

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 69

Short Title: Nonpartisan Redistricting Commission. (Public)

Sponsors: Representatives Reives, McGrady, Hardister, and B. Turner (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Redistricting, if favorable, Rules, Calendar, and Operations of the House

February 14, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 120 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 1B.
7 "Nonpartisan Redistricting.
8 "Part 1. General Provisions.

9 **"§ 120-4.51. Definitions.**

10 As used in this Article, unless the context requires otherwise, the following definitions apply:

- 11 (1) Census Bureau. – The United States Bureau of the Census.
12 (2) Commission. – The Nonpartisan Redistricting Commission established
13 pursuant to this Article.
14 (3) Federal census. – The decennial census required by federal law to be
15 conducted by the Census Bureau in every year ending in zero.
16 (4) Four selecting authorities. –
17 a. The President Pro Tempore of the Senate.
18 b. The minority leader of the Senate.
19 c. The Speaker of the House of Representatives.
20 d. The minority leader of the House of Representatives.
21 (5) Ideal population. – The number determined by dividing the number of
22 members in a plan into the population of the State as reported in the federal
23 census.
24 (6) Plan. – A plan for legislative and congressional reapportionment drawn up
25 pursuant to the requirements of this Article.
26 (7) Political party office. – An office in the national or State organization of a
27 political party.
28 (8) Public office. – An elective State, local, or federal office.
29 (9) Relative. – An individual who is related to the person in question as father,
30 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
31 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
32 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
33 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half
34 sister.



1 (10) Voting Districts. – The State's voting precincts as reported by the State Board
2 of Elections to the Bureau of the Census as required by G.S. 163-132.1C.

3 "§ 120-4.52. Reserved.

4 "§ 120-4.53. Reserved.

5 "Part 2. Nonpartisan Redistricting Commission.

6 "§ 120-4.54. Nonpartisan Redistricting Commission established; composition.

7 (a) The Nonpartisan Redistricting Commission is established and shall consist of 11
8 registered voters of this State, as follows:

9 (1) Four members registered as affiliated with the political party having the
10 highest number of registered affiliates, as reflected by the latest registration
11 statistics published by the State Board of Elections.

12 (2) Four members registered affiliated with the political party having the second
13 highest number of registered affiliates, as reflected by the latest registration
14 statistics published by the State Board of Elections.

15 (3) Three members registered as not affiliated with either of the two political
16 parties having the highest number of registered affiliates, as reflected by the
17 latest registration statistics published by the State Board of Elections.

18 (b) Immediately after the convening of the regular session of the General Assembly in
19 odd-numbered years, each of the four selecting authorities shall prepare a list of 10 nominees
20 who are affiliated with the political party of the selecting authority, and a list of three nominees
21 who are not affiliated with either of the two political parties having the highest number of
22 registered affiliates as reflected by the latest registration statistics published by the State Board
23 of Elections. In preparing the lists of nominees, the four selecting authorities shall have the goal
24 of representing the State's diversity, including racial, ethnic, geographic, and gender diversity.

25 (c) The Office of the State Auditor shall verify that each nominee meets the criteria for
26 appointment to the Commission, as established in this section. If the Office of the State Auditor
27 determines that any nominee is not eligible for appointment to the Commission, the Office of the
28 State Auditor shall notify the respective selecting authority for a substitute nominee.

29 (d) The Office of the State Auditor shall establish a system for randomly selecting the
30 Commission members as follows:

31 (1) Two individuals from each list of 10 nominees affiliated with the political
32 party of the selecting authority submitted by each of the four selecting
33 authorities.

34 (2) Three individuals from a combined list of nominees not affiliated with either
35 of the two political parties having the highest number of registered affiliates,
36 as reflected by the latest registration statistics published by the State Board of
37 Elections.

38 (e) The term of office for members of the Commission shall begin on April 1 of the year
39 the member is selected, and shall continue for four years, and until a successor is appointed and
40 qualified. Members shall not serve more than three consecutive full terms.

41 (f) No person shall be eligible for appointment to the Commission if any of the following
42 apply:

43 (1) Within five years immediately prior to appointment, the individual, or a
44 relative of the individual, has done any of the following:

45 a. Been appointed to, elected to, or been a candidate for any elective
46 public office, or been appointed to a State board or commission.

47 b. Served as an officer or executive committee member of a political
48 party, or as an officer, paid employee, or paid consultant of a
49 candidate's campaign committee.

50 c. Been a lobbyist registered under Chapter 120C of the General Statutes.

- 1 (2) The individual is an employee of the General Assembly or Congress, or is a
2 consultant or is under contract with the General Assembly or Congress.
3 (3) The individual has a financial relationship with the Governor.
4 (g) No member of the Commission shall be eligible, during service on the Commission
5 or within five years after service on the Commission, to do any of the following:
6 (1) Be appointed to a State board or commission.
7 (2) Serve as an officer or executive committee member of a political party, or as
8 an officer, paid employee, or paid consultant of a candidate's campaign
9 committee.
10 (3) Register as a lobbyist under Chapter 120C of the General Statutes.
11 (h) The Commission's only functions shall be those prescribed by G.S. 120-4.58.

12 **"§ 120-4.55. Selection of chair; vacancies; quorum; expenses of members.**

- 13 (a) The Commission shall organize by electing one of its members chair.
14 (b) Five members of the Commission shall constitute a quorum.
15 (c) Members of the Commission shall receive from funds appropriated to the General
16 Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred
17 in performing their duties as provided by G.S. 138-5 or G.S. 138-6, as applicable.
18 (d) Any vacancy on the Commission shall be filled within 30 days. For a vacating
19 member affiliated with either of the two political parties having the highest number of registered
20 affiliates, the Office of the State Auditor shall randomly select an individual from the most recent
21 lists of nominees provided from the two selecting authorities who are affiliated with the vacating
22 member. For a vacating member not affiliated with either of the two political parties having the
23 highest number of registered affiliates, the Office of the State Auditor shall randomly select an
24 individual from the most recent combined list of nominees not affiliated with either of the two
25 political parties having the highest number of registered affiliates.

26 **"§ 120-4.56. Records.**

- 27 (a) For any files, documents, or other information submitted to the Commission, or any
28 member thereof, the following information shall be recorded by the Commission and is a public
29 record:
30 (1) The name of individual or entity submitting the file, document, or other
31 information.
32 (2) The date the file, document, or other information was received.
33 (3) A brief description or summary of the contents of the file, document, or other
34 information.
35 (b) The Commission shall adopt procedures for each member of the Commission to
36 document verbal conversations between members of the Commission, when not sitting as a
37 public body, and individuals holding public office or declared candidates for public office, to
38 include at least the following:
39 (1) The names of the parties to the conversation.
40 (2) The date and location of the conversation.
41 (3) A brief description or summary of the conversation.

42 **"§ 120-4.57. Staff and offices.**

- 43 (a) The Commission may employ professional, technical, and support staff, including
44 consultants and legal representation, and may contract for other expertise as needed.
45 (b) Except for public input and comment, Commission staff or contract employees shall
46 not have any communications about the content or development of any plan outside of public
47 hearings with anyone except other Commission staff. Commission staff shall report to the
48 Commission any attempt by anyone to exert influence over the staff's role in the drafting of plans.
49 (c) The Commission shall be located within the Department of Administration for
50 administrative purposes only, but shall exercise all of its powers, including the power to employ,

1 direct, and supervise all personnel, independent of the Secretary of Administration. The
2 Department shall provide administrative support to the Commission free of charge.

3 **"§ 120-4.58. Duties of Commission.**

4 The duties of the Commission shall be as follows:

- 5 (1) Prepare, in accordance with Part 3 of this Article, proposed plans for revising
6 the senate districts and representative districts.
- 7 (2) Prepare, in accordance with Part 3 of this Article, proposed plans for election
8 of members of the House of Representatives of the Congress of the United
9 States.
- 10 (3) Prepare, in accordance with Part 3 of this Article, proposed plans in the event
11 that a plan passed by the General Assembly is held invalid.
- 12 (4) Maintain meeting notes, draft and proposed plans with corresponding maps,
13 and any data used to develop the draft and proposed plans.
- 14 (5) Maintain a Web site or other similar electronic platform to disseminate
15 information about the Commission, including records of its meetings and
16 hearings, proposed plans, and assessments and reports on plans. The Web site
17 shall allow the public to view the Commission's meetings and hearings in both
18 live and archived form, and shall allow the public to submit plans and
19 comments on plans to the Commission for consideration.

20 **"§ 120-4.59. Reserved.**

21 **"§ 120-4.60. Reserved.**

22 "Part 3. Redistricting Process.

23 **"§ 120-4.61. Preparations for redistricting.**

24 (a) By December 31 of each year ending in zero, the Commission shall obtain from the
25 Census Bureau information regarding geographic and political units in this State for which
26 federal census population data has been gathered and will be tabulated. The Commission shall
27 use the data so obtained to:

- 28 (1) Prepare necessary descriptions of geographic and political units for which
29 census data will be reported and that are suitable for use as components of
30 legislative districts.
- 31 (2) Prepare maps of counties, cities, precincts, voting districts, and other
32 geographic units within the State that may be used to illustrate the locations
33 of legislative district boundaries proposed in plans drawn in accordance with
34 this Article.

35 (b) As soon as possible after January 1 of each year ending in one, the Commission shall
36 obtain from the Census Bureau the population data needed for congressional and legislative
37 districting that the Census Bureau is required to provide this State under P.L. 94-171 and shall
38 use that data to assign a population figure to geographic and political units based upon that data.

39 (c) Upon receipt of population data from the Census Bureau, the Commission shall begin
40 the process of preparing proposed plans under G.S. 120-4.62. In preparing proposed plans, the
41 Commission shall ensure that each plan complies with the redistricting standards as provided in
42 G.S. 120-4.64.

43 (d) The Commission shall conduct at least 21 public hearings throughout the State before
44 submitting a proposed plan under G.S. 120-4.62. The majority of these public hearings shall
45 occur throughout the State before the Commission releases any proposed plan, and at least 10
46 public hearings must occur throughout the State after the Commission releases any proposed
47 plan.

48 (e) In conducting the public hearings required in subsection (c) of this section, the
49 Commission shall provide an opportunity for racial and language minorities to participate in the
50 public hearings, including issuing notices in multiple languages and providing translation
51 services at all hearings at the Commission's expense or through partnership with outside

1 organizations. The public hearings shall be open to all members of the public and shall be planned
2 to encourage attendance and participation across the State, including the use of technology that
3 allows for real-time, virtual participation and feedback during the hearings.

4 (f) When preparing proposed plans for submission under G.S. 120-4.62, the Commission
5 shall release population data, geographic data, election data, and any other data used to create the
6 proposed plan.

7 (g) When preparing proposed plans for submission under G.S. 120-4.62, the Commission
8 shall provide terminals for members of the public to access the data and associated software. Any
9 member of the public may submit maps for consideration to the Commission, and those
10 submissions shall be public records and open to public comment.

11 **"§ 120-4.62. Commission submission of proposed redistricting plans.**

12 (a) Not later than April 1 of each year ending in one, the Commission shall submit, by a
13 vote of at least eight of its members, a proposed plan for revising the senate districts and
14 representative districts and for election of members of the House of Representatives of the
15 Congress of the United States. In voting to approve a proposed plan, at least two members from
16 each of the following groups must vote in the affirmative to submit the proposed plan:

- 17 (1) The members affiliated with the political party having the highest number of
18 registered affiliates.
- 19 (2) The members affiliated with the political party having the second-highest
20 number of registered affiliates.
- 21 (3) The members not affiliated with either of the two political parties having the
22 highest number of registered affiliates.

23 (b) If the population data for legislative districting that the Census Bureau is required to
24 provide this State under P.L. 94-171 and, if used by the Commission, the corresponding
25 geographic referencing data file for that population data are not available to the Commission on
26 or before February 15 of a year ending in one, the April 1 date set forth in subsection (a) of this
27 section shall be extended by a number of days equal to the number of days after February 15 of
28 the year ending in one that the federal census population data and the geographic encoding and
29 referencing data file for legislative districting become available.

30 (c) Upon a successful vote of submission of a proposed plan under subsection (a) of this
31 section, the Commission shall deliver to the Principal Clerks of both the Senate and the House
32 of Representatives, along with the following information:

- 33 (1) Maps illustrating the proposed plan.
- 34 (2) A summary of the standards prescribed by this Article for development of the
35 proposed plan.
- 36 (3) A statement of the population of each district included in the proposed plan
37 and the relative deviation of each district population from the ideal population.
- 38 (4) Shape files.

39 **"§ 120-4.63. Voting on redistricting plans.**

40 (a) Upon receipt by the Principal Clerks of both the Senate and the House of
41 Representatives of a proposed plan submitted by the Commission pursuant to G.S. 120-4.62, a
42 member of the General Assembly shall file a bill embodying the plan within three legislative
43 days after the proposed plan is received.

44 (b) It is the intent of this Article that the bill embodying a proposed plan submitted by the
45 Commission under G.S. 120-4.62 shall be brought to a vote in the house where the bill was filed
46 expeditiously, but not less than three legislative days after the bill was filed. The bill shall be
47 voted in under a procedure or rule permitting no amendments except those of a purely corrective
48 nature. It is further the intent of this Article that if the bill is approved on third reading by the
49 first house in which it is considered, it shall expeditiously be brought to a vote in the second
50 house under a similar procedure or rule. If the bill embodying the proposed plan submitted by
51 the Commission under G.S. 120-4.62 fails to be approved on second or third reading in either the

1 Senate or the House of Representatives, the respective house may direct by resolution to the
2 Commission information regarding reasons why the proposed plan was not approved.

3 (c) If the bill embodying the proposed plan submitted by the Commission under
4 G.S. 120-4.62 fails to pass second or third reading in either house, the Commission shall submit
5 a second proposed plan of legislative or congressional districting under G.S. 120-4.62. The
6 proposed plan shall be prepared in accordance with this section and, insofar as it is possible to
7 do so within the requirements of G.S. 120-4.64, with any reasons cited by the Senate or House
8 of Representatives for the failure to approve the proposed plan. If a second proposed plan is
9 required under this subsection, the Commission shall submit a proposed plan and deliver the
10 proposed plan to the Principal Clerks of both the Senate and the House of Representatives not
11 later than 35 calendar days after the date of the vote by which the Senate or the House of
12 Representatives fails to approve the bill. Upon receipt by the Principal Clerks of both the Senate
13 and the House of Representatives of the proposed plan submitted by the Commission, a member
14 of the General Assembly shall file a bill embodying the proposed plan within three legislative
15 days after the proposed plan is received.

16 (d) If it is necessary to file a bill under subsection (c) of this section, it is the intent of this
17 Article that the bill embodying the proposed plan shall be brought to a vote not less than three
18 legislative days after the bill is filed, under a procedure or rule permitting no amendments except
19 those of a purely corrective nature. If the bill is approved on third reading by the first house in
20 which it is considered, it is the intent of this Article that it shall expeditiously be brought to a
21 vote in the second house under a similar procedure or rule. If the bill embodying the proposed
22 plan submitted by the Commission under G.S. 120-4.62 fails to be approved on second or third
23 reading in either the Senate or the House of Representatives, the respective house may direct by
24 resolution to the Commission information regarding reasons why the proposed plan was not
25 approved.

26 (e) If the bill embodying the proposed plan submitted by the Commission under
27 G.S. 120-4.62 under subsection (c) of this section fails to be enacted, the same procedure as
28 prescribed by subsections (c) and (d) of this section shall be followed. If a third proposed plan is
29 required under this subsection, the Commission shall submit a proposed plan and deliver the
30 proposed plan to the Principal Clerks of both the Senate and the House of Representatives not
31 later than 35 calendar days after the date of the vote by which the Senate or the House of
32 Representatives fails to approve the bill submitted under subsection (d) of this section. If it is
33 necessary to submit a bill under this subsection, it is the intent of this Article that the bill shall be
34 brought to a vote within the same time period after its delivery to the Principal Clerks of both the
35 Senate and the House of Representatives as is prescribed for the bill submitted under subsection
36 (b) of this section but shall be subject to amendment in the same manner as other bills.

37 **"§ 120-4.64. Redistricting standards.**

38 (a) Legislative and congressional districts shall be established on the basis of population.

39 (b) Legislative districts shall each have a population that is within five percent (5%) of
40 the ideal population for that district.

41 (c) Congressional districts shall each have a population as nearly equal as practicable to
42 the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

43 (d) Legislative and congressional districts shall be drawn in a manner that complies with
44 requirements of federal and State law.

45 (e) To the extent consistent with other standards provided by this section, district
46 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In
47 the State Senate and House of Representatives plans, the "whole county" requirements
48 established by the North Carolina Constitution shall be complied with in a manner consistent
49 with federal law. The number of counties and cities divided among more than one district shall
50 be as small as possible, but in the case of cities located in more than one county, minimizing the

1 division of counties prevails. The division of voting districts shall also be minimized consistent
2 with the other standards of this section.

3 (f) Districts shall be composed of convenient contiguous territory. Areas which meet
4 only at the points of adjoining corners are not contiguous.

5 (g) Districts shall be reasonably compact in form, to the extent consistent with the
6 standards established by this section. In general, reasonably compact districts are those that are
7 square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or
8 political boundaries or those of voting districts. If it is necessary to compare the relative
9 compactness of two or more districts, or of two or more alternative districting plans, the tests
10 prescribed by this subsection shall be used as follows:

11 (1) Length-width compactness. – The compactness of a district is greatest when
12 the length of the district and the width of the district are equal. The measure
13 of a district's compactness is the absolute value of the difference between the
14 length and the width of the district. In general, the length-width compactness
15 of a district is calculated by measuring the distance from the northernmost
16 point or portion of the boundary of a district to the southernmost point or
17 portion of the boundary of the same district and the distance from the
18 westernmost point or portion of the boundary of the district to the easternmost
19 point or portion of the boundary of the same district. The absolute values
20 computed for individual districts under this subdivision may be cumulated for
21 all districts in a plan in order to compare the overall compactness of two or
22 more alternative districting plans for the State or for a portion of the State.

23 (2) Perimeter compactness. – The compactness of a district is greatest when the
24 distance needed to traverse the perimeter boundary of a district is as short as
25 possible. The total perimeter distance computed for individual districts under
26 this subdivision may be cumulated for all districts in a plan in order to compare
27 the overall compactness of two or more alternative districting plans for the
28 State or for a portion of the State.

29 (h) Except to the extent required by the North Carolina and United States Constitutions,
30 the Voting Rights Act of 1965, and applicable court decisions, the Commission shall not do any
31 of the following:

32 (1) Draw a district for the purpose of favoring a political party, incumbent
33 legislator or member of Congress, or other person or group.

34 (2) Draw a district for the purpose of augmenting or diluting the voting strength
35 of a language or racial minority group.

36 (3) Make any use of any of the following:

37 a. Political affiliations of registered voters.

38 b. Previous election results.

39 c. Demographic information, other than population head counts.

40 d. The location of incumbents' residences."

41 **SECTION 2.(a)** Notwithstanding G.S. 120-4.54(b), as enacted by Section 1 of this
42 act, by March 1, 2020, each of the four selecting authorities shall prepare a list of 10 nominees
43 who are affiliated with the political party of the selecting authority, and a list of three nominees
44 who are not affiliated with either of the two political parties having the highest number of
45 registered affiliates as reflected by the latest registration statistics published by the State Board
46 of Elections. In preparing the lists of nominees, the four selecting authorities shall have the goal
47 of representing the State's diversity, including, but not limited to, racial, ethnic, geographic, and
48 gender diversity.

49 **SECTION 2.(b)** Notwithstanding G.S. 120-4.54(d) and (e), by April 1, 2020, the
50 Office of the State Auditor must randomly select the initial members of the Commission as
51 follows:

- 1 (1) One individual from each list of 10 nominees affiliated with the political party
2 of the selecting authority submitted by each of the four selecting authorities,
3 to each serve a three-year term.
- 4 (2) One individual from a combined list of the nominees not affiliated with either
5 of the two political parties having the highest number of registered affiliates,
6 as reflected by the latest registration statistics published by the State Board of
7 Elections, to serve a three-year term.
- 8 (3) One individual from each list of 10 nominees affiliated with the political party
9 of the selecting authority submitted by each of the four selecting authorities,
10 to each serve a five-year term.
- 11 (4) Two individuals from a combined list of the nominees not affiliated with
12 either of the two political parties having the highest number of registered
13 affiliates, as reflected by the latest registration statistics published by the State
14 Board of Elections, to serve a five-year term.
- 15 **SECTION 3.** This act is effective when it becomes law and applies to redistricting
16 following the return of the 2020 federal decennial census and thereafter.