

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 783

Short Title: Independent Redistricting Commission. (Public)

Sponsors: Representative Blust (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Elections, if favorable, Judiciary.

April 7, 2011

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.



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."

