

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1060

Short Title: Independent Redistricting Comm./Stat. (Public)

Sponsors: Representatives Blust; and Luebke.

Referred to: Rules, Calendar, and Operations of the House.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH BY STATUTE AN INDEPENDENT REDISTRICTING
3 COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS
4 FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 1 of Chapter 120 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 120-2.3. Independent Redistricting Commission.**

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

11 (1) Two by the Chief Justice of the Supreme Court, with no more than one
12 affiliated with the same political party;

13 (2) Three by the Governor, with no more than two affiliated with the same
14 political party;

15 (3) If there is a Republican Speaker and a Democratic Speaker in the
16 House of Representatives, one by each of those Speakers; if not, one
17 by the Speaker of the House of Representatives and one by the leader
18 in the House of Representatives of the other political party with the
19 next highest or equal number of members of the House of
20 Representatives as the party of the Speaker; and

21 (4) One by the President Pro Tempore of the Senate, and one by the leader
22 in the Senate of the other political party in the Senate with the next
23 highest or equal number of Senators as the party of the President Pro
24 Tempore.

25 If there are two or more parties other than the Speaker's party in the House of
26 Representatives with equal membership, the leaders in that chamber of the tied parties
27 other than the Speaker's party shall draw lots to determine which shall make the
28 appointment. If there are two or more parties other than the President Pro Tempore's
29 party in the Senate with equal membership, the leaders in that chamber of the tied

1 parties other than the President Pro Tempore's party shall draw lots to determine which
2 shall make the appointment.

3 The appointing officers shall appoint the initial members of the Independent
4 Redistricting Commission as soon as practicable after this section becomes law.
5 Subsequent to the initial appointments, the appointing officers shall make their
6 appointments, other than vacancy appointments, no earlier than February 1 of the year
7 prior to the year in which the appointed members are to take office under subsection (b)
8 of this section and no later than June 1 of the year in which the members are to take
9 office under subsection (b) of this section. The appointing officers, in making their
10 appointments, shall take into account the advisability of having the Commission reflect
11 the State's geographic, gender, racial, and ethnic diversity.

12 (b) Term of Office; Vacancies; Chair. – The initial members of the Independent
13 Redistricting Commission shall take office as soon as practicable after their
14 appointment. The initial members shall serve until their successors are appointed and
15 qualified. Subsequent to the initial appointments, the members of the Independent
16 Redistricting Commission shall take office on the first day of July of each year ending
17 in the number 0 and shall continue in office until December 31 of the next year ending
18 in the number 2. Any vacancy occurring in the membership of the Commission shall be
19 filled for the remainder of the unexpired term by the officer who appointed the vacating
20 member. The Independent Redistricting Commission shall elect from its members a
21 Chair who will serve throughout the term of the Commission unless replaced by vote of
22 the Commission.

23 (c) Eligibility. – To be eligible for appointment to the Independent Redistricting
24 Commission, a person must be a resident of North Carolina. No person may serve on
25 the Commission who has held elective public office or been a candidate for elective
26 public office in the four years prior to commencement of service on the Independent
27 Redistricting Commission. No person who has served as a member of the Independent
28 Redistricting Commission shall be eligible to hold any elective State office for four
29 years after termination of service on the Independent Redistricting Commission.

30 (d) Legislative Plans. – The Independent Redistricting Commission shall
31 recommend, in accordance with subsections (f) through (i) of this section, plans for
32 revising the Senate districts and the House of Representatives districts. The General
33 Assembly shall, without amendment, approve or reject the legislative district plans
34 recommended by the Independent Redistricting Commission. If the General Assembly
35 rejects a plan recommended by the Commission, the Commission shall revise that plan
36 and recommend the revised plan. The General Assembly shall, without amendment,
37 approve or reject the revised plan.

38 (e) Congressional Plans. – The Independent Redistricting Commission shall
39 recommend, in accordance with subsections (f) through (i) of this section, a district plan
40 for election of members of the United States House of Representatives. The General
41 Assembly shall, without amendment, approve or reject the district plan for election of
42 members of the United States House of Representatives. If the General Assembly
43 rejects a plan recommended by the Commission, the Commission shall revise that plan

1 and recommend the revised plan. The General Assembly shall, without amendment,
2 approve or reject the revised plan.

3 (f) Preparation and Adoption of Plans. – The Independent Redistricting
4 Commission shall adopt district plans as required by subsections (d) and (e) of this
5 section no later than October 1 of the year following each decennial census of
6 population taken by order of Congress. If the General Assembly has the duty to adopt
7 revised plans for the State House of Representatives and the State Senate for the
8 elections of 2004 through 2010, the Independent Redistricting Commission shall adopt
9 plans revising the State Senate districts and the State House of Representatives districts
10 in 2003 and recommend those plans to the General Assembly in time for the General
11 Assembly to consider those plans for use in the 2004 elections. In preparing or adopting
12 its plans, the Independent Redistricting Commission shall not consider the following
13 information:

- 14 (1) The political affiliation of voters;
- 15 (2) Voting data from previous elections;
- 16 (3) The location of incumbents' residences; or
- 17 (4) Demographic data from sources other than the United States Bureau of
18 the Census.

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

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

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

- 28 (1) There shall be substantial equality of population among Senators in
29 each senatorial district. State Senate and State House of
30 Representatives districts shall be drawn so as to contain approximately
31 the ideal number of residents for each member. In no event shall the
32 population of any district in the State House of Representatives and the
33 State Senate plans deviate from the ideal population by more than five
34 percent (5%). In congressional districts, the districts shall be drawn as
35 nearly equal in population as practicable.
- 36 (2) The voting rights of racial minorities shall not be abridged or denied in
37 the formation of districts.
- 38 (3) All districts shall consist of contiguous territory.
- 39 (4) Census blocks shall not be divided in the drawing of districts.
- 40 (5) It is desirable to avoid dividing precincts in the drawing of districts.
- 41 (6) All congressional and legislative districts shall, to the extent consistent
42 with federal law and the North Carolina Constitution, be
43 single-member districts.

1 (7) Legislative districts shall be drawn so as to avoid the unnecessary
2 division of counties, cities, and other political subdivisions. No city
3 smaller than the size of a district shall contain subdivisions of more
4 than two districts, except as required by federal law or the North
5 Carolina Constitution.

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

9 (9) Congressional and legislative districts shall be drawn so as to preserve
10 existing communities of interest where that can be done in compliance
11 with the standards listed above. For purposes of this subdivision,
12 'community of interest' means a recognizable area with similarities of
13 interests, including, but not limited to, geographic, social, cultural, or
14 historic interests, as well as commonality of communications.

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

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

22 (i) Federal and State Law. – In recommending any plan under this section, the
23 Independent Redistricting Commission shall comply with all relevant requirements of
24 the United States Constitution and acts of Congress. It shall comply with the North
25 Carolina Constitution as enunciated by the North Carolina Supreme Court.

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

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