

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1099

Short Title: Independent Redistricting Comm.

(Public)

Sponsors: Representative Stam.

Referred to: Judiciary.

April 7, 1989

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO HANDLE REDISTRICTING MATTERS.

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, Independent Redistricting Commission, at beginning upon the convening of 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 each District shall elect one Senator;

(2) Each senate district shall at all times be compact and consist of contiguous territory;

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

(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."

1 Sec. 2. Section 5 of Article II of the Constitution of North Carolina reads as
2 rewritten:

3 "Sec. 5. Representative districts; apportionment of Representatives.

4 The Representatives shall be elected from districts. ~~The General Assembly,~~
5 Independent Redistricting Commission, at beginning upon the convening of the first
6 regular session convening after the return of every decennial census of population taken
7 by order of Congress, shall revise the representative districts and the apportionment of
8 Representatives among those districts, subject to the following requirements:

9 (1) Each Representative shall represent, as nearly as may be, an equal
10 number of inhabitants, ~~the number of inhabitants that each~~
11 ~~Representative represents being determined for this purpose by~~
12 ~~dividing the population of the district that he represents by the number~~
13 ~~of Representatives apportioned to that district~~ and each District shall
14 elect one Representative;

15 (2) Each representative district shall at all times be compact and consist of
16 contiguous territory;

17 ~~(3) No county shall be divided in the formation of a representative district;~~
18 (4) When established, the representative districts and the
19 apportionment of Representatives shall remain unaltered until the
20 return of another decennial census of population taken by order of
21 Congress."

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

24 "Sec. 25. Independent Redistricting Commission.

25 (a) There is established the Independent Redistricting Commission, to consist of
26 11 persons appointed as follows:

27 (1) Three by the Chief Justice;

28 (2) Four by the Governor;

29 (3) Two by the Speaker of the House of Representatives;

30 (4) One by the President of the Senate; and

31 (5) One by the President Pro Tempore of the Senate.

32 (b) The Independent Redistricting Commission shall take office on the first day
33 of July of each year ending in the number 0, (except that the initial Independent
34 Redistricting Commission shall take office upon the certification of the returns of the
35 election on the amendment to the Constitution approving this section) and shall exist
36 until completion of all redistricting plans for the Senate, the House of Representatives,
37 and the United States House of Representatives.

38 (c) To be eligible for appointment to the Independent Redistricting Commission,
39 a person must be a resident of North Carolina, and have academic qualifications in
40 demographics, statistics, mathematics, or computer science. No person may serve on
41 the Commission who has held elective public office or been a candidate for elective
42 public office, in the 10 years prior to commencement of service on the Independent
43 Redistricting Commission. No person who has served as a member of the Independent

1 Redistricting Commission shall be eligible to hold any elective public office for 10
2 years after termination of service on the Independent Redistricting Commission.

3 (d) The Independent Redistricting Commission shall be responsible for adopting,
4 in accordance with Sections 3 and 5 of this Article, a plan for revising the senate
5 districts and representative districts. Such plan shall have the force and effect of a bill
6 passed by the General Assembly. The General Assembly shall have no jurisdiction to
7 adopt any district plans under Sections 3 and 5 of this Article.

8 (e) The Independent Redistricting Commission shall be responsible for adopting
9 a district plan for election of members of the House of Representatives of the Congress
10 of the United States. The General Assembly shall have no jurisdiction to adopt any
11 district plan for election of members of the House of Representatives of the United
12 States.

13 (f) The Independent Redistricting Commission shall adopt district plans as
14 required by subsections (d) and (e) of this section no later than August 1 of the year of
15 the convening of the first regular session of the General Assembly after the return of the
16 decennial census of population taken by order of Congress.

17 (g) The Independent Redistricting Commission may provide for a schedule of
18 adoption of a district plan in the event that a plan it adopts is held invalid.

19 (h) In adoption of any plan under this section, the Independent Redistricting
20 Commission shall take into consideration any requirements of the United States
21 Constitution or Acts of Congress which may be relevant."

22 Sec. 4. The amendments set out in Sections 1 through 3 of this act shall be
23 submitted to the qualified voters of the State at the general election in November 1990,
24 which election shall be conducted under the laws then governing elections in the State.
25 At that election, each qualified voter desiring to vote shall be provided a ballot on which
26 shall be printed the following:

27 " FOR Constitutional amendments providing for an Electoral
28 Commission to be responsible for redistricting of the General
29 Assembly and the North Carolina representatives in Congress.

30 AGAINST Constitutional amendments providing for an Electoral
31 Commission to be responsible for redistricting of the General
32 Assembly and the North Carolina representatives in Congress."

33 Those qualified voters favoring the amendments set out in Sections 1
34 through 3 of this act shall vote by making an X or a check mark in the square beside the
35 statement beginning "FOR", and those qualified voters opposed to those amendments
36 shall vote by making an X or check mark in the square beside the statement beginning
37 "AGAINST".

38 Notwithstanding the foregoing provisions of this section, voting machines
39 may be used in accordance with rules and regulations prescribed by the State Board of
40 Elections.

41 Sec. 5. If a majority of votes cast thereon are in favor of the amendments set
42 out in Sections 1 through 3 of this act, the State Board of Elections shall certify the
43 amendments to the Secretary of State, who shall enroll the amendments so certified

1 among the permanent records of his office, and the amendments shall become effective
2 upon such certification.

3 Sec. 6. This act is effective upon ratification.