

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1425

Short Title: Redistricting Reform/Constitutional.

(Public)

Sponsors: Representative Dollar.

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

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO REFORM LEGISLATIVE AND
CONGRESSIONAL REDISTRICTING.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Article II of the Constitution of North Carolina 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~~ An agency in the executive branch designated by law, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall ~~revise~~ supervise the revision of the senate districts and the apportionment of Senators among those ~~districts,~~ districts by the people of North Carolina, according to the process described in Section 26 of this Article, subject to the requirements in that section and the following requirements:

(1) Each Senator shall ~~represent, as nearly as may be, an equal~~ represent a number of inhabitants, inhabitants which shall not differ from the ideal by more than five percent, the ideal number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents State by the number of Senators apportioned to that district;50.

(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)(2) ~~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 Constitution of North Carolina 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~~ An agency in the executive branch, beginning as soon as

1 practical after the return of every decennial census of population taken by order of
2 Congress, shall revise—supervise the revision of the representative districts and the
3 apportionment of Representatives among those districts, districts by the people of North
4 Carolina, according to the process described in Section 26 of this Article, subject to the
5 requirements in that section and the following requirements:

6 (1) Each Representative shall ~~represent, as nearly as may be, an equal~~ represent a
7 number of inhabitants, inhabitants which shall not differ from the ideal by more than
8 five percent, the ideal number of inhabitants that each Representative represents being
9 determined for this purpose by dividing the population of the district that he represents
10 State by the number of Representatives apportioned to that district; 120.

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)(2) ~~When established, the representative districts and the apportionment of~~
14 ~~Representatives shall remain unaltered until the return of another decennial census of~~
15 ~~population taken by order of Congress."~~

16 **SECTION 3.** Section 6 of Article II of the Constitution of North Carolina
17 reads as rewritten:

18 **"Sec. 6. Qualifications for Senator.**

19 Each Senator, at the time of his election, shall be not less than 25 years of age, shall
20 be a qualified voter of the State, and shall have resided in the State as a citizen for two
21 years and in the district for which he is chosen for one year immediately preceding his
22 ~~election.~~ election, unless the boundaries of any senate district were revised less than 15
23 months before the general election, in which case he shall have established residence in
24 the district no later than three months after the date the boundaries were last revised."

25 **SECTION 4.** Section 7 of Article II of the Constitution of North Carolina
26 reads as rewritten:

27 **"Sec. 7. Qualifications for Representative.**

28 Each Representative, at the time of his election, shall be a qualified voter of the
29 State, and shall have resided in the district for which he is chosen for one year
30 immediately preceding his ~~election.~~ election, unless the boundaries of any representative
31 district were revised less than 15 months before the general election, in which case he
32 shall have established residence in the district no later than three months after the date
33 the boundaries were last revised."

34 **SECTION 5.** Article II of the Constitution of North Carolina is amended by
35 adding a new section to read:

36 **"Sec. 25. Congressional districts.**

37 Members of the House of Representatives of the Congress of the United States shall
38 be elected from districts. An executive branch agency designated by law, beginning as
39 soon as practical after the return of the decennial census of population taken by order of
40 Congress, shall supervise the revision of the congressional districts and the
41 apportionment of Representatives among those districts by the people of North
42 Carolina, according to the process described in Section 26 of this Article, subject to the
43 requirements of that section and the following requirements:

1 (1) Each Representative shall represent a number of inhabitants which shall not
2 differ from the ideal by more than the lesser of five percent or the limit set by federal
3 law, the ideal number of inhabitants that each Representative represents being
4 determined for this purpose by dividing the population of the State by the number of
5 United States House seats to which North Carolina is entitled by federal law.

6 (2) When established, the congressional districts shall remain unaltered until the
7 return of another decennial census population taken by order of Congress."

8 **SECTION 6.** Article II of the Constitution of North Carolina is amended by
9 adding a new section to read:

10 **"Sec. 26. Process of defining districts.**

11 (1) Legislative and congressional districts shall be revised by the citizens of
12 North Carolina, under the supervision of an agency in the executive branch designated
13 by law, hereafter referred to as "the agency". The General Assembly shall not adopt any
14 legislative or congressional district plan.

15 (2) Any citizen of the State of North Carolina may submit one or more proposed
16 redistricting plans to the agency for any or each type of district: North Carolina House
17 of Representatives, North Carolina Senate, and United States House of Representatives.

18 (3) Each plan submitted to the agency shall be accompanied by a nonrefundable
19 fee of one hundred dollars (\$100.00), unless waived under subsection (9) of this section.

20 (4) The proposed redistricting plans shall be submitted to the agency
21 electronically, in a manner and format to be determined by the agency for the mutual
22 convenience of the citizens and the agency.

23 (5) The agency shall have the responsibility for evaluating each such plan
24 according to the criteria of this Article. Each plan shall first be evaluated for compliance
25 with the mandatory requirements. Plans which do not comply with the mandatory
26 requirements shall not be scored for quality. Plans which comply with the mandatory
27 requirements shall be scored for quality according to the criteria of this section.

28 (6) The agency shall accept the proposed redistricting plans for a Submission
29 Period of 90 days. At the end of the Submission Period, the agency shall announce
30 which submitted plan for each type of district had the highest total quality score. Those
31 plans shall be adopted to define the legislative and congressional districts until the
32 return of another decennial census of population taken by order of Congress, except if
33 the agency determines that a plan does not comply with federal law it shall not be
34 adopted, and the agency shall instead adopt the plan complying with federal law that has
35 the highest total quality score.

36 (7) Each weekday during the Submission Period, or as frequently as practical, but
37 not less than once per week, the agency shall post on its Web site the 10 highest-scoring
38 proposed plans received so far for each type of district, based on each plan's total quality
39 score. The highest-scoring plan for each type of district shall be called the Leading Plan
40 for that day.

41 (8) Each proposed plan submitted to the agency shall become public information.
42 Both the data file defining each plan and each plan's total quality score and component
43 scores shall be made public as quickly as practical on the agency's Web site, so that
44 other citizens may use them when creating other proposed plans.

1 (9) The fee for submitting a plan shall be waived or refunded if that plan is
2 determined by the agency to be the Leading Plan for the day.

3 (10) The State of North Carolina shall create, place into the public domain, and
4 make available to the public computer software for designing and scoring redistricting
5 plans, including the software that the agency uses to evaluate proposed plans. The
6 source code for all such software shall also be placed into the public domain, and made
7 available to the public. Such software may be dependent upon the use of commercially
8 available software, but the cost of the required commercially available software shall be
9 as small as practical to avoid being an impediment to citizen participation in the
10 redistricting process.

11 (11) The following are mandatory requirements for all proposed redistricting
12 plans:

13 (a) Each district shall consist of contiguous territory. Point-contiguity
14 shall not be considered contiguous.

15 (b) One and only one person shall represent each district.

16 (c) The districts shall comply with federal law.

17 (12) The total quality score for each proposed redistricting plan shall be computed
18 as the sum of three component scores, each of which is chosen to achieve a particular
19 goal. The three goals are: compactness; one person, one vote; and minimizing the
20 number of split counties, municipalities, and precincts:

21 (a) The goal of compactness is to avoid elongated and irregular districts.
22 The component score which quantifies this goal shall be the Reock
23 quotient for the plan. The 'Reock quotient for the plan' means the
24 average of the Reock quotients for each proposed district in the plan.
25 The Reock quotient for a district is the area of the district divided by
26 the area of the smallest possible enclosing circle, a number between 0
27 and 1.

28 (b) The goal of one person, one vote is to ensure that each voter's vote is
29 of equal importance. The component score that quantifies this goal
30 shall be computed as follows: First, compute X, the 'ideal district
31 voting strength,' which means the total number of votes cast in the
32 most recent gubernatorial election divided by the number of districts in
33 the State. Then, for each proposed district, compute Y, the number of
34 those voters who resided in the proposed district. Then, for each
35 proposed district, divide the smaller of X and Y by the larger of X and
36 Y, resulting in a number between 0 and 1. Finally, average these
37 quotients for all the districts in the plan.

38 (c) The goal of minimizing the number of split counties, municipalities,
39 and precincts is quantified by calculating a component score as
40 follows: First, for each county, municipality, or precinct (hereafter
41 'geographic entity') which the plan splits, calculate the number of
42 'excess splits,' and cube that number. Then sum these cubed numbers,
43 divide the sum by twice the number of districts in the State, and
44 subtract the quotient from 1. The result is the component score for this

1 goal, a number less than or equal to 1. The number of excess splits for
2 a geographic entity is calculated as follows: First, calculate X, the ideal
3 number of districts to represent that geographic entity. For precincts, X
4 is always equal to 1. Otherwise, X is defined as ninety-nine percent of
5 the population of the county or municipality, divided by the ideal
6 population of a district, rounded up to the next integer. Then define Y,
7 the number of districts into which the geographic entity is split by the
8 proposed plan. If Y is not greater than X, the number of excess splits is
9 zero. If Y is greater than X, the number of excess splits is Y minus X."

10 **SECTION 7.** Article II of the Constitution of North Carolina is amended by
11 adding a new section to read:

12 **"Sec. 27. Process of redefining districts if required by courts.**

13 If any redistricting plan adopted in accordance with the process in Section 26 of this
14 Article is invalidated by a court decision, the State of North Carolina shall first exhaust
15 all legal remedies in appealing that decision to reinstate the districts. But if the decision
16 cannot be reversed, the citizens of North Carolina shall create revised districts under the
17 supervision of the agency, according to the process in Section 26 of this Article, except
18 that the Submission Period shall be shortened to 45 days."

19 **SECTION 8.** The amendments set out in Sections 1 through 7 of this act
20 shall be submitted to the qualified voters of the State at the general election in
21 November 2006, which election shall be conducted under the laws then governing
22 elections in the State. Ballots, voting systems, or both may be used in accordance with
23 Chapter 163 of the General Statutes. The question to be used in the voting systems and
24 ballots shall be:

25 "[] FOR [] AGAINST

26 A constitutional amendment to eliminate gerrymandering by providing for the
27 citizens of the State of North Carolina to redistrict the State for the purpose of electing
28 members of the General Assembly and members of the United States House of
29 Representatives into districts designed with the goals of compactness, smallest number
30 of split counties and cities, and one person, one vote."

31 **SECTION 9.** If a majority of votes cast on the question are in favor of the
32 amendments set out in Sections 1 through 7 of this act, the State Board of Elections
33 shall certify the amendments to the Secretary of State. The amendments become
34 effective upon this certification. The Secretary of State shall enroll the amendments so
35 certified among the permanent records of that office.

36 **SECTION 10.** The General Assembly designates the State Board of
37 Elections as the agency under Sections 3, 5, 25, 26, and 27 of Article 2 of the North
38 Carolina Constitution.

39 **SECTION 11.** Section 10 of this act is effective only if the constitutional
40 amendments proposed by this act are approved by the qualified voters as provided by
41 this act.

42 **SECTION 12.** This act is effective when it becomes law.