

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 824

Short Title: Nonpartisan Redistricting Process. (Public)

Sponsors: Representatives Glazier, Lewis, Current, and Rapp (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Elections.

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 120 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 1B.

7 "Nonpartisan Redistricting Process.

8 "§ 120-4.51. Definitions.

9 As used in this Article, unless the context requires otherwise the following definitions
10 apply:

- 11 (1) Census Bureau. – The United States Bureau of the Census.
12 (2) Commission. – The Temporary Redistricting Advisory Commission
13 established pursuant to this Article.
14 (3) Federal census. – The decennial census required by federal law to be
15 conducted by the Census Bureau in every year ending in zero.
16 (4) Four selecting authorities.
17 a. The President Pro Tempore of the Senate.
18 b. The minority leader of the Senate.
19 c. The Speaker of the House of Representatives.
20 d. The minority leader of the House of Representatives.
21 (5) Ideal population. – The number determined by dividing the number of
22 members in a plan into the population of the State as reported in the federal
23 census.
24 (6) Plan. – A plan for legislative and congressional reapportionment drawn up
25 pursuant to the requirements of this Article.
26 (7) Political party office. – An office in the national or state organization of a
27 political party.
28 (8) Public office. –
29 a. An elective State, local, or federal office.
30 b. An appointive State or federal office.
31 (9) Relative. – An individual who is related to the person in question as father,
32 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew,
33 niece, husband, wife, grandfather, grandmother, father-in-law,
34 mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,



1 stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half
2 brother, or half sister.

3 (10) VTD. – A voting tabulation districts reported by the Census Bureau."

4 **"§ 120-4.52. Preparations for redistricting.**

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

10 (b) By December 31 of each year ending in zero, the Legislative Services Office shall
11 obtain from the Census Bureau information regarding geographic and political units in this
12 State for which federal census population data has been gathered and will be tabulated. The
13 Legislative Services Office shall use the data so obtained to:

14 (1) Prepare necessary descriptions of geographic and political units for which
15 census data will be reported and which are suitable for use as components of
16 legislative districts.

17 (2) Prepare maps of counties, cities, precincts, VTDs, and other geographic units
18 within the State which may be used to illustrate the locations of legislative
19 district boundaries proposed in plans drawn in accordance with this Article.

20 (c) As soon as possible after January 1 of each year ending in one, the Legislative
21 Services Office shall obtain from the Census Bureau the population data needed for legislative
22 districting which the Census Bureau is required to provide this State under P.L. 94-171 and
23 shall use that data to assign a population figure to geographic and political units based upon
24 that data. Upon completing that task, the Legislative Services Office shall begin the preparation
25 of congressional and legislative districting plans as required by this Article.

26 (d) Upon each delivery by the Legislative Services Office to the General Assembly of a
27 bill embodying a plan, pursuant to this Article, the Legislative Services Office shall at the
28 earliest feasible time make available to the public the following information:

29 (1) Copies of the bill delivered by the Legislative Services Office to the General
30 Assembly.

31 (2) Maps illustrating the plan.

32 (3) A summary of the standards prescribed by this Article for development of
33 the plan.

34 (4) A statement of the population of each district included in the plan, and the
35 relative deviation of each district population from the ideal district
36 population.

37 **"§ 120-4.53. Preparations for redistricting.**

38 (a) Not later than April 1 of each year ending in one, the Legislative Services Office
39 shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the House of
40 Representatives identical bills embodying a plan of legislative and congressional districting
41 prepared in accordance with this Article. It is the intent of this Article that the bill shall be
42 brought to a vote in either the Senate or the House of Representatives expeditiously, but not
43 less than three legislative days after the report of the Temporary Redistricting Advisory
44 Commission required by G.S. 120-4.56 is received and made available to the members of the
45 General Assembly. The bill shall be voted in under a procedure or rule permitting no
46 amendments except those of a purely corrective nature. It is further the intent of this Article
47 that if the bill is approved on third reading by the first house in which it is considered, it shall
48 expeditiously be brought to a vote in the second house under a similar procedure or rule. If the
49 bill embodying the plan submitted by the Legislative Services Office under this subsection fails
50 to be approved on second or third reading in either the Senate or the House of Representatives,
51 the Principal Clerk of the Senate or the Principal Clerk of the House, as the case may be, shall

1 at once, but in no event later than seven days after the date the bill failed to be approved,
2 transmit to the Legislative Services Office information which the Senate or House may direct
3 by resolution regarding reasons why the plan was not approved.

4 (b) If the population data for legislative districting which the Census Bureau is required
5 to provide this State under P.L. 94-171 and, if used by the Legislative Services Office, the
6 corresponding geographic referencing data file for that population data are not available to the
7 Legislative Services Office on or before February 15 of the year ending in one, the April 1 date
8 set forth in subsection (a) of this section shall be extended by a number of days equal to the
9 number of days after February 15 of the year ending in one that the federal census population
10 data and the geographic encoding and referencing data file for legislative districting become
11 available.

12 (c) If the bill embodying the plan submitted by the Legislative Services Office under
13 subsection (a) of this section fails to pass second or third reading in either house, the
14 Legislative Services Office shall prepare a bill embodying a second plan of legislative and
15 congressional districting. The bill shall be prepared in accordance with this section and, insofar
16 as it is possible to do so within the requirements of G.S. 120-4.54, with the reasons cited by the
17 Senate or House of Representatives by resolution for the failure to approve the plan. If a second
18 plan is required under this subsection, the bill embodying it shall be delivered to the Principal
19 Clerk of the Senate and the Principal Clerk of the House of Representatives not later than 35
20 calendar days after the date of the vote by which the Senate or the House of Representatives
21 fails to approve the bill submitted under subsection (a) of this section. If it is necessary to
22 submit a bill under this subsection, the bill shall be brought to a vote not less than seven
23 calendar days after the bill is submitted and made available to the members of the General
24 Assembly, under a procedure or rule permitting no amendments except those of a purely
25 corrective nature. It is further the intent of this Article that if the bill is approved on third
26 reading by the first house in which it is considered, it shall expeditiously be brought to a vote in
27 the second house under a similar procedure or rule. If the bill embodying the plan submitted by
28 the Legislative Services Office under this subsection fails to be approved on second or third
29 reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate
30 or the Principal Clerk of the House, as the case may be, shall transmit to the Legislative
31 Services Office in the same manner as described in subsection (a) of this section, information
32 which the Senate or House may direct by resolution regarding reasons why the plan was not
33 approved.

34 (d) If the bill embodying the plan submitted by the Legislative Services Office under
35 subsection (c) of this section fails to be enacted, the same procedure as prescribed by
36 subsection (c) of this section shall be followed. If a third plan is required under this subsection,
37 the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal
38 Clerk of the House of Representatives not later than 35 calendar days after the date of the vote
39 by which the Senate or the House of Representatives fails to approve the bill submitted under
40 subsection (b) of this section. If it is necessary to submit a bill under this subsection, the bill
41 shall be brought to a vote within the same time period after its delivery to the Principal Clerk of
42 the Senate and the Principal Clerk of the House of Representatives as is prescribed for the bill
43 submitted under subsection (c) of this section, but shall be subject to amendment in the same
44 manner as other bills.

45 (e) Prior to delivering any plan and the bill embodying that plan in accordance with this
46 section, the Legislative Services Office shall provide to persons outside its staff only such
47 information regarding the plan as may be required by policies agreed upon by the Temporary
48 Redistricting Advisory Commission. This subsection does not apply to population and
49 geographic data furnished to the Legislative Services Office by the Census Bureau."

50 "§ 120-4.54. Redistricting standards.

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

3 (b) Senatorial and representative districts, respectively, shall each have a population
4 that is within five percent (5%) of the ideal population for that district.

5 (c) Congressional districts shall each have a population as nearly equal as practicable to
6 the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal
7 population.

8 (d) To the extent consistent with other standards provided by this section, district
9 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In
10 Senate and State House plans, the "whole county" rule enunciated by the North Carolina
11 Supreme Court shall be followed. The number of counties and cities divided among more than
12 one district shall be as small as possible, but in the case of cities located in more than one
13 county, minimizing the division of counties prevails. The division of VTDs shall also be
14 minimized consistent with the other standards of this section.

15 (e) Districts shall be composed of convenient contiguous territory. Areas which meet
16 only at the points of adjoining corners are not contiguous.

17 (f) Districts shall be reasonably compact in form, to the extent consistent with the
18 standards established by this section. In general, reasonably compact districts are those which
19 are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of
20 natural or political boundaries or those of VTDs. If it is necessary to compare the relative
21 compactness of two or more districts, or of two or more alternative districting plans, the tests
22 prescribed by this subsection shall be used as follows:

23 (1) Length-width compactness. – The compactness of a district is greatest when
24 the length of the district and the width of the district are equal. The measure
25 of a district's compactness is the absolute value of the difference between the
26 length and the width of the district. In general, the length-width compactness
27 of a district is calculated by measuring the distance from the northernmost
28 point or portion of the boundary of a district to the southernmost point or
29 portion of the boundary of the same district and the distance from the
30 westernmost point or portion of the boundary of the district to the
31 easternmost point or portion of the boundary of the same district. The
32 absolute values computed for individual districts under this subdivision may
33 be cumulated for all districts in a plan in order to compare the overall
34 compactness of two or more alternative districting plans for the State, or for
35 a portion of the State.

36 (2) Perimeter compactness. – The compactness of a district is greatest when the
37 distance needed to traverse the perimeter boundary of a district is as short as
38 possible. The total perimeter distance computed for individual districts under
39 this subdivision may be cumulated for all districts in a plan in order to
40 compare the overall compactness of two or more alternative districting plans
41 for the State or for a portion of the State.

42 (h) No district shall be drawn for the purpose of favoring a political party, incumbent
43 legislator or member of Congress, or other person or group, or for the purpose of augmenting or
44 diluting the voting strength of a language or racial minority group. In establishing districts, no
45 use shall be made of any of the addresses or geographic locations of incumbents.

46 Except to the extent required by the North Carolina or United States Constitutions, the
47 Voting Rights Act of 1965, and applicable court decisions, no use shall be made of:

48 (1) Political affiliations of registered voters.

49 (2) Previous election results.

50 (3) Demographic information, other than population head counts.

51 **"§ 120-4.55. Temporary Redistricting Advisory Commission.**

1 (a) Not later than February 15 of each year ending in one, a five member Temporary
2 Redistricting Advisory Commission shall be established as provided by this section. The
3 Commission's only functions shall be those prescribed by G.S. 120-4.56.

4 (b) Each of the four selecting authorities shall certify to the Chair of the State Board of
5 Elections the authority's appointment of a person to serve on the Commission.

6 (c) Within 10 days after the four selecting authorities have certified their respective
7 appointments, but in no event later than February 15 of the year ending in one, the four
8 commission members so appointed shall select, by a vote of at least three members, and certify
9 to the Chair of the State Board of Elections the fifth Commission member, who shall serve as
10 chairperson.

11 (d) A vacancy on the Commission shall be filled by the initial selecting authority within
12 15 days after the vacancy occurs.

13 (e) Members of the Commission shall receive from funds appropriated to the General
14 Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred
15 in performing their duties as provided by G.S. 138-5 or G.S. 138-6 as applicable.

16 (f) No person shall be appointed to the Commission who:

17 (1) Is not a registered voter of this State at the time of selection.

18 (2) Holds public office or political party office.

19 (3) Is a relative of or is employed by a member of the General Assembly or of
20 the United States House of Representatives or Senate, or is employed
21 directly by the General Assembly or by the United States House of
22 Representatives or Senate.

23 **"§ 120-4.56. Duties of Commission.**

24 The functions of the Commission shall be as follows:

25 (1) Answer a written request for direction made by the Legislative Services
26 Office when in preparation of plans as required by this Article, the
27 Legislative Services Office is confronted with the necessity to make any
28 decision for which no clearly applicable guideline is provided by
29 G.S. 120-4.54 and requests direction from the Commission.

30 (2) Authorize by adoption of policies the release of information under
31 G.S. 120-4.53(e).

32 (3) Upon the delivery by the Legislative Services Office to the General
33 Assembly of a bill embodying an initial plan, as required by
34 G.S. 120-4.53(a), the Commission shall:

35 a. As expeditiously as reasonably possible, schedule and conduct at
36 least three public hearings, in different geographic regions of the
37 State, on that plan.

38 b. Following the hearings, promptly prepare and submit to the Principal
39 Clerk of the Senate and the Principal Clerk of the House of
40 Representatives a report summarizing information and testimony
41 received by the Commission in the course of the hearings. The
42 Commission's report shall include any comments and conclusions
43 which its members deem appropriate on the information and
44 testimony received at the hearings, or otherwise presented to the
45 Commission. The report as to a plan shall be submitted no later than
46 14 calendar days after the date the bill embodying an initial plan is
47 delivered to the General Assembly."

48 **SECTION 2.** This act applies beginning with the 2020 federal census, but in the
49 2010 redistricting cycle, it applies as to State House of Representatives, State Senate, or United
50 States House of Representatives districting if the plan is not final as of October 1, 2011, due to
51 failure to receive approval under section 5 of the Voting Rights Act of 1965 or a holding by a

1 State or federal court that the plan is ineffective due to constitutional violation. In such case, the
2 appointment of a Temporary Redistricting Advisory Commission shall take place by October
3 15, 2011, and the Legislative Services Office shall submit a plan under that Article no later than
4 the three calendar days after convening of an Extra Session held for the purpose of adopting a
5 new plan, and the other deadlines shall follow Article 1B of Chapter 120 of the General
6 Statutes as adjusted to that date.