

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 355
HOUSE BILL 846

AN ACT TO PROVIDE THAT STATE LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS MAY NOT DIVIDE PRECINCTS UNLESS A PLAN HAS BEEN REJECTED UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AND IF SO REJECTED, ONLY THE MINIMUM NUMBER OF PRECINCTS ARE DIVIDED IN A SUBSEQUENT PLAN AS ARE REQUIRED TO OBTAIN APPROVAL.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-2.1. Dividing precincts in Senate and House apportionment acts restricted.

(a) An act of the General Assembly that apportions Senate or House districts after the return of a census may not divide precincts unless an act that apportioned Senate or House districts after the return of that same census has been rejected by the United States Department of Justice or the District Court for the District of Columbia under section 5 of the Voting Rights Act of 1965.

(b) If an act that apportioned Senate or House districts has been rejected by the United States Department of Justice or the District Court for the District of Columbia under section 5 of the Voting Rights Act of 1965, then a subsequent act may only divide the minimum number of precincts necessary to obtain approval of the act under section 5 of the Voting Rights Act of 1965.

(c) This section does not prevent the General Assembly from taking any action to comply with federal law or the Constitution of the United States."

Sec. 2. Article 17 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-201.2. Dividing precincts in congressional apportionment acts restricted.

(a) An act of the General Assembly that apportions congressional districts after the return of a census may not divide precincts unless an act that apportioned congressional districts after the return of that same census has been rejected by the United States Department of Justice or the District Court for the District of Columbia under section 5 of the Voting Rights Act of 1965.

(b) If an act that apportioned congressional districts has been rejected by the United States Department of Justice or the District Court for the District of Columbia under section 5 of the Voting Rights Act of 1965, then a subsequent act may only divide the minimum number of precincts necessary to obtain approval of the act under section 5 of the Voting Rights Act of 1965.

(c) This section does not prevent the General Assembly from taking any action to comply with federal law or the Constitution of the United States."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives