

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH50231-RR-43 (4/2)

Short Title: Independent Redistricting Com/Constitutional. (Public)

Sponsors: Representative Blust.

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) One by the Speaker of the House of Representatives and one by the
31 leader in the House of Representatives of the other political party with
32 the next highest or equal number of members of the House of
33 Representatives as the party of the Speaker; and
34 (d) One by the President Pro Tempore of the Senate, and one by the leader
35 in the Senate of the other political party in the Senate with the next
36 highest or equal number of Senators as the party of the President Pro
37 Tempore.

38 If there are two or more parties other than the Speaker's party in the House of
39 Representatives with equal membership, the leaders in that chamber of the tied parties
40 other than the Speaker's party shall draw lots to determine which shall make the
41 appointment. If there are two or more parties other than the President Pro Tempore's
42 party in the Senate with equal membership, the leaders in that chamber of the tied
43 parties other than the President Pro Tempore's party shall draw lots to determine which
44 shall make the appointment.

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

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

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

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

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

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

- 42 (a) The political affiliation of voters;
- 43 (b) Voting data from previous elections;
- 44 (c) The location of incumbents' residences; or

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

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

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

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

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

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

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

21 (a) ~~In bill in which the General Assembly makes an appointment or~~
22 ~~appointments to public office and which contains no other matter;~~

23 (b) ~~Revising the senate districts and the apportionment of Senators among~~
24 ~~those districts and containing no other matter;~~

25 (c) ~~Revising the representative districts and the apportionment of~~
26 ~~Representatives among those districts and containing no other matter;~~
27 ~~or~~

28 (d) ~~Revising the districts for the election of members of the House of~~
29 ~~Representatives of the Congress of the United States and the~~
30 ~~apportionment of Representatives among those districts and containing~~
31 ~~no other matter, matter shall be read three times in each house before it~~
32 ~~becomes law and shall be signed by the presiding officers of both~~
33 ~~houses."~~

34 **SECTION 5.** The amendments set out in Sections 1 through 4 of this act
35 shall be submitted to the qualified voters of the State at the general election in
36 November 2004, which election shall be conducted under the laws then governing
37 elections in the State. Ballots, voting systems, or both may be used in accordance with
38 Chapter 163 of the General Statutes. The question to be used in the voting systems and
39 ballots shall be:

40 "[] FOR [] AGAINST

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

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

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