

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 252\*

Short Title: Horton Independent Redistricting Comm. (Public)

Sponsors: Representatives Current, Samuelson, Brown, Stam (Primary Sponsors);  
Blackwood, Cleveland, Frye, Hilton, Johnson, Justus, Lewis, McGee, Mills,  
Moore, Neumann, Rhyne, Steen, Stevens, Tillis, and Wiley.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Election Law and  
Campaign Finance Reform, if favorable, Judiciary I.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH  
THE HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** 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~~ The Independent 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:

(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;~~

(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)

(1) The goal of compactness, to avoid elongated and irregularly shaped districts.

(2) The goal of one person, one vote to ensure each voter's vote.

(3) The goal of minimizing the number of split counties, municipalities, and other  
communities of interest.

Precincts shall not be split in the preparation of a plan for State Senate districts. All districts  
shall be contiguous.

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 North Carolina Constitution 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~~ The Independent Redistricting Commission, as soon as practical  
after the return of every decennial census of population taken by order of Congress, shall revise



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1 the representative districts and the apportionment of Representatives among those districts,  
2 ~~subject to the following requirements:so that, to the extent possible, those districts meet the~~  
3 ~~following goals:~~

4 ~~(1) Each Representative shall represent, as nearly as may be, an equal number of~~  
5 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~  
6 ~~this purpose by dividing the population of the district that he represents by the number of~~  
7 ~~Representatives apportioned to that district;~~

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

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

10 ~~(4)~~

11 (1) The goal of compactness, to avoid elongated and irregularly shaped districts.

12 (2) The goal of one person, one vote to ensure each voter's vote.

13 (3) The goal of minimizing the number of split counties, municipalities, and other  
14 communities of interest.

15 Precincts shall not be split in the preparation of a plan for State House of Representatives  
16 districts. All districts shall be contiguous.

17 When established, the representative districts and the apportionment of Representatives  
18 shall remain unaltered until the return of another decennial census of population taken by order  
19 of Congress."

20 **SECTION 3.** Article II of the North Carolina Constitution is amended by adding a  
21 new section to read:

22 **"Sec. 25. Hamilton C. Horton Jr. Independent Redistricting Commission.**

23 (1) Establishment and membership. There is established the Hamilton C. Horton Jr.  
24 Independent Redistricting Commission to consist of 11 persons appointed as provided in this  
25 section.

26 (2) General Composition and Eligibility. The Commission shall have partisan balance,  
27 comprising four members affiliated with the largest political party in this State based on voter  
28 registration, four members affiliated with the second largest political party in this State based  
29 on voter registration, and three members not affiliated with either of the two largest political  
30 parties in the State. Of the 11 members, no more than two may reside in the same county. Each  
31 member shall be a registered voter in this State who has been continuously affiliated with the  
32 same political party, or has been registered as unaffiliated with a political party, for three or  
33 more years immediately before appointment. The Commission shall be representative of this  
34 State's diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity.  
35 Each member shall commit to applying this section in an honest, independent, and impartial  
36 fashion and to upholding public confidence in the integrity of the redistricting process. Within  
37 five years immediately before appointment, neither a Commission member nor a member of the  
38 member's extended family may have done any of the following:

39 (a) Been appointed to, elected to, been a candidate for any elective office  
40 whether state or local, or served in any other public state office.

41 (b) Served as an officer or executive committee member of a political party, or  
42 as an officer, paid employee, or paid consultant of a candidate's campaign  
43 committee.

44 (c) Been a registered lobbyist.

45 The following are not eligible to be Commission members: Legislative and congressional  
46 staff and consultants, persons under contract with the General Assembly, any person with a  
47 financial or extended family relationship with the Governor, a member of the General  
48 Assembly, or a member of the Congress of the United States. As used in this section, a member  
49 of a person's "extended family" is a person's spouse, lineal descendant, lineal ascendant,  
50 sibling, spouse's lineal ascendant, spouse's lineal descendant, spouse's sibling, and the spouse of  
51 any of these persons.

1 A member of the Commission shall not be eligible, during or within three years after  
2 service on the Commission, to hold elective office, whether state or local, or to hold any public  
3 state office or register as a lobbyist.

4 (3) Selection process. The Commission members shall be appointed as provided by law.  
5 The law providing for the appointment process may provide independent authority to officers  
6 and other members of the Senate and the House of Representatives.

7 (4) Term of office; vacancies; chair. The initial members of the Independent  
8 Redistricting Commission shall take office as soon as practicable after their appointment. The  
9 initial members shall serve until their successors are appointed and qualified. Subsequent to the  
10 initial appointments, the members of the Independent Redistricting Commission shall take  
11 office on the last day of February of each year ending in the number one and shall continue in  
12 office until their successors are appointed and qualified. Any vacancy occurring in the  
13 membership of the Commission shall be filled as provided by law. The Independent  
14 Redistricting Commission shall elect from its members a Chair, who will serve throughout the  
15 term of the Commission unless replaced by vote of the Commission.

16 (5) Legislative plans. The Independent Redistricting Commission shall adopt, in  
17 accordance with Sections 3 and 5 of this Article, plans for revising the senate districts and  
18 representative districts, which shall have the force and effect of acts of the General Assembly.  
19 The General Assembly shall not adopt any legislative district plan.

20 (6) Congressional plans. The Independent Redistricting Commission is responsible for  
21 adopting a district plan for election of members of the House of Representatives of the  
22 Congress of the United States. The General Assembly shall not adopt any district plan for  
23 election of members of the United States House of Representatives.

24 (7) Preparation and adoption of plans. The Independent Redistricting Commission shall  
25 adopt district plans as required by subsections (5) and (6) of this section no later than October 1  
26 of the year following each decennial census of population taken by order of Congress. In  
27 preparing or adopting its plans, the Independent Redistricting Commission shall not consider  
28 the following information:

29 (a) The political affiliation of voters;

30 (b) Voting data from previous elections;

31 (c) The location of incumbents' residences; or

32 (d) Demographic data from sources other than the United States Bureau of the  
33 Census. In the use of Census data, racial and ethnic data shall be used only  
34 for the purposes of compliance with the United States Constitution and laws  
35 enacted pursuant thereto.

36 There shall be a minimum period of 45 days of public comment on a plan before it is finally  
37 adopted.

38 (8) In case plan held invalid. The Independent Redistricting Commission shall adopt a  
39 new district plan in the event that a plan it has adopted is held invalid.

40 (9) Federal and State law. In adopting any plan under this section, the Independent  
41 Redistricting Commission shall take into consideration all relevant requirements of the United  
42 States Constitution and acts of Congress. It shall comply with the North Carolina Constitution  
43 as enunciated by the North Carolina Supreme Court.

44 (10) Local redistricting. The General Assembly may by law assign to the Independent  
45 Redistricting Commission the duty to adopt districting and redistricting plans for any county,  
46 city, town, special district, and other governmental subdivision if the governing board of the  
47 unit or a court of competent jurisdiction so requests."

48 **SECTION 4.** Subsection (5) of Section 22 of Article II of the North Carolina  
49 Constitution reads as rewritten:

50 "(5) ~~Other exceptions.~~ **Appointments to office.** Every bill:



1 After all four legislative leaders have exercised their strikes, the Principal Clerk of the House of  
2 Representatives shall present the remaining pool of candidates to the State Board of Elections.

3 The State Board of Elections shall establish and implement a public and auditable process  
4 of randomly drawing four names from each of the political party subpools and three names  
5 from the subpool of those not affiliated with the two largest parties.

6 The names of the 11 individuals drawn for the Commission shall be presented to the  
7 President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the  
8 House of Representatives, and the minority leader of the House of Representatives. Each of  
9 those four legislative leaders shall have five days to object to the composition of the  
10 Commission on the grounds of lack of representation of the State's diversity as required by  
11 Article II, Section 25 of the Constitution of North Carolina. If objections are raised by three of  
12 those legislative leaders, the State Board of Elections shall return all names to the pool for  
13 another round of random drawing. The State Board of Elections may draw up to three times.

14 Upon the completion of this process, the 11 individuals so chosen shall take office.

15 (d) Vacancies. – Any vacancies on the Commission shall be filled from the pool  
16 through a public and auditable process of randomly drawing names from the same pool selected  
17 in subsection (b) of this section. The vacancy shall be filled with a member of the same partisan  
18 affiliation as the vacating member. The random drawing process shall be established and  
19 implemented by the State Board of Elections."

20 **SECTION 6.** The amendments set out in Sections 1 through 4 of this act shall be  
21 submitted to the qualified voters of the State at the statewide primary election in 2010, which  
22 election shall be conducted under the laws then governing elections in the State. Ballots,  
23 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.  
24 The question to be used in the voting systems and ballots shall be:

25  FOR  AGAINST

26 A constitutional amendment providing for an Independent Redistricting  
27 Commission to redistrict the State for the purpose of electing members of the General  
28 Assembly and members of the United States House of Representatives."

29 **SECTION 7.** If a majority of votes cast on the question are in favor of the  
30 amendments set out in Sections 1 through 4 of this act, the State Board of Elections shall certify  
31 the amendments to the Secretary of State. The amendments become effective upon this  
32 certification. The Secretary of State shall enroll the amendments so certified among the  
33 permanent records of that office.

34 **SECTION 8.** This act is effective when it becomes law.