

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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## HOUSE BILL 76

Short Title: Independent Redistricting Commission. (Public)

(Public)

Sponsors: Representatives Blust; Avila, Blackwood, Boylan, Brown, Cleveland, Current, Daughtry, Dockham, Dollar, Folwell, Frye, Gulley, Holloway, Killian, Langdon, Lewis, McElraft, Moore, Pate, Stam, Starnes, Tillis, and Walend.

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

February 6, 2007

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: 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.

1 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: so that, to~~  
12 ~~the extent possible, those districts meet the following goals:~~

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

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

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

19 ~~(4)~~

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

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

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

24 ~~Precincts shall not be split in the preparation of a plan for State House of~~  
25 ~~Representatives districts. All districts shall be contiguous.~~

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

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

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

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

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

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

38 ~~(c) One by the Speaker of the House of Representatives and one by the~~  
39 ~~leader in the House of Representatives of the other political party with~~  
40 ~~the next highest or equal number of members of the House of~~  
41 ~~Representatives as the party of the Speaker; and~~

42 ~~(d) One by the President Pro Tempore of the Senate and one by the leader~~  
43 ~~in the Senate of the other political party in the Senate with the next~~

highest or equal number of Senators as the party of the President Pro Tempore.

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

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

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

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

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

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

1 adopt any district plan for election of members of the United States House of  
2 Representatives.

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

- 8 (a) The political affiliation of voters;  
9 (b) Voting data from previous elections;  
10 (c) The location of incumbents' residences; or  
11 (d) Demographic data from sources other than the United States Bureau of  
12 the Census. In the use of Census data, racial and ethnic data shall be  
13 used only for the purposes of compliance with the United States  
14 Constitution and laws enacted pursuant thereto.

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

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

19 (8) Federal and State law. In adopting any plan under this Section, the  
20 Independent Redistricting Commission shall take into consideration all relevant  
21 requirements of the United States Constitution and Acts of Congress. It shall comply  
22 with the North Carolina Constitution as enunciated by the North Carolina Supreme  
23 Court.

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

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

- 30 "(5) **Other exceptions. Appointments to office.** Every bill:  
31 (a) In bill in which the General Assembly makes an appointment or  
32 appointments to public office and which contains no other matter;  
33 (b) Revising the senate districts and the apportionment of Senators among  
34 those districts and containing no other matter;  
35 (c) Revising the representative districts and the apportionment of  
36 Representatives among those districts and containing no other matter;  
37 or  
38 (d) Revising the districts for the election of members of the House of  
39 Representatives of the Congress of the United States and the  
40 apportionment of Representatives among those districts and containing  
41 no other matter, matter shall be read three times in each house before it  
42 becomes law and shall be signed by the presiding officers of both  
43 houses."

1                   **SECTION 5.** The amendments set out in Sections 1 through 4 of this act  
2 shall be submitted to the qualified voters of the State at the general election in  
3 November 2008, which election shall be conducted under the laws then governing  
4 elections in the State. Ballots, voting systems, or both may be used in accordance with  
5 Chapter 163 of the General Statutes. The question to be used in the voting systems and  
6 ballots shall be:

7                   **"[ ] FOR      [ ] AGAINST**

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

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

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