

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 673

Short Title: N.C. Citizens Redistricting Commission. (Public)

Sponsors: Senators Smith, Foushee, and Van Duyn (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 29, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE
NORTH CAROLINA CITIZENS REDISTRICTING COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Effective beginning with the redistricting done upon the return of the
2020 decennial census, 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~~ North Carolina Citizens 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, in order of
priority:

(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;~~ One person, one vote, to ensure each voter's vote.

(2) Compliance with the Constitution of the United States, including the equal protection
clause of the Fourteenth Amendment.

~~(2)(3) Each senate district shall at all times consist of contiguous territory;~~ Compliance with
federal law.

(4) Minimizing the number of split counties.

(5) All districts shall be contiguous.

(6) Minimizing the number of split municipalities.

~~(3)(7) No county shall be divided in the formation of a senate district;~~ Compactness, to avoid
elongated and irregularly shaped districts.

~~(4)(8) Electoral impartiality. The Commission shall not consider electoral results, political
considerations, or incumbency in the preparation of a plan for senate districts, except to the extent
necessary to comply with federal law.~~

(9) Minimizing the number of split communities of interest. Precincts shall not be split
in the preparation of a plan for senate districts, except to the extent necessary to comply with
federal law.

A plan adopted by the North Carolina Citizens Redistricting Commission shall have the force
and effect of acts of the General Assembly. When established, the senate districts and the



1 apportionment of Senators shall remain unaltered until the return of another decennial census of
2 population taken by order of Congress."

3 **SECTION 2.** Effective beginning with the redistricting done upon the return of the
4 2020 decennial census, Section 5 of Article II of the North Carolina Constitution 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 regular~~
8 ~~session convening~~ North Carolina Citizens Redistricting Commission, beginning as soon as
9 practical after the return of every decennial census of population taken by order of Congress,
10 shall revise the representative districts and the apportionment of Representatives among those
11 districts, ~~subject to the following requirements:~~ so that, to the extent possible, those districts meet
12 the following goals, in order of priority:

13 (1) ~~Each Representative shall represent, as nearly as may be, an equal number of~~
14 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
15 ~~this purpose by dividing the population of the district that he represents by the number of~~
16 ~~Representatives apportioned to that district;~~ One person, one vote, to ensure each voter's vote.

17 (2) Compliance with the Constitution of the United States, including the equal protection
18 clause of the Fourteenth Amendment.

19 ~~(2)(3) Each representative district shall at all times consist of contiguous territory;~~
20 Compliance with federal law.

21 (4) Minimizing the number of split counties.

22 (5) All districts shall be contiguous.

23 (6) Minimizing the number of split municipalities.

24 ~~(3)(7) No county shall be divided in the formation of a representative district;~~ Compactness,
25 to avoid elongated and irregularly shaped districts.

26 ~~(4)(8) Electoral impartiality. The Commission shall not consider electoral results, political~~
27 ~~considerations, or incumbency in the preparation of a plan for representative districts, except to~~
28 ~~the extent necessary to comply with federal law.~~

29 (9) Minimizing the number of split communities of interest. Precincts shall not be split
30 in the preparation of a plan for senate districts, except to the extent necessary to comply with
31 federal law.

32 A plan adopted by the North Carolina Citizens Redistricting Commission shall have the force
33 and effect of acts of the General Assembly. When established, the representative districts and the
34 apportionment of Representatives shall remain unaltered until the return of another decennial
35 census of population taken by order of Congress."

36 **SECTION 3.** Effective January 1, 2020, Article II of the North Carolina Constitution
37 is amended by adding a new section to read:

38 "**Sec. 25. North Carolina Citizens Redistricting Commission.**

39 (1) Establishment. There is established the North Carolina Citizens Redistricting
40 Commission to adopt plans for the House of Representatives of the Congress of the United States
41 and for the Senate and House of Representatives of the General Assembly.

42 (2) Eligibility. A resident of North Carolina is eligible to apply for membership on the
43 North Carolina Citizens Redistricting Commission if that person meets all of the following
44 requirements:

45 (a) Has been a registered voter in North Carolina with the same affiliation, or lack
46 thereof, for at least three years prior to commencement of service on the North
47 Carolina Citizens Redistricting Commission.

48 (b) Has not contributed more than two thousand dollars (\$2,000) to any candidate
49 for public office. As used in this section, the term "public office" means any
50 partisan or nonpartisan office filled by election by the people on a statewide,
51 county, municipal, or district basis.

- 1 (c) No person who has served as a member of the North Carolina Citizens
2 Redistricting Commission shall be eligible to hold any elective public office
3 for three years after termination of service on the North Carolina Citizens
4 Redistricting Commission.
- 5 (d) Is not any of the following:
- 6 1. A relative of a current member of the General Assembly. For purposes
7 of this section, a relative is a father, mother, son, daughter, brother,
8 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
9 grandfather, grandmother, father-in-law, mother-in-law, son-in-law,
10 daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother,
11 stepson, stepdaughter, stepbrother, stepsister, half-brother, or
12 half-sister.
- 13 2. A political appointee of the General Assembly.
- 14 3. A staff member or legal counsel to the General Assembly.
- 15 4. An official of a political party or a consultant or legal counsel to a
16 political party in the United States.
- 17 (e) Has never done any of the following:
- 18 1. Served in elected office or held a political appointment.
- 19 2. Served as an elected or appointed officer of a political party, body, or
20 committee at any level of government in the United States.
- 21 3. Served as an officer, employee, or paid consultant of a political party
22 or body or of the campaign or campaign committee of a candidate for
23 federal, State, or local elective office in the United States.
- 24 4. Been employed by Congress.
- 25 (f) Is not a legislative staffer, lobbyist, or legislative liaison.
- 26 (3) Membership application. Any citizen of North Carolina may apply to the State
27 Auditor to be a member of the North Carolina Citizens Redistricting Commission. The Auditor
28 shall evaluate applications to ensure they meet the requirements of this section and any other
29 requirements of State law. The Auditor shall submit all eligible applications to the Administrative
30 Office of the Courts. The Administrative Office of the Courts shall review the eligible
31 applications and submit a diverse group to the General Assembly, as follows:
- 32 (a) Applications submitted shall reflect the State's diverse races, ethnicities,
33 nationalities, sexual orientations, socioeconomic statuses, and geography.
- 34 (b) The Administrative Office of the Courts shall submit 20 applications from
35 persons registered in each of the following ways, as reflected by the latest
36 registration statistics published by the State Board of Elections:
- 37 1. As affiliated with the political party with the highest number of
38 registered affiliates.
- 39 2. As affiliated with the political party with the second-highest number
40 of registered affiliates.
- 41 3. As not affiliated with either of the two political parties having the
42 highest and second-highest number of registered affiliates.
- 43 (c) If there are fewer than 20 applications from persons registered in accordance
44 with subdivision (b) of this subsection, the Administrative Office of the Courts
45 may submit additional eligible applications to the General Assembly, as
46 necessary, to reach a total of 60 applications.
- 47 (4) Appointment. The North Carolina Citizens Redistricting Commission shall be
48 composed of 15 members, divided by party affiliation, or lack thereof, into groups of five. Each
49 group shall consist of members appointed exclusively from one of the three pools of applications
50 submitted to the General Assembly pursuant to subsection (3)(b) of this section, as follows:

- 1 (a) Two by the President Pro Tempore of the Senate from the pool of applications
2 that share his or her political affiliation or lack thereof.
3 (b) Two by the Minority leader in the Senate from the pool of applications that
4 share his or her political affiliation or lack thereof.
5 (c) Two by the Speaker of the House of Representatives from the pool of
6 applications that share his or her political affiliation or lack thereof.
7 (d) Two by the Minority leader in the House of Representatives from the pool of
8 applications that share his or her political affiliation or lack thereof.
9 (e) Seven randomly selected by the Administrative Office of the Courts, as
10 follows:
11 1. One from the pool applications submitted pursuant to subsection
12 (3)(b)1. of this section.
13 2. One from the pool applications submitted pursuant to subsection
14 (3)(b)2. of this section.
15 3. Five from the pool applications submitted pursuant to subsection
16 (3)(b)3. of this section.
17 (f) All authorities making appointments pursuant to subdivision (a) of this
18 subsection shall consider the importance of diversity, as defined in subsection
19 (3)(a) of this section, when making their appointments.
20 (5) Vacancies. Any vacancy occurring in the membership of the North Carolina Citizens
21 Redistricting Commission shall be filled in the manner prescribed in this section by the authority
22 that made the initial appointment. Vacancies shall be filled for the remainder of the unexpired
23 term.
24 (6) Duties and adoption of plans. The North Carolina Citizens Redistricting Commission
25 shall prepare and adopt plans for revising the districts and apportioning the members of districts
26 for the House of Representatives of the United States Congress and the Senate and House of
27 Representative of the General Assembly. Plans shall be adopted by a vote of at least nine
28 members. The nine members shall be composed of at least three members selected pursuant to
29 each sub-subdivision of subsection (3)(b) of this section.
30 (7) Special master. In the event a plan cannot be adopted pursuant to subsection (6) of
31 this section, the North Carolina Citizens Redistricting Commission shall appoint a special master
32 by a vote of at least nine members. The nine members shall be composed of at least three
33 members selected pursuant to each sub-subdivision of subsection (3)(b) of this section. The North
34 Carolina Citizens Redistricting Commission shall appoint the special master from a list of names
35 provided to the North Carolina Citizens Redistricting Commission by the State Auditor at the
36 beginning of the redistricting cycle. The special master shall draw a final plan and submit the
37 plan, along with the rationale for the plan, to the North Carolina Citizens Redistricting
38 Commission, which shall adopt that plan."

39 **SECTION 4.** The amendments set out in Sections 1 through 3 of this act shall be
40 submitted to the qualified voters of the State at the primary election in March 2020, which
41 election shall be conducted under the laws then governing elections in the State. Ballots, voting
42 systems, or both may be used in accordance with Subchapter III of Chapter 163A of the General
43 Statutes. The question to be used in the voting systems and ballots shall be:

44 " FOR AGAINST

45 A constitutional amendment providing for the creation of a 15-member Citizens
46 Redistricting Commission with membership divided among persons affiliated with the two major
47 political parties and persons who are politically unaffiliated. The Citizens Redistricting
48 Commission would adopt districting plans for members of the General Assembly and the House
49 of Representatives of the United States Congress. If the Citizens Redistricting Commission could
50 not agree to adopt any districting plan, it would appoint a special master to draw that plan."

1 **SECTION 5.** If a majority of votes cast on the question are in favor of the
2 amendments set out in Sections 1 through 3 of this act, the State Board of Elections shall certify
3 the amendments to the Secretary of State. The Secretary of State shall enroll the amendments so
4 certified among the permanent records of that office. The amendments set out in Sections 1
5 through 3 of this act are effective upon certification.

6 **SECTION 6.** Chapter 120 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 1B.

9 "Redistricting.

10 **"§ 120-4.51. North Carolina Citizens Redistricting Commission.**

11 (a) Membership; Attestation. – Membership on the North Carolina Citizens Redistricting
12 Commission shall comply with the requirements of Section 25 of Article II of the North Carolina
13 Constitution. As part of a person's application to become a member of the Commission, that
14 person shall (i) disclose all relevant relationships and positions and (ii) submit to the State
15 Auditor an attestation that the person is eligible to serve as a member of the Commission pursuant
16 to Section 25 of Article II of the North Carolina Constitution.

17 (b) Term of Office. – The term of office for members of the Commission shall begin on
18 July 1 of each year ending in zero. The members shall continue in office for 10 years until their
19 successors are appointed and qualified.

20 (c) Chair. – The position of Chair of the Commission shall rotate every three months,
21 following a schedule randomly generated at the beginning of the redistricting cycle. No two
22 members who share the same party affiliation, or lack thereof, shall serve as chair in the same
23 six-month period. No member shall serve as chair more than once in a 12-month period.

24 (d) Staff. – The Commission shall be administratively housed in the Legislative Services
25 Office of the General Assembly. In order to implement Section 25 of Article II of the North
26 Carolina Constitution, the Commission shall retain independent staff under contract. Staff shall
27 be hired upon a vote of at least nine members. The nine members shall be composed of at least
28 three members selected pursuant to each sub-subdivision of subsection (3)(b) of Section 25 of
29 Article II of the North Carolina Constitution. As a whole, the political affiliations of staff
30 members, or lack thereof, shall be divided approximately into thirds among the two political
31 parties with the highest number of affiliates and among persons unaffiliated with a political party.
32 A person is ineligible to serve as a staff member to the Commission if that person would be
33 ineligible to serve as a member of the Commission pursuant to Section 25(2) of Article II of the
34 North Carolina Constitution.

35 (e) Open Meetings and Public Records. – The North Carolina Citizens Redistricting
36 Commission shall be subject to the Public Records Act, Chapter 132 of the General Statutes, and
37 the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes, except to the extent
38 those enactments may conflict with the below requirements:

39 (1) Members of the Commission and staff shall not discuss the business of the
40 Commission outside public meetings.

41 (2) If a member of the Commission violates subdivision (1) of this subsection, he
42 or she shall place in the public records of the Commission (i) any violating
43 written communication and (ii) a written description of any violating oral
44 communication. The written description of an oral communication must
45 include the name of the parties to the communication, the date and
46 approximate time of the communication, and a description of the nature and
47 substance of the communication.

48 (3) The Commission shall provide at least 14 days' notice prior to any meeting in
49 which votes will be taken.

50 (f) Removal from Office. – A member of the Commission who fails to comply with
51 subsection (e)(2) of this section may be removed from office by the authority that appointed the

1 member. Vacancies occurring pursuant to this section shall be filled pursuant to Section 25(5) of
2 the North Carolina Constitution.

3 (g) Stipend. – Members of the North Carolina Citizens Redistricting Commission shall
4 receive a stipend of one thousand two hundred dollars (\$1,200) for each month that the
5 Commission meets.

6 (h) Other Expenses. – Members of the Commission may receive travel and subsistence,
7 as follows:

8 (1) Members who are officials or employees of a State agency or unit of local
9 government, in accordance with G.S. 138-6.

10 (2) All other members at the rate established in G.S. 138-5.

11 **§ 120-4.52. Adoption of redistricting plans.**

12 (a) Redistricting Criteria. – The North Carolina Citizens Redistricting Commission shall
13 prepare and adopt plans for revising the districts of the Senate and House of Representatives of
14 the General Assembly (legislative districts) and the House of Representatives of the United States
15 Congress (congressional districts) in accordance with the following criteria:

16 (1) Legislative districts shall comply with Sections 3 and 5 of Article II of the
17 North Carolina Constitution.

18 (2) Congressional districts shall minimize the number of split counties,
19 municipalities, and other communities of interest. Precincts shall not be split
20 in the preparation of a plan for congressional districts, except to the extent
21 necessary to comply with federal law. All congressional districts shall be
22 contiguous.

23 (3) The ideal population for a district is the number of members in a plan divided
24 by the population of the State as reported by the decennial census. The
25 population for a legislative district shall be within five percent (5%) of the
26 ideal population for that district. Congressional districts shall each have a
27 population that is as nearly equal as practicable to the ideal population, but in
28 all cases within one-tenth of one percent (0.1%) of the ideal population for
29 that district.

30 (4) Legislative and congressional districts shall all comply with the following:

31 a. State and federal law.

32 b. Geographic integrity, as follows:

33 1. Districts shall be composed of convenient contiguous territory.
34 Areas which meet only at the points of adjoining corners are
35 not contiguous.

36 2. To the extent practicable, districts shall be compact. Districts
37 should not bypass nearby communities for more distant
38 communities.

39 c. Electoral impartiality. The Commission shall not consider electoral
40 results, political considerations, or incumbency in the preparation of
41 districts.

42 (b) Time line. – District plans shall be adopted no later than October 1 of the year
43 following each decennial census of population taken by order of Congress. Prior to the adoption
44 of a plan, the Commission shall adhere to the following maximum time line:

45 (1) Within thirty days of receipt of data from the United States Bureau of the
46 Census, the Commission shall hold the initial 10 public hearings pursuant to
47 subsection (c) of this section.

48 (2) Within fifty days of receipt of data from the United States Bureau of the
49 Census, the Commission shall release to the public preliminary plans for
50 revising the congressional and legislative districts.

- 1 (3) Within seventy days of receipt of data from the United States Bureau of the
2 Census, the Commission shall hold an additional 10 public hearings pursuant
3 to subsection (c) of this section.
- 4 (4) Within ninety days of receipt of data from the United States Bureau of the
5 Census, the Commission shall release to the public all of the following:
6 a. Proposed plans for revising the congressional and legislative districts.
7 b. A summary of public input provided pursuant to subsection (d) of this
8 section.
9 c. Alternative plans for revising the congressional and legislative
10 districts.
- 11 (5) Within one hundred ten days of receipt of data from the United States Bureau
12 of the Census, the Commission shall vote on approval of its proposed or
13 alternative plans for revising the congressional and legislative districts.
- 14 (6) Within one hundred thirty days of receipt of data from the United States
15 Bureau of the Census, if the Commission fails to approve any plan pursuant
16 to subdivision (5) of this subsection, the Commission shall select from the list
17 of names provided by the State Auditor pursuant to Section 25 of Article II of
18 the North Carolina Constitution a special master to complete the plans. The
19 Commission shall provide the special master with its proposed and alternative
20 maps and all supporting data.
- 21 (7) Within one hundred fifty days of receipt of data from the United States Bureau
22 of the Census, if the Commission fails to approve any plan pursuant to
23 subdivision (5) of this subsection, the special master selected pursuant to
24 subdivision (6) of this subsection shall prepare and release the final plan and
25 the rationale for any changes from the proposed and alternative plans debated
26 by the Commission. The special master shall present the final plan to the
27 Commission.
- 28 (8) Within one hundred sixty days of receipt of data from the United States
29 Bureau of the Census, the Commission shall adopt any final plan presented by
30 the special master. A final plan adopted by the Commission shall have the
31 force and effect of acts of the General Assembly.
- 32 (9) Notwithstanding subdivisions (1) through (8) of this subsection, the
33 Commission may extend the maximum number of days between any event
34 required in this subsection by as many as seven days, up to a total of forty
35 days over the course of a year, for good cause.
- 36 (c) Public Hearings. – The Commission shall engage in a minimum of 20 public hearings
37 across the State. Of those public hearings, at least 10 hearings shall occur before a preliminary
38 plan is released to the public and at least 10 hearings shall occur after a preliminary plan is
39 released to the public.
- 40 (d) Public Input. – To the extent possible, the Commission shall facilitate the ability of
41 members of the public to provide substantive comments on any proposed plan. To achieve that
42 goal, the Commission shall provide members of the public with all of the following resources:
- 43 (1) Sufficient time to review any plan released to the public.
44 (2) The opportunity to communicate comments, questions, and recommendations
45 on any plan released to the public, at a minimum, in person, online, and
46 through the mail.
- 47 (3) Access to the same demographic data that is used by the Commission in a
48 machine readable form.
- 49 (4) Access to mapping software and census data in as many public facilities and
50 locations in the State as possible within 20 business days of receipt of data
51 from the United States Bureau of the Census. For purposes of this subdivision,

1 the term "public facilities" may include public libraries, constituent
2 institutions of the University of North Carolina, community colleges,
3 courthouses, offices of county boards of elections, the website of the North
4 Carolina General Assembly, and electronic devices provided to members of
5 the North Carolina General Assembly.

6 (5) A public, written response to every substantive comment or recommendation
7 regarding a specific component of a plan released to the public. The response
8 shall address the viability of any recommendation and indicate whether it was
9 or will be incorporated in any other plan.

10 (6) At the conclusion of the redistricting process, the Commission shall publish a
11 summary of the public input received by the Commission.

12 (7) A website with all of the following information:

13 a. Background information on the redistricting process available in at
14 least English and Spanish. The Commission shall provide information
15 in other languages if at least one million people petition the
16 Commission to have a particular language included.

17 b. Live streams and recordings of all public meetings in audio, video, or
18 both formats and minutes from those meetings.

19 c. Meeting announcements.

20 d. A searchable database of feedback and plans discussed by the
21 Commission.

22 e. Plans discussed by the Commission and the data used to create those
23 plans.

24 (e) In Case Plan Held Invalid. – In the event that an adopted plan is held invalid, a new
25 district plan shall be adopted using the process described in this Article, modified as necessary
26 to reflect the timing and nature of the holding. Notwithstanding the foregoing, the maximum
27 intervals between the events required in subsection (b) of this section shall be maintained.

28 (f) Federal and State Law. – In adopting any plan under this section, the Commission
29 shall take into consideration all relevant requirements of the United States Constitution and Acts
30 of Congress and shall comply with the North Carolina Constitution.

31 (g) Local Redistricting. – The General Assembly may by law assign to the Commission
32 the duty to prepare districting and redistricting plans for any county, city, town, special district,
33 and other governmental subdivision if the governing board of the unit or a court of appropriate
34 jurisdiction so requests."

35 **SECTION 7.** G.S. 120-133 is repealed.

36 **SECTION 8.** Sections 6 and 7 of this act become effective January 1, 2020, if the
37 constitutional amendments proposed by Sections 1 through 3 of this act are approved by the
38 qualified voters as provided in Sections 4 and 5 of this act. Except as otherwise provided, this act
39 is effective when it becomes law.