

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

1

HOUSE BILL 910

Short Title: Independent Redistricting Commission. (Public)

Sponsors: Representative Blust (Primary Sponsor).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Elections, if favorable, Appropriations.

April 15, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT  
REDISTRICTING COMMISSION TO HANDLE REDISTRICTING AFTER THE 2020  
CENSUS AND THEREAFTER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective beginning with the redistricting done upon the return of the  
2020 decennial census, 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.

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.** Effective beginning with the redistricting done upon the return of the  
2020 decennial census, Section 5 of Article II of the North Carolina Constitution reads as  
rewritten:

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



\* H 9 1 0 - V - 1 \*

1 The Representatives shall be elected from districts. ~~The General Assembly, at the first~~  
2 ~~regular session convening~~ The Independent Redistricting Commission, as soon as practical  
3 after the return of every decennial census of population taken by order of Congress, shall revise  
4 the representative districts and the apportionment of Representatives among those districts,  
5 ~~subject to the following requirements:~~so that, to the extent possible, those districts meet the  
6 following goals:

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 determined for~~  
9 ~~this purpose by dividing the population of the district that he represents by the number of~~  
10 ~~Representatives apportioned to that district;~~

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

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

13 ~~(4)~~

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

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

16 (3) The goal of minimizing the number of split counties, municipalities, and other  
17 communities of interest.

18 Precincts shall not be split in the preparation of a plan for State House of Representatives  
19 districts. All districts shall be contiguous.

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

23 **SECTION 3.** Effective January 1, 2020, Article II of the North Carolina  
24 Constitution is amended by adding a new section to read:

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

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

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

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

32 (c) One by the Speaker of the House of Representatives and one by the leader in  
33 the House of Representatives of the political party with the next highest or  
34 equal number of members of the House of Representatives as the party of  
35 the Speaker; and

36 (d) One by the President Pro Tempore of the Senate and one by the leader in the  
37 Senate of the political party in the Senate with the next highest or equal  
38 number of Senators as the party of the President Pro Tempore.

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

45 The appointing officers shall appoint the initial members of the Independent Redistricting  
46 Commission as soon as practicable after this Section becomes effective. Subsequent to the  
47 initial appointments, the appointing officers shall make their appointments, other than vacancy  
48 appointments, no earlier than February 1 of the year prior to the year in which the appointed  
49 members are to take office under subsection (2) of this Section and no later than June 1 of the  
50 year in which the members are to take office under subsection (2) of this Section. The

1 appointing officers, in making their appointments, shall take into account the advisability of  
2 having the Commission reflect the State's geographic, gender, racial, and ethnic diversity.

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

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

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

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

28 (6) Preparation and adoption of plans. The Independent Redistricting Commission shall  
29 adopt district plans as required by subsections (4) and (5) of this Section no later than October  
30 1 of the year following each decennial census of population taken by order of Congress. In  
31 preparing or adopting its plans, the Independent Redistricting Commission shall not consider  
32 the following information:

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

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

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

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

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

1 SECTION 4. Effective January 1, 2021, subsection (5) of Section 22 of Article II  
2 of the North Carolina Constitution reads as rewritten:

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

- 4 (a) ~~In bill in which the General Assembly makes an appointment or~~  
5 ~~appointments to public office and which contains no other matter;~~
- 6 (b) ~~Revising the senate districts and the apportionment of Senators among those~~  
7 ~~districts and containing no other matter;~~
- 8 (c) ~~Revising the representative districts and the apportionment of~~  
9 ~~Representatives among those districts and containing no other matter; or~~
- 10 (d) ~~Revising the districts for the election of members of the House of~~  
11 ~~Representatives of the Congress of the United States and the apportionment~~  
12 ~~of Representatives among those districts and containing no other matter;~~  
13 matter shall be read three times in each house before it becomes law and  
14 shall be signed by the presiding officers of both houses."

15 SECTION 5. The amendments set out in Sections 1 through 4 of this act shall be  
16 submitted to the qualified voters of the State at the general election in November 2014, which  
17 election shall be conducted under the laws then governing elections in the State. Ballots, voting  
18 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The  
19 question to be used in the voting systems and ballots shall be:

20 "[ ] FOR [ ] AGAINST

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

24 SECTION 6. If a majority of votes cast on the question are in favor of the  
25 amendments set out in Sections 1 through 4 of this act, the State Board of Elections shall certify  
26 the amendments to the Secretary of State. The amendments become effective as provided in  
27 this act. The Secretary of State shall enroll the amendments so certified among the permanent  
28 records of that office.

29 SECTION 7. Chapter 163 of the General Statutes is amended by adding a new  
30 Article to read:

31 "Article 12B.

32 "Redistricting.

33 "§ 163-134. Redistricting Plans.

34 In order to implement Section 25 of Article II of the North Carolina Constitution, the  
35 Independent Redistricting Commission shall retain independent staff under contract to prepare  
36 redistricting plans covered by that section. In drafting plans for consideration by the General  
37 Assembly, that staff shall not be provided any instructions as to the content of the plans other  
38 than to follow the guidelines set out in that section."

39 SECTION 8. Section 7 of this act is effective only if the constitutional  
40 amendments proposed by Sections 1 through 4 of this act are approved by the qualified voters  
41 as provided in Sections 5 and 6 of this act.

42 SECTION 9. This act is effective when it becomes law.