

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 997

Short Title: Redistricting Reform.

(Public)

Sponsors: Senators Brock; and Tillman.

Referred to: Ways and Means.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO REFORM LEGISLATIVE AND  
CONGRESSIONAL REDISTRICTING.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3 of Article II of the Constitution of North Carolina 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~~ Secretary of State, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall revise supervise the revision of the senate districts and the apportionment of Senators among those districts, districts by the people of North Carolina, according to the process described in Section 26 of this Article, subject to the requirements in that section and both the following requirements:

(1) Each Senator shall ~~represent, as nearly as may be, an equal~~ represent a number of inhabitants, inhabitants which shall not differ from the ideal by more than three percent (3%), the ideal number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents State by the number of Senators apportioned to that district;50.

~~(2) Each senate district shall at all times consist of contiguous territory;~~

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

~~(4)(2) When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress."~~

**SECTION 2.** Section 5 of Article II of the Constitution of North Carolina reads as rewritten:

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

The Representatives shall be elected from districts. ~~The General Assembly, at the first regular session convening~~ Secretary of State, beginning as soon as practical after

1 the return of every decennial census of population taken by order of Congress, shall  
2 ~~revise~~ supervise the revision of the representative districts and the apportionment of  
3 Representatives among those districts, districts by the people of North Carolina,  
4 according to the process described in Section 26 of this Article, subject to the  
5 requirements in that section and both the following requirements:

6 (1) Each Representative shall ~~represent, as nearly as may be, an equal~~ represent a  
7 number of inhabitants, inhabitants which shall not differ from the ideal by more than  
8 three percent (3%), the ideal number of inhabitants that each Representative represents  
9 being determined for this purpose by dividing the population of the district that he  
10 represents State by the number of Representatives apportioned to that district; 120.

11 (2) ~~Each representative district shall at all times consist of contiguous territory;~~

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

13 (4)(2) ~~When established, the representative districts and the apportionment of~~  
14 ~~Representatives shall remain unaltered until the return of another decennial census of~~  
15 ~~population taken by order of Congress."~~

16 **SECTION 3.** Section 6 of Article II of the Constitution of North Carolina  
17 reads as rewritten:

18 **"Sec. 6. Qualifications for Senator.**

19 Each Senator, at the time of his election, shall be not less than 25 years of age, shall  
20 be a qualified voter of the State, and shall have resided in the State as a citizen for two  
21 years and in the district for which ~~he the Senator~~ is chosen for one year immediately  
22 preceding his election the Senator's election, unless the boundaries of any senate district  
23 were revised less than 15 months before the general election, in which case the Senator  
24 shall have established residence in the district no later than three months after the date  
25 the boundaries were last revised."

26 **SECTION 4.** Section 7 of Article II of the Constitution of North Carolina  
27 reads as rewritten:

28 **"Sec. 7. Qualifications for Representative.**

29 Each Representative, at the time of his election, shall be a qualified voter of the  
30 State, and shall have resided in the district for which ~~he the Representative~~ is chosen for one year immediately  
31 preceding his election the Representative's election, unless the  
32 boundaries of any representative district were revised less than 15 months before the  
33 general election, in which case the Representative shall have established residence in  
34 the district no later than three months after the date the boundaries were last revised."

35 **SECTION 5.** Article II of the Constitution of North Carolina is amended by  
36 adding a new section to read:

37 **"Sec. 25. Congressional districts.**

38 Members of the House of Representatives of the United States shall be elected from  
39 districts. The Secretary of State, beginning as soon as practical after the return of the  
40 decennial census of population taken by order of Congress, shall supervise the revision  
41 of the congressional districts and the apportionment of United States Representatives  
42 among those districts by the people of North Carolina, according to the process  
43 described in Section 26 of this Article, subject to the requirements of that section and  
44 both the following requirements:

1       (1) Each United States Representative shall represent a number of inhabitants  
2 which shall not differ from the ideal by more than the lesser of three percent (3%) or the  
3 limit set by federal law, the ideal number of inhabitants that each Representative  
4 represents being determined for this purpose by dividing the population of the State by  
5 the number of United States House seats to which North Carolina is entitled by federal  
6 law.

7       (2) When established, the congressional districts shall remain unaltered until the  
8 return of another decennial census population taken by order of Congress."

9               **SECTION 6.** Article II of the Constitution of North Carolina is amended by  
10 adding a new section to read:

11 **"Sec. 26. Process of defining districts.**

12       (1) Legislative and congressional districts shall be revised by the citizens of  
13 North Carolina, under the supervision of the Secretary of State. The General Assembly  
14 shall not adopt any legislative or congressional district plan.

15       (2) Any citizen of the State of North Carolina may submit one or more proposed  
16 redistricting plans to the Secretary of State for any or each type of district: The North  
17 Carolina House of Representatives, North Carolina Senate, and United States House of  
18 Representatives.

19       (3) Each plan submitted to the Secretary of State shall be accompanied by a  
20 nonrefundable fee of one hundred dollars (\$100.00), unless waived per subsection (9) of  
21 this section.

22       (4) The proposed redistricting plans shall be submitted to the Secretary of State  
23 electronically, in a manner and format to be determined by the Secretary of State for the  
24 mutual convenience of the citizens and the Secretary of State.

25       (5) The Secretary of State shall have the responsibility for evaluating each such  
26 plan according to the criteria of this Article. Each plan shall first be evaluated for  
27 compliance with the mandatory requirements. Plans which do not comply with the  
28 mandatory requirements shall not be scored for quality. Plans which comply with the  
29 mandatory requirements shall be scored for quality according to the criteria of this  
30 section.

31       (6) The Secretary of State shall accept the proposed redistricting plans for a  
32 Submission Period of 90 days. At the end of the Submission Period, the Secretary of  
33 State shall announce which submitted plan for each type of district had the highest total  
34 quality score. Those plans shall be adopted to define the legislative and congressional  
35 districts until the return of another decennial census of population taken by order of  
36 Congress.

37       (7) Each weekday during the Submission Period, or as frequently as practical, but  
38 not less than once per week, the Secretary of State shall post on its Web site the 10  
39 highest-scoring proposed plans received so far for each type of district, based on each  
40 plan's total quality score. The highest-scoring plan for each type of district shall be  
41 called the Leading Plan for that day.

42       (8) Each proposed plan submitted to the Secretary of State shall become public  
43 information. Both the data file defining each plan and each plan's total quality score and  
44 component scores shall be made public as quickly as practical on the Secretary of

1 State's Web site, so that other citizens may use them when creating other proposed  
2 plans.

3 (9) The fee for submitting a plan shall be waived or refunded if that plan is  
4 determined by the Secretary of State to be the Leading Plan for the day.

5 (10) The State of North Carolina shall create, place into the public domain and  
6 make available to the public, computer software for designing and scoring redistricting  
7 plans, including the software that the Secretary of State uses to evaluate proposed plans.  
8 The source code for all such software shall also be placed into the public domain, and  
9 made available to the public. Such software may be dependent upon the use of  
10 commercially available software, but the cost of the required commercially available  
11 software shall be as small as practical to avoid being an impediment to citizen  
12 participation in the redistricting process.

13 (11) The following are mandatory requirements for all proposed redistricting  
14 plans:

15 (a) Each district shall consist of contiguous territory. Point-contiguity  
16 shall not be considered contiguous.

17 (b) One and only one State Senator, State Representative, or United States  
18 Representative shall represent each district.

19 (c) The districts shall comply with federal law.

20 (12) The total quality score for each proposed redistricting plan shall be computed  
21 as the sum of three component scores, each of which is chosen to achieve a particular  
22 goal. The three goals are: compactness, one person, one vote, and minimizing the  
23 number of split counties, municipalities, and precincts:

24 (a) The goal of compactness is to avoid elongated and irregular districts.  
25 The component score which quantifies this goal shall be the Reock  
26 quotient for the plan. The 'Reock quotient for the plan' means the  
27 average of the Reock quotients for each proposed district in the plan.  
28 The Reock quotient for a district is the area of the district divided by  
29 the area of the smallest possible enclosing circle, a number between 0  
30 and 1.

31 (b) The goal of one person, one vote is to ensure that each voter's vote is  
32 of equal importance. The component score that quantifies this goal  
33 shall be computed as follows: First, compute X, the 'ideal district  
34 voting strength,' which means the total number of votes cast in the  
35 most recent gubernatorial election divided by the number of districts in  
36 the State. Then, for each proposed district, compute Y, the number of  
37 those voters who resided in the proposed district. Then, for each  
38 proposed district, divide the smaller of X and Y by the larger of X and  
39 Y, resulting in a number between 0 and 1. Finally, average these  
40 quotients for all the districts in the plan.

41 (c) The goal of minimizing the number of split counties, municipalities,  
42 and precincts is quantified by calculating a component score as  
43 follows: First, for each county, municipality, or precinct (hereafter  
44 'geographic entity') which the plan splits, calculate the number of

1                 'excess splits,' and cube that number. Then sum these cubed numbers,  
 2                 divide the sum by twice the number of districts in the State, and  
 3                 subtract the quotient from 1. The result is the component score for this  
 4                 goal, a number less than or equal to 1. The number of excess splits for  
 5                 a geographic entity is calculated as follows: First, calculate X, the ideal  
 6                 number of districts to represent that geographic entity. For precincts, X  
 7                 is always equal to 1. Otherwise, X is defined as ninety-nine percent  
 8                 (99%) of the population of the county or municipality, divided by the  
 9                 ideal population of a district, rounded up to the next integer. Then  
 10                 define Y, the number of districts into which the geographic entity is  
 11                 split by the proposed plan. If Y is not greater than X, the number of  
 12                 excess splits is zero. If Y is greater than X, the number of excess splits  
 13                 is Y minus X."

14                 **SECTION 7.** Article II of the Constitution of North Carolina is amended by  
 15 adding a new section to read:

16                 "**Sec. 27. Process of redefining districts if required by courts.**

17                 If any redistricting plan adopted in accordance with the process in Section 26 of this  
 18                 Article is invalidated by a court decision, the State of North Carolina shall first exhaust  
 19                 all legal remedies in appealing that decision to reinstate the districts. But if the decision  
 20                 cannot be reversed, the citizens of North Carolina shall create revised districts under the  
 21                 supervision of the Secretary of State, according to the process in Section 26 of this  
 22                 Article, except that the Submission Period shall be shortened to 45 days."

23                 **SECTION 8.** The amendments set out in Sections 1 through 7 of this act  
 24 shall be submitted to the qualified voters of the State at the general election in  
 25 November 2008, which election shall be conducted under the laws then governing  
 26 elections in the State. Ballots, voting systems, or both may be used in accordance with  
 27 Chapter 163 of the General Statutes. The question to be used in the voting systems and  
 28 ballots shall be:

29                                 " FOR    AGAINST

30                 A constitutional amendment to eliminate gerrymandering by providing for the  
 31 citizens of the State of North Carolina to redistrict the State for the purpose of electing  
 32 members of the General Assembly and members of the United States House of  
 33 Representatives into districts designed with the goals of compactness, smallest number  
 34 of split counties and cities, and one person, one vote."

35                 **SECTION 9.** If a majority of votes cast on the question are in favor of the  
 36 amendments set out in Sections 1 through 7 of this act, the State Board of Elections  
 37 shall certify the amendments to the Secretary of State. The amendments become  
 38 effective upon this certification. The Secretary of State shall enroll the amendments so  
 39 certified among the permanent records of that office.

40                 **SECTION 10.** This act is effective when it becomes law.