

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 49\*

Short Title: Independent Redistricting Commission. (Public)

Sponsors: Representatives Jeter, Howard, Michaux, and Tine (Primary Sponsors).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Elections, if favorable, Rules, Calendar, and Operations of the House.

February 5, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT  
3 REDISTRICTING COMMISSION TO PREPARE REDISTRICTING PLANS AFTER  
4 THE 2030 CENSUS AND THEREAFTER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Effective January 1, 2030, Section 3 of Article II of the North  
7 Carolina Constitution reads as rewritten:

8 "**Sec. 3. Senate districts; apportionment of Senators.**

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

14 (1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants,  
15 the number of inhabitants that each Senator represents being determined for this purpose by  
16 dividing the population of the District that he represents by the number of Senators apportioned  
17 to that district;

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

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

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

23 The Independent Redistricting Commission shall present three plans to the General  
24 Assembly, which may enact one of the plans. If the General Assembly fails to enact one of the  
25 plans within 120 days of receipt, the Independent Redistricting Commission shall adopt one of  
26 the plans the Commission submitted to the General Assembly, which shall have the force and  
27 effect of acts of the General Assembly."

28 **SECTION 2.** Effective January 1, 2030, Section 5 of Article II of the North  
29 Carolina Constitution reads as rewritten:

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

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



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

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

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

7 (4) When established, the representative districts and the apportionment of  
8 Representatives shall remain unaltered until the return of another decennial census of  
9 population taken by order of Congress.

10 The Independent Redistricting Commission shall present three plans to the General  
11 Assembly, which may enact one of the plans. If the General Assembly fails to enact one of the  
12 plans within 120 days of receipt, the Independent Redistricting Commission shall adopt one of  
13 the plans the Commission submitted to the General Assembly, which shall have the force and  
14 effect of acts of the General Assembly."

15 **SECTION 3.** Effective January 1, 2028, Article II of the North Carolina  
16 Constitution is amended by adding a new section to read:

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

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

20 (a) Two by the Chief Justice of the Supreme Court, with no more than one  
21 affiliated with the same political party.

22 (b) Three by the Governor, with no more than two affiliated with the same  
23 political party.

24 (c) One by the Speaker of the House of Representatives and one by the leader in  
25 the House of Representatives of the political party with the next highest or  
26 equal number of members of the House of Representatives as the party of  
27 the Speaker. If there are two or more parties other than the Speaker's party  
28 with equal membership, the appointing authority shall be selected in a  
29 manner prescribed by law.

30 (d) One by the President Pro Tempore of the Senate and one by the leader in the  
31 Senate of the political party in the Senate with the next highest or equal  
32 number of Senators as the party of the President Pro Tempore. If there are  
33 two or more parties other than the President Pro Tempore's party with equal  
34 membership, the appointing authority shall be selected in a manner  
35 prescribed by law.

36 (e) No person who has served as a member of the Independent Redistricting  
37 Commission shall be eligible to hold any elective public office for four years  
38 after termination of service on the Independent Redistricting Commission.  
39 The term "public office" means any partisan or nonpartisan office filled by  
40 election by the people on a statewide, county, municipal, or district basis.

41 (2) Duties. The Independent Redistricting Commission shall have the following duties:

42 (a) Present to the General Assembly, for consideration in accordance with  
43 Sections 3 and 5 of this Article, three plans for revising the Senate districts  
44 and three plans for revising the House of Representatives districts.

45 (b) Present to the General Assembly for consideration three district plans for  
46 election of members of the House of Representatives of the Congress of the  
47 United States.

48 (c) If none of the bills embodying a plan submitted by the Independent  
49 Redistricting Commission under this subsection is approved by the General  
50 Assembly within 120 days of receipt, the Independent Redistricting  
51 Commission shall by majority vote adopt one of the plans the Commission

1                   submitted to the General Assembly, which shall have the force and effect of  
2                   acts of the General Assembly."

3                   **SECTION 4.** The amendments set out in Sections 1 through 3 of this act shall be  
4 submitted to the qualified voters of the State at the general election in November 2016, which  
5 election shall be conducted under the laws then governing elections in the State. Ballots, voting  
6 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The  
7 question to be used in the voting systems and ballots shall be:

8                   " FOR        AGAINST

9                   A constitutional amendment providing for an Independent Redistricting Commission to  
10 present three redistricting plans to the General Assembly for the purpose of electing members  
11 of the General Assembly and members of the United States House of Representatives. If the  
12 General Assembly fails to enact one of the plans within 120 days of receipt, the Independent  
13 Redistricting Commission will adopt one of the redistricting plans the Commission submitted  
14 to the General Assembly."

15                   **SECTION 5.** If a majority of votes cast on the question are in favor of the  
16 amendments set out in Sections 1 through 3 of this act, the State Board of Elections shall certify  
17 the amendments to the Secretary of State. The amendments become effective as provided in  
18 this act. The Secretary of State shall enroll the amendments so certified among the permanent  
19 records of that office.

20                   **SECTION 6.** Chapter 163 of the General Statutes is amended by adding a new  
21 Article to read:

22                   "Article 12B.

23                   "Redistricting.

24                   "§ 163-133. Independent Redistricting Commission.

25                   (a) Membership. Membership of the Commission shall comply with the requirements  
26 set forth in Section 25 of Article II of the North Carolina Constitution.

27                   (1) If there are two or more parties other than the Speaker's party in the House  
28 of Representatives with equal membership, the leaders in that chamber of the  
29 tied parties other than the Speaker's party shall draw lots to determine which  
30 shall make the appointment. If there are two or more parties other than the  
31 President Pro Tempore's party in the Senate with equal membership, the  
32 leaders in that chamber of the tied parties other than the President Pro  
33 Tempore's party shall draw lots to determine which shall make the  
34 appointment.

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

45                   (b) Term of Office; Vacancies; Chair. The initial members of the Independent  
46 Redistricting Commission shall take office in the year 2028 as soon as practicable after their  
47 appointment. The initial members shall serve until their successors are appointed and qualified.  
48 Beginning in the year 2040, the members of the Independent Redistricting Commission shall  
49 take office on the first day of July of each year ending in the number zero and shall continue in  
50 office until their successors are appointed and qualified. Any vacancy occurring in the  
51 membership of the Commission shall be filled for the remainder of the unexpired term by the

1 holder of the office which appointed the vacating member. The Independent Redistricting  
2 Commission shall elect from its members a Chair, who will serve throughout the term of the  
3 Commission unless replaced by vote of the Commission.

4 (c) Eligibility. To be eligible for appointment to the Independent Redistricting  
5 Commission, a person must be a resident of North Carolina. No person may serve on the  
6 Commission who has held elective public office or been a candidate for elective public office  
7 in the four years prior to commencement of service on the Independent Redistricting  
8 Commission.

9 (d) Staffing. The Commission shall be administratively housed in the Legislative  
10 Services Office of the General Assembly. In order to implement Section 25 of Article II of the  
11 North Carolina Constitution, the Independent Redistricting Commission shall retain  
12 independent staff under contract to prepare redistricting plans covered by that Section. In  
13 drafting plans for consideration by the General Assembly, that staff shall not be provided any  
14 instructions as to the content of the plans other than to follow the guidelines set out in that  
15 Section."

16 **"§ 163-134. Redistricting Plans.**

17 (a) Legislative Plans. The Independent Redistricting Commission shall present to the  
18 General Assembly, for consideration in accordance with Sections 3 and 5 of Article II of the  
19 North Carolina Constitution, three plans for revising the Senate districts and three plans for  
20 revising the House of Representatives districts. Each of the bills shall be voted on under a  
21 procedure or rule permitting no amendments except those of a purely corrective nature. If any  
22 of the bills is approved on third reading by the first house in which it is considered, it shall  
23 expeditiously be brought to a vote in the second house under a similar procedure or rule. The  
24 General Assembly shall, within 120 days of receiving the plans, adopt one Senate plan and one  
25 House plan presented by the Commission. If none of the bills embodying a plan submitted by  
26 the Independent Redistricting Commission under this subsection is approved by the General  
27 Assembly within 120 days of receipt, the Independent Redistricting Commission shall by  
28 majority vote adopt, in accordance with Sections 3 and 5 of Article II of the North Carolina  
29 Constitution, one of the plans the Commission submitted to the General Assembly for revising  
30 the Senate districts and House of Representatives districts, which shall have the force and effect  
31 of acts of the General Assembly.

32 (b) Congressional Plans. The Independent Redistricting Commission shall present to the  
33 General Assembly for consideration three district plans for election of members of the House of  
34 Representatives of the Congress of the United States. Each of the bills shall be voted on under a  
35 procedure or rule permitting no amendments except those of a purely corrective nature. If any  
36 of the bills is approved on third reading by the first house in which it is considered, it shall  
37 expeditiously be brought to a vote in the second house under a similar procedure or rule. The  
38 General Assembly shall, within 120 days of receiving the plans, adopt one of the plans  
39 presented by the Commission. If none of the bills embodying a plan submitted by the  
40 Independent Redistricting Commission under this subsection is approved by the General  
41 Assembly within 120 days of receipt, the Independent Redistricting Commission shall by  
42 majority vote adopt a district plan for election of members of the House of Representatives of  
43 the Congress of the United States, which shall have the force and effect of acts of the General  
44 Assembly.

45 (c) Preparation and Adoption of Plans. District plans shall be adopted no later than  
46 October 1 of the year following each decennial census of population taken by order of  
47 Congress. In preparing or adopting its plans, the Independent Redistricting Commission shall  
48 not consider the following information:

- 49 (1) The political affiliation of voters;
- 50 (2) Voting data from previous elections;
- 51 (3) The location of incumbents' residences; or

1           (4) Demographic data from sources other than the United States Bureau of the  
2           Census. In the use of Census data, racial and ethnic data shall be used only  
3           for the purposes of compliance with the United States Constitution and laws  
4           enacted pursuant thereto.

5           The Independent Redistricting Commission shall ensure there is a minimum period of 45  
6           days of public comment on a plan before it is submitted to the General Assembly for  
7           consideration.

8           (d) In Case Plan Held Invalid. A new district plan shall be adopted as required by  
9           subsections (a), (b), and (c) of this section in the event that an adopted plan is held invalid.

10          (e) Federal and State Law. In adopting any plan under this section, the General  
11          Assembly and the Independent Redistricting Commission shall take into consideration all  
12          relevant requirements of the United States Constitution and Acts of Congress and shall comply  
13          with the North Carolina Constitution.

14          (f) Local Redistricting. The General Assembly may by law assign to the Independent  
15          Redistricting Commission the duty to prepare districting and redistricting plans for any county,  
16          city, town, special district, and other governmental subdivision if the governing board of the  
17          unit or a court of competent jurisdiction so requests."

18                **SECTION 7.** Section 6 of this act becomes effective January 1, 2028, and is  
19 effective only if the constitutional amendments proposed by Sections 1 through 3 of this act are  
20 approved by the qualified voters as provided in Sections 4 and 5 of this act.

21                **SECTION 8.** The remainder of this act is effective when it becomes law.