

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 554

Short Title: Fair Redistricting/Postmark&Absentee Ballots. (Public)

Sponsors: Senators Bryant, McKissick, Robinson (Primary Sponsors); Foushee, Smith-Ingram, and Waddell.

Referred to: Rules and Operations of the Senate

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO CREATE THE JOINT LEGISLATIVE STUDY COMMITTEE ON FAIR REDISTRICTING AND TO PROVIDE THAT ABSENTEE BALLOTS RECEIVED BY A COUNTY BOARD OF ELECTIONS BY MAIL ON THE DAY AFTER THE ELECTION THAT ARE NOT POSTMARKED ARE DEEMED TO HAVE BEEN POSTMARKED ON OR BEFORE ELECTION DAY UPON VERIFICATION OF RECEIPT BY THE COUNTY BOARD OF ELECTIONS.

Whereas, North Carolina has a long history of gerrymandering voting districts in ways that weaken the political power of Black voters; and

Whereas, particularly in the South, the history of gerrymandering is inextricably linked to the deliberate division of voters by race, generally to undercut the power of Black voters and their fusion coalitions with other voters; and

Whereas, deep community involvement and understanding of the history of racism and voting rights are crucial to ending unconstitutional gerrymandering; and

Whereas, any redistricting process should abide by the protections of the Voting Rights Act and the United States and North Carolina Constitutions, laws, and applicable court precedents; and

Whereas, a strong representative democracy depends on voting districts that comply with the Voting Rights Act and the United States and North Carolina Constitutions, laws, and applicable court precedents; and

Whereas, voting districts should be very nearly equal in population, compact, without odd tentacles, and geographically contiguous; and

Whereas, all voters and communities are not fully and fairly represented in redistricting unless incarcerated people are counted as residents of their pre-incarceration home or family residence; and

Whereas, North Carolina's unique history, geography, and demographics require the development of a unique North Carolinian solution to unlawful gerrymandering and redistricting; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Creation of Fair Redistricting Study Committee. – There is created the Joint Legislative Study Committee on Fair Redistricting (Committee). The Committee shall consist of 14 members to be appointed as follows:

- (1) Two Representatives and one public member appointed by the Speaker of the House of Representatives.



- 1 (2) Two Senators and one public member appointed by the President Pro
2 Tempore of the Senate.
- 3 (3) The leader of the minority party in the House of Representatives or the
4 leader's designee and one public member appointed by the minority party
5 leader.
- 6 (4) The leader of the minority party in the Senate or the leader's designee and
7 one public member appointed by the minority party leader.
- 8 (5) Four members of the public appointed by the Governor.

9 Each appointing authority shall designate one of his or her appointees to be a
10 nonvoting member of the Committee, except the Governor shall designate two of the
11 Governor's appointees as nonvoting. All other members of the Committee shall be voting
12 members. The members appointed shall have experience in the redistricting process or with
13 voting rights laws and issues. The Speaker of the House of Representatives and President Pro
14 Tempore of the Senate shall jointly select one cochair and the leaders of the minority party in
15 the House and the Senate shall jointly select one cochair from the eight voting Committee
16 members. Vacancies on the Committee shall be filled by the appointing authority making the
17 initial appointment. A majority of the voting members will constitute a quorum for the purpose
18 of conducting official business.

19 **SECTION 1.(b)** Purpose. – The purpose of the Joint Legislative Study Committee
20 on Fair Redistricting is to provide principles and guidance on issues studied in subsection (c) of
21 this section to ensure that the 2020 House, Senate, and Congressional district plans for North
22 Carolina are drawn fairly. The work of the Committee shall ensure that districts are drawn free
23 from unlawful racial or partisan gerrymandering in compliance with the Voting Rights Act and
24 the United States and North Carolina Constitutions, federal and State statutes and regulations,
25 and applicable court precedents. Furthermore, the Committee shall establish redistricting
26 principles, recommendations and guidance for the General Assembly and, in doing so, shall
27 consider North Carolina's long history of racism and racial gerrymandering. The Committee
28 shall also ensure that it considers public input in the development of and in response to its final
29 recommendations and those districts drawn by the General Assembly abide by the Voting
30 Rights Act and the United States and North Carolina Constitutions, laws, and applicable court
31 precedents.

32 **SECTION 1.(c)** Study. – The Joint Legislative Study Committee on Fair
33 Redistricting shall conduct a study of the issues outlined below, and provide the General
34 Assembly with principles and guidance formulated from the study's findings for the 2020
35 redistricting process. In the conduct of its study, the Committee shall examine existing State
36 and federal laws and precedents regarding redistricting, the history of the redistricting process
37 in North Carolina, and the legislation enacted in other states that encourages a fair, legal, and
38 open redistricting process. Specifically, the Committee shall study:

- 39 (1) Strategies for inviting, facilitating, and documenting public input into the
40 redistricting process. This shall include documenting the most effective
41 ways, in the study process, to involve local government districts, local, State,
42 and regional coalitions, grassroots organizations, and a broad diversity of
43 community members and to consider "communities of interest," i.e., a group
44 of people with common social, cultural, racial, ethnic, and economic
45 interests that are common to and strongly felt by the population of their area
46 and that are probable subjects of legislation.
- 47 (2) Methods for map drawing that result in fair and equitable districts that
48 exclude partisan data, the addresses of current lawmakers, the party
49 affiliation or voting history of voters, and other data and micro-targeting
50 designed to favor a particular party or politician.

1 (3) Tools used by state and federal courts to assess district maps for compliance
2 with the Voting Rights Act and the United States and North Carolina
3 Constitutions, laws, and applicable court precedents.

4 (4) Models used by other jurisdictions for reducing partisan and racial
5 gerrymandering that include the permanent residency of incarcerated persons
6 in the redistricting process.

7 **SECTION 1.(d) Powers.** – The Committee, while in the discharge of its official
8 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
9 G.S. 120-19.4. The Committee may meet at any time upon the joint call of the cochairs. The
10 Committee may meet in the Legislative Building or in the Legislative Office Building.

11 **SECTION 1.(e) Staffing.** – The Legislative Services Commission, through the
12 Legislative Services Officer, shall assign professional staff to assist the Committee in its work.
13 The Directors of Legislative Assistants of the Senate and of the House of Representatives shall
14 assign clerical staff to the Committee, and the expenses relating to the clerical employees shall
15 be borne by the Committee. Members of the Committee shall receive subsistence and travel
16 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

17 **SECTION 1.(f) Report.** – The Committee shall submit a final report, including
18 findings and legislative recommendations and guidance, no later than June 15, 2018. If for any
19 reason a majority of the Committee cannot agree on findings and recommendations, the
20 Committee shall provide a majority and minority party report. The Committee shall terminate
21 upon filing its final report or on June 15, 2018, whichever occurs earlier.

22 **SECTION 2.** G.S. 163-231(b) reads as rewritten:

23 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
24 container-return envelope in which executed absentee ballots have been placed shall be
25 transmitted to the county board of elections who issued those ballots as follows:

26 (1) All ballots issued under the provisions of this Article and Article 21A of this
27 Chapter shall be transmitted by mail or by commercial courier service, at the
28 voter's expense, or delivered in person, or by the voter's near relative or
29 verifiable legal guardian and received by the county board not later than 5:00
30 p.m. on the day of the statewide primary or general election or county bond
31 election. Ballots issued under the provisions of Article 21A of this Chapter
32 may also be electronically transmitted.

33 (2) If ballots are received later than the hour stated in subdivision (1) of this
34 subsection, those ballots shall not be accepted unless one of the following
35 applies:

36 a. Federal law so requires.

37 b. The ballots issued under this Article are (i) postmarked and that
38 postmark is dated on or before the day of the statewide primary or
39 general election or county bond election and are received by the
40 county board of elections not later than three days after the election
41 by ~~5:00 p.m.~~ 5:00 P.M. or (ii) if there is no postmark, are received by
42 the county board of elections not later than one day after the election
43 by 5:00 P.M. When a ballot is received by mail one day after the
44 election without a postmark, the county board of elections shall
45 verify receipt of the ballot by stamping on the ballot the date it was
46 received.

47 c. The ballots issued under Article 21A of this Chapter are received by
48 the county board of elections not later than the end of business on the
49 business day before the canvass conducted by the county board of
50 elections held pursuant to G.S. 163-182.5."

51 **SECTION 3.** This act is effective when it becomes law.