

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1179

Short Title: Independent Redistricting Comm.

(Public)

Sponsors: Representatives Ellis; and Pope (Primary Sponsors).

Referred to: Election Law and Campaign Finance Reform.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO CREATE BY STATUTE AN INDEPENDENT REDISTRICTING
COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS FOR
CONGRESSIONAL AND LEGISLATIVE REDISTRICTING.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 120 of the General Statutes of North Carolina
is amended by adding a new section to read:

"§ 120-2.3. Independent Redistricting Commission.

(a) Establishment and Membership. – There is established the Independent
Redistricting Commission to consist of nine persons appointed as follows:

- (1) Two by the Chief Justice of the Supreme Court, with no more than one
affiliated with the same political party;
- (2) Three by the Governor, with no more than two affiliated with the same
political party;
- (3) Two by the Speaker of the House of Representatives, with no more than
one affiliated with the same political party; and
- (4) Two by the President Pro Tempore of the Senate, with no more than one
affiliated with the same political party.

The appointing officers shall make their initial appointments no earlier than February 1 of
the year prior to the year in which the appointed members are to take office under

1 subsection (6) of this section and no later than June 1 of the year in which the members
2 are to take office under subsection (6) of this section.

3 (b) Term of Office; Vacancies, Chair. – The members of the Independent
4 Redistricting Commission shall take office on the first day of July of each year ending in
5 the number 0 and shall continue in office until their successors are appointed and
6 qualified. Any vacancy occurring in the membership of the Commission shall be filled
7 for the remainder of the unexpired term by the officer who appointed the vacating
8 member. The Independent Redistricting Commission shall elect from its members a
9 Chair, who will serve throughout the term of the Commission unless replaced by vote of
10 the Commission.

11 (c) Eligibility. – To be eligible for appointment to the Independent Redistricting
12 Commission, a person must be a resident of North Carolina. No person may serve on the
13 Commission who has held elective public office or been a candidate for elective public
14 office in the four years prior to commencement of service on the Independent
15 Redistricting Commission. No person who has served as a member of the Independent
16 Redistricting Commission shall be eligible to hold any elective public office for four
17 years after termination of service on the Independent Redistricting Commission.

18 (d) Legislative Plans. – The Independent Redistricting Commission shall
19 recommend, in accordance with subsections (f) and (g) of this section, plans for revising
20 the Senate districts and the House or Representatives districts. The General Assembly
21 shall, without amendment, approve or reject the legislative district plans recommended
22 by the Independent Redistricting Commission. If the General Assembly rejects a plan
23 recommended by that Commission, that Commission shall revise that plan and
24 recommend the revised plan. The General Assembly shall, without amendment approve
25 or reject the revised plan.

26 (e) Congressional Plans. – The Independent Redistricting Commission shall
27 recommend, in accordance with subsections (f) and (g) of this section, a district plan for
28 election of members of the House of Representatives of the Congress of the United
29 States. The General Assembly shall, without amendment, approve or reject the district
30 plan for election of members of the United States House of Representatives. If the
31 General Assembly rejects a plan recommended by that Commission, that Commission
32 shall revise that plan and recommend the revised plan. The General Assembly shall,
33 without amendment, approve or reject the revised plan.

34 (f) Preparation and Adoption of Plans. – The Independent Redistricting
35 Commission shall adopt district plans as required by subsections (d) and (e) of this
36 section no later than October 1 of the year following each decennial census of population
37 taken by order of Congress. In preparing or adopting its plans, the Independent
38 Redistricting Commission shall not consider the following information:

- 39 (1) The political affiliation of voters;
- 40 (2) Voting data from previous elections;
- 41 (3) The location of incumbents' residences; or
- 42 (4) Demographic data from sources other than the United States Bureau of
43 the Census.

1 There shall be a minimum period of 45 days of public comment on a plan before it is
2 finally adopted.

3 (g) Criteria for Legislative and Congressional Redistricting. – In preparing
4 legislative and congressional district plans, the Independent Redistricting Commission
5 shall adhere to the following criteria in the order of precedence in which they appear
6 below:

7 (1) There shall be substantial equality of population among Senators in each
8 Senatorial district. State Senate and State House of Representatives
9 districts shall be drawn so as to contain approximately the ideal number
10 of residents for each member. In no event shall the overall range of
11 deviation in the State House of Representatives and the State Senate
12 plans exceed ten percent (10%). In congressional districts, the districts
13 shall be drawn as nearly equal in population as practicable.

14 (2) The voting rights of racial minorities shall not be abridged or denied in
15 the formation of districts.

16 (3) All districts shall consist of contiguous territory.

17 (4) Census blocks shall not be divided in the drawing of districts.

18 (5) It is desirable to maintain the integrity of precincts in the drawing of
19 districts.

20 (6) All congressional and legislative districts shall be single-member
21 districts.

22 (7) Legislative districts shall be drawn so as to avoid the unnecessary
23 division of counties, cities, and other political subdivisions. No city
24 smaller than the size of a district shall contain subdivisions of more than
25 two districts.

26 (8) Districts shall be compact in form. In drawing such districts, populous
27 adjacent territory shall not be bypassed to reach distant populous areas.

28 (9) Congressional and legislative districts shall be drawn so as to preserve
29 existing communities of interest where that can be done in compliance
30 with the standards listed above. For purposes of this subdivision,
31 'community of interest' means a recognizable area with similarities of
32 interests, including but not limited to racial, ethnic, geographic, social,
33 cultural, or historic interests, as well as commonality of
34 communications.

35 (10) Districts shall not be established with the intent and effect of diluting
36 the voting strength of any person, group of persons, or members of any
37 political party. Legislative districts shall not be drawn for the purpose of
38 favoring any incumbent.

39 (h) In Case Plan Held Invalid.–The Independent Redistricting Commission shall
40 recommend a new district plan in the event that a plan it has recommended is held
41 invalid.

1 (i) Federal law.—In recommending any plan under this section, the Independent
2 Redistricting Commission shall take into consideration all relevant requirements of the
3 United States Constitution and Acts of Congress.

4 (j) Local redistricting.—The General Assembly may by law assign to the
5 Independent Redistricting Commission the duty to recommend districting and
6 redistricting plans for any county, city, town, special district, and other governmental
7 subdivision if the governing board of the unit or a court of competent jurisdiction so
8 requests."

9 Section 2. This act is effective when it becomes law.