

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS35028-RR-16 (1/31)

Short Title: Independent Redistricting Comm/Const. (Public)

Sponsors: Senators Kinnaird, and Horton.

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 shall avoid establishing
districts represented by more than one Senator, unless it is established that a district
representing more than one Senator is necessary to advance a compelling governmental
interest;

(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 maximum extent practicable consistent with the other requirements
of this section and of federal law, shall avoid dividing counties in the formation of a
senate district;

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

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

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

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

12 (1) Each Representative shall represent, as nearly as may be, an equal number of
13 inhabitants, ~~the number of inhabitants that each Representative represents being~~
14 ~~determined for this purpose by dividing the population of the district that he represents~~
15 ~~by the number of Representatives apportioned to that district; and the Commission shall~~
16 avoid establishing districts represented by more than one Representative, unless it is
17 established that a district representing more than one Representative is necessary to
18 advance a compelling governmental interest;

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

21 (3) ~~No county shall be divided in the formation of a representative district; The~~
22 Commission, to the maximum extent practicable consistent with the other requirements
23 of this section and of federal law, shall avoid dividing counties in the formation of a
24 representative district;

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

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

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

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

33 (a) Two by the Chief Justice of the Supreme Court, with no more than one
34 affiliated with the same political party;

35 (b) Three by the Governor, with no more than two affiliated with the same
36 political party;

37 (c) Two by the Speaker of the House of Representatives, with no more
38 than one affiliated with the same political party; and

39 (d) Two by the President Pro Tempore of the Senate, with no more than
40 one affiliated with the same political party.

41 The appointing officers shall appoint the initial members of the Independent
42 Redistricting Commission as soon as practicable after this Section becomes law.
43 Subsequent to the initial appointments, the appointing officers shall make their
44 appointments, other than vacancy appointments, no earlier than February 1 of the year

1 prior to the year in which the appointed members are to take office under subsection (2)
2 of this Section and no later than June 1 of the year in which the members are to take
3 office under subsection (2) of this Section. The appointing officers, in making their
4 appointments, shall take into account the advisability of having the Commission reflect
5 the State's geographic, gender, racial, and ethnic diversity.

6 (2) Term of office; vacancies, chair. The initial members of the Independent
7 Redistricting Commission shall take office as soon as practicable after their
8 appointment. The initial members shall serve until their successors are appointed and
9 qualified. Subsequent to the initial appointments, the members of the Independent
10 Redistricting Commission shall take office on the first day of July of each year ending
11 in the number 0 and shall continue in office until their successors are appointed and
12 qualified. Any vacancy occurring in the membership of the Commission shall be filled
13 for the remainder of the unexpired term by the officer who appointed the vacating
14 member. The Independent Redistricting Commission shall elect from its members a
15 Chair, who will serve throughout the term of the Commission unless replaced by vote of
16 the Commission.

17 (3) Eligibility. To be eligible for appointment to the Independent Redistricting
18 Commission, a person must be a resident of North Carolina. No person may serve on
19 the Commission who has held elective public office or been a candidate for elective
20 public office in the four years prior to commencement of service on the Independent
21 Redistricting Commission. No person who has served as a member of the Independent
22 Redistricting Commission shall be eligible to hold any elective State office for four
23 years after termination of service on the Independent Redistricting Commission.

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

28 (5) Congressional plans. The Independent Redistricting Commission is
29 responsible for adopting a district plan for election of members of the House of
30 Representatives of the Congress of the United States. The General Assembly shall not
31 adopt any district plan for election of members of the United States House of
32 Representatives.

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

- 38 (a) The political affiliation of voters;
39 (b) Voting data from previous elections;
40 (c) The location of incumbents' residences; or
41 (d) Demographic data from sources other than the United States Bureau of
42 the Census. In the use of Census data, racial and ethnic data shall be
43 used only for the purposes of compliance with the United States
44 Constitution and laws enacted pursuant thereto.

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

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

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

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

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

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

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

30 **SECTION 5.** The amendments set out in Sections 1 through 4 of this act
 31 shall be submitted to the qualified voters of the State at the general election in
 32 November 2006, which election shall be conducted under the laws then governing
 33 elections in the State. Ballots, voting systems, or both may be used in accordance with
 34 Chapter 163 of the General Statutes. The question to be used in the voting systems and
 35 ballots shall be:

36 **"[] FOR [] AGAINST**

37 **A constitutional amendment providing for an Independent Redistricting**
 38 **Commission to redistrict the State for the purpose of electing members of the General**
 39 **Assembly and members of the United States House of Representatives."**

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

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