

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 52

Short Title: Independent Redistricting Commission.

(Public)

Sponsors: Representatives Weatherly; Cansler, Culp, Dickson, Mercer, Rayfield, C. Wilson, and Cole.

Referred to: Rules, Calendar and Operations of the House.

February 5, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO
2 HANDLE REDISTRICTING MATTERS AND TO DIRECT THE LEGISLATIVE
3 RESEARCH COMMISSION TO STUDY PREPARATION FOR THE 2001
4 REDISTRICTING.
5

6 The General Assembly of North Carolina enacts:

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

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

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

- 15 (1) Each Senator shall represent, as nearly as may be, an equal number of
16 inhabitants, ~~the number of inhabitants that each Senator represents being~~
17 ~~determined for this purpose by dividing the population of the District~~
18 ~~that he represents by the number of Senators apportioned to that~~
19 ~~district~~ and each district shall elect one Senator;

1 (2) Each senate district shall at all times consist of compact and contiguous
2 territory;

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

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

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

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

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

15 (1) Each Representative shall represent, as nearly as may be, an equal
16 number of inhabitants, ~~the number of inhabitants that each~~
17 ~~Representative represents being determined for this purpose by dividing~~
18 ~~the population of the district that he represents by the number of~~
19 ~~Representatives apportioned to that district~~ and each District shall elect
20 one Representative;

21 (2) Each representative district shall at all times consist of compact and
22 contiguous territory;

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

24 (4) When established, the representative districts and the
25 apportionment of Representatives shall remain unaltered until the
26 return of another decennial census of population taken by order of
27 Congress."

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

30 "Sec. 25. Independent Redistricting Commission.

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

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

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

37 (c) Two by the Speaker of the House of Representatives, with no more than
38 one affiliated with the same political party; and

39 (d) Two by the President Pro Tempore of the Senate, with no more than one
40 affiliated with the same political party.

41 The appointing officers shall make their initial appointments no earlier than February 1 of
42 the year prior to the year in which the appointed members are to take office under

1 subsection (2) of this section and no later than June 1 of the year in which the members
2 are to take office under subsection (2) of this section.

3 (2) Term of Office; Vacancies, Chair. The members of the Independent
4 Redistricting Commission shall take office on the first day of July of each year ending in
5 the number 0, and shall continue in office until their successors are appointed and
6 qualified. Any vacancy occurring in the membership of the Commission shall be filled
7 for the remainder of the unexpired term by the officer who appointed the vacating
8 member. The Independent Redistricting Commission shall elect from its members a
9 Chair, who will serve throughout the term of the Commission unless replaced by vote of
10 the Commission.

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

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

22 (5) Congressional Plans. The Independent Redistricting Commission is
23 responsible for adopting a district plan for election of members of the House of
24 Representatives of the Congress of the United States. The General Assembly shall not
25 adopt any district plan for election of members of the United States House of
26 Representatives.

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

32 (a) The political affiliation of voters;

33 (b) Voting data from previous elections;

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

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

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

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

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

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

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

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

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

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

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

25 "[] FOR [] AGAINST

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

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

34 Section 7. The Legislative Research Commission shall study the preparation
35 for the 2001 redistricting, including the transition from redistricting done by the General
36 Assembly to redistricting done by the Independent Redistricting Commission. The
37 Legislative Research Commission shall report its findings and recommendations to the
38 1998 Regular Session of the 1997 General Assembly or to the 1999 General Assembly or
39 to both. There is appropriated from the General Fund to the Legislative Research
40 Commission the sum of twenty thousand dollars (\$20,000) for the 1997-98 fiscal year
41 and the sum of twenty thousand dollars (\$20,000) for the 1998-99 fiscal year for the
42 purpose of conducting the study required by this section.

43 Section 8. This act is effective when it becomes law.