

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS65187-RR-29 (02/05)

Short Title: Horton Independent Redistricting Comm.

(Public)

Sponsors: Senator Brunstetter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
ESTABLISH THE HAMILTON C. HORTON JR. 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. Hamilton C. Horton Jr. Independent Redistricting Commission.**

32 (1) Establishment and membership. There is established the Hamilton C. Horton
33 Jr. Independent Redistricting Commission to consist of 11 persons appointed as
34 provided in this section.

35 (2) General Composition and Eligibility. The Commission shall have partisan
36 balance, comprising four members affiliated with the largest political party in this State
37 based on voter registration, four members affiliated with the second largest political
38 party in this State based on voter registration, and three members not affiliated with
39 either of the two largest political parties in the State. Of the 11 members, no more than
40 two may reside in the same county. Each member shall be a registered voter in this State
41 who has been continuously affiliated with the same political party, or has been
42 registered as unaffiliated with a political party, for three or more years immediately
43 before appointment. The Commission shall be representative of this State's diversity,
44 including, but not limited to, racial, ethnic, geographic, and gender diversity. Each

1 member shall commit to applying this section in an honest, independent, and impartial
2 fashion and to upholding public confidence in the integrity of the redistricting process.
3 Within five years immediately before appointment, neither a Commission member nor a
4 member of the member's extended family may have done any of the following:

5 (a) Been appointed to, elected to, been a candidate for, or served in any
6 other public office.

7 (b) Served as an officer or executive committee member of a political
8 party, or as an officer, paid employee, or paid consultant of a
9 candidate's campaign committee.

10 (c) Been a registered lobbyist.

11 The following are not eligible to be Commission members: Legislative and
12 congressional staff and consultants, persons under contract with the General Assembly,
13 any person with a financial or extended family relationship with the Governor, a
14 member of the General Assembly, a member of the Congress of the United States. As
15 used in this section, a member of a person's "extended family" is a person's spouse,
16 lineal descendant, lineal ascendant, sibling, spouse's lineal ascendant, spouse's lineal
17 descendant, spouse's sibling, and the spouse of any of these persons.

18 A member of the Commission shall not be eligible, during or within three years after
19 service on the Commission, to hold public office in this State or register as a lobbyist.

20 (3) Selection process. The Commission members shall be appointed as provided
21 by law. The law providing for the appointment process may provide independent
22 authority to officers and other members of the Senate and the House of Representatives.

23 (4) Term of office; vacancies; chair. The initial members of the Independent
24 Redistricting Commission shall take office as soon as practicable after their
25 appointment. The initial members shall serve until their successors are appointed and
26 qualified. Subsequent to the initial appointments, the members of the Independent
27 Redistricting Commission shall take office on the last day of February of each year
28 ending in the number one and shall continue in office until their successors are
29 appointed and qualified. Any vacancy occurring in the membership of the Commission
30 shall be filled as provided by law. The Independent Redistricting Commission shall
31 elect from its members a Chair, who will serve throughout the term of the Commission
32 unless replaced by vote of the Commission.

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

37 (6) Congressional plans. The Independent Redistricting Commission is
38 responsible for adopting a district plan for election of members of the House of
39 Representatives of the Congress of the United States. The General Assembly shall not
40 adopt any district plan for election of members of the United States House of
41 Representatives.

42 (7) Preparation and adoption of plans. The Independent Redistricting
43 Commission shall adopt district plans as required by subsections (5) and (6) of this
44 section no later than October 1 of the year following each decennial census of

1 population taken by order of Congress. In preparing or adopting its plans, the
2 Independent Redistricting Commission shall not consider the following information:

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

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

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

14 (9) Federal and State law. In adopting any plan under this section, the
15 Independent Redistricting Commission shall take into consideration all relevant
16 requirements of the United States Constitution and acts of Congress. It shall comply
17 with the North Carolina Constitution as enunciated by the North Carolina Supreme
18 Court.

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

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

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

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

39 **SECTION 5.** Chapter 163 of the General Statutes is amended by adding a
40 new Article to read:

41 "Article 17A.

42 **"§ 163-207.1. Selection of Hamilton C. Horton Jr. Independent Redistricting**
43 **Commission.**

1 (a) Purpose. – All participants in the selection process set forth in this section
2 shall work to ensure that each stage of the process promotes the goal of achieving a
3 membership of the Hamilton C. Horton Jr. Independent Redistricting Commission that
4 is composed as provided in Article II, Section 25 of the Constitution of North Carolina.

5 (b) Screening Process. – A screening panel of 10 current or retired county
6 election directors or election board members shall establish an application and screening
7 process open to all North Carolina registered voters. This screening panel shall be
8 nominated by the North Carolina Election Directors Association and the North Carolina
9 Election Boards Association meeting jointly. Those organizations shall make their
10 nominations no later than December 1 of each year ending in the number zero. Those
11 organizations shall adopt rules that are publicly disclosed for appointing qualified
12 panelists and for selecting alternatives in the event that a panelist is unable to carry out
13 his or her duties. Those organizations shall submit the names of their nominees for
14 screening panelists to the President Pro Tempore of the Senate, the minority leader of
15 the Senate, the Speaker of the House of Representatives, and the minority leader of the
16 House of Representatives. They shall have five days to object to the composition of the
17 screening panel. Otherwise, the screening panel shall immediately convene.

18 Of the 10 screening panelists, four shall be affiliated by voter registration with the
19 largest political party in North Carolina based on party registration, four shall be
20 affiliated by voter registration with the second largest political party in North Carolina
21 based on party registration, and two shall not be affiliated by voter registration with
22 either of those parties. Each panelist shall be a registered voter of North Carolina who
23 has been continuously affiliated by voter registration with the same political party for at
24 least three years immediately before appointment.

25 By January 8 of each year ending in the number one, the screening panel shall,
26 through an open and public process, establish a pool of qualified persons who are
27 willing to serve on the Independent Redistricting Commission, and submit the names to
28 the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker
29 of the House of Representatives, and the minority leader of the House of
30 Representatives. The pool of candidates shall consist of 55 nominees, with 20 nominees
31 affiliated by voter registration with each of the two largest parties in North Carolina.

32 (c) Appointment Process. – No later than January 31 of each year ending in the
33 number one, the President Pro Tempore of the Senate, the minority leader of the Senate,
34 the Speaker of the House of Representatives, and the minority leader of the House of
35 Representatives may each strike up to two candidates from each partisan subpool. The
36 four legislative leaders shall make every effort to strike so as not to result in a pool of
37 candidates that is not representative of this State's diversity as provided in Article II,
38 Section 25 of the Constitution of North Carolina. After all four legislative leaders have
39 exercised their strikes, the Principal Clerk of the House of Representatives shall present
40 the remaining pool of candidates to the State Board of Elections.

41 The State Board of Elections shall establish and implement a public and auditable
42 process of randomly drawing four names from each of the political party subpools and
43 three names from the subpool of those not affiliated with the two largest parties.

1 The names of the 11 individuals drawn for the Commission shall be presented to the
2 President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of
3 the House of Representatives, and the minority leader of the House of Representatives.
4 Each of those four legislative leaders shall have five days to object to the composition
5 of the Commission on the grounds of lack of representation of the State's diversity as
6 required by Article II, Section 25 of the Constitution of North Carolina. If objections are
7 raised by three of those legislative leaders, the State Board of Elections shall return all
8 names to the pool for another round of random drawing. The State Board of Elections
9 may draw up to three times.

10 Upon the completion of this process, the 11 individuals so chosen shall take office.

11 (d) Vacancies. – Any vacancies on the Commission shall be filled from the pool
12 through a public and auditable process of randomly drawing names from the same pool
13 selected in subsection (b) of this section. The vacancy shall be filled with a member of
14 the same partisan affiliation as the vacating member. The random drawing process shall
15 be established and implemented by the State Board of Elections."

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

22 " FOR AGAINST

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

26 **SECTION 7.** If a majority of votes cast on the question are in favor of the
27 amendments set out in Sections 1 through 4 of this act, the State Board of Elections
28 shall certify the amendments to the Secretary of State. The amendments become
29 effective upon this certification. The Secretary of State shall enroll the amendments so
30 certified among the permanent records of that office.

31 **SECTION 8.** This act is effective when it becomes law.