

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1218

Short Title: Nonpartisan Redistricting.

(Public)

Sponsors: Senator Plexico.

Referred to: Rules and Operation of the Senate.

June 2, 1993

A BILL TO BE ENTITLED

AN ACT ESTABLISHING AMENDING THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH A NONPARTISAN METHOD OF REDISTRICTING.

Whereas, there needs to be a "good government" approach to redistricting; and

Whereas, the first standard must be population equality, and other standards to be met include compactness, contiguity, minimizing division of cities and counties, and compliance with the Voting Rights Act; and

Whereas, no district should be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or any other person or group, or for the purpose of diluting the voting strength of a racial minority group; and

Whereas, the Legislative Services Office is a nonpartisan agency which can draft plans for consideration of the General Assembly, without knowing the residences of incumbents, the political affiliations of registered voters, or previous election results; and

Whereas, a system similar to that proposed by this act is now successfully in use in Iowa; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article II of the Constitution of North Carolina is amended by adding a new section to read:

"Sec. 25. Reapportionment. The General Assembly may, by law, establish a process whereby a commission or agency proposes plans for revising the representative districts and apportioning Representatives among the districts, revising the senate

1 districts and the apportionment among the districts, and revising the districts for the
2 election of members of the United States House of Representatives. That law may
3 provide procedures whereby the plans may only be approved or rejected by the General
4 Assembly. That law may provide criteria for the plans to limit or eliminate protection
5 of incumbents and limit or eliminate any political considerations in drafting the plans."

6 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to
7 the qualified voters of the State at the general election in November 1994, which
8 election shall be conducted under the laws then governing elections in the State. At that
9 election, each qualified voter desiring to vote shall be provided a ballot on which shall
10 be printed the following:

11 "[] FOR Constitutional amendment allowing the General Assembly to
12 create a commission or agency to propose redistricting plans, which
13 may only be approved or rejected by the General Assembly, and
14 limiting or eliminating protection of incumbents and political
15 considerations in drafting the plans.

16 [] AGAINST Constitutional amendment allowing the General Assembly
17 to create a commission or agency to propose redistricting plans, which
18 may only be approved or rejected by the General Assembly, and
19 limiting or eliminating protection of incumbents and political
20 considerations in drafting the plans."

21 Those qualified voters favoring the amendment set out in Section 1 of this
22 act shall vote by making an X or a check mark in the square beside the statement
23 beginning "FOR", and those qualified voters opposed to that amendment shall vote by
24 making an X or check mark in the square beside the statement beginning "AGAINST".

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

28 Sec. 3. If a majority of votes cast thereon are in favor of the amendment set
29 out in Section 1 of this act, the State Board of Elections shall certify the amendment to
30 the Secretary of State, who shall enroll the amendment so certified among the
31 permanent records of his office, and the amendment becomes effective upon such
32 certification.

33 Sec. 4. The General Statutes are amended by adding a new Chapter to read:

34 **"CHAPTER 163A.**
35 **"REDISTRICTING.**

36 **"§ 163A-1. Definitions.**

37 As used in this Chapter, unless the context requires otherwise:

- 38 (1) 'Commission' means the Temporary Redistricting Advisory
39 Commission established pursuant to this Chapter.
40 (2) 'Federal census' means the decennial census required by federal law to
41 be conducted by the United States Bureau of the Census in every year
42 ending in zero.
43 (3) 'Four selecting authorities' means:
44 a. President Pro Tempore of the Senate.

1 b. The minority leader of the State Senate.

2 c. The Speaker of the House of Representatives.

3 d. The minority leader of the House of Representatives.

4 (4) 'Plan' means a plan for legislative and congressional reapportionment
5 and redistricting.

6 (5) 'Political party office' means an elective office in the national or State
7 organization of a political party, as defined by G.S 163-96.

8 (6) 'Partisan public office' means a federal, State, or local office elected on
9 a partisan basis.

10 (7) 'Relative' means an individual who is related to the person in question
11 as father, mother, son, daughter, brother, sister, uncle, aunt, first
12 cousin, nephew, niece, husband, wife, grandfather, grandmother,
13 father-in-law, brother-in-law, sister-in-law, stepfather, stepmother,
14 stepson, stepdaughter, stepbrother, stepsister, half brother, or half
15 sister.

16 **"§ 163A-2. Preparations for redistricting.**

17 (a) The Legislative Services Office shall acquire appropriate information, review
18 and evaluate available facilities, and develop programs and procedures in preparation
19 for drawing congressional and legislative redistricting plans on the basis of each federal
20 census. Funds shall be expended for the purchase or lease of equipment and materials
21 only with prior approval of the Legislative Services Commission.

22 (b) As soon as it is available after the decennial federal census, the Legislative
23 Services Office shall obtain from the United States Bureau of the Census information
24 regarding geographic and political units in this State for which federal census
25 population data has been gathered and will be tabulated. The Legislative Services
26 Office shall use the data so obtained to:

27 (1) Prepare necessary descriptions of geographic and political units for
28 which census data will be reported, and which are suitable for use as
29 components of legislative districts.

30 (2) Prepare maps of counties, cities, and other geographic units within the
31 State, which may be used to illustrate the locations of legislative
32 district boundaries proposed in plans drawn in accordance with G.S.
33 163A-4.

34 (c) As soon as possible after January 1 of each year ending in one, the
35 Legislative Services Office shall obtain from the United States Bureau of the Census the
36 population data needed for legislative districting which the census bureau is required to
37 provide this State under United States Pub. L. 94-171. The Legislative Services Office
38 shall then begin the preparation of congressional and legislative districting plans as
39 required by G.S. 163A-3.

40 **"§ 163A-3. Timetable for preparation of plan.**

41 (a) Not later than May 1 of each year ending in one, the Legislative Services
42 Office shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the
43 House of Representatives identical bills embodying a plan of legislative and
44 congressional districting prepared in accordance with G.S. 163A-3. It is the intent of

1 this Chapter that the General Assembly shall bring the bill to a vote in either the Senate
2 or the House of Representatives expeditiously, but not less than seven days after the
3 report of the commission required by G.S. 163A-6 is received and made available to the
4 members of the General Assembly, under a rule permitting no amendments except those
5 of a purely corrective nature. It is further the intent of this Chapter that if the bill is
6 approved by the first house in which it is considered, it shall expeditiously be brought to
7 a vote in the second house under a similar procedure or rule.

8 (b) If the bill embodying the plan submitted by the Legislative Services Office
9 under subsection (a) of this section fails to be approved in either the Senate or the House
10 of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House
11 of Representatives, as the case may be, shall at once transmit to the Legislative Services
12 Office information which the Senate or House of Representatives may direct regarding
13 reasons why the plan was not approved. The Legislative Services Office shall prepare a
14 bill embodying a second plan of legislative and congressional districting prepared in
15 accordance with G.S. 163A-4 and taking into account the reasons cited by the Senate or
16 House of Representatives for its failure to approve the plan insofar as it is possible to do
17 so within the requirements of G.S. 163A-4. If a second plan is required under this
18 subsection, the bill embodying it shall be delivered to the Principal Clerk of the Senate
19 and the Principal Clerk of the House of Representatives not later than June 1 of the year
20 ending in one, or 14 days after the date of the vote by which the Senate or the House of
21 Representatives fails to approve the bill submitted under subsection (a) of this section,
22 whichever date is later. It is the intent of this Chapter that, if it is necessary to submit a
23 bill under this subsection, the bill be brought to a vote not less than seven days after the
24 bill is printed and made available to the members of the General Assembly, in the same
25 manner as prescribed for the bill required under subsection (a) of this section.

26 (c) If the bill embodying the plan submitted by the Legislative Services Office
27 under subsection (b) of this section fails to be approved by a majority in either the
28 Senate or the House of Representatives, the same procedure as prescribed by subsection
29 (b) of this section shall be followed. If a third plan is required under this subsection, the
30 bill embodying it shall be delivered to the Principal Clerk of the Senate and the
31 Principal Clerk of the House of Representatives not later than July 1 of the year ending
32 in one, or 14 days after the date of the vote by which the Senate or the House of
33 Representatives fails to approve the bill submitted under subsection (b) of this section,
34 whichever date is later. It is the intent of this Chapter that, if it is necessary to submit a
35 bill under this subsection, the bill be brought to a vote within the same time period after
36 its delivery to the Principal Clerk of the Senate and the Principal Clerk of the House of
37 Representatives as is prescribed for the bill submitted under subsection (b) of this
38 section but shall be subject to amendment in the same manner as other bills.

39 (d) If the population data for legislative districting which the United States
40 Bureau of the Census is required to provide this State under United States Pub. L. 94-
41 171 is not available to the Legislative Services Office on or before March 1 of the year
42 ending in one, the dates set forth in this section shall be extended by a number of days
43 equal to the number of days after March 1 of the year ending in one that the federal
44 census population data for legislative districting becomes available.

1 "§ 163A-4 Redistricting standards.

2 (a) Legislative and congressional districts shall be established on the basis of
3 population.

4 (1) Senatorial and representative districts, respectively, shall each have a
5 population as nearly equal as practicable to the ideal population for
6 such districts, determined by dividing the number of districts to be
7 established into the population of the State reported in the federal
8 decennial census. Senatorial districts and representative districts shall
9 not vary in population from the respective ideal district populations
10 except as necessary to comply with one of the other standards
11 enumerated in this section. In no case shall the quotient, obtained by
12 dividing the total of the absolute values of the deviations of all district
13 populations from the applicable ideal district population by the number
14 of districts established, exceed one percent (1%) of the applicable ideal
15 district population. No senatorial district shall have a population
16 which exceeds that of any other senatorial district by more than five
17 percent (5%), and no representative district shall have a population
18 which exceeds that of any other representative district by more than
19 five percent (5%).

20 (2) Congressional districts shall each have a population as nearly equal as
21 possible to the ideal district population, derived as prescribed in
22 subdivision (1) of this subsection. No congressional district shall have
23 a population which varies by more than one person from the applicable
24 ideal district population.

25 (b) To the extent consistent with subsection (a) of this section, district boundaries
26 shall coincide with the boundaries of political subdivisions of the State. The number of
27 counties and cities divided among more than one district shall be as small as possible.
28 When there is a choice between dividing local political subdivisions, the more populous
29 subdivisions shall be divided before the less populous, but this statement does not apply
30 to a legislative district boundary drawn along a county line which passes through a city
31 that lies in more than one county.

32 (c) Districts shall be composed of convenient contiguous territory. Areas which
33 meet only at the points of adjoining corners are not contiguous.

34 (d) Districts shall be compact in form, in accordance with standards established
35 by the commission, but the standards established by subsections (a), (b), and (c) of this
36 section take precedence over compactness where a conflict arises between compactness
37 and these standards. In general, compact districts are those which are square,
38 rectangular, or hexagonal in shape to the extent permitted by natural or political
39 boundaries.

40 (e) No district shall be drawn for the purpose of favoring a political party,
41 incumbent legislator, or member of Congress, or other person or group, or for the
42 purpose of augmenting or diluting the voting strength of a language or racial minority
43 group. In establishing districts, no use shall be made of any of the following data:

44 (1) Addresses of incumbent legislators or members of Congress.

- 1 (2) Political affiliations of registered voters.
- 2 (3) Previous election results.
- 3 (4) Demographic information, other than population head counts, except
- 4 as required by the Constitution and the laws of the United States.

5 **"§ 163A-5. Temporary Redistricting Advisory Commission.**

6 (a) Not later than February 15 of each year ending in one, a five-member

7 Temporary Redistricting Advisory Commission shall be established as provided by this

8 section. The commission's only functions shall be those prescribed by G.S. 163A-6.

9 (b) Each of the four selecting authorities shall certify to the Executive Secretary-

10 Director of the State Board of Elections the authority's appointment of a person to serve

11 on the commission.

12 (c) Within 10 days after the four selecting authorities have certified their

13 respective appointments to the commission, but in no event later than February 15 of the

14 year ending in one, the four commission members so appointed shall select, by a vote of

15 at least three members, and certify to the Executive Secretary-Director of the State

16 Board of Elections the fifth commission member, who shall serve as chairperson.

17 (d) A vacancy on the commission shall be filled by the initial selecting authority

18 within 15 days after the vacancy occurs.

19 (e) Members of the commission shall receive per diem, travel expenses, and

20 reimbursement for other necessary expenses incurred in performing their duties under

21 this section and G.S. 163A-16, as provided by law.

22 (f) No person shall be appointed to the commission who:

23 (1) Is not an eligible voter of the State at the time of selection.

24 (2) Holds partisan public office or political party office.

25 (3) Is a relative of or is employed by a member of the General Assembly

26 or of the United States Congress, or is employed by the General

27 Assembly or by the United States Congress.

28 **"§ 163A-6. Duties of commission.**

29 (a) The functions of the commission shall be as follows:

30 (1) If, in preparation of plans as required by this Chapter, the Legislative

31 Services Office is confronted with the necessity to make any decision

32 for which no clearly applicable guideline is provided by G.S. 163A-4,

33 the Legislative Services Office may submit a written request for

34 direction to the commission.

35 (2) Prior to delivering any plan and the bill embodying that plan to the

36 Principal Clerk of the Senate and the Principal Clerk of the House of

37 Representatives in accordance with G.S. 163A-3, the Legislative

38 Services Office shall provide to persons outside its staff only such

39 information regarding the plan as may be required by policies agreed

40 upon by the commission. This subsection does not apply to population

41 data furnished to the Legislative Services Office by the United States

42 Bureau of the Census.

43 (3) Upon each delivery by the Legislative Services Office to the General

44 Assembly of a bill embodying a plan, pursuant to G.S. 163A-3, the

1 commission shall at the earliest feasible time make available to the
2 public the following information:

3 a. Copies of the bill delivered by the Legislative Services Office
4 to the General Assembly.

5 b. Maps illustrating the plan.

6 c. A summary of the standards prescribed by G.S. 163A-4 for
7 development of the plan.

8 d. A statement of the population of each district included in the
9 plan, and the relative deviation of each district population from
10 the ideal district population.

11 (b) Upon the delivery by the Legislative Services Office to the General Assembly
12 of a bill embodying an initial plan, as required by G.S. 163A-3(a), the commission shall:

13 (1) As expeditiously as reasonably possible, schedule and conduct at least
14 three public hearings in different geographic regions of the State, on
15 the plan embodied in the bill delivered by the Legislative Services
16 Office to the General Assembly.

17 (2) Following the hearings, promptly prepare and submit to the Principal
18 Clerk of the Senate and the Principal Clerk of the House a report
19 summarizing information and testimony received by the commission
20 in the course of the hearings. The commission's report shall include
21 any comments and conclusions which its members deem appropriate
22 on the information and testimony received at the hearings, or otherwise
23 presented to the commission."

24 Sec. 5. Section 4 of this act becomes effective only if the amendment
25 proposed by Section 1 of this act is approved by the voters.

26 Sec. 6. There is appropriated from the General Fund to the State Board of
27 Elections for fiscal year 1994-95 the sum of thirty-six thousand dollars (\$36,000) for the
28 extra expenses of conducting the referendum proposed by this act.

29 Sec. 7. This act becomes effective July 1, 1993.