

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 735

Short Title: Redistricting by Computer. (Public)

Sponsors: Representative Blust.

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 13, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO REDISTRICT VIA COMPUTER SOFTWARE PROGRAMS UTILIZING POLITICALLY NEUTRAL CRITERIA TO DISTRICT.

Whereas, the ability of the people to influence and control those who enact the laws that the people must follow is a fundamental tenet underlying the legislative branch of government in a republic; and

Whereas, the ability of legislators to design districts to favor themselves at the expense of the people must be restrained; Now, therefore, 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;~~

(1) The goal of politically neutral district plans to the extent possible.

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

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

(4) 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.



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

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

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

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

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

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

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

20 (1) The goal of politically neutral district plans, to the extent possible.

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

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

23 (4) 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 House of Representatives
26 districts. All districts shall be contiguous.

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

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

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

33 (1) Establishment and membership. – There is established the Independent Redistricting
34 Commission to consist of nine persons appointed as follows:

35 (a) Three by the Governor, with no more than two affiliated with the same
36 political party;

37 (b) Two by the Speaker of the House of Representatives and one by the leader in
38 the House of Representatives of the political party with the next highest or
39 equal number of members of the House of Representatives as the party of
40 the Speaker; and

41 (c) Two by the President Pro Tempore of the Senate and one by the leader in the
42 Senate of the political party in the Senate with the next highest or equal
43 number of Senators as the party of the President Pro Tempore.

44 If there are two or more parties other than the Speaker's party in the House of
45 Representatives with equal membership, the leaders in that chamber of the tied parties other
46 than the Speaker's party shall draw lots to determine which shall make the appointment. If there
47 are two or more parties other than the President Pro Tempore's party in the Senate with equal
48 membership, the leaders in that chamber of the tied parties other than the President Pro
49 Tempore's party shall draw lots to determine which party shall make the appointment.

50 The appointing officers shall appoint the initial members of the Independent Redistricting
51 Commission as soon as practicable after this Section becomes effective. Subsequent to the

1 initial appointments, the appointing officers shall make their appointments, other than vacancy
2 appointments, no earlier than February 1 of the year prior to the year in which the appointed
3 members are to take office under subsection (2) of this Section and no later than June 1 of the
4 year in which the members are to take office under subsection (2) of this Section. The
5 appointing officers, in making their appointments, shall take into account the advisability of
6 having the Commission reflect the State's geographic, gender, racial, and ethnic diversity.

7 (2) Term of office; vacancies; chair. – The initial members of the Independent
8 Redistricting Commission shall take office as soon as practicable after their appointment. The
9 initial members shall serve until their successors are appointed and qualified. Subsequent to the
10 initial appointments, the members of the Independent Redistricting Commission shall take
11 office on the first day of July of each year ending in the number zero and shall continue in
12 office until their successors are appointed and qualified. Any vacancy occurring in the
13 membership of the Commission shall be filled for the remainder of the unexpired term by the
14 officer who appointed the vacating member. The Independent Redistricting Commission shall
15 elect from its members a chair, who will serve throughout the term of the Commission unless
16 replaced by vote of the Commission.

17 (3) Eligibility. – To be eligible for appointment to the Independent Redistricting
18 Commission, a person must be a resident of North Carolina. No person may serve on the
19 Commission who has held elective public office or been a candidate for elective public office
20 in the four years prior to commencement of service on the Independent Redistricting
21 Commission. No person who has served as a member of the Independent Redistricting
22 Commission shall be eligible to hold any elective State office for four years after termination of
23 service on the Independent Redistricting Commission.

24 (4) Legislative plans. – The Independent Redistricting Commission shall adopt, in
25 accordance with Sections 3 and 5 of this Article, computer programs to generate plans for
26 revising the Senate districts and House of Representatives districts, which shall have the force
27 and effect of acts of the General Assembly. The General Assembly shall not adopt any
28 legislative district plan.

29 (5) Congressional plans. – The Independent Redistricting Commission is responsible
30 for adopting a computer program to generate a district plan for election of members of the
31 House of Representatives of the Congress of the United States. The General Assembly shall not
32 adopt any district plan for election of members of the United States House of Representatives.

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

38 (a) The political affiliation of voters.

39 (b) Voting data from previous elections.

40 (c) The location of incumbents' residences.

41 (d) Any socioeconomic data regarding voters.

42 (e) Demographic data from sources other than the United States Bureau of the
43 Census. In the use of Census data, racial and ethnic data shall be used only
44 for the purposes of compliance with the United States Constitution and laws
45 enacted pursuant thereto.

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

48 (8) Federal and State law. – In adopting any plan under this section, the Independent
49 Redistricting Commission shall take into consideration all relevant requirements of the United
50 States Constitution and Acts of Congress. It shall comply with the North Carolina Constitution
51 as enunciated by the North Carolina Supreme Court.

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

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

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

- 8 (a) ~~In bill in~~ which the General Assembly makes an appointment or
9 appointments to public office and which contains no other ~~matter;~~ matter
10 (b) ~~Revising the senate districts and the apportionment of Senators among those~~
11 ~~districts and containing no other matter;~~
12 (c) ~~Revising the representative districts and the apportionment of~~
13 ~~Representatives among those districts and containing no other matter; or~~
14 (d) ~~Revising the districts for the election of members of the House of~~
15 ~~Representatives of the Congress of the United States and the apportionment~~
16 ~~of Representatives among those districts and containing no other matter,~~
17 shall be read three times in each house before it becomes law and shall be
18 signed by the presiding officers of both houses."

19 **SECTION 5.** The amendments set out in Sections 1 through 4 of this act shall be
20 submitted to the qualified voters of the State at the general election in November 2018, which
21 election shall be conducted under the laws then governing elections in the State. Ballots, voting
22 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
23 question to be used in the voting systems and ballots shall be:

24 " FOR AGAINST

25 A constitutional amendment providing for an Independent Redistricting
26 Commission to redistrict the State for the purpose of electing members of the General
27 Assembly and members of the United States House of Representatives by use of a neutral
28 computer software program to remove political considerations from districting."

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

34 **SECTION 7.** Chapter 163 of the General Statutes is amended by adding a new
35 Article to read:

36 "Article 12B.

37 "Redistricting.

38 "**§ 163-134. Redistricting plans.**

39 In order to implement Section 25 of Article II of the North Carolina Constitution, the
40 Independent Redistricting Commission shall retain independent staff under contract to prepare
41 redistricting plans covered by that section. In drafting plans for consideration by the General
42 Assembly, that staff shall not be provided any instruction as to the content of the plans other
43 than to follow the guidelines set out in that section."

44 **SECTION 8.** Section 7 of this act is effective only if the constitutional
45 amendments proposed by Sections 1 through 4 of this act are approved by the qualified voters
46 as provided in Sections 5 and 6 of this act.

47 **SECTION 9.** This act is effective when it becomes law.