A BILL TO BE ENTITLED
AN ACT TO AMEND THE NORTH CAROLINA 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 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:

"Sec. 5. Representative districts; apportionment of Representatives.
The Representatives shall be elected from districts. The General Assembly, at the
first regular session convening after the return of every decennial census of population taken by order of
Congress, shall revise the representative districts and the apportionment of
Representatives among those districts, subject to the following requirements:

1. Each Representative shall represent, as nearly as may be, an equal number of
inhabitants, the number of inhabitants that each Representative represents being
determined for this purpose by dividing the population of the district that he represents
by the number of Representatives apportioned to that district; and the Commission, to
the extent it deems practical, shall avoid establishing districts with more than one
Representative.

2. Each representative district shall at all times consist of geographically
compact and contiguous territory;

3. No county shall be divided in the formation of a representative district; the
Commission, to the extent it deems practical, shall avoid establishing district boundaries
that cross county boundaries;

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

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

"Sec. 25. Independent Redistricting Commission.
(1) Establishment and membership. There is established the Independent
Redistricting Commission to consist of nine persons appointed as follows:

(a) Two by the Chief Justice of the Supreme Court, with no more than one
affiliated with the same political party;
(b) Three by the Governor, with no more than two affiliated with the same
political party;
(c) Two by the Speaker of the House of Representatives, with no more
than one affiliated with the same political party; and
(d) Two by the President Pro Tempore of the Senate, with no more than
one affiliated with the same political party.

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.

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

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

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

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

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

(8) Federal law. In adopting any plan under this section, the Independent Redistricting Commission shall take into consideration all relevant requirements of the United States Constitution and Acts of Congress.

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

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

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

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

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

(c) Revising the representative districts and the apportionment of
Representatives among those districts and containing no other matter;

or

(d) Revising the districts for the election of members of the House of
Representatives of the Congress of the United States and the
apportionment of Representatives among those districts and containing
no other matter,

matter shall be read three times in each house before it becomes law and shall be signed
by the presiding officers of both houses."

SECTION 5. The amendments set out in Sections 1 through 4 of this act
shall be submitted to the qualified voters of the State at the general election in
November 2002, which election shall be conducted under the laws then governing
elections in the State. Ballots, voting systems, or both may be used in accordance with
Chapter 163 of the General Statutes. The question to be used in the voting systems and
ballots shall be:

"[ ] FOR    [ ] AGAINST

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

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

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