

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 674

Short Title: Independent Redistricting Commission. (Public)

Sponsors: Representative John.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

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

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT
3 REDISTRICTING COMMISSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Effective beginning with the redistricting done upon the return of the
6 2020 decennial census, Section 3 of Article II of the North Carolina Constitution reads as
7 rewritten:

8 "**Sec. 3. Senate districts; apportionment of Senators.**

9 The Senators shall be elected from districts. ~~The General Assembly, at the first regular~~
10 ~~session convening~~ The Independent Redistricting Commission, beginning as soon as practical
11 after the return of every decennial census of population taken by order of Congress, shall revise
12 the senate districts and the apportionment of Senators among those districts, ~~subject to the~~
13 ~~following requirements;~~ so that, to the extent possible, those districts meet the following goals:

14 (1) ~~Each Senator shall represent, as nearly as may be, an equal number of inhabitants,~~
15 ~~the number of inhabitants that each Senator represents being determined for this purpose by~~
16 ~~dividing the population of the District that he represents by the number of Senators apportioned~~
17 ~~to that district;~~

18 (2) ~~Each senate district shall at all times consist of contiguous territory;~~

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

20 (4)

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

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

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

25 Precincts shall not be split in the preparation of a plan for State Senate districts. All districts
26 shall be contiguous.

27 When established, the senate districts and the apportionment of Senators shall remain
28 unaltered until the return of another decennial census of population taken by order of
29 Congress."

30 **SECTION 2.** Effective beginning with the redistricting done upon the return of the
31 2020 decennial census, Section 5 of Article II of the North Carolina Constitution reads as
32 rewritten:

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

34 The Representatives shall be elected from districts. ~~The General Assembly, at the first~~
35 ~~regular session convening~~ The Independent Redistricting Commission, as soon as practical



1 after the return of every decennial census of population taken by order of Congress, shall revise
2 the representative districts and the apportionment of Representatives among those districts,
3 ~~subject to the following requirements:so that, to the extent possible, those districts meet the~~
4 following goals:

5 ~~(1) Each Representative shall represent, as nearly as may be, an equal number of~~
6 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
7 ~~this purpose by dividing the population of the district that he represents by the number of~~
8 ~~Representatives apportioned to that district;~~

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

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

11 ~~(4)~~

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

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

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

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

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

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

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

24 (1) Establishment and membership. There is established the Independent Redistricting
25 Commission to consist of seven persons as follows:

26 (a) One retired justice of the North Carolina Supreme Court or one retired judge
27 of the North Carolina Court of Appeals, appointed by the Chief Justice of the
28 North Carolina Supreme Court.

29 (b) One retired justice of the North Carolina Supreme Court and one retired
30 judge of the North Carolina Court of Appeals, appointed by the Governor,
31 with no more than one affiliated with the same political party.

32 (c) One retired justice of the North Carolina Supreme Court and one retired
33 judge of the North Carolina Court of Appeals, appointed by the President
34 Pro Tempore of the Senate, with no more than one affiliated with the same
35 political party.

36 (d) One retired justice of the North Carolina Supreme Court and one retired
37 judge of the North Carolina Court of Appeals, appointed by the Speaker of
38 the House of Representatives, with no more than one affiliated with the same
39 political party.

40 The appointing officers shall appoint the initial members of the Independent Redistricting
41 Commission as soon as practicable after this Section becomes effective. Subsequent to the
42 initial appointments, the appointing officers shall make their appointments, other than vacancy
43 appointments, no earlier than February 1 of the year prior to the year in which the appointed
44 members are to take office under subsection (2) of this Section and no later than June 1 of the
45 year in which the members are to take office under subsection (2) of this Section. The
46 appointing officers, in making their appointments, shall take into account the advisability of
47 having the Commission reflect the State's geographic, gender, racial, and ethnic diversity.

48 (2) Term of office; vacancies; chair. The initial members of the Independent
49 Redistricting Commission shall take office as soon as practicable after appointment. The initial
50 members shall serve until successors are appointed and qualified. Subsequent to the initial
51 appointments, the members of the Independent Redistricting Commission shall take office on

1 the first day of July of each year ending in the number zero and shall continue in office until
2 successors are appointed and qualified. Any vacancy occurring in the membership of the
3 Commission shall be filled for the remainder of the unexpired term by the officer who
4 appointed the vacating member. The Independent Redistricting Commission shall elect from its
5 members a chair, who will serve throughout the term of the Commission unless replaced by
6 vote of the Commission.

7 (3) Eligibility. To be eligible for appointment to the Independent Redistricting
8 Commission, a person must be a resident of North Carolina. No person who has served as a
9 member of the Independent Redistricting Commission shall be eligible to hold any elective
10 State office for four years after termination of service on the Independent Redistricting
11 Commission. The term "public office" means any partisan or nonpartisan office filled by
12 election by the people on a statewide, county, municipal, or district basis.

13 (4) Legislative plans. The Independent Redistricting Commission shall adopt, in
14 accordance with Sections 3 and 5 of this Article, plans for revising the senate districts and
15 representative districts, which shall have the force and effect of acts of the General Assembly.
16 The General Assembly shall not adopt any legislative district plan.

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

21 (6) Preparation and adoption of plans. The Independent Redistricting Commission shall
22 adopt district plans as required by subsections (4) and (5) of this Section no later than October
23 1 of the year following each decennial census of population taken by order of Congress. There
24 shall be a minimum period of 45 days of public comment on a plan before it is finally adopted.

25 In preparing or adopting its plans, the Independent Redistricting Commission shall not
26 consider the following information:

27 (a) The political affiliation of voters.

28 (b) Voting data from previous elections.

29 (c) The location of incumbents' residences.

30 (d) Demographic data from sources other than the United States Bureau of the
31 Census. In the use of Census data, racial and ethnic data shall be used only
32 for the purposes of compliance with the United States Constitution and laws
33 enacted pursuant thereto.

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

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

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

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

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

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

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

