECTION 4.** Subsection (5) of Section 22 of Article II of the North Carolina
48 Constitution reads as rewritten:

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

50 (a) ~~in~~ bill in which the General Assembly makes an appointment or
51 appointments to public office and which contains no other matter;

- 1 (b) ~~Revising the senate districts and the apportionment of Senators among those~~
2 ~~districts and containing no other matter;~~
3 (c) ~~Revising the representative districts and the apportionment of~~
4 ~~Representatives among those districts and containing no other matter; or~~
5 (d) ~~Revising the districts for the election of members of the House of~~
6 ~~Representatives of the Congress of the United States and the apportionment~~
7 ~~of Representatives among those districts and containing no other matter;~~
8 matter shall be read three times in each house before it becomes law and
9 shall be signed by the presiding officers of both houses."

10 **SECTION 5.** The amendments set out in Sections 1 through 4 of this act shall be
11 submitted to the qualified voters of the State at the general election in November 2010, which
12 election shall be conducted under the laws then governing elections in the State. Ballots,
13 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
14 The question to be used in the voting systems and ballots shall be:

15 " FOR AGAINST

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

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

24 **SECTION 7.** This act is effective when it becomes law.