S   1

SENATE BILL 715

Short Title:	2020 Redistricting County Cluster Process.	(Public)

Sponsors:	Senators Clark and Woodard (Primary Sponsors).

Referred to:	Rules and Operations of the Senate

May 14, 2020

1   A BILL TO BE ENTITLED
2   AN ACT TO ESTABLISH A PROCESS FOR THE CREATION AND SELECTION OF
3   COUNTY CLUSTER MAPS TO BE USED WHEN REVISING DISTRICTS FOR THE
4   SENATE AND THE HOUSE OF REPRESENTATIVES FOLLOWING THE RETURN OF
5   THE 2020 DECENNIAL CENSUS.
6   Whereas, the United States Bureau of the Census must release the 2020 federal
7   decennial census apportionment counts to the President of the United States no later than
8   December 31, 2020, unless that deadline is extended by Congress; and
9   Whereas, the next regular session of the General Assembly shall convene for the
10 2021-2022 biennium on January 13, 2021; and
11   Whereas, G.S. 163-132.1C requires that "[t]he State of North Carolina shall
12 participate in the 2020 Census Redistricting Data Program, conducted pursuant to P.L. 94-171,
13 of the United States Bureau of the Census, so that the State will receive 2020 Census data by
14 voting districts"; and
15   Whereas, on March 31, 2020, the Census Redistricting and Voting Rights Data Office
16 completed Phase 2 of the 2020 Census Redistricting Data Program, entitled "The Voting District
17 Project," which provides states the opportunity to submit their voting districts for inclusion in the
18 2020 census redistricting data tabulations (P.L. 94-171 Redistricting Data File); and
19   Whereas, the Secretary of Commerce must provide census results to each state's
20 governor and the officers or public bodies with responsibility for legislative redistricting no later
21 than April 1, 2021, unless that deadline is extended by Congress; and
22   Whereas, the filing period for the Senate and the House of Representatives of the
23 General Assembly will begin December 6, 2021, and conclude December 17, 2021, for
24 candidates who are seeking their party's nomination in the March 8, 2022, primary; and
25   Whereas, Sections 3(3) and 5(3) of Article II of the Constitution of North Carolina,
26 "the Whole County Provisions," as interpreted by the Supreme Court of North Carolina in
27 *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377 (2002), *Stephenson v. Bartlett*, 357 N.C.
28 301, 582 S.E.2d 247 (2003), *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014), and
29 *Dickson v. Rucho*, 368 N.C. 481, 781 S.E.2d 460 (2015), require that legislative districts be drawn
30 within county clusters; and
31   Whereas, in 2019, a team of mathematicians sponsored by Duke University released
32 a report entitled, "Optimal Legislative County Clustering in North Carolina," which revealed that
33 multiple optimal county cluster maps for the Senate and the House of Representatives of the
34 General Assembly would likely emerge from a given census population; and

1   Whereas, in 2019, a team of mathematicians sponsored by Duke University made
2   publicly available computer code that can be used to generate the total set of optimum cluster
3   maps; and
4   Whereas, the General Assembly must choose one cluster map for each chamber from
5   among multiple options for the purpose of decennially revising districts for the Senate and the
6   House of Representatives of the General Assembly; and
7   Whereas, the selection of a cluster map for revising districts for the Senate and the
8   House of Representatives of the General Assembly has the potential to influence the partisan
9   distribution of future General Assemblies; and
10   Whereas, objective criteria need to be established and used for selecting one optimum
11   cluster map for each chamber of the General Assembly from among the several options; and
12   Whereas, unless Congress extends the deadline for the Secretary of Commerce to
13   provide data from the 2020 decennial census to the states, it is advisable that new districts for the
14   Senate and the House of Representatives of the General Assembly should be enacted no later
15   than June 24, 2021, in order to facilitate the smooth preparation for and execution of the 2022
16   primary elections; Now, therefore,
17   The General Assembly of North Carolina enacts:
18   **SECTION 1.** For purposes of this act, the following definitions shall apply:
19   (1)   Census Bureau. – The United States Bureau of the Census.
20   (2)   Cluster. – A grouping of one or more counties that is capable of containing a
21   whole number of legislative districts.
22   (3)   Cluster code. – A shorthand cluster descriptor consisting of four numbers and
23   a colon (##:##). The first two spaces indicate the number of districts that can
24   be contained in a cluster. The last two spaces indicate the number of counties
25   that form a cluster.
26   (4)   Cluster count. – The number of unique clusters in a cluster map.
27   (5)   Cluster map. – A statewide map depicting a complete set of clusters for use in
28   revising districts for the Senate or the House of Representatives of the General
29   Assembly.
30   (6)   Cluster map set. – The total collection of optimum cluster maps for
31   consideration prior to revising districts for the Senate and the House of
32   Representatives of the General Assembly.
33   (7)   Data from the 2020 decennial census. – Population data needed for legislative
34   redistricting that the Census Bureau is required to provide to the State under
35   P.L. 94-171, including the population of the State and population amounts for
36   each county therein.
37   (8)   Ideal district population. – The number determined by dividing the number of
38   members in a plan into the population of the State as reported in the 2020
39   decennial census.
40   (9)   Ideal cluster population. – The number determined by multiplying the ideal
41   district population by the number of whole districts that can be contained in a
42   cluster.
43   (10)   Monocluster (MC). – A cluster that contains a single district of the Senate or
44   the House of Representatives of the General Assembly and is within five
45   percent (5%) of its ideal cluster population. In a monocluster, the geographic
46   boundary of the cluster and the district that it supports are the same. Thus, all
47   measurable attributes, e.g., compactness and political performance, for the
48   cluster and the district it contains are the same.
49   (11)   Optimum cluster map. – A cluster map that meets the requirements of Sections
50   3(3) and 5(3) of Article II of the Constitution of North Carolina, as interpreted
51   by the Supreme Court of North Carolina, including the following:

1   a.   No cluster within the map may deviate from the ideal cluster
2   population by more or less than five percent (5%).
3   b.   The cluster map shall have the maximum number of clusters possible.
4   (12)   Plan. – A plan for revising districts for the Senate or the House of
5   Representatives of the General Assembly.
6   (13)   Polycluster (PC). – A cluster that contains two or more districts of the Senate
7   or the House of Representatives of the General Assembly and is within five
8   percent (5%) of its ideal cluster population. In a polycluster, the geographic
9   boundary of the cluster and the boundaries of the districts contained therein
10   are not the same. All measurable attributes of a polycluster, e.g., compactness
11   and political performance, may differ from those of the districts contained
12   therein.
13   (14)   Super cluster. – A collection of clusters formed from a subset of counties in
14   which the counties can be combined in alternate ways to form one or more
15   complete sets of county clusters. A super cluster may consist of monoclusters,
16   polyclusters, or both.
17   **SECTION 2.** For the purpose of establishing cluster maps to serve as the basis for
18   the apportionment of seats in the Senate and the House of Representatives of the General
19   Assembly following the return of the 2020 decennial census, in order to nominate and elect
20   members of the two chambers, the following process shall be used:
21   (1)   Within 14 days of the date on which the Census Bureau provides data from
22   the 2020 decennial census to the State, the Legislative Services Officer shall
23   provide that data to the State Board of Elections. From that data, the State
24   Board shall develop a cluster map set. The State Board may, in its discretion,
25   delegate all or a portion of the responsibility of developing a cluster map set
26   to the Department of Mathematics at Duke University or the School of
27   Government at the University of North Carolina at Chapel Hill.
28   (2)   Within 28 days of the date on which the Census Bureau provides data from
29   the 2020 decennial census to the State, the Executive Director of the State
30   Board of Elections (Executive Director) shall provide the cluster map set,
31   obtained pursuant to subdivision (1) of this section, to the President Pro
32   Tempore of the Senate, the Speaker of the House of Representatives, the
33   Principal Clerk of the Senate, and the Principal Clerk of the House of
34   Representatives.
35   (3)   Within 29 days of the date on which the Census Bureau provides data from
36   the 2020 decennial census to the State, the Principal Clerk of the Senate and
37   the Principal Clerk of the House of Representatives shall make available the
38   cluster map set to the members of the Senate and the House of
39   Representatives, including the chairs of any standing or select redistricting
40   committee.
41   (4)   Within 30 days of the date on which the Census Bureau provides data from
42   the 2020 decennial census to the State, the chair or chairs of any committee
43   tasked with reapportioning districts for the Senate or the House of
44   Representatives shall post the cluster map set on the Web site for the General
45   Assembly for comment and review by the public. Comments shall be received
46   for a period of at least five days, and the committee or committees shall take
47   no action during that time.
48   (5)   Within 37 days of the date on which the Census Bureau provides data from
49   the 2020 decennial census to the State, all committees tasked with
50   reapportioning districts for the Senate and the House of Representatives of the
51   General Assembly shall meet jointly for the purpose of receiving in-person

1   public comments regarding the selection of a cluster map from the cluster map
2   set provided by the State Board of Elections.
3   (6)   When selecting a cluster map, no committee tasked with reapportioning
4   districts for the Senate and the House of Representatives of the General
5   Assembly shall consider the following factors:
6   a.   Incumbency protection. – The committee or committees shall not
7   make any effort to avoid pairing an incumbent member of the Senate
8   or the House of Representatives with another incumbent when
9   selecting a cluster map.
10   b.   Partisan advantage. – The committee or committees shall not make
11   any effort to favor one political party over another when selecting a
12   cluster map.
13   (7)   The Executive Director shall ensure that each cluster map in the cluster map
14   set provided to the General Assembly pursuant to subdivision (2) of this
15   section includes the following:
16   a.   A notes section on each cluster map that identifies the total number of
17   clusters, monoclusters, and polyclusters. Cluster maps shall be
18   provided in Portable Document Format.
19   b.   Shapefiles and block assignment files for each cluster map.
20   c.   A table for each cluster map that contains the following data in
21   separate columns:
22   1.   An identifying number for the cluster map.
23   2.   An identifier for each cluster.
24   3.   A list of all counties in each cluster.
25   4.   The cluster code for each cluster.
26   5.   The population of each cluster.
27   6.   The percentage by which the cluster varies from its ideal
28   cluster population.
29   **SECTION 3.(a)** There is appropriated from the General Fund to the State Board of
30 Elections the sum of twenty-five thousand dollars ($25,000) in nonrecurring funds for the
31 2020-2021 fiscal year to develop, or contract with a third party to develop, a cluster map set
32 pursuant to Section 2 of this act. These funds shall not revert at the end of the 2020-2021 fiscal
33 year, but shall remain available until August 31, 2021.
34   **SECTION 3.(b)** State Budget Act Applies. – The provisions of the State Budget Act,
35 Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and
36 are incorporated in this act by reference.
37   **SECTION 3.(c)** Additional Limitations and Directions. – Except where expressly
38 repealed or amended by this act, the provisions of any other legislation enacted during the 2019
39 Regular Session of the General Assembly expressly appropriating funds to an agency, a
40 department, or an institution covered under this act, shall remain in effect.
41   **SECTION 3.(d)** Applicability of House Bill 966, 2019 Regular Session. – If House
42 Bill 966, 2019 Regular Session, becomes law, and any provision of that act or a provision of the
43 Committee Report described in Section 42.2 of that act conflicts with this act, this act shall
44 control.
45   **SECTION 3.(e)** This section becomes effective July 1, 2020.
46   **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
47 law.