A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 1B.
"Nonpartisan Redistricting.

"§ 120-4.51. Definitions.
As used in this Article, unless the context requires otherwise, the following definitions apply:

(1) Census Bureau. – The United States Bureau of the Census.

(2) Commission. – The Nonpartisan Redistricting Commission established pursuant to this Article.

(3) Federal census. – The decennial census required by federal law to be conducted by the Census Bureau in every year ending in zero.

(4) Four selecting authorities. –
   a. The President Pro Tempore of the Senate.
   b. The minority leader of the Senate.
   c. The Speaker of the House of Representatives.
   d. The minority leader of the House of Representatives.

(5) Ideal population. – The number determined by dividing the number of members in a plan into the population of the State as reported in the federal census.

(6) Plan. – A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Article.

(7) Political party office. – An office in the national or State organization of a political party.

(8) Public office. – An elective State, local, or federal office.

(9) Relative. – An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
§ 120-4.52. Reserved.

§ 120-4.53. Reserved.


§ 120-4.54. Nonpartisan Redistricting Commission established; composition.

(a) The Nonpartisan Redistricting Commission is established and shall consist of 11 registered voters of this State, as follows:

1. Four members registered as affiliated with the political party having the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board of Elections.
2. Four members registered affiliated with the political party having the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board of Elections.
3. Three members registered as not affiliated with either of the two political parties having the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board of Elections.

(b) Immediately after the convening of the regular session of the General Assembly in odd-numbered years, each of the four selecting authorities shall prepare a list of 10 nominees who are affiliated with the political party of the selecting authority, and a list of three nominees who are not affiliated with either of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. In preparing the lists of nominees, the four selecting authorities shall have the goal of representing the State’s diversity, including racial, ethnic, geographic, and gender diversity.

(c) The Office of the State Auditor shall verify that each nominee meets the criteria for appointment to the Commission, as established in this section. If the Office of the State Auditor determines that any nominee is not eligible for appointment to the Commission, the Office of the State Auditor shall notify the respective selecting authority for a substitute nominee.

(d) The Office of the State Auditor shall establish a system for randomly selecting the Commission members as follows:

1. Two individuals from each list of 10 nominees affiliated with the political party of the selecting authority submitted by each of the four selecting authorities.
2. Three individuals from a combined list of nominees not affiliated with either of the two political parties having the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board of Elections.

(e) The term of office for members of the Commission shall begin on April 1 of the year the member is selected, and shall continue for four years, and until a successor is appointed and qualified. Members shall not serve more than three consecutive full terms.

(f) No person shall be eligible for appointment to the Commission if any of the following apply:

1. Within five years immediately prior to appointment, the individual, or a relative of the individual, has done any of the following:
   a. Been appointed to, elected to, or been a candidate for any elective public office, or been appointed to a State board or commission.
   b. Served as an officer or executive committee member of a political party, or as an officer, paid employee, or paid consultant of a candidate’s campaign committee.
   c. Been a lobbyist registered under Chapter 120C of the General Statutes.
(2) The individual is an employee of the General Assembly or Congress, or is a consultant or is under contract with the General Assembly or Congress.

(3) The individual has a financial relationship with the Governor.

(g) No member of the Commission shall be eligible, during service on the Commission or within five years after service on the Commission, to do any of the following:

(1) Be appointed to a State board or commission.

(2) Serve as an officer or executive committee member of a political party, or as an officer, paid employee, or paid consultant of a candidate's campaign committee.

(3) Register as a lobbyist under Chapter 120C of the General Statutes.

(h) The Commission's only functions shall be those prescribed by G.S. 120-4.58.

§ 120-4.55. Selection of chair; vacancies; quorum; expenses of members.

(a) The Commission shall organize by electing one of its members chair.

(b) Five members of the Commission shall constitute a quorum.

(c) Members of the Commission shall receive from funds appropriated to the General Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred in performing their duties as provided by G.S. 138-5 or G.S. 138-6, as applicable.

(d) Any vacancy on the Commission shall be filled within 30 days. For a vacating member affiliated with either of the two political parties having the highest number of registered affiliates, the Office of the State Auditor shall randomly select an individual from the most recent lists of nominees provided from the two selecting authorities who are affiliated with the vacating member. For a vacating member not affiliated with either of the two political parties having the highest number of registered affiliates, the Office of the State Auditor shall randomly select an individual from the most recent combined list of nominees not affiliated with either of the two political parties having the highest number of registered affiliates.

§ 120-4.56. Records.

(a) For any files, documents, or other information submitted to the Commission, or any member thereof, the following information shall be recorded by the Commission and is a public record:

(1) The name of individual or entity submitting the file, document, or other information.

(2) The date the file, document, or other information was received.

(3) A brief description or summary of the contents of the file, document, or other information.

(b) The Commission shall adopt procedures for each member of the Commission to document verbal conversations between members of the Commission, when not sitting as a public body, and individuals holding public office or declared candidates for public office, to include at least the following:

(1) The names of the parties to the conversation.

(2) The date and location of the conversation.

(3) A brief description or summary of the conversation.

§ 120-4.57. Staff and offices.

(a) The Commission may employ professional, technical, and support staff, including consultants and legal representation, and may contract for other expertise as needed.

(b) Except for public input and comment, Commission staff or contract employees shall not have any communications about the content or development of any plan outside of public hearings with anyone except other Commission staff. Commission staff shall report to the Commission any attempt by anyone to exert influence over the staff's role in the drafting of plans.

(c) The Commission shall be located within the Department of Administration for administrative purposes only, but shall exercise all of its powers, including the power to employ,
direct, and supervise all personnel, independent of the Secretary of Administration. The
Department shall provide administrative support to the Commission free of charge.

§ 120-4.58. Duties of Commission.

The duties of the Commission shall be as follows:

(1) Prepare, in accordance with Part 3 of this Article, proposed plans for revising
the senate districts and representative districts.

(2) Prepare, in accordance with Part 3 of this Article, proposed plans for election
of members of the House of Representatives of the Congress of the United
States.

(3) Prepare, in accordance with Part 3 of this Article, proposed plans in the event
that a plan passed by the General Assembly is held invalid.

(4) Maintain meeting notes, draft and proposed plans with corresponding maps,
and any data used to develop the draft and proposed plans.

(5) Maintain a Web site or other similar electronic platform to disseminate
information about the Commission, including records of its meetings and
hearings, proposed plans, and assessments and reports on plans. The Web site
shall allow the public to view the Commission’s meetings and hearings in both
live and archived form, and shall allow the public to submit plans and
comments on plans to the Commission for consideration.

§ 120-4.59. Reserved.

§ 120-4.60. Reserved.


§ 120-4.61. Preparations for redistricting.

(a) By December 31 of each year ending in zero, the Commission shall obtain from the
Census Bureau information regarding geographic and political units in this State for which
federal census population data has been gathered and will be tabulated. The Commission shall
use the data so obtained to:

(1) Prepare necessary descriptions of geographic and political units for which
census data will be reported and that are suitable for use as components of
legislative districts.

(2) Prepare maps of counties, cities, precincts, voting districts, and other
geographic units within the State that may be used to illustrate the locations
of legislative district boundaries proposed in plans drawn in accordance with
this Article.

(b) As soon as possible after January 1 of each year ending in one, the Commission shall
obtain from the Census Bureau the population data needed for congressional and legislative
districting that the Census Bureau is required to provide this State under P.L. 94-171 and shall
use that data to assign a population figure to geographic and political units based upon that data.

(c) Upon receipt of population data from the Census Bureau, the Commission shall begin
the process of preparing proposed plans under G.S. 120-4.62. In preparing proposed plans, the
Commission shall ensure that each plan complies with the redistricting standards as provided in
G.S. 120-4.64.

(d) The Commission shall conduct at least 21 public hearings throughout the State before
submitting a proposed plan under G.S. 120-4.62. The majority of these public hearings shall
occur throughout the State before the Commission releases any proposed plan, and at least 10
public hearings must occur throughout the State after the Commission releases any proposed
plan.

(e) In conducting the public hearings required in subsection (c) of this section, the
Commission shall provide an opportunity for racial and language minorities to participate in the
public hearings, including issuing notices in multiple languages and providing translation
services at all hearings at the Commission’s expense or through partnership with outside
organizations. The public hearings shall be open to all members of the public and shall be planned
to encourage attendance and participation across the State, including the use of technology that
allows for real-time, virtual participation and feedback during the hearings.

(f) When preparing proposed plans for submission under G.S. 120-4.62, the Commission
shall release population data, geographic data, election data, and any other data used to create the
proposed plan.

(g) When preparing proposed plans for submission under G.S. 120-4.62, the Commission
shall provide terminals for members of the public to access the data and associated software. Any
member of the public may submit maps for consideration to the Commission, and those
submissions shall be public records and open to public comment.

§ 120-4.62. Commission submission of proposed redistricting plans.

(a) Not later than April 1 of each year ending in one, the Commission shall submit, by a
vote of at least eight of its members, a proposed plan for revising the senate districts and
representative districts and for election of members of the House of Representatives of the
Congress of the United States. In voting to approve a proposed plan, at least two members from
each of the following groups must vote in the affirmative to submit the proposed plan:

(1) The members affiliated with the political party having the highest number of
registered affiliates.

(2) The members affiliated with the political party having the second-highest
number of registered affiliates.

(3) The members not affiliated with either of the two political parties having the
highest number of registered affiliates.

(b) If the population data for legislative districting that the Census Bureau is required to
provide this State under P.L. 94-171 and, if used by the Commission, the corresponding
geographic referencing data file for that population data are not available to the Commission on
or before February 15 of a year ending in one, the April 1 date set forth in subsection (a) of this
section shall be extended by a number of days equal to the number of days after February 15 of
the year ending in one that the federal census population data and the geographic encoding and
referencing data file for legislative districting become available.

(c) Upon a successful vote of submission of a proposed plan under subsection (a) of this
section, the Commission shall deliver to the Principal Clerks of both the Senate and the House
of Representatives, along with the following information:

(1) Maps illustrating the proposed plan.

(2) A summary of the standards prescribed by this Article for development of the
proposed plan.

(3) A statement of the population of each district included in the proposed plan
and the relative deviation of each district population from the ideal population.

(4) Shape files.

§ 120-4.63. Voting on redistricting plans.

(a) Upon receipt by the Principal Clerks of both the Senate and the House of
Representatives of a proposed plan submitted by the Commission pursuant to G.S. 120-4.62, a
member of the General Assembly shall file a bill embodying the plan within three legislative
days after the proposed plan is received.

(b) It is the intent of this Article that the bill embodying a proposed plan submitted by the
Commission under G.S. 120-4.62 shall be brought to a vote in the house where the bill was filed
expeditiously, but not less than three legislative days after the bill was filed. The bill shall be
voted in under a procedure or rule permitting no amendments except those of a purely corrective
nature. It is further the intent of this Article that if the bill is approved on third reading by the
first house in which it is considered, it shall expeditiously be brought to a vote in the second
house under a similar procedure or rule. If the bill embodying the proposed plan submitted by
the Commission under G.S. 120-4.62 fails to be approved on second or third reading in either the
Senate or the House of Representatives, the respective house may direct by resolution to the
Commission information regarding reasons why the proposed plan was not approved.

(c) If the bill embodying the proposed plan submitted by the Commission under
G.S. 120-4.62 fails to pass second or third reading in either house, the Commission shall submit
a second proposed plan of legislative or congressional districting under G.S. 120-4.62. The
proposed plan shall be prepared in accordance with this section and, insofar as it is possible to
do so within the requirements of G.S. 120-4.64, with any reasons cited by the Senate or House
of Representatives for the failure to approve the proposed plan. If a second proposed plan is
required under this subsection, the Commission shall submit a proposed plan and deliver the
proposed plan to the Principal Clerks of both the Senate and the House of Representatives not
later than 35 calendar days after the date of the vote by which the Senate or the House of
Representatives fails to approve the bill. Upon receipt by the Principal Clerks of both the Senate
and the House of Representatives of the proposed plan submitted by the Commission, a member
of the General Assembly shall file a bill embodying the proposed plan within three legislative
days after the proposed plan is received.

(d) If it is necessary to file a bill under subsection (c) of this section, it is the intent of this
Article that the bill embodying the proposed plan shall be brought to a vote not less than three
legislative days after the bill is filed, under a procedure or rule permitting no amendments except
those of a purely corrective nature. If the bill is approved on third reading by the first house in
which it is considered, it is the intent of this Article that it shall expeditiously be brought to a
vote in the second house under a similar procedure or rule. If the bill embodying the proposed
plan submitted by the Commission under G.S. 120-4.62 fails to be approved on second or third
reading in either the Senate or the House of Representatives, the respective house may direct by
resolution to the Commission information regarding reasons why the proposed plan was not
approved.

(e) If the bill embodying the proposed plan submitted by the Commission under
G.S. 120-4.62 under subsection (c) of this section fails to be enacted, the same procedure as
prescribed by subsections (c) and (d) of this section shall be followed. If a third proposed plan is
required under this subsection, the Commission shall submit a proposed plan and deliver the
proposed plan to the Principal Clerks of both the Senate and the House of Representatives not
later than 35 calendar days after the date of the vote by which the Senate or the House of
Representatives fails to approve the bill submitted under subsection (d) of this section. If it is
necessary to submit a bill under this subsection, it is the intent of this Article that the bill shall be
brought to a vote within the same time period after its delivery to the Principal Clerks of both the
Senate and the House of Representatives as is prescribed for the bill submitted under subsection
(b) of this section but shall be subject to amendment in the same manner as other bills.

§ 120-4.64. Redistricting standards.

(a) Legislative and congressional districts shall be established on the basis of population.

(b) Legislative districts shall each have a population that is within five percent (5%) of
the ideal population for that district.

(c) Congressional districts shall each have a population as nearly equal as practicable to
the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

(d) Legislative and congressional districts shall be drawn in a manner that complies with
requirements of federal and State law.

(e) To the extent consistent with other standards provided by this section, district
boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In
the State Senate and House of Representatives plans, the "whole county" requirements
established by the North Carolina Constitution shall be complied with in a manner consistent
with federal law. The number of counties and cities divided among more than one district shall
be as small as possible, but in the case of cities located in more than one county, minimizing the

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division of counties prevails. The division of voting districts shall also be minimized consistent
with the other standards of this section.

(f) Districts shall be composed of convenient contiguous territory. Areas which meet
only at the points of adjoining corners are not contiguous.

(g) Districts shall be reasonably compact in form, to the extent consistent with the
standards established by this section. In general, reasonably compact districts are those that are
square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or
political boundaries or those of voting districts. If it is necessary to compare the relative
compactness of two or more districts, or of two or more alternative districting plans, the tests
prescribed by this subsection shall be used as follows:

(1) Length-width compactness. – The compactness of a district is greatest when
the length of the district and the width of the district are equal. The measure
of a district’s compactness is the absolute value of the difference between the
length and the width of the district. In general, the length-width compactness
of a district is calculated by measuring the distance from the northernmost
point or portion of the boundary of a district to the southernmost point or
portion of the boundary of the same district and the distance from the
westernmost point or portion of the boundary of the district to the easternmost
point or portion of the boundary of the same district. The absolute values
computed for individual districts under this subdivision may be cumulated for
all districts in a plan in order to compare the overall compactness of two or
more alternative districting plans for the State or for a portion of the State.

(2) Perimeter compactness. – The compactness of a district is greatest when the
distance needed to traverse the perimeter boundary of a district is as short as
possible. The total perimeter distance computed for individual districts under
this subdivision may be cumulated for all districts in a plan in order to compare
the overall compactness of two or more alternative districting plans for the
State or for a portion of the State.

(h) Except to the extent required by the North Carolina and United States Constitutions,
the Voting Rights Act of 1965, and applicable court decisions, the Commission shall not do any
of the following:

(1) Draw a district for the purpose of favoring a political party, incumbent
legislator or member of Congress, or other person or group.

(2) Draw a district for the purpose of augmenting or diluting the voting strength
of a language or racial minority group.

(3) Make any use of any of the following:
   a. Political affiliations of registered voters.
   b. Previous election results.
   c. Demographic information, other than population head counts.
   d. The location of incumbents' residences.”

SECTION 2.(a) Notwithstanding G.S. 120-4.54(b), as enacted by Section 1 of this
act, by March 1, 2020, each of the four selecting authorities shall prepare a list of 10 nominees
who are affiliated with the political party of the selecting authority, and a list of three nominees
who are not affiliated with either of the two political parties having the highest number of
registered affiliates as reflected by the latest registration statistics published by the State Board
of Elections. In preparing the lists of nominees, the four selecting authorities shall have the goal
of representing the State’s diversity, including, but not limited to, racial, ethnic, geographic, and
gender diversity.

SECTION 2.(b) Notwithstanding G.S. 120-4.54(d) and (e), by April 1, 2020, the
Office of the State Auditor must randomly select the initial members of the Commission as
follows:
(1) One individual from each list of 10 nominees affiliated with the political party of the selecting authority submitted by each of the four selecting authorities, to each serve a three-year term.

(2) One individual from a combined list of the nominees not affiliated with either of the two political parties having the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board of Elections, to serve a three-year term.

(3) One individual from each list of 10 nominees affiliated with the political party of the selecting authority submitted by each of the four selecting authorities, to each serve a five-year term.

(4) Two individuals from a combined list of the nominees not affiliated with either of the two political parties having the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board of Elections, to serve a five-year term.

SECTION 3. This act is effective when it becomes law and applies to redistricting following the return of the 2020 federal decennial census and thereafter.