

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS15174-RR-11 (2/7)

Short Title: Indep. Redist. Comm./Constitutional.

(Public)

Sponsors: Senators Horton; and Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN 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:

(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;~~ and the Commission, to the extent it deems practical, shall avoid establishing districts represented by more than one Senator;

(2) Each senate district shall at all times consist of geographically compact and contiguous territory;

(3) ~~No county shall be divided in the formation of a senate district;~~ The Commission, to the extent it deems practical, shall avoid establishing district boundaries that cross county boundaries;

(4) 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:

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

2 The Representatives shall be elected from districts. ~~The General Assembly, at the~~
3 ~~first regular session convening~~ The Independent Redistricting Commission, as soon as
4 practical after the return of every decennial census of population taken by order of
5 Congress, shall revise the representative districts and the apportionment of
6 Representatives among those districts, subject to the following requirements:

7 (1) Each Representative shall represent, as nearly as may be, an equal number of
8 inhabitants, ~~the number of inhabitants that each Representative represents being~~
9 ~~determined for this purpose by dividing the population of the district that he represents~~
10 ~~by the number of Representatives apportioned to that district; and the Commission, to~~
11 ~~the extent it deems practical, shall avoid establishing districts with more than one~~
12 Representative;

13 (2) Each representative district shall at all times consist of geographically
14 compact and contiguous territory;

15 (3) ~~No county shall be divided in the formation of a representative district; The~~
16 Commission, to the extent it deems practical, shall avoid establishing district boundaries
17 that cross county boundaries;

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

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

23 **"Sec. 25. Independent Redistricting Commission.**

24 (1) Establishment and membership. There is established the Independent
25 Redistricting Commission to consist of nine persons appointed as follows:

- 26 (a) Two by the Chief Justice of the Supreme Court, with no more than one
27 affiliated with the same political party;
28 (b) Three by the Governor, with no more than two affiliated with the same
29 political party;
30 (c) Two by the Speaker of the House of Representatives, with no more
31 than one affiliated with the same political party; and
32 (d) Two by the President Pro Tempore of the Senate, with no more than
33 one affiliated with the same political party.

34 The appointing officers shall appoint the initial members of the Independent
35 Redistricting Commission as soon as practicable after this Section becomes law.
36 Subsequent to the initial appointments, the appointing officers shall make their
37 appointments, other than vacancy appointments, no earlier than February 1 of the year
38 prior to the year in which the appointed members are to take office under subsection (2)
39 of this Section and no later than June 1 of the year in which the members are to take
40 office under subsection (2) of this Section. The appointing officers, in making their
41 appointments, shall take into account the advisability of having the Commission reflect
42 the State's geographic, gender, racial, and ethnic diversity.

43 (2) Term of office; vacancies, chair. The initial members of the Independent
44 Redistricting Commission shall take office as soon as practicable after their

1 appointment. The initial members shall serve until their successors are appointed and
2 qualified. Subsequent to the initial appointments, the members of the Independent
3 Redistricting Commission shall take office on the first day of July of each year ending
4 in the number 0 and shall continue in office until their successors are appointed and
5 qualified. Any vacancy occurring in the membership of the Commission shall be filled
6 for the remainder of the unexpired term by the officer who appointed the vacating
7 member. The Independent Redistricting Commission shall elect from its members a
8 Chair, who will serve throughout the term of the Commission unless replaced by vote of
9 the Commission.

10 (3) Eligibility. To be eligible for appointment to the Independent Redistricting
11 Commission, a person must be a resident of North Carolina. No person may serve on
12 the Commission who has held elective public office or been a candidate for elective
13 public office in the four years prior to commencement of service on the Independent
14 Redistricting Commission. No person who has served as a member of the Independent
15 Redistricting Commission shall be eligible to hold any elective State office for four
16 years after termination of service on the Independent Redistricting Commission.

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

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

26 (6) Preparation and adoption of plans. The Independent Redistricting
27 Commission shall adopt district plans as required by subsections (4) and (5) of this
28 Section no later than October 1 of the year following each decennial census of
29 population taken by order of Congress. In preparing or adopting its plans, the
30 Independent Redistricting Commission shall not consider the following information:

31 (a) The political affiliation of voters;

32 (b) Voting data from previous elections;

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

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

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

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

42 (8) Federal and State law. In adopting any plan under this section, the
43 Independent Redistricting Commission shall take into consideration all relevant
44 requirements of the United States Constitution and Acts of Congress. It shall comply

1 with the North Carolina Constitution as enunciated by the North Carolina Supreme
2 Court.

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

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

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

- 10 (a) ~~In bill in~~ which the General Assembly makes an appointment or
11 appointments to public office and which contains no other matter;
12 (b) ~~Revising the senate districts and the apportionment of Senators among~~
13 ~~those districts and containing no other matter;~~
14 (c) ~~Revising the representative districts and the apportionment of~~
15 ~~Representatives among those districts and containing no other matter;~~
16 ~~or~~
17 (d) ~~Revising the districts for the election of members of the House of~~
18 ~~Representatives of the Congress of the United States and the~~
19 ~~apportionment of Representatives among those districts and containing~~
20 ~~no other matter, matter~~ shall be read three times in each house before it
21 becomes law and shall be signed by the presiding officers of both
22 houses."

23 **SECTION 5.** The amendments set out in Sections 1 through 4 of this act
24 shall be submitted to the qualified voters of the State at the general election in
25 November 2004, 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 providing for an Independent Redistricting
31 Commission to redistrict the State for the purpose of electing members of the General
32 Assembly and members of the United States House of Representatives."

33 **SECTION 6.** If a majority of votes cast on the question are in favor of the
34 amendments set out in Sections 1 through 4 of this act, the State Board of Elections
35 shall certify the amendments to the Secretary of State. The amendments become
36 effective upon this certification. The Secretary of State shall enroll the amendments so
37 certified among the permanent records of that office.

38 **SECTION 7.** This act is effective when it becomes law.