

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 285*

Short Title: Independent Redistricting Commission. (Public)

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

Referred to: Redistricting.

March 1, 2001

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 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.

(b) Term of Office; Vacancies, Chair. – The members of the Independent Redistricting Commission shall take office on the first day of July of each year ending in the number 0 (except that the initial members shall take office March 1, 2001) and shall continue in office until December 31 of the year ending in the number 2. Any vacancy occurring in the membership of the Commission shall be filled for the remainder of the unexpired term by the officer who appointed the vacating member. The Independent Redistricting Commission shall elect from its members a Chair, who will

1 serve throughout the term of the Commission unless replaced by vote of the
2 Commission.

3 (c) Eligibility. – To be eligible for appointment to the Independent Redistricting
4 Commission, a person must be a resident of North Carolina. No person may serve on
5 the Commission who has held elective public office or been a candidate for elective
6 public office in the four years prior to commencement of service on the Independent
7 Redistricting Commission. No person who has served as a member of the Independent
8 Redistricting Commission shall be eligible to hold any elective State office for four
9 years after termination of service on the Independent Redistricting Commission.

10 (d) Legislative Plans. – The Independent Redistricting Commission shall
11 recommend, in accordance with subsections (f) and (g) of this section, plans for revising
12 the Senate districts and the House of Representatives districts. The General Assembly
13 shall, without amendment, approve or reject the legislative district plans recommended
14 by the Independent Redistricting Commission. If the General Assembly rejects a plan
15 recommended by that Commission, that Commission shall revise that plan and
16 recommend the revised plan. The General Assembly shall, without amendment, approve
17 or reject the revised plan.

18 (e) Congressional Plans. – The Independent Redistricting Commission shall
19 recommend, in accordance with subsections (f) and (g) of this section, a district plan for
20 election of members of the House of Representatives of the Congress of the United
21 States. The General Assembly shall, without amendment, approve or reject the district
22 plan for election of members of the United States House of Representatives. If the
23 General Assembly rejects a plan recommended by that Commission, that Commission
24 shall revise that plan and recommend the revised plan. The General Assembly shall,
25 without amendment, approve or reject the revised plan.

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

31 (1) The political affiliation of voters;

32 (2) Voting data from previous elections;

33 (3) The location of incumbents' residences; or

34 (4) Demographic data from sources other than the United States Bureau of
35 the Census.

36 (f1) Public Comment. – There shall be a minimum period of 45 days of public
37 comment on a plan before it is finally adopted.

38 (f2) Restriction on Use of Certain Census Data. – Racial and ethnic census data
39 shall be used only for purposes of compliance with the United States Constitution and
40 laws enacted pursuant thereto.

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

- 1 (1) There shall be substantial equality of population among Senators in
2 each senatorial district. State Senate and State House of
3 Representatives districts shall be drawn so as to contain approximately
4 the ideal number of residents for each member. In no event shall the
5 overall range of deviation in the State House of Representatives and
6 the State Senate plans exceed ten percent (10%). In congressional
7 districts, the districts shall be drawn as nearly equal in population as
8 practicable.
- 9 (2) The voting rights of racial minorities shall not be abridged or denied in
10 the formation of districts.
- 11 (3) All districts shall consist of contiguous territory.
- 12 (4) Census blocks shall not be divided in the drawing of districts.
- 13 (5) It is desirable to avoid dividing precincts in the drawing of districts.
- 14 (6) All congressional and legislative districts shall to the extent deemed
15 practicable be single-member districts.
- 16 (7) Legislative districts shall be drawn so as to avoid the unnecessary
17 division of counties, cities, and other political subdivisions. No city
18 smaller than the size of a district shall contain subdivisions of more
19 than two districts.
- 20 (8) Districts shall be geographically compact in form. In drawing such
21 districts, populous adjacent territory shall not be bypassed to reach
22 distant populous areas.
- 23 (9) Congressional and legislative districts shall be drawn so as to preserve
24 existing communities of interest where that can be done in compliance
25 with the standards listed above. For purposes of this subdivision,
26 'community of interest' means a recognizable area with similarities of
27 interests, including, but not limited to, geographic, social, cultural, or
28 historic interests, as well as commonality of communications.
- 29 (10) Districts shall not be established with the intent and effect of diluting
30 the voting strength of any person, group of persons, or members of any
31 political party. Legislative districts shall not be drawn for the purpose
32 of favoring any incumbent.

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

36 (i) Federal Law. – In recommending any plan under this section, the Independent
37 Redistricting Commission shall comply with all relevant requirements of the United
38 States Constitution and acts of Congress.

39 (j) Local Redistricting. – The General Assembly may by law assign to the
40 Independent Redistricting Commission the duty to recommend districting and
41 redistricting plans for any county, city, town, special district, and other governmental
42 subdivision if the governing board of the unit or a court of competent jurisdiction so
43 requests."

44 **SECTION 2.** This act is effective when it becomes law.