

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 409*

Short Title: Independent Redistricting Comm.

(Public)

Sponsors: Senators Horton; Allran, Ballantine, Carpenter, Carrington, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Moore, Rucho, and Shaw of Guilford.

Referred to: Judiciary I.

March 18, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION.

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, 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:

- (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 the Commission, to the extent it deems practical, shall avoid establishing districts represented by more than one Senator;

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

3 (3) ~~No county shall be divided in the formation of a senate district; The~~
4 Commission, to the extent it deems practical, shall avoid establishing
5 district boundaries that cross county boundaries;

6 (4) When established, the senate districts and the apportionment
7 of Senators shall remain unaltered until the return of another
8 decennial census of population taken by order of Congress."

9 Section 2. Section 5 of Article II of the Constitution of North Carolina reads as
10 rewritten:

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

12 The Representatives shall be elected from districts. ~~The General Assembly, at the first~~
13 ~~regular session convening~~ The Independent Redistricting Commission, as soon as practical
14 after the return of every decennial census of population taken by order of Congress, shall
15 revise the representative districts and the apportionment of Representatives among those
16 districts, subject to the following requirements:

17 (1) Each Representative shall represent, as nearly as may be, an equal
18 number of inhabitants, ~~the number of inhabitants that each~~
19 ~~Representative represents being determined for this purpose by dividing~~
20 ~~the population of the district that he represents by the number of~~
21 ~~Representatives apportioned to that district; and the Commission, to the~~
22 extent it deems practical, shall avoid establishing districts with more
23 than one Representative;

24 (2) Each representative district shall at all times consist of compact and
25 contiguous territory;

26 (3) ~~No county shall be divided in the formation of a representative district; The~~
27 Commission, to the extent it deems practical, shall avoid establishing
28 district boundaries that cross county boundaries;

29 (4) When established, the representative districts and the
30 apportionment of Representatives shall remain unaltered until the
31 return of another decennial census of population taken by order of
32 Congress."

33 Section 3. Article II of the Constitution of North Carolina is amended by
34 adding a new section to read:

35 "Sec. 25. Independent Redistricting Commission.

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

38 (a) Two by the Chief Justice of the Supreme Court, with no more than one
39 affiliated with the same political party;

40 (b) Three by the Governor, with no more than two affiliated with the same
41 political party;

42 (c) Two by the Speaker of the House of Representatives, with no more than
43 one affiliated with the same political party; and

1 (d) Two by the President Pro Tempore of the Senate, with no more than one
2 affiliated with the same political party.

3 The appointing officers shall make their initial appointments no earlier than February 1 of
4 the year prior to the year in which the appointed members are to take office under
5 subsection (2) of this section and no later than June 1 of the year in which the members
6 are to take office under subsection (2) of this section.

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

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

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

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

30 (6) Preparation and adoption of plans. The Independent Redistricting Commission
31 shall adopt district plans as required by subsections (4) and (5) of this section no later
32 than October 1 of the year following each decennial census of population taken by order
33 of Congress. In preparing or adopting its plans, the Independent Redistricting
34 Commission shall not consider the following information:

35 (a) The political affiliation of voters;

36 (b) Voting data from previous elections;

37 (c) The location of incumbents' residences; or

38 (d) Demographic data from sources other than the United States Bureau of
39 the Census.

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

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

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

8 Section 4. Subsection (5) of Section 22 of Article II of the Constitution of
9 North Carolina reads as rewritten:

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

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

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

15 (c) ~~Revising the representative districts and the apportionment of~~
16 ~~Representatives among those districts and containing no other matter; or~~

17 (d) ~~Revising the districts for the election of members of the House of~~
18 ~~Representatives of the Congress of the United States and the~~
19 ~~apportionment of Representatives among those districts and containing~~
20 ~~no other matter;~~

21 matter shall be read three times in each house before it becomes law and shall be signed
22 by the presiding officers of both houses."

23 Section 5. The amendments set out in Sections 1 through 4 of this act shall be
24 submitted to the qualified voters of the State at the general election in November 2000,
25 which election shall be conducted under the laws then governing elections in the State.
26 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
27 General Statutes. The question to be used in the voting systems and ballots shall be:

28 " FOR AGAINST

29 A constitutional amendment providing for an Independent Redistricting
30 Commission to redistrict the State for the purpose of electing members of the General
31 Assembly and members of the United States House of Representatives."

32 Section 6. If a majority of votes cast on the question are in favor of the
33 amendments set out in Sections 1 through 4 of this act, the State Board of Elections shall
34 certify the amendments to the Secretary of State. The amendments become effective
35 upon this certification. The Secretary of State shall enroll the amendments so certified
36 among the permanent records of that office.

37 Section 7. This act is effective when it becomes law.