

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE JOINT RESOLUTION DRHJR60229-RR-35 (3/16)

Sponsors: Representative Stam.

Referred to:

1 A JOINT RESOLUTION TO CREATE A JUDICIAL REDISTRICTING
2 COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS
3 FOR REDISTRICTING IN THOSE SUPERIOR COURT AND DISTRICT COURT
4 DISTRICTS THAT HAVE DIVIDED COUNTIES.

5 Be it resolved by the House of Representatives, the Senate concurring:

6 **SECTION 1.(a)** Establishment and Membership. – There is established the
7 Independent Judicial Redistricting Commission to consist of seven persons appointed as
8 follows:

- 9 (1) One by the President Pro Tempore of the Senate;
- 10 (2) One by the Majority leader of the Senate;
- 11 (3) One by the Minority leader of the Senate;
- 12 (4) One by the Speaker of the House of Representatives;
- 13 (5) One by the Majority leader of the House of Representatives;
- 14 (6) One by the Minority leader of the House of Representatives; and
- 15 (7) One by the Chief Justice of the Supreme Court.

16 **SECTION 1.(b)** Term of Office; Vacancies, Chair. – The members of the
17 Independent Judicial Redistricting Commission shall take office as soon as appointed
18 under this resolution. Their terms expire December 31, 2006. Any vacancy occurring in
19 the membership of the Commission shall be filled for the remainder of the unexpired
20 term by the officer who appointed the vacating member. If the party majority changes in
21 a chamber, the reference to majority or minority leader refers to the leader of the party
22 in that chamber of the same political party of the original appointing authority. The
23 Commission shall elect from its members a Chair, who will serve throughout the term
24 of the Commission unless replaced by vote of the Commission.

25 **SECTION 1.(c)** Eligibility. – To be eligible for appointment to and service
26 on the Independent Judicial Redistricting Commission, a person must be and remain a
27 resident of North Carolina. No person may serve on the Commission who has held
28 elective public office or been a candidate for elective public office in the four years

1 prior to commencement of service on the Commission. If a member files for election or
2 files with the State Board of Election a campaign finance report to support a candidacy,
3 that member must resign.

4 **SECTION 1.(d)** Judicial Plans. – The Independent Judicial Redistricting
5 Commission shall recommend, in accordance with subsection (e) of this section, plans
6 for revising the Superior Court and District Court districts where there is a set of
7 districts as defined in G.S. 7A-41.1 or G.S. 7A-200 and a county was divided in creation
8 of the district. The General Assembly shall, promptly and without amendment, approve
9 or reject the judicial district plans recommended by the Commission. If the General
10 Assembly rejects a plan recommended by the Commission, the Commission shall revise
11 that plan and recommend the revised plan. The General Assembly shall, promptly and
12 without amendment, approve or reject the revised plan.

13 **SECTION 1.(e)** Preparation and Adoption of Plans. – The Independent
14 Judicial Redistricting Commission shall adopt district plans as required by subsection
15 (d) of this section no later than July 1, 2005. The Commission may consider the
16 residence of incumbent judge, subject to subdivision (10) of subsection (g) of this
17 section. In preparing or adopting its plans, the Commission shall not consider the
18 following information:

- 19 (1) The political affiliation of voters;
- 20 (2) Voting data from previous elections; and
- 21 (3) Demographic data from sources other than the United States Bureau of
22 the Census.

23 **SECTION 1.(f)** Restriction on Use of Certain Census Data. – Racial and
24 ethnic census data shall be used only for purposes of compliance with the United States
25 Constitution and laws enacted pursuant thereto.

26 **SECTION 1.(g)** Criteria for Redistricting. – In district plans, the
27 Independent Judicial Redistricting Commission shall adhere to the following criteria in
28 the order of precedence in which they appear below:

- 29 (1) Significant weight shall be given to the equality of population among
30 districts within a set of districts, and in no event shall the overall range
31 of deviation in the plans exceed ten percent (10%).
- 32 (2) The voting rights of racial minorities shall not be abridged or denied in
33 the formation of districts.
- 34 (3) All districts shall consist of contiguous territory. Areas which meet at a
35 point are not contiguous, except that if a whole precinct is used in a
36 district, the fact that parts of that precinct internally meet at a point
37 shall not violate this subdivision.
- 38 (4) Census blocks shall not be divided in the drawing of districts.
- 39 (5) It is desirable to avoid dividing precincts in the drawing of districts.
- 40 (6) Districts shall be drawn so as to avoid the unnecessary division of
41 cities.
- 42 (7) Districts shall be geographically compact in form. In drawing such
43 districts, populous adjacent territory shall not be bypassed to reach
44 distant populous areas.

1 (8) Districts shall be drawn so as to preserve existing communities of
2 interest where that can be done in compliance with the standards listed
3 above. For purposes of this subdivision, 'community of interest' means
4 a recognizable area with similarities of interests, including, but not
5 limited to, geographic, social, cultural, or historic interests, as well as
6 commonality of communications.

7 (9) Districts shall not be established with the intent and effect of diluting
8 the voting strength of any person, group of persons, or members of any
9 political party.

10 (10) Districts shall not be drawn for the purpose of favoring any incumbent.

11 **SECTION 1.(h)** In Case Plan Held Invalid. – The Independent Judicial
12 Redistricting Commission shall recommend a new district plan in the event that a plan it
13 has recommended is held invalid.

14 **SECTION 1.(i)** Federal Law. – In recommending any plan under this
15 section, the Independent Judicial Redistricting Commission shall comply with all
16 relevant requirements of the United States Constitution and acts of Congress.

17 **SECTION 2.** The expenses of the Independent Judicial Redistricting
18 Commission shall be paid from funds already appropriated to the General Assembly.

19 **SECTION 3.** This resolution is effective upon ratification.